

National Assembly Debates (House of Representatives)

Thursday, 5th August, 1999

0715

[Quorum]

[Oaths]

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**HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA**

Thursday, 5th August, 1999

The House met at 10.40 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

The Deputy Speaker: Good morning, hon. Members.

Hon. Ibrahim Abdullahi (Sabo Gari): Point of Order, Mr. Speaker.

The Deputy Speaker: What order?

QUORUM

Hon. Ibrahim Abdullahi: It is Order No. 11. I read:

The Quorum of the House shall not be less than one-third of all Members of the House.

I am not sure we are up to one hundred and twenty here.

The Deputy Speaker: Can the Clerk confirm whether we have a quorum. The Whips should please come, if there is anyone of them around. Prof. Clifford E. Ohiagu, could you help us announce to Members outside that we are already in Session.

Hon. Lateef Adebola Alli (Akinyele/Lagelu): I have an observation, Mr. Speaker. I have said it times without number that we ought to have Attendance Register here every morning. This determines the quorum of the House. If we have Attendance Register, definitely we will be able to know how many Members are here.

Quorum Checked.

The Deputy Speaker: Hon. Members, the Clerk has confirmed that we have a quorum. We will, therefore, proceed.

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday, 4th August, 1999.

OATHS

OATH OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The Deputy Speaker: May I invite Members-elect who have not taken and subscribed the Oaths to please come forward.

Thereupon the following Member took and subscribed the Oaths required by law:

Hon. Jibrin Babale

ANNOUNCEMENTS

House Committee on Environment

The Deputy Speaker: The Ad-hoc Committee on Formation of Sub-committees on Environment will be meeting today at Committee Room by 2.30 p.m. This information was signed by Hon. Emma Obi Anosike.

Appropriation Bill

Debates on the general principles of the Appropriation Bill will commence Tuesday, next week. Members who wish to contribute during the Debate on the general principles should please submit their names to the Clerk of the House.

Investiture of Hon. Austin Opara

Distinguished Colleagues, Hon. Austin Opara, representing Port Harcourt II Federal Constituency in Rivers State, will be made a Knight of St. Christopher, Anglican Communion, on 7th August, 1999. We congratulate him in advance for that occasion.

Notice of Meetings

There will be a Joint Committee Meeting of Ethics and Privileges; Judiciary, Human Rights and Legal Matters; Security and Intelligence. The time is 2.30 p.m. at Hearing Room 1.

AD Members should please wait after today's sitting for a short meeting. This information is given by the AD Whip.

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[Announcements]

The South-South Sub-committee on Niger Delta are to meet immediately after this Sitting in the Deputy Speaker's office.

The Joint Committee on the Supplementary Budget will meet today at 4.00 p.m. Members who have in-puts to make on the National Assembly Budget should please feel able to submit these inputs to the Appropriation Committee.

Thank you.

The Issue of Wrong Use of Privilege

The Deputy Speaker: Hon. Members, I wish to draw your attention to certain anomalies regarding the manner in which issues of Privileges are raised on the Floor of the House. We have a duly constituted Committee on Ethics and Privileges. Allegations bordering on misconduct or criminal matters should please be forwarded to that Committee by way of petitions. It is not proper for Members to score cheap points with the media on the Floor of this honourable House, fully aware that we have established procedures for treating allegations.

Our countrymen have sent us here to spend most of our time, if not all of it, making laws for them and providing governance and not to be distracted on the Floor of the House by issues that there are duly constituted Committees to handle. The Chairman of the Committee on Ethics and Privileges will address Members in due course on the procedures for laying such complaints. Whilst the House will not condone fraudulent characters, we cannot spend our time raising issues on the Floor oblivious of the laid down procedures. We are law-makers, we are expected to respect the Rules that we make.

I thank you.

Because of the time we have lost over the past few days, we have to arrange the Order a bit today. We shall start with the Bills and proceed with the Motions thereafter if I may seek your indulgence -

Some hon. Members: No, no.

Allocation of Time Orders

The Deputy Speaker: May I make an announcement. This is from the House Business and Rules Committee. The Rules and Business Committee has scheduled time of the business of the day thus:

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- (i) Debates on Prohibition and Punishment of Bribery, Corruption and other Offences Bill, 1999, will be for one hour. Twelve Members will speak on this Bill for today. Each Member will speak for at most five minutes.
- (ii) Debate on the Address of the President, Commander-in-Chief of the Armed Forces of the Federal Government of Nigeria will take 30 minutes. Ten Members will speak on this debate for at most 3 minutes each.
- (iii) Saving the National Fertilizer Company of Nigeria (NAFCON) from Imminent Closure will take 30 minutes. About eight Members may speak on this Motion. Five minutes for the Mover. Three Members contribute in support and three Members against at three minutes each.
- (iv) Re-location of the Nigerian Ports Authority, Nigerian Shippers Council and the Nigerian Railway Corporation to Lagos will take 35 minutes. Five minutes for the lead Sponsor, three minutes for each of the five speakers in favour, three minutes for each of five speakers against.

Please endeavour that the timing be adhered to. This is to enable us make up for lost time.

Thank you very much.

