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**Tuesday
12th May, 2009**

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

THIRD ASSEMBLY (SIXTH SENATE)

SECOND SESSION

THE SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 12th May, 2009

The Senate met at 10.25 a.m.

PRAYER

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Thursday, 7th May, 2009 before us for approval: Pages: 693, 694, 695?

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to move the Motion that the Votes and Proceedings of Thursday, 7th May, 2009 be approved.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I rise to second the Motion that the Votes and Proceedings of Thursday, 7th May, 2009 as moved by Senator Grace Bent be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 7th May, 2009, be approved.

ANNOUNCEMENTS

**Birthday Wishes for the Deputy
Senate President**

The President: I would like to, on behalf of all of us, wish the Deputy Senate President, distinguished Senator Ike Ekweremadu, CFR, a happy birthday. Today is his birthday. I am sure that you do not want to know what his age is. *(Laughter)*

There will be a party this evening and it will start exactly at 7.30 p.m. at NICON Hilton, Niger Plateau Hall in honour of our distinguished Deputy Senate President for his birthday. I want to appeal to all of us to attend the party with our spouses. I think it will be good for us to honour him. At exactly 7.30 p.m. we will start the party.

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I wish all of you journey mercies down but there will be a lot to eat and drink and there will be dancing afterwards. We should all please endeavour to be there to celebrate with him. Dress code is very informal.

Senator Adeleke Olorunnimbe Mamowora (Lagos East): Mr. President, I was thinking of coming under personal explanation but I do not think this issue is quite personal right now. I should appreciate it if you would allow me to say one or two things about Senate Ike Ekweremadu.

The President: What I will do is that after the announcements I will invite Senators who may like to say a word or two to do so. That would be a better way to do it.

Appreciation from Patricia Naomi Akwashiki

This is a letter from Senator Patricia Naomi Akwashiki, Nasarawa North, Senatorial District and it reads:

11th May, 2009

*The Senate President,
Federal Republic of Nigeria,
National Assembly complex,
Three Arms Zone,
Abuja.*

Your Excellency,

I wish to express my profound gratitude to you and my distinguished Colleagues for attending my turbaning ceremony in Nasarawa, Eggon.

May I also on behalf of His Royal Highness, other recipients, my family, the people of Nasarawa Eggon and the State at large convey to the Senate their appreciation of all of us to have distinguished Senators as our guests.

Thank you and may God bless you all.

Accept my sincere gratitude and best wishes.

Yours sincerely,

*(Signed)
Patricia Naomi Akwashiki
Gimbiyan Eggon.*

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***Death of Alhaji Ya'u Galadima Kauran
Na Moda***

This is a letter from Senator Hassan Mohammed Gusau and it reads:

11th May, 2009

Your Excellency,
Distinguished Senator David Mark GCON
Senate President,
NASS,
Abuja.

Dear Sir,

**NOTIFICATION ON THE DEATH OF
ALHAJI YA'U GALADIMA, KAURA NAMODA**

I wish to bring to your notice the sad event of the death of Alhaji Ya'u Galadima, Kaura Namoda, the grandfather of our distinguished Senator Sahabi Ya'u; the Chairman, Senate Committee on States and Local Government.

He died yesterday, 10th May 2009 aged 103 years and was a very reputable Community Leader.

I feel it is expedient to announce this sad bereavement officially to enable some of our Colleagues to appropriately condole the family on time.

Accept the assurances of the consideration of my highest esteem and very sincere best wishes.

(Signed)

Senator Hassan Mohammed Gusau

Official Website for Nigerian Senate

This is to notify all Senators that an official website for the Nigerian Senate has been created with the address www.nigeriansenate.org containing information on all Senators. This website will host information on Bills passed and Bills at different stages.

E-mail accounts have been created for all the 109 Senators on the website. This will associate every Senator with the website and provide a means for faster and more effective dissemination of information to all Senators by simply looking up at their e-mail boxes. This is better than using "Yahoo

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mail" which is on a public domain and information could easily be hacked by the public.

A website for the Senate President is also active. You can visit this website at www.senatepresident.com.

Every Senator can log on to the website URL www.nigeriansenate.org/webmail or another URL <http://mail.nigeriansenate.org>, which will later be created to access the e-mail service and check, receive and send e-mails easily. An account has already been created for every Senator with the username formed from a combination of the first letter of the first name and the surname. For example, we have the surname of Senator Arise as "arise@nigeriansenate.org" and the password is "Senate".

This is compliment of the Senate President, Senator David Mark.

Thank you.

I will send a copy of this letter to all the Senators. I will allow a few comments on the issue of the birthday of the very distinguished Deputy Senate President, Senator Ike Ekweremadu.

Senator Adeleke Olorunnimbe Mamowora:

Thank you Mr. Senate President for granting me this opportunity to just say a few comments about the Deputy Senate President whom I fondly called *The Igwe of the Senate*.

I am saying this against the back drop of my own experience in this Senate, at least, as a ranking Senator, second term in the Senate. I do know that when one looks at the totality of what our Deputy Senate President has been able to offer in terms of commitment to leadership, humility, administrative acumen, dedication and loyalty, it is worth commending him. We should not wait until somebody has veered off course that we start complaining. If somebody is doing well, I think it is important to commend the person.

I came in contact with the Deputy Senate President when we met here in the Senate. Of course, I am aware of his background having been a Secretary to the State Government, under the Ebeano Political Group. He is a very prominent member of that group.

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Of course, as a Lawyer, we all know him to be in his professional career, he has also carried himself and he has made tremendous contributions on the Floor of this Senate.

Again, he is amiable and moves freely with his Colleagues. He is always there to give a helping hand when the need arises. This is not really occasion to say all we know about him. But I just feel that everyday, I did say this before that even the Bible acknowledges and says that we should number our days, so that we can apply ourselves to the path of wisdom. So, each passing year calls for celebration. It calls for thanksgiving and I want to join my Colleagues in wishing him a very happy birthday. Deputy Senate President, happy birthday to you.

The President: I would only take comments from Senator Ndoma-Egba and Senator Anyim Ude. There would be a lot of opportunities for us to make comments later in the evening.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, let me begin by thanking God for the life of Senator Ike Ekweremadu, CFR, Deputy Senate President.

If you look at your life at a certain age and there is nothing to celebrate, nothing to show for that life, you hide your birthday. It is only when you have something to show that you make your birthday public. I believe that my friend, brother and very worthy in-law has every reason to celebrate his birthday.

For those of us who have been in this Senate for a little while, we would recall that leadership of this Senate was always intrigue-laden. The problems of the Senate always started from the leadership because within leadership there was little or no trust. But I want to put it on record, that since the emergence of Senator Ike Ekweremadu as the Deputy Senate President, we have for once had a leadership that trust itself, that is coercive, that speaks with one voice and I want to believe that because he chose that path that is why today this Senate enjoys a kind of peace and quiet

Let me also put on record that this is the first Senate since 1999 that took off on a note of peace. Every Senate since 1999 took off on a note of crisis and I believe that we have had our longest episode of peace in this Senate. I want to believe that this

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peace that we have enjoyed and may be are now taking for granted has come as a result of the disposition, attitude, commitment and contributions of the Deputy Senate President. He has also shown that he is a true Nigerian. He is very liberal, open-minded, insightful, committed and loyal to his friends and the institution.

I want to pray, that what is ahead of Senator Ike Ekweremadu be greater than what is behind him and may he continue to enjoy God's favours, good health, prosperity and long life.

Senator Anyim C. Ude (Ebonyi South): Mr. President, it is a pleasure to have the opportunity to say a few words about my brother and when I say my brother, I mean just that. He is a handsome man, articulate man and a humble man, who at his young age, a little below fifty years has achieved quite a lot. He is a former Chairman of a Local Government, former Chief of Staff to the Enugu State Government, former Secretary to the Government of Enugu State and now the Deputy Senate President, the highest political office holder from the Igbo Nation.

We thank God for what he is and what we know he will still be. No wonder that it just coincided with what the Igbo Nation wants to do in the next few days, as they will be installing him as the *Ikeoha of Ndigbo*. I am sure, already most of the distinguished Senators have been invited to join us on Saturday; an aircraft is already available to go and celebrate with him.

At this age, we know he still has a long way to go. The sky, they say, is his limit. We thank God for his life. We celebrate with him and may God grant him many more years of fruitful service to Nigeria.

The President: Thank you very much distinguished Colleagues, I also have comments but I will make mine later in the evening. Suffice it at this stage to say that distinguished Senator Ike Ekweremadu has been a very dedicated, loyal brother and friend and as Senator Mana or Senator John Shagaya would tell you, those with that type of background loyalty is really the first thing you would ask for. Senator Ike Ekweremadu has been all that put together. I would reserve my own comments later. For now I want to say that he has been a distinguished Senator, a gentleman and a patriot.

