

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Thursday, 30th April, 2009

The House met at 10.50 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, 29th April, 2009.

ANNOUNCEMENTS

Meeting of the Constitution Amendment Committee

The Speaker: This is from the Deputy Speaker of the House. There will be a meeting of the Constitution Amendment Committee today in House Committee Room 1 by 2.00 p.m.

(Signed)

*Hon. Usman Bayero Nafada
Deputy Speaker*

Wedding Fatiha of Hon. Kawu Suleiman

The Speaker: This is to inform all those who wish to attend the Wedding Fatiha of the Deputy Minority Leader, Hon. Suleiman Abdulrahman in Kano on Saturday to, please, get in touch with the following members for accommodation:

Hon. Maifata
Hon. Gabasawa
Hon. Fatahi and
Hon. Jobe

PRESENTATION OF PUBLIC PETITIONS

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

Refusal to Obey Court Judgment

Hon. Umeoji Chukwuma (Aguata): Mr. Speaker, I have a Petition from one of my Constituents, Barr. Jude Ogamba against the Federal Housing Authority.

In 1994, Ogamba applied for a Low Cost House in Owerri and was given allocation in 1999 but somewhere along the line the particular building was allocated to someone else.

Barr. Ogamba went to court and in October 2008 he was given judgment at the Federal High Court, Owerri but up till date, the Federal Housing Authority neither appealed against that judgment nor agreed to the terms of that judgment. Barr. Jude Ogamba is appealing that this honourable House look into his case to enable him reap the fruit of his well given judgment.

Mr. Speaker, if you so wish, may I lay the Petition on the Table?

The Speaker: Please, go ahead.

Petition laid.

Non- Payment of Pensions and Gratuities

Hon. Godfrey Ali Gaiya (Jaba/Zangon Kataf): Mr. Speaker, the Petition before this honourable House this morning is from Capt. Laah Waje (rtd.) on behalf of himself and 98 others who are all from my Constituency.

They were former officers and men of the Nigerian Armed Forces. The petitioners, having served this country for so many years, had been abandoned after their retirement and their pension and gratuity have not been paid since 1981. While some of them have died due to hardship, others have abandoned their homes because they cannot afford to pay for their rent. They are praying this honourable House to intervene so that the Military Pension Board can pay them their due entitlements and save them from premature death and hunger.

Hon. Speaker, with your kind permission, I want to present this Petition before this honourable House.

The Speaker: Please, go ahead.

Petition laid.

Fear of forceful Ejection by the Federal Housing Authority

Hon. Shehu Garba A. Matazu (Matazu/Musawa): Mr. Speaker, I have a Petition from some distinguished Nigerians who constituted themselves into an Association called Team Seven House Allotters of Gwarimpa II Housing Estate in Abuja.

They are appealing to this honourable House to help them solve their problems as the Federal Housing Authority is trying to revoke the allocation of their houses allocated to them five years ago. They have received letters from the Federal Housing Authority that they should vacate those houses which had earlier been allocated to them and for which payments had been made. They are appealing to this honourable House to, please, intervene and save them from this serious situation.

Mr. Speaker, hon. Colleagues, with your kind permission I want to lay the Petition on the Table.

The Speaker: Please proceed.

Petition laid.

Sudden Termination of Appointment

Hon. Samson Positive Ihiabe (Dekina/Bassa): My Petition is from one of my Constituents, Mr. Gabriel Haruna who is a staff of Security, Printing and Minting Company until recent times when he was wrongly terminated for committing no offence.

Mr. Haruna started work in 1988 with Security, Printing and Minting Company. He worked for ten years and was given an award for meritorious service. He rose to become a full Manager. Suddenly his appointment was suddenly terminated when he had neither been issued a query nor been found to have done anything wrong in the performance of his duties. I would not like to go into the nitty-gritty of this Petition because all had already been stated in the Petition with me.

With your permission I would like to lay the Petition on the Table.

The Speaker: Please do.

Petition laid.

Unjust Removal from the Nigerian Immigration Service

Hon. Abiodun Aderin Adesida (Akure North/Akure South): Mr. Speaker, this Petition is from one of my Constituents, Mr. Kayode Thomas Adeyeye who was **unjustly removed from the Nigerian Immigration Service** in 1999.

Upon his unjust removal alongside his Colleagues, he protested to the Federal Government and the Ministry of Internal Affairs set a Committee to look into the cases of officers whose retirement or removal were done in error. The outcome of the Committee's report indicated that his case was wrongly treated and he should be reinstated back to service.

To the utmost surprise of my Constituent, the Head of Service of the Federation published the list of officers to be reinstated but his name was omitted. He had since complained to numerous appropriate authorities.

My Constituent's prayer is for this honourable House to compel the Head of Service to reinstate him to the service; pay all his entitlements to date and properly place him among his contemporaries in the service.

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

Petition laid.

Non-payment of Retirement Benefits

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, hon. Members, may I present a Petition from one of my constituents from Ibiono Ibom. Mr. Joseph E. Inua

was a staff of the First Bank of Nigeria. So this Petition is against the First Bank of Nigeria PLC.

Mr. Inua is protesting or petitioning against the non-payment ₦3.3 million retirement benefit which the First Bank of Nigeria has refused to pay him after he worked for the bank for thirty-one and a half years.

Mr. Speaker, may I seek your leave to lay the Petition on the Table.

The Speaker: Please go ahead.

Petition laid.

The Speaker: Hon. Colleagues, is there any other Petition on the Floor? *(No response)* All petitions are referred to the Committee on Public Petitions.

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

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Point of Order, Mr. Speaker!

The Speaker: Hon. Uche Ekwunife, you may go on with your point of Order.

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Uche Ekwunife: Mr. Speaker, hon. Colleagues, my point of Order is Order VIII, Rule 4 of our Standing Orders. With your permission, Mr. Speaker, I read:

The matter for discussion shall, if possible, be referred to the Speaker prior to the commencement of the day's sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

Mr. Speaker, I brought to your attention the problem we had in Anambra State yesterday. Two weeks ago, armed robbers struck in Anambra State and killed over thirty people. It was in the daily newspapers.

Yesterday, they struck again and killed more than twenty people. In fact, armed robbers have taken over the streets of Anambra State and our people are dying. They are yelling and waiting for the government to do something to protect their lives and property.

I want to crave the indulgence of this House to take this matter up immediately by suspending Order VIII, Rule 3 of our Standing Orders, if it pleases the Parliament.

The Speaker: That is all right. There are two requests there. First is that we consider the rising spate of armed robbery attacks in Anambra State as a Matter of Urgent Public Importance. I will put the question on the first request.

Question put and agreed to.

Resolved: That the House do consider the rising spate of armed robbery attacks in Anambra State as a Matter of Urgent Public Importance.

The Speaker: Could you, please, move a Motion for us to suspend the relevant part of the Rules as requested.

Hon. Uche Ekwunife: Mr. Speaker, I move that this House do suspend Order VIII, Rule 3 of our Standing Orders for this matter to be taken up immediately because of its urgency.

Hon. Gbenga Mekanjuola (Irepodun/ Isin/Oke-Ero Ekiti): I rise to second the Motion moved by Hon. Uche Ekwunife.

Question put and agreed to.

Resolved: That the House do suspend Order VIII, Rule 3 of our Standing Orders to enable the House take up a Matter of Urgent Public Importance immediately.

The Speaker: Hon. Uche, you lead the debate then. You will need to read the Motion as you wish before you proceed.

Hon. Uche Ekwunife: Mr. Speaker, hon. Colleagues, I thank you very much for allowing me to bring up this matter immediately.

Upsurge of Armed Robbery Activities in Anambra State

The House is:

Alarmed by the upsurge of armed robbery activities by the men of the underworld in Anambra State;

Dismayed that within a period of two weeks the people of Anambra State have witnessed at least two ugly incidents of armed robbery attacks. The first claimed about thirty lives just about two weeks ago and the one that happened yesterday was very ugly incident where women were wailing and children crying.

Regrets the inability of the Police in the State and the State Government in combating the menace of these men of the underworld;

Realising that for peace and order to return back to the State there ought to be reassurance of security of lives and properties of the people of Anambra State.

Resolves to:

- (i) *Condemn* the activities of armed robbery as recently experienced in the State.

- (ii) *Commiserates* with the bereaved families and good people of Anambra State in this period of uncertainty and terror within the State.

- (iii) *Urge* the Government of Anambra State, Security Agencies and the Federal Government to be alive of the responsibility of protecting lives and properties of the people of Anambra State.

- (iv) *Directs* the Inspector General of Police to immediately deploy enough Police Officers to Anambra State to fish out these gangsters and also to ensure that the people of Anambra State are protected.

I so move.

Hon. Ndudi Godwin Elumelu (Aniocha North/ Aniocha South/Oshimili North/Oshimili South): Mr. Speaker, I hereby second the Motion moved by my sister, Hon. Uche Ekwunife.

Question proposed.

Hon. Uche Ekwunife: Mr. Speaker, it is clear that armed robbers have taken over the Streets of Anambra State. Precisely in November 2008 armed robbers came in a commando style and killed many lives and destroyed many properties.

Two weeks ago, robbers struck again in a very big way and destroyed many lives just trying to rob a bank but when they could not have access to the bank, they started shooting at everybody.

Yesterday, they struck again in a very big way; for two hours they took over the State capital killing people, trying to stop a bullion van But the driver was very smart and escaped. So they started shooting everybody on sight. As I speak to you, some people are still in the hospital; some died. In fact, there is atmosphere of insecurity in that State.

We know the negative consequences of what we are witnessing in Anambra State today. This is a State that is endowed with so many personalities who have contributed immensely to the development of this nation.

The essence of us being here is to come out and support the Bills and Motions that will go a long way in not just securing lives and properties but also guaranteeing the peaceful existence of our people.

Sections 33, 34 and 40 of the 1999 Constitution are quite clear on Right to freedom of movement, freedom of association, Right to life, and Right to peaceful assembly of our people. We cannot sit down as a parliament and watch our people being killed like goats and leave the fate of our people in the hands of armed robbers.