Hon. Adamu Muhammed Bulkachua (Katagum): Mr. Speaker, I have an observation. The Order paper we have received did not say so. So, I wonder where your own came from.

The Deputy Speaker: What Order?

Hon. Ibrahim Abdullahi: Order 42.

An order of the day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day. An earlier day cannot be substituted for the day so appointed.

So, our day appointed on the Order paper we have received is to follow the sequence as we have seen it.

Thank you, Sir.

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The Deputy Speaker: May I hear comments from the Rules and Business Committee?

Hon. Adamu A. Panda (Albasu/Gaya/Ajingi): There is no question of Rules and Business Committee, Mr. Speaker, Sir. The job of the Rules and Business Committee has finished because they have already printed the Order Paper.

Hon. Musa Elayo (Awe/Doma/Keana): Mr. Speaker, Sir, hon. Members, it is true that this House is bound by the Order Paper and the observation of the hon. Members is correct. However, this House can, by simple majority of Members, agree that we re-order the Order Paper to accommodate the problems we are facing on the Floor of the House.

Thank you very much.

Hon. Abioye A. Oyetunji (Odo-Otin/Ifelodun/Boripe): Mr. Speaker, I just want to support the Chairman of the Rules and Business Committee. What you observed had been noted at our Committee, that we are lagging behind in some essential things that are supposed to have been done, particularly the Bills, and we thought from today, we should organise our orders in a way that we can always handle these things properly and level up with our Colleagues in the other House. That is the main point.

In actual fact, the Order Paper has been printed and unfortunately, when we got here to see this, this morning, we felt very bad about it, because our Clerk sort of messed us up.

We are sorry about this and I think that that point is very important that we level up with the other arm of the National Assembly.

Thank you.

Hon. Adamu A. Panda (Albasu/Gaya/Ajingi): Point of Order, Mr. Speaker

The Deputy Speaker: What Order?

Hon. Adamu A. Panda: Order 42(2) and with your permission, I will read:

Orders of the day shall have precedence of each other according to the order in which they appear on the Order Paper.

The Deputy Speaker: I think we should rule on that one first. I wish to uphold the point of Orders raised and to follow the Order Paper of the Day. Thank you.

Hon. Members, I wish to draw your attention to the Notice Paper attached to today's Order Paper. It has been introduced to separate Motions awaiting maturity from those that have matured for consideration. This is in line with the provisions of Rule 45(3) of the House Rules.

**ORDERS OF THE DAY
MOTIONS**

Saving the National Fertilizer Company of Nigeria LTD. (NAFCON) from Imminent Closure

The Deputy Speaker: Hon. Members, there are two Motions for consideration today. The first Motion stands in the name of Hon. Kilyobas A. Kere and eight others. Will Hon. Kilyobas Kere kindly move his Motion?

Hon. Kilyobas Audu Kere (Kaltungo/Shonogom): Mr. Speaker, Sir, the Motion I want to move is with respect to saving the National Fertilizer Company of Nigeria (NAFCON) from Imminent Closure:

In view of the fact that the National Fertilizer Company of Nigeria Limited has been in a very serious financial crisis, resulting in non-payment of staff salaries for two months, accumulation of huge debts to both Commercial Banks and Vendors in overdraft and supplies to the company; considering the fact that its Senior Staff Association has threatened to embark on an industrial action if the two months salary arrears are not paid and coupled with non-availability of working capital which has made the Company to be under threat of closure, this House do:

- (i) request the Federal Government as a matter of urgency, to release funds to the National Fertilizer Company of Nigeria for prompt settlement of staff salary arrears;
- (ii) call on the Federal Government to pay all owed bills to the National Fertilizers Company of Nigeria to enable the Company settle its debts and continue production;

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- (iii) refer the matter to the House Committee on Industries for investigation and appropriate recommendation.

I so move, Mr. Speaker.

The Deputy Speaker: Is there any Seconder?

Hon. Adamu Usman Degri (Balanga/Biliri): Mr. Speaker, hon. Colleague, I rise to second the Motion.

Thank you.

The Deputy Speaker: I now call on Hon. Kere to expatiate on his Motion.

Hon. Kilyobas Audu Kere: Mr. Speaker, Sir, hon. Colleagues, I look back at the food security programme of this nation as announced by Mr. President in his inaugural speech which is about to happen, and this is the imminent closure of the National Fertilizer Company of Nigeria (NAFCON) in Onne, Rivers State. The Company is in salary arrears payment for two months because the Company lacks working capital with which to continue to pay salaries as and when due. The Senior Staff have planned to go on strike if these salaries are not paid. The Management, on the other hand, have threatened to send them on compulsory leave if they insist on the payment of these salaries, because they do not have money to pay.

Compulsory leave, Mr. Speaker, means imminent closure of the plants. It is a symptom that if the staff are sent on compulsory leave, it means a very dangerous signal to closing down the plants.

The National Fertilizer Company of Nigeria is a world class fertilizer complex that produces nitrogenous fertilizer including Urea, Ammonia and N.T.K. and its products are world class. It is 100 percent owned by the Federal Government of Nigeria, employing well over 2,500 staffers and I believe that all the States of the Federation are represented on the staff force of the Nigerian Fertilizer Company of Nigeria, and so the problem of the company calls for concern by each and every Member of this honourable House.

