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**Wednesday
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NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 15th July, 2009

The Senate met at 10.25 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Tuesday, 14th July, 2009 before us for approval: Pages 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88.

Senator Anyim C. Ude (Ebonyi South): Mr. President, I move that the Votes and Proceedings of Tuesday, 14th July, 2009 be approved.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, I rise to second the Motion moved by Senator Anyim C. Ude that the Senate do approve the Votes and Proceedings of Tuesday, 14th July, 2009.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 14th July, 2009 be approved.

ANNOUNCEMENT

**Briefing of the Senate by some Government
Officials**

The President: Distinguished Colleagues, you would recall that when Senator Ike Ekweremadu presented his Motion on the sudden incident of kidnapping and hostage taking, we resolved to invite some government officials to brief us. They would come to brief us on 23rd July, 2009 at 10.30 a.m. and it would be a Closed Session.

PRIVILEGES

Senator George Thompson Sekibo (Rivers East): Point of Order, Mr. President!

The President: Yes, Senator George Sekibo, Order what?

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Senator George Sekibo: I am coming under Orders 14, 15, 16 and 76(b).

The President: Please read.

Senator George Sekibo: Order 14.- (a) says: *Privileges are the rights enjoyed by the Senate collectively and by the members of the Senate individually conferred by the Legislative Houses (Power and Privileges) Act Cap 208 laws of the Federation 1990 and other statutes, or by practice, precedent usage and custom.*

14(b): *Whenever a matter of privilege arises, it shall be taken up immediately.*

14(c): *In cases where adequate provision is not made in this Standing Orders, the Senate shall by resolution regulate its procedure.*

15. *Any Senator may rise at any time to speak upon a matter of privilege suddenly arising, and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee on Ethics and Privileges, but if the matter is raised in Committee of the Whole Senate, the Chairman shall leave the Chair to report progress.*

16. *When a matter of privilege at any time arises, the President shall, until the matter is disposed of, or unless the debate on a motion thereon is adjourned, suspend the consideration and decision of every other question: provided that precedence over the business shall not be given to any motion if, in the opinion of the President of the Senate, a prima facie case of breach of privilege has not been made out or the matter has not been raised at the earliest opportunity.*

76. *There shall be three classes of bills namely: Executive Bills, Member's Bills and Private Bills.*

(b): *a Member's Bill is a bill initiated by a member or group of members of either House or both Houses of the National Assembly and introduced into the Senate as a legislative proposal of the member or group of members sponsoring a bill.*

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The breach I am talking about is my privilege as a Senator of the Federal Republic of Nigeria representing the Rivers East Senatorial District.

Sometime last year, I proposed a Bill and the Short Title is *Restriction of GSM Users* and the First Reading was taken on the Floor of the Senate. I have made some attempts to make sure that the Bill comes up for further deliberation, but I could not, because it has not been possible.

Three days ago, I got a letter that was photocopied and sent to me. The letter is addressed to Senator Akpan Aloysius Etok, Chairman, Senate Committee on Rules and Business from Special Assistant (Administration), Office of the Senate President and it was signed by one Mrs. F. O. Adigun, saying that it has been directed that this Bill and two other Bills be kept suspended because we are expecting an Executive Bill from the Executive that will contain or include this Bill and another one. Senator Aloysius Etok has also proposed a similar Bill to the Senate.

I see this act as a breach of my major privilege. As a Senator in this Chamber, based on the provisions of Order 76(1)(a), (b) and (c), there are three categories of Bills. Neither our Rules nor the Constitution of the Federal Republic of Nigeria says that if the Executive is bringing forward a Bill and a Member has already sponsored a similar Bill that Bill must be kept on hold or should not be treated. I, therefore, do not see the rationale why a directive would be given that the Bill that was sponsored much more earlier than what the Executive is trying to propose, should not be taken. They have not even proposed the Bill.

I think as a Senator, if I sponsor a Bill and the Executive has the same intention, we can still take it and they can make all their inputs during the Public Hearing sessions. For me to have a notice that my Bill should be stood down because the Executive is proposing a Bill that may likely include all that is contained in my proposed Bill. I think it is a breach of my privilege as a serving Senator.

The President: Could you read the full content of the letter you are referring to, please? After reading the letter, please explain what you said about Senator Aloysius Etok and a similar Bill.

Senator Thompson George: The letter reads thus:

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To: Senator Aloysius Etok Akpan Chairman Rules and Business.

From: Special Assistant Administration

Date : 28th April, 2009

Subject: Re-proposed Bill Recommending Stiffer Punishment for the Offence of Kidnapping in our Laws; Proposed Bill for the Registration of the GSM Users

The above subject matter refers.

The Senate President has directed that the above-mentioned Bills be withdrawn.

This is predicated on the request of the Inspector-General of Police, to present the proposal as Executive Bills.

Submitted for your further action.

(Signed)

Mrs. F. O. Adigun.

The President: This letter came in April, 2009 and it was addressed to Senator Etok. In what capacity are you bringing it up? The letter as you said, is addressed to Senator Etok, Rules and Business and I believe Rules and Business Committee would have discussed it.

Senator Thompson George: I am bringing it in the capacity of the man that proposed the Bill on the Restriction of GSM Users.

The President: I know, but the point I am making is that this letter is not addressed to you but to somebody in Rules and Business and if they feel otherwise they would have raised it.

Senator Thompson George: I did not get it from the backdoor. It was the Chairman, Rules and Business that sent it to me as a copy, because it affects me as it involves the Bill that I proposed, that is why he sent it to me.

The President: What is the comment of the Chairman, Rules and Business, because the letter is addressed to him, he ought to reply? Should he not? Where is the Chairman, Rules and Business? Where is Senator Etok?

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Some distinguished Senators: The Vice Chairman of the Committee, is here.

The President: Can you answer for the Chairman? Senator George, you have come under Privilege, your privilege is not in any way breached by this. It does not mean that any time you present a Bill if it is not taken, your privilege is breached.

The Rules and Business Committee got a letter which they have not responded to that is why I was asking for the Chairman, of Rules and Business Committee.

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, let me start by saying that I am not aware of such communication between Senators Aloysius Etok and George Sekibo, but that is not say it did not happen. What I would suggest is for us to wait for Senator Etok to come so that he can react to this appropriately.

The President: The point is that he has raised a Point of Order and I must rule on it. As far as I am concerned you come under Privilege. I can not suspend any ruling on this. It is simple and straightforward. If you feel strongly that your privilege is being breached, I sustain your Point of Order. Your Point of Order is sustained.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, you have done the right thing, you have ruled on it.

The President: Senator Bassey Ewa-Henshaw, you raised your hand, because there is no topic for you to raise your hand that is why I did not call you. If you are coming on a Point of Order, you come on a Point of Order.

Senator Bassey Ewa-Henshaw: The mood of the Senate is that (*Interruptions*)

The President: No, Senator Bassey Ewa-Henshaw. I have ruled and sustained his Point of Order, I do not know what other discussion can go ahead on it. I have sustained his Point of Order, what other discussion will go ahead? There is no other discussion to go ahead.

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PRESENTATION OF REPORT

Report of the Committee on Education on the National Institute for Educational Planning and Administration, Bill, 2009 (SB. 123)

Senator Teslim Kolawole Folarin: Mr. President, the first business of the day is the presentation of the Report of the Committee on Education. (*Interruptions*)

Senator Uche Chukwumerije (Abia North): Mr. President, Point of Order!

The President: Point of Order, Senator Uche Chukwumerije.

Senator Uche Chukwumerije: It is Order 41 on Petitions.

The President: Read it, please.

Senator Uche Chukwumerije: Order 41(1) says: *A petition may only be presented to the Senate by a Senator, who shall affix his name at the beginning thereof.*

(2) A Senator presenting a petition shall confine himself to a brief statement of the parties from whom it came, the number of signatures attached to it and the material allegations contained in it, and to reading the prayers of such petitions.