I urge this House to, please, direct the Inspector General of Police to beef up security in Anambra State. We are no longer talking about kidnappers anymore; we are talking about armed robbers. Day-in-day-out our people are being kidnapped; day-in-day-out our people are being denied of the right they have to live as citizens of this great nation. These are the tax payers.

The Speaker: Thank you, Hon. Ekwunife.

Hon. Uche Ekwudife: I urge this House to, please, support this Motion so that we would be able to restore confidence in our people.

The Speaker: Thank you. Chairman, Committee on Police Affairs, I know you did not raise your hands but I want you to contribute to this issue.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, I speak with a heavy heart having listened to the sponsor of the Motion. But as a Nigerian, I am not surprised at what she has read out. This thing is not just happening in Anambra State; it is happening across the width and breadth of this country. The only difference is that she reported the Anambra scenario as a good representative.

The issue of the Nigeria Police is an issue of monumental importance. The National Assembly needs to understand the position of the Nigeria Police in terms of where we are today and the reason(s) we are where we are today.

We are in tragic position. There is no doubt that the single most important function of government is providing security for the lives of its citizens and the property of those citizens. Where a government fails to provide this most important duty, then that government has no right to exist at all. The bottom-line is that we have a Police that is grossly under funded, grossly under trained, grossly neglected and most Nigerians supposedly imagine that the Police are well equipped, well trained, well educated and are averse to the problems of the Nigerians society. Even where funding goes into Nigerian Police, unfortunately, Mr. Speaker, it is so insufficient. The little that goes into Nigerian Police is terribly embezzled.

What we need in this country is to take a holistic look at the Nigeria Police. The Federal Government of Nigeria alone cannot fund the Police sufficiently. The State Governments needs to be interested in what the Police does. That is why Lagos State, as an example, is one of the safest states in this country because the Governor has taken it upon himself in providing logistic support to the Nigerian Police. That is why the armed robbers that have been operating for years in Lagos State have found their way into Ogun, Oyo and other areas; all across the Nigeria nation. That means until State Governments take an interest in the security of the lives of those they are representing, this thing will begin to multiply. It is, therefore, my honest opinion that whatever anybody says about the Police; yes they are so corrupt;

they cannot do anything but in the same vein, what has the nation given the Nigeria Police to be able to perform its basic duties?

Even though the Nigeria Police is a national body, what are the State Governments contributing? If the Governor and Government of Anambra State had taken a cue from what the Lagos State Government has done, what Hon. Uche Ekwudife has read would not have happened.

There is no simple solution to this problem; there are multidimensional problems and this Parliament must sit down and come up with the ways and means of tackling this serious problem. It is not the issue of the Inspector General of Police taking other Policemen to Anambra State. That will not solve the problem. As he takes them away from Bauchi and FCT and move them to Anambra; the criminals will move to Bauchi and come to the FCT. So, it is a problem that we must address holistically.

I am sure the Inspector General of Police does not have the solution of what is happening within the Nigerian Police and it is not just limited to the Nigerian Police. What are the roles of the other security agencies like the State Security Services; what do they do? Where is the information? This is because this thing is symbiotic; the National Security Services must be able to provide information of the underworld people to the Nigerian Police but when they are no synergy and symbiotic relationship; that is why this is happening. In other countries the security agencies work hand-in-hand in but here the Police are doing their own and the SSS are doing their own. How do you harmonise this relationship, particularly when they are all working towards providing security. The Parliament has a legitimate duty to sit down and find ways of addressing the issue of Nigeria Police.

Hon Igwe Paulinus Nwagu (Ezza North/Ishielu): Mr. Speaker, I want to share this idea with my Colleagues here. While I agree with the Chairman, Committee on Police Affairs, that the Police are under-funded and that the Federal Government cannot take over the affairs of the Police Force alone without involving the State Governments, my question is; are these armed robbers coming from the moon? Are they not Nigerians? Where are they coming from? The problem is that we the people of this country are also not ready to help ourselves for the following reasons.

I will give an example of what happened to Ebony State last month. Last month, armed robbers struck in Afikpo and killed so many persons. Unfortunately to them before they could launch the second attack the people of Afikpo Local Government, in collaboration with the Nigerian Police, rounded them up and killed thirteen of them and arrested four.

Today it is happening in Anambra State. They have killed before and they repeated it yesterday. It behoves on the people of Anambra State to work with the Nigeria Police to fish out those who are responsible for these armed attacks; that is one. We have to help ourselves

before we start talking of the government helping the people.

Apart from that, if you look at what has been happening nationwide, we in the Parliament today are not safe because all our security men have been withdrawn from us. Where are we going to? Look at a Minister going on the road with siren with about twenty to thirty Policemen providing security whereas elected hon. Members are being exposed to danger; because we call ourselves elected men, we cannot be given Police to guide ourselves but the Minister who is appointed at the mercy of Mr. President is given Police to move around; this is unfortunate.

I am, therefore, urging this Parliament to come up with a legislation directing the State Government; some of them are not helping matters. Some State Governors do not make use of their State Security vote. Even if the security vote is disbursed to them, they will divert it for a different thing.

Even where a Governor receives report of armed robbery attack, nothing is done; the Governor will just behave as if nothing is happening. What are we talking about? The Lagos State Governor is a Nigerian and he knows the problem of Lagos and he is making sure that Lagos is secure.

We should tell our governors to come up with their security measures because if you are not ready to take care of the security of the people of the State it means you are not supposed to be the Governor of that State.

Hon. Olaka J. Nwaogu (Eleme/Onyigbo/Tai): Mr. Speaker, first of all, let me commend the sponsor of this Motion who spoke on behalf of the people. Let me also express some understanding with the Chairman, Committee on Police for ably defending the Police. I think the Police have very capable officers and men who whenever they are deployed outside the shores of our countries come back with commendation because of the organisation under which they operate but when they get back to Nigeria, they fail dismally. We have a failed Police and if we do not say the truth as it is it is capable of leading us to a failed State.

We treat human life as if it is nothing. If we hear that armed robbers are killing people or they are somewhere operating or killing, it is no longer news. This is a country where armed robbers can operate for two hours in a State Capital and they are unchallenged and we said we have a Police.

We have a situation where if you are being robbed and somebody runs down to the Police Station; may be there are stealing your car, the Police will ask you to send a car because the men in the Station do not have a way to come and meet you. I would wish that I could say it is a problem of under funding but I know that in 1999, the

Police had less than ~~₦~~20 billion in Federal Allocations or appropriations. Today it is over ~~₦~~50 billion. A lot of money is being pumped in there. Can the Police tell us today how many men are on their Pay Roll of the Police formation? Do the Police know how many men are on its payroll? I think our problem is more serious than this. If we want to help this country; we need a very holistic - (*Interruptions*)

The Speaker: Hold on, please. I am a bit concerned about that. Hon. Chairman, Committee on Police Affairs, could it be true that the Police does not know how many policemen they have?

Hon. Abdul Ningi: That is a very fundamental matter. I am sure Hon. Olaka Nwaogu must have derived that information from me. The House Committee wrote to the Inspector General of Police to provide us with the Nominal Roll of the Police with their financial implication each year. In other words, we asked the IGP to give us the number of the Policemen and what are the financial implications to each of these officers.

We had to write them the third letter just yesterday so that we can get this information from them.

The Speaker: Have they responded?

Hon. Abdul Ningi: They have not responded.

The Speaker: It is all right. Hon. Olaka Nwaogu, please, proceed.

Hon. Olaka J. Nwaogu (Eleme/Oyigbo/Tai): We need a very holistic, honest and comprehensive investigation into what our Police is. We can no longer accept a situation whereby every Nigerian does not have a sense of security of life because of the way our Police is run. We can no longer take things as if they are normal.

I come from the Niger Delta; we are literally relying on the Army. The Army should not do internal security. The Army does not know how to do internal security well because anywhere you have the Army you are likely to have a situation of mass killing or genocide.

The Speaker: I do not understand what you mean by that.

Hon. Olaka Nwaogu: What I am telling you is that internal security is the function of the Police. Let me put it in a clear perspective. I am trying to underscore the fact that if our Police is doing its work some of the other agencies that we are trying to throw into it should not come in.

I heard some hon. Members say the Governors are there and that they are not doing anything. Do Governors control Police?

Some hon. Members: No.

Hon. Olaka Nwaogu: We are trying to blame other people when an institution that is statutorily and constitutionally saddled with the responsibility has failed.

The House Committee on Police Affairs should be mandated to do a comprehensive investigation and give us a clear blueprint. We should no longer allow things the way they are; let us take stock and get clear direction. Let there be responsibility.

If armed robbery incident occurs in a Divisional Police Officer' area, there should be a way of investigating the type of response that that DPO gave so that we know whether that DPO has discharged his work efficiently or not. What happens now is that when a Commissioner of Police fails in a State he is transferred to another State; you just recycle junk. You do nothing to reprimand, punish or reward. Let us begin to have consequences of failure and reward for hard work.

The Speaker: Hon. Colleagues, before this goes into a different direction we should try and deal with the problem as is presented in the Motion. Hon. Uche Ekwunife has read her Motion and made a point and we have contributed. Does anyone wish to make any amendment to the prayers?

Hon. Dino D. Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, I want to amend the prayer of this motion. Instead of making Anambra State the focus I want it to be nationalistic.

The Speaker: So, can you make your amendment, please?

Hon. Dino Melaye: The amendment is that the Nigeria Police should expand their security net and scope to cover - *(Interruptions)*

The Speaker: Hon. Dino?

Hon. Dino Melaye: Mr. Speaker, this is an instantaneous Motion on the Floor of this honourable House; we do not have copies of the prayer.

The Speaker: My dear Colleague, you are aware that when you want to make an amendment you usually put it on paper.

Hon. Dino Melaye: If I make the amendment, they will bring a paper for me now to write it.

