

0819

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Wednesday, 6th May, 2009

The House met at 2.40 p.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 6th May, 2009.

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

The Speaker: Hon. Members, I have before me a message from the President on the Political Reform Bills. It reads:

29th April, 2009

*Rt. Hon. Dimeji Bankole
Speaker of the House of Representatives,
National Assembly Complex,
Abuja.*

Dear brother,

Re: Political Reform Bills

I forward herewith for your timely consideration and passage by the House of Representatives of the Federal Republic of Nigeria, the under listed Bills:

- (1) A Bill for an Act to amend the Independent National Electoral Commission Act Cap. 15 LFN 2004 and other matters connected thereto.*
- (2) A Bill for an Act to alter the Provision of the Constitution of the Federal Republic of Nigeria 1999 and for other Matters Connected Thereto.*
- (3) A Bill for an Act to Establish the Electoral Offences Commission and for other Matters Connected Thereto.*
- (4) A Bill for an Act to Establish the Centre for Democratic Studies and other relating Matters.*

0820

- (5) A Bill for an Act to further Amend the Police Act 1967 Cap. P19, 2004 Law of the Federal Republic of Nigeria and for Matters Connected Therewith.*

- (6) A Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for other Matters Connected Thereto; and*

Hon. Speaker of the House of Representatives these Bills are critical to the actualization of electoral reform and the consolidation of our democratic process. It is in the light of their vital importance and in the larger national interest that I request that they be treated distinctively from the more holistic on-going constitutional review process. This would enable us effect critical elements of electoral reform process in the shortest possible time.

It is my hope that in the usual tradition of the House of Representatives of the Federal Republic of Nigeria, these Bills will receive expeditious consideration.

Please accept Honourable Speaker the assurances of my highest consideration.

*(Signed)
Umaru Musa Yar'Adua*

ANNOUNCEMENT

**Removal of Satellite Dishes from the
Premises of House of Representatives**

The Speaker: Hon. Members, this is from Chairman, House Services.

This is to inform all hon. Members that in his effort at improving the welfare of Members the Committee on House Services has installed a satellite television modem that connects and provides over 50 Channels to the offices of Members.

Now, the Committee is now kindly advising Members to remove all satellite dishes installed in the House of Representatives within a week as you no longer need them.

Your cooperation is highly needed, please.

*(Sgd)
Hon. Al-Makura Mohammed Ahmed
Chairman*

PRESENTATION OF PUBLIC PETITIONS

0821

The Speaker: Any hon. Member who has a Petition to present to the House, may please rise to do so. (No response).

**MATTER OF URGENT PUBLIC
IMPORTANCE**

**Withdrawal of Police Orderlies to Judges and
Magistrates in Anambra, Imo and Ebonyi States**

The Speaker: The first business of the day, I am sure it is a Point of Order, I thought so.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, my Order is Order VII, Rule 4(1) under Matter of Urgent Public Important and I would seek the indulgence of this House because of the urgency of the matter to suspend all Rules of the House so that we will be able to take it.

The Speaker: You wish to suspend all Rules of the House?

Hon. Mohammed Ali Ndume: No, Mr. Speaker, but the Matter of Urgent Public Importance is on the withdrawal of Police Orderlies from Judges and Magistrates which this House first passed a Resolution last time.

Mr. Speaker, right now in Anambra, Imo and Ebonyi States, the Police Orderlies attached to Judges and Magistrates have already been withdrawn. In fact, the Judges and Magistrates in those States have problem in dispensing justice. As I am talking to you, the Nigerian Bar Association (NBA) in the three States had already asked Lawyers to stay away from the court. I reliably learnt now that some of our Colleagues that actually need protection, have had their Orderlies withdrawn. This is very dangerous and we do not need to have somebody dead before doing something about it.

I am therefore urging my colleagues to support that we take this matter so that it will be dealt with here and now.

The Speaker: Honourable colleagues, before we consider this matter, the Votes of Proceedings which I approved yesterday states clearly here:

**Withdrawal of Police Orderlies to Judges, Magistrates
and Members of the National Assembly**

Sequel to the Resolution of the House of 26th March, 2009 which mandated the House Leadership to confer with Mr. President for amicable resolution of the above matter, the Leadership met with the Hon.

0822

Minister of Police Affairs and Inspector-General of Police, and resolved that:

- (i) *Security Aides of all the Principal Officers be restored immediately;*
- (ii) *Members in need of Security Aides should submit their names to the Secretary of Police Affairs Committee within one week;*
- (iii) *The Police reserve the right to offer their personnel to honourable Members.*

Now, this does not say anything about Judges. So I guess it is in that line we could possible consider this. I know that for Anambra State for example there is also 102 court injunctions against a political party. So I can understand why there could be tension.

Question put and agreed to.

The Speaker: You may move the Motion for us to suspend the relevant part of

the Rules as you request.

Hon. Mohammed Ali Ndume: Mr. Speaker, I move that this House Suspend Order VIII, Rule 4 (3) for this matter to be taken up immediately because of its urgency.

Hon. Ibrahim Khadija Bukar A. (Damaturu/Gujba/Gulani/Tarmuwa): I arise to second the Motion as ably moved by Hon. Mohammed Ali Ndume.

Question put and agreed to.

Resolved: That the House do take the Matter of Urgent Public Importance immediately.

Question proposed.

Hon. Mohammed Ali Ndume: Mr. Speaker, this is a matter that is very straightforward and very important to the survival of democracy and indeed the Rule of Law.

We all know that Police Orderly or protection to particularly Judicial Officers and most especially Judges and Magistrates is not a luxury; it is not a privilege, it is a necessity considering the responsibilities that they are saddled with in respect of what they have to discharge.

0823

The Police last time had, in Executive Council, decided that these Orderlies be withdrawn. This honourable House felt that the decision was not wise and we raised a Motion in relationship to that. Unfortunately as you read out Mr. Speaker, that Motion omitted the names of specifically the judicial officers. These judicial officers, just as most of us or some of us, need Police protection; they need more protection than even some of us because we are elected by the people. These individuals are saddled with the responsibility of dispensing justice on criminals who, after some time, come out after completing their jail term and became even more dangerous; or even while they are still in prison could be dangerous to the Judges and Magistrate.

I listened to the argument of the Police and they were mere argument that they are short of staff. If we take a look at the number of unemployed people who roam around the streets struggling to be in the Police force, that argument is not really valid. It is upon this premise that I stand to urge the House to support this Motion.

The Speaker: Do you know any of the people struggling to be in the Police Force?

Hon Ali Ndume: I know so many of them; I can give you 1000 names from my constituency now. So, as I was saying, my Motion is simply straightforward;

The House:

Notes the recent withdrawal of Police Orderlies to Judicial Officers in Anambra, Imo and Ebonyi States;

Further notes the harmful effects of the withdrawal on the safety of the life of the Judicial Officers and on dispensation of justice;

Observes that the Judicial Officers deserve adequate Police protection in the discharge of their duties;

Regrets that the withdrawal of Police Orders to Judicial Officers has caused the Nigerian Bar Association (NBA) to call on the legal practitioners in the States to embark on strike;

Resolves to:

Mandate the Joint Committee on Police Affairs and Legislative Compliance to liaise with the Inspector-General of Police to ensure reversal of the withdrawal and report to the House on Tuesday, 12th May, 2009.

I so move.

0824

Question put and agreed to.

The House:

Noted the recent withdrawal of Police Orderlies to Judicial Officers in Anambra, Imo and Ebonyi States;

Further noted the harmful effects of the withdrawal on the safety of the life of the Judicial Officers and on dispensation of justice;

Observed that the Judicial Officers deserve adequate Police protection in the discharge of their duties;

Regretted that the withdrawal of Police Orders to Judicial Officers has caused the Nigerian Bar Association (NBA) to call on the legal practitioners in the States to embark on strike;

Resolved to:

Mandate the Joint Committee on Police Affairs and Legislative Compliance to liaise with the Inspector-General of Police to ensure reversal of the withdrawal and report to the House on Tuesday, 12th May, 2009.

Forceful Eviction of Hausa-Fulanis in Bashar Chiefdom, Wase Local Government Area Council, Plateau State

Hon Ahmed Idris (Wase): Mr. Speaker, I come under Order VIII Rule 4. I want to ask for the leave of the House to allow me present a Motion for deliberation against the next legislative Day on the following ground that the Government of Plateau State started ejecting Fulani's from Bashar Chiefdom, Wase Local Government Area Council of Plateau State on the 27th of April 2008. This action clearly contravenes Sections 41 (i) and 42 (i) of the Nigerian Constitution. If allowed on checked, it is capable of degenerate into something else in the country. This is why I am asking, with your kind permission and the leave of the House, to present this for deliberation tomorrow.

I so submit.

The Speaker: Honourable Colleagues, the Question is whether we should consider this a Matter of Urgent Public Importance.

Question put and agreed to.

Resolve: That Forceful Eviction of Hausa-Fulanis in Bashar Chiefdom, Wase Local Government Area Council, Plateau State be considered a matter of urgent

0825

0826

public importance to be discussed in the next legislative day.

PRESENTATION OF REPORTS

Mid-Sessional Report of the Committee on Culture and Tourism

The Speaker: The next Business of the Day is the presentation of a Mid-Sessional Report of the Committee on Culture and Tourism. Hon. K.G.B. Oguakwa.

Hon. K.G.B. Oguakwa (Aninri/Agwu/Oji-Uzo): Mr. Speaker, I moved that this House do receive the Mid-Sessional Report of the Committee on Culture and Tourism.

Hon Juliet Akano (Nkwerre/Isu/Nwangele/Njaba): Mr. Speaker, I rise to second the Motion as moved by Hon. K.G.B. Oguakwa.

Question put and agreed to:

Report laid on the Table.

Mid-Sessional Report of the Committee on Information and National Orientation

The Speaker: The next business of the Day is presentation of Mid-Sessional Report of the Committee on Information and National Orientation. I call on the Deputy Chairman to please present the Report.

Hon. Habeeb Mustapha (Jahun/Miga): I move that the House do receive the Mid-Sessional Report of the Committee on Information and National Orientation, I so move.

Hon Hussein Abdulkadir Namadi (Hadejia/Kafin Hausa): Mr. Speaker, I rise to second the Motion ably raised by my Colleague.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the Committee on Electoral Matters

The Speaker: The next Presentation of Report is the Mid Sessional Report of the Committee on Electoral Matters. Hon. Musa Sarkin-Adar is invited to present the Report.

Hon. Musa Sarkin-Adar (Goronyo/Gada): Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the Committee on Electoral Matters.

Hon Ike Chinwo (Obio/Akpor): Mr. Speaker, I rise to second the Motion as moved by the hard working Chairman of Committee on Electoral Matters.

Question put and agreed to:

Report laid on the Table.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Establishment and Operation of Programme to Enable Certain Persons Receive Protection, Bill 2008

A Bill for an Act to provide for the Establishment and Operation of Programme to enable Certain Persons to Receive Protection in Relation to Certain Inquiries, Investigations or Prosecutions, 2008.

Order for Second Reading.

The Speaker: This Bill was read for the first time on Wednesday 28th of May, 2008. Hon. Nkiruka Onyejeocha is invited to move that the Bill be read the Second Time.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): I move that the Bill for an Act to provide for the Establishment and Operation of Programme to enable Certain Persons to Receive Protection in Relation to Certain Inquiries, Investigations or Prosecutions, 2008, be now read the Second time.

The Speaker: Is there any Seconder, please?

Hon. Elizabeth Ogbaga (Ebonyi/Ohaukwu): I hereby second the Motion.

