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I also want to say that Abuja has no Sea Port and I do not know how you want to harbour such offices. As a matter of fact, the Constitution says in Section 298 that the Federal Capital Territory shall be the Capital of the Federation and seat of the government of the Federation and not seat of all the Parastatals. If we want to be fair with ourselves, we should channel our resources effectively to locations where they should be most utilised.

Mr. Speaker: Thank you very much; your time is up.

Hon. Jenrande: Thank you, Mr. Speaker. (*Applause*)

Hon. P. S. Orimoloye (Akoko South-East/ Akoko South-West): Mr. Speaker, Sir, in speaking on this particular Motion, I want to cite some few examples, because it seems to me that we are misunderstanding something. People are not saying that there should be no office for all these Ministries and parastatals in Abuja, but that operationally, the effective part of it should be in Lagos.

I will cite an example with the Federal Ministry of Education. Up till now when we have the Ministry's Headquarters at Ahmadu Bello way in Lagos, we have about six parastatals of the Ministry in Kaduna. The Ministry did not mind this because they are doing their normal work there. They have the NPEC there, NTL, NBT, Nomadic Education and the NCC, all located in Kaduna. All these are parastatals of the Federal Ministry of Education. So, people should be saying that the Policy makers can stay in Abuja just like the Chairman of the Committee on Transport had said. Nobody is saying that they are going to remove everything about policy making from Abuja but that the operational units should be over there to do their jobs. If we are aware of the fact that these five parastatals I have mentioned are right under our nose in Kaduna and we are not asking them to move down to Abuja, which is useless, because they are doing the job they are supposed to do there, I would say that rather than introduce sentiments, we should try to be very careful.

Another example I want to cite is the Cereals Research Institute which was at Moor Plantation at Ibadan. But people felt that we have more Cereals in the North and the Institute was removed from Ibadan a couple of years ago to Pategi. So, I would appeal that we should separate the policy makers from the operational people. This is because even if you have these Agencies in Abuja, they will still have to operate in Calabar, Burutu and in

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Lagos. Therefore, the operational people should be there to do the job and let the policy makers remain in Abuja.

Thank you. (*Applause*)

Hon. Abioye A. Oyetunji (Odo-Otin/Ifelodun/Boripe): Mr Speaker, Sir, I will like to continue from where some of my Colleagues stopped.

Strictly on the economics of this issue, we have been told by the Vice President that he will require a handsome amount of money to get Headquarters for the Ministry of Defence. At this juncture, I would like to debunk the point made by one of the hon. Members who said that earlier on we had decided that the Military should leave Abuja for democracy to flourish. We are not talking of the policy makers in the Defence Ministry not to be in Abuja. We are saying that the down-trodden fellows in the military should leave Abuja to ensure that democracy thrives in Nigeria. I want to restate that aspect very clearly. It is not the policy makers in the Ministry of Defence that we said should leave Abuja, but those in the barracks who are carrying guns and waiting to shoot down democracy at any time. That was the point we were making.

Back to the economics of the Motion before us, the economics of the whole matter should be seriously considered and not politics nor sentiments. Abuja belongs to all Nigerians and we all have a stake in Abuja. No part of this country has a greater stake than any other part. We all have a stake in Abuja. (*Applause*) I can guarantee that policies might bring in some sentimental issues, but we should not allow economics to twist. In fact, economics will be the final arbiter of this discussion and not politics.

Thank you very much.

Mr. Speaker: Now, I am calling on the Mover of the Motion, Hon. Adamu Bulkachuwa, to round up his points.

Hon. Adamu Bulkachuwa (Katagum): Mr. Speaker, Sir, hon. Members -

Mr. Speaker: You can remain seated, if you want to.