The Speaker: Prepare for the amendment and I will allow you to make. I will give you a few more minutes.

Hon. C.I.D. Maduabum (Nnewi North/Nnewi South/Ekwusigo): Mr. Speaker, first of all, before I go to the amendment, the issue of policing is an issue of the Constitution. The Constitution has vested Police Affairs in the Federal Government. No State has the right to form any form of Police Force and the Revenue Allocation Formula has given the Federal Government about 53 per cent of the Federation Account.

The major issue of policing is intelligence and our Police have not invested in intelligence gathering mechanisms. Armed robbers are not spirits; they are human beings.

I admit that the States and the local communities have a great role to play in this regard but it is also important that we look at who has the authority and money for policing. The Federal Government dabbles into too many things.

The Speaker: Can you make your amendment, please?

Hon. C.I.D. Maduabum: The Amendment, therefore, is that the structure of Police and the revenue allocation formula should be reviewed to determine the appropriate tiers that should handle the issue of policing.

The Speaker: Is any Member seconding that Amendment?

Hon. Chile W. Igbawua (Kwande/Ushongo): Mr. Speaker, I rise to second the Amendment.

Amendment put and negated.

Hon. Abdullahi Umar Faruk (B/Kebbi/Kalgo/Bunza): Mr. Speaker, my amendment is an additional prayer. The Amendment is that the Nigeria Police should take all necessary steps to introduce an enlightened community-policing project nationwide.

The Speaker: Is there any seconder to that?

Hon. Bitrus B. Kaze (Jos South/Jos East): Mr. Speaker, I rise to second the Amendment.

Amendment put and negated.

The Speaker: That is enough for the amendments. We will now move to the Motion. However, before you vote on this I may have one or two information that may assist my hon. Colleagues.

I know that the Federal Government is voting about ₦320 billion a year for the next four years; this is coming from the State Governments and the Federal Government, provided that it is passed by both State Houses of Assembly and the National Assembly for special reform of the Police Force; that is going on.

I was part of that meeting held to support that particular agenda and I know that there was a Review Committee set up to look into it and they completed their meeting yesterday as well. So, there is a move being made by the Federal Government to totally reform the Police Force and move the nation in the right direction.

I am now going to put the question on Hon. Uche Ekwunife's Motion.

Question put and agreed to.

The House is:

Alarmed by the upsurge of armed robbery activities by the men of the underworld in Anambra State;

Dismayed that within a period of two weeks the people of Anambra State have witnessed at least two ugly incidents of armed robbery attacks. The first claimed about thirty lives just about two weeks ago and the one that happened yesterday was very ugly incident where women were wailing and children crying.

Regretted the inability of the Police in the State and the State Government in combating the menace of these men of the underworld;

Realised that for peace and order to return back to the State there ought to be reassurance of security of lives and properties of the people of Anambra State.

Resolved to:

- (v) *Condemn* the activities of armed robbery as recently experienced in the State.
- (vi) *Commiserates* with the bereaved families and good people of Anambra State in this period of uncertainty and terror within the State.
- (vii) *Urge* the Government of Anambra State, Security Agencies and the Federal Government to be alive of the responsibility of protecting lives and properties of the people of Anambra State.
- (viii) *Directs* the Inspector General of Police to immediately deploy enough Police Officers to Anambra State to fish out these gangsters and also to ensure that the people of Anambra State are protected.

Hon. Yacoob Alebiosu (Kosofe): Point of Order, Mr. Speaker!

The Speaker: Hon. Alebiosu, what is your point of Order?

Preventing the spread of Swine Flu Pandemic into Nigeria

Hon. Yakcoob Alebiosu (Kosofe): Mr. Speaker, my point of order is Order VIII, Rule 4(1) and (3) dealing with Matter of Urgent Public Importance. The issue is to enable me move a Motion to prevent the spread of Swine Flu Pandemic into Nigeria.

The Speaker: Hon. Alebiosu is requesting the

House to consider the major problem of Swine Flu, which apparently is the number one matter on the news all over the world now as a Matter of Urgent Public Importance in Nigeria. I will now put the question that this be considered as a Matter of Urgent Public Importance.

Question put and agreed to.

Resolved: That the House do consider the Motion on Swine Flu Pandemic as a Matter of Urgent Public Importance to be discussed at the next legislative day.

PRESENTATION OF REPORTS

Report of the Committee on Housing and Habitat on the Enforcement of the National Building Code, Bill 2008

The Speaker: The first business of the day is the presentation of the Report of the Committee on Housing and Habitat on a Bill for an Act to Enforce the Provisions of the National Building Code and Provide for the Punishment for Non-Compliance with the Code and for Related Matters, 2008. This is standing in the name of Hon. Garba Shehu Matazu. This Bill was referred to the Committee on 30th January, 2008.

The Report is ready for presentation. Hon. Matazu, please proceed.

Hon. Shehu Garba Matazu (Musawa/Matazu): Mr. Speaker, before I move the Motion, there a report on two Bills which I am supposed to present. During the Public Hearing and also in the course of putting the reports together, we decided to consolidate the two Bills into one. Therefore, instead of presenting two reports, I am going to present one report.

The Speaker: Hold on, please. The Order Paper says two Reports. Can we hear from the Chairman, Rules and Business Committee please?

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, there were two reports and even in the course of the Second Reading the two Bills were consolidated. So, he is presenting one report on the two consolidated Bills.

The Speaker: I have in the brief here that they have two reports to present?

Hon. Ita Enang: This is because the two Bills are still having two different HB numbers. So, it is in the course of passage that we will pass them as one but the Chairman is right to present one report on the two Bills.

The Speaker: I am a bit confused on this issue. Did the Floor give permission for these Bills to be consolidated?

Hon. Ita Solomon J. Enang: Yes, Mr. Speaker.

The Speaker: Go ahead, Hon. Matazu.

Hon. Garba Shehu Matazu: Thank you very much, Mr. Speaker. Why the two Bills were consolidated was that they both refer to the Enforcement of the National Building Code, which is already in place.

That being the case, I respectfully move that this House do receive the Report of the House Committee on Housing and Habitat on a Bill for an Act to Enforce the Provisions of the National Building Code and Provide for the Punishment for Non-Compliance with the Code and for Related Matters, 2008.

Hon. Bala Barnabas (Kaura): I second the Motion moved by the Chairman of my Committee.

Question put and agreed to.

Report laid on the Table.

Report of the House Committee on Agriculture on a Bill to Establish the National Industrial Crops Development Agency

The Speaker: The next business of the day is presentation of the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency. This is standing in the name of the Chairman of the Committee, Hon. Gbenga Makanjuola. It was referred to the Committee on Thursday, 3rd July, 2008.

Hon. Makanjuola is invited to present his Report.

Hon. Gbenga Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): Mr. Speaker, I move that this House do receive the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency.

Hon. Emmanuel Yisa O. Jev (Buruku): I second the Motion.

Question put and agreed to.

Report laid on the Table.

Report of the House Committee on Agriculture on a Bill to Regulate the Transportation of Animals

The Speaker: Again, Hon. Makanjuola, you have a Report which was referred to your Committee on Tuesday, 11th November, 2008. It is a Bill for an Act to Regulate the Transportation of Animals, Prevent Undue Pain, and Suffering of Animals used in Food Production and for Matters Connected Therewith.

Hon. Makanjuola, please present your Report.

Hon. Makanjuola Gbenga: Mr. Speaker, I move that this House do receive the Report of the House Committee on Agriculture on a Bill for an Act to Regulate

the Transportation of Animals, Prevent Undue Pain and Suffering in Animals used in Food Production and for Matters Connected Therewith, 2009.

Hon. Bala Adamu Kuta (Shiroro/Rafin/Munyn): I rise to second the Motion presented by the Chairman, Committee on Agriculture.

Question put and agreed to.

Report laid on the Table.

Report of the Joint Committee on Agriculture and Justice on a Bill to Repeal and Re-enact the National Agricultural Seeds Council Act, 1992

The Speaker: Hon. Makanjuola, could you present your Report on a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008 please?

Hon. Gbenga Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): Mr. Speaker, I move that this House do receive the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008.

Hon. Ike Chinwo (Obio/Akpor): Mr. Speaker, to support the Chairman on the good work he is doing, I rise most respectfully to second the Motion that he has rightly moved.

Question put and agreed to.

Report laid on the Table.

Report of the House Committee on Inter-Parliamentary Relations on the Preliminary Report of the 120th Assembly of the IPU

The Speaker: Hon. Sada Soli, could you present the Report of the Committee on Inter-Parliamentary Relations on the Preliminary Report of the 120th Assembly of the Inter-Parliamentary Union (IPU) held in Addis-Ababa, Ethiopia between 5th and 10th April, 2009 but hold on for a moment.

Chairman, Rules and Business, could you approach the Chair, please? (*The Chairman, Rules and Business Committee approached the Chair*)

The Speaker: Hon. Sada Soli Jibia, this is an Interim Report; is that correct?

Hon. Sada S. Jibia (Jibia/Kaita): Yes.

The Speaker: The House does not allow Interim Reports. We need your full Report.

Hon. Sada S. Jibia: It is all right, Mr. Speaker.

The Speaker: Therefore, we will stand the report down.

Report with leave of the House stood down.

The Speaker: We have the presentation of the Mid-Sessional Report of the Committee on Finance standing in the name of Hon. John Owan Enoh.

Hon. John Enoh, please, present your report.

Mid-Sessional Report of the Committee on Finance

Hon. John Owan Enoh (Obubra/Etung): Mr. Speaker, hon. Colleagues, I rise to move that this House do receive the Mid-Sessional Report of the House Committee on Finance.

Hon. Leonard W. W. Dilkon (Paskshin/Kanke/Kanam): Mr. Speaker, I second the Motion moved by my Chairman.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the Committee on Federal Character

The Speaker: We have the presentation of the Mid-Sessional Report of the Committee on Federal Character. I believe Hon. Patty Etete Inemeh is responsible for that.