(3) All petitions shall be ordered, without question being put to lie upon the Table. Such petitions shall stand referred to the Public Petitions Committee.

(4) No Senator may present to the Senate a petition signed by himself.

(5) No petition shall be presented to the Senate unless it is in accordance with the following rules -

(a) every petition must be properly addressed to the Senate, respectful, decorous and temperate in its language, and must conclude with a prayer setting forth the relief(s) sought by the petitioner.

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- (b) every petition must be signed by, at least, one person on every sheet on which the petition is written.
- (c) if signatures are affixed to sheets other than that containing the petition itself, then prayer of the petition or summary thereof shall be written at the top of each sheet.
- (d) signatures or marks shall not be valid unless, in the case of signatures, they are in the handwriting of the person signing and in the case of marks, they are witnessed and attested to as required by law. The signatures or marks shall be followed by the residential addresses of the persons signing or making the mark.
- (e) every petition shall be in English language or in any other language but must be accompanied by an English translation thereof and duly certified to be correct by the Senator who presents it.

(6) *The Senate will not receive any petition which asks for a grant of public funds unless the recommendation of the President of the Federal Republic of Nigeria has been signified thereto. Provided that Petition for legislation to this effect may be received.*

The President: Alongside what you have read, please, could you read Order 39 for me.

Senator Uche Chukwumerije: Order 39: *Unless the Senate otherwise directs, the business of each Sitting day shall be transacted in the following order.*

You were just about to announce something else when I raised a Point of Order in due process.

The President: If you have finished reading it, you can then go on with your explanation. I only want you to read it so that I would also refresh my own memory.

Senator Uche Chukwumerije: That is a very diplomatic statement. Order 39 says: *Unless the Senate otherwise directs, the business of each Sitting day shall be transacted in the following order:*

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- (1) *Formal entry of the President of the Senate; which he has done.*
- (2) *Prayers; which he has done.*
- (3) *Approval of Votes and Proceedings; which he has done.*
- (4) *Oath/Affirmation of Allegiance and the Oath/Members of new Senators-elect; none like that.*
- (5) *Message from the President of the Federal Republic of Nigeria*
- (6) *Other announcements by the President of the Senate;*
- (7) *Petitions;*
- (8) *Matters of urgent public importance;*
- (9) *Personal Explanation; and*
- (10) *Order of the day.*

The President: You would now explain what you wanted to explain.

Senator Uche Chukwumerije: You were just about to begin other announcements as the President of the Senate when I raised Point of Order on Petitions. I seek for your leave to present a petition presented through me by Garki Model Market Association.

The President: All right. I asked you to read our Standing Order 39 because we are now on item (10) which is the Order of the Day. Once I have called on the Leader, it means we have entered into the Order of the Day. So your petition will be presented tomorrow and you will raise that point once I finish the Announcements. It is after Announcements that Petitions are taken. You can raise a Point of Order on other issues other than Petition because Petition is specified in our Standing Order. It is specific on its own. You have come by Point of Order on a specific issue mentioned on our Standing Orders.

Senator Uche Chukwumerije: The point you are making is right.

The President: Since your Point of Order is withdrawn, there is no need for me to rule on it.

(Point of Order by leave withdrawn)

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Senator Teslim Kolawole Folarin: The first business of the day is the presentation of the Report of the Committee on Education on the National Institute for Educational Planning and Administration Bill, 2009.

You may now invite the Chairman of Education Committee, Senator Joy Emodi to move the Motion for the Senate to receive the Report.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, I move that the Senate grant me leave to receive the Report of the Committee on Education on the National Institute for Educational Planning and Administration Bill, 2009.

Senator Effiong D. Bob (Akwa Ibom North-East): Mr. President, I do second the Motion as moved by distinguished Senator Joy Emodi.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Education on the National Institute for Educational Planning and Administration Bill, 2009.

The President: Distinguished Senator Joy Emodi, you may lay the Report on the Table.

(Report accordingly laid on the Table)

Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009 (HB. 72)

Senator Teslim Kolawole Folarin: The second business of the day is the presentation of the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009.

You may invite Senator Mohammed I. Ahmed to move the Motion that the Senate do receive the Report.

Senator Mohammed I. Ahmed (Kwara North): Mr. President, I seek the leave of the Senate to receive the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009.

The President: Yes, St. Osita Izunaso.

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Senator Osita Izunaso (Imo West): Thank you very much, Mr. President, for reminding us that today is the feast of St. Bonaventure. I missed the morning Mass but I will not miss the evening one.

I rise to second the Motion that the Senate do receive the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants Bill, 2009.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants Bill, 2009.

The President: Distinguished Senator Ahmed Inusa Mohammed, please lay the Report on the Table.

(Report accordingly laid on the Table)

ORDERS OF THE DAY

MOTION

Confirmation of the Nomination of Abdullahi Halidu Shinkafi as a Member of the Federal Character Commission (FCC)

Senator Teslim K. Folarin: Mr. President, the first Order of the day is a Motion, requesting the Senate to consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Abdullahi Halidu Shinkafi (Zamfara 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 is for the request of Mr. President, Commander-in-Chief to be referred to the relevant Committee for further legislative action. I hereby move that this Senate do now consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Abdullahi Halidu Shinkafi (Zamfara 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.

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Senator Maina Ma'aji Lawan (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 Abdullahi Halidu Shinkafi, 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.

Resolved: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Abdullahi Halidu Shinkafi (Zamfara State), as a Member in the Federal Character Commission in accordance with Section 154(1) of the 1999 Constitution.

The President: It is referred to Senate Committee on Federal Character to be returned within one week.

(Request accordingly referred to the Committee on Federal Character to be returned in one week)

Confirmation of the Nomination of Mr. Jonah Onuku Ogbole as a Member of the Federal Civil Service Commission (FCSC)

Senator Teslim K. Folarin: Mr. President, the second Order of the day is another Motion, requesting the Senate to consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Mr. Jonah Onuku Ogbole (Benue, Plateau and Nasarawa States), 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.

The purpose of this Motion 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. Jonah Onuku Ogbole (Benue, Plateau and Nasarawa States), 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 Maina Ma'aji Lawan: 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. Jonah Onuku

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Ogbole (Benue, Plateau and Nasarawa 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:

Resolved: That the Senate do consider the request of Mr. President Commander-in-Chief for the confirmation of the nomination of Mr. Jonah Onuku Ogbole (Benue, Plateau and Nasarawa States), as a Member in the Federal Civil Service in accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria.

The President: It is referred to the Senate Committee on Establishment and Public Service to be returned within one week.

(Request accordingly referred to the Committee on Establishment and Public Service to be returned in one week)

CONSIDERATION OF REPORTS

Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the Screening of Chairman and Five Members of the Governing Board of the Bureau of Statistics

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 the following persons as Chairman and Members of the Governing Board of the Bureau of Statistics in accordance with Section 8 of the Bureau of Statistics Act.

- | | | |
|-------|--------------------------|----------|
| (i) | Ambassador Greg Mbadiwe | Chairman |
| (ii) | Alhaji Ali Badala Gumel | Member |
| (iii) | Alhaji Sule Majidadi | Member |
| (iv) | Alhaji Raimi Ayo Raji | Member |
| (v) | Chief Franklin Edonkumoh | Member |

You will also recall that this Report was laid on Tuesday, 14th July, 2009. You may now invite the Chairman of that Committee, Senator Zaynab Kure to

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move the Motion for the presentation and consideration of this Report.

The President: Distinguished Senator Zaynab Kure, may I suggest that in the presentation, you just draw our attention to the relevant areas; avoiding background, methodology and others. Tell us your findings and other relevant ones. We can read the methodology and others on our own.