Mr. Speaker, Sir, the company produces urea for the blending plants throughout the Country, because without urea, no blending plant can operate unless it imports from outside, and I do not believe that hon. Members would want to encourage the import of fertilizer of any

sort when NAFCON can produce the national requirement.

The operation of the fertilizer company has been epileptic. It is on today, but tomorrow, it is down; this is because there has been poor maintenance record. By the specification of any such fertilizer complex or any such industry, there should be regular maintenance every two years. But this has not happened because of shortage of funds. Machines are required to be replaced every ten years, but this has not been possible because of shortage of funds.

On financial crisis, the company owes financial banks huge overdraft and interests. Mr. Speaker, pressure has been mounting on these overdraft facilities over the years. Federal Government in turn owes the NAFCON huge amounts of money for fertilizers that were collected as long as 1995 without payment. For this reason, the Fertilizer Company has no working capital with which to continue. This is a threat to the food security, which is a high priority of the present administration. If the Fertilizer Company is closed, the food security programme will be derailed, and this House will have to do something about it. I am aware that the Minister paid a visit last week, nevertheless, I can assure Mr. Speaker that successive administrations have visited the plant, made promises, but the promises have not materialised. I am calling on this House, as a matter of urgency, to request the Federal Government to back up their promises with action so that life can be brought back to the National Fertilizer Company of Nigeria.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you. Do we take arguments for the Motion, please.

Hon. Levi Oguike (Owerri Municipal/ Owerri North/ Owerri West): Mr. Speaker, Sir, hon. Members, NAFCON is a baby owned by two Ministries. They make their products and Ministry of Agriculture sells the product. You have Ministry of Agriculture and Ministry of Industries owning one establishment, and I think I would like to bring an amendment on the third prayer so that we incorporate the Committee on Agriculture. We will still have to harmonise the functions of that industry, because there is no way an industry will be owned by Ministry of Industry and the products is sold by the Ministry of Agriculture and you expect the company to survive. So, Mr. Speaker, the observation I am making is that the prayers here should allow for this dual situation.

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The Deputy Speaker: Thank you very much.

Hon. Austin Opara (Port Harcourt II): Mr. Speaker, Sir, hon. Members, NAFCON was under the Agriculture Ministry, but it has now been moved to the Ministry of Industries, so the Company is answerable to the Minister for Industries, and not Agriculture, please.

Hon. Idris Yahuza Yakubu (Akwanga/Wamba/Nasarawa Eggon): Mr. Speaker, Sir, hon. Members, please, I would want the hon. Member to clarify to us whether the provisions he is asking for is provided for in the 1999 Budget so that we do not continue to waste our time, making resolutions that will not go anywhere. If it is provided for, then we can go ahead and argue the Motion.

The Deputy Speaker: I call on Hon. Olaitan, to speak.

Hon. Oladipo K. Olaitan (Alimosho): Mr. Speaker, Sir, hon. Members, the first leg of the Motion is calling on the Federal Government to pay debts owed to the same Company.

Mr. Speaker, this is a business that is profit-making; it is always selling goods. I think the proper way to look at it is to urge the Federal Government to pay debts so that the Company can then move on. I find it a little bit funny asking the Federal Government to release funds and at the same time pay debts. *(Laughter)* The amendment I am making is that the first leg should go off.

Hon. Foster Okoto Bruce (Southern Ijaw): Mr. Speaker, Sir, hon. Members, I wish to observe the third plea of the Motion. I will crave the indulgence of the House to please look into it - *refer the matter to the House Committee on Industries for investigation and appropriate recommendation.*

My observation stems from the fact that the first two prayers are urging the Federal Government to release funds and at the same time pay bills. I wonder what the Committee on Industries will investigate after these first and second prayers have been duly adhered to.

So, I wish to amend that it is either the third prayer is expunged from the Motion entirely or it is the one that is left. So, based on their investigation, I think appropriate recommendation can be proffered.

Thank you.

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Hon. Chimaobi Nwakanma (Isiala Ngwa): Mr. Speaker, Sir, the issue of National Fertilizer Company of Nigeria (NAFCON) is very important to the nation, so important that this particular Motion in its present form does not address the issue on the ground. I would advise the withdrawal of this Motion by the persons proposing it and have it re-drafted to reflect certain vital information and prayers. *(Interruptions)*

Can I mention the prayers, please?

The Deputy Speaker: Thank you very much. I think we can possibly proceed with the Motion and you can contribute for or against. So, I will take four persons for the Motion and four persons against.

Hon. Akanineyene Eno Eyo (Abak/Etim Eyo): Mr. Speaker, we are talking about NAFCON and we all know the importance of NAFCON. We are talking about Agricultural Sector and we are also talking about production and distribution of fertilizer. I want to thank the Mover of the Motion. While I am supporting it now, I will appeal to all Members to support this Motion because if NAFCON finally takes upon their threat to close down, it means that Sector is going to be looked as not being functional. We know we need enough fertilizer in this country. Already, what we have is not even enough and if NAFCON is closed down, I wonder what our agriculturists and farmers will use. I, therefore, support this Motion.

