

National Assembly Debates (House of Representatives)

Friday, 11th June, 1999

0109

[Oaths]

[Membership of Committees]

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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Friday, 11th June, 1999

The House met at 10.15 a.m.

PRAYERS

(Mr. Speaker in the Chair)

OATHS

**OATH OF ALLEMANCE
AND**

OATH OF MEMBERSHIP

Mr. Speaker: I would like to call on hon. Members. if any, that have not taken their Oaths to please indicate by raising up their hands.

Thereupon the following Member took and subscribed the Oaths, or affirmed and subscribed the Affirmation required by law.

(Hon. Sam Mohammed Gusau (Gusau II'sak))

ANNOUNCEMENTS

**Leadership of the
People's ... Party (PDP)**

Mr. Speaker: Hon. Members. I have pleasure in announcing the leadership of the People's Democratic Party of the House of Representatives.

House leader of the PDP:

Hon. Mohammed Wakil (Danbofa Owoza Chibok)

PDP Whip:

Hon. Abubakar Bawa (Gurara Suleja)

The House leadership has been properly constituted which has the Leaders and the Whips of three Parties.

Members' Hotel Allowances

Mr. Speaker: The second announcement is that Members could check with their Banks for their Hotel Allowances which were paid today.

Lost Item

A Member left a bunch of keys on his seat yesterday. The owner can collect it from the Clerk.

Hot.. Members. the sitting of this House will be suspended for 10 minutes to enable the Party Leaders now to discuss the meeting in my office for a brief discussion.

Thank you.

Sitting Suspended: 10.30 a.m.

Sitting Resumed: 11.15 a.m.

VOTES AND PROCEEDINGS

Mr. Speaker: Hon. Members, I have : t = ~ and approved the Votes and Proceedings of 11 June, 1999.

**COMPOSITION OF MEMBERS OF
COMMITTEE ON REVIEW OF SANDING
ORDER**

We will now go back to item No. 3, A/CJ/11, on the Order Paper. After due consultation with the Party Leaders of this honourable House, we have up with a list of hon. Members that will serve the honourable House in the Review Committee on the **Standing** Rules of this House.

They are as follows:

Hon. Ehiogie West Idahosa
Hon. Abdullahi Idris Umar

Chairman
Deputy Chairman

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Hon. Tony Anyanwu
 Hon. Ted Nwoko
 Hon. Awwal Tukur
 Hon. Lndumha Adeh
 Hon. BalaKaoje
 Hon. Ita Solomon Enang
 Hon. OkekeTonyEze
 Hon. Musa Elayo
 Hon. Sanusi Dagash
 Hon. Abubakar G. Shehu Matazo
 Hon. Tony Okere
 Hon. Sule Yari Gandi
 Hon. Emmanuel Aguariavwodo
 Hon. Frank Ineke
 Hon. AbJbakar Ky:ui
 Hon. Oladipo Olaitan
 Hon. Patricia Olubcnnu Etteh
 Hon. Sheik Sheko Shekori and
 Hon. 1. F. Adeyemi

The above mentioned hon. Members have been charged with the responsibility of reviewing our Rules and forwarding same to this honourable House for debate and adoption on Tuesday, 15th June, 1999. I wish them the best in the discharge of their duties to this honourable House and Ole (Applause)

After due deliberation with the leadership of the Parties of this House, the Committee of Selection has been nominated. It follows:

The Speaker	(Chairman)
The Deputy Speaker	(Deputy Chairman)
Hon. Mohammed Wakil	(House Leader)
Hon. Ab.t.lrar BwaJi	(Chief Whip)
Hon. MaoOhuabunwa	
Hon. SadiqSanusi	
Hon. Sunny Aguebor	
Hon. DubemOnyia	
Hon. Yusuf Babatakwa	
Hon. Ahmed Barata	
Hon. AliKachakn	
Hon. Abdul Rauf Tukur	
Hon. N.C. Ugbanze	
Hon. Josiah BiDuwaig	

Hon. Mami Nassarawa
 Hon. Mohammed Kwnalia - Party ~ (APP)
 Hon. Fidel Ayogu, Pluty Whip (API)
 Hon. (IhemjeolaF. SaDki
 Hon. Usman Mohammed
 Hon. Tunde LaIroju
 Hon. Oladi: p00Iaitan-Party ~ (AD)
 Hoa Patricia OlubumDi-Party Whip (AD)
 Hoa O. A. Malesun a II
 Hon. Dada Busari

Hon. Members, these Members will be in charge of Committee of Selection. They will all participate and serve this honourable House and the Nation.