Senator Zaynab Kure (Niger South): Mr. President, I rise to move that the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the above named persons as Chairman and Members of the Governing Board of the Bureau of Statistics and approve the recommendations therein.

I so move.

Senator Iyabo Obasanjo -Bello (Ogun Central): Mr. President, I rise to support the Motion as moved by my Chairman that the Senate do consider the Report of the Senate Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the Chairman and Members of the Governing Board of the National Bureau of Statistics.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the Chairman and Members of the Governing Board of the Bureau of Statistics and approve the recommendations therein.

The President: Distinguished Senator Zaynab Kure, you may present your report, please.

Senator Mahmud Kanti Bello (Katsina North): Point of Order!

The President: Point of Order, Senator Kanti Bello, the Chief Whip of the National Assembly.

Senator Mahmud Kanti Bello: Mr. President, I just want to draw the attention of the distinguished Senators to Order 56(3), 56(9) and 56(10) and with your permission, I read particularly 56(3).

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

Order 56(9) says: *When a Senator is speaking, no Senator may converse aloud or make any noise or disturbance to interrupt him.*

Order 56(10) says: *During a sitting all Senators shall be silent or shall confer only in undertones.*

With all due respect, the Senators that are laughing should, please, stop. Please, distinguished Senators, let us observe these Orders.

The President: Thank you very much, the Chief Whip of the National Assembly. The only problem with your Point of Order is that you raised it and also take the ruling yourself. *(Laughter)* However, your Point of Order is sustained. Distinguished Colleagues, if you want to converse, you should do so in undertones particularly, when somebody is on the Floor.

Senator Zaynab Kure: This is the Report from the National Planning Committee. The nominees appeared before the Committee on Tuesday, 7th June, 2009 to be screened and the nominees were:

- | | |
|-----------------------------|----------|
| 1. Ambassador Greg Mbadiwe | Chairman |
| 2. Alhaji Ali Badala Gumel | Member |
| 3. Alhaji Sule Majidadi | Member |
| 4. Alhaji Raimi Ayo Raji | Member |
| 5. Chief Franklin Edonkumoh | Member |
| 6. Captain Joe Agada | Member |

During the screening exercise, Members interacted with the nominees by asking them several questions to all which they proffered reasonable and satisfactory answers. The findings are there for you, my distinguished Colleagues, to go through. After an exhaustive interaction with all the members the Committee recommended thus:

After extensive deliberations and scrutiny of all the relevant documents as forwarded by the Presidency, the Committee hereby recommends that the Senate do confirm Ambassador Greg Mbadiwe as Chairman, Alhaji Badala Gumel, Alhaji Sule Majidadi, Alhaji Raimi Ayo Raji, Chief Franklin Edonkumoh, and Captain Joe Agada as members in the Governing Board

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of the National Bureau of Statistics. For emphasis Ambassador Greg Mbadiwe is to be the Chairman of this Governing Board.

Mr. President, my distinguished Colleagues that is much I can present on what the Committee was able to do on your behalf.

Senator James Manager (Delta South): Mr. President, this Committee headed by Senator Zaynab Kure has done a good and very thorough job. The Report is concise and straight to the point. I, therefore, want to urge distinguished Senators to waste no time in considering this Report because it speaks for itself.

The President: Before I put the Question, Senator Zaynab Kure I think there is a problem with the dates you have there. The screening by the Committee was done on 7th June, and it was referred to you on 24th, therefore, your date should have 7th July. I believe it is just a typographical error.

Senator Anyim C. Ude (Ebonyi South): Mr. President, I appreciate your determination to make this debate brief but in the process, the distinguished Senator was only allowed to take us straight to the Recommendations. We did not have the opportunity to look at the findings and know which state produced what which will lead us to the Recommendations. We got this Report only about 15 or 20 minutes ago and we have not even finished reading it when recommendations came up and it is a little difficult to just make up our minds right away.

The President: This is only a four-page document. What we need to read are in just two pages and we can do that in five minutes. We should avoid the issue of reading *Membership, Methodology and Background*. We should be able to go through them on our own without those details. The essential thing here is to read the Committee's Recommendations and Findings and if there are grey areas they will be pointed out. I believe that the method she has used is what we should try and use in most of our reports.

Senator Anthony Manzo (Taraba North): Mr. President, I want to really commend Senator Zaynab Kure for a very good job and also the fact that the membership of this Board is made up of very good and qualified Nigerians. But for the umpteenth time I want to speak on behalf of my Zone, and in particular, my State. Usually, when it comes to the issue of appointment from the North East Zone there appears to be a tendency to concentrate them either in Bauchi or Borno States. I am just stating that for the records. I have no objection to these nominees being confirmed.

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Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I do not have any doubt about the merits of these candidates but I will like to request Senators to please note the last time any Senator got anything on statistics in this country. I will like to appeal to the new Chairman, distinguished Greg Mbadiwe who has been cleared by the Senate, to please ensure that they release statistics timely and inform us. We do not know anything about what goes on in the country. In the 1970s the only State that used to release statistics regularly was the old Imo State because I used to get their statistics. Nobody does it now. I do hope that as we have just passed the members of this Bureau they will do something. They should not just go and burry themselves and nothing happens. I want to appeal to you, Mr. President and Senators to ensure that we do get informed about what is going on in this country.

The President: Is there any more comment before I put the Question?

Senator Effiong D. Bob (Akwa Ibom North-East): Mr. President, it is not a comment as such because I just saw that one of those recommended for clearance said that he has BA degree in Russian Language. I was really wondering what he is going to do in the Board of Statistics. But since he has experiences in other offices, maybe, it will be an added advantage. I was just looking at the qualification of the candidate with BA in Russian language.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, I want to refer us to Section 14(3) of the Constitution. On the list, we do not have anybody representing the South-West on this Board. Raimi Ayo Raji is from Kwara State and that is North-Central. There is no body from the South West.

The President: Does the Act say that it must be one person per geo-political zone? Where the Act has not specified, of course, government would try as much as possible to spread it, but it is not compulsory. As much as possibly, they would try to spread it, but your point is noted.

Senator Ibrahim M. Ida (Katsina Central): When this Bureau was Federal Office of Statistics it was notorious for issuing statistics that were not usually borne out by facts. But given the calibre of people that are to man it, one hopes that they will be supported by the government by giving them the necessary resources to build up the capacity. This is because at the moment they should be the focal point of all our statistical data. As it were, anytime they issue out their figures, it

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usually varies from other sources. That is a very serious matter. We need authentic and definite figures to be able to plan and the Bureau is the best place where such figures can be generated. I do hope that the new team that will go there will put in a new lease of life, so that the figures that emanates from there will be both credible and worthy of consideration in our planning process.

Senator Simon Ayogu Eze (Enugu North): What Senator Ida said was true, maybe, a couple of years ago. But right now we have taken the present Bureau of Statistics to task on a number of occasions and we are convinced that they are fully computerised. The days of arm-chair gathering of statistics and dumping it is behind us. This is also one of the duties that we brought before this Governing Board. However, they are really not the people who are doing the major work as it were. These are the people to drive the policy and then ensure that the people on the ground do the right thing.

Therefore, it is important for us to enlighten our people that the statistics issuing from this office is now reliable. It is good that we are expressing these sentiments, but we should have confidence in the work they are doing because a lot of work has taken place. The Ministry of Planning has confirmed that the Bureau of Statistics as it is now is a totally and radically different establishment that can be depended upon. There is no gainsaying the fact that what Senator Ida has said is also germane because they would continue to improve to the extent that they will become foolproof.

With these few words, I urge my distinguished Colleagues that we approve the appointments of these members of the Governing Board expeditiously.

Senator Satty Davis Gogwim (Plateau Central): Mr. President, my observation has to do with Section 14 which was mentioned by some few others especially Senator George Manzo. I cannot remember exactly when we ever had any representation from my State. I want to say this for emphasis that we should know that we are being marginalised even though some states are being picked from the North-Central.