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PRESENTATION OF BILLS

National Sports Commission (Establishment, etc) Bill, 2009

Senator Teslim K. Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of a House Bill standing in my name on the National Sports Commission (Establishment, etc) 2009.

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

National Sports Commission (Establishment, etc) Bill, 2009 (HB.14) (Executive)-*read the First Time*.

National Integrated Rural Development Agency (Establishment, etc.) Bill, 2009

Senator Teslim K. Folarin: Mr. President, the second business of the day is also the presentation of another House Bill standing in my name on the National Integrated Rural Development Agency (Establishment, etc.) Bill, 2009.

Again, you may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

National Integrated Rural Development Agency (Establishment, etc) Bill, 2009 (HB.99) (Executive) - *read the First Time*.

RESENTATION OF REPORT

Report of the Committee on Gas on the Gas Flaring (Prohibition and Punishment) Bill, 2009

Senator Teslim K. Folarin: Mr. President, the third business of the day is the presentation of the Report of the Committee on Gas on the Gas Flaring (Prohibition and Punishment) Bill 2009.

You may now invite the Chairman of the Committee on Gas, Senator Osita B. Izunaso to move the Motion for the Senate to receive the Report.

Senator Osita B. Izunaso (Imo West): Mr. President, I rise to move that the Senate do receive the Report of the Committee on Gas, on the Gas Flaring (Prohibition and Punishment) Bill, 2009.

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Senator George Thompson Sekibo (Rivers East): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Committee on Gas, on the Gas Flaring (Prohibition and Punishment) Bill, 2009.

Question put and agreed to.

(Report accordingly laid on the Table)

ORDERS OF THE DAY

MOTIONS

Confirmation of Nomination of Mr. Abayomi Sheba as a Member in the Federal Character Commission (FCC)

Senator Teslim Kolawole Folarin: Mr. President, the first Order of the day, is a Motion requesting this Senate to consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Mr. Abayomi Sheba (Ondo State) as a Member in the Federal Character Commission (FCC) in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

The purpose of this Motion on the Order Paper is for the request of Mr. President, Commander-in-Chief to be referred to the relevant Committee for further legislative action. I now move that this Senate do consider the request of Mr. President, for the confirmation of the nomination of Mr. Abayomi Sheba (Ondo State), as a Member in the Federal Character Commission (FCC) in accordance with Section 154(1) of 1999 Constitution of the Federal Republic of Nigeria.

Senator Maina Ma'aji Lawal (Borno North): Mr. President, I rise to second the Motion that the Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Mr. Abayomi Sheba (Ondo State) as a Member in the Federal Character Commission (FCC) in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

Question put and agreed to.

The President: The request is referred to the Committee on Federal Character.

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(Mr. President's request for the confirmation of the nomination of Mr. Abayomi Sheba accordingly referred to the Senate Committee on Federal Character Commission, to be returned in two weeks.)

Confirmation of the Nomination of Mr. Victor Olabimtan as a Member in the Federal Civil Service Commission (FCSC)

Senator Teslim K. Folarin: Mr. President, the second Order of the day is another Motion requesting this Senate to consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Mr. Victor Olabimtan (Edo, Ekiti and Ondo States), as a Member in the Federal Civil Service Commission (FCSC), in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

The purpose of this Motion on the Order Paper is for the request of Mr. President, Commander-in-Chief, to be referred to the relevant Committee for further legislative action. I now move that this Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Mr. Victor Olabimtan, as a Member in the Federal Civil Service Commission, in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

Senator Ibrahim Idah (Katsina Central): Mr. President, I rise to second the Motion that the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Mr. Victor Olabimtan (Edo, Ekiti and Ondo States), as a Member in the Federal Civil Service Commission (FCSC) in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

Question put and agreed to.

The president: It is referred to the Committee on Establishment.

(Mr. President's request for the confirmation of the nomination of Mr. Victor Olabimtan accordingly referred to the Senate Committee on Establishment to be returned in two weeks.)

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CONSIDERATION 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 K. Folarin: Mr. President, the third Order of the day is the presentation and consideration 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) in accordance with Section 162 of the 1999 Constitution.

You will recall that this Report was laid on Wednesday, 6th May, 2009. You may now invite the Chairman of that Committee, Senator Zaynab A. Kure to move the Motion for the presentation and consideration of the Report.

Senator Zaynab A. Kure (Niger South): Mr. President, I rise to move that the Report of the Senate 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 to represent Taraba State in the Commission be received by the Senate.

The Senate at its sitting on Tuesday, April 21st, 2009 referred to the Committee on National Planning, Economic Affairs and Poverty Alleviation the nominee for confirmation of his appointment as a Commissioner representing Taraba State in the Revenue Mobilisation, Allocation and Fiscal Commission by the President and Commander-in-Chief of the Federal Republic of Nigeria.

The Senate decision was transmitted to the Committee vide letter reference – *(Interruptions)*

The President: Wait a minute. Before we consider the Report, some body has to second your Motion for us to receive the Report. I was waiting and I did not see any hands up. All right, Senator James Manager, you can go ahead and second the Motion.

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Senator James Manager (Delta South): Mr. President, I rise to second the Motion.

Question put and agreed to.

Senator Zaynab A. Kure: The Senate at its sitting on Tuesday, 21st April, 2009 referred to the Committee on National Planning, Economic Affairs and Poverty Alleviation; the nominee for confirmation of the appointment of Mr. Useni Gangum as a Commissioner representing Taraba State in the Revenue Mobilisation, Allocation and Fiscal Commission by the President, Commander-in-Chief of the Federal Republic of Nigeria. The Senate decision was transmitted to the Committee vide letter reference NASS/CS/R/13/223 dated 22nd April, 2009. The Committee was given one week for the assignment.

In the course of further legislative action as requested by the Senate, the Committee requested for and obtained the *Curriculum Vitae* and other relevant documents from the State Security Department, the Nigeria Police and the Code of Conduct Bureau in respect of the nominee. Having received the relevant documents, the Committee invited the nominee to appear before it for screening on Wednesday, 29th April, 2009 at 2.30 p.m.

The nominee, Mr. Useni Gangum appeared before the Committee on Wednesday, 29th April, 2009 to be screened. During the screening exercise, Members interacted with the nominee by asking him several questions to all which he proffered reasonable and satisfactory answers.

During the screening exercise, the Committee noted as follows:

- (a) Mr. Gangum Useni is educationally sound having acquired various certificates in Public Accounts and Audit from the Kaduna Polytechnic between 1973 and 1978.
- (b) He is a Certified National Accountant of the Association of National Accountants of Nigeria.
- (c) He has a distinguished career in the Public Service where he rose to the post of Accountant-General (retired) of Taraba State between 1992 and 1999.

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(d) He is a seasoned technocrat who had served in various capacities with the Public Service.

(e) He had been a Member of the Federation Accounts Allocation Committee for several years;

(f) He was a Member, Revenue Mobilisation, Allocation and Fiscal Commission from 2003 to 2008;

(g) There were neither petitions from the public nor from the three Senators representing Taraba State;

(h) The Committee also observed that Mr. Useni Gangum's nomination is in line with the provisions of Section 153 and Section 31 in Part 1 of the Third Schedule to the 1999 Constitution of the Federal Republic of Nigeria

After extensive deliberations and scrutiny of all the relevant documents as forwarded by the Presidency, the Committee hereby recommends that the Senate do confirm Mr. Useni Gangum, representing Taraba State as Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission for a second term.

We so submit.

The President: Any comment from any distinguished Senators? (*No response*)

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

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do resolve into the Committee of the Whole to consider the Report.

Question put and agreed to.

Report of the Senate Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Mr. Useni Gangum as Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission –
CONSIDERED IN THE COMMITTEE OF THE WHOLE.

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The Chairman: Does any Senator wants to make any comment? *(No response).*

Question put and agreed to.

Senator Teslim Folarin: Mr. Chairman, I move that the Chairman reports progress.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Chairman do report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate, in the Committee of the Whole considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation and approved the nomination of Mr. Useni Gangum (Taraba State) as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

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

Several distinguished Senators: Yes.

Confirmation of Appointment

I will put the Question on the confirmation of the appointment.

Question put and agreed to.

Resolved: That the nomination of Mr. Useni Gangum from Taraba State is hereby confirmed as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

Report of the Committee on Police Affairs on the Screening of Justice Sunday Akinola Akintan as a Member of the Police Service Commission

Senator Teslim Folarin: Mr. President, the fourth Order of the day is the consideration 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. The Report of the Committee on Police Affairs was

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laid on Wednesday, 6th May, 2009. You may now invite the Chairman of the Senate Committee on Police Affairs, Senator Gbenga Ogunniya to move the Motion for the presentation and consideration of the Report.