Hon. Adamu Bulkachuwa. No, I would rather stand. (*Applause*) Mr. Speaker, Sir, hon. Members, I have listened to the debate so far. I think I am amazed by some of the arguments. Either they are made purely to

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identify the speaker as one of us here or maybe he is doubting in his mind what the issue is. I have heard the hon. Member from Lagos Island, Constituency I, talking about lack of constitutional management on behalf of this House. Considering the 1999 Constitution, Section 2 (b) I will read:

(2) *The powers conferred on the National Assembly under the provisions of this section are exercisable only for purpose of enabling it to-*

(b) *expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it. (Applause)*

Gentlemen, hon. Members, on the legislative competence, I wish to refer the hon. Member to the Exclusive Legislative List, Nos. 35 and 55 and these refer to the Maritime, Shipping and Navigation. Is that not within our competence? So, Mr. Hon. Member, please keep abreast with your Constitution. *(Applause)*

Mr. Speaker, Sir, another Member from Abeokuta, was referring to the need for the sea in order for NPA (Nigerian Ports Authority) Headquarters to be where it is. I am not sure that there is a special need for salt water which is not available here in Abuja. So, if NPA is here, they cannot make policies on NPA Headquarters; and since 1993 when they moved to Abuja, ships have been coming and going; cargoes have been cleared and all shipping policies have been carried out here while they were here. *(Applause)*.

Hon. Members what has changed? Some hon. Members are talking about moving other parastatals which are in Kaduna, in Zaria, in Pategi. The issue is not that. Nobody has moved a Motion here earlier that all parastatals have to come back to Abuja. What we are saying is what is the need for destabilising the NPA, the Railway and other organisations that are already operational and are here principally? Mr. Speaker, hon. Members, they are here because they are policy makers for their organisations. We need the Ministry of Transport, we need the Presidency, we need the Ministry of Finance, we need the Passport Office, we need all other organisations.

Mr. Speaker: I am going to put the question.

Hon. Abayomi Mayegun (Lagos Island): Point of Order, please.

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Mr. Speaker: What Order?

Hon. Abayomi Mayegun: It is Order 69, Rule 3. With greatest respect, I would like to read:

When the question has been put by the Speaker or the Chairman at the conclusion of the debate the votes shall be taken by voices "Aye" and "No" and provided that no member then claims a division, the result shall be declared by the Speaker or the Chairman.

Mr. Speaker Sir, I beg to claim a division in this matter, considering the sensitivity of the Motion. I know that we do decide by way of Ayes or Noes but from experience, we know that quite a lot of Noes come from the Gallery.

Hon. Sule Yari Gandi (Wurno/Raba) : Point of Order.

Mr. Speaker :What Order?

Hon. Sule Yari Gandi :The Point of Order I want to draw this honourable House to is Order 62. It reads:

the Speaker in the House and the Chairman in any Committee shall be responsible for observance of the Rules of Order in the House and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the House except upon a substantive motion and after notice.

The decision of the Chair is final. The Speaker has called for a vote, and another speaker from the Floor is saying, no. Is his own decision superior to that of the Speaker?

Mr. Speaker: I will put the Question.

Question put and agreed to.

Resolved: That whereas the Federal Ministry of Transport has directed the National Maritime Authority, the Nigerian Ports Authority, the Nigeria Shippers' Council and the Nigerian Railway Corporation to relocate to Lagos in order to give office and residential accommodation to the Ministry of Defence.

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Whereas the reasons adduced for the directive are that:

- (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) related to (ii), 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 make all efforts to properly accommodate all Ministries and Headquarters of parastatals in the Federal Capital Territory.

Hon. Oladipo Olaitan: Point of Order, Mr. Speaker.

Mr. Speaker: What point of Order, Hon Olaitan?

Hon. Olaitan: Mr. Speaker, my Order is 69(3) and it reads:

When the question has been put by the Speaker or the Chairman, at the conclusion of the debate the votes shall be taken.

Mr. Speaker, you have taken the votes by voice *Ayes* or *Noes* and provided that no Member then claims a division. Immediately there was this vote for *Ayes* and *Noes*, I made a point of Order, because at that point I wanted to ask for a division because that was the only

time by the Rules that you can legitimately ask for a division. Mr. Speaker did not wait for me to make my point of Order. So, Mr. Speaker, I now want to ask for division. (*Interruptions*)

Mr. Speaker : Order! Order!

Hon. Abdullahi Idris Umar (Yamaltu/Deba): Mr. Speaker, Sir, hon. Members, point of Order. I rise to move a point of Order to direct this honourable House accordingly. I refer this House to Order 51, Rule 6:

It shall be put of Order to attempt to reconsider any specific question upon which the House has come to conclusion during the current Session except upon a substantive Motion for rescission.