Question proposed.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, this Bill seeks to provide for the Establishment and Operation of a Programme to enable Certain Persons to Receive Protection in Relation to Inquiries, Investigations and Prosecutions.

0827

In democracy today the problem of witness intimidation must be seen as more than just a practical obstacle to crime investigation and the prosecution of criminals. Where witness intimidation succeeds, it can rightly be seen as a failure of the Police to protect. For as far as it matters to a democratic society, resignation to the encroachment of intimidation as a norm of everyday life, signals a more profound failure of public faith in the Rule of Law.

In this sense, successful cases of witness intimidation duly threatened the legitimacy of the State through the failure of its policy to manifestly provide the necessary balance of security and liberty required in any contract of governance between State and citizens.

I state here that this Bill is just for the protection of witnesses and to ensure that security of witnesses on trials are guaranteed. There is no provision today in our law for the provision of security for a witness who may be willing to appear before a court of law as the case may be, to testify.

It is common knowledge in this country today, that many high profile political cases have been frustrated or stalled because the witnesses are killed, kidnapped or threatened by the adverse party in certain cases.

There is, in fact, credible evidence of significant amount of witness intimidation going on in the country today. I attached a document to support what I am about to say. Sometime last year in Port Harcourt, there was this man that was supposed to come and give evidence in court but a day before the day he was supposed to appear in court, the man was killed and so he could not give information as to what happened because he was a star witness. There are so many other cases.

We know today that most times people who commit crimes, who kill and who assassinate, are human beings; they are not spirits. But the people who knew about it or who have privileged information as to where and how these crimes were committed could not come up to say what they know about certain issues because their lives are at stake.

Therefore, this Bill is saying that we should make a law to protect people who have information to give in criminal proceedings so that they will be rest assured that when they go home after giving evidence as *a Star Witness who saw it happen; whatever way it did*, their lives would be secured. This is because we know that today many people who have knowledge of certain information cannot come to testify because of threat to their lives. Moreover, we have seen many cases apart from the case I cited here where people were killed because it was suspected that they were going to give

0828

information. If you know that you were going to be killed, what is more important than your own life? Therefore, the person will refuse to go and give information because his life is important to him.

I know that when we do this it will help us to get to the root of certain criminal cases because as we speak today most cases are being stalled in courts because of lack of witnesses. It is not that these witnesses are not there; it is not that they do not want to come and testify; it is just because their lives are at risk because they have been intimidated and some even killed.

Some people are arguing that there are some kinds of protection in the Evidence Act. I have gone through the Evidence Act and I read what it contains. It is the protection of witnesses in court. What happens to somebody who wants to come and testify and what happens to him after his own testimony?

The Evidence Act in Sections 201, 202, 203, 204 and 205 is simply saying that you cannot put certain questions to a witness in court. For instance, Section 201 said that you do not ask a witness in court any question that is unreasonable. Section 204 said you cannot ask indecent or scandalous questions in court.

This is protecting the witness in the Witness Box while he is giving evidence. What happens to him after that? It is about his character because you know in court today, most people may want to know the witness' father's name. Or, for instance, where a woman fought a man, they might want to ask her: are you telling me you are not a prostitute? These kinds of questions are prohibited in court just for the protection of witnesses so that you do not insult the person's character. That is what the Evidence Act is saying. There is no provision in the law that says that people should be protected when they are actually being threatened because of certain cases they are involved.

Mr. Speaker, I know that even here in Abuja what is stalling the case about the killing of a Chairman of a Local Government is because the witness refused to come and testify in court. Somebody knew what happened but that person could not come to testify in court because they might kill him. Somebody who is perhaps ready to come to court to give evidence would want to know what happens with regard to his being protected after he had gone home; the same address that they know.

So Mr. Speaker, this is what this Bill is asking that we should protect our people and ourselves because if we do not we will never get to the root of any crime whatsoever because if I have any information I might not come to give it because my life is important to me I need to live.

0829

0830

The Speaker: Do we have any Member who would want to speak against this Bill? All right, we have one Member who would want to speak against the Bill and that is Hon. Sani.

Hon. Abdu Muhammad Sani (Alkalari/Kerfi): I want to speak against this Bill not because of her intendment, but because of some practical and technical consideration which I expect must be met in this Bill. Although there are few examples given for the kind of witness intimidation and persecution, but I have not seen a systematic statistical back-up in the form of a deep research conducted to show me exactly which witnesses who had been persecuted or intimidate; or cases where such persecution or intimidation had taken place so that we can see the gravity of these in order to support this Bill.

Why I asked that question was because it is a programme that she is seeking for the protection of witnesses. But the nature of the programme has not been laid to us. In other words what kind of protect do you give; to which kind of witness and in which kind of cases?

Secondly, how long do you protect the witness? Thirdly what is the cost implication of protecting those witnesses? Fourth, who bears the cost? Fifth, what are the logistics of this programme? I think there are many more technical and empirical data that need to be digested for this Bill to be supported. Therefore, I think it is premature for us to support it at this stage.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Speaker, I would like to start by quoting a well known adage which says that *the quest for the truth and what is right have no boundaries as it overcomes all earthly considerations*.

Mr. Speaker, this is a very straightforward Bill which seeks to create our own kind of witness protection programme in this country especially as it concerns high profile cases of murder and corruption which we have all experienced within our democratic experiences from 1999 till date.

It is very trite to say that the sensibilities of the people of this country has been assaulted on so many occasions be it high profile murder cases that up to tomorrow have not been resolved; or corruption cases that nobody understands or seems to have found a way to go about tackling them.

Mr. Speaker, this Bill seeks to embolden witnesses to come forward to give information where necessary knowing full well that if they do come forward and proffer information it would help in unraveling the truth behind cases thereby leading to the resolution of so

many outstanding cases in this country. Mr. Speaker, this will have the great effect of inspiring confidence within our populace and also inspiring the confidence of people outside this country to start believing in us.

I urge my Colleagues to please give this Bill the necessary support.

The Speaker: I am going to put the Question.

Question put and agreed to.

Bill read the Second Time and committed to the Committee on Justice.

State of National Address by the President, Bill 2009

A Bill for an Act to make Provisions for State of National Address by the President and for Other Connected Matters, 32009

Order for Second Reading.

The Speaker: The next Order of the Day is the commencement of debate on the general principles of a Bill for an Act to make Provisions for the State of National Address by the President and for Other Connected Matters, 2009.

The Bill was read for the First Time on Monday, the 26th of February, 2009. Hon. Christopher Eta is invited to present his Motion.

Hon. Christopher S. Eta (Boki/Ikom): I move that a Bill for an Act to make Provisions for the State of National Address by the President and for Other Connected Matters, 2009 be read the Second Time.

Hon. Sokonte Davis (Degema/Bonny): I rise to second the Motion that the Bill be read the Second Time as moved by Hon. Christopher Eta

Question proposed.

Hon. Christopher Eta: Our Democracy is an emerging democracy where those who elected us, at least from time, needed to know what the Government is doing; or the activities of Government. This is a very simple Bill.

What we are asking for in this Bill is that, at least once a year, the President of the Federal Republic of Nigeria, in a Joint Session of the National Assembly, addresses the Nation on national issues. This will afford the President the opportunity of talking about the performance of the budget, critical national issues that

0831

would have occurred in the past one year, national security issues and other relevant issues particularly international issues that may have great effect on Nigeria. As a result of that, I pray that you would support this Bill that the President of Nigeria would, at least one in a while, address the Nation.

We hear State of the Union Address by the President of the United States and I know that amongst us here, we always look forward to listening to the President of the United States address the United States on the State of the Union. Here in Nigeria, we do not really have anything that mandates the President to at least come here and address the Nation so that the Nation can understand where the Government is coming from; where the Government is going and what is happening in Government.

Democracy is about transparency and openness. I believe that it is in our own interest and in the interest of Nigeria that we create this Act, so that at least even if the President does not want to address the Nation he will be mandated by this Act to come forward and address Nigerians.

It is a very simple and straightforward Bill and I crave your indulgence to support it. I hope you will support this Bill so that we can change governance in Nigeria.

The Speaker: The first Member to speak will be Hon. Uche Ekwunife.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, let me start by commending the Mover of this Bill. The Bill is a very simple one but at the same time very important, considering the fact that our democracy is still growing. If you look at America today, Obama has just stayed one hundred days in the office and has addressed the Nation.

If we have a Bill in place where any President knows that he is expected to address the Nation either quarterly, half-yearly or yearly, the President will be on his toes knowing that Nigerians will be waiting to know what he has done and what is yet to do; where he is going to and where he is coming from.

Democracy is all about dividend. If people do not know what their president is doing, it will be very difficult for them to understand the programmes of the Government and for them to follow it up and be able to reap from the programmes. I can say that bankruptcy of ideas and bankruptcy of mission and vision are worse than financial bankruptcy. When you have the vision,

0832

mission and ideas; these are the things that you translate into actions. When you put them into actions the people that you are leading will be able to benefit from them. But even when you put them into action and people do not know that those things exist, it will be difficult for the people that you are leading to understand where you are going to and know when to reap from it.

I believe that State of the Nation Address is very important and critical especially at this time in our democracy so that when any President is going in there or even the State Governors, they know that people are looking up to them to give a report card of their achievements.

All in all, I urge my Colleagues to please support this simple but very important Bill.

Hon. Leonard O. Ogor (Isoko North/Isoko South): This Bill is a very straightforward Bill. The Bill seeks that the President addresses the Nation in respect of his operations and activities.

You will agree with me that governance is all about service to the people and services are bound with their own problems and shortfalls. It therefore means that the President, at a particular time, should be able to speak to the Nation to let us know precisely the kind of confrontations and problems that are being confronted. It therefore stipulates very clearly that the Nigerian Nation is the Constituency of the President. This means that once in a while, if the House will agree, it becomes important for the Nigerian people to really know the reason they voted President and that the agenda and principles of the Administration are going as expected.

What this Bill seeks is clearly the right of the citizens of our great nation to know. I think it is a very straightforward Bill. I believe that if critically looked at, this Bill seeks only one thing; let us know the State of the Nation at any particular time and I really do not see anything wrong with this particular Bill.

I therefore support this Bill.

The Speaker: Does any Member wish to speak against this Bill?

All right, Hon. Ike Chinwo.

Hon. Ike Chinwo (Obio/Akpor): Every country has its own laws that govern them. Sometimes some of them may be the same but at all of the times, there are certain things that distinguish a particular country from the other. We practice the Presidential System of Government in Nigeria, which is the same with that of the United States of America.

0833

In the US, the President does not go to the Joint Session of the Congress to present Budget; what they do is that, when the Budget is ready, either with wheelbarrow or whatever, just like we see on television, they send it to the Congress. Whatever they do with it at the Congress is left with Congressmen and Liaison with Executive. But in Nigeria, it is mandatory that the President, not even the Vice-President or any other person in the Executive, comes before a Joint Session of the National Assembly to present the Annual Budget Speech. The purpose of it is to let the Nation know from beginning to the end, where we are coming from, where we have gotten to and where we are going to; that precisely is the State of the Union Address.

So, must we because Obama goes to the Congress to read to America and the World a State of the Union Address come here and say that we should do it? After the President comes here to present his Budget and make a Speech to the Nation, he will come at another time to present the State of the Union Address; what is he going to do at that occasion?

As far as I am concerned, we already have a place for the President to come and read the State of the Union Address to Nigerians and the whole World.

Several Hon. Members: No.

Hon. Lanre Agoro (Irepo/Orelope/Olorunsogo): Point of Order!