On behalf of this honourable House and I wish these Members wisdom and success to be able to discharge their duties to this honourable House. I wish them all the best. (Applause)

ANNOUNCEMENT

Meeting of South East Members

South East Members of the House should remain behind in this chamber for a brief discussion immediately after the sitting. This announcement is signed by Chiblu.

Meeting of Alliance for Democracy Members

There will be a meeting of Parliamentary, caucus of the Alliance in Democracy on Tuesday, 15th June, 1999, at the Leader's office, 4th Floor of the Parliament Building immediately after the sitting on that day. This announcement is signed by the Party Leader, Hon. Oladipo Olaitan.

MOTION

Prolonged Strike by The National Union of Teachers (NUT)

Mr. Speaker, There is a Motion on the Order Paper, ~~Debate on~~ standing in the name of Hon. Ohakim and Hon. Peter Saka Omoleye.

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[Teachers' Strike]

I call on Hon. Babatunde Olofinboba please move his Motion.

Hon. Alade Ojo (Abakaliki/Izzi): Mr, Speaker, Sir, I want to observe that it is true Mr, Speaker decided that this House be guided by the 1993 rules, but in view of the mandatory provisions of Section 311, Subsection 1(3), (5) and (6) of the 1999, Constitution. This House is obligated to make use of the Rules made under the 1979 Constitution. Are the Standing Orders of the House of Representatives made under the 1979 Constitution? That is the Constitutional provision,

By Section 1 of the 1999 Constitution, this House is bound to act within the confines of the Constitution. It provides for the supremacy of the Constitution. In view of that, I thought it is proper to guide this House that we should make use of that which is Constitutionally provided for, that is, the Standing Orders made under the 1979 Constitution, That is to say the 1982 Rules.

Thank you. Sir.

Mr. Speaker: I hope the Review Panel will take note of that.

Hon. Ballatunde Olokun. (Ikennr/Remo North/Sagamu): Mr. Speaker, Sir, hon. Members, I am moving this Motion which is on the prolonged strike by the National Union of Teachers (NUT).

Hon. Tony Anayo (Ahiazu JEzinihite) Mr. Speaker, Sir, I think that it is premature to invite comments since the Motion has not been seconded. I would like to direct the House on a Constitutional matter as to guide the House properly on the ways we can proceed. Mr. Speaker, I would like to draw the attention of the House to the Legislative List that is attached to this Constitution. Under that, I would like to draw the attention of the House to pages 8 and 9 - *Functions of the Local Government Councils* - if I may read:

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Section 2- *The functions of the Local Government Councils shall include participation of the Councils in the Government of the State with respect to the following matters. The Provision and maintenance of primary, adult and vocational education.*

I would like this House to take note of the fact that when it comes to the provision of primary education, it is entirely an affair of the Local Government. So, to some extent, it has some conditions on how far we can go.

Secondly, Mr. Speaker, Sir, I would also like to draw the attention of this House to the fact that under the Exclusive Legislative List that defines the parameter of our powers - that is page A10S6 paragraph 34, it vests the Federal Government with exclusivity in terms of Labour Matters and I would agree that the Exclusive Powers of the Federation shall relate to us including Trade Unions. NUT is a Trade Union, Industrial Relations, Safety, Conditions and Welfare of Labour. Teachers form part of that. Industrial disputes, which, perhaps, from the terms of the Motion, is the subject matter of the Motion, and so, in essence, I would want the House to make a decision on whether or not we are confined by the powers of the Local Government Councils to that extent and whether we would be acting *ultra vires* the Constitution, were we to delve into the matters that relate to primary school education.

Lastly, on the other hand, whether we bypass may be going under paragraph 34 of the Exclusive List that gave us the exclusive powers to deal with labour matters as they relate to industrial disputes, I just think that the House should be guided by this information.

Thank you, Sir.

Hon. Hassan Mudasib. (Oshosolo): Mr. Speaker, Sir, hon. Members. I support the Motion being raised by Hon. Olokun, that urgent decision should be taken to stop the strike of teachers.

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0115

[Teachers' Strike]

Hon. Chnkwuemeka CIIikda (ADiocbaJNjikokal Dunukofia): Mr. Speaker, Sir, bon. Members, in view of the fact that this House has a very limited time and very limited - c e s , lib evezy other Aim of government, the Speaker bas just announced that we are forming Committees and I am sure that by next week, all the Committees will be in place. We are going to have a Committee on Labour and other succl matteJS, and we are even going to have a Committee oil Education. The C o , ~ on Labour, EmploymeDI and PLOductivity, I believe, may serve the pwpose that the bon. Member intended. It would be in pla-le by next week and they can constitute a Sub -Committee that can look into this matter and report to the House.

