

0977

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 14th May, 2009

The House met at 11.00 a.m.

P R A Y E R S

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Wednesday, 13th May, 2009.

**OATH OF ALLEGIANCE
AND
OATH OF MEMBERSHIP**

The Deputy Speaker: Any Member who has not been sworn in may, please, come forward for the administration of Oaths.

Thereupon, the following Member made and subscribed the Affirmation required by law -

Alhassan Uba Idris (Dala Federal Constituency of Kano State)

**MESSAGE FROM THE PRESIDENT OF
THE FEDERAL REPUBLIC OF NIGERIA**

The Deputy Speaker: Hon. Colleagues, I have before me message from Alhaji Musa Yar'Adua, President of the Federal Republic of Nigeria. It reads:

12th May, 2009

*Right (Hon.) Dimeji Bankole, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three-Arms-Zones,
Abuja.*

Dear Brother,

**OPTIMAL IMPLEMENTATION OF 2009 BUDGET:
MATTERS ARISING**

I am writing as a follow-up to our various discussions which took place following my assent to the 2009 Appropriation Act. You will recall that I had

0978

raised specific concerns on a number of issues pertaining to our ability to implement the 2009 Budget as passed.

Following our discussions and upon the assent to the Bill, I requested the Presidential Committee on 2009 Budget under the Chairmanship of the Minister of Finance to review these issues and advise appropriately. The Committee had extensive discussions with the Ministries, Departments and Agencies (MDAs) on how best to implement the 2009 Budget and the outcome of these deliberations validates the concerns I raised earlier on.

The first major challenge that surfaced relates to the revenue projections and deficit financing. You will recall that I had indicated then that the approved revenue projections are well in excess of what we consider to be realistically obtainable. Although, oil prices have recovered somewhat from the low point of US\$37 per barrel in December 2008 to about US\$50 per barrel today, oil revenue continues to be a source of concern with production falling as low as 1.6 million barrel a day for a period due to the situation in the Niger Delta as well as the limits set by our OPEC production quarter of 1.67 million barrels per day. In addition the non-oil revenue projections remain very ambitious compared to actual receipts to date. Overall, we experienced of shortfall in revenue of over 30 per cent in the first quarter.

This revenue shortfall as exacerbated by the challenge of financing the fiscal deficit. We had identified sources of financing the deficits such as accessing the international and local capital markets. However, we have stepped down plans to issue the US\$500 million denominated international bond due to the ongoing global financial crises which has adversely affected international liquidity.

The administration is also being cautious in excessively accessing the domestic financial markets to avoid the risk of crowding out the private sector and stifling economy growth. Furthermore, privatisation proceeds appear to have been over-estimated. Finally, although we have introduced measures to improve internally generated revenue, including Custom Reforms and Audit of MDAs' internally generated revenues, there are still challenges in meeting our financial needs.

Another area of concern highlighted by the on going review relates to the initiatives of Government that are critical to the attainment of the 7-point Agenda of this Administration. The amounts proposed by the Executive were cut or completely removed from the 2009 Budget appropriation. These include -

0979

- (a) provisions for power related project critical for the attainment of targeted 6000mw of power by the end of 2009;
- (b) allocations for the Multi Year Tariff Order (MYTO) which is critical to the on going power sector reforms;
- (c) vote for security of Oil and Gas assets to improve the security around our oil installations;
- (d) arrears for parastatals monetisation;
- (e) provision for public sector wage adjustment;
- (f) provision for FCT water treatment plant;
- (g) construction of soldiers' accommodation necessary to improve security, under the 7-point Agenda; and
- (h) Mr. President's contingency which is a vital provision that provides the administration with the necessary resources to promptly respond to urgent and unanticipated expenditures. Details of these are provided in the annex to this letter.

Furthermore, there are several areas where new projects were included in the 2009 Budget as passed. Ministers have expressed concerns about their ability and capacity to implement some of these projects. A number of these projects have not had the benefit of proper design and costing prior to their inclusion in the Budget while others such as construction of boreholes, primary school classrooms and the like, might present a challenge of effective supervision and implementation from the centre. You would recall that in last year's budget, we had agreed, as a matter of principle that these kinds of projects will not feature in the Federal Government's Budget.

In addition to the expenditure related issues above, there are certain Clauses in the 2009 Appropriation Act, which impinge on the constitutional principle of separation of powers. These clauses relates to the reporting requirements of release of funds by the Accountant General and their utilisations by MDAs. As you are well aware there are clearly defined channels of reporting to the National Assembly and it would be more practical and consistent with the principles of separation of powers that these channels are utilised since the Accountant General and all Accounting Officers of MDAs report directly to the Executive. Furthermore, the requirement pertaining to the budgetary releases does not take into account

0980

situations where there are revenue shortfalls, as is the case now.

In the light of the above concerns, it would be necessary at the appropriate stage to revisit some aspects of the 2009 Budget as passed through the following measures;

- (a) Aligning and rationalising government spending with revenue flows and prioritising expenditure to focus on projects central to the realisation of the administration's 7-point Agenda;
- (b) Virement proposals to relocate resources from projects for which we do not have capacity for implementation and effective supervision to crucial projects;
- (c) Submission of supplementary budget to the National Assembly to fund particularly projects that were left out in the 2009 budget;
- (d) Initiating dialogue with the National Assembly to address issues of constitutional separation of powers in relation to budget execution.

The Executive will continue to engage with the Leadership and Members of the National Assembly in addressing these issues. May I crave your understanding and cooperation to facilitate their resolution for the ultimate benefit of Nigerians.

I would like to once again thank you and all your distinguished Colleagues for your patriotism, cooperative spirit and contribution in bringing the 2009 budget process to a successful conclusion. I trust that I can count on your support as we seek to implement the budget amidst complex and difficult challenges occasioned by the global economic crisis.

Yours sincerely,

(Signed)
ALHAJI UMARU MUSA YAR'ADUA
PRESIDENT

ANNOUNCEMENTS

PDP North Central Caucus Meeting

The Deputy Speaker: I have the following announcements. The first is from Hon. Baba Shehu Agaie, Deputy Leader of the House.

0981

There will be a PDP North Central Caucus meeting with Party Executives of the Zone today.

Time: 2.00PM

Date: 14th May, 2009

Venue: Protea Hotel, Asokoro, Abuja.

(Signed)

Hon. Baba Shehu Agaie,
Deputy House Leader.

Meeting of the Committee on Marine Transport

This is to inform all Members of the Committee on Marine Transport that there will be a Committee meeting today.

Time: 2.00 p.m.

Date: Thursday, 14th May 2009.

Venue: Committee Room 3.27, New Building, House of Representatives.

Please be punctual.

(Signed)

Hon. Ifeanyi Ugwuanyi
Chairman

Election Victories

The Deputy Speaker: I have letters on Election victories from two hon. Members of this House. The first one, from Hon Saudatu Sani, reads:

I wish to inform the Rt. Hon. Speaker and my hon. Colleagues that I have won my election appeal on Friday, 8th May, 2009. In a unanimous judgment, the Court of Appeal sitting in Kaduna declared my humble self as the duly elected person to represent Lere Federal Constituency in this House of Representatives.

I wish to use this medium to extend my deepest appreciation for the wonderful support, kind words of encouragement and prayer by Mr. Speaker and all hon. Colleagues for this victory.

Thank you. Long live House of Representatives, long live Lere Federal Constituency, long live Kaduna State and long live Federal Republic of Nigeria.

(Signed)

Hon. Saudatu Sani

The Deputy Speaker: Let me also use this opportunity to announce that one of our Colleagues, Hon. Labaran Dambatta has also won his case this

0982

morning. The Court of Appeal decided the case this morning in his favour.

Congratulation!

Constituency Projects for Female Members

The Deputy Speaker: The second letter from Hon. Saudatu Sani reads:

This is to inform female Members that documentation for their Constituency Project starts today, 14th May, 2009 in Kaduna.

Venue: Crystal Garden.

Date: 14th May, 2009

Time: 8.00 p.m.

(Signed)

Hon. Saudatu Sani

Visit of Staff and Pupils of Lyngra Private (Montessori) Nursery and Primary School

The Deputy Speaker: We have in the Gallery today Staff and pupils from Lyngra Private (Montessori) Nursery and Primary School in Karu, Nasarawa State.

Can you, please, rise up for recognition?

(Staff and pupils of the institution rose up for recognition)

Wesley Junior Secondary School

We also have in the Gallery Staff and Students of Wesley Junior Secondary School, Wuse, Abuja.

Please rise up for recognition.