Senator Gbenga Ogunniya (Ondo Central): Mr. President, I rise to move that the Report of the Senate Committee on Police Affairs on the screening of Justice Sunday Akinola Akintan (Rtd.) as a Member of the Police Service Commission be approved.

Senator Iyiola Omisore (Osun East): Mr. President, I rise to second the Motion that the Senate do consider 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 and consider 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.

Senator Gbenga Ogunniya: This Report has earlier been tendered in the Senate and has since been circulated to distinguished Senators.

The President: Is it the one circulated now or earlier than this?

Senator Gbenga Ogunniya: It was circulated earlier on. The Senate at its Plenary Session on Tuesday, 21st April, 2009 considered the request of the President, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria for the confirmation of Justice Sunday Akinola Akintan (Rtd.) as a Member of the Police Service Commission, representing the South West geo-political zone. He is to replace Justice Akintola Olufemi Ejiwunmi who sadly passed on last year.

The request was duly referred to the Committee on Police Affairs for necessary legislative action. The Committee obtained the under-listed documents from the Office of the Special Assistant to Mr. President on National Assembly Matters:

- Curriculum Vitae

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- Educational Certificates
- Clearance from Police Criminal Investigation Department and the State Security Service Report
- Code of Conduct Bureau Acknowledgement Slip

The Committee screened the nominee on Tuesday, 28th April, 2009. Justice Sunday Akinola Akintan (Rtd.) was born on December 10th 1938 in Idanre, Ondo State. His educational qualifications include, Ph.D University of Lagos (1973), LL.M. University of London (1967), LL.B University of London (June 1963), GCE Advanced Level, University of London (May, 1960) and West African School Certificate (December, 1957).

At the highlight of his service in the Judiciary, Justice Sunday Akinola Akintan was appointed and sworn in on May 19th, 2004 as Justice of the Supreme Court of Nigeria where he served in that capacity until he retired voluntarily on December 10th, 2008 on attaining the retirement age prescribed by the Constitution.

The Members of the Committee scrutinised the documents before it and posed questions bordering on the personality, exposure and experience of the nominee to which he answered satisfactorily. The Committee noted that the nominee had both educational qualification and cognate experience to serve as a Member of the Police Service Commission.

Having considered the experience and exposure of the nominee, the Committee finds him suitable to serve as a Member of the Police Service Commission.

On behalf of the Members of the Senate Committee on Police Affairs, I wish to express our gratitude for the opportunity to serve.

Thank you.

Senator Osita B. Izunaso: Mr. President, there is a little mistake on page 2 of the Report under *Methodology*. The Committee obtained the under-listed documents from the Office of the Special Adviser to Mr. President and not Special Assistant.

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The President: How do you know it is the Adviser and not the Assistant?

Senator Osita B. Izunaso: It is the Office of the Special Adviser.

The President: There is also a Special Assistant.

Senator Victor Ndoma-Egba: Mr. President, first on the issue raised by my brother, distinguished Senator Osita Izunaso, I think we have both Special Adviser and Special Assistant to the President in the National Assembly.

Let me speak directly about Justice Sunday Akinola Akintan. Justice Akintan is somebody I know very well. He is a very learned gentleman, committed to his duties as a Justice. He acquitted himself very well on the Bench. I have no doubt that Justice Akintan would be adding value to the work of the Police Service Commission.

I want to commend him very strongly to my Colleagues for kind consideration as a Member of the Police Service Commission.

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

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do resolve into the Committee of the Whole to consider the Report.

Question put and agreed to.

Consideration 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 – *CONSIDERED IN THE COMMITTEE OF THE WHOLE SENATE*

The Chairman: Are there any more comments?

Several distinguished Senators: No.

The Chairman: Can I put the question then?

Several distinguished Senators: Yes.

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Question put and agreed to.

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

Senator Maina Ma'aji Lawan: I second the Motion that the Chairman do report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Police Affairs Commission on the screening of Justice Sunday Akinola Akintan (Rtd) as a Member of the Police Service Commission and approved the nomination.

Is it the true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nomination

The President: Would the Senate confirm the nomination of Justice Sunday Akinola Akintan (Rtd) as a Member of The Police Service Commission.

Question put and agreed to.

Resolved: That the Senate confirm the nomination of Justice Sunday Akintan (Rtd) as a Member in the Police Affairs Commission.

CONSIDERATION OF A BILL

Nigeria Integrated Water Resources Management Commission (Establishment Etc.,) Bill, 2009

A Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith, 2009 (SB.175)

Order for Second Reading.

Senator Teslim Kolawole Folarin: Mr. President, the 5th Order of the day, is the Second

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Reading of the Nigeria Integrated Water Resources Management Commission Bill, 2009.

You will recall that this is an Executive Bill which was read the First Time in this hallowed Chamber on Tuesday, 14th October, 2008. With your very kind permission, I want to seek your indulgence to start the lead debate.

The President: Start the Lead Debate, please.

Question proposed.

Senator Teslim Kolawole Folarin: Mr. President, once again, I thank you for the privilege to lead the debate on the general principles on the Bill for an Act to Establish the Nigeria Integration Water Resources Management Commission and for Matters Connected Therewith 2009.

As I had earlier said, this is an Executive Bill, which was read the First Time, in this Chamber, on the 4th of October, 2008. The thrust of the Bill, amongst others are –

- (i) to implement regulatory policies on activities related to the management of water resources in Nigeria;
- (ii) be responsible for the economic and technical regulations of all aspects of water resources exploitation and commission, construction, operation, maintenance and tariffs of public and private water resources infrastructures;
- (iii) ensure the safety and quality of water resources development and public water services regulating standards for execution and performance;
- (iv) interact and consult with the approved local and international organisations engaged in the integrated water resources management;
- (v) effectively monitor and evaluate water sector programmes and advise the Minister accordingly, and lastly
- (vi) to receive and investigate complaints from consumers and other persons in the water resources sector.

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The significance of this Bill, would among others –

- (1) Promote more strategic water allocation and development control by allocation and development policy in the context of the big picture of social economic and environmental goals rather than allowing allocation to be driven solely by the interest of the individual sectors.
- (2) Help to ensure that the investments across sectors work together producing greater returns that is possible through a single sector approach.
- (3) Highlight the opportunities that will have been obscured by hitherto sectoral thinking. For example, examining hydro electric power generation needs along the domestic water and sanitation as well as food security issues would open up opportunity to find better ways to provide people with water and energy for domestic purposes, cottage industries, crops, livestock and agriculture often at very little additional costs over single use systems.
- (4) Help to avoid bad investments and expensive mistakes, decision-making based solely on short time sectoral review which can result into some very expensive mistakes in terms of unsustainable games, unforeseen consequences and loss of opportunities.;
- (5) Help to reduce the negative consequences for both social and economic development associated with unsustainable development and high cost of undoing environmental damage later. For example, the annual cost of effective clearing of evasive aquatic weeds, and river taming has been estimated to about N5 billion.
- (6) Help to meet the current water gap by facilitating the waste overcome the significant funding gap through finding ways of getting more benefits from existing and future investments and management and improvement as well as some revenue to provide additional sources of funding.
- (7) Help to alleviate impact of climate change in water and facilitate adoption of strategies to

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adapt our rivers and waters development to cope with changes.

It is my candid view that Nigeria stands to benefit from the passage of this very important Bill. I, therefore, urge you to give it an accelerated passage into Law. I thank you for listening.

Senator James Ebiowu Manager (Delta South): Mr. President, I rise to support this all important Bill which is an Executive Bill. It is only a very useless and hopeless human being will not support anything about water. Water just like air is very important to the existence of human beings. Nigerians as a developing country, this Commission is long overdue. This is a Commission that will effectively monitor and evaluate water sector programmes and advise the Minister accordingly so that the Minister will implement. I think this is very important.

This Bill as earlier said by the Senate Leader in his lead debate, was presented and read for the First Time in October, 2008. An important Bill like this must never suffer delay. It was read for the First Time on the 4th of October, 2008 and this is May, 2009, I think it is something that is very serious which we need to look into. This Bill is very important and we should not waste time to pass it. It is important for obvious reasons.

Thank you for the opportunity given to me to speak.

Senator Ahmed Lawan (Yobe North): Mr. President, this Bill is a very important one and the Commission is long over due.

Water resources development and management in Nigeria for long has not been properly regulated and coordinated. Today, to be precise, in the North Eastern part of Nigeria, starting from a part of Jigawa State up to Lake Chad, have so much environmental degradation and devastation because of lack of coordinated development of water resources with which Nigeria is so blessed. If one travels from the North Eastern part of Jigawa State to North Western part of Yobe State, one will see massive land covered by evasive specie of grass called *Tifa Grass* and its local name is *kachala*. We have lost hundreds of thousands of hectares of land to this evasive specie of grass. Land that before was utilised for irrigation agriculture to produce rice and vegetable for Nigeria, is today lost.