The Speaker: Hold on please. Hon. Lanre Agoro is raising a Point of Order. Please proceed.

Hon. Lanre Agoro: My Point of Order is Constitutional Order, Section 81. With your kind permission I will read.

The Speaker: Please go ahead.

Hon. Lanre Agoro: Section 81(1) of the 1999 Constitution reads:

The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.

What this Section is saying is that, *the President shall cause to be prepared and shall also cause to be laid*. It does not say that the President must prepare and must lay before each house of the National Assembly.

I beg to say that Hon. Ike Chinwo is wrong and misinterpreting the Constitution.

0834

The Speaker: Hold on. It is a Constitutional Order; which order has been broken here? Here, honestly, you are debating. When it comes to your time, debate and back it up with the constitutional point you have.

Hon. Ike Chinwo, can you rap up, please.

Hon. Ike Chinwo: The Constitution is our protection, practice and procedure over the years. The point I am making in this is that since the inception of this House the President has never laid the Budget without making a speech about the state of the Nation. So, what I am saying is that, in the United States the President does not go to the Congress to present Budget and does not speak on that occasion; whereas in Nigeria, we have that opportunity and it is done. My contention is that Mr. President comes here to read to us and to all Nigerians, the state of the Nation from January to August or September, as the case may be, and project for us what he expects to do for the year and beyond.

I do not know what else he will be coming to say on another occasion where we have a State of the Nation Address.

My contention is that it will be a repetition and I do not think it is good for us.

The Speaker: Hon. Agoro, you can now make your point on the debate.

Hon. Agoro Lanre Adeniran (Ogbomosho North/South/Orire): Mr. Speaker, the point is made.

The Speaker: If the point is made, then you can take your seat.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I want us to support this Bill to go for the Second Reading for two fundamental reasons:

First, is that it is agreed that my Colleague, Hon. Ike Chinwo, said that during Budget presentation the President normally states the fundamental objectives of programmes that he intends to achieve within that particular year. Nevertheless, that is not specific.

The Constitutional provision as Hon. Agoro mentioned is that of Budget presentation. I know and we all know that that is the financial implication of the programmes and policies that the Government wants to implement within that year.

0835

0836

But, it will be very important for this country to have Mr. President come each year before the Nation to say this is what I intend to achieve or where we intend to be by the end of the year so that Nigerians will hold him accountable at the end of the year or have a checklist of what the President wants to achieve within that particular year.

The second point is that this is a Bill that emanated from the Senate, sponsored by the Deputy Senate President and this House will be cementing our relationship if we allow the Bill to go through the Second Reading. There are some elements of relevance and importance in the Bill.

Therefore, I beg my Colleagues to support this Bill to enable it pass through the Second Reading.

The Speaker: Hon. Colleagues, does any Member wish to speak against this Bill?

Several hon. Members: No!

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Governmental Affairs.

Rights of Nigerian Citizens outside Nigeria Bill, 2009

A Bill for an Act to provide for the Rights of Nigeria Citizens outside Nigeria to vote in certain elections conducted in Nigeria and for Other Matters connected therein, 2009 –

Order for Second Reading

The Speaker: This Bill was read for the First Time on Thursday, 19th February, 2009.

I now invite Hon. Samson Osagie to move that the Bill be read a Second Time.

Hon. Samson Raphael Osagie (Orhionmwon/Uhunmwode): I move that a Bill for an Act to provide for the Rights of Nigerian Citizens outside Nigeria to vote in certain Elections conducted in Nigeria and for Other Matters connected therewith be read the Second Time.

Hon. Darlington Okereke (Ivo/Ohaozara/Onicha): Mr. Speaker, I rise to second the Motion.

Question Proposed.

Hon. Samson Osagie: Mr. Speaker, it is with utmost sense of responsibility that I speak to you this afternoon on the need for us to enlarge our electoral horizon so that we can accommodate Nigerian citizens who have cause to live outside this country in the exercise of their voting rights in order for us to deepen our democratic process.

I speak against the backdrop of the fact that the Constitution of the Federal Republic of Nigeria empowers the National Assembly to make laws on citizenship and all manners of acquiring citizenship of this country as contained in Chapter 3, particularly in Section 25 of the Constitution.

I am empowered to speak on this subject matter this afternoon by virtue of Item 22 of the Exclusive Legislative List which gives the National Assembly the powers to make law on elections into all Offices in the Federal Republic of Nigeria except elections into Local Government Councils.

Against those creative remarks, the right of every citizen to vote and participate in elections is a right that should be inalienable and must be guaranteed. You will agree with me that in spite of the imperfections and the obvious problems that we are having in this country, we are a great Nation that requires a lot of synergy of efforts in order for us to deepen our correct democratic process.

Of course, these efforts are being complemented by the President who sent in seven (7) Bills that have to do with Electoral Reform and this is in consonance with those Bills.

For instance, in the United States of America, the Uniform and Overseas Citizen Absentee Voting Act passed in 1986 which amended the 1932 Act requires that States and Territories allow certain group of citizens to register and vote Absentee in election to federal offices and it covers those citizens that are outside the country for official and diplomatic engagements, peace keeping missions and of course those citizens that have shown patriotism in the course of their fatherland.

This Federal Law of the United States of America is enforced by the Federal Voting Assistance Programme, which is to ensure that citizens that register outside United States of America are guaranteed their rights to vote. What does the current Bill foretell for this country? It is a very simple one.

It is intended to ensure that if you are a Nigerian citizen and you live outside this country and you intend to vote, our Electoral Commission should provide you with the opportunity to get registered. It does not mean

0837

0838

a wholesale registration of all Nigerians or all those who have passed through the airport or through the Immigration. You must demonstrate a clear intention to participate in the election in Nigeria by offering yourself to be registered and of course you must not have been disqualified by any law guiding elections in Nigeria.

As far as Philippine is concerned, there is the Republic Act No.198 (89), which also guarantees overseas Absentee Voting of 2003. If I will have your permission, I want quote very vividly from Section 2 of that Act which is very apt in discussing this matter. It goes to say:

It is the prime duty of the State to provide a system of honest and orderly overseas absentee voting that upholds the secrecy and sanctity of the ballot. Towards this end, the State shall ensure equal opportunity to all qualified citizens of Philippines abroad in the exercise of this fundamental right.

That is how far that Republic sees the right of her citizen that lives outside their country. The importance of this is not far to seek. You allow your citizens to participate in the electoral process because by and large your citizens outside this country contribute to the economic well-being of your country. This is because whatever earnings they make, they repatriate some of it to contribute to the Gross National Product of the country so they must be allowed to participate in the electoral process.

I want to say that even as 2003 was concerned, the Republic of South Africa amended its electoral laws to guarantee its citizens that live outside the country to vote in an election, and this was aptly demonstrated.

I hereby enjoin all my Colleagues, to support this Bill as have been rightly argued.

Hon. Abdullahi Umar Faruk (B/Kebbi/Kalgo/Bunza): I rise to support this very important Bill from Hon. Samson Osagie. This is because of its necessity at this our contemporary era.

The hallmark of democracy is actually to respect the integrity of individual citizens and especially their rights to elect their leaders. Most Nigerians that found themselves outside looking for greener pastures are equally citizens of this country and they are our ambassadors. If they are, and also contributing to our economic wellbeing by remitting whatever they are earning to their brothers and sisters, then we should also respect their rights to vote.

I believe this Bill will go a long way in positioning Nigeria to the Elite Community of Nations of allowing adult citizens to vote. With this, I call on my Colleagues to support this Bill.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Hon. Speaker, I am not particularly happy that I will be speaking against a Bill sponsored by very Hon. Samson Osagie.

I want to state unequivocally that this Bill is a very good Bill but it is a Bill for the future. It is a Bill for the future because we conducted election
(Interruptions)

The Speaker: Hon. Melaye, guide your contribution.

Hon. Daniel Dino Melaye: I will do that, Mr. Speaker.

The Speaker: That is all right; you may proceed.

Hon. Daniel Dino Melaye: That elections were conducted in ten Local Governments and for two weeks the results of these domestic elections of just ten Wards was not acceptable to the opposition in this country, I begin to wonder what would happen to a vote that was cast outside the country; in China, in Mogadishu; in Sao Tome and Principe and in Dafoe.

Hon. Speaker, if elections conducted in Nigeria, that is monitored by the SSS, by the Police and International Observers is not acceptable to a Party that is contesting in that same election and their Party agents at every polling booth where the election was conducted; I begin to wonder what would happen to an election in Washington DC, where there is no agent and possibly no representative of the SSS and Nigerian Police and the results will be acceptable in Nigeria by all Parties.

It is a very good Bill but it is a Bill for the future. In this time, I hope to believe that by the grace of God when Nigeria becomes one of the 20th largest economies in the world or by the time we actualize the Seven Points Agenda of Mr. President, then we can begin to contemplate casting our votes abroad. But as it is today, because of corruptions, insincerity of purpose of act and commitment, it would be very dangerous to ask us to start casting our votes abroad. How do you even trust the transporter of those votes?

I rest my case.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): I have said it several times

0839

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that I really find it very difficult to oppose Bills normally sponsored by my Colleagues more especially, a Bill sponsored by my Hon. Samson Osagie.

Sometimes, the truth has to be told no matter how ugly or bitter it is and that is exactly what we are trying to do. Just as Hon. Dino Melaye tried to state, before you diverted him, in a situation whereby we have series of votes going identical and suddenly in one Ward, you have 15,000 votes as against 3,000 votes. *(Interruptions)*

The Speaker: That is in a Local Government?

Hon. Mohammed Ali Ndume: That is in a Local Government; now this is locally manufactured votes, you can imagine what would happen if we have to import other votes again. *(Interruptions)*

The Speaker: Hon. Minority Leader? You are a leader in Nigeria, please.

Hon. Mohammed Ali Ndume: That all right, thanks. Mr. Speaker, let us be contented with the locally manufactured votes that we are still dealing with before we start importing.

Hon. Abdu Muhammad Sani (Alkaleri/Kirfi): Point of Order, Mr. Speaker.

The Speaker: A member of your Party is raising a Point of Order against you and he is recognized.

Please go ahead and raise a Point of Order against him. You can sit down Hon. Ndume; there is a Point of Order against you. You may go ahead and raise a Point of Order against your Leader. Let us see whether it is true or not?

Hon. Abdu Muhammad Sani: My Point of Order is Order IX Rule 5(1) on relevancy in debate. It says;

5-(1) Debate upon any motion, bill or amendment shall be relevant to such motion, bill or amendment, except in the case of a substantive motion for the adjournment of the House.

The last but one speaker that actually opposed this Bill has digressed far away from the principles of this Bill. I am just trying to direct us to come to the principles. If they have any thing against it, let them attack the principles and letter of the Bill and not speculate on what would have happened if we had adopted this Bill. It is irrelevant here.

The Speaker: Hon. Sani, thank you. Your Point of Order is upheld.

Hon. Yacoob E. A. Alebiosu (Kosofe): I am of the opinion that INEC like SEC in Lagos is the one vested with the responsibility of conducting elections. What happens when Nigerians in Diaspora are allowed to vote? Who conducts this? Do they go to the Embassies?

The Speaker: It depends on which election?

Hon. Yacoob E.A. Alebiosu: Are we really ready? Here in Nigeria, there was a case where even your name came up in Voters Register indicating that you were in Nigeria while you were not. What would now happen in such a case? I am not in support of this Bill.

I so submit.

The Speaker: Hon. Member, just leave my name out of this debate. I am sure I am not the only person bearing Dimeji Bankole in Osun.