Mr. Speaker has already given a ruling on this issue raised. So, it is foreclosed. (*Interruptions*)

Mr. Speaker : Order! Order!

Hon. Ibrahim Zailani (Toro): Mr. Speaker, Sir, hon. Members, I am also re-emphasising Order 51(6) where a debate or Motion on any particular issue in this House should not be re-opened for any discussion. Therefore, this House has concluded discussion on this Motion; we should move forward.

Mr. Speaker : Hon. Members, I have made my ruling in regard to this Motion. (*Applause*)

Hon. Musa Elayo Abdullahi (Awe/Keane/ Doma): Mr. Speaker, Sir, hon. Members, I am the Chairman of the Rules and Business Committee of this honourable House. I want to draw the attention of hon. Members to the provisions of our Rules. Once there is a decision by the Chair as provided for in Order 62, the next procedure to be followed is there. Whoever is not satisfied with the ruling of the Chair should please take to that provision as provided in Order 62.

Secondly, it is not proper for any Member to put on the microphone and be shouting point of Order repeatedly. The Speaker is in charge of the affairs of this honourable House; it is, therefore, out of Order for Members to attempt to take the Rules into their hands. It is better that Members should please understand that once a decision

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has been taken, no point of Order can be raised in respect of certain matter.

Thank you very much, Mr. Speaker.

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

Mr. Speaker: What Order?

Hon. Oladipo Olaitan: With tremendous respect, the Order is 69(3).

Mr. Speaker, only you, Sir, can interpret our Rules. I am at a loss. *(Interruptions)*

I am a legitimate Member of this House and I crave the indulgence of Mr. Speaker to please interpret Section 69(3) for us.

Hon. Sule Yari Gandi (Wurno/Raba): Point of Order, Mr. Speaker.

Mr. Speaker: What order?

Hon. Sule Yari Gandi: Mr. Speaker, Sir, I refer this honourable House to Order 62 again, which says:

The decision of the Chair is Final

We do not have two Speakers in this House. There is only one Speaker and he has ruled him out of order.

Please, let us move on to the next business.

Hon. Farouk Mohammed Lawan (Bagwai/Shanono): Point of Order, Mr. Speaker.

Mr. Speaker: What Order?

Hon. Farouk Mohammed Lawan: Mr. Speaker, I want to refer this House to Order 69(3) which says:

When the question has been put by the Speaker or the Chairman at the conclusion of the debate the votes shall be taken by voice "Ayes" and "Noes" and provided that no Member then claims a division, the result shall be declared by the Speaker or the Chairman.

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I think the appropriate interpretation to this Rule is that if anybody is going to claim a division, it is before the Speaker takes a decision. The Speaker has already taken a decision and for anybody to claim a division, I think is belated.

Mr. Speaker: Point of order sustained.

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

Mr. Speaker: We are moving to the next business.

Prohibition and Punishment of Bribery, Corruption and other related Offences Bill, 1999 - Second Reading (Second Allotted Day) (Adjourned Debate on Question 14 July, 1999).

Mr. Speaker: Hon. Members, we are now on the next item on our Order Paper, which is the Prohibition and Punishment of Bribery, Corruption and other related Offences Bill, 1999.

I am calling on Hon. F. O. Aladejebi to make his comments.

Hon. F. O. Aladejebi (Ekiti South I): Thank you, Mr. Speaker. It is a long time.

Mr. Speaker, hon. Members, I honestly support the passing of this Bill, although some Members raised the issue that there is nothing in this Bill that is new and that there are provisions before which could be used against corrupt officers in Nigeria, but again, this is a specific way the present administration wants to tackle corruption. I think it is our duty to give that Bill a trial and give this new method our support.

I am not unmindful of those areas of the Bill that really appear to curtail the liberty of Nigerians and-

Hon. Farouk Mohammed Lawan : Mr. Speaker, hon. Members, I want to draw the attention of hon. Members to Order 54 - *Behaviour of Members in the House*. Order 54 (1) says:

During a sitting all Members shall enter and leave the House with decorum.

Order 54 (8) says:

When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt him.

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Order 54 (3) says :

Every Member shall make obeisance to the Chair in passing to or from his seat.

The obeisance should be acknowledged by the Speaker before a Member moves out of his seat.