Could you present your report, please?

Hon. Patty Etete Inemeh (Ikot Ekpene/Essien/Essien Udim/Obot): Mr. Speaker, I rise to move that this House do receive the Mid-Sessional Report of the Committee on Federal Character.

Hon. Betty O. Apiafi (Ahoada East/Abua/Odual): Mr. Speaker, I rise to second the Motion moved by Hon. Petty Inemeh.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the House Committee on Media and Public Affairs

The Speaker: The next Report is the Mid-Sessional Report of the House Committee on Media and Public Affairs, standing in the name of Hon. Esemeh Eyiboh.

In his absence, could Hon. Labaran Y. Dambatta, please present the Report.

Hon. Labaran Y. Dambatta (Dambatta/ Makoda): I move that this House do receive the Mid- Sessional Report of the House Committee on Media and Public Affairs.

Hon. Abdu Muhammad Sani (Alkalari/Kirfi): I second the Motion moved that this House do receive the Report of the House Committee on Media and Public Affairs.

Question put and agreed to.

Report laid on the Table.

ORDERS OF THE DAY

CONSIDERATION OF BILL

Land Use Act Cap. 15 LFN 2004 (Amendment) Bill, 2009

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act Cap. 15 LFN 2004 and for Related Matters (HB.193) –

Order for Second Reading.

The Speaker: Hon. Members, the first Order of the Day – (*Interruptions*)

Hon. Olufemi Gbajabiamila (Surulere I): Point of Order, Mr. Speaker!

The Speaker: What Order, Hon. Gbajabiamila?

Hon. Olufemi Gbajabiamila: Mr. Speaker, it is Order V, Rule 1 of our Standing Orders dealing with Privileges. I believe I do not need to read this out but we have a Motion on Notice which is being printed out in the Supplementary Paper and I just thought I should bring that to your attention and that of the House before we go on to the Bills and the Order of the Day.

The Speaker: I believe the Chairman on Rules and Business, Hon. Ita Solomon J. Enang, is making sure that your Motion is circulated first before we proceed on it. Whenever you are ready please let me know.

Hon. Members, the first Order of the Day is commencement of Debate on the General Principles of a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act Cap. 15 LFN 2004 and for Related Matters. This Bill was read for the first time on Tuesday 17th March, 2009. I now invite the Hon. Tunde Akogun to move that the Bill be read the Second Time.

Hon. Colleagues, please hold on for a moment. Chairman and Deputy Chairman, Rules and Business Committee, before we proceed, do you have copies for everyone?

Several hon. Members: No.

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Speaker, copies of the Amendment Bill had earlier been circulated to all Members. It has also been gazetted.

The Speaker: Chairman, Rules and Business Committee, some Members are saying that they do not have a copy of this Bill.

Hon. Ita Enang: Mr. Speaker, this is a Bill that was published as House Bill No. 193 on page C.563 of the Gazette of the Journal of this House. It has been published and circulated for the past four months and it was published and circulated in the volume that had five other Bills and Mr. Speaker is in possession of it. All Members have it.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, as the saying goes, we are all learning but in my ten years experience in this House, I have never come across a Bill that is intending to amend the Constitution.

However, we are in Parliament and knowledge is vast. If there are examples in the past that allows any member to bring a Bill to alter the Constitution, please, let me and other Members like me be educated before we even start discussing this Bill.

The Speaker: Hon. Colleagues, this Bill passed First Reading. Hon. Abdul Ningi, this is the Second Reading which you can debate after which the House will take a position on it. However, I am beginning to have the opinion that maybe we need this weekend to study this Bill properly and then by Tuesday, 5th May 2009, we would be ready to take on the Bill.

We will stand the Bill down and take it at the next legislature day, Tuesday, 5th May 2009.

(Bill with the leave of the House stood down)

CONSIDERATION OF REPORTS

Report of the Committee on Water Resources on the Establishment of the Nigerian Integrated Water Resources Management Commission

The Speaker: Hon. Colleagues, the next Order of the Day is consideration of the Report of the Committee on Water Resources on the Establishment of the Nigeria Integrated Water Resources Management Commission.

However, before we move to Consideration of Reports, we should be able to settle this outstanding Motion which apparently the papers are now ready.

MOTION

Re-run Election in Ekiti State

The Speaker: The next Motion refers to the re-run election going on in Ekiti State. Hon. Gbajabiamila, can you move your Motion?

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I am not ready yet.

The Speaker: Let me know when you are ready.

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

The Speaker: What Order, Hon. Abdu Sani?

Hon. Abdu Muhammad Sani: My point of Order is Order V, Rule 1 of our Standing Orders dealing with Privileges. The day this issue of alteration of the Constitution was brought for First Reading - *(Interruptions)*

The Speaker: No, that has been closed.

Hon. Abdu Muhammad Sani: He promised giving us the Principal Act. I want him to give us. *(Interruptions)*

The Speaker: Hon. Sani, please take your seat.

Hon. Abdu Muhammad Sani: I am not opening the debate but he should provide us with the Principal Act.

The Speaker: Hon. Sani, I am appealing to you. The next Motion refers to the re-election going on in Ekiti State. Before Hon. Gbajabiamila moves his Motion, the Chairman, Rules and Business Committee, Hon. Ita Enang has an explanation to make.

Hon. Ita Solomon J. Enang: May I, please, draw the attention of the House to a Supplementary Order Paper on a Motion and this Motion is here while the House is still sitting on Orders of the Day. The Supplementary Order Paper has been circulated to Members.

May the Speaker take the Supplementary Order Paper, Sir?

The Speaker: Hon. Members, do you have copies of the Supplementary Order Paper?

Several hon. Members: No!

Hon. Ita Solomon J. Enang: The Order Paper is being circulated by the Sergeant-at-Arms now.

The Speaker: Hon. Colleagues, we will move on to the consideration of Report and when the papers are properly circulated, we will take it. Is that all right?

Several hon. Members: No!

The Speaker: All right, the papers are here. We will take it now.

Hon. Femi Gbajabiamila: Mr. Speaker, before I proceed may I apologise to the House for the lateness in the circulation of the Report and to state categorically that it was due to operational and logistic error on the Rules and Business Committee.

The House:

Notes that in spite of all the pre-election preparations made by the Independent National Electoral Commission (INEC), the political parties, the security agencies, the Election monitors and other stakeholders including the Media, the Election in Ekiti remains inconclusive;

Worried that the election re-run has once again demonstrated in very sad graphic details how the actions of a few individuals during elections can bring the goodness of our people and the greatness of our nation into disrepute in the Continent and on the global scene;

Convinced that even though the Nigeria Police Force deployed an unusual number of about ten thousand, the deployment has not impacted positively on the outcome of the electoral process in Ekiti State;

Resolves to:

- (i) condemn the violence that marred the governorship re-run Election in Ekiti State in which Election monitors were allegedly attacked and brutalised;
- (ii) request that all politicians irrespective of political parties they belong to, who were seen, suspected and/or participated in election manipulations and who employed armed and deployed thugs and miscreants to disrupt the orderly conduct of the Ekiti Election should be prosecuted immediately to redeem the image of Nigeria and set good standards for the future conduct of Elections;
- (iii) Call upon the Independent National Electoral Commission (INEC) to expeditiously conclude the Election in Ekiti State.

I so move.

Hon. Friday Itulay (Esan North East/South East): Point of Order, Mr. Speaker!

The Speaker: Hon. Colleagues, we have been known in this House to debate passionately with the interest of the Federal Republic of Nigeria as one. I am sure the public does not expect anything less from us.

I will start by giving hon. Member from Edo State the opportunity to raise his point of Order.

Hon. Friday Itulay: My point of Order is Order VIII, Rule 8 on page 29 of the House Standing Orders dealing with Notice of Motion.

The Speaker: Hon. Friday Itulay, are you talking about Notice for the Motion?

Hon. Friday Itulay: Yes.

The Speaker: Hon Member, I am appealing to you. I think the whole country has enough notice for this. Hon. Gbajabiamila has moved a Motion. Is there any seconder?

Hon. John Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, with due humility, I beg to second this Motion.

The Speaker: Hon. Gbajabiamila, please lead the debate.

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

The Speaker: Hon. Colleagues, we do not need to put a question on the Motion because this is an Order Paper and we are taking it as if it has been on Notice.

Please allow Hon. Gbajabiamila to make his contribution and we will still vote on it.

Hon. Olufemi Gbajabiamila: Mr. Speaker, let me start by stating clearly, categorically and unequivocally that this is not a partisan Motion. This is a Motion that we as Federal Legislators irrespective of Party affiliation need to address with the best interest of the nation in mind. I want to appeal to my Colleagues for us to dispassionately consider this Motion and look at the issues involved.

On Saturday, 25th April, 2009 there was a re-run election - (*Interruptions*)

Hon. Samson Positive Ihiabe (Bassa/ Dekina): Point of Order, Mr. Speaker!

The Speaker: Hold on Hon. Gbajabiamila. Hon. Samson Positive, which Order?

Hon. Samson P. Ihiabe: Mr. Speaker, I am relying on the same Order VIII of our Standing Orders which my Colleague relied on.

The Speaker: Hon. Positive, I have ruled on that Order.

Hon. Samson P. Ihiabe: Mr. Speaker, I want to make a comment in respect of that.

The Speaker: You cannot make a comment on what I have ruled upon. Hon. Gbajabiamila, please go on.

Hon. Olufemi Gbajabiamila: Mr. Speaker, on Saturday, 25th April, 2009 we had a re-run election in Ekiti State in 10 Local Governments.

Today is the sixth day and we do not have a result. Instead what we have witnessed is a comedy of errors.

Unfortunately, the consequences may be very tragic. We have had killings, houses being burnt, mayhem, brigandage, kidnappings, disappearance and re-appearance of Electoral Officers. We have had elections that have been postponed indefinitely despite the fact that Section 16 of the Electoral Act calls for a definite date when an Election is postponed; we passed this law in this House.