(Staff and pupils of the institution rose up for recognition)

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has a Petition to present to the House may, please, rise to do so.

Association of Federal Housing Authority Residents of Sherada Phase II, Kano: Petition against Federal Housing Authority, Abuja

Hon. Abdulrahman Suleiman K. Sumaila (Sumaila/Takai): Mr. Speaker, I have a Petition from

0983

the Association of Federal Housing Authority Residents of Sherada Phase II, Kano against Federal Housing Authority, Abuja for imposing exorbitant levy on them ranging from ₦1 million to ₦4 million. Most of them are retired workers battling for survival. They are praying this House to intervene in this lingering problem.

With your permission, may I lay the Petition on the Table?

The Deputy Speaker: Please do.

Petition laid.

Appeal for the Review of Unlawful Termination of Appointment

Hon. Yakubu Umaru Barde (Kajuru/ Chikun): Mr. Speaker, I have a Petition from one Samuel M. Gaya who was a Director of Legal Services with NCAA (Nigerian Civil Aviation Authority) and his appeal is for the review of his termination of service from NCAA.

The crux of the matter was that the Civil Aviation Act created the Office of Director of Legal Service and the present Minister scrapped the office and merged it with other Directorates in NCAA without recourse to the Act that was passed by Parliament.

Mr. Gaya is appealing to this honourable House so that his case and that of the Director of Administration and Corporate Service in the person of Alhaji Musa Garba be looked into so that justice can be done to them.

With your permission, may I lay the Petition on the Table?

The Deputy Speaker: Go ahead.

Petition laid.

Petition against Bureau of Public Enterprises (BPE) by Mr. Daniel Nwogbo

Hon. Charles Adedo (Idemili North/Idemili South): Mr. Speaker, I have a Petition from Mr. Daniel Nwogbo against Bureau of Public Enterprises. He did some consultancy services for the Bureau in 1993 when they were called Technical Committee on Privatisation and Commercialisation (TCPC). After he completed the job, part of his payment was made in 1994 and the balance has not been paid up till date. So he is

0984

approaching this House to look into his case and then give him justice.

With your permission, I want to lay this Petition on the Table.

The Deputy Speaker: Go ahead.

Petition laid.

Wrongful Termination of Appointment

Hon. Patrick A. Ikhariale (Esan Central/Esan West/Igubeben): Mr. Speaker, I have a Petition from one of my constituents by name Festus Ifuokhaunu against the management of West African Gas Pipeline Company.

He is praying this honourable House to come to his aid and ensure that justice is done to the most unfortunate circumstances and the manner by which the West African Gas Pipeline Company terminated his appointment without cause and without fulfilling any of the existing contractual obligations they entered into. The details of all that happened are contained in the body of this Petition.

With your permission, I wish to lay the Petition on the Table.

The Deputy Speaker: Go ahead.

Petition laid.

Payment of Entitlement or Reinstatement into Service

Hon. Rufus Omeire (Ideato North/Ideato South): Mr. Speaker, I have a Petition from a member of my constituency, Mr. Eberechukwu Eze. Mr. Eze was employed by the Federal Ministry of Education in the Internal Audit Unit in 1983. In 2006 he was relieved of his duty during the government rightsizing policy exercise. This constituent claimed that his name was removed from those to be retired at that time.

Surprisingly his name also was removed from the entitlement list. For three years now this constituent with family has suffered untold hardship as he has to come to and fro Lagos to try and resolve this matter but to no avail.

He prays that this House urge the Federal Ministry of Education to either reinstate him or pay his retirement benefit to alleviate his poverty and suffering.

0985

With your kind permission, may I lay this Petition on the Table?

The Deputy Speaker: Go ahead.

Petition laid.

**Unlawful Dismissal of Mr. Ayodele Adisa
Opaleye by NNPC**

Hon. Kayode Amusan (Abeokuta North/Obafemi Owode/Odeda): Mr. Speaker, I have a Petition from Mr. Ayodele Adisa Opaleye, one of my Constituents who was a staff of the Nigerian National Petroleum Corporation (NNPC) for 18 years and 7 months up till October 2005. He claimed in this Petition that he was unlawfully dismissed based on an inconclusive report that was concealed by the immediate past Group Managing Director of NNPC.

His prayer is simple; he wants this House to look critically into this issue and take necessary action so that he could be reinstated in his office.

With your kind permission, I wish to lay the Petition on the Table.

The Deputy Speaker: Please do.

Petition laid.

**Non-Payment of Hotel Bill by LOC to
Mrs. Alu Dim**

Hon. Herman Hembe (Konshisha/ Vandekiya): Mr. Speaker, I have a Petition from one of my constituents, Mrs. Alu Dim, the owner of Yaban Hotels. This Petition relates to the use of its hotel premises by the Local Organising Committee (LOC) of the Nigerian 2009 FIFA Under-17 World Cup. The Local Organising Committee used her hotel premises from August 2007 up to March 2008 and up till date they have refused to make payments despite all efforts made. She has come before this House seeking justice.

With your permission, Mr. Speaker, may I lay this Petition on the Table?

Petition laid.

**Petition against Nigerian Security,
Printing and Minting Company for
Non-Payment of Pension Entitlements**

Hon. Labaran Dambatta (Dambatta/ Makoda): Mr. Speaker, I have here with me a Petition from the

0986

Nigerian Union of Pensioners against the Nigerian Security, Printing and Minting calling on this House to kindly assist them to see that they are paid their appropriate pensions and entitlements.

With your kind permission, I will lay the Petition on the Table.

Petition laid.

(All Petitions accordingly referred to the Committee on Public Petition)

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Point of Order Mr. Speaker! My point of Order is Order VIII, Rule 2(2) of our Standing Orders at page 25. It says:

Messages from the President

A message from the President, if presented to the House by the Leader of the House, may be brought up at any time before the commencement or at the close of public business and shall be considered forthwith or ordered to be considered upon a future date.

Mr. Speaker, what I am saying or doing here is not personal. We are just doing our work as representatives of our people. The letter sent by Mr. President is very important to the function and responsibility that is constitutionally given to us. We should note that history will not forgive us. If we decide to play to the Gallery for the sake of some individuals, then we should know that God will hold us responsible and history will not forgive us. Let me say, once again, that this is not personal. This is about the budget; the budget is very important.

Just yesterday, we raised this issue and everybody was concerned and suddenly today, we have this letter. I was anticipating this letter and the behavior was based on this intent. Therefore, I am saying that if we cannot take it now, we should fix a date so that we look at this issue and discuss it exhaustively so that this House will take a position.

The Deputy Speaker: Hon. John Halims Agoda, let me hear from you.

Hon. John Halims Agoda (Ethiope East/ Ethiope West): Mr. Speaker, the issue is simple. I want to ask, with due respect, that the letter from the President of this country to this distinguished Parliament following from what the Speaker read to this House in my own view contains a lot of critical issues some of which are constitutional.

0987

Therefore, for us to know the right direction and where we are going, I urge that this letter be distributed and a date fixed for a thorough debate and decision that will actually lead to national realisation of our collective dream will be taken.

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom):
Point of Order, Mr. Speaker!

The Deputy Speaker: Yes, Order what?

Hon. Ita Solomon J. Enang My point of Order is Order VIII Rule 2(1) of our Standing Orders. What Hon. Halims Agoda has said, is in accordance with Order VIII Rule 2(2) because Order VIII, Rule (1) on page 24 says:

The Speaker shall immediately after prayers or as soon as any new member has taken his Oath of Allegiance read to the House any message addressed to the House by the President of the Federal Republic of Nigeria.

After the reading of that message, it does not call for any Address unless we fix a date. However, for clarity, it is only the message that is given to the House from the President delivered by the Leader of the House that can be taken account of immediately and debated sometimes in form of a Bill. However, from the submission of my Colleague, Hon. Agoda, we will fix a date to deliberate upon this matter but we cannot take up this matter immediately as Hon. Hohammed Ali Ndume of the ANPP had demanded.

Hon. Ubale Jakada Kiru (Bebaji/Kiru): Point of Order, Mr. Speaker!

The Deputy Speaker: What is your Point of Order?

Hon. Ubale Jakada Kiru: My point of Order is Order IX, Rule 2(2) of our Standing Orders at page 35. It says:

When the question of Order has been stated, the Member who raised it shall resume his seat and no other member except with the leave of the Speaker or Chairman shall rise until the Speaker or Chairman has decided the question after which the member who was addressing the House or Committee at the time the question was raised shall be entitled to proceed with his speech giving effect to the ruling from the Chair.