The President: Distinguished Colleagues, if you raise your hand to say that your state is not represented, there is no point in it. We must take things seriously. It is not right to raise your hand and complain in favour of either your zone or your state. (*Interruptions*)

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Senator Manzo, do not make me let the Chief Whip loose on you, please. Please, let the complaint not be one of marginalisation of your State, because by so doing you trivialise the issue if you raise it anymore. At least, make comments on the Report and not on marginalisation.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, irrespective of the fact that you have said we should not raise anything at all, I support the Report but my people said I should yet draw your attention to the issue. You will recall vividly that we raised the same issue of marginalisation when we were considering the Membership of the Federal Civil Commission and the Police Service Commission and you said it was noted. Therefore, I hope that the opinion of Senators on the Members of the Governing Board of the Bureau of Statistics also would be noted because the only place to defend our State is in this Senate so that justice is done.

Senator Uche Chukwumerije: While I rise to support the good work done by the Committee, one question puzzles me. Of all the six nominations here, only one has qualification and experience in statistics. I should think that we should, in this Senate, begin to take more seriously the point of the relevance between the qualifications and cognate experience of prospective members of any Board, and the area of operation which they are being asked to work. This is because their capacity for oversight functions will be far much improved if such people have cognate experience in the area they are being called upon to serve. So, while we approve this, we have to take note of this gap for future confirmations.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I cannot agree any less with senior Comrade Uche Chukwumerije on the issue of relevance of the background of candidates. It is very important but not absolute in this case because this is a Governing Board. The point does impact very seriously on the integrity of the statistics that are reeled out.

This quickly leads me to the issue of the data being generated by the Bureau of Statistics over the years. Frankly speaking, on several occasions, the data released speak directly to the integrity of the content in those Reports, especially, when we know, for instance, that the common man in the market is battling with inflation in multiples of tens and twenties or even hundreds. We have seen statistics coming from the

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Federal Bureau of Statistics indicating that inflation is five or seven *per cent* when in real terms, you could see in the market that it is 20, 30 or even 100 *per cent*. This is very common in this country.

We have also seen when the target gross rate in certain sectors had been set as a matter of policy by government. For instance, we had a particular year when the government set seven *per cent* growth over a period of five years in the agricultural sector. At the end of the first year, we went to town to say that we had achieved eight *per cent*, whilst in actual fact, there were shortages in the market in that particular sector. People were reeling with hardship over shortages of specific stable food items. This is very common year in year out.

The point being made is that the people we are about to approve should be very conscious of the integrity of the data that is going to be generated by the Bureau. This is because for planning purposes, once you have a faulty foundation, whatever else that follows, cannot stand.

Having known some of the nominees very intimately, and the fact that they are very serious Nigerians, we should go ahead and give approval to their nominations. But we should note very seriously the need for the protection of the integrity of the data generated. We call upon them to bear these comments in mind in the course of their tenure.

Senator Teslim Kolawole Folarin: Mr. President, I move that the Senate do resolve into the Committee of the Whole to consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of nominees of Chairman and Members of the Governing Board of the Bureau of Statistics.

Senator Maina Ma'ai Lawan: Mr. President, I rise to second the Motion that the Senate do resolve into the Committee of the Whole, to consider the Report on the screening of nominees for the Chairman and Members of the Governing Board of the Federal Bureau of Statistics.

Question put and agreed to.

Resolved: That the Senate do resolve into the Committee of the Whole to consider the Report on the screening of nominees for the Chairman and Members of the Governing Board of the Federal Bureau of Statistics.

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Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of persons as Chairman and Members of the Governing Board of the Bureau of Statistics – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: I think I can put the Questions. Would the Senate approve the nomination of Ambassador Greg Mbadiwe as Chairman of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate approve the nomination of Alhaji Ali Badala Gumel as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate approve the nomination of Alhaji Sule Majidadi as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate approve the nomination of Alhaji Raimi Ayo Raji as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate approve the nomination of Chief Franklin Edonkumoh as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate approve the nomination of Captain Joe Agada as a Member of the Governing Board of the Bureau of Statistics?

Question put the second time and agreed to.

The Chairman: Senator Nanzip Shagaya, is Captain Agada a retired military officer?

Senator John Nanzip Shagaya (Plateau South): Yes, he is.

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Senator Teslim Folarin: Mr. Chairman, I rise to move that the Chair do report progress of the screening of the nominees of the Chairman and Members of the Governing Board of the Bureau of Statics.

Senator Maina Ma'ai Lawan: Mr. Chairman, I second the Motion that the Chair 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 on the screening of Mr. President's nominees for appointment as Charmin and Members of the Governing Board of the National Bureau of Statistics and approved the nominations of:

- | | | |
|-------|--------------------------|----------|
| (i) | Ambassador Greg Mbadiwe | Chairman |
| (ii) | Alhaji Ali Babala Gumel | Member |
| (iii) | Alhaji Sule Majidadi | Member |
| (iv) | Alhaji Raimi Ayo Raji | Member |
| (v) | Chief Franklin Edonkumoh | Member |
| (vi) | Captain Joe Agada | Member |

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

Several distinguished Senators: Yes.

Confirmation of the Chairman and Members of the Governing Board of National Bureau of Statistics

The President: Would the Senate confirm the nomination of Ambassador Greg Mbadiwe as Chairman of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate confirm the nomination of Alhaji Ali Badala Gumel as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate confirm the nomination of Alhaji Sule Majidadi as a Member of the Governing Board of the Bureau of Statistics?

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Question put and agreed to.

Would the Senate confirm the nomination of Alhaji Raimi Ayo Raji as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate confirm the nomination of Chief Franklin Edonkumoh as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

Would the Senate confirm the nomination of Captain Joe Agada as a Member of the Governing Board of the Bureau of Statistics?

Question put and agreed to.

The nominations of:

- | | | |
|-------|--------------------------|----------|
| (i) | Ambassador Greg Mbadiwe | Chairman |
| (ii) | Alhaji Ali Babala Gumel | Member |
| (iii) | Alhaji Sule Majidadi | Member |
| (iv) | Alhaji Raimi Ayo Raji | Member |
| (v) | Chief Franklin Edonkumoh | Member |
| (vi) | Captain Joe Agada | Member |

are hereby confirmed as Chairmen and Members of the Governing Board of the Bureau of Statistics.

Having done all these, the points raised are very valid. This is a very serious body and they must take their jobs very seriously. We tend to sometimes relegate these very important bodies to the background. I hope they would be properly funded so that they can also do their work appropriately.

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

Senator Teslim Kolawole Folarin: The forth Order of the day is the consideration of Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009. You would recall that this Bill was re-committed to the Committee on Environment for further legislative action on Wednesday, 28th January 2009.

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You may now invite the Chairman of that Committee Senator Grace Bent to move the Motion for the presentation and consideration of the Report.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to move the Motion that the Senate do consider the Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009 (SB. 24).

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on environment and Ecology on the National Climate Change Bill, 2009.

Senator Grace Folashade Bent: Today is a very historic day for us in view of the very important subject matter that we are trying to consider on the Climate Change.

The distinguished Senate may wish to recall that the Bill for an Act to Establish the Climate Change Commission and for Other Connected Purposes was presented for debate on the general principles passed through the Second Reading and was committed to the Senate Committee on Environment and Ecology for further legislative action vide Senate directives at its sitting on Thursday, 31st January, 2008.

The Public Hearing was conducted in order to elicit input from the public and the stockholders. During the Public Hearing this Bill was highly scrutinised and we came up with some recommendations. I would not want to bore you with these recommendations because they are highlighted in the Report so that we do not take much of our time.

I am glad to say that the various inputs gathered during the Public Hearing were critiqued and used to produce a working document that is devoid of conflict in all ramifications and would inspire investors' confidence and funding agencies to partner with Nigeria in developing and implementing climate change policies.