Once again, our country is at the centre stage. We are being put to shame. This is a national embarrassment of very epic proportion. To say that Nigeria, the giant of Africa, is unable to conduct elections in ten Local Government Areas is a crying shame particularly when you juxtaposed this with what happened with our neighbours in Ghana and South Africa all within the last one year when they had national elections without even a whimper.

It is even more shameful when you consider that the Police told us that they deployed 10,000 Policemen to man 10 Local Government Areas. When you look at the statistical breakdown that translates to about 200 Policemen per ward and a thousand policemen to a Local Government; yet they could not contain the mayhem that happened in Ekiti State.

Hon. Emmanuel Chinyere Igwe (Port Harcourt II): Point of Order!

The Speaker: Hon. Gbajabiamila, hold on for a moment. Hon. Igwe, which Order?

Hon. Emmanuel Chinyere Igwe (Port Harcourt II): Mr. Speaker, my point of Order is on Order IX Rule 5 of our Standing Orders at page 33. With your kind permission I read:

Reference shall not be made to any matter on which a judicial decision is pending in such a way as might, in the Speaker's opinion, prejudice the interest of parties thereto.

As I speak, I have verifiable information that some lawyers in Abuja have gone to Court to seek judicial interpretation whether an officer who has resigned his/her position is capable of acting in that same position.

We do know that it is on record that the Electoral Commissioner for that State has resigned her position and today they are saying that she wants to come and conclude the election. *(Interruptions)*

The Speaker: Hon. Chinyere, you can mention that when you are given the opportunity to contribute in the Debate.

Let Hon. Gbajabiamila wrap up. I am sure that the we will come out with the desired outcome for the House. So let him conclude. *(Interruptions)*

When I say, *desired outcome for the House*, I mean desired outcome for the Federal Republic of Nigeria. Hon. Gbajabiamila, can you please conclude?

Hon. Olufemi Gbajabiamila: Hon. Colleagues, as I said, it was this very House sometime last year that killed a Motion that was brought by one of our Colleagues to condemn the Elections in Zimbabwe and I believe this House did the right thing because I guess it was a question of picking the log in your own eye before you pick the speck in your brother's eye. We are on a process now in this country where the government has wholly and fully adopted a policy of re-branding Nigeria. Is this how we want to begin to re-brand Nigeria? The answer is no.

Mr. Speaker, on Tuesday when you gave your address, you mentioned that what happened in Ekiti State on Saturday and up till date shows and throws up the fact that we have challenges in Election matters in this country and I agree with you absolutely.

Hon. Colleagues I want us to understand one thing; we are fast heading towards a constitutional crisis. I will tell you why. Section 191 of the Constitution of the Federal Republic of Nigeria allows the Speaker of a State to act as a Governor of a State in a situation like this for three months. The framers of the Constitution say that within those three months, you must conduct an election.

There is intent behind every provision of our Constitution. The framers of the Constitution believed in their wisdom that three months would be enough for anybody or any country to organise an election.

The Speaker: Has the three months elapsed?

Hon. Olufemi Gbajabiamila: Mr. Speaker, that is where I am going.

The Speaker: That is all right, Hon. Gbajabiamila because we do not really want to join issues too much on this. When does it elapse?

Hon. Olufemi Gbajabiamila: We only have less than two weeks. The Acting Governor has been there for two months and a half.

The Speaker: It is all right. Proceed.

Hon. Olufemi Gbajabiamila: The problem is that it expires constitutionally within two weeks. It expires by effluxion of time and constitutionally within two weeks; what happens then? That will problem if the Election is not wrapped up in the next fourteen days.

We know that democracy and indeed the law abhors a vacuum. Our memory will serve us. For those who are not alive history is there. We have had *Operation Wetie*; we have had *Wild Wild West*. We pray that it will not happen again in Nigeria. We must avoid this crisis and we

must act now. This is one time when history must not be allowed to repeat itself.

My prayers are very clear; they are not partisan and they are nationalistic. I will leave the Floor for the rest of the Members to contribute.

Hon. Halims Agoda (Ethiope East/West): Mr. Speaker, if this Motion is drawn towards supporting the Action Congress Party (AC), I will not support it. If this Motion is also drawn towards supporting PDP, I will not support. We are here today as elected Members and leaders of this country. At a time when perhaps we are at a crossroad the citizens of the nation and all the segments put together will look upon the National Parliament as the last hope to resolve what may be described as a national calamity.

I have gone through the content of this Motion. What the Mover is telling us is that as leaders and nationalists we should use our position to caution those who are in charge of Ekiti State matter today because a peaceful Ekiti State, a good result and peaceful election in Ekiti will also usher in progress and prosperity to our fatherland.

Let us look at it. We have just two years to our General Elections in 2011 and if we have only two years to our General Elections and we have been preparing ourselves for electoral programme that will usher in this country for General Elections, then we must be seen as taking off properly at least with a small experiment of Election that concerns only sixty-three wards.

It is time for us to call ourselves if we are involved to behave properly so that at the end of the day the result of our action will bring respect and dignity to our fatherland.

I am not happy when after many days an institution as INEC could not conduct election into sixty-three wards. The Police deployed 10,000 officers and men with taxpayer's money; we should calculate how much would be used to deploy 10,000 Police officers to Ekiti State. They were there for many days courtesy of taxpayer's money.

This is a serious matter; we are neither supporting AC nor PDP but to call on those who are in charge to be more careful so that at the end of the day this great country will remain in peace.

I am concerned about peace. I want us to support this Motion as moved.

Hon. Olaka J. Nwaogu (Eleme/Oyigbo/Tai): Mr. Speaker, we must be careful not to overheat Ekiti. We are all mindful of the events that are going on in Ekiti State. I hasten to say with all due respect to the very informed views of our Colleague, Hon. Femi Gbajabiamila, that I do not fear a constitutional crisis. In the event that within the three months, we are not able to get a proper government our Constitution provides measures that involves even this House. The President will, under a State of Emergency,

still have a government where this legislature becomes the Parliament.

I do not fear the constitutional heat. My concern here is; let us do nothing to add to the heat in Ekiti. Ordinarily, the issues in the prayers here are things that should come after investigations. The relevant Committee of the House will tell us what happened so that we would know whether to condemn, apportion blame, praise or otherwise.

I therefore urge that aware of the potential implications of what Ekiti represents to our polity, let us take it easy in this Chamber. Let us hold our judgment and see the process through. If at the time the Electoral Commissioner was reported to have disappeared this Motion came up, I would be one of those asking questions but our understanding and the reports reaching us is that all Principal Officers are there.

Let them conclude that Election, finish their job, then this House will conduct its investigations. *(Applause)*

The Speaker: I will now put the question on this Motion.

Question put and negatived.

Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission

The Speaker: The third Order of the Day is the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith. The Report was laid on 26th March, 2009. The Report is ready.

Hon. Terngu Tsegba, please move for the consideration of the Report.

Hon. Tsegba Terngu (Gboko/Tarka): Mr. Speaker, I move that this House do consider the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith and approve the Recommendations Therein.

Hon. Ifaluyi Isibor (Egor/Ikpoba/Okha): Mr. Speaker, I rise to second the Motion moved by Hon. Tsegba Terngu.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Integrated Water Resources

Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith and approve the Recommendations Therein.

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

Hon. Baba Shehu Agaie (Agaie/Lapai): I second the Motion moved by the Leader, Hon. Akogun that this House do resolve into the Committee of the Whole to consider the Report.

Question put and agreed to.

Resolved: That this House do resolve into the Committee of the Whole to consider the Report.

Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

(The Deputy Speaker in the Chair)

The Chairman: Hon. Colleagues, the only Report we are considering today is a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission Charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matter Connected Therewith.

I call on the Chairman of the Committee, Hon. Tsegba Terngu to brief the House on this Report?

Hon. Tsegba Terngu (Gboko/Tarka): Mr. Chairman, the Bill is very straightforward. It sought to regulate the water usage in the country and bring it in conformity with other sectors of the economy. It became imperative to set up this Commission to regulate the usage of both underground and surface water in Nigeria. We can go on with the Clause-by-Clause consideration of the Bill.

Clause 1 – (ESTABLISHMENT OF THE INTERGRATED WATER MANAGEMENT COMMISSION, ETC.) – ordered to stand part of the Bill.

The Chairman: Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD).

Question proposed.

Hon. Ita Solomon J. Enang: The Chairman I have seen here the Establishment and Membership of the Governing Council of the Commission and their recommendation in Clause 2(2)(b)(i) that a member shall represent the Federal Ministry responsible for Water Resources.

I have also seen here Clause 2(2)(a) to (c). I want to ask the Chairman whether we are deleting *Agriculture and Water Resources* because Agriculture and Water Resources is duplicated here or whether we are deleting *Environment, Housing and Urban Development, Energy, Power or Health* or whether those ones are still there while we have a member representing this because it is not clear.

In other words, I am asking whether a member representing the Federal Ministry responsible for Water Resources replaces the entirety of (a)(i) to (iv)? We still have here (i): *Agriculture and Water Resource*. We want to find that out.

Hon. Tsegba Terngu: No, the amendment is not in respect of Clause 2(2)(b) which states that *a member each representing the following Federal Ministries who shall not be below the rank of a Deputy Director*.

Yes, it was replaced with a member representing the Federal Ministry responsible for Water Resources and with six other Directors representing the geo-political zone who must be conversant with water supply, environment, agriculture etc. That takes care of drawing a Director from the Ministry who may not be too conversant with water resource management. We have reduced the number of part time Directors.

The Chairman: All others are there?

Hon. Tsegba Terngu: Yes.

The Chairman: The only thing he did was to remove the words: *shall not be below the rank of a Deputy Director*.

I will now put the question that Clause 2 do stand part of the Bill.

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

The Chairman: Clause 3 – (POWERS OF THE BOARD).

Question Proposed.

Hon. Ita Enang: The Chairman, under Powers of the Board, I have reservations about subsection (c). It says: *The Board shall fix the terms and conditions of service including remuneration of employees of the Commission*.