The point of Order raised by Hon. Ita Enang was out of place because ruling was not delivered on the Point of Order raised. Hon. Ita Enang was doing it

0988

before you ruled on the Point of Order raised by Hon. Ali Ndume.

The Deputy Speaker: But you are also doing the same thing, Hon. Ubale Kiru.

Hon. Ubale Jakada Kiru: Doing it does not make it correct. The fact that he had done it showed that what he did was wrong and there was need for the Speaker to take note of the wrongdoing.

The Deputy Speaker: Hon. Ubale Kiru's Point of Order is sustained.

Hon. Ali Ndume, the last sentence of the Order you read states: *shall be considered forthwith or ordered to be considered upon a future date*. This letter will appear on our Votes and Proceedings. Therefore, every Member will have the opportunity of perusing it. When you read the letter then you will be in a position to debate or discuss on the letter. Therefore, I rule that this letter be discussed after it has been circulated in the Votes and Proceedings.

PRESENTATION OF BILLS

The Deputy Speaker: The First Business of the Day is the presentation of three Bills. The Clerk is invited to read the Short Titles of the Bills.

National Agency for Albinism and Hypo-Pigmentation (Establishment) Bill, 2009

National Agency for Albinism and Hypo-Pigmentation (Establishment) Bill, 2009 (HB. 210) – presented by Hon. Abbass Ogwime Braimah (Etsako East/West Central) - *read the First Time*

Evidence Act (Amendment) Bill, 2009

Evidence Act (Amendment) Bill, 2009 (HB. 214) – presented by Hon. Henry Seriake Dickson (Ekweremor/Sagbama) – *read the First Time*.

Foreign Offenders (Publication of Information) Bill, 2009

Foreign Offenders (Publication of information) Bill, 2009 (HB.217) – presented by Hon. Iorwase H. Hembe (Konshisha/Vandekiya) and 73 others – *read the First Time*.

PRESENTATION OF REPORTS

Report of the Committee on Health on the of the

0989

0990

National Primary Health Care Development Agency Act, 1992 (Amendment) Bill, 2008

The Deputy Speaker: The second Business of the Day is presentation of the Report of the Committee on Health on a Bill for an Act to Amend the National Primary Health Care Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2008 (HB. 133) standing in the name of Hon. Alaba Lad-Ojomo.

Hon. Members will recall that the Bill was referred to the Committee on Tuesday 24th February 2009. The report is now ready for presentation. Hon. Ojomo is invited to present the Report.

Hon. Oladoyinbo Ojomo-Alaba: (Owo/Ese): Mr. Speaker, I move that the House do receive the Report of the Committee on Health on a Bill for an Act to Amend the National Primary Health Care Development Agency.

Hon. Ado Dogo Audu (Jemaa/Sanga): I rise to second the Motion moved by Hon. Alaba Ojomo.

Question put and agreed to.

Report laid on the Table.

Report of the Committee on Health on the Repeal of the National Programme on Immunization Act, 1997 (Repeal) Bill, 2008

The Deputy Speaker: The third Business of the Day is presentation of the Report of the Committee on Health on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunisation to the National Primary Health Care Development Agency and for Matters Connected Therewith, 2008 standing in the name of Hon. Alaba Ojomo.

Hon. Members will recall that the Bill was referred to the Committee on Tuesday, 24th February, 2009. The Report is now ready for presentation. Hon. Ojomo is invited to present the Report.

Hon. Oladoyinbo Ojomo-Alaba: Mr. Speaker, I move that the House do receive the Report of the House Committee on Health on a Bill for an Act to Repeal the National Programme on Immunisation Act, 1997 and Transfer the Functions of the National

Programme on Immunisation to the National Primary Health Care Development Agency.

Hon. Saudatu Sani (Lere): I rise to second the Motion moved by Hon. Alaba Ojomo.

Question put and agreed to.

Report laid on the Table.

Report of the Joint Committee on Health and Justice on Possession, Sale, Use of Corrosive Chemical substances, Hydro-chemical acid etc Control Bill, 2008

The Deputy Speaker: The fourth Business of the Day is Presentation of Report of the Joint Committee on Health and Justice on a Bill for an Act to Control the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydro-Chemical Acid, Trioxonitrate (v) Acid, Tetra sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and other Related Matters, 2008 standing in the name of Hon. Ojomo.

Hon. Members will recall that the Bill was referred to the Committee on Tuesday 18th February, 2009. The report is now ready for presentation. I invite Hon. Ojomo to present his Report.

Hon. Oladoyinbo Ojomo-Alaba: Mr. Speaker, I move that the House do receive the Report on a Bill for an Act to Prohibit the Possession, Sale, Use of Corrosive Chemical Substances.

Hon. Clever Ikisikpo (Ogbia): I second the Motion moved by Hon. Alaba Ojomo.

Question put and agreed to.

Report laid on the Table.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Land Use Act, Cap.L.5 LFN 2004 (Amendment) Bill, 2009

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act, Cap.L.5 LFN 2004 and for Related Matters 2009 (HB.193) -

0991

Order for Second Reading.

The Deputy Speaker: The first Business of the Day is commencement of Debate on the General Principles of a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act, Cap.L.5 LFN 2004 and for Related Matters. The Bill was read for the First Time on Tuesday 17th March, 2009.

I now invite the Leader, Hon. Tunde Akogun, to move that the Bill now be read for the Second Time.

Hon. Abdul Ningi (Ningi/Warji): I have a constitutional point of Order to make, Mr. Speaker. I am relying on Section 9(2) of the Constitution of the Federal Republic of Nigeria and with the leave of the House, I read;

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

I raised this matter for reasons of education and procedure because this Section talks about two-thirds vote. At what point in time are we going to use the two-thirds vote? Is it at the beginning of the input or at the outcome?

I want to be educated on this matter. As I said earlier, this is the first time we are attempting to do this and because it is important, we must be guided by the legal procedural aspect of this particular matter.

If we want to debate it during the Second Reading, must we vote on it? At what time do we need the votes of 240 Members? That is the crux of the matter but I have no problem essentially with the Bill as brought by the Executive. I have read through the Bill; it is very good but I want us to be guided procedurally.

The Deputy Speaker: The procedure is that we discuss this Bill at the Second Reading. We will allow it to pass through the Second Reading and refer it to the appropriate Committee. When the Committee finishes, it would not have Third Reading. At that stage, it has to go to the State Houses of Assembly. After the State Houses of Assembly have passed the Bill, it would then come back to the National Assembly for Third Reading. That is the procedure.

Some hon. Members: No. (*Interruptions*)

0992

Some hon. Members: Point of Order, Mr. Speaker! (*Prolonged Interruptions*)

The Deputy Speaker: We cannot entertain another Point of Order until we ruled on this issue; that is the procedure.

For those of you who were around between 2003 and 2007, the issue of constitutional Amendment was discussed after which it was sent to a Committee for consideration. It was on the day they were to Report to the House as a Committee that that Report was killed.

It was the Committee that brought the Report to the House. Hon. Abdul Ningi was a Member of that Committee. They brought the Report to this House and that Report was killed in the House after the Committee had finished its job.

Hon. Igo Aguma (Port Harcourt I): Mr. Speaker, may I also hide under the current point of Order we are considering now to say that you are totally in order. There must be a document before the House that the House will consider. The House by our Constitution and our Rules performs its duties through Committees. The Committee is the voice of the House.

We will debate on the general principles of the Amendment Bill after which we will commit it to the Committee, which is the hand of the House. Then, we will come back here under Consideration of Bill and take a vote on the two-thirds constitutional requirement. There has been precedence.

The last constitutional Amendment was a precedent. It is on-going. There are two ways in which Bills can evolve. It is either the Bills come as Executive Bills or as House Bills. We are obliged to consider both Bills. Amendment Bill can either evolve from the Presidency or the Civil Society or the House but we must treat it accordingly like every other Bill. What we pass will now be tested in the State Houses of Assembly to get a clean document; that is the procedure.

A hon. Member: Point of Order!

The Deputy Speaker: You cannot raise a Point of Order. There is a subsisting Point of Order an hon. Member had earlier raised. We have to dispense with that before we can take another.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): First and foremost, it is important for us to have a sober reflection that whatever we do must be in accordance with the Constitution and the law that we have sworn to uphold, protect and defend.

0993

Apart from precedence, Hon. Ningi has raised a very valid point intended to guide the House so that we do not proceed on an erroneous position. This is obvious from the wordings of the provision of Sections 9(2) and 315 of the Constitution. When you read them together, it clearly set out what procedure is to be followed.

