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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 23rd July, 2009

The House met at 11.00 a.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 Wednesday, 22nd July, 2009.

ANNOUNCEMENTS

Meeting of the Committee on Education

The Speaker: This is to inform Members of the House Committee on Education that there is a meeting with the Hon. Minister of Education and ASUU today, Thursday 23rd July, 2009 at Room 327 New Wing, House of Representatives. This is from the Chairman.

Meeting with the Hon. Speaker

The Speaker: Hon. Wadada, Hon. Abass Braimah, Hon. Kabiru Jalo, Hon. Maisango Audu Emmanuel and Hon. Bala from Kano State will meet with the Speaker immediately after the Sitting today 23rd July, 2009.

Invitation to Owerri, Imo State, for the Visit of Mr. President and the PDP

The Speaker: Those Members who are interested in travelling to Owerri, Imo State on Saturday the 25th of July, for the visit of Mr. President and the PDP hierarchy should please see Hon. Austin Nwachukwu for details. Flight leaves Abuja International Airport for Owerri on the 25th at 8.00 a.m. Flight also departs Owerri the same day at 5.00 p.m.

Visit of Students of Kings College, Lagos

We have in the Gallery today, Students of Kings College, Lagos. You are most welcome.

(Students stood up for recognition)

PRESENTATION OF PUBLIC PETITIONS

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

Breach of Contract

Hon. Dozie Agbakoba (Onitsha North/Onitsha South): I have a Petition by Mr. Tony Okeke, a trader from my Constituency, who owns a company. He entered into a Contractual Agreement with a German Company, Hans Meyer Nigeria Limited, to import chemical items into Nigeria worth about ₦58,000. This transaction failed hence Mr. Okeke demanded for a refund which was not forthcoming.

He went to court and got a judgement but has been unable to claim this money because the company has relocated to Germany. He seeks the intervention of this House to enable him get the German Embassy or any other authority in Nigeria to assist him recover the money.

May I have your permission Mr. Speaker to lay the Petition on the Table?

The Speaker: Please go ahead.

Petition laid.

Non-payment of Gratuity to Mr. Nduka Angelina Ezenwa

Hon. Leonard Chukwudi Eze (Orlu/Orsu/Oru East): This is a Petition from Mrs. Nduka Angelina Ezinwa. She is praying this House to help because she retired since 15th February, 2005 and since that time she has not been paid her gratuity. She believed that coming to this House will give her justice.

With your kind permission Mr. Speaker, may I lay the Petition?

The Speaker: Please go ahead.

Petition laid

Unlawful Retrenchment

Hon. Mohammed Sanni Ibrahim (Kaduna North): I have a Petition from Junaidu Idris Baba who has worked for eight years with the Nigerian National Petroleum Corporation. He was among six PPMC Staff that were listed in an LRS Scandals in 2003 in the Kaduna Area Office. The Petitioner wants to seek redress to the retrenchment meted to his person while the rest, including an administrative officer, who were all exonerated were allowed to continue.

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If I have your permission, I would like to lay the petition on the Table.

The Speaker: You may lay the petition on the Table.

Petition laid.

The Speaker: All Petitions are hereby referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

PRESENTATION OF REPORT

Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalizing the Textile Industry in Nigeria

Speaker: The first business of the day is the Presentation of the Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria standing in the name of Hon. Solomon Agidani.

Chairman, Committee on Rules and Business, is Hon Agidani here?

Hon. Ita Enang: Hon. Solomon Agidani assured us that he would be here today and I saw him this morning just before we came into the Chamber. Mr. Speaker, you may wish to stand it down. It may be presented in a short while when he comes in.

The Speaker: Do we have any other Chairman in the Chamber? There were four Chairmen there who can present the Report.

Hon. Ita Enang: We have the Deputy Chairman of the Committee.

The Speaker: No, that is not acceptable.

Hon. Ita Enang: The Chairman is not available.

The Speaker: It is alright.

Report with the leave of the House, stood down.

ORDERS OF THE DAY

MOTIONS

Budget Account

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The Speaker: The first Order of the Day is a Motion on Budget Accounts standing in the name of Hon. Mohammed Ali Ndume and nine others.

Hon. Ndume can you move the Motion please?

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): My Motion is on the Budget Account. This House:

Notes the recent regulation by the Committee on Appropriation and Finance on the poor implementation of the 2009 Appropriation Act by the Executive Arm;

Concerned that despite 100 *per cent* releases for Capital Projects, the Ministries, Departments and Agencies (MDA's) selectively implement the 2009 Budget as they wish;

Further concerned that while the Capital Projects are not being implemented according to the 2009 Appropriation Act, the Overhead of the various Ministries, Departments and Agencies (MDA's) are being exhausted;

Worried that the releases not utilized may be misappropriated as unspent fund by the Ministries, Departments and Agencies (MDA's);

Resolves to:

Mandate the House Joint Committee on Appropriations, Finance and Public Accounts to investigate the Accounts of all the Ministries, Departments and Agencies (MDA's) to find out how the releases for projects not being implemented are managed and report back to this House in two weeks.

I so move.

Hon. Sani Sale Minjibir (Ungogo/Minjibir): Mr. Speaker, I rise to second the Motion.

Question proposed.

Hon. Mohammed Ali Ndume: Mr. Speaker; this Motion is in pursuant of the Report we considered from the Joint Committee on Appropriation and Finance. It was specifically on the issue that all of us here and Nigerians in general are concerned about - the non-implementation of the budget.

The Report by the Committee that was saddled with the responsibility of finding out why the budget is not being fully implemented, came out with the report that the revenues which are the major determinant of

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budget implementation is in fact by N27.98 Billion higher than it was expected.

Again, we are privileged to the information that the budget which was based on a crude oil price of US\$45 per barrel as the benchmark, is now above \$50 per barrel and it sometimes hover between US\$65 to US\$70.

In addition to that the exchange rate during the appropriation was based on ₦125 per dollar but we all know now that the exchange rate is between ₦145 and ₦150 per dollar, that means there is enough funds was available for full implementation of budget as passed by this honourable National Assembly. I am quoting from the Committee's Report: Section 16(2) of our Constitution which deals with Economic Objectives, states that *as a State, the Government should endeavour to promote a planned and balanced economic development*. The appropriation Act which we passed in this honourable Chamber annually is a vehicle to achieving that objective.

With 360 of us who sat down here and looked at the budget critically, looked at the various zones and the needs and put out a balanced appropriation such that when implemented various Constituencies, States, Local Governments, will be fairly treated.

We all know the problem of our budget because the reason that can impede the full implementation of the budget is lack of resources but the Committee that we asked to investigate this came out clearly to say that these resources are available for the government to implement the budget fully. That is not happening. And of concern is that the Executive Arm on its side is releasing money to the various (MDAs) yet these (MDAs) are selectively implementing the budget.