Under the Public Service it is not with the powers of the Board; there is the Salaries and Wages Commission and other bodies that are responsible for fixing the salaries and remuneration of persons who work in the Commission. So, I am moving that this particular provision be expunged.

On B, it says: *Subject to the provisions of this Act to make, alter and revoke rules and regulations for carrying on the functions of the Commission.* I will abandon that; I will move just for the deletion of C.

The Chairman: We are on page 3 – (POWERS OF THE BOARD). Hon. Terngu Tsegba, what is the intentment of this Bill? Is it to be funded by the National Budget or it will generate its own revenue?

Hon. Terngu Tsegba (Gboko/Tarka): When we come to the Funds for the Commission that will be very clear.

The Chairman: What I am saying is that if it will fund itself, it can fix the remuneration.

Hon. Terngu Tsegba: No, it can not fund itself. This is a government agency intended to regulate the usage and management of water in this country both surface and underground.

The Chairman: In that case, Hon. Ita Enang is saying Subsection (c) should not hold; *fix the terms and conditions of service including remuneration of employees of the Commission.*

Hon. Terngu Tsegba: Certainly, this Commission is going to employ. It is going to determine the calibre of people who are suitable to serve in the Commission, interview and employ people. Not only that, it is going to determine the grade of the people coming in. So it is going to seek remuneration for the people. It is not going to start up from nowhere. It is going to employ people and determine the entry point and which category of people will come into it.

It is not the Salaries and Wages Commission that is going to employ for this Commission. The Board is empowered to hire people to serve in this Commission. It is going to determine which calibre of people is going to be hired. The Board would be guided by the existing regulation on unemployment. That is why it is saying it should fix remuneration and the rest. This is because it is not the Salary and Wages Commission that is going to conduct interview to employ people in this Commission; it is going to be determined by the Board. Let me emphasise that the Board is going to determine the categories of people that will come in and at what level. That is the intentment of this Bill which is that the Board should fix remuneration and salaries to the people so employed. It is very clear.

The salaries are already determined by the Salaries and Wages Commission but at what entry point does one come in? What do you give him to come in? That will be determined by the Board based on individual experience, qualification and length of service.

Hon. Sani Muhammed Abdu (Alkaleri/Kirfi): Mr. Chairman, with respect to agencies, they both have the power to do that because they are parastatals. As you said

earlier correctly, they can generate their revenue and even spend part of them but Commissions are under the Public Service and they are regulated in two ways. Their remunerations are controlled by the Revenue Mobilisation Allocation and Fiscal Commission whereas their conditions of service are regulated by the Federal Civil Service Commission. That is what obtains statutorily and I think the Chairman of the Rules and Business is correct in observing this.

The Chairman: Do you say if they are Commissions?

Hon. Sani Muhammed Abdu: Yes, Commissions are under the Public Service and they are regulated.

The Chairman: It is all right. Hon. Sani Abdu, we have the NCC Commission?

Hon. Sani Muhammed Abdu: Yes.

The Chairman: I want to believe that they have a salary structure different from that of the Public Service.

Hon. Sani Muhammed Abdu: But by who? They subjected it through the Revenue Mobilisation, Allocation and Fiscal Commission; they did not do it on their own.

The Chairman: So, Commissions too can have a different salary structure?

Hon. Sani Muhammed Abdu: What I know is that Commissions are under the Public Service.

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): I am still on the same Clause 3(e) which says: *In the absence of a duly constituted Board for the Commission, the Director General of the Commission shall, with the approval of the Ministry, carry out such functions of the Board as may be required.*

What obtains in practice and there are many extant circulars in the Public Service is that the Ministry carries on the functions of the Board in the absence of the Board. It is not the Director General with the approval of the Minister. The Ministry carries it out.

For instance, the Director General is already empowered on the day-to-day execution of the functions and activities of the Agency or Commission. If you are employing from Level 08 and above, for instance, it normally comes to the Board. Approvals of the Boards are taken over by the Ministry; that is what obtains in the entire Public Service as far as I know. There is a slight change here.

The Chairman: I can recall that there was a Report or a Bill that we passed like that and we said if we allow the Minister to take charge of the Board, they may be reluctant to appoint the Board Members. That is the wisdom of now having the Director General to act so that

the Minister would hasten or advise the President to appoint the Board Members.

Hon. C.I.D. Maduabum: As far as I know, that is what is obtainable in the entire Public Service.

The Chairman: This is a new law that we are making.

Hon. C.I.D. Maduabum: It is a new law. I am therefore proposing an amendment of this Clause as follows:

In the absence of duly constituted Board for the Commission, the Ministry shall act as the Board or Commission.

Hon. Stanley O. Ohajuruka (Umuahia North/South Ikwunano): Before I second, I want to draw the attention of the Chairman to Section 6 because we have to read it conjunctively. That is actually aligning myself with what the last speaker said. It is on dissolution. Section 6 states:

Notwithstanding anything to the contrary in this Act, the Minister shall exercise all the powers of the Board where –

- (a) the Board has been constituted;
- (b) the Board has been dissolved.

So, if you take it alongside this Amendment, you will now agree that it is either this particular Section was replicated - (*Interruptions*)

The Chairman: What Section 3 is saying is that the Minister can give his powers to the Director General; it is the same thing.

Hon. Stanley O. Ohajuruka: We are talking about delegation of powers.

The Chairman: He can delegate his powers to the Director General.

Hon. Stanley O. Ohajuruka: Do we have to delegate such powers by law?

The Chairman: Are you seconding the Motion?

Hon. Stanley O. Ohajuruka: I am seconding him.

The Chairman: There is a Motion which is duly seconded.

Amendment put and negatived.

Clause 3 – (POWERS OF THE BOARD) - ordered to stand part of the Bill.

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

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

The Chairman: Clause 6 – (DISSOLUTION). I will put the question that Clause 6 do stand part of the Bill.

Question Proposed.

Hon. Ita Solomon J. Enang: Mr. Chairman, I have objection to this Section. I want to say that this provision is characteristics of all Bills coming from that Ministry. This is the provision where we said the Minister should not be allowed to exercise this power. This provision says:

Notwithstanding anything to be contrary in this act, the Minister shall exercise all the powers of the Board where the Board has not been constituted, the Board has been dissolved and any action taken on this in compliance with the provision shall be valid.

In the previous Bill, I think we saw this Section and we deleted it. It was the Food Reserve Agency Bill. There was this provision and we deleted it. We said that if this provision was there, the Minister would be reluctant to constitute this Board and will prefer to exercise his power in person.

I move that this provision be deleted in its entirety. This does not even talk of dissolution. Dissolution should say this is the time at which this Board will be dissolved.

I move that we delete this provision.

The Chairman: Is there any seconder?

Hon. C.I.D. Maduabum: Number 6 is inconsistent with Clause 3 largely and, therefore, Clause 6 should be deleted.

Hon. Tsegba Terngu: Mr. Chairman, it will come at a time that the Board for one reason or the other might be dissolved including the removal of the Director-General and the Commission cannot be left in a vacuum. The Commission must continue to operate. You will recall that this Commission is to regulate water usage in Nigeria both underground and surface water.

The Chairman: Hon. Tsegba, it is just a repetition.

Hon. Tsegba Terngu: It can be removed.

Hon. C. I. D. Maduabum: Number six is talking about Board, not Director-General.

Hon. Tsegba Terngu: He is part of the Board. What we are saying is that this should be there. The Minister is still the supervising Ministry of this Commission. So he must oversee this Commission in the absence of a Board.

The Chairman: That is why we approved Clause 3.

Hon. Tsegba Terngu: Yes.

The Chairman: If Clause 3 should stand, then there is no need for Section 6. That is what they are saying, Hon. Tsegba. There is a Motion by Hon. Ita Solomon J. Enang duly seconded by Hon. C.I.D. Maduabum.

Amendment put and agreed to.

Clause 6 – (DISSOLUTION) – as amended, ordered to stand part of the Bill.

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

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

Clause 9 - (POWERS OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 10 - (QUALIFICATIONS TO OPERATE AS AN AUTHORISED DEVELOPER OR OPERATOR OF WATER RESOURCES INFRASTRUCTURE) - ordered to stand part of the Bill.

Clause 11 - (APPLICATION FOR A LICENCE) - ordered to stand part of the Bill.

Clause 12 - (ISSUANCE OF LICENCE) - ordered to stand part of the Bill.

Clause 13 – (RENEWAL OF LICENCE) – ordered to stand part of the Bill.

Clause 14 - (REVOCATION OF LICENCE) - ordered to stand part of the Bill.

Clause 15 - (OTHER POWERS OF THE COMMISSION IN RESPECT OF ISSUANCE OF LICENCE) - ordered to stand part of the Bill.

The Chairman: We are now on page 9, Clause 16.

Hon. C. I. D. Maduabum: Mr. Chairman, I want to raise a fundamental issue in the interest of this House, the Constitution and the generality of this Parliament. The functions of this Agency if it is adopted - *(Interruptions)*

The Chairman: Which one are you reading?

Hon. C. I. D. Maduabum: Clause 8 at page 4 which deals with Functions of the Commission. Clause 8(1)(b) says:

Be responsible for economic and technical regulation of all aspects of water resources exploitation and provision (construction, operation, maintenance and tariffs) of public and private water resources infrastructure.

My quarrel with this is simple. The issue of water basically is not even in the Exclusive List. It is only in the Exclusive List to the extent of water running from more than one State. That is the only business of the Federal Government on water. It is actually a residual matter belonging to the States completely.

It is not in the Constitution that we should do ordinary water issues. Therefore, it is wrong for you to give this Commission regulation all over the Federation because we have not even said that it is only a Federal matter; it is regulation of economic and technical issues. It is too far to regulate it with respect to River Basins and other issues for which the Federal Government has authority. The authority of the Federal Government in the Constitution is water running from one place to the other like Gurara and all that.