Thank you.

Hon. Olaka Nwogu (Elemo/Tai Oyigbo): Mr. Speaker, Sir, incidentally, I am slightly passionate because NAFCON is right in my village. The issue here is not just that of the food security programme but also the employment of some Nigerians are on the line. It is a very clear case of a very good company not doing well because one way or the other, the Federal Government has been part of the problems. There has been much Federal Government interference. They supplied to the Federal Ministry of Agriculture sometime ago lots of fertilizers that were not paid for, and now NAFCON finds itself in a position where it is owed quite a lot of money by the Federal Government. Alongside, it has its own internal problems which also contributed to what is now on. But the situation and the prayers by the Movers of this Motion tie up in a way. It is true that one may want to look at it that they did not release funds/aid but paid the debts that are owed to NAFCON. But the debts alone may not clear the problems, so a little support will be necessary. That is why prayer number

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one says, release funds as an immediate remedy. Number two, pay the debts so that they will have money for a little more investment; but NAFCON will have to do some major rehabilitations. The alternative is to import fertilizer.

We are told, as a matter of fact, that our own locally produced fertilizer is of a higher grade than the imported ones we usually have, and that is why all over the world our fertilizer is sought for.

So, the prayers of the Movers of this Motion should stand as it is. Pay the debts, give them whatever is available in the short term for them to operate and then let the Committee on Industries seek for a long term solution. The work of the Committee is to look at how to address this problem at a longer term, but for immediate term, recommend a quick release of funds. That is the prayer and this Motion should stand as it is.

Thank you.

The Deputy Speaker: Please you have the Floor, Hon. Nwakanma.

Several Members: No! He has spoken before.

The Deputy Speaker: He has an observation to make.

Hon. Chimaobi Nwakanma: Mr. Speaker, the issue concerning NAFCON is a very crucial one. NAFCON affects the lives of every Nigerian. It is essentially a very vital Foreign Exchange earner for Nigeria through the exportation of its urea product. NAFCON, unfortunately, has become a sick baby as a result of internal problems and accumulation of debts owed by the Federal Government. At the present time, salaries are owed to workers for several months, there is no working capital for a major edifice that should be a pride to the nation and Turn Around Maintenance is very long overdue.

My contribution to this debate, is that the Federal Government should be urged as a matter of urgency to regard payment of debt owed to NAFCON as a major priority because the food security programme of the Federal Government is entirely dependent on the functionality of NAFCON. Having said that, I would like the Federal Government to take notice of the fact that, without a Turn Around Maintenance taking place immediately, NAFCON will not be able to fulfil its

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obligation to the nation. Without the staff of NAFCON being happy NAFCON will not be able to fulfil its obligation to the nation. Without working capital for NAFCON, it will not be able to fulfil its obligation to the nation.

I am, therefore, urging fellow hon. Members here to massively support this Motion so that we can be sure that by the end of the year, we can have a very fruitful harvest.

Thank you.

Hon. Adamu Usman Degri (Balanga/Billiri): Mr. Speaker, I rise to support this Motion because the present government has emphasised as one of its top priorities, food security. One of the ingredients of food security, of course, border on its live wire - the fertilizer. I believe, we cannot in this House consciously support the importation of fertilizers, while at the same time we have factory that can produce even better quality.

Fertilizer being our foreign exchange earner, it is a lot better to have a full Turn Around Maintenance as and when due than embark on importation every year. The amount is bound to be colossal. Also, NAFCON can, when in full production, not only satisfy our internal needs, but also export and earn hard currency for this country. It is, therefore, a revenue earner.

This Company, in the same vein, can employ the Nigerian populace. We are suffering from the problem of unemployment. Now, the factory will run fully and full capacity of employment will be there and then the haulage industries will be fully utilized.

The Deputy Speaker: Please, could you summarise?

Hon. Adamu Usman Degri: Yes, Mr. Speaker. I will. Again, I will also equal NAFCON to the NNPC structures, the Aluminum Smelting Company, the Steel Rolling Mill, which I think we must not allow to waste. We must ensure that they remain efficient and alive.

Thank you, Mr. Speaker.

The Deputy Speaker: We will take four speakers more against the Motion.

Hon. Willie Enoma Ogbeide (Oredo): Mr Speaker, Sir, hon. Members, I would have supported this Motion but the prayers and presentations are loaded with

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inconsistencies. I would have advised that the Movers of this Motion should withdraw it through the back door and re-represent it at a later day for it to stand the test of time. For one thing, we have an administration on the ground at Port-Harcourt. Do they just fold their hands and allow the place to fold up like that? Or they just watch the fertilizers being carted away to other areas without getting the money? Or are we sure that they did not allocate these fertilizers to themselves and to their families? I think the administration itself should take some punches. For the Movers to say that the Federal Government should pay their debts and then revitalise the place is not enough. The only prayer there that is of consequence is the prayer that the matter be referred to the Committee on Industries. I think because of the importance of this particular company to the nation, I would have advised them to withdraw it quietly and do a better work on it and be represented at a later day.