Now the question is, these releases that are made to these various MDAs and these projects that are not implemented what happens to this money that they kept? For example, three releases had been made. Since we are in the third quarter, all the releases that have been made for some projects yet they are not being implemented. What is happening with the money? Who is holding it and at what rate it? This is because I heard reliable rumours (*Interruptions*).

The Speaker: Please hold on. You heard what?

Hon. Mohammed Ali Ndume: I heard reliable rumours.

The Speaker: How can a rumour be reliable?

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Hon. Mohammed Ali Ndume: Yes, it is reliable because it is a rumour (*Interruptions*).

The Speaker: Rumours are by definition unreliable.

Hon. Mohammed Ali Ndume: But I still stand by my words.

The Speaker: You cannot give us unreliable information.

Hon. Mohammed Ali Ndume: That is why I am saying now that because my rumours are reliable, I want it to be investigated so that we can confirm its reliability.

The Speaker: So, it is unreliable.

Hon Mohammed Ali Ndume: It is not confirmed reliable.

The Speaker: All right.

Hon. Mohammed Ali Ndume: What I am saying is that this information is serious, that monies that are released are normally kept deliberately because the persons that are holding on to this money normally arrange under the table to make interest. And we all know the desperation of our banks today. They are willing to pay under the table as long as you give them money to keep for even one week, we all know that.

So, I am saying that this is a rumour but then investigation will reveal whether or not my rumour is true and that is why I am urging this honourable House to find out as the Executive are claiming that they make releases promptly yet the budget is not being implemented. What is being done with that money? That is the crux of the resolution of this Motion.

This is a problem that we all know; this is a problem that we will all come to face because at the end of it we that represent our people will have to give an account of our stewardship. What our people sent us to do here is to struggle and provide in the budget moneys to ensure that the bad road they have is repaired, the water they do not have is provided, the hospitals that they do not have is provided; these are all that we struggle to do in the budget annually.

Yet the implementation of this budget and the implementation of Government policy by unelected, in fact, rejected Members cannot be expected to yield much result because they do not have any stake in the

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whole affair. I am talking here about the Ministers and so on.

In view of this, the prayer of my Motion is very simple, let us find out what are they doing with this money.

The Speaker: This is actually quite simple; Leader of the Minority, two weeks ago, the House asked the Joint Committees on Appropriation and Finance to go and find out these things, they have not come back yet. So why are you jumping the gun?

Hon. Terngu Tsegba (Gboko/Tarka): I was going to re-echo what you have said. This House has 72 Standing Committees and we are almost relegating the Committees in place of Ad-hoc and Special Committees. I think that it will be in the better interest of the House if we allow the Committees to work because I believe that 70 Committees will do much better oversight than 2 or 3 Committees of the House whose Membership may not be up to 1/10th of the Membership of the 72 Standing Committees. Since we have a resolution in this House which has mandated all the Committees to go on oversight on the Budget performance and report back to the House, we should allow those committees to perform their functions.

The Speaker: Should I put the question?

Hon. Terngu Tsegba: May be we should advise the Minority Leader in view of this to withdraw his motion.

Hon. Mohammed Ali Ndume: I would like to withdraw the Motion, Mr. Speaker

Hon. Leo Okuweh Ogor (Isoko North/Isoko South): Let me first and foremost state clearly that..(Interruption)

The Speaker: Hon. Leo Ogor, the Minority Leader wants to withdraw the motion.

Hon. Leo Ogor: No, let him hold on please. I tend to disagree with the concept of bringing Motions to the Floor based on rumours. Secondly, when you look at the Motion critically... (Interruption)

Hon. Nelson Alapa (Ohimini/Otukpo): Mr. Speaker, Point of Order!

The Speaker: Which Order?

Hon. Nelson Alapa: My point of Order is on Order I Rule 5.

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The Speaker: Read it please. (No response) Hon. Nelson please sit down. Hon. Leo Ogor please proceed.

Hon. Leo Ogor: Let me with due humility refer the Leader of the Opposition to Order XIV Rule (3), sub (iii) on page 64, which states clearly that *each Committee is authorized at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under our Houses Rules.*

This Motion is an indirect way of saying that the 73 Committees of the House of Representatives are not carrying out their responsibilities. Let me also state that there is no where in the Report presented to us it was stated that there are capital projects with releases that are not being implemented.

The import of this Motion is quite different from the Report that the Committee on Appropriation of which I am a Member, submitted. We should avoid, with due humility, the concept of playing politics with Motions. I have said this because the issue that we thrashed on this Floor was the issue of non-releases. Because of the fact that there are capital projects in respect of my own Committee, we have investigated and found out that in respect of all the Capital Projects that have been funded, are still on-going. It therefore becomes important that we as a House must avoid this concept of trying to just play into the gutter in the name of politics.

I so submit.

Hon. Bala Na'Allah (Zuru/Fakai/Sakaba/Danko/Wasagu): Mr. Speaker, let me respectfully say that it is not my wish, neither is it the wish of my people that I belong to the House of Representatives that would fund a Motion based on rumour not only one but an unreliable one. Let me equally say with the greatest respect that whilst it is important for the House to take the issue of oversight serious, we should make it abundantly clear to Nigerians that the structure of governance in this country is such that the contribution of the Federal Government relates to only the provision of infrastructure across the country. Those aspects of life that would meaningfully be touched by the resources of this country have been given to States and Local Governments.

I am comforted by that undertone comment made by the Chairman, Ethics and Privileges. This is because Mr. Speaker would take judicial notice of the fact that I was a former member of the opposition though I performed the functions of opposition with some degree of steadfastness in relation to distinguishing politics and

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nation building. With the greatest respect, therefore, there is no how this House can sit down and look at the faces of Nigerians and say that by the compelling need of the circumstances surrounding this nation we can admit of a Motion on the Floor of this House, amidst 360 hon. Members imbued with knowledge, to discuss issue that has been described by the mover of the Motion as not only a rumour but an unreliable rumour.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): This Motion is a very simple Motion; it does not attract any sentiment or emotion. All it is saying is that two weeks ago this honourable House has come to realize that the non-implementation of the 2009 Budget was not because there was no money, there was money. This House was also told by the Appropriation and Finance Committees that releases for Capital Projects for the first and second quarters had been made a 10 *per cent*; unfortunately most of the projects have not been executed.

Now, simple courtesy demands that Nigerians should ask those civil servants holding custody of this money what they had done with their money? I think this is exactly what this Motion is saying. Let us ask those civil servants and the Ministers where is our money, where did you put it, did it attract any interest, where are you going to put the interests, are you going to send it back to the treasury or are you going to hold it in your pockets.