My amendment, therefore, is to say as follows:

Clause 8(1)(b): Be responsible for economic and technical regulation of all aspects of water resources exploitation and provision (construction, operation, maintenance and tariffs) of public and private water resources infrastructure for which the Federal Government has competence.

Hon. Tsegba Terngu: The Chairman, the Commission basically is to regulate both surface and underground water and you cannot know the boundaries of underground water. He talked about rivers. All these rivers are all interlinked but Hon. Maduabum said we should add the words: *for which Federal Government has competence.*

If you want to add that it is all right but this Commission is also going to look into the quality of water that is being given to our people. We cannot just sit here and allow anybody to go into water distribution using some of these things that are not hygienically correct.

The Chairman: Just like the way it is now.

Hon. Tsegba Terngu: As it is now, before you operate that, you will need a licence from this Commission.

The Chairman: You need a number from NAFDAC which is a Federal Government Agency.

Hon. Tsegba Terngu: This Commission is going to set up catchment areas in the hydrological zone. So it is going to cut across the country and in the composition of the hydrological catchment areas, the States are represented there. Therefore, the issue of States not being represented in this Commission is not there but he said *for which the Federal Government has competence* and I agree with him.

The Chairman: Is there any seconder to that?

Hon. Takori Mohammed Sani (Gunmi/Bukkuyum): Mr. Chairman, I second the amendment proposed by Hon. C. I. D. Maduabum.

Amendment put and agreed to.

*Clause 8 – (FUNCTIONS OF THE COMMISSION)
– as amended ordered to stand part of the Bill.*

Hon. Ita Enang: I appeal that I should take the House back please. There is a Constitutional question on Clause 7. It says: *A member shall be paid such allowances as the Federal Government may from time to time direct.*

I want us to amend that to read:

A member shall be paid such salaries and allowances as determined under the Public and Political Office Holders' Salaries and Allowances Act.

This is because it is that Act that will define what members of each Commission will be paid.

The Chairman: Is the member a Board member?

Hon. Ita Enang: That is a Commissioner under the Commission, not staff. I mean a member other than ex-Officio members because ex-officio members are not paid salaries.

The Chairman: Is any member seconding that amendment?

Hon. Wilfred C. Onyema: I second the amendment moved by Hon. Ita Solomon J. Enang.

Amendment put and negatived.

Clause 16 – (EXPLORATION OF WATER AND INTERCONNECTIVITY OF STRUCTURE BY AN AUTHORISED DEVELOPER) – ordered to stand part of the Bill.

Clause 17 – (POWER OF THE OFFICER OF THE COMMISSION TO ENTER ANY PREMISES OR BUILDING WITHOUT A WARRANT) - ordered to stand part of the Bill.

Clause 18 – (POWER OF A LICENSEE TO ENTER AND OPERATE ON ANY TEMPORARY LAND) - ordered to stand part of the Bill.

Clause 19 – (PAYMENT OF COMPENSATION BY A LICENSEE) - ordered to stand part of the Bill.

Clause 20 – (PREPARATION AND MAINTENANCE OF A LICENSEE'S CONFIDENTIAL REGISTER) - ordered to stand part of the Bill.

Clause 21 – (UNAUTHORISED DEVELOPER) - ordered to stand part of the Bill.

PART III – ESTABLISHMENT OF THE CATCHMENT MANAGEMENT OFFICES

Clause 22 – (ESTABLISHMENT OF CATCHMENT MANAGEMENT OFFICES) - ordered to stand part of the Bill.

PART IV – APPOINTMENT OF THE EXECUTIVE CHAIRMAN, ETC.

Clause 23 - (APPOINTMENT OF THE DIRECTOR-GENERAL) – ordered to stand part of the Bill.

Clause 24 - (APPOINTMENT OF SECRETARY/LEGAL ADVISER) - ordered to stand part of the Bill.

Clause 25 – (REMUNERATION, etc.) - ordered to stand part of the Bill.

PART V – FUND OF THE COMMISSION

Clause 26 – (FUND OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 27 – (APPLICATION OF PROCEEDS OF THE FUND OF THE COMMISSION) – ordered to stand part of the Bill.

Hon. Ita Enang: Mr. Chairman, with respect to Clause 26, Funds of the Commission.

The Chairman: We have passed that Clause.

Hon Ita Enang: No, Sir. It is unconstitutional. You do not take money from Federation Account.

The Chairman: Which one is that?

Hon Ita Enang: Clause 26(2)(a) states:

- (i) *The Commission shall establish and maintain a Fund from which shall be defrayed all expenditure incurred by the Commission.*
- (ii) *There shall be paid and credited to the fund established in subsection (1) of this section –*
 - (a) *Allocation to the Commission from the Federation Account.*

It should read: *Allocation to the Commission from the Federal Government, not Federation Account.*

Hon. Aminu Shehu Shagari (Yabo/Shagari): I rise to second the Motion moved by Hon. Ita Enang.

Amendment put and agreed to.

Clause 26 – (FUND OF THE COMMISSION) – as amended, ordered to stand part of the Bill.

Clause 28 – (POWER TO ACCEPT GIFT) - ordered to stand part of the Bill.

Clause 29 – (POWER TO BORROW) - ordered to stand part of the Bill.

Hon. C.I.D. Maduabum: The Chairman, 5 per cent of Nigerian Ecological Fund is being given to this agency.

The Chairman: Which Clause are you reading?

Hon. C.I.D. Maduabum: Clause 26(2)(b) Allocation from Nigeria Ecological Fund on page 14 of the Bill. This is a law being made by the Federal Parliament. We should not pretend that everybody in the Parliament did not see the law. Let us offer our views that are in the interest of this country.

The Chairman: Hon. C.I.D. Maduabum, what you are saying is that you did not read the report before coming. You are reading it now; that is why we are leaving you behind.

When we are on Clause 28 you are asking of Clause 26.

Hon. Aminu Tambunwal: The Chairman, I wanted to draw the attention of my Colleague, Hon. CID Maduabum to the fact that the Committee has amended this particular provision he is complaining. Clause 26(2)(b) has been amended by the Committee. So, we are carrying the committee's recommendation.

Hon. C.I.D. Maduabum: It is the committee's recommendation I am referring to.

Hon. Aminu Tambunwal: But you mentioned 5 per cent which is not in the recommendation.

The Chairman: Yes I agree with you, Hon. Tambunwal.

Hon. C.I.D. Maduabum: Even if we agree that the Federal Government should make this statutory contribution, we can conclude this particular recommendation by saying *as determined by the Federal Government*. We cannot say *Ecological Fund of the Federal Government*.

The Chairman: Yes Hon. Tsegba, you said *Allocation from Nigeria Ecological Fund*.

Hon. Terngu Tsegba: Yes, Mr. Chairman. First of all, let us ask the proponents of it. What is the use of the Ecological Fund? We are talking about preservation of riverhead. Anybody which is part of the studies which the Commission will be carrying out, which is part of what the Ecological Fund was set up to take care of. It was set up

to take care of some of these natural disasters occurring. For anybody who is close to a river year-in year-out some of these rivers are disappearing; some of them are causing erosion while the sea is filling some of them up.

The fact is that today we cannot get the volume of water that was held in these rivers ten years ago. How are we going to look after some of these issues? It must be funded from the Ecological Fund.

The Chairman: No, but what he is saying is that you may need to specify the amount.

Hon. Terngu Tsegba: We do not need to specify the amount. This is why Hon. C.I.D. Maduabum was against the 5 per cent at the initial stage. That amount will be determined based on the need; you cannot fix percentage of amount here. This is one of the sources of fund to the Commission. The Commission can apply for fund from the Ecological Fund and it depends on the volume of money the Commission is looking for. That is what the Ecological Fund will determine to give them; we cannot fix a percentage.

The Chairman: Thank you. All right, let us vote on it.

Hon. C.I.D. Maduabum: Mr. Chairman, if you go to Revenue Allocation Act, a certain percentage is given to Ecology; certain percentage to Agriculture. Specifically, 0.5 per cent was given to Ecology and 0.5 per cent to Agriculture.

Water is closer to Agriculture but I accept that you can take from Ecological Fund and also from Agricultural Development Fund. Those are the two funds that have to do with water; it has to be from the two and it defeats the argument he is making if it does not give a percentage. You have to direct them as to what to contribute. If you do not, they are not bound to give a percentage. You have not directed them to give a kobo the way it is drafted. If we can do 0.5 per cent just to direct them; we can say *at least*. That way, we have something at all.

We also include National Agricultural Development Fund which is a fund also set up under the Revenue Allocation Formula.

The Chairman: Hon. C.I.D. Maduabum, you have to suggest a percentage.

Hon. C.I.D. Maduabum: I will say *not less than 1 per cent of the Ecological Fund*; it can be 20 per cent.

The Chairman: Not less than 1 per cent of what?

Hon. C.I.D. Maduabum: Anyway let them suggest it. If they want to help themselves it has to be a percentage.

The Chairman: I agree with you for saying *not less than 1 per cent*. If you look at Chad Basin and take the

entire Ecological Fund for two or three years and commit it to that Chad Basin, it may not restore it its normal shape.

If you say *not less than 1 per cent* they will not give you more than that. If you look at the importance of water for the River Basin, I think we can increase the percentage but not limit it to 1 *per cent*. We can increase it to *not less than 5 per cent*. That will be a reasonable amount that can be utilised to cater for the river basins, dams and other water problems that we have rather than saying not less than 1 *per cent*.

The Chairman of the Committee should reframe that.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Chairman, one of the reasons we do not agree with the Commission in respect of percentages was because they have to determine their needs first. The Ecological Fund is one of the sources of funding; they have other sources of funding from the Budget and from their other income.

We said that if we tie down 5 *per cent* of the Ecological Fund to one Commission since the Ecological Fund is meant for so many purposes, the Commission should actually apply to the Fund as the need arises. We did not want to tie percentages to the Fund. However, since our Colleagues are talking of percentage, we can say not less than 2 *per cent*.