Thank you.

Hon. Musa Nuhu Abdullahi (Kaita/Jibia): Mr. Speaker, hon. Members, inasmuch as the Sponsors of this Motion have very good intention, I think the Motion lacks some morale ground for this House to support it. There must be a seconder when you want to pass a Motion. Let us not pass something that cannot be implemented. For any Motion that is passed, it must be published and it must keep to the law.

First of all, I am against prayers one and two, because the Movers of the Motion were supposed to have furnished us with some information as to whether or not there is any provision in the budget for the money to be released for this purpose. If there is no provision in the budget, I do not think it is appropriate for us to ask the Federal Government to do something that has not been budgeted for, because it is our duty to query the Government why it should release the money as far as the money aspect is concerned, if it is not budgeted for. So, I think we should defer prayers one and two and recommend prayer three, so that the Committee on Industries should go and make more research on this issue, whether there is budget provision for the prayers one and two or not, so that we can pass what can be implemented.

Thank you.

Hon. Christopher Osuala (Nkwere/Nwangele/Njaba Isu): Mr. Speaker, Sir, NAFCON is an important company for the Federal Republic of Nigeria, but this is

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an organisation that is supposed to be making profit. If this House approves this, we are supporting inefficiency and we would be dragged into bailing all the companies - whether it is NICON or NITEL - the list will just rain into this House; that is, all the companies that are being mismanaged in this country. If this House wants to do something constructive, we should rather probe the management of these companies and see how they have been managing the funds, because billions and billions of dollars went into creating NAFCON and we are still importing fertilizer and yet, NAFCON cannot sustain our agricultural economy. So, any vote on this means that we are supporting mediocrity and we are inviting trouble.

Thank you. *(Applause)*

Hon. Alexander Nwofe (Abakaliki/Izzi): Mr. Speaker, Sir, I rise to oppose this Motion in addition to what the hon. Member for Nkwere/Nwangele/Njaba Isu (*Hon. Christopher Osuala*) has said. Apart from petroleum, another sector that has been seriously abused is the fertilizer company. You will agree with me that virtually all the powerful people in government have always engaged themselves in fertilizer distribution and here we are talking of serious financial crisis. What led NAFCON into serious financial crisis is mismanagement, indiscipline and corruption. *(Applause)* Mr. Speaker, Sir, I would rather think that the Mover of the Motion would have proposed that we set up a Committee to investigate the activities of NAFCON with a view to resuscitating the company to serve the needs of the country.

Question put and negatived.

Relocation of the Nigerian Ports Authority the Nigerian Shippers Council, and the Nigerian Railway Corporation to Lagos

The Deputy Speaker: The second Motion stands in the name of Hon. Adamu Bulkachuwa and 74 others. I invite Hon. Bulkachuwa to move his Motion.

Hon. Adamu Bulkachuwa (Katagum): Mr. Speaker, Sir, hon. Members, lend me your ears. I wish, Mr. Speaker, to move this Motion but before I do so, I have noticed a printing omission on the Motion. In the body of the Motion, the National Maritime Authority was mentioned but in the title it is omitted. So, I hope Members will endeavour to correct that. The Motion being:

Relocation of the Nigerian Ports Authority, the Nigerian Shippers

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*Council, the National Maritime Authority
and the Nigerian Railway Corporation to
Lagos.*

The National Maritime Authority is omitted, so, I plead with Members to correct that. The Motion reads thus:

Whereas the Federal Ministry of Transport has directed the National Maritime Authority, the Nigerian Ports Authority, the Nigerian Shippers Council and the Nigerian Railway Corporation to relocate to Lagos in order to give office and residential accommodation to the Ministry of Defence;

- (i) they have no business doing at Abuja, and should not have been here in the first place;
- (ii) they do not have facilities in Abuja to enable them manage their operations properly;
- (iii) relation to (ii) above, they need to be near their field or operational units in order to manage the latter efficiently and effectively;

Whereas, on the other hand, while these reasons look plausible, there are powerful managerial, administrative, economic, political and even moral reasons that make the decision inadvisable; let it, therefore, be resolved by this honourable House, in the interest of efficient and effective management of public affairs, political stability, and an efficient economy, that:

- (i) the executive decision to relocate these parastatals be reversed forthwith;
- (ii) the Ministry of Defence finds for itself an alternative accommodation;
- (iii) the Federal Government makes all efforts to properly accommodate all Ministries and Headquarters of parastatals in the Federal Capital Territory.

Mr. Speaker, I so move.

The Deputy Speaker: A Secunder, please.

Hon. Abdullahi A. Gumel
(Gumel/Maigatari/Suletankwa/Gagarawa): Mr. Speaker, Sir, hon. Members, I beg to second this Motion.
Thank you.

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Hon. Babatunde Oduyoye (Ibadan South-West/Ibadan North-West): Point of Order!

The Deputy Speaker: What Order?

Hon. Babatunde Oduyoye: Order 5 (5) Mr. Speaker, Sir, I am fully aware that two distinguished Senators of the National Assembly have instituted a court case on this matter. I would advise that for proper separation of powers that this Motion be not discussed.