First, Section 9 does not anticipate anywhere that the Constitution of the Federal Republic of Nigeria can be amended. The reason is simply because of the importance of the document. The fact is that every Member here is a Member of the House by virtue of that Constitution.

The Constitution is so jealous of itself. It says that I can be altered and prescribes the procedure for altering the provision. Section 9 clearly says that once the House resolves that items (a), (b), (c), and (d) by two-third vote need to be altered, then it is sent to the Committee.

The idea of sending it to the Committee in a democratic setting is to enable people who have input to make on the proposal made by the National Assembly to make their inputs. Then, on that we will take two-thirds position and send it to the various State Houses of Assembly who again are required to take two-thirds vote.

With those endorsements, we will now have a document that we can work on and say we are altering

the provision of the Constitution of the Federal Government. This is based on my limited understanding of the contents of the provisions of this law but I stand to be further guided by my Colleagues too.

The Deputy Speaker: We are speaking the same thing. Is there any other person with a contrary view?

Hon. Ehiogie West Idahosa (Ovia North East/South-West): This is a matter of constitutional interpretation. In this House, the authority to interpret the Rules is yours. We should only provide guidance.

The Deputy Speaker: Thank you for that.

Hon. Ehiogie West Idahosa: I just want to provide the elementary words of the Constitution and unless it is unclear, then we should not seek to give it any other interpretation. If I have your permission, can I read?

The Deputy Speaker: Please, proceed.

0994

Hon. Ehiogie West Idahosa: Section 9(2) reads: *An Act of the National Assembly for the alteration of this Constitution not being an Act to which Section 8 of the Constitution applies shall not be passed in either House - including this one - of the National Assembly, unless the proposal is supported by the votes of not less than two-thirds majority of all the Members of that House and approved by Resolution of the Houses of Assembly of not less than two-thirds of all the States.*

One, I dare say that alternation includes Amendment. It appears we must pass it here. After the passage, it is sent to the States Houses of Assembly. They will then have to file their returns before we consider the question of approval. The issue is; do we require the two-thirds to pass before we send? Yes, we do. It is constitutionally obligatory. The question would then follow; do we require the two-thirds to pass after their approval? Yes, we do. This is what this law is saying.

The Deputy Speaker: Hon. Colleagues, with all these arguments, we are on course to discuss the general principles of this Bill.

Thank you, Hon. Abdul Ningi, for raising that issue which has been explained by our Learned Colleagues. The meaning of your constitutional Order, from the explanations of our Colleagues and from my understanding, is that when the Committee finishes its work, it will bring back the Report to the House. That Report will be considered. Then at the point of reporting, we have to subject it to vote to obtain the two-thirds votes to determine whether we have accepted the alteration or not. If we happen to get two-thirds, then that Report will be sent to the Houses of Assembly.

Hon. Ahmed Mustapha (Bauchi): Point of Order, Mr. Speaker!

The Deputy Speaker: Yes, Hon. Mustapha which Order?

Hon. Ahmed Mustapha: My point of Order is a constitutional Order pursuant to Sections 4, 8 and 58 of the 1999 Constitution. Permit me to start with Section 4 where the Legislative Powers of the Federation are vested in the National Assembly. That is the intendment of Section 4.

Then Section 9 (1) states *The National Assembly may, subject to the provisions of this section, alter any of the provisions of this Constitution.* Subsection 2 of this Section went further to enumerate it.

I would also refer to Section 58 to make a

0995

difference. Section 58 shows how the powers of this National Assembly can be exercised in the Consideration of Bills. So the combined effect of Sections 4, 9 and 58 of the Constitution is saying that there are two ways to pass a Bill into law: One, the ordinary one pursuant to Section 8; Two, the special one, pursuant to Section 9 which deals with amendment or alteration of the Constitution.

I am still of the opinion that what we are going to embark on is a wrong procedure.

The Deputy Speaker: Hon. Mustapha, you are overruled.

Hon. Abdul Muhammad Sani (Alkaleri/ Kirfi): Point of Order!

The Deputy Speaker: Is it on the same issue?

Hon. Abdul Muhammad Sani: It is on the same subject matter.

The Deputy Speaker: But the Leader has not even presented his argument.

Hon. Abdul Muhammad Sani: It has been presented.

The Deputy Speaker: He has not. I call on the Leader to present his argument after which Members are free to contribute.

Hon. Tunde Akogun (Akoko Edo): Hon. Speaker, I rise to move that a Bill for an Act to alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act Cap. 15, LFN 2004 and for Related Matters, 2009 be read a Second Time.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to second that the Bill be read a Second Time.

Question proposed.

Hon. Tunde Akogun: Mr. Speaker, this Bill which seeks to amend the Land Use Act by restricting the requirements of Governor's consent to assignment is a simple one; it need not attract any controversy.

Hon. Abdul Muhammad Sani: Point of Order!

The Deputy Speaker: Which Order?

0996

Hon. Abdul Muhammad Sani: It is Order XII, Rule 1(3) at page 50 which deals with Compendium and Consolidation. It reads:

On the introduction of a Bill, a compendium of background information and financial implications of such bills, if passed into law, shall be delivered to all members.

If it is an amending Bill, an up-to-date consolidation of the Act or Acts to be amended shall be delivered unless the bill amends an Act amended previously in the Session.

We asked previously for the Principal Act to come along with the amendments so that we can study it beforehand in order to make meaningful contributions to this discourse. I want to assure you, Sir, if everybody is honest in this House, that we have not gotten this consolidation of the two Acts, that is, both the proposal and the original in such a way and in good time that we can give meaningful consideration to this.

Remember it said *shall* which is mandatory and, therefore, based on this non-availability of the compendium of consolidation and all the information behind it, I call for this House to stand the Bill down for now until we are given this information and we get enough time to consider this Bill.

The Deputy Speaker: Hon. Sani Abdu, you are overruled. Go ahead, Leader.

Hon. Tunde Akogun: Mr. Speaker, as I was saying, this Bill should not attract any controversy. This is why only last week, the Senate passed this Bill very smoothly so the ball appears to be in our court now. In fact, the Land Use Act is the principal legislation affecting the administration of land and land use in the country.

Since its enactment in 1978 certain provisions have been identified as negating the easy and efficient use of land as a factor of production. Consequently, the potential economic value of our abundant land is not being maximised. To remedy this, the ease of access to ownership and transaction on land is being proposed for availability and efficient use.

Basically, this Bill proposes to delete from the Land Use Act the requirements for Governor's consent to alienate interest in land by whatever means. This is intended to facilitate alienation in land without the debilitating bottleneck associated with obtaining consent to alienate. This Bill will surely ensure easier access to land for agricultural, industrial and

0997

urbanisation purposes. This is where and how this issue touches the common man. I know that land administration is a critical issue. It is like the blood that flows in the vein of a human being.

I urge hon. Members to vote so that we can proceed with the alteration of the Land Use Act so as to achieve an increased access to land for all-round development of Nigeria and Nigerians.

The Deputy Speaker: We are now debating the General Principles of the Bill; and it is not about whether you are for or against the Bill. You can speak on the General Principles of the Bill.

Hon. Emmanuel Jime (Markurdi/Guma): I wish to very humbly throw my support behind this proposed Amendment Bill. I believe, as the lead speaker mentioned in his short address, that perhaps reform in land administration in our country is long overdue.

The way to go about it is to support any reform intention aimed at ensuring a better administration of land in our country. Part of the reasons why as a Parliament we need to throw our weight behind this particular effort is because this is the one opportunity that has been afforded to us to actually start the process of a constitutional amendment that this country is desirous of.

The timing is appropriate that we begin the whole essence of a constitutional amendment. If piece-meal Amendment of the Constitution starting with the Land Use Act is indeed one of the ways by which we can demonstrate clearly our intention as a Parliament to start on the serious work of Constitutional Amendment, we should throw our support behind this attempt.

The only perspective that I would like to offer to our Colleagues as food for thought is that instead of amending the Land Use Act in the way and manner that it stands in the Constitution presently, perhaps the better thing to do is to propose the complete removal of the Land Use Act from the Constitution. I think it is the way to go about it because as you understand, the procedure for constitutional Amendment is burdensome and cumbersome. It is not a procedure that can be achieved very easily.

We all know what this process is going to lead to. After this debate, we are going to send whatever conclusions we have here to the 36 States' Assemblies of the Federation. Two-thirds of the thirty six States of the Federation must approve whatever Resolution of this House and indeed the Senate before it becomes a constitutional amendment properly so called.