Hon. Leonard Okuweh Ogor (Isoko North/South): Let me with due humility appeal that all nations are moving forward. The right to vote is not a privilege but a right which is enshrined in the Constitution. I am a bit worried when I heard some kinds of arguments. Nigeria is a nation that we must collectively build. We must try as much as we can to emulate other nations. I say this with all sincerity because from all the comments I heard it is like we are being confronted with an orientation problem. We tend to look only at negative sides of issues rather than positive sides.

My appeal is that voting is a right. For you to vote means that you are patriotic. You have the intent of making sure that the right person is there. Are we saying that because there is one single mistake we cannot move forward? I believe that the journey of a thousand miles starts with the first step. I therefore,

want to appeal that so long as we Nigerians can vote here at home, it becomes important since we are all citizens of the same nation to say that wherever they are they should be given the privilege to vote.

What we are talking about is one man one vote. I believe that the time has come for us to move forward with all this electoral reforms. My only little observation here is that I do not think it is important for us to come up with a Bill. It therefore, means that it is going to be an amendment to the Electoral Act. It would be wrong of us as citizens in line with Section

0841

4(2) that has given us right to make laws for the good governance of this great nation, to deprive other Nigerians citizens, no matter where they are, the right to vote.

Hon. Olufemi Gbajabiamila (Surulere I): This Bill, and the intendment behind it, is very laudable. But as usual and as always, I would want to avert the House to the provisions of our Constitution. The Constitution of the Federal Republic of Nigeria in Section 77(2) is very relevant in considering this Bill. It says:

Section 77(2) Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes of election in a legislative house, shall be entitled to be registered as a voter for that election.

The Constitution is very clear that at the time of registration you must be residing in Nigeria. Therefore, if we are asking that people who reside abroad must be entitled to vote, it is not something we can do by an Act of Parliament. It has to be done by an amendment to Section 77 of the Constitution.

The Speaker: Hon. Colleagues, in order not to waste too much time, is there anybody who opposed the Constitution as stated? We are seeking for a point that made Hon. Gbajabiamila's point null and void.

Hon. Chile W. Igbawua (Kwande/Ushongo): A few hours ago, you read to us a Bill coming from the President which, if we treat, would amount to amending the Constitution.

The Speaker: Hon. Chile Igbawua, we have not even started anything on those Bills. Please refer to the Constitution as it affects this particular Bill.

Hon. Chile W Igbawua: I have already said that this Bill can be consolidated with the one coming in to enrich it for the purposes of clarity.

The Speaker: It cannot be right because we are talking about this one now.

Hon. Abdu Muhammad Sani (Alkaleri/Kirfi): Section 24 (a) and (b) of the Constitution reads:

Section 24: *It shall be the duty of every citizen to -*

(a) *abide by this Constitution; respect its ideals and its institutions, the National*

0842

Flag, the National Anthem, the National Pledge, and legitimate authorities.

(b) *help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required.*

To vote is a national service. This is a strong constitutional provision for us to enact a law that would make them render such good national service.

The Speaker: Hon. Sani, with all due respect I am going to put the Question. What is it, Minority Leader?

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I want to suggest that this Bill should be stood down so that at the appropriate time it can be taken without it going through this process again.

Several Hon. Members: No!

The Speaker: But this is quite straightforward hon. Colleagues. Hon. Samson Osagie, I am going to give you the right of reply. Honestly, the Constitution is clear on this issue. However, Hon. Osagie, you have the right of reply.

Hon. Raphael Samson Osagie (Orhionmwon Uhumwode): Mr. Speaker, I want to say that the provisions of the Constitution as contained in this provision are very clear and as a matter of fact it is quite compelling.

The exercise we are embarking upon here is not a personal exercise; it is supported by so many of our Colleagues and the statement is very apposite. Therefore, I would want to submit the entirety of this Bill for the purpose and as a memorandum for constitutional amendment in due course (*applause*).

The Speaker: Excellent, Hon. Ita Enang, we are going to stand down this Bill and take appropriate steps for constitutional amendment on that.

Hon. Ita Enang (Itu/Ibiono-Ibom): Mr. Speaker, with respect Sir, this House has constituted a Committee on constitutional amendment. Therefore, if we have any Bill which has elements that relate to the Constitution, and we think that it should go there, we should make it pass through the Second Reading and commit it to that Committee so that they can consider it at that time.

The Speaker: Hon. Ita Enang, it is quite clear that all Hon. Osagie has to do is forward it there by himself

0843

while we stand it down here. We do not need to be committing or not committing unnecessarily at this point, please.

(Bill, with the leave of the House, stood down.)

CONSIDERATION OF REPORTS

National Agricultural Development Fund Bill, 2008

*(Adjourned consideration Committee of Whole:
23/10/2008)*

The Speaker: The next Order of the consideration of a Bill for an Act to Establish the National Agricultural Development Fund and for Matters Connected therewith, 2008 (HB. 126) It was referred to the Committee of the Whole on Wednesday, 23rd of October, 2008.

Hon. Ita Enang: I move that this House do consider the Bill for an Act to Establish the National Agricultural Development Fund and for Matters Connected Therewith 2008.

I so move.

Hon. Shuaibu Hashimu Abdullahi (awe/Doma/Keana): Mr. Speaker, I second the Motion as moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That the House do consider the Report on a Bill for an Act to Establish the National Agricultural Development Fund and for Matters Connected Therewith.

National War College Act (Cap. N82 2004) (Amendment) Bill, 2008

The Speaker: Hon. Ita Enang, could you move for the consideration of the next Report which refers to A Bill for an Act to Amend the National War College Act (Cap. N82 2004) to provide for Change of Name to National Defence College and for Other Connected Purposes, 2008 which was referred to the Committee of the Whole on Wednesday, 26th March, 2009.

Hon. Ita Enang: Mr. Speaker, I move that this House do consider a Report on a Bill for an Act to Amend the National War College Act (Cap N82 2004) to provide for Change of Name to National Defence College and for Other Connected Purposes.

I so move.

0844

Hon. Abdul-Wahab O. Isa (Ilorin East/Ilorin South): Mr. Speaker, I rise to second the Motion as moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That the House do consider the Report on a Bill for an Act to Amend the National War College Act (Cap N82 2004) to provide for Change of Name to National Defence College and for Other Connected Purposes.

Report of the Committee on Diaspora: Investigation into the Matter of a Nigerian Stabbed to Death in Ukraine

The Speaker: The next Report refers to Investigation into the Matter of a Nigerian Stabbed to Death in Ukraine. This Report was laid on Tuesday, 28th of April 2009.

Hon. Abike Kafayat Dabiri Arewa: (Ikorodu): I move that this House do consider the Report of the Committee on Diaspora, Foreign Affairs and Justice on the Investigation into the Matter of a Nigerian Stabbed to Death in Ukraine.

I so move.

Hon. Umar M. Bature (Sokoto North/South): Mr. Speaker, I rise to second the Motion as moved.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Diaspora, Foreign Affairs and Justice on the Investigation into the Matter of a Nigerian Stabbed to Death in Ukraine.

Hon. Tunde Ainukhatemon Akogun (Akoko-Edo): Mr. Speaker, before we resolve to Committee of Whole may I move that the House do suspend the outstanding Order VII, Rule 2 to enable Hon. Speaker to Chair the Committee of Whole.

I so move.

Hon. Baba Agaie Shehu (Agaie/Lapai): Mr. Speaker, I rise to second the Motion as moved by the Leader.

Question put and agreed to.

Resolved: That the House suspends the outstanding Order VII, Rule 2 to enable Hon. Speaker to Chair the Committee of Whole.

0845

Hon. Tunde Akogun: I move that the House do resolve into the Committee of the Whole to consider these Reports.

Hon. Baba Agaie Shehu (Agaie/Lapai): Mr. Speaker, I rise to second the Motion as moved by the Leader.

Question put and agreed to.

National Agricultural Development Fund Bill, 2008, CONSIDERED IN THE COMMITTEE OF THE WHOLE

Hon. Ita Enang: Mr. Speaker, this is a Bill which passed Second Reading on the Floor of this House and prior to now the Bill has been considered and passed before the dissolution of the last House. It has been harmonized but it is one of the Bills that was not signed into law by Mr. President and had to be represented for reconsideration.

We have laid out the provisions as it were in the original Act that was passed by this House. We call on the House to please pass all the provisions therein. I am talking about the National Agricultural Development Fund Act.

Mr. Chairman: Honourable Colleagues, this is quite straightforward. I am sure we do not have any objection to any of the Clauses. Do you still want us to consider it Clause by Clause?

Hon. Ita Enang: Yes, Sir.

The Chairman: It is all right.

Question put and agreed to

PART I – (ESTABLISHMENT OF THE NATIONAL AGRICULTURAL DEVELOPMENT FUND)

Clause 1 - (ESTABLISHMENT OF THE NATIONAL AGRICULTURAL DEVELOPMENT FUND) - ordered to stand part of the Bill.

Clause 2 - (ESTABLISHMENT OF THE GOVERNING BOARD) - ordered to stand part of the Bill.

Clause 3 - (QUALIFICATIONS OF MEMBERS) - ordered to stand part of the Bill.

Clause 4 - (TENURE OF MEMBER)

0846

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, I need some clarification on Clause 4 which says: *A member other than Ex-officio shall hold office for a term of four years.* Whereas Clause 7 says: *a Member other than Ex-officio shall be part time members.* I do not understand this.

The Chairman: He is on part-time for four years.

Hon. Abdullahi Hashimu: Then, how many years will be the tenure for Ex-officio members?

The Chairman: I do not know but when we get to that Clause, we could answer that.

Hon. Abdullahi Hashimu: It is all right.

Question put and agreed to

Clause 4 – (TENURE OF MEMBER) - ordered to stand part of the Bill.

Clause 5 - (CESSATION OF MEMBERSHIP) - ordered to stand part of the Bill.

Clause 6 - (DISSOLUTION) - ordered to stand part of the Bill.

Clause 7 - (ALLOWANCES OF MEMBER) - ordered to stand part of the Bill.

PART II – (FUNCTIONS OF THE FUND AND POWERS OF THE BOARD) –

Clause 8 - (FUNCTIONS OF THE FUND) - ordered to stand part of the Bill.

Clause 9 - (POWERS OF THE BOARD)

The Chairman: Yes, Hon. Leo Ogor?

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Chairman, I have a little problem here and I may decide to seek an explanation?

I really do not understand this statement: *approve the annual budget of the Fund.* Are they going to do some estimates and give the Board the powers to approve the annual budget or what? This is because I believe that the only body that can approve any budget as long as it is Government fund is the National Assembly.

Therefore, I seek for explanations.

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The Chairman: I think what you are trying to say is that it should be; *propose the annual budget* and not *approve the annual budget*. Is that not what you are trying to say? Since the budget has to be approved by the National Assembly.

Hon. Ita Enang: Mr. Chairman, with respect Sir, I want to agree with my Colleague that that provision is wrong there. It should be deleted.

The Chairman: But you just told us when we started that we should approve everything.

Hon. Ita Enang: Yes Sir, I am sorry. It has been over taken by the new thinking of the House in current Bills passed.

The Chairman: I thought you were going to say that it has been overtaken by the Constitution.

Hon. Ita Enang: Yes, the Board cannot approve.

The Chairman: Yes, you said it was the new thinking of the House but I thought it is the Constitution.

Honourable Members, what we are seeking to do there is to change the word *approve* to the word *propose*.

Several hon. Members: The word should be: *prepare*.

Mr. Chairman: Are you saying it should read: *make regulations for the management of the fund with the approval of the Minister*?