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The Water Resources Act 101 of 1993 is very categorical but the Water Resources Act has never been respected. The Water Resources Act 101 of 1993 gives the Federal Government the powers to ensure that there is no development of any water body that cuts across two States. The Environmental Impact Assessment Act similarly gives specific conditions for the development of water resources or, indeed, any development that would have environmental consequences and these are all not respected.

Today, we have so much part of our land in this country, especially the frontline States losing so much land to desert encroachment. If the water resources we have within the country had been properly utilised, we would not have suffered the degradation and the devastation we are witnessing today. The environmental consequences of agriculture are of lack of coordination of the development and management of water resources in Nigeria live with us today. I want to give you a little example of what was done to rescue some parts of Jigawa, Yobe and Borno States.

In 2005, the Members of the House of Representatives passed a Resolution to tour five States in a basin-wide fashion that are drained by the Hadeja-Jama'are and Komadugu-Yobe River System. I was then a Member of the House of Representatives. We went round five States. We went to Plateau, Jigawa, Yobe, Bauchi and Borno States. We discovered that part of the problems we suffer as a result of lack of coordination was because the States that are affected were never seen as a unit so that any decision in one State would have the blessings of others. Or at least, a kind of dialogue should be done to ensure that one State's action does not adversely affect the other States.

We, therefore, want to see a situation where this Commission would come up and ensure that any dam that is constructed should be done in accordance with the rules governing construction of dams. Tiga and Chalawa Dams in Kano State were supposed to give 45 *per cent* of water to River Yobe but because of lack of coordination, Tiga and Chalawa Dams have disseminated the contribution of River Hadejia and instead of 45 *per cent* of water to River Yobe, they do not give even half *per cent*.

We have technical problems in the two dams because in 1977 at the Bagauda meeting where the idea of the construction of Tiga and Chalawa Dams

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and, indeed, the very controversial Kafin Zaki Dam were conceived, certain technical issues were discussed. Release of water down stream on how and when they should be done were also discussed. But because of lack of a body to coordinate the activities that happen in these dams, we are so disadvantaged, we have lost 45 *per cent* of water that should have gone into River Yobe.

I would, therefore, urge my Colleagues to support the establishment of this Commission through this Bill so that the negative consequences that some of us suffer in Nigeria today because of lack of coordination would be addressed and also prevent the occurrence of any further aggravation of our situation.

Senator Patricia Naomi Akwashiki (Nasarawa North): Mr. President, I just to want to concur that water is life and when we neglect water we do not have any future. There is nothing that works against the environment than the depletion of our water resources. All over the world, we know that because of the problem we have on earth about global warming, I am not an environmentalist but I can try, we have problems because our fresh water supply is melting and flooding into the ocean and we are losing even the primary source of water supply for human beings and animals on earth.

Within our environment, wherever we cut trees near a stream, that stream will dry up. So, water supply, the protection of the environment and even the protection of our ozone layers, all work hand in hand. It is so important for us to protect our source of water supply. Even now, water is more expensive than petroleum products. It is so difficult to get water, therefore, it is important that we protect our source of water supply. That is why this Commission is very important in Nigeria. It would prevent Governors and government from concentrating on sinking boreholes when they should provide earth dams for their people. Most boreholes do not give sufficient water. It is very important for our governments to begin to think differently about provision of water.

What I like particularly about the Bill is that it seeks to prevent people from depending so much on big dam projects but it will encourage States and Local Governments to provide earth dams for the environment. Even the air we breathe has moisture. Water is life. No human being, animal or plant can live without water and what better way than for us

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to start thinking about the future by providing for the future now.

Senator Maina Ma'aji Lawan: Mr. President, I rise to support this very important Bill for an Act to Establish an Integrated Water Resources Management Commission. This is a very important and sensitive Bill and it is also very timely.

I had recently concluded an extensive tour of my Constituency. The tour took me to the banks of River Yobe that provides water for irrigation purposes for almost 50 *per cent* of the pepper, tomatoes, beans and the rest of the cash crops .that we consume in this country

Let me say that there is very serious tension even as I am speaking now in the North Eastern Zone, particularly those on the banks of River Yobe or Kumadugu Yobe. I have been told in very strong terms to express their feelings about how they are at the receiving end of the establishment of dams in manners that portray as if they are not stakeholders in the utilisation of the water from River Yobe. Haphazard establishment of dams has always been problematic. It has come to the extent of people resulting into taking the laws into their hands right now.

Believe you me, I am very grateful for the Leadership of the Senate to bring this Bill right now for debate. I came back two days ago and it is a very life issue. Kafin Zaki Dam has been put on hold for so many years since Shagari's regime. Jigawa State House of Assembly has passed a Motion, Yobe State House of Assembly has passed a Motion, and just four days ago Borno State House of Assembly passed a Motion that they have been short changed in the management and utilisation of the River and that the establishment of Kafin Zaki Dam has no benefit for them. As a matter of fact, it endangers their entire livelihood.

I am highlighting this example just to show the importance and the urgency of this Bill. I know that the Bill as it is, does not extend to cover very comprehensively all the concerns I have expressed. I have been considering what I have seen on the ground and I have in the mills already a Private Member Bill to address these problems but the larger picture as it is conceived by this Bill should be supported and very urgently implemented. We need it very urgently. Our people are in danger and they have expressed their feelings.

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I want to use this opportunity to urge the Federal Government to put a stop to projects that have in the past so negligently endangered the livelihood of millions of Nigerians. With the quick passage of this Bill, I believe that these issues will be addressed. On this note, I fully support this Bill and urge for its expeditious passage.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, I come from the North space zone of this country, the Sahel part of the nation but one endowed with the highest number of dams in this country in terms of number. If you combine the dams in Sokoto, Zamfara, Katsina and Kano States you will have the highest number and in terms of volume of water, I believe it so as well.

Unfortunately, much as we have these many dams, the problem of management and coordination has led to very little utilization. Indeed, it is only in Kano State that the dams are being used to any appreciable level. Really, what is the problem? The problem is the very issue that this Bill seeks to address; the problem of management, the problem of bestowing responsibility on whom it really belongs.

At the moment many States would tell you that in respect of the Federal dams; because these dams can be categorised into those established by the Federal Government and those established by the States. While the dams are in the States, the States do not have the legal rights to access or utilise the water. I will give you an example.

In Katsina State we have two Federal dams incidentally in my own Senatorial District. We have the Gibia Dam and the Yobe Dam. These dams were established many years ago and were intended to serve as source of potable water and for irrigation and a large expanse of land should have been irrigated. Unfortunately, the State, though willing, was never allowed to use the water that was trapped in that place. The Federal Government has always been making promises but certainly because of problem of funding it has never fulfilled those promises.

I believe that this Bill will really provide the wherewithal, the sense of responsibility on the part of a specific organisation, the Commission that it seeks to establish. I believe that the establishment of this Commission would lead to the harnessing and optimal utilisation of the water in our dams and

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so I have no hesitation in supporting this Bill and in urging my Colleagues to please, pass it without much ado and with the greatest haste.

Senator Simon Ayogu Eze (Enugu North): Mr. President, I rise to support this Bill and what it seeks to achieve. I need to illustrate my interest in what this Bill seeks to achieve.

In 1992 while I was the Special Assistant to the Governor in Enugu we visited the State of Israel and when we came back because of what I saw with what the State of Israel had done with the management of its water and water resources and how they were able through adroit management skills to turn a desert region into a major food basket for the world, I caused the then Governor to write a position paper to the then President Ibrahim Babangida to set up without delay a National Water Management Authority. That submission that was made by the Governor in 1992 almost captured very graphically, some of the highlights brought by Senator Teslim Folarin in his lead debate.

As a result of that belief dating back to 1992, I support this Bill totally. I believe that if truly Nigeria is serious about food security; if truly we are serious about promoting agriculture as one of the cardinal objectives of the Seven Point Agenda, we must first of all, husband our water resources very masterfully; more so in an environment where global warming is threatening to wipe away the water resources of the world and to expose all of us to danger.

I believe that short of the argument about the management of dams and the problems it has created between the Federal Agencies and the State Governments within the Northern region where dams are proliferated, I believe that there is the need for us to have a clear head on what we want to do with our water resources for our own survival. As Senator Akwashiki has said, a liter of water today is more expensive than a liter of petroleum product. It is something that should concern all of us. If we have a Bill that brings into a single basket the management and harnessing of all the resources we have in this country that will be good. It is a Bill that its time has come. As Senator James Manager pointed out, I do not know why it took so long for us to discover that this Bill has in our shelves for us to have brought it out since.