I believe this is where the representative role of this honourable House lies; we are only talking the language of Nigerians. There is nothing political about this Motion. Courtesy demands that as representatives of Nigeria we should ask the Ministers, Permanent Secretaries and Directors where they put the 100 *per cent* releases made to them and what happened to them. This is the crux of the matter. Thank you.

The Speaker: I think we have had enough of this. It has been made clear to us that the House decided two weeks ago that the Committee should go and find out this and report back; they have not done that and you are now moving. That is the crux of the matter.

I am going to put the question. Do you want a right of reply?

Hon. Friday Itulah (Esan North East/South East): Point of Order! Mr. Speaker, my Point of Order is Order VIII Rule 13, page 30. It reads:

A motion or an amendment may be withdrawn, at the request of the mover by leave of the House or Committee, before the commencement of debate.

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The Speaker: Yes, that is the Rule of the House. So what?

Hon. Friday Itulah: So, I am just putting you on notice.

The Speaker: But you did not move the Motion.

Hon. Friday Itulah: I am moving the Motion that it cannot be withdrawn.

The Speaker: It cannot be withdrawn?

Hon. Friday Itulah: Yes, because the debate has commenced, that is the Rule of the House.

The Speaker: It is all right. Leader of the Minority, you may continue, please.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, Point of Order! It is on the same Order that Hon. Itulah raised but I want to dwell on the issue that actually touches on what he wants to do.

The Speaker: What is he about to do? Do you know what he is about to do? (*Interruptions*) Hon. Colleagues please, Hon. Austin Nwachukwu wants to raise a Point of Order on what the Minority Leader is about to do. How would you know that?

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, you did not follow what I said. I said my Point of Order is predicated upon the Order as raised by my Colleague, Hon. Itulah but there is a section of it that I want to buttress so that we can stop this issue.

The Speaker: But I have already ruled on it. Please sit down. He has the Floor now. Please tell us what you are about to do.

Hon. Mohammed Ali Ndume: Mr. Speaker, I want to have the right of reply. First, let me say it here and very clear that I do not bring issues based on political sentiments because as a Nigerian right now I can decide to be a member of another political party. What we are doing here is about the issue that affects this Nation and we should not be joking with it.

I agree with the fact that the various Committees have been saddled with the responsibilities to do that. I have no quarrel with that and I still stand by the importance and relevance of the Motion that I am standing to defend in this Chamber.

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What I want is to stand down the Motion because of the information given to me or if it is the wish of the House that the Motion be defeated by fellow hon. Members that does not mean that Mohammed Ali Ndume is being wrestled down by anybody here. There are few people that can wrestle me down but there are so many here that I can wrestle down. So it is not a personal issue.

The Speaker: Hon. Ali Ndume, why are you making excuses?

Hon. Mohammed Ali Ndume: I am not going to take any personal offence on whether a Motion was not taken. When you bring a Motion normally is either the Motion would fly or it would not fly. So what is the new thing about it. I just want to call the attention and sympathise with some of my friends that want to play to the gallery. I understand and I appreciate their feeling. I even sympathise with Hon. Leo Ogor.

So, if it is the wish of the House to allow this Motion to be stepped down, fine. If it is the wish of the House to continue debate on it so that it will determine whether or not it would pass through, it is all right with me.

The Speaker: Thank you. We know that it is all right with you but if it is not all right with the House, that is it. Honourable Colleagues, please let us wrap this up. I will now put the Question.

Question put and negatived.

Nigerian's Return to Foreign Debt Burden

The Speaker: My dear Colleagues, the Second Order of the Day is a Motion on Nigerian's Return to Foreign Debt Burden standing in the name of Hon. John Halims Agoda.

Hon. Agoda, please move your Motion.

Hon. John Halims Ochuko Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, before I move my Motion, let me remark that there were about 50 other names that sponsored this Motion which I gave to the Rules and Business, maybe their non-appearance was an act of omission.

There is the additional prayer which should be prayer (ii) then prayer (ii) should be prayer (iii) now. I will read the prayer (ii) subsequently. Mr. Speaker, my Motion read thus:

The House:

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Appreciates Nigeria's exit from the burden of foreign debt a few years ago through the concerted efforts of the Federal Government, the National Assembly and Non-Governmental Organisations (NGOs);

Worried by the recent report attesting to Nigerian's foreign debt totalling Three Billion Six Hundred Million (US\$3.6) used to finance projects that are shrouded in secrecy;

Aware that it is a constitutional imperative for the Executive to brief and seek the consent of the National Assembly before sourcing, drawing and utilizing foreign loans under whatever description;

Regrets the plight of Nigerians who have had to make sacrifices and bear the pains of hunger and underdevelopment, underscored by collapsing and deteriorating public infrastructure in virtually all facets of National growth and/or National undergrowth;

Resolves to:

- (i) Mandate the Joint Committee on Aids, Loans and Debt Management and Justice to as a matter of urgency, investigate under what platform and approval these foreign loans are being sought, processed, drawn, utilized, and their relevance to the needs of Nigerians and advise the House on the legality or otherwise of the loan and report to the House within two weeks;
- (ii) That the Joint Committees in prayer (ii) referred to above should determine the actual debt owed by Nigeria since 2007.
- (iii) Call on the President and Commander-in-Chief of the Armed Forces to order an immediate halt to further foreign loans until the circumstances leading to Nigeria's current debt burden of Three Billion, Six Hundred Dollars (US\$3.6bn) is made clear to Nigerians.

Mr. Speaker I beg to move.

Hon. Friday Itulah (Esan North /South East): I rise to second the Motion as moved by Hon. Halims Agoda.

Question Proposed.

Hon. Halims O. Agoda: Before I go to the main body of my argument, the *ThisDay* Newspaper of

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Tuesday, July 21st on page 9 which I have equally confirmed from the Debt Management Office, wrote among other things and said: *Nigeria's external debt rises to 3.6 billion – Hon. Minister of Finance.*

In as much as I will not bother the House to read the whole of the details, it is interesting to note that in the course of the signing and the transaction, the Hon. Minister of Health, Professor Babatunde Osotimehin described the loans as small in the face of the enormous challenges in the battle against malaria and hinted that very soon the ministry would take more credit and more loans in this country. The paper is here for us to read.

The Motion before us today calls on us to discuss and indeed see this issue as highly emotive. The issue before this distinguished Parliament has indeed classified our nation as a country of contra-distinction. That is to say that, are we experiencing a policy reversal or a policy summersault? Or are we forgetting our past history very recently?

When this loan of well over ₦100 million was signed two days ago, they said the purpose for which this loan was signed was to combat malaria. I want to say that come October this country will be attaining 49 years as a nation. Are we saying that we will be taking foreign loans to combat malaria; yellow fever; elephantiasis and to combat what and what? It sounds ridiculous.