Honestly, what we are looking at is Clause 9(b), which says:

The Board shall have the power to approve the annual budget of the Fund.

So, it should be; *the Board shall have the power to propose the annual budget of the Fund*. Or do you want us to delete it entirely?

Hon. Leonard Ogor: Mr. Chairman, you would agree with me that it is already known that it is a Constitutional responsibility, which is in line with Section 80 (4) that says:

No funds shall be withdrawn from the Consolidated Revenue Fund except in the manner prescribed by the National Assembly.

It therefore means that we should delete that provision totally.

The Chairman: Is it total deletion?

Hon. Ike Chinwo: What happens is that you have Management and you have Board. Whatever Management do they present to the Board at their own level for approval. So I think what they mean here is that they approve the annual estimates of the Fund for submission either to the President or to the House. It is not the Board that approves but it is the Management. At Management level they approve whatever thing that goes out. So we can change that to say that *they approve the annual estimate of the Fund for presentation*.

The Chairman: All right what are we saying now, approve the annual budget estimate? We need to be cleared about this. Can you just give us a sentence that you are proposing?

Hon. Ike Chinwo: *The Board shall have power to approve the annual budget estimate of the Fund*. It is estimate it is not project itself.

Hon Leo Ogor: *That the Board shall approve the annual budget of the Funds and transmit to the National Assembly through the President.*

Hon Abdul Ningi: Mr. Speaker, this is something that have to follow sequence. The sequence is giving us Powers of the Board. One of the aims of the Powers of the Board is to propose the annual estimate of the Fund. Though it is a Constitutional matter, it re-enforces the fact that they have the powers to just do it.

Considering what Hon. Leo said that it is a constitutional matter which is given, how many times have we seen in the course of our oversight, where approval is given by agencies of government? Yet nobody said anything. But when it is written they will know the limitation of their powers. The limitations of their powers stop at just proposing the annual estimate of the Budget.

The Chairman: Honourable Colleagues, I think we have fears based on remittance and the rest of it. Therefore, let us not play around with the word *approve* here. So are we agreeing that the word should be *proposed*? So what we are looking at is the *proposed annual budget of the fund*. Just to change it to *proposed*.

Hon. Chile W. Igbawua (Kwande/Ushongo): Mr. Speaker, the proposals are made by the Management

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The Chairman: It is still a proposal even at that stage because anything apart from the National Assembly is a proposal

Hon. Chile W. Igbawua: The Board would ratify. The word is *ratify*. The budget is proposed by the Management but the Board would ratify it.

The Speaker: All right fine it makes sense if you said *the Board rectifies the proposal of the annual budget of the fund*.

Hon Abdul Ningi: It is inelegant. If we look at the drafting; it is suppose to be specific and direct. When you said somebody is approving the proposal, it is *tautology*. This is about a Board. A Board is proposing annual estimate of their budget to the President not to the National Assembly.

The Chairman: I think I have reason to agree with the Leader because if the Board should rectify a proposal, it means that the Board is bound by that proposal. So they can still make changes because it is still a proposal. So the word is just *proposal*.

Should we adopt it as proposal?

Question put and agreed to.

Therefore (c) will now be proposed as well; is that correct?

(c) PROPOSED ALL GRANTS FOR AGRICULTURAL RESEARCH TRAINING AND DEVELOPMENT – *ordered to stand part of the Bill.*

Hon. Betty O. Apiafi: I am a bit worried at some of the functions of the agency. One of it is the (d) part of what we are doing now which takes us back to function number 8 - Functions of the Fund; *provide for on-lending to farmers and corporate bodies, through appropriate finances in societies organizations, farmers groups and institutions*. I do not think this agency will be able to do that. I think it is all right if they concentrate on research and development and other issues.

The Chairman: That has already been carried, I hope you know that?

Hon. Betty Apiafi: No. I say this because we are coming back to the (d) part of it which says *approve loans for agricultural investment subject to section 8*; that is why I am bringing it up.

Before you will be able to do on-lending to vary States in the Federation, you have to have branches not

only in state capitals but you have to go to the local governments. I think it is a duplication of the functions of Nigerian Agricultural and Rural Development Bank.

The Chairman: What I am saying is that since clause 8 has been passed, we are only dealing with the approval as far as clause 9 is concerned which is subject to clause 8 that has already been passed so we cannot go back to clause 8 again since we have already passed it.

Hon. Betty Apiafi: No but the item (d) of it still refers to clause 8.

The Chairman: It is subject to it.

Hon Betty Apiafi: Yes but it is still loan approvals.

The Chairman: We cannot go back to what we have already passed.

Hon. Betty Apiafi: Mr. Chairman, Clause 9 (d) still said approve loan for Agricultural investment; that is what I am trying to point out

The Chairman: Yes I know that but only subject to clause 8. If clause 8 does not exist, the (d) does not exist.

Hon. Betty Apiafi: But has clause 8 been deleted?

The Chairman: Clause 8 has been passed.

Hon. Betty Apiafi: Mr. Speaker, even if it is passed, the point still remains that this agency will not have the capacity to do on-lending.

The Chairman: But we have passed it.

Hon. Betty Apiafi: We are still in the House.

The Chairman: I know but if there is a procedure to go back let me know that.

Hon. Betty Apiafi: Yes because it was now referred on number 9 that is why I am taking us back.

The Chairman: Hon. Ningi, what is the procedure?

Hon. Abdul Ningi: Mr. Chairman, I listened to her. If this Board will not approve loans for

0851

Agricultural investment then who should? In your own opinion who should approve this? Is it Mr. President?

Hon. Betty Apiafi: What I am saying is that if you look at the description of Agricultural investment, on this sub-head, it shows that they have to do on-lending. This on-lending is much more different from doing research and development. It means you are going to be giving loans to small farmers and all of that. So, I am saying that we have already have agencies that are doing those kind of job, like Agricultural and Regional Development Bank. So why do we have to duplicate the same function when you have already have an agency that is doing that job but that they should concentrate more on the bigger picture of Research and Development and other functions that have been allocated to them but not on-lending.

Hon. Ita Enang: Mr. Chairman, we have passed that clause 8 and unless there is a Constitutional question, then we can only return to Clause 8 under a substantive Motion.

Again I want to submit that when there is a new law that is made, that law amends a previous law; if it is signed into law, it automatically amends. What the provision of that section is saying is simply providing what the fund will be used for, this is establishing a body.

The Chairman: All right, enough of that. Another question that I am concerned about is if you are saying, for example, approve all grants for Agricultural Research and Training in Government, approve loans for Agricultural investments subject to 8(b) of this Act and we have already said in (b) that it is not approval but proposal, I reckon that (c) and (d) should also be proposal. It cannot be approval because it is talking about funds which they do not have powers to approve. It is the National Assembly that would approve it. Is grant a fund or is loan a fund?

Some Hon. Members: No!

The Chairman: Who has the power on funds?

Some Hon. Members: The National Assembly.

Hon. Ita Solomon J. Enang (Itu/Ibiono/Ibom): We are at this stage saying what that Board is supposed to do. Part of what the Board does is to approve loans to be given out. What we were talking about the proposal in (b) is proposal to be submitted to the National Assembly to agree on the amount of money they are going to have in totality. When they have the money in their kitty, they would approve how to disburse to each of the agencies for their functions.

0852

So, it is different, Sir.

The Chairman: What we are saying is that once budget has been approved they would go into all these.

Several Hon. Members: Yes!

The Chairman: I hope nobody takes an advantage of this in the future.

Question put and agreed to:

Part II – (FUNCTIONS OF THE FUND AND POWERS OF THE BOARD) – ordered to stand part of the Bill.

PART III – APPOINTMENT OF EXECUTIVE SECRETARY AND OTHER STAFF

Clause 10 – (APPOINTMENT OF THE EXECUTIVE SECRETARY ETC.) – ordered to stand part of the Bill.

Clause 11 – (APPOINTMENT OF THE SECRETARY/LEGAL ADVISER AND OTHER STAFF) ordered to stand part of the Bill.

PART IV – FINANCIAL POSITION – ACCOUNTS

Clause 12 – (ACCOUNT)

Hon. Lanre Agoro Adeniran (Irepe/Orelope/Olorunsogo): When we take a look at Clause 12(2)(c), it says *5 per cent Profit Tax of each Commercial*, which commercial? It is not qualifying anything. Is it Commercial Banks? We do not know which commercial they are qualifying?

Mr. Chairman: Chairman Rules, Commercial what?

Hon. Ita Enang: Give me few minutes so that I can refer to the real draft.

The Chairman: Hon. Abdullahi, do you have an answer to that?

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Not an answer but an addition to what Hon. Agoro said on why would the *5 per cent* also be extended to ailing oil exploration companies to fund the agricultural fund? Clause 12 (1) (d) says *5 per cent* of Profit after Tax of each oil exploration companies in Nigeria. How justified is that?

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The Chairman: Let us get through the first one. 5 per cent of Commercial what? Does anyone have answer to that?

Hon. Ita Enang: I have, Sir.

The Chairman: Please go ahead.

Hon. Ita Enang: That Section is 5 per cent of Profit After Tax of each Commercial Bank in Nigeria. That is the provision of the Bill as it is.

The Chairman: Are you sure it is Commercial Bank?

Hon. Ita Enang: I am reading from the gazette Bill.

The Chairman: Please read it again.

Hon. Ita Enang: It says:

Financial provision – Accounts.

The fund shall establish and maintain an account from which shall be defrayed all the expenditure incurred by the fund. There shall be paid into the account established in sub-section 1 of this section, the following:

- (a) Take-off grant provided by the Federal Government;
- (b) Provide whole or part of the Natural Resource Development Fund as may be approved by the President from time to time;
- (c) 5% of Profit after Tax of each Commercial Bank in Nigeria;
- (d) 5% of Profit after Tax of each oil exploration companies in Nigeria;

The Chairman: Do we have problems with that?

Hon. Uzoma Nkem Abonta Isuikwuato/Umunneochi): I get a little worried why we begin to levy business and individual persons. We must not place additional requirements on persons or group of persons. Tasking a commercial bank to pay 5 per cent of their profit is not proper except we say all commercial entities in Nigeria. For example, we can say multinationals like Coca Cola but not specifying commercial banking.

The Chairman: What are you suggesting then?

Hon. Uzoma Nkem Abonta: I am suggesting that we delete it. It is not proper.

Hon. Oluwale Oke (Ijesha North): I want to concur with my Colleague to the extent that you will be asking for too much.

The Chairman: So what is your suggestion?

Hon. Oluwale Oke: It should be deleted.

The Chairman: Totally deleted?

Hon. Oluwale Oke: Yes.

The Chairman: Does anybody have a contrary opinion to that?

Hon. Sarkin-Adar Musa (Goronyo/Gada): I am not in support of deleting the clause as it stands at 5 per cent, rather we should reduce it to 0.5 per cent.

Hon. Abdul Ningi (Ningi): Mr. Chairman, I am actually at a loss as to any Nigerian who will look at this provision and come to the conclusion that 5 per cent of the Profit after Tax of a Commercial Bank is too big to generate food production in this country. We are all itching that there must be an option of oil. There must be a substantive reduction of dependability on oil. We said 5 per cent of the After Tax Profit and some people are saying we should delete it; if we delete it what is the need of the fund? If you delete this 5 per cent, what is the need of what we are doing?

Why we resolved to go into the Committee of the Whole to deliberate on this Bill is because of its importance, sensitivity and because we are saying agriculture has taken a back interest. We can only revive it by looking for a way out but we are now saying that 5 per cent is too big.

The Chairman: What is your suggestion?