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It is pertinent at this point to refer my Colleagues to the development and emerging facts that took place at the G8 Meeting of 10th July at Lakula in Italy. The G8 met and the issue of climate change was a domineering subject. It may interest you to know that significantly, the Group of Eight Industrialised Nations made no firm commitment to help developing countries financially to cope with the effects of rising sea, increased drought and flood or provide a technology to make their carbon heavy economies more climate friendly.

You may recall that the United State of America, recently passed a historic climate change Bill and the aim of the Bill was to reduce green house emission by 17 per cent from the 2005 levels by 2020. The implication of this is that the action of America – *(Interruptions)*

Senator Nimi Barigha-Amange: Point of Order!

The President: Point of Order, Nimi Barigha-Amange. Distinguished Colleagues, Senator Barigha-Amange's Point of Order is very obvious. He would like to draw our attention to the fact that a Bill is being presented and we should pay attention. Please, go on with your Point of Order.

Senator Nimi Barigha-Amange: I thought you have sustained it already. I was to raise Order 56(10). Can I still read it?

The President: What you want to say is obvious and this is the first time you are raising this Point of Order in this Senate. So, there must be a good reason for us to listen to what the family is saying. Your Point of Order is sustained.

Senator Grace Folashade Bent: Distinguished Colleagues, this is a very serious Bill that we are considering and I will crave your indulgence to give it all your attention.

The implications of the passage of the Bill on Climate Change in the U.S. to the Nigerian economy, is a very serious one. The implication is that the Nigerian economy which is tied to oil exportation to the US as a major market will face a nose dive. There is, therefore, an urgent need for Nigeria to begin to seek other sources of economy as against the mono oil derivative. There is no time to waste as this signal poses grave economic consequences in the next five years.

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Nigeria is one of the countries expected to be most affected by the impact of climate change through the sea level rise across coast lines, intensifying desertification, erosion and flooding disasters and general land degradation. According to a report in the *Guardian Newspaper*, it is said that Nigeria would lose up to US\$9 billion as a result of the catastrophe while, at least, 80 *per cent* of the inhabitants of the Niger Delta might be displaced if we do not quickly take action. It is as serious as this.

Having said all this, I will now move that we go into the Clause-by-Clause consideration of this very important Bill.

The President: Let me take some comments. Senator Annie Okonkwo as a Member of the Committee, do you disagree to what has been said? If your attempt is just to support the Motion, there will be no need because Clause-by-Clause consideration is going to take awhile.

Senator Annie Okonkwo (Anambra Central): Mr. President, of course, it is not to disagree but to support so that we can quickly go into the Clause-by-Clause consideration of this Bill. The truth of the matter is that all of us know that this Bill is very important and we need it in this country.

The Chairman: Distinguished Senator Bukar Ibrahim Abba, I just wrote a small note here which I wanted to send to you for you to sign my own copy of the Report. It would appear that you signed the other copies except my own.

Senator Bukar Ibrahim Abba (Yobe East): Mr. President, I have not signed any one. I am just seeing it for the first time. Even though I am a Member of the Committee on Environment, I do not think my attention was ever drawn to this Bill after the initial presentation in this Chamber. I have not signed nor am I ready to sign anything because I do not know anything about it.

Senator Dahiru A. Kuta (Niger East): Mr. President, I am pleased to see that the Bill has reached this stage. My only worry is that if it becomes a law, I do not know how the provisions would be implemented. We are aware that Nigeria is one of the most vulnerable in terms of the negative effects of climatic change. It is said that Nigeria is one of the greatest emitters of gas in the world. We are also aware that Nigeria is one of the countries that desert encroachment is running very fast towards the South. All these are effects of the climatic change. We are also aware, particularly in the Niger Delta that flaring of gas is (*Interruptions*)

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The President: Senator Dahiru Kuta, we have passed the Second Reading of this Bill.

Senator Dahiru Kuta: Yes, but I just want to ensure that when it comes to voting that the provisions of this Bill are sufficiently and committedly implemented.

Senator Mahmud Kanti Bello: Point of Order, Mr. President!

The President: Point of Order, Senator Mahmud Kanti Bello.

Senator Kanti Bello: Mr. President, before we go into the Third Reading, I just want to point out a Constitutional Point of Order under Section 20 of the 1999 Constitution which deals on the environmental objective. The Section says that - *The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.*

The reason I am raising this Point of Order is because I know that together with this Bill, there is a Bill on desertification which ought to have been reported but up till now it has not come up for consideration. It is a very important aspect of this Bill.

People, who live above 10 degree North above the Equator, are always faced with the problem of desertification. I expected that that Bill should have been reported but up till today, I have not seen it. We are just pushing the Climate Change Bill. I am a practical person. Millions of people are suffering as a result of desertification and the Bill ought to have been returned and not just the Climate Change Bill alone.

The Chairman: This is just an explanation. It is not a Point of Order. How do I rule on this? Your explanation is noted. These things need to be harmonised where it is possible to do so. Your Point of Order is noted

Senator Umaru Dahiru: Observation, Mr. President!

The President: Observation, distinguished Senator Umaru Dahiru. Please, this is not the time to take comments because we have passed the Second Reading of the Bill. I hope we all know that.

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Senator Umaru Dahiru: It is a fundamental observation. I am wondering how we are going to consider the Bill now when the Report is not with us. The Bill should be circulated but I do not know why they are selectively giving out the Report. They have given to some Senators and others are yet to be given and we are expected to make contributions to the Bill. How are we going to be able to do that? My suggestion is that we should defer the consideration of this Bill until the Report is circulated to all distinguished Senators.

The President: Who else has not received a copy of the Report? Please can you give Senator Umaru Dahiru a copy of the Report? Why did you not give him initially? Give to Senator Barigha-Amange a copy of the Report as well as the Bill.

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

The President: It is to consider the Bill Clause-by-Clause.

Senator Teslim Kolawole Folarin: I thank you, Mr. President, for the correction. I move that this Senate do now resolve into Committee of the Whole to consider this Bill Clause-by-Clause.

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

Question put and agreed to.

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

Clause 1 – (ESTABLISHMENT OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD OF THE COMMISSION)

Question proposed

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Senator Sola Akinyede (Ekiti South): Mr. Chairman, I would like to invite your attention to Clause 2(2) which says: *Members other than the chairman shall be persons with vast cognate experience in the field of Climate Change issues or related fields and shall be appointed by the President on the confirmation of the senate.*

I think it should be *subject to the confirmation of the Senate*. This is because if you use the word *on*, it means that it is after the Senate has confirmed that the President shall appoint. I think the appropriate phrase should be *subject to the confirmation of the Senate*.

The Chairman: Sorry I did not get the correction. Clause 2(2) reads thus: *Members other than the Chairman shall be persons with vast cognate experience in the field of Climate Change issues or related fields and shall be appointed by the President on the confirmation of the Senate.*

You are suggesting the phrase, *subject to the confirmation of the Senate*. There is a standard language for this.

Amendment put and agreed to.

Senator Jibril Aminu (Adamawa Central): Mr. Chairman, you can see that we did not discuss this in Adamawa before coming here. With all due respect, I would like to express my disagreement with the composition of the Commission as shown here. The original provision is better and it is more in keeping with the practice. This is vague and there are rooms for abuse. I would recommend that it should be corrected. We should put the Ministries that we want to be represented. Clause 2(1)(b)(i) which states thus: *two persons from the public sector* does not tell you very much. They should indicate the Ministry that should be there. They are the Ministries of Power and Steel, Petroleum and Energy, Science and Technology, Environment and Water Resources. We do not need the rest. Those Ministries should be spelt out.

Secondly, we have over 90 universities and we are doing something about Academic Climate Change and the universities are not represented. I protest and suggest that we should have, at least, two representatives from the universities.