Thank you.

Some hon. Members: No! No!

The Deputy Speaker: This House has set a previous precedence of discussing matters that are pending in the courts. The matter will be discussed.

I am aware that the Committee Chairman on Transport has done some work in this matter. Could he, please, report to this honourable House before we proceed. Can Hon. Okey Udeh give us information on this matter before we proceed?

Hon. Omotosho Michael (Owo/Ose): Point of observation. Mr. Speaker, Sir, I want to observe that the matter has not been discussed even on the Floor of this House not to talk of it being referred to the Committee on Transport. So, I would not know why the Committee on Transport should brief us before this Motion is discussed.

The Deputy Speaker: Thank you. Hon. Members, the Committee on Transport has information that will guide this House and it will be useful to our deliberation.

Please, proceed.

Hon. Okey Udeh (Orumba North and South): Thank you, Mr. Speaker, for your protection. I am the Chairman of the House Committee on Transport. Mr. Speaker, Sir, I am aware that the issue we are discussing now is the issue of relocation of some parastatals under the Federal Ministry of Transport to Lagos and the parastatals I am aware are Nigerian Ports Authority, National Maritime Authority, National Shippers Council and the Nigerian Railway Corporation. The Committee was inundated with petitions from members of the public and some hon. Members the moment the announcement was made of the presidential directive to relocate these agencies to Lagos.

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Based on that, the Committee sat on Tuesday, 27th July, 1999, to deliberate the issue, but recognising the fact that we do not have enough information on that, we decided to invite the Hon. Minister of Transport to come to the Committee and address us accordingly; to throw more light on this issue. The Hon. Minister did come *(Interruptions)*

Hon. Oladipo K. Olaitan (Alimosho) Point of Order, Mr. Speaker.

The Deputy Speaker: What Point of Order?

Hon. Olaitan: Mr. Speaker, Sir, it is Order 51(4). The *ration decidendi* of this Order is to the effect that once a matter is subjudice, it should not be discussed. That is the essence.

The Deputy Speaker: Your Point of Order is overruled. Hon. Okey Udeh, please continue with your report. Make your observation to be concise and to point. *(Prolonged Interruptions)*

We shall proceed to take arguments for and against the Motion. *(Interruptions)* We shall take a short break.

Sitting suspended: 12.00 noon

Sitting resumed: 12:55 p.m.

The Deputy Speaker: Good afternoon, hon. Members. Welcome back. Part of the essence of democracy is controversy and the test is how we eventually resolve these issues. Apparently, an hon. Member had raised a Point of Order which I did not quite hear because of the rowdiness of the environment. I thought that he was making some other gestures.

We will start by taking that Point of Order and proceeding thereafter with the Motion, please. I call on the hon. Member to please make his Point of Order. By our Rules, a Point of Order must be heard but Members must limit themselves to Orders that are relevant and not distracting the House by making them. Please go ahead.

Thank you.

Hon. Femi Kehinde (Ayedire/Iwo/Ola-Oluwa): Mr. Speaker, Sir, hon. Members, my Point of Order, Sir, is based on Order 4 and I quote:

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

These are the riders. There was never a time this House mandated the Transport Committee to look into issues relating to the Nigerian Ports Authority or the relocation of offices. The Chairman of the Transport Committee was making a personal explanation and if it has to go through this Order 41, there are pre-requisites, there are riders which have to be followed. The statement must be submitted in *extenso* to the Speaker. The leave of the Speaker must be sought. And the principle of law is that *expressio unius est exclusio alterius*, that is, an express mention of one thing is at the exclusion of all others. That is why I am trying to raise that procedural deficiency on the part of the Transport Committee Chairman that was bringing a Report to the House, a Report that was not authorised by this honourable House. That is the essence of my Point of Order, Mr. Speaker. *(Applause)*

The Deputy Speaker: Point of Order sustained. Now, can we have the hon. Member for Katagum (*Hon. Bulkachuwa*) to proceed with the debate on the Motion, please.

Hon. Adamu Muhammad Bulkachuwa (Katagum): Mr. Speaker, Sir, hon. Members of the House, I want to comment on this Motion that I have earlier moved.

Mr. Speaker, Sir, hon. Members, this Motion is extremely sensitive and important. It is important and sensitive because it affects more than one million people who cast their votes around Abuja alone. It is very important because the reasons that were adduced for this action to me, and I believe to quite a number of Members here, are not good enough to warrant such a colossal waste of public funds to the tune of N500 million.

Again, it is disrupting services that have been settled and already they have set their channels of communications with their operational bases already established long before now. But let me tell the House

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that historically, the Ministry of Defence seeking to occupy the Headquarters of the Nigerian Ports Authority and the National Maritime Authority here in Abuja is accustomed to doing so. I do not know their reasons and I believe they are nothing more than egoistic reasons.

Mr. Speaker, Sir, hon. Members, in 1964 the Ministry of Foreign Affairs was housed in the then Post Office Building on Marina in Lagos. A new Headquarters for the Ministry was built called the Republic House near Glover Hall in Lagos and that was supposed to be an exclusive headquarters for the Ministry of Foreign Affairs, but because the Ministry of Defence wanted a nice, imposing, good looking and modern building in 1965, they insisted in moving their Headquarters to share with the Foreign Ministry in Lagos and they did so. They occupied the first to the fourth floors whilst the Ministry of Foreign Affairs occupied the fifth to the tenth floors. That is their habit.