0998

If we understand that Land Use Reform is necessary, it then means that we do not have to burden the Constitution with the amendment of the Land Use Act by the constitutional procedure of amendment. Instead of worrying ourselves and allowing the constitutional procedure for amending the Land Use Act to stand in the way, it is better for us to eliminate the difficulty that accompanies constitutional amendment by bringing out the Land Use Act and, indeed, some of the other Commissions that are embedded in the Constitution so that it will be better for the purpose of administration of these laws.

Hon. Chuka Ama-Nwauwa (Ohaji/Egbema/Oguta/Oru): Mr. Speaker, I had thought against this Bill but I think it is in order because the Title is very clear. I have gone through the Bill. It is talking about an amendment to the Constitution.

First of all, we have to agree for an amendment before the provisions can be applied. If we look at the Bill, it is proper. It will solve the problems we have with Land Use Act and the procedure is to amend the Constitution. Our problem now is not amending the Constitution because the provisions of the Constitution on constitutional amendment are very clear.

This is a proposal for the amendment of the Constitution. Amendment of Constitution starts with a proposal and this is the Bill proposing that amendment. So if we agree in principle that this Land Use Act should be amended, then the procedure for the amendment of the Constitution can now commence.

This Bill is going to lay a foundation for everybody that has other forms of constitutional amendments like State creation and other things. It is going to form a very good basis. I support this Bill. It is in order for us to start the process.

Hon. Aliyu Ahman-Pategi (Edu/ Moro/ Pategi): I want to lend my support to the piece-meal approach at amending the Constitution. To start with, I do not agree with what Hon. Emmanuel Jime said earlier about the removal of the entire Land Use Act from the Constitution.

What I think we should start with is to agree first as a House whether or not the Bill itself that came from the President as a proposal is agreeable to us to send to the other State Houses of Assembly. First of all, we should send this Bill to the Committee and let the Committee look at the Clause-by-Clause provisions of the Bill. The House of Representative should first agree that every single line and item in this Bill is agreeable to us as a Parliament after which we can now say we have

0999

1000

a Bill upon which we can start the process of amending the Constitution.

Hon. Igochukwu Aguma (Port Harcourt I): Mr. Speaker, I believe that this is a step in the right direction. Many of us know the encumbrances we encounter in trying to use Title documents that we have to secure and source funds for our various businesses. We know the least time it takes to even get a Certificate of Occupancy in Nigeria today. We also know the least time it takes to transfer Title from one person to the other. Before you can even access funds, your Title must be perfect or as near perfect as possible if the bank is ready to take the risk. This alteration of the Constitution will ease and aid the amendment of the Act so that the issue of Title now resides in the landowners.

In fact, I do not agree that the amendment of the Land Use Act should be such that we amend the Constitution to exclude it from the Constitution the reason being that we are a mono-product economy. We know that there are other Sections of the Land Use Act that try to protect the wealth of the nation. Where we now put it to flow freely, we do not know what may become of it tomorrow.

Most importantly, the Land Use Act as it is today is porous, out-dated and empty. I believe that the alteration of the Constitution to amend that Act should not just be restricted only to the Sections proposed by the Executive Arm. We should look at the Land Use Act now that we have the opportunity in its entirety in order to:

- (i) Safeguard the interests of owners of the land including all minerals found on their land in terms of royalty;
- (ii) Ease the transfer of ownership of land from one person to another for mortgage purposes.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Point of Order!

The Deputy Speaker: Go ahead Hon. Jakada.

Hon. Ubale Jakada Kiru: Mr. Speaker, I am referring to Order XII, Rule 4(2) of our Standing Orders on page 51. With your kind permission Mr. Speaker, I read:

Order XII, Rule 4(2): During the debate on the Motion for the Second Reading to a Bill, an amendment may be proposed without notice to the question "That the Bill be now read a Second Time" to leave out the word "Now" and

add at the end of the question "Upon this day..... months" or an amendment may be moved to leave out all the words after the word 'That' in order to add words stating the object and motive on which the opposition to the Bill is based but such words must be strictly relevant to the principles of the Bill and not deal with its details.

I am a very serious supporter of the constitutional amendment process. I also support that we do it piece-meal. However, I am an ardent supporter of the need for this honourable House to go through this process with optimum justice and fairness and that we can only achieve if Members are given copies on time.

I have not had the privilege of receiving copies of the proposed amendment. After talking to a good number of my hon. Colleagues, I realised that most of us have not had the opportunity to read it. I wonder how we can debate efficiently and qualitatively on an issue over which Members have not had the opportunity to read. *(Applause)*

I am sure Hon. Ita Enang will say no to this but if you look at those small boxes there, you will see the heap of documents that have not been slotted into the boxes. I am sure that part of the problems created for us on this issue has to do with the inability of those documents to be put in our boxes so that we can access and study them before now.

I suggest that debate on this Bill be deferred to another time. *(Applause)*

The Deputy Speaker: Thank you, Hon. Ubale Jakada for that observation but I was told that the Bill was circulated. Therefore, you are overruled.

Hon. Abdul Ahmed Ningi: Mr. Speaker, land in Nigeria is a very important part of human existence. For us land is such a crucial factor for togetherness, brotherhood and nationalistic feelings.

Permit me to read the Act as passed by the then National Assembly in 1978 and precisely what this Amendment seeks to do is to amend essential parts of that Act so that land in Nigeria will be seen as a national asset.

In 1978, the heading of that Land Use Act says:

An Act to base all Land comprised in the territory of each State except land in the Federal Capital or its agencies solely in the Governor of the State who will hold

1001

such land in trust for the people and will henceforth be responsible for the allocation of land in all urban areas to individual residents in the State and to organisations for residential, agricultural, commercial and other purposes while similar powers with respect to non-urban areas are conferred on local governments.

That was the summary of the Land Use Act in 1978. The summary of the intendment of this Act is to say to all Nigerians that any Nigerian can, at any given time, request for a piece of land. He can purchase a land from any owner in any part of the country to make the land efficiently national without the encumbrance of going through red-tapism in the processes that takes place in the States where people are denied the use of land because of religious, political and or settler-indigene purposes. What the Federal Government thinks is that land belongs to government entirely.

Nigerians must be able to acquire this land at every given time. Through this process it will catapult the economic development in most parts of the country. However, the Federal government has seen that because of this denial of land to Nigerians and even foreigners by various State agencies and governments, it throws spanner into economic development.

Therefore, the key to economic prosperity and national unity is in the agreement that land belongs to the people. The Governors and their agencies are more or less given the right to understand that they cannot determine who owns the land at every given time as is obtainable here in Nigeria. For instance, if my Governor in Bauchi State does not want you to have a land in Bauchi even if you merit it, you cannot get it. That is the fact of this amendment and what it seeks to achieve.

This is a Pandora box but it was a closed box such that if you open it there will be crisis but the crisis will come and it will be solved because this is democracy. Yes, it will open up a lot issues but we must address them.

The issue of the Niger Delta comes to mind. It is very important that rights must be given to individuals who own those lands. Right has not been given to individuals who own the land; rather land is now under the condition of the Governors and government agencies. What the Federal Government intends to achieve is that if you own a land, it will be between you who own the land and anybody who wants to purchase the land. The reduction of these bureaucratic bottlenecks is the essence of this Bill.

1002

It is therefore my candid opinion that once we have a submission by the Executive, that does not mean that other things like what Hon. Igwe said, will now come in. We must look at the issue of land holistically and try to come in and do things justifiably.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Point of Order, Mr. Speaker.

The Deputy Speaker: What is your Point of Order?

Hon. Mohammed Ali Ndume: My point of Order is Order VIII, Rule 5. You can sense the feeling of the House on the simple general principles of this Bill. May I with your permission, read the Order:

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

All I am trying to say is that the major concern of most of the Members here now is a copy of the Bill that has not been distributed. *(Interruptions)*

The Deputy Speaker: Hon. Colleagues, please let him finish.

Hon. Mohammed Ndume: We are in a democratic dispensation. You can find out whether Members have this copy or not. If the majority of Members do not have this copy, then you stand it down so that Members will have copies of this Bill.

The Deputy Speaker: Thank you, Minority Leader. Hon. Colleagues, that portion of our Rule that he read said: *A controversial issue may not be raised.* I have already ruled on that.

Minority Leader, do you want to bring controversy again? This is because you are already raising a controversial matter. So you are overruled, Minority Leader.