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So, I urge my Colleagues to support this Bill and give it accelerated consideration and passage.

Senator Annie Okonkwo (Anambra Central): Mr. President, first of all, I want to say I support this Bill. Water is life. I believe that one of the greatest gifts we have in this country is water. We should harness it and make use of it. I believe that the resources we have from water are even more important than petroleum. While we have put a lot of measures to manage our petroleum we are not managing our water resources very well.

I sincerely believe that if we can establish this Commission to manage our water resources it is going to change so many things. We have noticed in this country that people establishing industries that require water in most cases were not sure of how to get water. Unfortunately, in trying to dredge a river to get water they run into problems. In sometimes they would discover too late that there might not be enough water to support their industry in an area. I believe that if we have such a management Commission, we would know where and how we can get water to support both industries and agriculture.

We cannot talk of food security without establishing such a body that will harness water resources to support our industries and agriculture and even for domestic use. We cannot do without water. It is an essential part of life. Apart from air, I believe that water is the next most important life sustaining resource. We should be able to manage our water resources in this country so that we could make use of it adequately. We have enough water resources to serve this country and to achieve our economic goals.

I fully support this Bill and I urge all my Colleagues to give a big support to this Bill.

Senator Eme Ufot Ekaette (Akwa Ibom South): Mr. President, we know that water is essential and I come from an area where the whole of our being run around water. We know that because of lack of care and control of water, we have lost a lot of our activities. Be it farming, fishing or even pure drinking water.

In my region, we have heavy deforestation and that has helped to dry up the rivers around the area. In our younger years, the beaches around the area

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were very useful and would have been enough to be an attraction in tourism. But today, we have oil pollution and all the mango beaches are black and oily and nobody can use the beaches as they are today. Even marine lives such as fishes and periwinkles are all dead and we have to travel to places like Cameroon to get these commodities for consumption. This condition has changed the way of life of my people. Today, it is even made worse because in the last two budgets, the budgets have done away with providing of boreholes; meaning that in the Southern part even though filled with water, the people will not have enough clean water to drink.

So, passing this Bill, will help to control and regulate the activities. Perhaps, it will cause the pollutants (the oil companies activities in the area) to live up to their responsibility of addressing issues of environment in the area.

I strongly support the Bill. I believe that States in the Southern part of Nigeria will benefit immensely from the passage of this Bill.

Senator Smart Adeyemi (Kogi West): Mr. President, I am sure many of our people who are the masses may not be happy if I fail to contribute on this very important Bill. I rise to support this Bill and to say that I believe it will go a long way in addressing misplacement of priorities and under-utilisation of some of the water resources that are available. I say this against the background of contributions by quite a number of my Colleagues here. There are quite a number of States begging for attention for the construction of dams and there were quite a number of efforts in time past to construct some of these dams that have been abandoned.

Water is life, as said by a number of my Colleagues who have contributed to this debate. Water is key to industrial development; water is key to socio-economic activities of a society. In our nation, we are blessed by nature in the sense that virtually in all the States of the Federation we have rivers and streams but there is no potable water for the people to drink. There are a number of States that derive their names from rivers surrounding them yet the people do not have potable water not to talk of having water for industrial development. I believe that if this Bill is passed into law and we have a Commission to manage water resources some of these problems would be addressed.

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Senator Ibrahim Mohammed Ida said here that in Katsina they have about two or three dams and what that indicates is the fact that there are areas where probably they have gotten more than their fair share. There is a dam in my Senatorial District which the construction work started in 1978 but till date, it has not been completed. Every year it is budgeted for. That project is called Omen Dam in Yagba West Local Government Area. The construction of that dam started when the President of Senate was in Office as a Military officer. Up till today, it has not been completed.

I am saying this because I was shocked when Senator Ibrahim Ida said that there are three dams in his own State. You can now see the misplacement and the poorly spread of projects in Nigeria. If a State is having three dams and you have some States where their projects started some 30 years ago and you want us to equally believe that we live in one nation. These are issues that need to be addressed. I must add that I am yet to see the Bill so that we can have the details of what the Bill is actually seeking. This is because if this nation is to develop we must make efforts to ensure that every project that is important for the socio-economic development of our nation, irrespective of where they are located are given priority.

If I have a project in my Senatorial District and in the last 30 years it has not been done and I hear a Colleague of mine saying that in his own State they have two to three of such project - I do not know whether or not you have water problem in Benue State but where I come from quite a number of my people still live as if they are still at pre-Independence days.

Today, Nigerians cannot afford potable water in many States of the Federation. Today in this country, Nigerians have resorted to buying bottled waters as a way of having potable water. The poor people still go to the stream and share water from the same pond with animals. I want to believe that if this Bill is passed into law, perhaps, some of these problems would be addressed. As we go further I am sure that Nigerians would be very happy and delighted with us if this Bill can be passed as soon as we can.

It will be good for us, before the end of the day, to have copies of this Bill so that we can go back home, mediate over it and scrutinise it so that we can speak from the point of knowledge of what

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the Bill is saying, only then can we contribute meaningfully on this Bill which I believe is for the well-being of our people.

The President: Copies of the Bill have been distributed. The Bill is also in the National Assembly Journal. This is the easiest way to obtain a copy of the Bill because copies of the Journal have been distributed.

Senator Anyim C. Ude (Ebonyi South): Mr. President, in supporting this Bill I will like to advise that the Senate Committee on Food Crisis be given time to submit its report. I am a Member of that Committee and we have toured five of the six geo-political zones of the country. In the process we zeroed on irrigation and dam projects all over the areas. We are yet to go to the North East. I feel sad at the number of problems that exist in this country. I will highlight only seven of them.

One, is abandonment of projects that worth millions of Naira across the country. Two, is wastage. Even the ones they said they have completed are under utilised. One of them is in Kogi East/West. Three, is non-involvement of State Governments in these Federal projects. Some of them are begging to be involved.

Four, is unintended tension. This tension is rising across some political zones. If the situation among five States of Plateau, Bauchi, Yobe, Jigawa and one other State is not properly managed they could into war over the citing of a dam. Our Colleague Senator Ahmed Lawan had already highlighted that point. The tension there is very high.

Five, is also the issue of corruption. When you see that Report, you will see a situation where a dam is put at N4 billion within three or four years, it moved to N12 billion and you see what he is supposed to have accomplished you wonder where the money went into.

Six, is the problem of imbalance which has been highlighted by distinguished Senator Ida and emphasised by distinguished Senator Smart Adeyemi. You find areas that have three or four dams and others have nothing. South East, for instance, has only one dam and in the South West you find only one and half. It all happened during the Military regime. One of the Ministers when

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confronted, pleaded that he should be given time for them to look at things and rationalise them.

Finally, seven is coordination and regulation. If this Commission is set up, I am wondering what 12 River Basin Authorities would be doing. We have to reconcile their assignment much of which by the present enabling law involved management of these dams and irrigation projects. If we now set up another bureaucracy called Water Resources Management Commission, we must be careful about what this bureaucracy will be doing in terms of capital allocation, recurrent, staffing, *et cetera*. There has to be a way of reconciling and harmonising them.

I believe that this Report of Senate Committee on Food Crisis will give you a leaway. If that Report is produced within the next two or three weeks it will help us to enrich whatever we are going to do about this Bill.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to lend my support to this all important Bill. In supporting this Bill, I want to raise a few fundamental questions which my Colleagues have tried to raise in their process of presentation.

This Commission to my mind is going to be more technical than economic. More technical in the sense that it is going to be a regulatory body as it were and in the process of performing this regulatory function it might go into having to provide potable water, maintenance of the water and tariff, *et cetera*.

More importantly, like Senator Anyim Ude has just mentioned, does it mean that the Ministry of Water Resources hitherto has not been saddled with this responsibilities that this Commission is about to be saddled with? Does it mean that Ministry of Water Resources does not have a department as it were that over sees this? Of course, if we go deep into these areas and we want to answer these questions we will discover that there are existing departments that are saddled with these responsibilities, unfortunately, there is lack of proper management which has been the bane of our existence in Nigeria. The setting up of this Commission is very crucial at this point in time especially looking at the problems that Nigeria finds itself into such as lack of potable water for the people, we have been talking about dams and so on.

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One thing that may shock us is that the climate change issue is biting so hard. It is a reality whether anybody likes it or not. It is biting harder that if we are not careful, the rivers and the dams that we claim to have will soon dry up. We are praying seriously about this and that is why we feel we cannot deal with the issue of setting up a Commission on the management of water resources in isolation. We must do it *vis-à-vis* the establishment of the Climate Change Commission which is equally a regulatory body. This is because if we set up this Commission and we do not have a Climate Change Unit or a Commission that would oversee that aspect of the problem, we are going to run into fundamental problems and we would go back to square one. My State, as I am talking today, is one of the worst hit when it comes to the provision of water. It is a purely agrarian State but the level of poverty there would shock you.