Again, Mr. Speaker, hon. Members, when the Republic Building was gutted by fire in 1981, that is the Headquarters of the Ministry of Defence, (I do not know the cause of the fire and nobody has ever been told the cause of that fire) the Ministry of Defence, again, looked around in Lagos to find another modern and imposing building. It does not matter whether or not it fits the Ministry's nature. They chased all the Ministries and the Departments from the Independence Building, that is the 25-storey Building, and moved in and made it their Headquarters.

Mr. Speaker, the move now by the Ministry of Defence to chase out the Nigerian Ports Authority and the National Maritime Authority is in line with their characteristics which I have just outlined. *(Applause)*

Mr. Speaker, and hon. Members, there are buildings opposite Agura Hotel. There are eight blocks of four-storey buildings located in that place, which was allocated to the Ministry of Defence since 1994. Because they were unable to move from Lagos for reasons best known to them, being a military regime all along, I think, the Honourable Minister of Defence thought that in Abuja, the new Federal Capital of Nigeria, his office must be more modern, more imposing and better looking. That is ego. *(Applause)*

Mr. Speaker, Sir, there is no need to disrupt the lives of the people working in the Nigerian Ports Authority, the National Maritime Authority, the Nigerian Railway

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Corporation and the Shippers Council, just because an individual, a retired Army General, wants an imposing building for his office. *(Applause)*

Mr. Speaker, Sir, hon. Members, apart from the ill-will and the evil that this movement will cause around here, we have kept our ears open and what we heard is politically unacceptable because if this movement takes place, I am afraid that there might be a threat to security, law and order. *(Applause)* Shall we really sit down and fold our arms, based on simple sentiment and ego of an individual, and allow this to happen?

Thank you very much, Mr. Speaker.

The Deputy Speaker: Can we now take arguments for the Motion? May I call on the Hon. Yar'Adua to speak.

Hon. Abubakar Sadiq Yar'Adua (Katsina): Mr. Speaker, Sir, hon. Members of this House, for those who do not know, my last public office before coming to the National Assembly was at the National Maritime Authority, and I was there as the Head of the Eastern Operations. So, I think, I do have some knowledge and, perhaps, some authority to speak on this issue.

Firstly, the National Maritime Authority has an investment in terms of building and other allied things in Abuja worth over N7 billion. They have a building at Wuse which contains about 43 flats. Currently, they are also building a Housing Estate for the intermediate and junior staff at Kubwa which is going to be completed in the next two months. The National Maritime Authority does not, I repeat, does not possess any building in Lagos apart from No.4 Burma Road, that is, the Maritime House in Lagos. If you move the staff of the National Maritime Authority to Lagos, it means the National Maritime Authority has to get accommodation for them. How are they going to do that? We all know that in Lagos it is not easy for you to get places at cheaper rates than Abuja *(Interruptions)*

Secondly, Mr. Speaker, when I was the Head of Operations of the National Maritime Authority, I never had any cause to refer any operational matter to my Headquarters in Abuja here. I was given all the powers. Powers were delegated to me to decide on any operation matter that came before me and I stand on my honour and I am telling this honourable House that the mere fact that we have Headquarters in Abuja does not mean that you will refer operational issues to them. *(Applause)*

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Thirdly, this situation is not only peculiar to Nigeria. The American Maritime administration is based in Washington and there is no Port in Washington. In the Netherlands, the Netherlands Ports Authority is located in Amsterdam. The biggest and the largest Port in Europe is in Rotterdam. In London, the International Maritime Bureau is located at the South Eastern part of London. *(Applause)* There is only a small Port in London and that is the Port of Tilbury, all shipping activities are done in Liverpool.

The (Imo) International Maritime Organisation is based in Geneva. There is no water in Geneva. If water is the only basis for re-locating the Nigerian Ports Authority (NPA), Nigerian Maritime Authority (NMA), Nigerian Shipper's Council back to Lagos, then the NMA, the NPA and the Nigerian Shipper's Council should move to either Port Harcourt, Calabar or Warri because there is more water there. *(Applause)*

Hon. Gbadamosi L. Durojaiye (Oluyele): Point of Order.

The Deputy Speaker: What Order, please?

Hon. Gbadamosi Durojaiye: It is order 63 and I read:

Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the rules and privileges of Parliament, the Speaker shall apprise the House thereof immediately, before putting the question thereon, and may quote the rule or authority applicable

Mr. Speaker, Sir, for record purposes and posterity, I want you to rule properly on Order 51(5). You are telling the whole nation that there is precedence that the Federal House of Representatives has discussed on matters before the law courts. Let the records note that you have ruled over it.

The Deputy Speaker: Thank you very much. Please, Mr. Idahosa, you have the Floor.

Hon. Ehiogie West Idahosa (Ovia North East/Ovia South): Mr. Speaker, Sir *(Standing)*

The Deputy Speaker: You can sit down, please.