Hon. .hlI Pe West Uahosa (Ovia North East! Ovia South): Mr. Speaker, Sir, I wish to disagn:e eaJilely with Hon. Anyanwu. I want to say, Mr. 'Speaker, that what this House is being called upon to do by the Motion is to perform ODe of the special ovenide works. Nobody has asked us to pass a Bill and nobody bas asked us to daIle into an area within the adnsive 'egWP'MI lilL

Mr. Speaker, the constitutional matter I want to nfer the House to is S. 88 (1) of the Colilllilo'ion of the Federal Republic of Nigeria now in fon:e. I want to also say in particnlar that by the pnwioIIs of sub-sections (i) and (ii), this House can look into the 00Illi of ajfoin of any person, authority, Ministry or Government department charged, or intended to be charged, with the duty of or f't!~bilityfor-

(i) exeCllting or adminiatmng Iow8 enocted by the National Assembly. and

(ii) disbursing or adminiaterring moneys appropriated or to be appropriated by the National Assembly.

Mr. Speaker, Sir, the NUC is a creation of the law. It is created by one of the Ads of National A8ICDibly and it is still in fon:e. This House may look into it and pass a regulation directing any GoYanmeDt department derelicting in its duties to live up to expectation in the interest of Illllional integrity.

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Hon. Amim Abdowa G a b _ a (Ge:zawaI Gabasawa): I stand to support thl: Motion that an Ad-hoc Committee should * set up to c_ that the teachm strike comes to an end We baooe to _ that primary school teachmi are the bedrock of the Illllion's edncalion, and we ~IIII t staDd and see that the e(Irca!km of our children comes to a standstill. Therefore, we have to find out the s . of primaly FAhcati9n. It _ from two IIIOIUs. • it comes from certain pet\dIIlqe of IIIODeY that is dreedly coming from die national account via die National PrUiwy Eelucation Commission.

Two, some pen:eDlage of IIIODeY _ from Local Governmen -EducatioDAnlhutitY Tbwc:be, thisAd-hoc . w i l l w m be charged with the leipM"ihility of seeing the Pe i _ o t Semlary in c:harp of the Ministry of Education to CDRIle that such WOillllDOD is given by the Ministry as to how best we can impIvve the teachiDg professijm and how best we can overcome flhts strike issue. Because the IIl8in isIue in O',.,,d'" is DOLL p i ~ of teachm' salaries and ttrue is no WIIY we can overcome t educa/MIo The Ollly way is to ask the Federal GovuDSIeDI to eDSLre the releale of the special timd to 10cal ~IIUII horities 10 that teachen are paid jmmedijl*ly to eaallie thl:m _ their DOLLll classes.

There is no other way, we should not deceive ourselves. Other ~ i l l dUrereIll MiDistries are paid their salaries! with the 1_ mininmm WIIlll. The primaIy school teachers are there in die rural areas suffering and they aRI the people who promoted us to d'as level that we are. They are still living in the nual _ Uying to impart education unto our children. Therefore, myprayer as a matter of urgency, is to ensure that an ad-hoc Coaunijtee is CODSlituted by th's u-e ad rould be given fdlI re&pODSibility of urging the GovuDmcnt to ensure ~ release of a sp:dal find to CIIB for the teachers' salary.

Thank you very mUCh.

IIoL BO S a m p _ Akpa (UkaDafuaIONll Awan): Point of _**"pf mltiQt -

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[Teachers' Strike]

Mr. Speaker: What is your point of information, Hon. Akpan?

Hon. Akpan: Mr. Speaker, Sir, I want to clarify an issue. It is not correct that there is any other source of fund outside the Local Government allocation. That was what I said yesterday, that it is only the Local Government that fund primary education. It comes like this, the amount used for primary education is deducted from Local Government allocation and sent to NPEC.

Therefore, this House has a duty to set up a committee to obtain adequate information because I am privileged to know that if what is done to the State and Local Government are normally allocated to them, there will be no question of non-payment of salary. The practice is that whatever comes from the federation, they will deduct it from there, not what they call it. Now what remains is what the Federal Government gives the Local Governments. So, this House should not shy away from this. Let us set up a committee immediately, not necessarily with the Permanent Secretary of Education. He is to liaise directly with the National Primary Education & Research, the Presidency, and the Local Governments to know what the problem is.

Thank you very much.