I am in support of this Bill. But if this Commission is to be established, then we must look at ways of augmenting it so that we do not establish a Commission and later find out that the water we are trying to provide is not there and that the global warming would have dried up everything. We sink borehole everywhere. In fact, in some States now, they cannot find water in the holes they are sinking. They need to go deeper and deeper beyond imagination. These are impacts of climate change.

So, if this is to be established then, we must look at the supporting indicators/signals otherwise, we would be making a wild goose chase. I support this Bill, I want it done but the accessories that follow it must be given due consideration.

Senator Adefemi Kila (Ekiti Central): Mr. President, I rise to support this Bill partially. Partially in the sense that water is very important to life as clearly indicated by the previous contributors. Of course, without water, there is no economy that can claim to be successful.

We have used water for many things inclusive of power generation. I have a problem with this Bill. Senator Grace Bent raised a fundamental issue which unfortunately, she was unable to conclude and that is the Ministry of Water Resources. If you look at this Bill, virtually everything that this Bill is set to do is being operated by the Ministry of Water Resources.

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Therefore, of what use is the establishment of this Commission other than technical and supervision? If that is all, if we look into the Ministry of Water Resources, there is an area for this assignment. More importantly, the area of supervision is like creating another Supervisory Agency for the Federal Ministry of Water Resources to make sure that it is doing its job properly.

It is equally true that the number of dams available at the moment in this country, if properly managed and well supervised, we should not have problems with water. I will give you an example of Lagos State. A lot of pipes have been laid for several years but there is no water coming inside those pipes. Yet, there are dams in Lagos State that are supposed to generate enough water for distribution. The same applies to my State. In my State we have Ero Dam which is big enough to supply water to the whole of Ekiti, Osun and part of Ondo States. But the problem is that it is not well managed. This is the only area where the Management Commission would have some assignments. This is because the Federal Ministry of Water Resources is lacking in its ability to manage.

On the contrary, I would suggest that the National Integrated Water Resources Management Commission should be an Agency of the Ministry of Water Resources rather than being a new Commission which will have all the paraphernalia; an organogram, a Permanent Secretary, several Directors, *et cetera* which would be a further drain on the economy. We do not have enough money to fund such.

It is on this note that I support the Bill partially. I use the word *partially*, because we need water and better management of it. But let this Commission be an arm of the Federal Ministry of Water Resources.

The President: Senator Kila, when I put the Question how would you answer it? (*Laughter*)

Senator Jibril M. Aminu (Adamawa Central): Mr. President, I rise to support the Bill and I congratulate the Leader and the Executive for waking up to the problem of water.

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Sir, when I was a Vice Chancellor, between 1980 and 1981, I was visited by an old man of 85 years old, Dr. Roger Revelle from America. We talked about water and other things and he said to me, you have not started the real politics. I said is there politics of water? He said it is going to be very acrimonious and very bitter and I hope that when you start fighting, the situation would still be remediable.

Egypt is called the gift of the Nile. If you would divert water South of Khartoum there would be no Egypt. That is as important as water is in the life of a country. In the whole world today, there is increasing shortage of fresh water.

Now, if you read the Environmental Review Article, it is not even possible to embark on huge irrigation projects because they are just using the water for it. It is being used and over used. This is one aspect of the limit to growth.

In Nigeria, our use of water is either from ignorance or irresponsibility. We have been very reckless that at any time, we could be cut napping. The Rivers Niger and Benue on which my Constituency stands used to be navigable up to Garuwa in the Cameroon and Niger up to Jebba. It was an effective means of transportation. From there small boats would go from Numan to Dadin Kowa and transporting goods. It is not just drought but lack of dredging. If we have ignored our water source nothing would be done, as a result we are economically deprived even though we do not seem to realise it.

We allow water to flow into the sea and the seas are full. They talk of seas swallowing some countries and Islands, yet we allow our water which we need to flow into the sea. One of the things we need to resolve as a country, as far as possible, is not to allow a drop of water to enter into the sea until we finish using it.

This country believes in rain fed agriculture. Probably there is rain in the South but in the North every so often in Yobe and Damaturu, you find people going to the Mosque to pray for rainfall. When, in fact, they could have collected water and do their irrigation with it. They do not do that they just allow the water to flow into the sea. Those who have been Governors there for a long time will agree with me.

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Some distinguished Senators discussed about dams. I agree that a dam could stop water from flowing into another place but, I would also like to say that a dam is a very good way of regulating the flow of water which is the whole essence of Aswan Dam. So the River Nile does not just come and pass and flood the villages around and for most of the year they do not have River Nile. With the Aswan Dam and Lake Aswan they have water for irrigation. You can complete the Kafin Zaki Dam and any other one and ensure that you regulate the flow of water so that every body will benefit. To me, that is the way to look at dams and not to look at them as stagnant water but as a means of regulating the flow of water.

One of the most important things we need to do in this country, for example, are the small earth dams. When companies like Broni Brono when they are constructing roads, they will dig a borrow pit which becomes source of drinking water for some people and animals. If we know how to conserve water we would do very well. Distinguished Senator Kabiru Ibrahim Gaya can testify how much the Late Alhaji Bako helped Kano through the dams he constructed. That is one of the things this Bill should seek to do, to promote dams and organise them in such a way that no body suffers.

Otherwise, if we do not manage our water supply, we will be experiencing swings of drought and flood. When there is a drought a Senator from the drought area will bring a Motion here asking for help and when there is flood, a Senator from hat area will bring a Motion asking for help instead of keeping the water and regulating its usage for every body in this country.

Some body talked about creation of water, it is very important. The way to create water is to plan trees, which means we have to go back to the point that Senator Grace Bent made. We have to create water. There is a disaster waiting and we had an example of it in Ethiopia some years ago and that is the drying up of the Lake Chad. Before, villages around Kereniwa and so on used to pray for the water to go back. Apparently, their prayers had been answered, the water has gone and Lake Chad has become very small.

In 1925, a German noticed it and asked for an inter-Basin transfer to divert one of the tributaries of the great River Congo to River Logoon or River

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Charry so that the Lake Chad will not dry up. Nothing has been done and this Lake will dry up and all those people around it may find it necessary to move and that would be a very tragic development and this will happen. We have the Lake Chad Basin Commission, I do not know what they are doing, but they are definitely not considering inter-basin transfer.

The big City that I love, Maiduguri, if they do not have the inter-basin transfer, bringing water from Hawul to Maiduguri for the time being, this City might have to leave because boreholes are actually building disaster. Over time the water level will fall from first aquifers. By the time I left Maiduguri, they were on the third aquifer. I do not know on which aquifer they are now. The water in the boreholes will fall from first aquifer to the second and then to the third aquifer. When it dries up what are you going to do? There is a dam there but there is need to get an inter-basin transfer which is one of the greatest things this Bill will do if it is implemented.

There is so much to say about water in this country that I think it is very necessary for us not only to pass this Bill, but also to ensure its speedy passage and its implementation because we need to be in the business of managing our water supply in this country.

I will not conclude without referring to the problem of wide spread irrigation which is schistosomiasis which has become almost impossible to eradicate in Egypt. We must have a proactive approach to the issue of wide spread irrigation in the spread of schistosomiasis that could occur which is a killer disease whether it is a hematophobia or mansnai. Any of these is a killer disease and we need to attend to that.

This is a very good Bill. It is environmentally sound; it is economically timely and it is very humane. I very much support it and would like to urge that the collateral like attention to climate, creation of water, schistosomiasis and others be taken along as government considers this Bill and implement it.

Senator Mohammed Mana (Adamawa North): Mr. President, like it has been said here, water is as important as the air we breathe. Water is life as has been said. Water is very important and

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Nigeria is much endowed with water. We have rivers and streams all over the country.

As far back as the 70s during the regime of General Yakubu Gowon, the government under our great leader late Dr. Buka Shuaibu started constructing dams in some of the most important rivers especially Rivers Niger and Benue and Cross River. Then the River Basin Development Authorities sprang up. That was the first attempt at harnessing the rivers all over the country. Dams were built meant to supply water for drinking, irrigation, fishing and hydroelectric production. Up till this moment unfortunately, these dams are lying fallow because they are not being used for anything. I know so many of them. This Bill will go a long way to harness these dams that have been lying fallow. This Bill is the very first step towards managing what God has endowed Nigeria with.

In 1984 as a student of the Staff College, I visited Uganda and one of the places we were taken to during General Milton Obote's second coming was the source of the Rive Nile. There we saw representatives of the Egyptian and Sudanese Governments. Why are they there? They are there because they know the importance and the security implications of this river? If River Nile is not there it would have been very difficult for the nation of Egypt to survive?