Hon. Abdul Ningi: My suggestion is that there is nothing wrong with 5 per cent.

The Chairman: Nothing wrong with it?

Hon. Abdul Ningi: There is nothing wrong with it. How many times have we risen in this Chamber to complain about the unprecedented profits generated by banks? What do they do with the profits? They are not

0855

amongst the 2 *per cent* cut by Educational Tax Fund (ETF). Banks are not there; oil companies were given 2 *per cent* for Educational Tax Fund. What do the banks give in place of the profits?

The Chairman: This is beginning to get into debate now.

Hon. John Halims Agoda (Ethiopia East/Ethiopia West): I can understand the passion and the feeling of my friend Hon. Ningi that because of the state of our agricultural development anything could go. As a House, we make laws for the entire country and in making a national law, we must reduce our emotions and passions so that whatever law we make later can stand the test of time. First, let us remember that we did not subject this Bill to Public Hearing where all stakeholders would have the opportunity to be invited to give their opinions and positions.

The Chairman: Hon. Halims, this was done in the last Session.

The Chairman: All right. It was not because we did not get the opportunity too.

Hon. John Halims O. Agoda: Well, if that is the case I second and support seriously what the Chairman of INEC said that for a beginning this five *per cent* is on the high side because if we take it five *per cent* remember the Bank will have the way of putting it back to Nigerians by way of interest. So it is a shame reaction. To that extent, I will suggest that five *per cent* is of the high side. It can be one percent as the case maybe because if you look further you will see other financial items also attached. So, I believe that one percent of Profit After Tax is ideal for the Commercial Banks to pay.

The Chairman: All right can I ask such question? Is there any member of the Committee on Banking here please? We just need information here. What was last year report regarding profit after tax of total bank in Nigeria? Does anyone have an answer to that so that we can now have an idea of what one *per cent* looks like and if it makes any sense?

Hon. Betty O. Apiafi (Ahoada East/Abua/Odual): It could be in the neighbourhood of ₦100 billion.

The Chairman: If it is ₦100 billion profit after tax, one *per cent* of that would be one billion. What will one billion mean?

Hon. Betty O. Apiafi: What I am saying is with regard to small and medium scale loans. In the previous

0856

administration there was a provision to this effect to fund small and medium scale enterprises; that provision, unfortunately was not backed by law. That was moved to fund the Micro-Finance Banks. I know we just submitted an Amendment of the Banking Act. In that Amendment, we are making provision for banks to spread their portfolio to take cognisance of the different sectors of the economy and to also boost Agriculture.

The Chairman: But we have not got to that stage; here we can only view it.

Hon. Betty Apiafi: I am just trying to point out that there is an existing tax on the banks already, which is what is funding Micro-Finance Bank.

The Chairman: We are talking about agriculture. But hold on please, we have a constitutional Point of Order

Hon. Ita Enang: Mr. Chairman, the constitutional question I want to raise is from Section 44 of the Constitution. And before I read that Sir, let me read what this Section says. It is five *per cent* of profit after tax, which means that you have already taxed these profits and what remains now is demand profit. Now Section 44 of the Constitution - *Compulsory Acquisition of Property* says: -

No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law which among other things provide...

I have read the entire provision.

The Chairman: So?

Hon. Ita Enang: My submission is that somebody's profit after you have taxed it, is his own personal property and the company is a person in law or the proviso.

The Chairman: Could you read the last two sentences on that?

Hon. Ita Enang: *No such properties shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things-*

0857

0858

The Chairman: By law and this is a law. Hon. Ita Enang please do not confuse us. Sit down. You said as prescribed by law that we are about to pass?

Hon. Ita Enang: No, it has stated what the law should say Sir; with respect.

The Chairman: All right go ahead.

Hon. Ita Enang: *No such properties shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things-*

(a) requires the prompt payment compensation therefore;

The Chairman: Hold on, you said *among other things*, which is subject to those other things, we are not lawyers but this is quite clear.

Hon. Ita Enang: No, (b) part reads: *gives to any person claiming such compensation a right of access*

for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

And it goes on. I am submitting that this is a compulsory acquisition of somebody.

The Speaker: Chairman Rules, you are overruled; sit down.

Deputy Whip?

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): I want to believe that Chairman Committee on Rules is misleading the House because the particular Section of the Constitution is talking about the real property; that one is talking about access; it is not about wealth, not about property but real estate. It is there.

The Chairman: In any case honourable Colleagues, I really think this is quite straightforward because we have laws on two *per cent*, one *per cent*, or five *per cent* along this line in various fields, just like we have in Education. We cannot because it is agriculture now begin to quote the Hon. Chairman Rules.

Now hon. Colleagues, we are talking about which percentage to take, one *per cent*, or five *per cent*? And my own advice is that we cannot take a percentage that

will mean nothing at the end of the day, otherwise we do not do it. Can anybody doubt the ₦100 billion? Do you have any other figure to that?

Hon. Oke Busayo Oluwole (Obokun/Oriade): No Sir, there are fundamental issues involved there. The coming Income Tax Act is very clear banks or corporate entities; you take thirty-five *per cent* of the accessible tax. After that you take additional two *per cent* as Education Tax. The difference thereof is subject to a lot of issues; dividends are there, if there is profit you are reporting back to the business and you now want to take five *per cent* of that, when you take your dividend to the shareholders, that will also be subject to tax and withholding tax as well.

So Mr. Speaker, you are placing a lot of burden on these profits.

The Chairman: I do not think so; I disagree.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): I am towing the same view. Let us call a spade a spade; the Federal Government already have taxed the total fund which is now profit before tax and has removed almost forty *per cent* of that fund.

The Chairman: Are you saying that we should not take any tax from banks on any issue in Nigeria?

Hon. Leo Ogor: On a serious note, because already...

The Chairman: Are you suggesting we are not serious?

Hon. Leo Ogor: That is what I am canvassing Mr. Chairman.

I am conversing that you cannot tax somebody continuously; you have already taxed that person and you have taken almost thirty-five *per cent* of that particular funds, and each person invested money because he wants to make money.

The Chairman: All right, we need to take a decision on this. It is either we tax one *per cent*, two *per cent*, three *per cent* or we do not tax, which one do you want? There is a clarification from the former Leader. But it is important to know that we passed this at the last Session.

Hon. Abdul Ahmed Ningi (Ningi/Warji): I refer to the position submitted by Hon. Wole that banks do pay Education Tax Fund; it is untrue. It is a lie. No bank pays Education Tax Fund of two *per cent*. No one bank does. You must come out and say what banks pay

0859

as extra for us to have some leniency to the banks. What do they pay extra apart from the profit? What is killing banks and profits? Banks are making billions out of people and we are trying to see how we can take some of the profits back to the people. I know some of us are Bank Directors, but please Mr. Speaker, people first because we are representing them.

The Chairman: I am going to put it to vote. While I agree that we can choose any percentage that we wish, there is no point taking a percentage that will not make any difference but a total waste to the bank as well.

All right, hon. Colleagues, I take it as no one has interest in five *per cent*, is that correct?

I will now put the question on two *per cent*.

Question put and agreed to:

Two *per cent* - ordered to stand part of the Bill.

The Chairman: We have already passed Item (b). Do you have any issue on Items (d) and (e)?

Hon. Isa Idris Umar (Igabi): On Item (e), rather than mentioning *Rice, Wheat, Sugar and Milk*, I would prefer we substitute it with *agricultural produce*.

The Chairman: You are saying that we do not need to be specific as agricultural produce is quite massive?

Hon. Isa Idris Umar: Yes, Sir.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Chairman, when you take a critical analysis of Item (e), it says: 50 *per cent* of duty levies on import rice, wheat, and sugar and milk; it clearly violates Section 162 of the 1999 Constitution of the Federal Republic of Nigeria.

This is because Section 162 states clearly that: *the Federation shall maintain a special account to be called the Federation Account into which shall be paid all Revenue*.

It therefore means that this Revenue belongs to the three tiers of Government. The fact remains also that we cannot in anyway legislate in respect of Section 162 because our function as clearly stipulated there, is purely distributing the funds.

Therefore, if we are then saying that we are going to appropriate or probably make laws that funds that are

0860

going into the Federation Account in line with Section 162 should be transferred to certain Accounts or organization, automatically, it means that we are violating that Section.

We do not have the powers to appropriate in respect of Section 162. The function we have there is to ensure the formula of distribution.

The Chairman: Is there any Member disagreeing with him?

Several hon. Members: No!

The Chairman: All right, Chairman, Rules and Business Committee, please proceed.

Hon. Ita Enang (Itu/Ibiono/Ibom): Mr. Speaker, I want to say that in my ten years on the Floor of this House, I have never discussed and will never discuss or talk on any matter on the basis of sentiment or whatever the issue is all about. I felt bad when that insinuation was made.

We passed this Law. However, at any time we have the opportunity we can look at it. We can only appropriate and make a law over a matter or a fund which you have control. Any levy or duty goes to the Federation Account. You can only charge any part of the Consolidated Revenue Fund that goes to the Federal Government share - which is our share. This one goes to the Federation Account.

Therefore, we cannot tax the Fund that goes to the Federation Account.

The Chairman: So, are you in agreement with Hon. Leo Ogor?

Hon. Ita Solomon Enang: Yes, Mr. Chairman.

Hon. Ifaluyi Isibor (Egor/Ikpoba Okha): Mr. Chairman, I want to bring this information to the House that already, there is a sugar levy, which is between five to ten *per cent*.

What he is saying is that 50 *per cent* of that five or ten *per cent* should go for Agricultural funding. It is so clear.

The Chairman: But, he is saying that there is a difference between Consolidated Revenue Fund and Federation Account, which means that we can only appropriate what we have power over. We cannot be appropriating fund that has to do with States and Local Government. We must allow it to go to the right place; take our portion of it and appropriate that.

0861

Hon. Ifaluyi Isibor: The Sugar Funds do not go to States. It is meant for the development of Sugar production in Nigeria. The Fund is under the Federal Ministry of Industry. *(Interruption)*

The Chairman: Hon. Colleagues, we need to consider the point that Hon. Isibor is making. It is a different thing entirely.

Hon. Chile W. Igbawua (Kwande/Ushongo): Mr. Chairman, we are talking about a Constitutional matter that all funds accruing to the Federation. And Duties are one source of those funds accruing to the Federation, which must go to the Federation Account.

Therefore, we cannot begin to legislate on it the way we are proposing to do it now.

The Chairman: It is all right. Therefore, what we are saying now is that it should be deleted?

Several hon. Members: Yes!

Question put and agreed to.

Clause 12(2e) - (50% OF THE DUTY LEVIED ON IMPORTED RICE, WHEAT, SUGAR AND MILK) – deleted.

Clause 12 – (ACCOUNT) – as amended, ordered to stand part of the Bill.

Clause 13 – (EXPENDITURE)

Hon. Abdullahi Hamisu Shuaibu (Awe/Doma/Keana): Mr. Chairman, where we decided on the percentage of tax of Companies should read *before tax* and not *after tax* to avoid double taxation. Even the EFT is *profit before tax*. That is the percentage to be taken from Banks and Oil Companies.

The Chairman: Are you saying that it should read: *Before Tax*?

Hon. Abdullahi Shuaibu: This is a technical issue. In practice, they cannot tax or take a percentage of what is declared as profit after tax. It is only the net income, that is, the profit before tax; that you can now say let us tax.

The Chairman: Is that the norm?

Hon. Shuaibu Hamisu Abdullahi (Awe/Doma/Keana): Yes, that is the norm.