Hon. Samson Osagie (Orhionmwon Uhunmwode): Point of Order, Mr. Speaker! My point of Order is Order VIII, Rule 5 at page 23 of our Standing Orders. With your permission, I read:

1003

By the indulgence of the House and the leave of the Speaker, a Member may make a Personal Explanation although there be no question before the House. But no controversial matter may be brought forward nor may debate arise upon the explanation. The terms of the proposed statement shall be submitted in extenso to the Speaker when his leave to make it is sought.

The point I want to raise is that I have something to say under that Order.

The Deputy Speaker: Is it on Personal Explanation?

Hon. Samson Osagie: Yes, Sir. My personal explanation is that this Bill- *(Interruptions)*

The Deputy Speaker: If you are talking about the Bill, then it is not personal. You are overruled.

Hon. Samson Osagie: What I want to say is personal to me. I have a right to contribute to the Debate.

The Deputy Speaker: Hon. Osagie, if it is personal, it should be something about you, not about the Bill.

Hon. Samson Osagie: I want to have an opportunity to debate this Bill. I may not have opportunity today if I remain silent. This is a crucial Bill.

The Deputy Speaker: Hon. Osagie, you will be given opportunity to speak.

Hon. Soli Sada Jibia (Jibia/Kaita): Mr. Speaker, land is critical and important to the existence of any living thing. Every one of us in this House knows the history between man and land. Historically, and by the existence of man, land is a key resource for the creation of wealth.

One of the key general principles of this Amendment Bill is that it will restrict the requirement for Governors consents in land transactions to assignments.

Another general principle of this Bill is that it will also render such consent unnecessary for mortgages, sublease and other land transfers in order to make transactions in land less cumbersome and facilitate economic growth.

1004

If we allow this Bill to be read the Second Time and let it go through the Amendment of the Constitution, this Bill is also strategic to this country because it will overcome some of the major legal and logistic difficulties to capital accumulation in this country.

The Bill is to facilitate increased investment in agriculture and strengthen the mortgage industry, which is very weak. The Amendment will make land available and accessible to people and by so doing, increase home ownership.

For example, if we look at the housing deficit burden of 17 million units hanging on Nigeria it will require about ₦35 trillion to fund. In addition, the World Bank Report said Nigeria will need to produce 720,000 housing units to bridge the gap. When we amend this, we will close that gap.

It is important to note that the United Arab Emirate is today a world tourism destination simply because they have amended their land laws.

Hon. Ita Solomon J. Enang (Itu/Ibiono-Ibom): Point of Order, Mr. Speaker!

The Deputy Speaker: Which Point of Order?

Hon. Ita Solomon J. Enang: Mr. Speaker, I am raising Order XII, Rule 1(3) of our Standing Orders. Order XII, Rule 1(1) says:

Notice of presentation of a Government Bill shall be given by publication of the provisions proposed to be embodied in such Bill in an issue of the Official Gazette or House Journal of which a copy shall have been sent to every Member.

I rise to say that in the February edition of the House Journal, this Bill was published as House Bill No.193 on pages (c) 563 and (d) 564 and circulated to every Member.

The Deputy Speaker: Hon. Ita Enang, we have ruled on that.

Hon. Bala Ibn Na'Allah: It is important for us to understand the scope of the amendment sought in respect of this Bill. The Leader had made it very clear that the scope of the Amendment sought is just to limit the consent of the Governor to only assignment; that is all. I have not seen any problem with this Bill.

Everything points to the fact that every Member

1005

here wants at least economic development and prosperity of this country. So if there is an attempt made by the Executive to ensure that whatever stands in that path is removed, it is something that everybody should commend and support.

It is in this line that people should understand the fact that land is such a crucial factor that the framers of our Constitution found it expedient to include in our Constitution. I would say that when you analyse a man, it tells you the importance of land as far as economy is concerned.

The cap and *riga* (cloth) that Mr. Speaker is wearing comes from land; the food he ate today before coming here comes from land; the shoes he is wearing equally comes from land. It is such a vital factor that you cannot just leave it without statutorily tightening the position as far as it is concerned.

That is why Right of Occupancy given to you is limited to 99 years. Reversionary Right will now be revoked; the land will now go back to the government to ensure that other people have opportunity to use it.

I therefore call on my Colleagues to contribute and support this Bill.

Hon. Ayoade Ademola Adeseun (Ogo Oluwa/Surulere Oluyole): Land, as we all know, is one of the most fundamental factors of production and in a nation such as ours, if access to land is impaired naturally in a society that is capitalist oriented, you are likely to have serious problems in the course of trying to produce.

A nation that is as populous as Nigeria – 140 million people - requires every possible avenue to ensure that the average Nigerian is given the right of access to land so that they can do the very best they can in terms of getting their means of livelihood.

Livelihood as is talked about these days are very sincerely encumbered by the strictures in the system whereby governors restrict access to Mortgage, Deeds of Conveyance and access even to land for production in terms of agricultural enterprises. If we can remove these and individuals can go, banks can be freed up.

Banks should be encouraged to accept the land as a means of guarantee for loans and when you get loans and you plough that into the productive sectors of the economy, employment creation becomes an issue which will ultimately help reduce the challenges that we face as a nation.

1006

I absolutely support that this Bill be allowed to go through.

Hon. Samson Raphael Osagie: Mr. Speaker, the rising temper shows that Members are weary and if it is possible we should spread the Debate beyond one legislative day. This is because the Land Use Act is a very important legislation in our statute books. Therefore, it is important that we all have opportunity to participate in the Debate.

The Land Use Act, being a Military enactment that has been assumed by the Constitution was intended to provide for a uniform land administration in the country in the face of various Land Tenure laws and enactments in the various regions of the country. Unfortunately in practice it appears that the Land Use Act has not been able to solve this problem of uniformity. That is why even though the Land Use Act exists we still have traditional approaches to acquisition of land which does not grant the individual citizen easy access to bank facilities to enable them do their businesses and because of the cumbersome nature of the requirements of the Land Use Act, it has become almost impossible for indigent members of the society to have access to land.

Against the backdrop of that, it has become very imperative that, the proposals being a step taken by Mr. President to actualise one of the aims of the 7-point Agenda, we should have the opportunity to look at it holistically. The issues that have been raised and put forward for purposes of amendment by this House are rather too few to capture the entire essence that is required for a smooth and better land administration in Nigeria.

We have to, as a matter of fact, consider this Act Section by Section with a view to ensuring that we remove those anachronistic provisions from the Constitution other than the provisions that we have had.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Speaker, the passion that has been generated by the debate on the Land Use Act (Amendment) Bill shows that land is of utmost importance to us. In rudimentary economics, land is one of the four factors of production and it is the commonest factor of production and everybody seems to have access to land.

Without prejudice to the passions that have arisen on the Floor of the House the Amendment, no matter how limited, shows that the issue of double consent would be removed by this proposed Amendment. What do I mean by double consent? By double consent, I

1007

mean the Governor having to give consent to your mortgage to be able to take loan or access fund and when you are doing that, again, you have successfully paid back your loan, you have to seek the consent of the Governor again to be able to take your papers back and possessory right reverts to you; that is one problem.

What this proposed amendment seeks to correct should be seen from Section 318 of the Constitution as alluded to by Hon. Jime. I am of the opinion that Section 318 should be properly looked into. What we are trying to do, with due respect, is to put the cart before the horse. So much time will be wasted if we have to amend the Constitution by amending the Land Use Act and sending it back to the respective States Houses of Assembly. I believe what should be done has been proposed by Hon. Jime.

The Deputy Speaker: Hon. Austin, you have forwarded your complaint that I am only recognising the old Members. Out of the ten Members that have spoken now, six are new Members; there is no distinction between old and new Members. We are all Members of the House of Representatives.

Hon. Austin Nwachukwu (Ehime Mbano/ Ihittel Uboma/Obowo): There was an erroneous impression because that was not what I said. I am sure I must have been misquoted out of context. I said that the rules are quite clear about calling Members to speak. Somebody cannot speak twice on a particular issue.

Ordinarily I would not have spoken on this Bill because I do not have the copy but some few weeks ago, I was able to go through it and what I have in my memory is what I want to air out.

Invariably, the only reason I want to support this Bill is that there has been this draconic procedure for land acquisition across board but I know that if this Bill is passed into law, such stringent measures that land buyers have been going through in Nigeria would be eliminated.

For example, in some states across the country, non-indigenes have issues of obtaining Certificate of Occupancy (C of O). When you acquire a land, it becomes very pertinent for a Governor or the person in charge to accept giving you Certificate of Occupancy at his own time. But with this Bill being passed to law, I am sure that such procedure would be eliminated. This means that when you buy a land, you are dealing with the actual sellers and the matter is between the seller and the buyer.