Also, when we are talking about the private sector, there should be some organisations that are relevant. The Committee should be able to identify some

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organisations, such as NACCIMA, Manufacturers Association of Nigeria, *et cetera*. If there is any organisation which relates to forestry, I propose that we should put them there. Some of these organisations should be named.

Besides, we talk about three or four persons who are competent and can represent a broad area of national interest. That would give the Ministries a better chance. By the way we are going about it, in my honest feeling, it seems we are abdicating a responsibility to the bureaucrats in the Ministry to do it and that is not right. We should try to amend it. That is my suggestion.

The Chairman: For us to make progress and to avoid going round, after the explanation you should specifically say the Amendment that is required. Your explanation is acceptable but you have to specify it so that I can write it down so that when we finally agree we would take the list.

Senator Jibril, my understanding of your suggestion is that the old list of Ministers charged with the responsibility for Power and Steel, Energy, Science and Technology, Environment, Housing and Water Resources should stay while others are deleted.

Senator Jibril Aminu: You are right, Mr. President. I also propose that there should be two representatives from the universities. The Committee should identify private sector organisations and name them. In my opinion, there is an Institute for Forest Research, the Parent Ministry should represent the Institute. There is also some Agricultural Research Institutes.

For the private sector representation, we can say three or four people of competence who shall represent a wide area of national interest. The Ministry will have the chance to nominate those they want, but we should go to the extent I suggested.

Senator Ike Ekweremadu (Enugu West): Mr. Chairman I agree with Senator Jibril Aminu that we need to look on the side of the original provision of the Bill and begin to amend it from there.

I agree also that we need to scale down the Ministries to be represented. But let me add quickly that the issue of environmental protection and climatic change is a matter that concerns every part of this country, therefore, we need to find a way to ensure that all parts of this country are represented in the Board. I want to suggest that in addition to the key ministries

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earlier named by Senator Jibril Aminu that we provide for one person representing each of the geo-political zones.

To take care of the issue he raised regarding professionalism from the academia, Sub-Clause 2 which provides for those with relevant experience will cure that. So, if we take those ones, add that each of the geo-political zones be represented and then we leave Clause 2, it will also address the fears raised in terms of competence. He raised the issue that we should bring in people from the universities to provide the requisite technical know how. If we leave sub-Clause 2 it will address the issue. If we state the key Ministries, the six other members representing geo- political zones and then provide Sub-Clause (2) that would make it mandatory that those nominated would be those with requisite knowledge in the sector being considered. With that we would have captured all the interests concerned.

Senator Kanti Bello: I am in full agreement with what DSP and Senator Jibril Aminu have said but I am worried that we should always try to avoid discrimination. When we start talking about, at least, two members of whom shall be women, it is discriminatory in nature. It is high time we draw the attention of our distinguished ladies that we should not be discriminatory in our Bills.

I thought we are amending Clause 2(a) but then when she goes to (a) it appears that the only amendment is the addition of Vice President of the Federal Republic. If we go to Clause 2(b) which is actually the Executive Secretary of the Commission and then she listed all those things that are being suggested to be amended correctly. Therefore, we need to look at this Bill and make sure that things follow properly.

The Chairman: What we are trying to amend now is what the Committee ought to have done. We are amending the law as presented, not their own recommendation because their recommendation is the way out of what we want to amend. So, the amendment is on the extant Act. We should not bother about the recommendations that have come up.

We are making corrections on the original Bill given to you which is on the first column. That is the one we are making corrections now. Meanwhile, we will ignore the second column which is their own suggestion of two women and two persons from the public sector. We are looking at the original Bill so that we can make amendments.

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Senator Umaru Dahiru (Sokoto South): The issue of climatic change is so fundamental now. In fact, the issue is always discussed at the highest level of government. We saw that during the last meeting of the G8. Also during the Inter-Parliamentary Union session it was a subject on its own.

I will certainly adopt the Bill the way it was represented in terms of appointment. Of course, we can add the experts. However, these issues are always discussed at the highest level. It is important to make the government aware of the position of things. We should not wait until a Commission is constituted before they report to the government. Only God knows when the government will start taking action. Once the government is involved the Minister, Mr. President or even the Vice President will know the issue at stake and certainly implement whatever decision to be taken. So, I suggest that we leave the original Bill the way it is.

The Chairman: My understanding, Senator Dahiru, of what you said now is that we should leave Ministry of Justice, Foreign Affairs, Ministry of Finance. That is why it is good to be attentive when somebody is making a contribution. Senator Jibril has made original amendment on this, any other amendment has to reflect that one also.

Senator Victor Ndoma-Egba (Cross River Central): Mr. Chairman, mine is just to react to Senator Aminu's suggestion that Ministry of Justice should be removed. The issue of climate change today is governed largely by Treaties and Conventions. Nations agree on an approach and treaties are now taken to Member States for ratification. If we remove Ministry of Justice then, it would become very difficult for us to implement those treaties. It is very important that Ministry of Justice remains a member of that Council.

Senator Umar Hambagda (Borno South): Climate is a distinct field of study. We have Professors of Climatology in the universities. Of all the collection in this list people may be in science and technology but they may not necessarily be climatologists. Though, you may need this entire people, you still need experts who will guide the Board. Therefore, first of all, I support the suggestion of Senator Jibril Aminu that there should be two climatologists representing the universities. In addition, I suggest that the Director General, Nigerian Metrological Agency (NIMA) as a member of the Council because NIMA interacts globally with climate related issues and climate change. They provide us with all the information required with climate change. So, the Director General of NIMA and two Climatology Professors representing the universities should be in the Board.

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I also agree that the Ministry of Justice should be part of the Board because there are many Conventions and other things that need ratification, therefore, the presence of the Ministry of Justice will also guide the Board.

Senator Lee Ledogo Maeba (Rivers South East): While supporting the retention of the provisions of the original Bill, I wish to draw our attention to Clause 2 that says: *The Commission shall consist of the President of the Federal Republic as Chairman and in the absence of the President, such other person as may be designated by him in that behalf to act as chairman.* That provision is not constitutional. In the absence of the President in any matter, the Vice President automatically acts. So it is not correct to say that he should appoint somebody else if he is not there. So we should re-write it that *the President of the Federal Republic as Chairman* and stop there. In his absence, it is the Vice President that would act.

The Chairman: Where the President is taken out as the President and made a Chairman of a Committee the Vice President does not automatically act if he is not around. Where it is specified like the way it is now. The Vice President does not follow him to everywhere he goes. There is nothing unconstitutional about this if we say that he is the Chairman of this Committee and in his absence he will designate somebody to act for him. In this case if you look at the Constitution there is nothing wrong.

Senator T. U. Wada (Gombe South): Mr. President, in line with the suggestions that have been made, we are retaining the extant Act. I want to endorse what the Deputy Senate President has said and that will take care of the universities, climatologists or whoever. We will just add Sub-Clause (2) which is in the Bill already that *two other members who shall be persons with vast cognate experience in the field of climate change.* That will take care of it. So, we should add that to become (a)(ix). That takes care of it. We have all those people there retained, if we add two other people with cognate experience in the field of climate that takes care of everything and we will keep the law simple and straightforward.

The Chairman: The point that Senator Jibril Aminu made is that we should specify that they should come from the universities, rather than just saying, two members with cognate experience. This is because they may not come from the universities. His contention is that the universities are involved in research and development in climate change and it is better to get

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some body, a serving Professor or Climatologist from the university to be part of it. A person with cognate experience may not necessarily be in the university. I agree that we should bring people with cognate experience which is the point that Senator Hambagda made.

Senator Tawar Umbi Wada: Mr. Chairman, we should make a representative of the university as No. 9 while No. 10 becomes two persons with cognate experience. That takes care of that.