0862

The Chairman: If that is the norm, we should assume that that is the norm in this case so that we need not go back to begin to amend. The Secretariat should take note of that.

Amendment put and agreed to.

Hon. Agoro Lanre Adeniran (Ogbomosho North/South/Orire): Mr. Chairman, we have already approved the Expenditure in Clause 9. If you could recall the issue of who has the power to approve caused a row in this Chamber for Powers, you remember that caused a lot of row. We said; *the Board shall have power to approve proposals*.

That is the *Expenditure* we are referring to in *Clause 13*

The Chairman: Are you sure that is the same expenditure?

Hon. Agoro Lanre Adeniran: Yes, that is it.

Hon. Abdul Ahmed Ningi (Ningi/Warji): They only spend what they have. If you look at Clause 9(f) it says: *other monies as may be appropriated by the National Assembly*.

The Chairman: So, that is very straightforward.

Question put and agreed to.

Clause 13 (EXPENDITURE) – as amended ordered to stand part of the Bill

Clause 14 - (ANNUAL ACCOUNTS AND ESTIMATES) - ordered to stand part of the Bill.

Clause 15 - (ANNUAL REPORT, AUDITED ACCOUNTS AND AUDITOR'S REPORT) - ordered to stand part of the Bill

Clause 16 - (GIFTS) - ordered to stand part of the Bill.

Clause 17 - (POWER TO BORROW) - ordered to stand part of the Bill.

PART V - (LEGAL PROCEEDINGS)

Clause 18 - (TIME WITHIN WHICH TO SUE) - ordered to stand part of the Bill

Hon. Uzoma Nkem Abonta (Ukwa East/West):

0863

Mr. Chairman, I am aware that the Official Act limits it to three months but there is a move to change it to nine months. This is because three months appears to be a very short time within which people can sue.

In my opinion, can we change it to be within six months or there about?

The Chairman: Three months is more than enough for somebody to consider suing. What is that person waiting for?

Hon. Uzoma Nkem Abonta: People may not immediately know their rights. Even, the present three months is causing a lot of problem within the Legal circle now.

The Chairman: Without disrespect to your person, I know you are a product of what the Judiciary said. You had enough time to make your case; they also have enough time too. I think three months is all right.

Clause 18 – (TIME WITHIN WHICH TO SUE) – ordered to stand part of the Bill.

Clause 19 - (SERVICE OF DOCUMENTS) – ordered to stand part of the Bill.

Clause 20 – (RESTRICTION ON EXECUTION) – ordered to stand part of the Bill.

Clause 21 – (INDEMNITY) – ordered to stand part of the Bill.

Clause 22 – (GENERAL DIRECTION BY THE PRESIDENT) – ordered to stand part of the Bill.

Clause 23 - (DIRECTION BY THE MINISTER) – ordered to stand part of the Bill.

Clause 24 – (POWER TO MAKE DEREGULATIONS)

Hon. Isah Idris Umaru (Igabi): Mr. Chairman, on this Power to Make Deregulations, most of our laws give these residual powers to Ministers or Agencies. Sometime ago in this Chamber, we made a law or proposed making a law that will compel these agencies or Ministers to make returns of whatever deregulations they make from time to time. This is because if we live these powers open, sometimes they continue doing deregulations that distort even the principal Act.

The Chairman: That makes it illegal; does it not? Therefore, Deregulations are only subject to the laws

0864

and if we are doing an oversight, we should be able to spot that immediately.

Clause 24 – (POWERS TO MAKE DEREGULATIONS) – ordered to stand part of the Bill.

Clause 26 – (INTERPRETATION) – ordered to stand part of the Bill.

Short Title – *agreed to.*

Schedule – *agreed to.*

The Chairman: Hon. Members, do we go to the next Bill: a Bill for an Act to Amend the National War College.

Several Hon. Members: Yes.

**National War College Act (Cap. N82, 2004)
(Amendment) Bill, 2008**

A Bill for an Act to Amend the National War College Act (Cap. N82 2004) to Provide for Change of Name to National Defence College and for Matters Connected Purposes, 2008 – CONSIDERED IN THE COMMITTEE OF WHOLE

Clause 1 – (ESTABLISHMENT OF THE NATIONAL WAR COLLEGE)

Amendment put and agreed to.

Clause 1 - (ESTABLISHMENT OF THE NATIONAL WAR COLLEGE) – as amended, ordered to stand part of the Bill.

Hon. Halims Agoda (Ethiopia East/Ethiopia West): Mr. Chairman, there is the need for the Chairman of the Committee to make a brief analysis why it is really needed to change this name so that we can easily appreciate the necessity for this amendment.

The Chairman: Chairman, please give a brief on the necessity to change the name.

Hon. Oluwale Oke (Obokun/Oriade): Mr. Chairman, the National War College has been in place over some periods of time and the Executive arm of government reasoned that the War College was tailored towards when they were involved in governance. In addition, they compared notes with their counterparts in other parts of the world – India, Bangladesh, Pakistan, American, *et cetera*, who have had course to change their name from War College to Defence College.

0865

They are of the opinion that they cannot be an island and they want to be able to do what their counterparts are doing in other parts of the world. Beside that, we are in a very democratic environment and the name War is scary and not friendly. These were part of the reasons they resolved to change their name to National Defence College.

In addition, they do more than mere war.

The Chairman: There is nothing *mere* about war.

Hon. Oluwale Oke: Mr. Chairman, the point I am making is that the activities being carried out in the National Defence College is more than studying or reading about wars. They also embark on a lot of research, which are applicable in other endeavours of life.

The Chairman: They research on what?

Hon. Oluwale Oke: They research on all walks of life.

The Chairman: Chairman, you have done well. Hon. Colleagues, he has explained. So, let us move on. Is there any question?

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Chairman, we do have a Nigerian Defence Academy. Now, the impression we have is that the War College is a higher institution and from the appearance of the two names, would we not be thinking that the Nigerian Defence Academy is higher than the Defence College? I thought that this one that is higher should come by way of Nigerian Defence Institute – something that is higher than the Defence Academy which is a lower institution.

The other countries may not have similar institution like the Nigerian Defence Academy.

The Chairman: But they do have.

Hon. Chile Igbawua: All right but I am just suggesting that the word does not sound elegant enough for an institution that is higher than the Defence Academy.

The Chairman: All right, can we move on? Please go ahead Hon. Ningi.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, I want to seek clarification on the amendment proposed by the Committee at Clause 3, sub-clause 1(f) as follows: *retired career Ambassador or a Professor in the relevant academic discipline*. Is this suggestion

backed by any existing position? Why are they suggesting a retired Ambassador or a Professor? What is the benefit of this recommendation?

Hon. Oluwale Oke: Nobody holds exclusive monopoly of knowledge in the quest of this outfit to garner experience and knowledge, particularly when you talk of foreign defence relations with other parts of the country. So, you need people who are seasoned and learned enough to be able to add value to the College.

Hon. Abdul Ningi: That means that a person holding a Doctorate degree is not good enough.

The Chairman: The Chairman of Defence Committee is only making clarification, he is not contesting.

Hon. Halims Agoda: If the explanation my Colleague, Hon. Oke offered this distinguished Parliament now is to impart knowledge, why then the caveat *retired career Ambassador or a Professor* used here? An Ambassador that has retired or a Professor that has also retired; for us to get knowledge depends on the age. Therefore, the notion that the Ambassador or the Professor must be a retired one does not seem to flow.

The Chairman: Are you suggesting that it should just be an Ambassador or a Professor, whether or not retired? Besides, do Professors retire?

Hon. Halims Agoda: Why must they be retired ones that we need?

The Chairman: So, it should be retired or not retired?

Hon. Halims Agoda: No, they should not be retired ones at all. They should be active Ambassadors or Professors.

The Chairman: I do not know of a Professor that had been retired. So are you suggesting that the word *retired* should be deleted from here?

Hon. Halims Agoda: Yes.

The Chairman: I do not want us to go into debating. You were only seeking clarification. Hon. Ike Chinwo, what is the problem?

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, like the Chairman of Defence Committee had said, we are talking about people of high integrity and what have you. In Nigeria today, do we have them only in retired Ambassadors and Professors? The answer is no.

0867

0868

Therefore, what I would say is that even if you want to leave the word *retired* there, let it be retired public officers or professionals. That covers all the grounds so that it must not be restricted to Ambassadors and Professors. How many Ambassadors do we have in Nigeria? That is my contention.

The Chairman: Hon. Colleagues, would it be easier if we say *retired Members of the House of Representatives* as well? Will that solve the problem? Hon. Leo, what is your suggestion?

Hon. Leonard Ogor: Mr. Chairman, my suggestion is that you have to look at the Membership of the Board. I cannot really see the correlation here; what is a retired Ambassador or a Professor doing on that Board when you can see that they are all military men there. What is the basis and what are their functions on that particular Board?

Hon. Oluwole Oke: Mr. Chairman, we need to understand the functions of the National Defence College. It is the Apex training institution for our military men and even civilians as well. This is because you have people from other paramilitary institutions, the Police, the SSS, the Immigrations, the Customs and Ambassadors attending.

Ambassadors and Professors come there because the institution also hosts foreign students from West-African countries, Commonwealth Nations, *et cetera*. So, they are of the opinion that they need experts; somebody who had served in a diplomatic terrain to join them on the Board so that they can add value in that area.

The Chairman: So, that is quite clear now.

Amendment put and agreed to

Clause 3 – (MEMBERSHIP OF THE BOARD) – as amended ordered to stand part of the Bill.

Clause 4 – (OBJECTIVES AND FUNCTIONS OF THE COLLEGE) – ordered to stand part of the Bill.

Clause 5 – (AMENDMENT OF SECTION 5) – ordered to stand part of the Bill.

Clause 10 – (APPOINTMENT OF DEPUTY COMMANDANT AND COLLEGE SECRETARY OF THE COLLEGE)

Hon. Oluwole Oke: Mr. Chairman, I want to talk about the appointment of the Commandant because that

has been omitted in the Bill. The reason for this is simple; this Bill was sponsored and considered in the Senate, they only brought it here for us to concur.

I want to suggest that we also need to take into cognisance the appointment of the Commandant *vis-à-vis* whether it should be a Two-Star General or a Three-Star General. It is important we take note of that.

The Chairman: Hon. Wole Oke, what do you mean by Two-Star General or Three-Star General?

Hon. Oluwole Oke: Mr. Chairman, if you look at the amendment they are seeking here in Clause 7, they inserted the phrase: *who shall be a Two-Star General*. Here, they are talking about Deputy Commandant and Secretary of the College. Now, the condition to be met by the Commandant is not in any way reflected in this Bill.

The Chairman: I have listened to Hon. Wole Oke's explanation and I believe he is right. For the fact that we are doing these things for and on behalf of Nigerians and we are doing a holistic amendment of this Law, the Chairman of the Committee will now give us a synopsis of the appointment of the Commandant. Without having the knowledge of the qualification for the appointment of the Commandant, we will do little justice to the appointment of a Deputy Commandant.

We must look at who is a Commandant and what does it require to be a Commandant. Thereafter we must be able to concur or disagree with the provision of the appointment of a Deputy Commandant. He can give us a run down of the qualifications of a Commandant. In the absence of that, we will just be imagining the qualification of the Commandant.

Hon. Chile W. Igbawua (Kwande/Ushongo): We have had several Commandants of the College. The current Commandant is a Three-Star General.

The Chairman: Have they had a Commandant above Three-Star General?

Hon. Chile W. Igbawua: No, Sir.

The Chairman: They have never had?

Hon. Chile W. Igbawua: No, Sir.