In Benin for example, the *Oba* holds the land in trust for the people and if that is the case at hand there will be this amiable transaction between the *Oba* and his

1008

subjects; those who are buying the land. This is because he knows the people and where they are coming from.

Hon. Lawan Goni Bukar (Bursari/ Geidam/Yunusari): All of us know that land matter is a sensitive issue in this country and the world in general. Some of my Colleagues said they do not have copies of the Bill; I do not have a copy of the Bill too. How can I treat something that I have not seen?

We started from primary school up to the level that we are now. We started by reading A-Z before you can read or write sentences. You cannot just treat the Bill without looking at its general principles.

Therefore, I urge this honourable House to, please, adjourn debates on the Second Reading of this Bill so that all of us can have a copy of the Bill before we go further.

The Deputy Speaker: Hon. Colleagues, two Members have spoken from each Zone.

Some hon. Members: No!

The Deputy Speaker: The following Members have spoken:

North Central: Hon. Jime and Hon. Pategi;
South East: Hon. Chuka and Hon. Austin;
South South: Hon. Igoh and Hon. Osagie;

Some hon. Members: Put the question.

The Deputy Speaker: The question is that the Bill be now read a Second Time.

Question put and agreed to.

Bill read a Second Time and referred to the Special Ad-Hoc Committee on the Review of the 1999 Constitution and Ancillary Matters.

Federal Capital Territory Primary Education Board (Establishment) Bill, 2009

A Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 (HB. 202) –

Order for Second Reading.

The Deputy Speaker: The second Order of the Day is commencement of debate on the General

1009

Principles of a Bill for an Act to provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009.

The Bill was read for the First Time on Thursday, 7th May, 2009. I now invite Hon. Ita Enang to move that the Bill be now read the Second Time.

Hon. Ita Solomon J. Enang: Mr. Speaker, I move that a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith be read a Second Time.

Hon. Bala Ibn Na'Allah (Zuru/Wasagu/Sakaba/Fakai): I rise to second the Motion that the Bill be read the Second Time. (*Prolonged Interruptions*)

The Deputy Speaker: Hon. Colleagues, this is not the end of the matter. This Bill was only committed to a Committee. You have another time to kill it by way of Division. The Bill will come back to the House after undergoing the normal Committee scrutiny for debate and the House may call for Division on this issue.

Hon. Ita Enang, can you lead the Debate, please?

Question proposed.

Hon. Ita Solomon J. Enang: Mr. Speaker, this is a Bill that seeks to establish and legalise the existence of the Primary Education Board of the Federal Capital Territory. It was first introduced on the Floor of this House on 21st August, 2003.

The House did pass this Bill but it kept on hanging at the Senate. Before the conclusion of the former House it did not go through the full legislative process to become a law. This House passed this Bill on 16th December, 2003. It is simply on the establishment of the Primary Education Board for the Federal Capital Territory and this body is in existence. This Bill, having been passed and in accordance with the Compulsory Free Universal Basic Education Act, I therefore move that this Bill be read a Second Time and committed to the Committee of Whole in accordance with Order XV, Rule 8 of our Standing Orders.

The Deputy Speaker: I will now put question that the Bill be read the Second Time.

Question put and agreed to.

1010

Bill read a Second Time and referred to the Committee of the Whole.

Corporate Social Responsibility Bill, 2009

A Bill for an Act to Encourage, Promote and Regulate the Concept and Practice of Corporate Social Responsibility by Business concerns, Community, Organisations and Public Bodies, to enable voluntary contributions, etc. to be made by such organisations to major national challenges such as Education, Energy, the Environment, Creation of Jobs and Enhancement of Employee Skills, Neighbourhood regeneration, Agricultural Advancements, Reduction of Poverty, etc. and for Other Connected Purposes, 2009 (HB. 164) -

Order for Second Reading.

The Deputy Speaker: The third Order of the Day is commencement of Debate on the General Principles of the Bill for an Act to Encourage, Promote and Regulate the Concept and Practice of Corporate Social Responsibility by Business concerns, Community, Organisations and Public Bodies, to enable voluntary contributions, etc. to be made by such organisations to major national challenges such as education, energy, the Environment, Creation of Jobs and Enhancement of Employee skills, Neighbourhood regeneration, Agricultural Advancements, Reduction of Poverty, etc. and for Other Connected Purposes, 2009. The Bill was read on the First Time on Thursday, 5th February, 2009.

I now invite Hon. John Halims Agoda to move that the Bill be read the Second Time.

Hon. John Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, I move that a Bill for an Act to Encourage, Promote and Regulate the Concept and Practice of Corporate Social Responsibility by Business concerns, Community, Organisations and Public Bodies, to enable voluntary contributions, etc. to be made by such organisations to major national challenges such as Education, Energy, the Environment, Creation of Jobs and Enhancement of Employee skills, Neighbourhood regeneration, Agricultural Advancements, Reduction of Poverty, etc. and for Other Connected Purposes be read the Second Time.

Hon. Peter Linus Umoh (Oron/Mbjo/Okobo/Udung Uko/Urue Offong/Oruku): Mr. Speaker, I do second the Motion moved by my Leader, Hon. Halims Agoda.

Question proposed.

Hon. John Halims Agoda: Mr. Speaker, this Bill

1011

is straightforward. As parliamentarians and concerned Nigerians, we are aware that Government alone may not be able to meet with all its social responsibilities. To that effect, social corporate responsibilities refer to obligations that an organisation should seek action to improve the welfare of the community or the environment in which such organisation operates.

The World Council for Sustainable Development defined social corporate responsibility as the continued commitment by business to behave ethically. Not only that, they should contribute to the economic development of the area concerned and indeed improve the workforce, their families and the host communities where they operate.

As we have good governance in government; whether at the Local, State and the Federal level, the concept of social corporate responsibility requires good governance as it affects private organisations whether as a foreign concern or even organisations within our country.

When we trace back, this very important concept is a product of agitations that took place in United States as far back as 1960 where human rights, civil rights, women organisation, environmentalists and what have you compelled various industries and other concerns to show human face in areas of their operation. This is because many of them make fortunes from the areas where they operate.

For instance, in those days, if you go to Jos, where the then tin mining company operated, you will see the vast degradation the company committed to the area in terms of valley and destruction of the land without ploughing back what is necessary to the land.

If we take the oil producing companies, for instance, if you go to Focardos area, you will see where the staff and workers oil companies live; it is just like anywhere compared to London. You have light, portable water and everything you can think of life. But a step further, you will see the host communities wallowing in abject poverty.

For instance, in Edo State where you have PRESCO Company that deals with palm-oil production, the Edo State Government and the people gave PRESCO well over 30 kilometres of land where they planted palm fruits and operate on palm oil. Now, the distance from the Benin/Warri Road to the company is just about four kilometres. For the past 20 years the palm oil producing company has been operating in that place, it has not deemed it fit to tar that road from the main road down to their operating area. They are leaving it for either the Government or the community.

1012

The essence of this Bill, therefore, is to put a force of law not necessarily on the discretion or voluntary rights of the operating companies but to compel the operating companies that within their operating area they should show human concern to the host community. That is all about this Bill.

I beg to submit.

Hon. Bassey Effiong Etim (Uyo/Uruan/Nsit Atai/Ibesikpo Asutan): I want to totally support this Bill and to applaud the Mover. It is true that this is one of the most critical ingredients that is lacking in the holistic development of our country Nigeria.

Today, if you look at Malaysia, Singapore and *et cetera* and compare them with Nigeria back to 1960 when we got independence, you will see that they have moved to where they are through the application of this very important principle; corporate social responsibility.

The problem we have in Nigeria today particularly in the South South is because oil companies abandoned their corporate social responsibility; if they did not, probably we would not have been where we are today. So this is a very good Bill. In fact, it speaks volumes. The Mover has already put it fair, square and straight. It is true that if we bring this as one of the major approaches in building our economy and our communities, we will be able to attain the Vision 2020 of Mr. President.

Hon. Isibor Ifaluyi (Egor/Ikpoba/Okha): As can be seen from this social responsibility Bill, it is trying to encourage entrepreneurs to put back to the system where they are operating. This is a Bill that is very important and crucial. It will go a long way to solving some of the problems that we are having today in Nigeria in terms of dissatisfaction of indigenes that are living in environment where prominent companies are operating.

The importance of this very Bill cannot be over-emphasised. We are saying that people that have set up companies, small scale industries and even in the environment should all put back into the system part of the benefits they made from their operations within that environment. This is all the Bill is asking for.