Hon. Ehiogie West Idahosa: This is not a matter of sitting, Mr. Speaker; I would rather do what the Rules

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say. In fact, I am rising to raise this Point of Order with due reference to candour to this honourable House. I read thus:

*A speaker raising a Point of Order
shall do so rising and upon doing so
shall then resume his sit.*

Mr. Speaker, there is nowhere in the Legislative proceedings anywhere in the world that a speaker is permitted to take a Point of Order, firmly sitting on his seat. It has no decorum and it is not acceptable to this Parliament. *(Applause)*

The Deputy Speaker: I wish to explain a point before we proceed. What our Rules say regarding matters in court is that this honourable House will discuss them in a manner that would not prejudice the court proceedings. I had earlier ruled on this. We should not be going back to the same point over and over again.

Please can we proceed? I would like to take the next person for the Motion.

Hon. Sule Yari Gandi (Wurno/Gada): Honourable Speaker, hon. Colleagues, I rise to support the noble intents of this Motion. May I refer this House to Section 298 of the 1999 Constitution which recognises Abuja as the Federal Capital Territory of this country to serve as the capital of the Federal and the seat of Government, (it entails all the administrative machinery that will allow the executive to function efficiently and effectively) should be situated in Abuja. *(Applause)* I will submit that whatever informed the decision of the Executive to relocate these vital parastatals back to Lagos was not in good faith. It is ill-motivated. It is ill-informed and it has a far negative consequences for this country.

May I argue my points along these three points. The action has both economic, socio-political and constitutional implications for this country. From the economic point of view, when these parastatals were relocated back to Abuja in the last three years, the Nigerian Ports Authority (NPA) alone spent over N2 billion to establish a befitting edifice to house it as a parastatal in Abuja. In under three years of its location, you are telling Nigerians that you want to relocate the Defence Ministry back to Lagos, committing Nigerian tax payers' money. This is an expensive venture that has no effect whatsoever on the life of the common man in this country.

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[Adjournment]

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Secondly, by the time you relocate these parastatals back to Abuja, I believe it will be to the glory and happiness of the minority people from the Middle Belt of this country, who are so neglected by the Federal Government. *(Interruptions)* So, if you give analysis of the number of employees that form the junior and middle cadre of these parastatals, they are from the Middle Belt. By the time you relocate these parastatals and ask somebody who is earning N7,000 to go back to Lagos, look for an apartment and work, I believe that that person has no option than to leave that work and remain redundant. *(Applause)*.

This will increase the crime rate in this country, whether you like it or not. By the time these parastatals move back to Lagos and these people lose their employment, we will witness a situation where there will be a lot of crime.

The Deputy Speaker: Could you please summarise your points because you have just one minute left.

Hon. Sule Yari Gandi: The action of the President and the Executive is contrary to Section 15(4) of the 1999 Constitution.

An hon. Member: Point of Order, Mr. Speaker.

The Deputy Speaker: What is your point of Order?

An hon. Member: Mr. Speaker, Order 5(1) says:

A Member shall not read his speech save if he is moving a Motion or presenting a Bill -
(Interruptions)

No, you are not moving a Motion.

The Deputy Speaker: Your Point of Order is overruled. The Member for Wurno/Raba (*Hon. Sule Yari Gandi*) should please continue. You are to summarise your points because you have only one minute left.

Hon. Sule Yari Gandi: What I am saying is this, this relocation, apart from economic consequences
(Interruptions)

Hon. Adedeji S. Damusa (Ijebu Ode/Odogbolu/Ijebu North East): Point of Order, Mr. Speaker.

The Deputy Speaker: Hold on, please. Let us hear his Point of Order.

Hon. Adedeji S. Amusa: Order 43 (1), Mr. Speaker. says that -

No Rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present.

(Interruptions)

The Deputy Speaker: Hon. Members should please put off their microphones in order to enable him continue
(Interruptions) Hon. members, I am surprised that we are going back to the same Order again. I have ruled on that matter. Can we make some progress, please? I will now take one more argument for the Motion, please.

Hon. Oladipo Olaitan (Alimosho): Point of Order, Mr. Speaker.

The Deputy Speaker: What Order, please?

Hon. Oladipo Olaitan: My Point of Order is Order 4(3) which says:

Fifteen minutes before the time appointed for the termination of sitting, the Speaker shall interrupt the business under discussion and unless the closure is moved. - (Interruptions)

The Deputy Speaker: Hon. Members, I will rule first on that Point of Order. I will take one last argument for the Motion. *(Prolonged Interruptions)*

ADJOURNMENT

The Deputy Speaker: Hon. Members, in view of the fact that we have exhausted our time and hon. Members are tired today, I wish to call on Hon. Mohammed Kumalia to move for adjournment to Monday next week, 9th August, 1999.

(Prolonged Interruptions)

This House stands adjourned until Monday next week, 9th August, 1999, at 0.00 a.m.

And it being 1.45 p.m., Mr. Speaker adjourned the House without Question put, pursuant to Standing Order 14(1) of the House of Representatives.

The House adjourned accordingly at 1.45 p.m.