Hon. Maunabo (Arochuku/Obafemi): I hope we are not missing direction and from what we are saying, we can see that what your committee will do to set up will expedite and it will take care of all the committees in the House. What I am trying to say is that first and foremost, I am supporting Hon. Idahosa on the fact that this House has the constitutional power to look at issues that affect the welfare of the people of this country.

Secondly, I will also want to support Hon. Chikelu that setting up an *ad-hoc* committee would not help us. You have already accepted the list of names of the Select Committee and by next week this

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Committee will be in place because we cannot treat the issue of wages in isolation. If you talk about NUT, you talk about other Ministries too. The issue of NUT or strike is of paramount importance, and it requires urgent attention. But I do not see any magic whatever. *Ad-hoc* Committee we set up will do between now and Wednesday next week.

As my friend is saying, we are now talking about Local Government. We are now talking & deducing from source; we are now working about NPBC. Their ~ and this is multiple. So, I am saying that in as much as we have to talk about this issue, I will say that since a Select Committee has been set up, let the committee sit, by next week. Add then, we have the ~ of ~ to Labour. In fact, in the CMKBI Commission, who will now have the involvement, NPEC is the Federal Allocation Committee on which we can **discuss with facts and figures, not just for the fun of it.**

Thank you.

Hon. P. S. Oriji (Akoko "East/South West): As one of the people involved in preparing the programme for National Primary Education Commission, and as a former Deputy Director in the Federal Ministry of Education in charge of formulating policy on education, I have the following to say. I give to back up the action we are taking now. That as at now, only the Local Governments are internally funding primary education.

As at 1995 out of the N26 billion to Local Governments, as much as about N15 billion was for primary education. That was why some Local Governments were unable to properly during that particular period. What we have is a provision of a particular Decree in 1993 August which established the National Primary Education Commission. A section stated there that Federal Government ~ as much as 65 per cent to pay teachers and ~ salaries. Unfortunately, after 1994, the ~ of ~

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[**Todun'Strike**]

NPEC (National Primary Education Commission), the Decree that was promulgated did not include the continuation of the Federal Government. Between 1989 and 1990 the Federal Government was contributing 1800 million. And in addition, when the Federal Government discovered that that money was not enough, the Local Governments were made to contribute 15 per cent and State Governments 20 per cent.

But as things are now, it seems to me that the Local Governments, like my colleague has said, is funding primary education alone. We need to know from the Federal and State Governments their own contribution. That is why now, the schools under the Local Governments, 50 to say, is like an orphan with a father's will which the administrators are using without actually feeding the children. The Local Government is paying the money but the NPEC which is seen ostensibly federal, right up here, is funding and uses (SFEB) State Primary Education Board as a conduit pipe to send moneys. In actual fact, the Local Governments themselves which is LGA in this country is not actually performing. It does not know what to do.

These LGAs, in status, do not know what is really happening. That is why they are at sea because they do not know whether to go to the Local Governments, State Governments or the Federal Government for money.

Mr. Speaker: Thank you very much, hon. Member, I think you have made your point.

Bon. Sani Udu (Fakai Sakabala Wasagu-Dankol Zuru): Thank you very much, Mr. Speaker, Sir. My position is that from my interpretation of our function in the Constitution, we should be able to intervene in this matter. This is because we have had two interpretations of the Constitution. One is permitting us to intervene while the other one says we cannot intervene. My understanding of our rule is that we cannot continue from there until we come to a position whether or not we shall continue with the

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debate and subsequently intervene. Mr. Speaker, Sir, I think that we should vote either to continue with the debate or you over-rule that we do otherwise.

Hon. Ismaila Mobammed Dikko (Aikaleri Kirei): Mr. Speaker, Sir, my point of order is based on order 5 of section 2 which says;

On Fridays, the House shall meet at 9 am. and if not possible, shall sit until noon.

Mr. Speaker, Sir, again section (c) says:

Fifteen minutes before the time appointed for the termination of a sitting, the Speaker shall interrupt the business.

Mr. Speaker Hon. Member, I want to give my honourable ruling on that point of order. We have just inaugurated a Committee that will review the Standing Orders of this honourable House. The hon. Member is quoting, I believe, from the 1992 Rules which I quite agree is the same thing with the 1993 Rules. We should know that we have not adopted our own rules and so I have directed that this honourable House be exempted from that particular Rule that you have quoted. It is on that basis that we have even met today. It is the same Rule which says that we are not going to sit on Fridays. But, I believe we have a duty to perform to this nation and fulfil. Thank you. (*Applause*)

Hon. **MOM** Elavo (Awe Doma Keana): Mr. Speaker, Sir, the issue before this House is not the issue of making law as regards Primary Education. I think that is the most important thing. The issue is the strike. Can we intervene? Can we help to resolve the crises between the Nigeria Union of Teachers and the Education Authorities? If that is what is before the House, then the House has the power to render help. So the issue is not making laws for Primary Education and the issue of concurrent legislation does not apply here.