If we back it up with a law, it would go a long way to compel people to do exactly what they should do. They should not do it by chance or choice; it would be by law. If that is done, people will know that in any area they work, they must plough back some of the benefits they derived therefrom.

When the colonial masters came, apart from

1013

trading, they brought education and religion. Today many people went to school and learn many things because of the actions of the colonial masters. However, we are not looking at the issue of neo-colonialism. What I am saying in support of this Bill is that it is very crucial for oil companies to plough back part of their gains into the system. That is why we are having our constituency projects. So let us support this Bill.

Hon. Haruna Ibrahim (Toro): Honestly, this Bill is coming at the right time. I am from Toro where the first Nigeria mining beacon was sited. To the north in my place is a dead earth and to the south you cannot cultivate. After the tin mining activities the whole place was left fallow, deserted and the people are still suffering.

This particular Bill will definitely address the injustice done by the companies and the present companies will actually be forced to take care of the environment. If you go to some of our cities where we have industries, the waste is allowed just to flow into the gutter; the companies definitely pay no attention to it.

If this Bill is passed into law and enforced, companies will be forced to take care of the environment and make sure that they do not expose people to the hazards of chemical or industrial waste.

The Social Responsibility Act will definitely go a long way in not only promoting peace in the land but also reducing the militancy in the Niger-Delta.

Hon. Barnabas Yusuf Bala (Kaura): Mr. Speaker, the issue of corporate social responsibility as ably presented by my Colleagues is indeed a very welcome idea. That it has remained at the level of what such companies wish to do and not what they have been forced to do is where it requires our intervention. We need to move from what a company wishes to do to where a company is being compelled to do something for the community. However, in doing this, I want us to understand what has made this corporate social responsibility ineffective.

I am aware that quite a number of companies realise the need to plough back part of their gains from their companies into the communities. What I believe has happened to some companies is that prominent individuals in the society have been the beneficiaries to the extent that we intend to force it upon them. Probably it will relieve these companies from the burden of having to pay prominent individuals who do not plough back these gains into the poor communities.

1014

As the Mover of the Bill has said some of us are aware that most of these oil companies have actually given quite a lot of their resources sometimes to leaders in the traditional institutions and prominent people within the society in the name of corporate social responsibility.

The Deputy Speaker: The question is that the Bill be now read the Second Time.

Question put and agreed to.

Bill read a Second time and referred to the Joint Committee on Civil Societies, Donor Agencies and Commerce.

CONSIDERATION OF REPORT

Hydroelectric Power Producing Area Development Commission (Establishment, etc) Bill, 2008

The Deputy Speaker: The fourth Order of the Day is consideration of a Report on a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operations Matters, 2008. Hon. Members will recall that the Bill was referred to the Committee of the Whole on Thursday 2nd April, 2009.

I now invite Hon. Ita Enang to move for the consideration of the Report.

Hon Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, I move that the House do consider the Report on a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operations Matters, 2008.

Hon. Ishiaka Mohammed Bawa (Ibi /Wukari): I rise to second the Motion.

Question put and agreed to.

Resolved: That the House do consider the Report on a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operations Matters, 2008.

Hon. Tunde Akogun (Akoko Edo): I move that the House do resolve into Committee of the Whole to consider this Report.

1015

Hon. Baba Shehu Agaie: I second the Motion.

Question put and agreed to.

Report on a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operations Matters, 2008 – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Hon. Ita Enang, can you brief the House on this Report?

Hon. Ita Solomon J. Enang: This is a Bill which was passed in the last House and it is same version that was passed in the last House. It was also passed in the Senate. So it is for quick concurrence.

The Chairman: Hon. Colleagues, we are taking this Report Clause-by-Clause.

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

Clause 2 – (ESTABLISHMENT, MEMBERSHIP AND POWERS OF THE GOVERNING COUNCIL) – ordered to stand part of the Bill.

Clause 3 – (SCHEDULE) - ordered to stand part of the Bill.

Clause 4 – (TENURE OF THE OFFICE OF THE MEMBERS OF THE COUNCIL) – ordered to stand part of the Bill.

PART II – (FUNCTIONS AND POWERS OF THE COMMISSION)

Clause 5 – (FUNCTIONS AND POWERS OF THE COMMISSION)

Amendment proposed.

Hon. Ahman-Pategi Aliyu Bahago (Edu/Moro/Patigi): Mr. Chairman, I want Clause 5(1)(g) to read thus:

Assess and report on any project being funded or carried out in the Hydroelectric Power Producing Areas and ensure that funds released for such projects are properly utilised and fairly allocated among member-States.

The addition I am proposing there is *fairly allocated among member-States.*

1016

Amendment put and agreed to.

Clause 5 – (FUNCTIONS AND POWERS OF THE COMMISSION) – as amended, ordered to stand part of the Bill.

PART III - STRUCTURE OF THE COMMISSION

Clauses 6 - (ESTABLISHMENT OF THE OFFICE OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 7 – (MANAGEMENT COMMITTEE) - ordered to stand part of the Bill.

Clause 8 – (ADVISORY COMMITTEE) – ordered to stand part of the Bill.

Clause 9 – (STAFF OF THE COMMISSION ETC) – ordered to stand part of the Bill.

Clause 10 – (PENSION – APPLICATION OF THE PENSION REFORM ACT CAP 346 LFN) – ordered to stand part of the Bill.

Clause 11 – (FUNDS OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 12 – (APPLICATION OF FUNDS OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 13 – (POWER TO ACCEPT GIFTS) - ordered to stand part of the Bill.

Clause 14 – (BORROWING POWERS) - ordered to stand part of the Bill.

Clause 15 – (ANNUAL ESTIMATE EXPENDITURE) - ordered to stand part of the Bill.

Clause 16 – (QUARTERLY REPORT) - ordered to stand part of the Bill.

Clause 17 – (ANNUAL REPORT) - ordered to stand part of the Bill.

Clause 18 – (ESTABLISHMENT OF MONITORING COMMITTEE) - ordered to stand part of the Bill.

Hon. Ita Enang: Mr. Speaker, Sir, I have comment on one of the Clauses.

The Chairman: Hon. Ita Enang, I have already ruled. I called you at the beginning of this consideration

1017

and you said that this is a Bill that both the House of Representatives and the Senate had passed and that we are just concurring. I am not asking you to make any comment.

Clause 19 – (OFFICE AND PREMISES OF THE COMMISSION, CAP L5 LFN) - ordered to stand part of the Bill.

Clause 20 – (DIRECTIVES BY THE PRESIDENT) - ordered to stand part of the Bill.

Clause 21 – (LIMITATION OF SUITS AGAINST THE COMMISSION) - ordered to stand part of the Bill.

Clause 22 – (SERVICE OF DOCUMENT) - ordered to stand part of the Bill.

Clause 23 – (INDEMNITY OF OFFICERS) - ordered to stand part of the Bill.

Clause 24 – (INTERPRETATION) - ordered to stand part of the Bill.

Clause 25 – (CITATION) - ordered to stand part of the Bill.

Schedule - agreed to.

Long Title – (A BILL FOR AN ACT TO ESTABLISH THE HYDROELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION AND VEST IT WITH THE RESPONSIBILITY OF MANAGING THE ECOLOGICAL MENACE DUE TO OPERATIONS MATTERS, 2008, (HB. 160) - *agreed to.*

Hon. Tunde Akogun (Akoko Edo): I do move that the House do revert to Plenary.

Hon. Baba Shehu Agaie: I do second the Motion.

Question put and agreed to.

Resolved: That the House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

1018

The Deputy Speaker: The House in the Committee of Whole considered the Hydroelectric Power Producing Area Development Commission Bill and approved as follows:

Approved Clauses 1 to 25 and the Long Title.

Adoption of Report

Hon. Tunde Akogun: I move that the House do adopt the Report of the Committee of Whole.

Hon. Baba Shehu Agaie: I do second the Motion.

Question put and agreed to.

Resolved: That the House do adopt the Report of the Committee of the Whole.

ANNOUNCEMENT

Caucus Meeting of the North Central Members

The Deputy Speaker: Let me remind Members of the North Central that there will be a meeting of their caucus today 14th May 2009 at Protea Hotel, Asokoro at 2.00 p.m.

(Signed)
Hon. Baba Shehu Agaie

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adjourn till Tuesday, 19th May, 2009 at 10.00 a.m.

Hon. Baba Shehu Agaie: I do second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the House do stand adjourned till Tuesday, 19th May 2009 at 10.00 a.m.

The House adjourned accordingly at 1.45 p.m.