I think what a nation should do in taking foreign loan is perhaps to use such loan in addressing the productive and manufacturing sectors, which indeed will have a say on the gross domestic product of the people of that country.

You will agree with me that Hon. Farouk Lawan and my other Colleagues and most Distinguished Senators, particularly in 2004, moving from one capital to the other of the countries of the world and from one Parliament to the other, begging their Colleagues in those countries as to why Nigeria should be forgiven her foreign loans. Honestly this was based on a Motion that arose from this distinguished Chamber by the then Deputy Speaker of the House, Austin Okpara.

When we realised in that particular year the amount of money we will spend in readdressing the interest not the principal became higher than the amount budgeted for that year's Capital and even the Recurrent Budget, the then Deputy Speaker brought a Motion and threatened the creditors, the *Veteran Wood* institution, that is the World Bank, the Paris Club, the International Monetary Fund that Nigeria's Parliament is no longer ready to accommodate whether the principal or the interest in our national budget.

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When that powerful Motion was moved then, the then President was not comfortable with the House, but that Motion became the torchbearer; it sent a clear message to the world that some of those loans were questionable and there were a lot of these behind the doors. And what happened? They opened friendly hands to us and Farouk and others went round so many countries for well over a month and what did we get? We were forgiven. We gained our sovereignty as a nation; we gained our pride as a society and as a people; and we bequeathed freedom to our children's children that are yet unborn.

I am still in the same Parliament; now we are entering another era of foreign loans taken to sponsor funny projects, projects that may not have direct bearing on the very people that we are representing. We have got very valid information that some of these loans taken ... (*interruption*)

The Speaker: Reliable ones?

Hon. Halims Agoda: Yes Mr. Speaker, very reliable information. I will give the Committee documents at the appropriate time that some of these loans they are sourcing, not the entire sums do come to this country.

The President of this country is a very good man. He is a man that is not corrupt. But we cannot say so about some of the men and women around him. The man is prudent and meant well for this country. So, as a Parliament, it is our Constitutional responsibility to ensure that our future must be protected.

It brings us to another aspect of loan taking. We would want the Committee to find out and advise this House subsequently. But I know that we are the pulse of the nation. Under Sections 80 sub-sections (2), (3), (4), and 84 and indeed under the Second Schedule, item 7 give this Parliament and indeed the Distinguished Senate of the Federal Republic of Nigeria, the power over money particularly when it comes to lending whether internally or externally. This House must not only be told or watch the news on television or read the news in newspapers, we must have opportunity to look at the implications. Where is this loan coming from? What is the interest rate? What is the use of this loan? Will it be beneficial to Nigerians?

But we are seeing most often is to watch the television either the Minister of Finance or whoever signing on behalf of Nigeria. Thereafter either we read from newspapers or a letter will emanate from the Executive. I do not think that is the proper procedure. The Committee that we assign this responsibility should

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properly guide us on the proper situation: the legal requirements and the role of Parliament in loan taking by the Executive of the present regime.

I want to tell you that even the World Bank itself is frowning against the issue of loans that have been given to Federal Government and to many state governments because the World Bank has accused them of mismanaging the loans. It appears in so many papers and World Bank threatens to withdraw funds to States and even Federal Government over poor implementation of projects.

If the so-called World Bank that derives interest in giving Nigeria loan because of what they too benefit is now frowning at the use of such loans, then it speaks volume and as a House we have to be very careful.

The Speaker: Hon. Agoda, I think we are reliably informed.

Hon. John Halims Agoda: Let me suggest that instead of taking loan, our government should first ensure that the issue of waste and inefficiency should be avoided. We should be able to be fiscally prudent. If we are prudent, a lot of money internally would be sourced within our land.

Secondly, we should develop our tax reform system because when you give the Nigeria people infrastructure the people would be ready to pay tax. Tax is one sure means used in funding government projects. For instance, look at what is happening in Lagos State. The Lagos State government derives ₦14 Billion every month from taxation. The people of Lagos pay tax because they are aware that the Governor is using the money judiciously for the people.

Thirdly, we should advise the Executive that this is the time to allow the Private Sectors to have the golden opportunity to shoulder most of the national responsibilities like road construction and major infrastructural developments so that Government in itself would address other small critical areas.

I want to urge this distinguished Assembly and your very able self that there is the need to commit this issue to the Committee.

Hon. Friday Itulah (Esan North East/South East): I want go begin by thanking Hon. Halims Agoda for his very erudite submission on the issue at hand. Although, he has almost exhausted all that need to be said on the issue, I also wish to say that I do know that every nation ideally ought to borrow to be able to survive. Even America as rich as it is today still has to involve itself in

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borrowing but the question is how the loan you are borrowing is utilized?

This was the problem we had in 2004 when Nigeria was asking to be given Debt Relief from the Paris Club and other Clubs that loaned us some money. It took us time to convince them that this time around we are going to ensure that if we are given this Debt Relief we would utilize them in the areas that would be very beneficial to the people.

Now that we have been given Debt forgiveness, I do not see the immediate need just now for the Country to go again into that vicious circle. You will recall that the Debt Management Office Act is very clear that when the Executive seeks to borrow loan or take loans for whatever window it should consult the National Assembly

The Speaker: Can you repeat that please?

Hon. Friday Itulah: The Debt Management Office Act as amended specifically says:

When the Executive wishes to borrow money for whatever window it ought to do that in consultation with the National Assembly.

This was not been done and it violated the Act that this House passed. Like he has also said, the Second Schedule sought for is very emphatic and it gives the National Assembly the competitive area which include this under which it should legislate and it says: *borrowing of money within or outside Nigeria for the purposes of the Federation or any State.*

In other words, when Government is desirous of borrowing it ought to come to the National Assembly to say I wish to borrow from such a window and these are the clear reasons why I am involving the nation in this Debt. It is when they have the imprimatur from us that it can go ahead to do this. What we are aware of now is a violation of the Rule or the Act already made by this House. Therefore, there can be no rationale for taking these loans whether it was for the purpose of controlling Malaria or for the purpose of controlling HIV or whatever that it was. This is because I believe that the donations that we are already getting from the International Bodies in these areas are enough if properly managed for us to take care of these areas.

So, *ab initio* there is already an attempt to violate a Law that is made and it is very appropriate that this time that Parliament frowns on it.

Hon. Sampson Osagie (Orhionmwon/Uhunmwode): I want to proceed from

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the tangent on whether or not we are getting our priorities right in this Country. We borrowed money for purposes that are either peripheral to real Sectors of the economy that we should actually attack.