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. Chairman, the Amendment proposed by Senator Lee Maeba, I want to suggest further amendment to it. To make the President Chairman of a Commission, would be asking for too much of him. Rather, the Vice President should chair the Commission. If that is done, I suggest that we begin to take the items from Clause 2(1)(a) downwards, so that additions can come after. Otherwise, we would be dealing with counter suggestions and argument.

The Chairman: Let me read out what we have at the moment. It is either we take the President or the Vice President as the Chairman, that is the suggestion on the ground. Then other members are - the Minister charged with Power and Steel, Energy Science and Technology, Environment, Housing and Urban Development, and Water Resources. There are also suggestions to include Ministry of Justice, six persons one per geo-political zone, Director General of Nigerian Metrological Agency (NIMA) and a representative of the universities. Can we have additional representatives, please?

Senator Otaru Salihu Ohize (Kogi Central): Mr. Chairman, mine is not exactly an addition but to say that making Ministers members of the Commission, to me, the Ministers are too busy to be seen regularly in the Commission. If it is the representative of the Ministries, from Director upwards, it is better than the Minister. The President may not have the time to be the Chairman.

The Chairman: The reason for this which was advanced as soon as we started this exercise was that this is a very important Commission. It is not just an ordinary Commission. If you have followed the discussions at the meetings of the G8, they addressed these issues. Let us not reduce the Commission to a level where representatives come on board. It is serious enough for Ministers to attend. If they call for Executive Council meeting, Ministers are there, so why

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can they not attend to this Commission headed by the President or the Vice President. The seriousness of the issues involved warrants that they should attend.

Senator Ayogu Eze: Mr. Chairman, looking at some of the Ministries that are already added, the Ministry in charge of Information and Communications is very important because if you are talking about environment, I have not seen NIMENT which is part of Science and Technology included here. But the frequency they use and all the approvals for wavebands are done by the Minister in charge of Communications. That Minister ought to be included in this Commission because his job as an info tech is very important and crucial in this Commission.

The Chairman: Senator Ayogu Eze, frequency used for what?

Senator Ayogu Eze: A Commission of this nature will be responsible for the environment. An institute like NIMENT and other related institutions will work with this Commission. They need information to monitor the weather, climate and the environment. Therefore, NIMET has relevance here.

The Chairman: I want to say once more that if we pay attention when others are talking it would be very helpful.

Distinguished Senator Hambagda suggested the inclusion of the Director General, Nigerian Metrological Agency. What frequency are you talking about?

Senator Ibrahim Mohammed Ida: Mr. Chairman, the Director General of Metrological Service is under Aviation. My suggestion is that it should be Minister responsible for Aviation.

Secondly, if we say, environment, housing and urban development, these are two Ministries combined because we have a Ministry that is separate for Environment and another one for Housing and Urban Development. To me, they should be separated. Ministry of Aviation should be added instead of the Director-General of Metrological Service, because Metrological Service is under the Ministry of Aviation. Here it says, *Ministers responsible for*, so we should be consistent in how we put it in the law.

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The Chairman: It says; the Ministers charged with the responsibility for the following matters. If for any reason they separate Environment, the Minister will be there alone and the Housing Minister will be there also. It covers it already.

For any reason if these Ministers are split in one form or the other, for example, if they split Ministry of Power and Steel, then the Power Minister will be there so also the Steel Minister. The way it is worded at the moment covers it. But the problem against that of Aviation is the Director-General of the Metrological Service is a very specific person in this particular case. The whole of the Aviation Industry is not involved it is just that department that is concerned with it.

Senator Ahmad Ibrahim Lawan (Yobe North): I want to suggest that we include the Director-General, National Remote Sensing Centre. This is because even NIMET depends on data from that organisation.

In addition, I have a complaint to make. Whoever suggested one from each of the six geopolitical zones, the Senate should specify what type of person should represent the zones. This is a highly technical matter and we should not just bring in PDP elements to become Members of the Commission. So, I believe that we should attach some qualifications, experience, skills or expertise that would bring to bear on the Board members.

The Chairman: That is a valid point particularly the one on one member from each of the six geopolitical zones. If that is properly worded, it should read: *Six other persons, one per geo-political zone with cognate experience in the field of climate change.*

Remote Sensing has been covered by Science and Technology. I believe that any of these Ministries would send somebody or come to the meeting with somebody who is equal to the task.

Senator Iyabo Obasanjo-Bello: I want to support the suggestion of the Vice President as the Chairman and also for the organised private sector. The organised private sector should mostly be from the oil industry because they are the biggest contributors to climate change. It is actually the emission of carbon by the oil industry that makes Nigeria to significantly contribute to climate change and that industry needs to be represented.

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The other Industry that needs to be represented is Loggers because the cutting of trees significantly contribute to climate change and the destruction of our forest is a significant issue. It is important for them to be there to see what they need to do to regulate their industries so that it does not continue to contribute to climate change.

The other group, though I do not know how organised they are, is the farmers' group. I disagree that the people from the six geo-political zones should have cognate experience in climate change. An ordinary farmer already has cognate experience in climate change. They are directly affected by the effect of climate change and they can tell you how, over the years, their farming activities were affected.

So, I suggest that we should leave it as six people representing the six geo-political zones because anybody that is an adult may have some experience that would help. He can say something from his experience on how it has affected his life over the years. I, therefore, suggest that farmers, loggers and the oil industries are important and should be members of the Commission.

The Chairman: Well I am not too sure that I have really followed what you have said but forget the second column because it is the first column we are correcting. I do not think we need to bring in the farmers, loggers and people from the oil industry here. This is because climate change would affect all of us not just farmers and loggers. The loggers are part of the problem and bringing them here would not really solve the problem. We are all aware of what the problem is. Do we have any addition?

Senator Mohammed Mana (Adamawa North): First and foremost, I want to suggest that we agree that the Vice President would be the Chairman. Actually, the President is a very busy person. Unlike the Vice President, the President chairs other Commissions like the Boundary Commission and NEEDS.

If we go to page 5, there is a place for Technical Committee where we should put members of the Technical Advisory Committee where specialists are going to be mentioned. We are having the Ministries on page 2 and I would suggest that we have the Vice President as the Chairman and then the relevant Ministries that should not be more than six or seven. When we get to the Technical Committee we can put all the other people that will make technical input to the Commission.

0545

Senator Iyiola Omisore (Osun East): I have followed critically all the suggestions, additions and multiplications so far. You would find out that lots of things that are not necessary have been put into this Commission. If you take Ministry of Environment, for instance, we have forestry and under forestry you have loggers. In the Ministry of Agriculture you have farmers. Inclusion of NIMET is not necessary. We are going to have climatologists on the Board.

Do we want to make a Climate Change Assembly becomes the membership is becoming too cumbersome? Somebody suggested the inclusion of Ministry of Justice which has no business in climate change. It is supposed to be a technical committee and we have to guide the Senate.

People are committing scientific blunders and I have told my Colleagues who are not scientists. Why are we including NIMET and Remote Sensing which are all the same thing. NIMET is basically Metrology nothing more. The Director General of NIMET is a Meteorologist and he does not know anything about climate change.

So, we have to look at it critically and limit ourselves to what is on ground. Let us leave out Water Resources, Agriculture, Rural Development and so many other Ministries. We should not be expansive or make it an Assembly of climate change.

The Chairman: The point raised by Senator Mana has really covered all because in Clause 6 you will see all the technical elements. So this is not technical. So, please do not bring in any more technical person because that is being covered by Clause 6.

Senator Mohammed Adamu Bello (Kano Central): Mr. Chairman, I would like to add that National Association of Environmental Managers should be included.

The Chairman: Can I put the Question now?

Senator Iyiola Omisore: They are not registered, therefore, they are not working.

Senator Mohammed Kabiru Jibrin (Kaduna Central): I cannot see the justification of allowing representations from Ministers of Foreign Affairs and Finance in this outfit particularly, as this is a science based technical Commission.