The Chairman: Hon. Baitachi, most of our former Presidents who were military officers were all Four-Star Generals. Am I right?

Hon. Baitachi: Yes.

0869

0870

The Chairman: That is good and that make sense that maybe only about three or four Nigerians have ever been Four-Star Generals. That is why the next is a Three-Star General, which means that the Deputy you are suggesting should be a Two-Star General which is below Three-Star but not the One-Star that was amended before. It makes sense that it should be a Two-Star. Besides, One-Star Generals are usually referred to as Brigadier Generals. In some countries, Brigadiers are not even called Generals, but just Brigadiers. Therefore, Generals start from Two-Star. Is the Secretary meant to be a Civilian?

Hon. Chile W. Igbawua: The Secretary is always a Two-Star General.

The Chairman: That is all right. That means the Secretary and the Deputy Commandants are of the same rank?

Hon. Chile W. Igbawua: There are always some seniority differences.

The Chairman: I know but they are on the same rank?

Hon. Chile W. Igbawua: That is just the minimum. The Permanent Secretary of the Ministry of Defence is the Board's Secretary but here we are talking about the College's Secretary.

The Chairman: Hon. Colleagues, is the Deputy Commandant the same as the Secretary?

Several Hon. Members: No!

Hon. Chile W. Igbawua: Mr. Chairman, this is not a matter we should conjecture with. I suppose we have that Act there. Why do we not just open and look at it because if we talk about those who have been Commandants before, we need to know what the law says the person should be. We should have it there if we can make reference to the Law. We need to know precisely and not by conjecture, who has been a Commandant and who the law says should be a Commandant. I think we should open the law books there and look at it probably so that we can have them.

The elegance of saying appointment of Deputy Commandant and Permanent Secretary is not right. If they are different posts, they should be quoted separately and not the way it appears as if it is the same person who is the Deputy Commandant and also the Secretary. We need to separate them in this Section.

The Chairman: If that is what you are saying, we might be safe in our suggestion that the Secretary

should not be less than a One-Star General. If in their own wisdom they want to make it a Two-Star General that is up to them.

Hon. Ita Enang: With respect, the provisions that we have on the left hand side are the provisions of the Act as it is. The only one that seeks to be amended is the one on the right hand side which is amending only Sub-section (a) of that Section. The rest of the matters are as it is in the Act. It does not need to be separated unless we go to talk about the entire Act review. I am just responding to Hon. Chile.

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): To reinforce what Hon. Ita Enang said, what we have, being sought to be amended is only Section 10 (7)(a) which now means that Section 10 (7)(b) would remain One-Star General as is contained in this Bill.

The Chairman: That is all right. So, do we take it?

Several Hon. Members: Yes!

Clause 10 – (APPOINTMENT OF DEPUTY COMMANDANT AND COLLEGE SECRETARY OF THE COLLEGE) – as amended ordered to stand part of the Bill.

Clause 11 – (APPOINTMENT OF PROVOST AND DIRECTORS OF THE COLLEGE) – ordered to stand part of the Bill.

Clause 15 – (BORROWING POWER) – ordered to stand part of the Bill.

Clause 18 – (INTERPRETATION) – ordered to stand part of the Bill.

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

Report on a Nigerian Stabbed to Death in Ukraine

Report of the Joint Committee on Diaspora, Foreign Affairs and Justice on the Investigation into the Matter of a Nigerian Stabbed to Death in Ukraine CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: We would go straight to the recommendations. Hon. Abike, you have the Floor. Just give us a brief analysis.

Hon. Abike Kafayat Dabiri (Ikorodu): Mr. Sefiu Salaudeen was stabbed to death in Ukraine a few

0871

months ago in a very unfortunate circumstance. He was a footballer in Ukraine. He had just joined a new club and he was a legal migrant that was legally resident there. He was married to a Ukrainian with a four-year old child. He was a very promising Nigerian in Ukraine. Till today, we do not know who killed him. But what made his case more pathetic was the nonchalant attitude of the Nigerian officials at the Embassy in Ukraine.

The Ambassador and in all fairness to him was out of Ukraine at that time for an official engagement but the Consular Officer that was met there, one Mr. Yusufu actually showed no concern on the plight of the Nigerian who was killed. It took the students to raise \$500 to have him buried because as a Muslim, he needed to be buried the next day. That is why we made these recommendations.

We also recalled that his father was here with the members of his family to tell us more about loosing his son who was virtually the bread winner for the family. What made this case pathetic was the fact that he was a promising young man. But the official that was met on duty did nothing and felt nothing. It was like it was not a big deal; after all he had died and it should stop there.

We know there are financial constrains in our Embassies abroad but they should have shown a little care and concern for Nigerians anywhere in the world.

The Chairman: Their recommendations are as follow:

Recommendation (i): That adequate administrative sanction be meted on Mr. Yusuf, the Consular by the Ministry of Foreign Affairs for his apparent display of lack concern and patriotism to a fellow citizen;

Question put and agreed to.

Recommendation (ii): That adequate compensation be provided to the family of the deceased, especially the son of the late Mr. Sefiu in order to ameliorate the sufferings before him.

Hon. Ita Solomon J. Enang: I have read the Report and I want to ask the Chairman, Committee on Diaspora, who should pay this compensation? Is it by the Nigerian Government, or by the Government of Ukraine, or by the Embassy, or by the person we are sanctioning - the Consular official?

The Chairman: Chairman, Committee on Diaspora, respond to this question.

0872

Hon. Dabiri Abike Kafayat (Ikorodu): Mr. Chairman we were silent on it because we wanted the House to debate it. What we are saying is that compensation should be paid by the Ukrainian government. Though we do not know who killed him, and so we expect the Nigerian authority to get to the bottom of it. We believe that the Ukraine authority and the Nigerian Embassy should do something to support the little boy.

Hon. Leonard Okuweh Ogor (Isoko North/South): Mr. Chairman I think we have a problem here because now we are asking for compensation and do not really know where to direct this essentially because we have not been able to identify who is actually the killer. Therefore, it is a problem to us because whom do we direct the claims to? My suggestion, however, is that we delete it.

The Chairman: It says: Ameliorating the suffering before him; how about *adequate compensation be provided to the family of the deceased subject to legal proceedings*?

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman I still believe that the Nigerian Embassy should follow this case and at the end of it we know what happens because there is no way the Ukraine government can pay any compensation.

The Chairman: What about deleting that entirely?

Hon. Betty Apiafi: No we should not delete it entirely

The Chairman: Then what is your suggestion?

Hon. Betty Apiafi: My suggestion is that the Nigerian government should follow up with the government of Ukraine to find the killer of this student.

The Chairman: What of the compensation, are you withdrawing it?

Hon. Betty Apiafi: Yes; when the case is concluded we would know what happened, but right now we cannot really say we know it all.

The Chairman: Yes I know that when the case is concluded somebody should be held responsible for compensation.

Hon. Betty Apiafi: Yes, the government of Ukraine should be held responsible.

0873

The Chairman: That is another thing; I do not know whether we have the power to legislate on government of Ukraine.

Hon. Aminu Waziri Tambuwal: Mr. Chairman I suggest that we rephrase it as follows:

That the Nigerian Embassy and Ukrainian authorities should investigate the death and establish the culprit and thereafter adequate compensation should be provided to the family of the deceased especially the son of Mr. Sefiu in order to ameliorate the suffering before him. If the killer or culprit is established he should pay the compensation.

Hon. Abdul Ahmed Ningi: Mr. Chairman we could see and appreciate why citizens of this country are not regarded anywhere in the world because of our lip service. Here we are, a Nigerian citizen died under very suspicious circumstances in Ukraine. We should not even think twice to ask the Ukrainian government to compensate the affect family and where they think they will not compensate, then they will react to us. But if on their own they say they cannot pay compensation, we would come and sit down and decide what to do; but for now they should pay.

The Chairman: Former leader if we are asking the Ukrainian government to pay that is a good stand, but what is the probability of them paying this?

Hon. Ita Enang: Mr. Chairman we are a sovereign country and a citizen of our country was killed in another person's country; that country takes responsibility for the death of the citizen and they have to compensate our citizen as a corporate demand from the government of Nigeria.

The Chairman: All right what is your final phrase Hon. Abdul Ningi since you are suggesting this now? Who has a phrase for that?

Hon. Rabe Nasir (Bindawa/Mani): It should read: That the Federal Government should pursue the case with the Ukrainian Government to discover the killer with a view to, among other things, compensate the family of the deceased by the Ukrainian Government.

The Chairman: Who is paying the compensation?

Hon. Rabe Nasir: Of course the Ukrainian Government because the crime was committed in Ukraine

0874

The Chairman: Hon. Ningi it was you who came up with this idea; so what is your problem?

Hon Abdul Ahmed Ningi: Mr. Chairman the phrase should be:

Adequate compensation be provided to the family of the deceased by the Ukrainian Government.

Now where you say investigate the killers; you are watering the provision. Suppose the killer is not found then what happens; so adequate compensation must be paid to the deceased family by the Ukrainian Government.

Amendment put and agreed to.

Recommendation (iii) – That the Nigerian Students be commended for their exemplary and patriotic behaviour in fighting for the interest of Nigerians irrespective of their place of abode.

Question put and agreed to.

Recommendation (iv) – That late Sefiu be commended as a good ambassador of Nigeria.

Question put and agreed to.

Recommendation (v) – Enjoin Nigerian Ambassadors and officials of the Embassies to always respond promptly and passionately to the well being of Nigerian Citizens in their various countries of posting.

Question put and agreed to.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Chairman may I move that the Committee of the Whole do revert to plenary.

Hon. Michael Falade Ajibade (Ede North/South/Egbedore/Ejigbo): I second the Motion as moved by the Deputy House Leader.

(The Speaker in the Chair)

The Speaker: Hon. Members, the House in the Committee of the Whole considered The National Agricultural Development Fund Bill and

Approved Clauses 1 – 8,
Amended Clause 9,

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0876

Approved Clauses 10 and 11,
Amended Clause 12,
Approved Clauses 13 – 24, the Interpretation, the
Short Title, the Schedule and the Long Title.

The House also considered in the Committee of
the Whole the National War College Amendment Act
2009 and Approved Clauses 1, 3, 4, 10, 11, 15, 18 and
the Citation.

Also the House further considered in the
Committee of the Whole the Report of the Joint
Committee on Diaspora, Foreign Affairs and Justice on
the Investigation into the Matter of a Nigerian Stabbed
to Death in Ukraine and

Approved Recommendation (i),
Amended Recommendation (ii), and
Approved Recommendations (iii) - (v).

Adoption of Report

Hon. Baba Shehu Agaie: Mr. Speaker I move
that the House do adopt the Report of the Committee of
the Whole on the Reports of the Committees on
Agriculture, on Army and on Diaspora as approved and
amended.

Hon. Michael Falade Ajibade (Ede
North/South/Egbedore/Ejigbo): Mr. Speaker I second

the Motion as moved by the Deputy Leader.

Question put and agreed to

Resolved: That the House do adopt the Report of
the Committee of the Whole as approved and as
amended.

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, may I
move that this House do stand adjourned till tomorrow
Thursday, 7th May 2009 at 10.00 a.m.

Hon. Ita Enang: Mr. Speaker in seconding the
Motion I want to compliment the House for completing
the Order Paper today as usual; thank you very much.

I second the Motion for adjournment till tomorrow
Thursday, 7th May, 2009 at 10.00 a.m.

Question put and agreed to

Resolved: That the House do stand adjourned till
Thursday, 7th May, 2009 at 10.00a.m.

The House adjourned accordingly at 5.40 p.m.