The Chairman: The reason why you need to put the percentage, Hon Tsegba, is that at times you may have a Minister who may not have interest in water and may not give them anything. But if it is statutory, whether he likes it or not that money must go to the Commission.

Hon. Terngu Tsegba: As the Chairman pleases. So, we say *not less than 2 per cent allocation from the Nigeria Ecological Fun*. Although it can be more it should not be less.

Thank you for the observation.

Amendment put and agreed to.

Clause 26 – (FUND OF THE COMMISSION) – as amended ordered to stand part of the Bill.

The Chairman: We go to Clause 29 at page 15 - (POWER TO BORROW).

Hon. Rabe Nasir (Bindawa/Mani): Mr. Chairman, I want to suggest an Amendment with respect to Power to Borrow, Item 29. It is my ardent belief and principle to stand up against any basis for any public institution in this country, Federal Government, States Government or any institution for that matter to have` to borrow money from outside this country.

The Chairman: With respect to States, we do not have that power.

Hon. Rabe Nasir: I am talking as a matter of general principle that I oppose it in all its ramification for

so many reasons. I want this country to get out the strangulation of indebtedness from foreign institutions. We just came out of it and we should refuse any possibility to go into it.

The Chairman: What is your Prayer?

Hon. Rabe Nasir: My prayer is that we should include in Prayer 3 that the commission should not be allowed to borrow from any foreign institution.

The Chairman: You are suggesting that Clause 29 should be deleted. It is either we insert it or we just delete Clause 29.

Hon. Rabe Nasir: We should borrow only locally, not externally.

The Chairman: It is all right. Your amendment is that the commission can borrow only within the country.

Hon. Rabe Nasir: That is all I am saying. I oppose whoever does it. I am only putting it on notice for the consideration of Members.

Hon. Terngu Tsegba: There are some of these interest free development loans meant to provide accessible and free water to our people and Nigeria is a signatory to the United Nations Convention on Millennium Goals for water for all by 2015. We have not even achieved 50 *per cent* of that. I am sure the hon. Member here knows that part of the conditions given for debt forgiveness to Nigeria was to provide water, particularly water for all Nigerians; we have not even achieved that.

So, as we speak we are still signing agreements on water aid with so many international agencies and organisations in providing water for all. Some assistance come in form of loans at a low interest rate of 1 *per cent* with a moratorium of about twenty years. These are facilities that we cannot resist if we are working here to provide water for our people. This is why we inserted some of these provisions in this Bill so that this Commission can access some of these funds for the development of water in Nigeria.

Hon. Rabe Nasir: Mr. Chairman, I would like to respond to what Hon. Tsegba Terngu said, please.

The Chairman: Hon. Rabe, he is responding to what you said and if I allow you to respond to what he has just said, he will want to reply to what you have to say.

Clause 29 – (POWER TO BORROW) – ordered to stand part of the Bill.

Hon. Ita Enang: Mr. Chairman, I have something to say on Clauses 28 and 29.

The Chairman: Hon. Ita Enang, we have passed Clauses 28 and 29.

Hon. Ita Enang: With respect, Sir, there is a problem there. This is not how Clause 28(1) was drafted: *The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.*

We have not been drafting it like this and it does appear that the Secretariat is not very alert.

The Chairman: Is it the issue of drafting?

Hon. Ita Enang: Yes, Sir. I want to amend Clause 28(1) to read like this: *The Commission may accept gift of land, money or other property on such terms and conditions, if any, as are not unconscionable.*

The Chairman: Please read Clause 28(1) and (2) again?

Hon. Ita Enang: Subsection (1) states: *The Commission shall not accept any gift if the condition attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Act.*

We cannot have Subsections (1) and (2). You cannot say *if any, as may be specified by the person giving it.*

The Chairman: Move your Motion.

Hon. Ita Enang: My Motion is that we delete Subsection (1) of Clause 28 and retain Subsection 2.

The Chairman: That means that if you delete Subsection (1), then the Commission cannot accept gifts.

Hon. Ita Enang: We are not bound to state here specifically that they can accept gifts because any organisation can accept gifts.

The Chairman: I know that all the laws that we have been passing here have that Clause.

Hon. Ita Enang: Yes, but we have been amending this provision. To be safe, I move that Clause 28(1) be amended thus:

The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as are not illegal.

That is my amendment and we should allow Subsection (2) of Clause 28 to stand.

Hon. Sokonte Davis (Degema/Bonny): The Chairman, it is obvious those Subsections (1) and (2) of Clause 28 contradict each other. This is because we are saying that *as may be specified by the person or organisation making the gift.* Now, we are saying that *shall not accept if they are not.* So, we are already contradicting the conditions.

I suggest that we marry the two sub clauses to read thus:

The Commission may accept gifts of land, money or other property if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Act.

We should marry Subsections (1) and (2) and then move forward.

The Chairman: Is there any seconder?

Hon. Ita Enang: I second the Amendment.

Hon. Chile Igbawua (Kwande/Ushongo): The problem here is just that of inelegance in drafting. Subsection (2) is supposed to be a proviso. So, if we just put in-between the two: *provided howsoever that...* then sub clause (2) will follow; it will be perfect. It is a proviso to sub clause (1).

The Chairman: We have an amendment that is duly seconded and I want to put the question.

Hon. Chile Igbawua: The Chairman, this is another amendment being proposed.

The Chairman: But it is not done that way.

Amendment put and agreed to.

Clause 28 - (POWER TO ACCEPT GIFTS) – as amended ordered to stand part of the Bill.

Clause 30 - (SUBMISSION OF ANNUAL FINANCIAL REPORT TO THE MINISTER) – ordered to stand part of the Bill.

Clause 31 - (ANNUAL GENERAL REPORT) - ordered to stand part of the Bill.

Clause 32 – (REQUISITIONS ETC.) - ordered to stand part of the Bill.

Clause 33 – (OFFICES AND PREMISES) - ordered to stand part of the Bill.

Clause 34 – (DIRECTIVES BY THE PRESIDENT) - ordered to stand part of the Bill.

The Chairman: We now go to *Clause 35 – (LITIGATION).*

Question proposed.

Hon. Ita Enang: Mr. Chairman, the word *litigation* is not the appropriate word there. Litigation is the actual act of filing a matter or prosecution.

The Chairman: Which one is appropriate?

Hon. Ita Enang: I want us to delete the word *Litigation* and substitute it with the words *Jurisdiction over offences under the Act*.

Secondly, I agree with the amendment suggested by the Committee in Clause 35 but it should read thus:

The Federal High Court, the High Court of the States, not *State High Court* so that it can be High Court of all the States.

The Chairman: Hon. Ita Enang, even the *litigation* you corrected to *jurisdiction* is no longer there because if you look at Clause 35 under the recommendation of the Committee, you do not have that litigation.

Hon. Ita Enang: They did not put it because they did not want to amend it. They allowed it to be as it is in the Act.

The Chairman: But they have taken everything that they want to appear on that Section.

Hon. Ita Enang: This is a Committee of the Whole and there ought to be these marginal notes.

The Chairman: Then what are you saying again?

Hon. Ita Enang: What I am saying is that the wording of Clause 35 should read: *The Federal High Court, the High Court of the States*.

That is, we should delete the words: *the State High Courts* and substitute it with the words: *the High Court of the States* and then the words *the High Court of the Federal Capital Territory*.

Amendment put and agreed to.

Clause 35 – (LITIGATION) – *as amended, ordered to stand part of the Bill.*

Clause 36 – (INVESTIGATION) – *ordered to stand part of the Bill.*

Clause 37 – (REGULATIONS) – *ordered to stand part of the Bill.*

Clause 38 – (DELEGATION OF POWERS) – *ordered to stand part of the Bill.*

Clause 39 – (OFFENCES AND PENALTIES) – *ordered to stand part of the Bill.*

Clause 40 – (OFFENCES BY CORPORATE BODIES) – *ordered to stand part of the Bill.*

Clause 41 – (INTERPRETATION) – *ordered to stand part of the Bill.*

The Chairman: The Short Title, Clause 42 provides: *This Act may be cited as the Nigeria Integrated Water Resources Management Commission (Establishment, etc.) Bill, 2008.*

Clause 42 – (SHORT TITLE) – *agreed to.*

Schedule – *agreed to.*

Long Title – (A BILL FOR AN ACT TO ESTABLISH THE NIGERIA INTEGRATED WATER RESOURCES MANAGEMENT COMMISSION CHARGED WITH THE RESPONSIBILITY FOR THE REGULATION AND MANAGEMENT OF WATER IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH) - *agreed to.*

Hon. Baba Shehu Agaie: The Chairman, I move that the House do revert to Plenary.

Hon. Ita Enang: The Chairman, I second the Motion that the House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of Whole considered the Report of the House Committee on Water Resources on the Nigeria Integrated Water Resources Management Commission Bill and approved as follows:

Approved Clauses 1 to 5;
Amended Clause 6;
Approved Clause 7;
Amended Clause 8;
Approved Clauses 9 to 25;
Amended Clauses 26 and 27;
Approved Clause 28;
Amended Clause 29;
Approved Clauses 30 to 34;
Amended Clause 35;
Approved Clauses 36 to 42;
Approved Schedule;
Approved Long Title;

Adoption of Report

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I move that this House do adopt the Report of the House Committee of the Whole as presented.

Hon. Ita Enang: Mr. Speaker, I second the Motion that the House do adopt the recommendations of the Committee of Whole as reported by the Speaker.

Question put and agreed to.

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

ADJOURNMENT

Hon. Shehu Baba Agaie: Mr. Speaker, I rise to move that this House do stand adjourned till Tuesday, 5th May, 2009 at 10.00 a.m.

Hon. Ita Enang: Mr. Speaker, in seconding the Motion for adjournment, I congratulate the workers of this

country on the Workers' Day coming up tomorrow.

Question put and agreed to.

Resolved: That the House do stand adjourned till Tuesday, 5th May 2009 at 10.00 a.m.

The House adjourned accordingly at 1.44p.m.