So, we should ensure that we guide this God given resources to us. As has been said, we must ensure that these rivers are not allowed to flow into the sea. As a result of the climatic change the seas are already overflowing. Why do we allow the rivers to flow again into the sea? Rather we should ensure that we conserve them so that we can use them for the security of this nation.

It is also very important that this Commission that is being envisaged is allowed to come up as quickly as possible so that it can harness the resources. I will continue to go talk about the River Basin Development Authorities because a lot of money has been spent on them. The Sokoto River Basin Development Authority, Dadin Kowa River Basin Development Authority and all other River Basin Development Authorities must be harnessed. This Commission, when it finally comes into effect, would be able to harness these resources for the good of this country and for the good of all Nigerians.

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Senator Chris N. D. Anyanwu (Imo East): Mr. President, I do not support this Bill because it is far deeper than what we understand. The core of it is that it is commercialising water and it is going to create monopolies. I do not think that Nigerians are ready; therefore, they cannot survive it. This has been a global problem; the cry for water; the problem of monopolies, what they do and how they hold people all over the world under stranglehold. We cannot endure few powerful water suppliers or licensees raising tariffs on water. Government cannot even control them because it is a private sector thing. Based on these two points, I do not support the Bill.

There is a lot more, once this Bill comes into force, the Commission will send people to your homes without any court permission and they would ask you questions on your borehole and, maybe, impose tariffs on your own private borehole. By the defined functions here, it is going to be responsible for economic and technical regulation of all aspects of water resources. The issue of the interface with the existing Water Ministry, River Basin Development Authorities and Inland Waterways, how would they interface?

Government is already top heavy. There are too many existing Commissions and that is a drain on the tax payers' money. Before we create a Commission we have to be absolutely sure that this Commission is one that we cannot do without. The fact is that if there is confusion in the water sector, what we should do is not to create another Commission, rather we should look at all the institutions, rationalise and redefine them and put them on the path of progress where they can handle the sector effectively.

The Commission will issue licences to provide water to areas, for instance, at Asokoro, they would give licences there, for Maitama they would give licences there and if you are going to build a house you will now negotiate with them. It is novel but the problem is; would it work?

I want to go back to issues that have been raised. It is true that water is a very important asset and all over Nigeria the cry is water, water, water. We have resorted to building big dams in certain parts of the country. I come from an area where you do not have dams.

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Under the present definition, they have even virtually sidelined us where dams are concerned because we need to have huge expanse of land for you to qualify to have dams. In my area, we need water for survival, for cleanness, for little agriculture, not really for large-scale agriculture. The way they have defined and put down the policies for the water sector in this country in the last two or three years is one that is not inclusive and that is not fair. It now says that you cannot do boreholes. Federal Government will not invest in boreholes but will only do big dams and if you must have a big dam, you ought to have huge expanse of land, and since we do not have such large expanse of land in my area, Federal Government does not spend any money in the water sector in my area and that is unfair.

I want to go back to some critical issues that have been talked about. Our water bodies, why are they dying? One, the water hyacinth we are talking about arrived in Nigeria about 1986. Since that time, Nigeria has been very lazy in its approach to that problem. Instead of solving it, it has spun it. The government has taken recourse to only one line approach which is mechanical harvesting. Every year, in the budget of the Ministry of Water Resources, they have several billions for harvesting water hyacinth, the erosion sector would have its own, agriculture would have its own and at the end of the day, each year we spent about N5 billion. Mechanical harvesting has been proved not to be an effective measure to control water hyacinth.

What water hyacinth does is that it drains the water through evaporation and it makes you lose a lot of water. It also clogs the waterways so that navigation becomes very difficult. Other countries have approached it by use of chemicals. They have also developed whittles that eat it and the rest of it. In fact, they are turning it around and are using it to make fertilizer and things like that. But you do not hear about things like that in Nigeria. We still continue to bring *oyinbos* here to do mechanical harvesting at the end of which they end up with billions of Naira and the following year we put billions of Naira in the budget. That is not the way to go.

We also have to look at what the construction companies are doing to our water bodies. Several times in this Chamber, I have said that Julius Berger, for instance, has killed the little streams in

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Abuja. They have no respect for the environment. When they are building a road, they just cover the channels of the streams in the area. When you kill a river, it dies backward because there is no way for it to go. The impact is that the environment is heated up and Abuja is getting unnaturally hot. They have really disturbed the natural flow of things and the environment is destabilised. We have to monitor those companies and what they do by putting down regulations.

All told, I do not support this Commission. It is unnecessary. We should tidy up and empower the existing agencies. For instance, we should fund the Inland Waterways to constantly dredge our waterways. River Niger is dying. The excessive situation along the river brought about by too many dams along its course has slowed down the water and several islands have developed along the course of the River Niger. In other countries that dam their water, they follow it up with regular regime of desiltation and dredging in such a way that the waterways are clean and clear. We have to arm the Inland Waterways to do its job.

Senator Hosea O. Ehinlanwo (Ondo South): Mr. President, my first reaction to this Bill is that I am very much in support of the Bill, only that I want to inform this Senate that I have brought similar Bill. I support the objectives of this Bill. Sometime ago I brought a Bill on the National Water Resources Infrastructure Management Agency, (SB.160) and it was read the First Time in this Chamber on 11th September, 2008. I want to say that it pre-dates this Executive Bill now under discussion in this Senate.

I want to implore the Senate to also schedule my Bill for harmonisation with that of the Executive Bill. While that is yet to be done, I would support this Bill in its entirety. I want to implore the Senate to do something about that. That is what I want to bring to the notice of this Senate. The Bill is titled: National Water Resources Infrastructure Management Agency, (SB.160)

The President: Thank you very much. They have noted what you have said.

Senator Abdulaziz Usman (Jigawa North-East): Mr. President, first, I want to commend the sponsor and the mover of this Bill. Secondly, I am supporting this Bill so that I will not be part of the

useless Nigerians who would not support this Bill as pronounced by Senator James Manager.

This Bill as stated by most of my Colleagues has been long overdue. I am part of those that would definitely have to support this Bill. If I do not do that, my Constituents would not pardon me.

Senator Ahmad Lawan has stated a lot of issues. I see this Bill as a saviour to my people. If this Commission is established, it would do many things that the State Governments and even the Federal Government have not been able to do.

I was a member of a delegation that went through six or seven States that have problem of water irregularity. My State is an agrarian State but because of irregularity and mismanagement of water, my people, the farmers and the fishermen have been leaving the area.

Senator Ahmed Lawan mentioned a devastating grass called, *Kachala*, the taper grass came into being in our area because of mismanagement and siltation from Chala Gwoje Dam to part of Hadejia River to Yobe, Borno and part of Bauchi States. The people of Yobe State have not been getting water because of the devastating effect of that taper grass called *Kachala*.

Our farmers have not been growing their crops and getting value as they used to because of the effect of that taper grass that harbours some devastating birds called Quiller birds which have been eating up our crops. The taper grass has blocked the water ways so that water is not reaching the upper side of Yobe and part of Borno States and it has claimed our farms. As a result of the blockage, we have flood every year and all this is because of the non-regulation of the water system.

Water is life. In fact, God Almighty stated this in the Holy Quran. God said in the Quran that *wakalla kanna minshei hakum* which means, we create from water all that is living. If we do not regulate this water are we not even sinning? Look at sinners.

If this Commission is established it would solve the problems the five State Governments of Kano, Jigawa, Yobe, Borno and Bauchi have been facing. These States have been struggling with the

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problem of taper grass and blockage of water ways and siltation for years and they have not achieved any meaningful result. No single State in that area can handle this problem alone. The Amalgamation brought the combination of the government efforts to solve the problem of flood and blockage so as to save our farmers and fishermen.

Distinguished Senator Jibril Aminu said that the Lake Chad has dried up. That is a place where most of our fishermen go to earn a living. The fishes are no more there. The fishermen have to resolve to go somewhere or even leave the country.

Distinguished Senator Chris Anyanwu opposed this Bill. One of the reasons for her opposition is that if this Commission is established, people would be forced to pay tariff and so on. I do not think there is anybody here who does not pay for his water. I was in the House of Representatives when the Federal Government used the National Assembly Quarters as the pilot scheme for the new water metre which we are using till today. So, we pay for our through similar system like the telephone recharge card. Everybody here is paying for water. So, the issue of tariff is a non issue to me.

To wind up, I am in full support of this Bill. I doubt it if anybody will oppose this Bill again. *(Interruptions)*

The President: You have heard a distinguished Senator opposed it already? Why the doubt again?