We are told just now that the Minister of Health is informing the nation of the borrowing of money for the purpose of pursuing malaria. This is a nation that has no World Class Hospital. This is a nation that has no medical facility that other Countries can refer to. We refer little cases to our neighbouring Countries. Even Sudan, to which we invest a lot of money on, has a Heart Foundation to which we refer people to.

We misplace our priority and what is even funnier, we borrowed this money in 2009 by next year you will not see any infrastructure and any sign on ground to justify the money that was borrowed. You are going to hear that next year they are borrowing ₦200 Million for HIV; you are going to hear in the subsequent years they are borrowing money for a particular kind of thing. We need to leave this type of situation.

As the two speakers have said we must we must direct our attention to the productive sectors of the economy so that the Nigerian populace and our youths can become meaningfully and gainfully employed and that would have a multiplying effect on our Gross Domestic Product. We cannot continue to leave in a vicious circle of poverty by plunging this nation in continuous debt, by violating the Laws of this Country when there is an Acts that provides that you must adopt certain measures.

In the United States and other advanced democracies when critical matters of this nature are to be done, you see Parliament busy debating the merits and demerits and the profits or otherwise that would inure to such a venture to the economy. All we here in Nigeria is that they go in a cavalier manner as if the Executive organ of Government is the only organ that exist for the benefit of this nation. They do things to the detriment of the nation and we are asked to fold our hands. I want to say that no Motion can be better than this at this point in time; we have a duty to ensure that this Nation is not plunging into perpetual debt having been able to relieve ourselves from the Paris Club.

The Speaker: Let us listen now to the Chairman, Committee on Aids and Malaria Control. *(No response)* What about the Deputy Chairman, Hon. Saliu; where is he?

An Hon. Member: Perhaps, they are on their oversight function!

The Speaker: It is all right; there is no problem.

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Hon. Aminu Shehu Shagari (Yabo/Shagari): This is a very important Motion. I commend my Colleague Hon. Halims Agoda for bringing this Motion. This is one of the things that have been bothering me especially as the Chairman House Committee on State. It is very disheartening for me to hear that the Federal Government has collected a loan of about US\$3.6 billion to put in some unknown sectors when we only need about US\$500 million to complete Ajaokuta Steel Industry. And we need another US\$500 million to complete the infrastructure that will support it. After that, within two years we would join the League of Nations in the steel sector and would be making about ₦400 billion per annum. This is very disheartening. If we can only get these one billion dollars, we would finish Ajaokuta Steel Industry and indeed MIACO. So why are we misplacing our priorities? So, I humbly support this Motion and urge my hon. Colleagues to please do the same.

The Speaker: Hon. Farouk Lawan, you were part of those who went round the world to ask for debt forgiveness. Please, can we hear your comments?

Hon. Farouk Mohammed Lawan. (Shanono/Bagwai): Let me join my Colleagues in sincerely commending Hon. Halims Agoda for bringing up a Motion that is very important and timely.

Let me also begin by sharing some of our experiences in 2005. In 2005, the foreign debt burden on this country stood at about US\$36 billion. Unfortunately, even the relevant agencies then did not have the accurate figures because most of those loans were taken in a very dubious, very shady and very corrupt manner. Unfortunately, from the information available now we seem to be going back to that same era of taking loans without transparency.

In 2005 when we went round the foreign capitals seeking for the Paris Club debt relief, Nigeria was paying US\$2 billion annually to service the interest. Two billions in today's exchange rate is about ₦300 billion. If we go back to that era, what that means is that, about one quarter of the budget would go into paying interest unfortunately on loans that are dubious, loans that have not been utilised to impact on any real sector of the Nigerian Economy and loans half of which ended up in foreign bank accounts and half of them ended up in bank accounts of some Nigerians here in Nigeria. The unfortunate part of it is that the issues that have been raised by Hon. Halims Agoda clearly demonstrate that Parliament has not been involved in playing its roles.

I recall that in 2005, President Olusegun Obasanjo played a very important role in this campaign but the key to the success was the involvement of Parliament

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because any country that we visited, what we discovered was that it was the responsibility of the Parliament to appropriate the money that was supposed to be written off if Nigeria was to get debt relief. That was why US\$18 billion of our debts were written off by the Paris Club in 2005. And we have to pay over US\$12.4 billion dollars. It was so painful in 2005 to even pay that US\$12.4 billion because that money would have gone into areas of developing this Country. But we had to pay it because previous Nigeria Leaders collected loans that were dubious and loans that did not impact on the economy of Nigeria.

Part of the deals that was made in 2005 was that, firstly, 50 *per cent* of the amount utilised for the servicing of the debt, that is, an amount equivalent to one billion dollars, should be annually put in the budget for the attainment of the Millennium Development Goals. And that is why we have about 110, 120, 130 billion dollars budgeted annually to achieve Millennium Development Goals.

The second one was that in future any loan that would be taken, one is that it must be done in an open

and transparent manner. Secondly, it must be targeted in sectors that can ultimately pay for themselves and generate value for Nigeria. If we are taking loans that we are investing in areas that would make money and in the end add value to the Nigerian system. The third is that, they must be on concessionary rate.

I am not aware of the terms of this particular loan. I believe that Parliament has the responsibility to invoke our powers of Parliamentary scrutiny to make sure that we play our role and we determine the future of our people. We can only do so if we demand from the Executives the terms for these loans; do we have the need for these loans at this material time, are they sustainable? If we take these loans, are we investing them in areas that can ultimately add value to the Nigeria economy? We need to know the terms for taking these loans.

So I call on all of us to support this Motion because the Motion is a key to stability of our economy and key to ensure that we do not mortgage the future of our children. The way we have started with three point something billion dollars now, that was how the debt that led to our canvassing for debt relief accumulated in 2005. If we start on a small scale, gradually we will reach a level where we will realise that we are so heavily indebted that we now have to find other means of doing it. Yes, I commend Parliament in 2005 for their effort.

The Speaker: Hon. Members, I will now put the question.

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Question put and agreed to.

Resolves to:

- (i) Mandate the Joint Committee on Aids, Loans and Debt Management and Justice to as a matter of urgency, investigate under what platform and approval these foreign loans are being sought, processed, drawn, utilized, and their relevance to the needs of Nigerians and advise the House on the legality or otherwise of the loan and report to the House within two weeks.
- (ii) Call on the President to order an immediate halt to further foreign loans until the circumstances leading to Nigeria's current debt burden of Three Billion, Six Hundred Dollars (\$3.6bn) is made clear to Nigerians.

PRESENTATION OF REPORT

Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on revitalizing the Textile Industry in Nigeria

The Speaker: The next business of the day which was stepped down a while ago because none of the Chairmen who was to present it was available, is the presentation of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on revitalizing the Textile Industry in Nigeria standing in the name of Hon. Solomon Agidani.