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The Chairman: Do you say you do not see how Finance can be out of it or can be in it? Why they should be in it?

Senator Mohammed Kabiru Jibrin: Why they should be in it.

The Chairman: They are not in it.

Senator Manzo: With due respect to my very senior Colleague, Senator Aminu, I would prefer the recommendation of the Committee because climate change is an issue based thing. It is not a Ministry issue. We are weighing down the hand of the Ministries and this is an Executive organisation. Suppose the President wakes up tomorrow and says there is no Ministry of Energy what are you going to do? So, let us form the membership based on issues.

In any case, is it only the government that is involved in this environment? All of us are involved. So, I feel strongly that the recommendation of the Committee is more relevant to the issues instead of trying to go back to mere image of the organisation of the Executive.

The Chairman: I have to put the Question now. Let me read out the Amendments. We should take the *Vice President*, instead of *the President*. It should be the Vice President and then Ministers charged with the responsibility of the following matters -

- i. Power and Steel,
- ii. Energy,
- iii. Science and Technology,
- iv. Environment,
- v. Housing and Urban Development,
- vi. Water Resources,
- vii. Agriculture and Rural Development ,
- viii. Justice,
- ix. Six persons - one per geo-political zones with cognate experience,
- x. one representative of the University, and
- xi. Director-General, Nigerian Metrological Agency.

These are all that I have.

Amendment put and agreed to.

Clause 2 (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD OF THE COMMISSION) - as amended, ordered to stand part of the Bill.

0547

Clause 3 (TENURE OF OFFICE) –

Question proposed

Senator Erhiawarie A. Eferakeya (Delta Central): Mr. Chairman, Clause 3 as it is in the original Act says: *The Executive Secretary and other members of the Committee shall hold office for a term of four years and may be re-appointed for a further term of four years and no more.* If somebody has served for eight years and later he is found still worthy, would he be shut out?

Several distinguished Senators: Yes, that is what it means.

Senator A. Eferakeya: That is my question. I am raising this because this is a specialised area. We are not looking at the recommendation of the Committee. Have we totally thrown out the recommendation of the Committee?

The Chairman: While I agree with you that this is a professional body but I believe that when you have served for eight years, you should have done enough. I do not think one should remain there until one dies.

Senator Tawar Umbi Wada: Mr. Chairman, if we look at the extant Act in terms of tenure, the tenure of the Executive Secretary has been provided for and other members but the Amendment as suggested by the Committee excluded the Executive Secretary. I would suggest that Clause 3(a) should read: *The Executive Secretary and other Members other than ex-officio members shall hold office thus.* That would take care of everything including the Executive Secretary.

The Chairman: Senator Bent, have you provided for the Executive Secretary anywhere?

Senator Grace Folashade Bent: Yes, Sir.

The Chairman: Where?

Senator Grace Bent: In Clause 11 on page 9.

The Chairman: All right, Senator Wada that has been very well provided for. I will put the Question in favour of Clause 3.

Question put and agreed to.

0548

Clause 3 (TENURE OF OFFICE) – *ordered to stand part of the Bill.*

Clause 4 - (CESSATION OF MEMBERSHIP OF THE BOARD)

Question proposed

Senator Ibrahim Mohammed Ida: Mr. Chairman, Clause 4(2) says: *The Commission shall meet at least six times in every year with at least one meeting in each quarter for the due performance of its functions under this Act.* For the purposes of applying the proper legal language, I suggest that it should read thus: *The Committee shall meet not less than six times* rather than saying *at least six times*. That is the appropriate legal language.

Several distinguished Senators: Where are you?

Senator Ibrahim Ida: I am on Clause 4(2) on page 4. I am reading from the original Act.

Several distinguished Senators: Clause 4 that we have talks about Cessation of Membership of the Board and that is on page 3. (*Interruptions*)

The Chairman: I see what you are saying and I think there is a problem here. What you read is correct but we have not got there yet. We are on page 3. What you read on page 4 as Clause 4(2) is correct but there is a problem there. It has to be re-numbered.

Senator Bent, it is good you look at that numbering before we get to it. I am taking the Clause 4 on page 3.

Senator Umaru Dahiru: Clause 4(1) says: *Notwithstanding the provisions of Section 3 of this Act, a person shall cease to hold office as a member of the Board if -* I want us to insert the words, *other than ex-officio member* after the word; *person*. This is because if you are an ex-officio member automatically, you cannot resign. This section applies to private members. We have a permanent Minister and a permanent Vice President.

The Chairman: If he becomes medically unfit to carry out his or her duties why do you want to say other than ex-officio member?

0549

Senator Umaru Dahiru: Mr. Chairman, we are addressing those that are brought in from outside. It is assumed that the Ministers are permanent there because there is always a Minister.

The Chairman: Perhaps, I am not getting your argument. If a Minister becomes medically unfit how does he or she continue?

Senator Ahmed Lawan: Mr. Chairman, I think we are putting the cart before the horse. We are supposed to first of all consider the provisions of the Bill before what the Committee is recommending. If that is accepted then we should look at page 4, Clause 4 as provided in the Bill before we look at what the Committee is recommending.

The Chairman: That is entirely another suggestion. He is saying that we should correct Clause 4(1) to say that: *Notwithstanding the provisions of Section 3 of this Act a person other than ex-officio member shall cease to hold office.*

Senator Omar Hambagda: Mr. Chairman, if you finish reading Clause 4 you will know that the ex-officio he is talking about has been addressed in sub-clause (3) which says that: *If a member ceases to hold office for any reason whatsoever before the expiration of the time to which he was appointed*, which means a Minister is appointed by virtue of his office. So, if he is removed as a Minister he ceases to be there so, there is no need for that exception.

The Chairman: What I will do is to put the Question so that we do not just go up and down.

Senator Ahmed Mohammed Makarfi: Mr. Chairman, I thought that the matter is settled. I have Amendment on other issues. So, I will wait for that.

The Chairman: I will put the Amendment on Clause 4(1) as made by Senator Umaru Dahiru.

Amendment put and negatived.

Suspension of Discussion on a Bill

Senator Teslim Kolawole Folarin: Mr. Chairman, at this point I want to move that we defer further action on this Bill till another legislative day.

I so move.

0550

Senator Kabiru Ibrahim Gaya: Mr. Chairman, I second the Motion moved by the Leader that we suspend any other discussion on this Bill till another legislative day.

Question put and agreed to.

Resolved: That the Senate do suspend consideration of the Bill on the National Climate Change Commission till another legislative day.

Senator Teslim Kolawole Folarin: Mr. Chairman, I move that the Chair do now report progress.

Senator Kabiru Ibrahim Gaya: Mr. Chairman, I second the Motion that the Chair do now report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Environment and Ecology on National Climate Change (Establishment) Commission Bill, 2009 and approved as follows:

Clause 1 - as recommended

Clause 2 - as amended

Clause 3 - as recommended, and

Clause 4 (i) - as recommended.

The Committee suspended further consideration to another legislative day. Is this a true reflection of what was discussed in the Committee of the Whole?

Several distinguished Senators: Yes.

Deferment of Item on the Order Paper

Senator Teslim Folarin: Mr. President, I move that we step down the last Item on the Order Paper to the next legislative day, which is tomorrow.

Senator Kabiru Gaya: Mr. President, I second the Motion moved by the Leader that we step down the next Item on the Order Paper to the next legislative day.

Question put and agreed to.

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Resolved: That the last Item on the Order Paper be deferred to the next legislative day.

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow 16th July, 2009 at 10.00 a.m.

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Senator Kabiru Gaya: Mr. President, I second the Motion moved by the Leader that the Senate do adjourn till tomorrow 16th July, 2009, at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do now adjourn till tomorrow Thursday, 16th July, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.10 p.m.