Thank you. (*Applause*)

0121

[Presidential Address]

Mr. Speaker I think we have had enough Contributions on the Motion. I will withdraw and please second the Motion so that I will put the question.

Bon. Ny. Eyom. Aluquo (Calabar Municipal Odikpodi): Mr. Speaker, Sir, I beg to second the Motion on Education that an Mboc Committee be established immediately to look into the problems in the educational sector as it affects the payment of Primary School Teachers.

Question put and agreed to.

Resolved: That in view of the fact that the prolonged strike by the National Union of Teachers is adversely affecting the education of both the Primary and Secondary Schools' Students in Nigeria, and considering the need to resolve the crisis urgently in the interest of the pupils and their parents; this House do constitute an *Ad-hoc* Committee to liaise with the National Union of Teachers and the Federal Ministry of Education and make appropriate recommendations on how best to resolve the crisis.

ORDER OF THE DAY

Debate on the Address of the President, Comrade-in-Chief of the Armed Forces of the Federal Republic of Nigeria (Second Allotted Day).
(Adjourned at 10.10 p.m., 1999)

Mr. Speaker We now go to the second item on the Order Paper 01 Order of the Day which is Debate on the Address of the President, Comrade-in-Chief of the Armed Forces of the Federal Republic of Nigeria. I withdraw and draw the attention of this Honorable House to the fact that this is the second allotted day. We will, therefore, start from where we stopped yesterday.

Hon. Members would rise and comment on the speech. And in view of the fact that we do not have enough time, I would like to appeal to hon. Members to please be time conscious when making their comments. Thank you.

[Adjournment]

0122

Hon. Afanek Lawaa (Bade/Jakusko): Mr. Speaker, Sir, bon. Members, I would like us to consider the point raised by hon. Samail from Gombe. If the proceeding of this House will not be tied to any law, I am sure we will run into confusion. The Rules at 1993, as admitted by Mr. Speaker himself, categorically states that on Fridays, it fittingly be adjourned by 11 noon. We have been told in this House that we will be the 1993 Rules and I will advise that we strictly follow the Rules so that we have a proper proceeding.

Thank you very much, Sir.

Hon. Bello Mohammed (Akko): Mr. Speaker, I am in support of Hon. Ahmed I. Lawa. There is no need going round and round. We know that Fridays are Muslim prayer days. This is just the fact. So, why do we not do what is suggested to be done instead of looping it and round. This is just my view.

Thank you.

HOB. Batafra Adam (Kazungu/RomV Gwiwa/Yankwashi): Mr. Speaker Sir, Hon. Members, this issue of adjourning on Fridays is unambiguous in the Draft Rules of 1993. Like the previous speakers, I do not see any reason why we should complain, at all, to give solace to our Muslim Brothers who are entitled to go and pray in the Mosque.

Secondly, have of a side meeting Vote* and proceed with of Thursday, 10th June, 1993. I have to the debate on Mr. President's Address, but my name has been conspicuously on the list of those that contributed.

Thank you.

ADJOURNMENT

Mr. Speaker: Could any leader of the three contribute a Motion for the adjournment of this House?

Hon. Moluimed Wulal (Daii*/Gwaza/Chflxk): Mr. Speaker, Sir, bon. Members, I am duty bound to draw the attention of Mr. Speaker that it is the

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[Adjournment]

House Leader who is to move 8 Motion for Adjournment before other Members have to second it. So, I want Mr. Speaker to please take note of that, with due respect.

Thank you.

Mr. Speaker: That is noted.

HoD. Mohd Wazir: Mr. Speaker, Sir, I hereby move that this honourable House do stand adjourned till Tuesday, 15th June, 1999 at 10.00 am.

[Adjournment]

0124

HOD. Abubakar Garba Sheha Matazo (Musawalmatazo): Mr. Speaker, Sir, bona Members, I stand to second the Motion that this honourable House do stand adjourned till Tuesday, 15th June, 1999 at 10.00 am.

Question put and agreed to.

Resolved: That this House do stand adjourned till Tuesday, 15th June, 1999 at 10.00 a.m.

The House adjourned accordingly at 12 noon.