If you would recall on Tuesday 15th of January 2008 the House in a resolution mandated the Joint Committees to conduct a Public Hearing to collect the views of all relevant Stakeholders on the appropriate action to be taken by Government to revitalize Textile Industry and to report back to the House.

The Report is finally ready. Hon. Agidani Solomon please present your Report.

Hon. Solomon Agidani (Apa/Agatu): Mr. Speaker, I want to plead with the House to receive this Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources based on the Motion on Revitalizing the Textile Industry in Nigeria.

Hon. Audu Dogo Audu (Jama'a/Sanga): I second the Motion.

Question put and agreed to.

(Report laid on the Table)

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CONSIDERATION OF BILLS

Constitution of the Federal Republic of Nigeria 1999 (Alteration) Bill, 2009

A Bill for an Act to alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 and other Matters Connected Thereto -

Order for Second Reading.

The Speaker: My dear Colleagues, the next Order of the Day is the commencement of debate on the general principles of a Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria 1999 and Other Matters Connected Therewith.

Hon. Colleagues, you will recall that this is the Third of the Bills on Constitution amendment from Mr. President. It was read for the first time on Thursday 16th July, 2009. I now call on the Leader of the House to please move for the Seconding Reading of this Bill.

Hon. Tunde Akogun (Akoko-Edo): Mr. Speaker, I rise to move that a Bill for an Act to alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 and other Matters Connected Thereto be now read the Second Time.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): Mr. Speaker, I rise to second the Motion as moved by the Leader of the House.

Question proposed.

Hon. Tunde Akogun: Like Mr. Speaker rightly said, this is one of the Bills sent to this House on Constitutional Amendment and it seeks to further alter the provisions of the 1999 Constitution. It is proposed to exempt the appointment of the INEC Chairman and Members of the Constitution Commission from general constitutional qualification for appointments into executive bodies.

Since we facilitate the reform in the proposed increase on a broader spectrum of membership and tenure of the Commission, the Bill also proposes a constitutional alteration to accommodate canvassing for votes by persons other than political parties.

This is in furtherance in the Report in providing for independent candidate in general election. Hon. Colleagues, this is a very short Bill; it is a one-page document but very weighty. I, therefore urge you to support the Second Reading of this Bill so that the various alterations so far proposed could be harmonised and consolidated for a smooth electoral reform.

I so move.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, this is one of the Bills that seeks to finally bring the proposed amendments to the Constitution at least as at now to an end referring to the Bills on the Floor of this House.

The Bill seeks to amend Section 156 of the Constitution and the purpose is to ensure that because Section 156 creates conditions for qualification for persons who are qualified to be appointed as Chairman and Members of Boards stated in the Constitution; that is, the Code of Conduct, Council of State, Federal Character Commission and Revenue Mobilization including INEC.

The general provision under the Constitution says that:

No person shall be qualified for appointment as a member of any of the bodies stated here including INEC unless he is qualified or if he is disqualified for election as a member of the House of Representatives.

The essence of this amendment is to include the word *except for INEC Members*. This is because for INEC members it provides that you must be up to 40

years and in the case of the Chairman, you must be up to 50 years. This provision seeks to exempt the application of this section to Independent National Electoral Commission

Unless we amend this section by deleting this provision from the Constitution then the qualification that are stated in the Independent National Electoral Commission (Amendment) Bill, which has passed Second Reading on the Floor of this House cannot be done and if it is done it will be against the provision of the Constitution unless this section is properly altered.

The next and the only other section sought to be altered is Section 221 of the Constitution. It is to insert the words *An Independent Candidate* after the word *Party*. With your leave, I will read Section 221 of the Constitution. It says in line 1:

No association, other than a political party at that space before the word shall it is intended to insert the word: or an Independent Candidate shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election.

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The INEC (Amendment) Bill which has passed Second Reading on the Floor of this House also allows independent candidates to contest election and if we do not amend this section to allow an independent candidate and only allow this section to stand then the proposed amendment to the Independent National Electoral Commission Act cannot be passed.

I pray that this Bill be allowed to pass Second Reading as submitted.

Hon. Garba Shehu Matazu (Matazu/Musawa): Mr. Speaker, I want to lend my support for the amendment of the Constitution of the Federal Republic of Nigeria 1999. I want to also urge my Colleagues to support this very simple amendment. It looks simple but very important.

The importance of this amendment cannot be over-emphasized because we cannot talk of making our democracy very effective and very efficient if we do not allow a provision in the Constitution for an independent candidate to contest for any election in the Federal Republic of Nigeria.

This will further enhance the internal democracy that all of us here have been pressurizing for the last ten years. We want to avoid such situations where a candidate goes through primary election under a political party and wins the election, but at the end of the day somebody else will be sent to the INEC without

even the knowledge of the one who had won the election. We have seen the consequences of such decisions in this very important Chamber.

If you could remember, after the 2003 Elections all our Colleagues from a particular State, Anambra State to be specific, left and the true candidates replaced them. It was the same thing in the Senate; all the three Senators from Anambra State in 2003 were replaced because those who came in were not even those who contested the elections.

I believe my Colleagues who were here with me can testify to this. This is a very important amendment; we must agree and support this amendment so that we can have the provision for an independent candidate. If we do this, we will definitely help this country, help Nigeria and help democracy.

Hon. C.I.D Maduabum (Nnewi North-South/Ekwusigo): Mr. Speaker, the Bill is a simple one. There was an omission in the earlier Bill sent that had dealt comprehensively with the question of independent candidate and INEC. The matter has been exhaustively dealt with in another Bill that has passed

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Second Reading. I am sure there must have been an omission that was noticed and that was why this Bill was brought.

Principally, by virtue of the Constitution, the Bill is saying that before you serve as a member of INEC you must have been qualified for election as a member of the House of Representatives. And to be a member of the House of Representatives you must have been, under Section 65, sponsored by a Political Party and that lacuna has existed in the Constitution. It has been overlooked because obviously it is a lacuna in the law and that is what this amendment is seeking to correct and it is not a controversial amendment.

So I urge our Colleagues to quickly allow it to pass the Second Reading so that it will join other Bills being passed by this House.

Hon. Patrick A. Ikhariale (Esan Central/West/Igbeben): I stand to make some submissions in addition to what Hon. Ita Enang has just said. He drew attention to the provisions of Section 221 of the 1999 Constitution which of course is the subject matter today. In addition to that, I want to draw his attention and that of the House generally to the provisions of Section 65 (2 b) which is on all fours related to Section 221 as it affects Political Party having the right to sponsor a candidate. With your permission may I read through the provisions of Sub 2 (a) that:

A person shall be qualified for election under subsection (1) of this section if –

(a) he has been educated up to a least School Certificate level or its equivalent; and

(b) he is a member of a political party and is sponsored by that party.