Senator Usman Abdul Aziz: I said, I doubt it if somebody again will oppose this Bill. Only one person so far opposed the Bill. I doubt it much if anybody again will oppose it. I will even suggest that you put the Question and let us see

Senator Yakubu Lado (Kaduna South): Mr. President, let me start by disassociating myself with the submission of distinguished Senator Chris Anyanwu. I believe she is on her own because as for me, this is an important Bill. It is a good initiative by Mr. President of the Federation to come up with this Bill. On that regard, I commend Mr. President of the Federation to have come up with this very important and, of course, a most sensitive Bill, I have ever seen.

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We all know how water is to human life. If there is no water, there is no life. So, even listening to the lead debate by my able Senate Leader, it clearly spelt out how important this Bill is. It stated the important points why we ought to support this Bill. So, in this regard, I urge my entire distinguished Colleagues to support this all important Bill. I am wholeheartedly in support of this Bill.

Senator Ibrahim Kabiru Gaya (Kano South): Mr. President, I want to commend the Executive, even though, I am from the other side of the Chamber for presenting this Bill. I also want to commend my Senate Leader for forwarding this Bill as early as possible. I surely support it and I expect that it should be passed as quickly as possible.

However, my major concern is not a matter of passing Bills. We have intellectuals in Nigeria, and any time issues like this are raised, people come with great ideas and great solutions to our problems but, unfortunately, when all this is done the problem of implementation comes up.

I thank and praise our great Leaders such as; the Great Sardauna of Sokoto, Alhaji Tafawa Balewa, Dr. Nnamdi Azikiwe, Chief Obafemi Awolowo and other great leaders, who had foresight on agriculture. They saw that though we have oil, we should have alternative to oil. We should have agriculture as an alternative. We then had agriculture but we had oil as an alternative. Now, the oil is draining, we should go back into irrigation and water management.

I believe what my distinguished Colleagues were saying is that the management of water supplies within a State or within a town is a State management job. But, when it comes to dams and irrigations, it is now a Federal project. For example, we have the Tiga Dam and when it was designed and constructed, there was a provision so that water can flow from Tiga Dam up to Chad. Unfortunately, because of lack of management and control, there was no major effort to remove the devastating grass along the water supply routes. That is why the water is blocked.

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If you go to distinguished Abdulaziz's Constituency in Berenuwa and down to Ahmed Lawan's Constituency in Guru, you will see that the whole area is flooded. There is a lot of water in that area, but it can never be utilised because of this Kachala grass.

So, the issue is not in passing Bills, but in implementing them. This Bill is an Executive one that means, there is a need for this Commission. So, I sincerely support it and there is need for us to also improve on the budget facilities for agriculture and water supply. This is a major area that can give people job opportunities. We can give millions of Nigerians jobs under water management schemes by doing irrigations. But, the total budget allocation for water is about three *per cent* and agriculture is about seven *per cent* and so the total is 10 *per cent* which means the Federal Government must be serious on what it allocates to what could give jobs to Nigerians.

So, I believe that dams are made purposely to regulate water supply in order to make effective use of that water. But as long as the route is not favourable for water to flow it means we would not have use of those facilities.

I remember the Tiga Dam project was started by Kano State Government before the Federal Government took it over 23 years ago. It looks like the Federal Government is even sabotaging the project because we did 10,000 hectares in four years, while the Federal Government has done only 3,000 hectares in 23 years. There is a need to look at the issue.

I support this Bill. I commend its sponsor and I commend the Federal Government for bringing it up. This Bill should be passed and let it be executed expressly as it is.

Senator Bukar Abba Ibrahim (Yobe East):
Mr. President, I rise, obviously, to support the establishment of this Commission. Water is life. Year in, year out, we have been listening to Conferences on water at the world level and smaller Conferences on water at the national level. At the international level, it is now generally believed that the next world war – God forbid, is going to be on water. Year in, year out, the elite of those Conferences do come together to believe that it would eventually come and it is going to be on water. For example, what Libya and some other

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countries are doing with the ground waters in their sub-regions, obviously if other countries will follow the rate and manner they are doing it, there would certainly be war.

Somebody mentioned here about the tension within the Nigeria states obviously because of water. Sometimes, water is very scarce but other times, it is badly managed. Somebody else has also told us that water could be created and we are not doing enough to create water and the scarce water we have is badly managed. It is even inequitably distributed at the international level.

At the local level a similar situation is happening. I remember when Chalawa Dam was commissioned, I was a State Governor, my very good friend, the Deputy Minority Whip Senator Kabiru Gaya was also a Governor and President Babangida at that time was faced with the question of what to do with the continuously dwindling water flow in the Hadejia, Yobe and the Kumodugara-Basin down to Lake Chad. He said that the Hadejia-Jama'are Water Basin at that time was going to ensure that sufficient quantity of water would be allowed to flow from the sources of these rivers into Lake Chad so that Bauchi, Jigawa even part of Kano, Yobe, Borno States would all benefit. We now know that this is not the case. We now know that the only time Kano State would ever allow water to flow is when the banks of their dams are breaking and they are only allowing that to save their Dams and not because they expect people in Jigawa, Maiduguri, Borno and Yobe States to benefit from it. This has been going on for years.

Obviously, if we have a regulatory body of this nature, they would certainly control it much more effectively than the Federal Ministry of Water Resources. It is not that the Federal Ministry of Water Resources does not have any department that looks after this kind of thing but they do not have the legal backing, they are not strong enough; their responsibilities are many. It is not like a Commission which would be charged with the responsibility of doing that job alone. They will pay much attention and would raise more alarms and certainly douse tension as and when the need arises. Obviously, a Commission would be much stronger than the government department in battling with this.

We all know the issue of Kafin Zaki Dam. It was a very serious matter. The contract for the

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construction of the Dam was first awarded during the President Shehu Shagari regime and up to-date, this Dam has not been constructed because of the obvious opposition by Borno, Yobe, Jigawa and even part of Bauchi States and the downstream communities. Fifty million people are going to be disadvantaged if that dam is constructed as it is designed. Only about 100,000 people around Ningi would benefit from the construction of this Dam as it is designed and that is why there are so much opposition, while 15 million people would be disadvantaged moving from parts of Jigawa down to Katagum and the whole of Yobe to Northern Borno down to the Dam.

One other advantage this kind of Commission could bring about to the benefit of the Nigeria nation in general and the area I have just mentioned in particular is the possibility of moving water from Ubangi-Shari, in Central Africa where so many billions cubic metres of water is running into the ocean and not being used by anybody, moving it upwards through, or course, scientific means to the Lake Chad and making the tiny Lake Chad to become larger and the whole of the communities in that area would benefit. These are the things that a Commission can easily do as opposed to a Ministry.

Senator after Senator has supported this idea and I also support this idea 100 *per cent*. I support it not so much because of my opposition to the construction of Tiga Dam but the possibility of so many other solutions being found in the long-run, to solve our water problem in that part of the country. Tiga Dam, of course, was one of the obvious big problems for the whole of that area.

The President: Distinguished Colleagues, obviously, this is an important and useful Bill but in contributing, Senators have raised very valid points and I believe that when this Bill goes to the Committee and during the Public Hearing, you would take into consideration all those issues that have been raised. Principally, is the issue of coordination? There are too many bodies existing doing exactly the same work and they have to be properly coordinated. We cannot gloss over it and assume that those problems do not exist.

Water is taken for granted in so many advanced countries but in the developing countries it is one of our major problems. In most advanced countries the issue of potable water, water in houses and water for irrigation are simply taken for

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granted. It is obvious that in our own case, it is still a major problem. I as a person believe that if there is world war, it would be fought over water and not really over any other thing else because water has become a very critical resource for national development, therefore, we should take this Bill very seriously. With these few remarks, I can now put the Question in favour of the Second Reading of the Bill.

Question put and agreed to.

The Bill is referred to the Senate Committee on Water Resources. Please, because of the importance of this Bill and as everybody has rightly observed, the Committee on Water Resources should be able to bring this back to us within four weeks. The Committee is to report back in four weeks.

Bill read a Second Time and referred to the Committee on Water Resources to report back within four weeks.

Senator Folarin: Mr. President, I want to move that we step down the last item on the Order Paper.

Senator Lawan: Mr. President, I rise to second the Motion that the Senate do step down the last item on the Order Paper for another legislative day.

Question put and agreed to.

Resolved: That the last item on the Order Paper be stood down for another legislative day.

ADJOURNMENT

Senator Folarin: Mr. President, I move that the Senate do adjourn till tomorrow Wednesday, 13th May, 2009 at 10.00 a.m. prompt.

Senator Lawan: Mr. President, I rise to second the Motion that the Senate do now adjourn till tomorrow Wednesday, 13th of May, 2009, 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do adjourn till Wednesday, 13th May, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.20 p.m.