So if this section is not amended as well, it will, to all intents and purposes, defeat the essence of the amendment that was just taken in Section 221. So, it is important that there should be conscious effort and attempt to equally insert in place of *being sponsored by political party* to include *an independent candidate*.

Hon. Kolawole Ismaila (Boluwaduro/Ifealayo/Ila): My submission as regards this alteration attempt is that we have to recall that we set up a Constitutional Review Committee and when we are trying to alter an aspect of Constitution now; like what my hon. Colleague has just said; there is no way we can alter an aspect without affecting some other aspects in the Constitution. Why should we not sum up all these areas and take them to the Constitutional Review Committee to do the job for us instead of

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altering or amending anything in a peace meal manner. This is because it seems the way we want to take it, the country may not take us serious as far as Constitutional Review efforts is concern.

There is the need for us to look into all these areas that need to be amended or reviewed so that we sum up these areas and give them to an appropriate Committee that is already set up by this House.

The Speaker: Hon. Kolawole Ismaila, if this passes through this stage it will go to that Committee that was set up. However, if you have any ideas on any particular area in the Constitution that you want to amend you should feel free to put it forward as well and it will be debated and then passed to the Committee level which is what the process said and then it is in order. So we are in order but if you want to add to it by all means, please feel free.

Hon. Ogbuefi O. Ozomgbachi (Ezeagu/Udi): I rise to support this Bill that seeks to amend the Constitution of the Federal Republic of Nigeria 1999. I appreciate the two issues that have been slated for amendment but I want to say that there is no constitutional amendment initiated on the Floor of this House that would be complete, acceptable and satisfactory to the people of South East and indeed too many other sections of this country that are seeking for the creation of additional state.

I am requesting this hon. House to cause a special dispensation to be put in place in the course of processing this Bill for amendment that additional states that have been recommended by various Bodies,

Groups and Committees set up by both this Parliament and also the Executive be created in the South East zone.

Hon. Chile Igbawua (Kwande/Ushongo): Point of Order!

The Speaker: Hon. Chile Igbawua, which Point of Order are you raising sir?

Could you read it please?

Hon. Chile Igbawua (Kwande/Ushongo): Order IX (4) reads:

A Member must confine his contributions to the subject under discussion and may not introduce matters irrelevant thereto.

We know we are talking about constitutional amendment but we are taking issues one after the other

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and if you want States you must bring a Bill proposing the creation of States. The Bill we have before us has nothing to do with the creation of States. If we want the creation of State then we have to bring a Bill on that subject otherwise that discussion is not tenable.

The Speaker: Hon. Ogbuefi Ozomgbachi, you are trying to force me to make it clear to those who maybe listening to you and who obviously do not understand the process here, that you may have other motives other than what you are saying. The reason is this, you are well aware of the procedure in this House for altering the Constitution and you are taking part in the process of one of those alterations and you have also taken part in two others before today. So, if you are sure of yourself and convinced of the creation of a State which you mentioned or in any other part of Nigeria, please follow the Due Process.

Hon. Al-Makura Mohammed Ahmed (Lafia/Obi): Point of Order!

The Speaker: Which Point of Order are you raising?

Hon. Al-Makura Mohammed Ahmed: Mr. Speaker Order IX.

The Speaker: I have just ruled on that.

Hon. Al-Makura Mohammed Ahmed: But it is on a different issue. I just want to notify the House that we have already dealt with this matter on the 7th of July, 2009 and that we are still repeating the issue of the amendment of the Constitution.

The Speaker: Which particular one?

Hon. Al-Makura Mohammed Ahmed: It is still the same thing with what we are discussing.

The Speaker: Would you please take your seat? Hon. Leonard Ogor, are you raising a Point of Order?

Hon. Leonard Ogor: No, I need to draw attention to some other sections that need to be amended in respect of the independent candidate issue. The fact that we are going into constitutional amendment, the Bill seeks for two major amendments. My brother Hon. Patrick clearly stated that Section 65 is also important. It therefore means that we must also bring in Section 106; if you want I will also read Section 131 and Section 177 in respect of independent candidate. With your permission, would you want me to read?

The Speaker: Go ahead.

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Hon Leonard Okuweh Ogor: Section 106 of the 1999 Constitution stipulates clearly that subject to the provisions of the 1999 Constitutions Section 107 of this Constitution says: *A person shall be qualified for election as a Member of a House of Assembly if he is a citizen of Nigeria.* The major point here is that *he is a Member of political party and sponsored by a political party.*

What we are trying to say here is that for us to address the issue of independent candidate, it therefore means that these various sections need to be taken care of; that was why I said let me point out these various issues.

Hon Emmanuel Yisa O Jev (Buruku): Mr. Speaker, I seem to be having a problem here, and the problem is this: if we amend Section 156, it means that we are presuming that we must accept the issue of Independent candidature. It is possible that we will not accept it because Section 156 says that:

No person shall be qualified for appointment as a member of any of the bodies aforesaid if he is disqualified for election as a member of House of Representatives.

Sponsorship from a Political Party is one of the conditions to be a member of House of Representatives. Now if you just lump the two together, (*Interruptions*).

The Speaker: You are the fourth person mentioning the same point.

Hon. Emmanuel Y.O Jev: But, I am drawing out a problem that may arise out of that. They appear to be the same because Hon. Patrick appears to be saying that we should amend it to include independent candidature.

What I am saying is that, are we taking it for granted that we are going to accept independent candidature because if we are not accepting it, it means that the amendment would have to be slightly phrased otherwise we will run into troubles. That is my submission.

The Speaker: Thank you please, I am going to put the question now.

Question put and agreed to.

Bill read a second time and referred to the Ad-hoc Committee on Constitution Review

**Federal Capital Territory College of Education
(Establishment) Bill, 2009**

0542

A Bill for an Act to Establish the Federal Capital Territory College of Education, and other Matters Connected Therewith 2009. (HB.257) –

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of Debate on the General Principles of a Bill for an Act to Establish the Federal Capital Territory College of Education, and other Matters Connected Therewith 2009. This Bill was read for a Second Time on Thursday, July 16th 2009.

Honourable Attai is invited to move the Bill to be read the Second Time.

Hon Attai Aidoko Ali (Ankpa/Omala/Olamaboro): Mr. Speaker, I move that a Bill for an Act to Establish Federal Capital Territory College of Education and other Matters Connected Therewith, 2009 be read a Second Time.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I second the Motion.

Question proposed.

Hon. Attai Aidoko Ali: Mr. Speaker, this Bill is one of those Bills that has been passed in the last session and was awaiting the assent of Mr. President but it was not possible before the end of the last session.

The College of Education is existing in the Federal Capital Territory but what it required is a law establishing it. Therefore, the House felt that there is a need to have a law to back its existence. This is because what had happening in the past were not correct; I believe they were illegal. Therefore, we want to make the College of Education legal and in this Bill, you have a situation where the Governing Council would be created for the College of Education and other functions of the College of Education.

So, because of the fact that the Bill has passed through the Second Reading and having observed all the legislative process, I want to take the opportunity of Order XV Rule 8 to ask that this House do allow the this Bill to pass to the Committee of the Whole.

The Speaker: Honourable Colleagues, this is quite straightforward; I might as well put the question.

Question put and agreed.

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

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**Environmental Managers Registration
Council of Nigeria (Establishment) Bill, 2009**

A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, Inter alia to determine Person, what standard of knowledge and skill to be attained by such persons, and for Related Matters, 2009 (HB.206) –

Order for Second Reading.

The Speaker: The next Order of the Day, is commencement of Debate is General principle of a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, Inter alia to determine Person, what standard of knowledge and skill to be attained by such persons, and for Related Matters, 2009. This Bill was read for the First Time on 7th of May, 2009,

Hon. Ita Enang can you please move that this Bill be read a Second time.

Hon. Ita Enang: (Itu/Ibiono Ibom): Mr. Speaker, I move that the Bill to Establish the Environmental Managers Registration Council of Nigeria be read the Second Time.

Hon. Mohammed Sani Takori (Gunmi/Bukkuyum): Mr. Speaker, I rise to second the Motion.

Question proposed.

Hon. S. J. Ita Enang: May I please draw the attention of this honourable House that prior to a formal debate that this was a Bill which was passed by this House in the year 2005 and was forwarded to the Senate for concurrence. It passed the Second Reading but it

was not concluded in the Senate at that time to be forwarded to Mr. President for assent but it has been passed in this House in the year 2005.

The Speaker: It was passed by this House in 2005?

Hon. Ita Enang: Yes, Mr. Speaker, it was passed by this House.

The Bill seeks to establish the Environmental Managers Registration Council and the functions of the Environmental Managers Registration Council are stated in Clause 2 of the Bill and I take your leave to refer to Clause 2 of the Bill.

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The function is to determine who are Environmental Managers for the purpose of this Bill; and to determine the standard of skill and knowledge to be attained by persons seeking to become registered as Environmental Managers and reviewing such standards from time to time.

It also seeks to regulate and control the practice of Environmental Management in Nigeria.

You would recalled that this House did Repeal the Act establishing the Environmental Protection Act and the purpose of this Bill is to set out qualifications that persons who would be qualified to be called Environmental Managers are to attain. This Bill has financial provision and the financial provision does not require any involvement of the government in funding the agency, so there is no financial implication on government.

It also provides for the appointment of the Registrar and other provisions which are normal in a Bill. I pray that this Bill having passed through the first journey on the Floor of this House should accorded the same honour that it should pass a Second Reading at this stage.

I so move.

The Speaker: Do we have any opposition to this Bill? Hon. Folake Olunloyo Oshinowo wants to speak for or against this Bill. Hon. Olunloyo has the Floor.

Hon. Folake Olunloyo Oshinowo (Ibadan North/South West): I am not against this Bill, but I have a problem with Section 15 of the Bill which states that every professional is compelled to be a Member of this Council, but we have some professionals that have more skills and training than are spelt out in that Council. What if they do not want to be Members of the Council? Must they be compelled? Why should we allow the Council to penalize them even though they are not members of the Council? They might even have others arrangements outside this country where they belong to. *(Interruption)*

What I am saying is that the Bill should limit the penalty to members of the Council not people that are outside the Council. We do have people that are well trained in this kind of field that might not be members of this Council, why should they be penalized by the Council? Why should they be forced? This is because I have realized that sometimes they have people that are even well trained and with better skills superior to the one obtained from that Council and they do not want to

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be members of that Council, why should they be compelled to be members of that Council?

Hon. Leo Okuweh Ogor: Point of Order!

Speaker: Which Point of Order, Hon. Leo Okuweh Ogor.

Hon. Leo Okuweh Ogor: I relying here on Freedom of Association.

The Speaker: Could you tell us the Order you are raising?

Hon. Leo Okuweh Ogor: I am reading from the Constitution

The Speaker: Which Order are you raising Hon. Leo Okuweh Ogor?

Hon. Leo Okuweh Ogor: I said I am raising a Constitutional Point of Order.

The Speaker: Which one?

Hon. Leo Okuweh Ogor: I am relying on Section 40 of the Constitution which borders on Freedom of Association.

The Speaker: Could you read it please?

Hon. Leo Okuweh Ogor: Section 40 says: *Every person shall be entitled to assemble freely and associate with other persons; and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests:*

The Speaker: Relevance please?

Hon. Leo Okuweh Ogor: It therefore means that nobody is compelling anybody to either be a member of this particular important Council. It is important for us to appreciate here that the situation in this world today with respect to climate change, makes it extremely important that we must have Environmentalists and our Universities are training these people. However, nobody with respect of this Bill is forcing anybody to belong to this particular group.

So, I just wanted to correct my sister.

Hon. Dr. Tayo Fawehinmi (Ondo East/West): We know how these things work in this country. Once

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we have a Council in place, it is going to be difficult for anybody to operate outside that Council. Even if they are not compelled now, as soon as the Council is in place it is going to be difficult for any other person to operate without being a member of that Council. If you want to look at that vis-à-vis the Bill, then we should take that into consideration.

Hon. Sokonte Davies (Degema/Bonny): I think that the problem of the environment is because people think they can utilise the environment anyhow with impunity without control and without order. Therefore, I think this Bill is very important. Whoever thinks that he will want to operate anyhow, we should not allow it.

Today we are talking of climate change; what are the causes of this climate change? It is because people think the environment belongs to nobody, you can utilize it anyhow. People must be organised. Look at people who are clearing refuse, whether they are clearing refuse or they are redistributing refuse, nobody knows. I am not sure if people were trained they would still be doing the things they are doing.

Therefore, whether or not they want to join the body, we must put laws in place that will protect our environment. That is my submission. And I think that this Bill should be allowed to pass the Second Reading.

The Speaker: I am going to put the Question now.

Question put and agreed to.

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

ADJOURNMENT

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I move that the House do adjourn until Tuesday 28th July, 2009 at 10.00 a.m.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): I second the Motion as moved by the House Leader, Hon. Tunde Akogun.

Question put and agreed to.

Resolved: That the House do adjourn until Tuesday 28th July, 2009 at 10.00a.m.

The House adjourned accordingly at 12.52 p.m.