I want to draw the attention of hon. Members, particularly, to items 1 to 12, under Order 54, and expect Members to as much as possible, abide strictly by these provisions, otherwise, the Committee on Ethics and Privileges will be left with no option than to start penalising Members on these issues.

Thank you, Mr. Speaker. *(Applause)*

Mr. Speaker: The Member for Ekiti South I (*Hon. Aladejebi*), you can continue, please.

Hon. F. O. Aladejebi : Thank you, Mr. Speaker. My submission is that irrespective of the little defaults in this Bill, it is very essential that we move fast to pass it. Now, there are areas that if you really focus, it can make anybody weep in Nigeria.

We have been told that the cost of a building, the cost of any project, is highest in Nigeria as against any country in the world. We all know what has been happening. If a project is to cost N100 million, we now know that N50 million will be put on top to make it N150 million. So, it is easier to construct a project in New York, London and Johannesburg, than in Abuja and Lagos.

Mr. Speaker, we all know that corruption is really putting this country into trouble. I do not know the provisions of this Bill, but, I want the Committee that will look into it to examine the following points.

I have gone through our Ports and it is not easy to import anything in Nigeria without going through the processes of corruption. This is why it is now easier to divert goods to Cotonou than to Lagos.

We also know the problems of our Police. If you go to any Police Station they will say that bail is free but, the truth is that it is not free.

There are many other areas to mention. So, Mr. Speaker, Sir, in order not to waste the time of this House,

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I will recommend that we should please act quickly and pass this Bill.

Thank you.

Hon. Patrick O. Agbor (Akankpa/Biase): I want to say that I support that the Bill be passed, but I am supporting that every Section of that Bill that wants to make Nigeria a Police State be expunged by the appropriate Committee.

I want also to say that the Committee that would handle this Bill should look into the grassroots to help the sick, to help the poor to live a better life. The treatment should not be confined to the heads only. Where do we place discipline in schools, Traditional Rulers and Village Heads? We want to make sure, too, that provision is made that will make it possible for people to obey the rule. You say that people should not steal, yet you do not give them food; they would still steal. So, while I am supporting the Bill, I am saying that more should be done to keep Nigerians comfortable.

Thank you, Mr. Speaker.

Hon. Umaru Babangida (Kontagora/Mariga/Wushishi/Mashegu): Mr. Speaker, Sir, hon. Members, I rise to support the Bill subject to amendment because it has infringed on human rights and very much against democratic tenets. Mr. Speaker, Sir, I so move.

Hon. Florence D. Aya (Kaura): Hon. Speaker, Sir, I rise to support this Bill on Prohibition and Punishment of Bribery and Corruption in Nigeria. I am of the view that we should have this Anti-Corruption Bill passed but I have these few comments to make about this Bill.

My first comment is on the formation of the Commission. I think, we do not need the Commission. We have the National Orientation Agency which is manned by Nigerians. Nigerians can take care of this particular issue. We do not need to have a new Commission, it is a dictatorial one. It is a Commission that is going to pry into people's private lives, it is a Commission that would take the law into their hands and we are in a democratic setting.

In a democratic setting somebody can use his position to victimise his opponents any time he wants to, and I believe that if this Commission is given these powers in a democratic setting, they would go into their opponents'

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private houses, bug their telephone lines in order to listen to their conversations in their families which contravenes the Constitution of the Federal Republic of Nigeria in Section 37, which gives right to the privacy of every Nigerian.

I also want to appeal to the Committees that are going to handle this particular Bill when it is passed to them to make sure that they expunge all the areas in this Bill that contravene the Constitution of the Federal Republic of Nigeria.

That is my contribution, Mr. Speaker. Thank you.

Hon. Isa Chungwon Song (Barkin Ladi/Riyom): Mr. Speaker, Sir, hon. Members, I rise to support this Bill on Anti-Corruption but, first, with your kind permission, I would like to read an excerpt from a speech made by Prof. Jerry Gana, then the Chairman of the Directorate of Social Mobilisation. He made this statement when the Code of Conduct Bureau held a National Workshop on the 9th of July, 1999. It reads:

One of the most painful facts about our society is that integrity in terms of honesty, trustworthiness, keeping promises, telling the truth and doing what is right at all cost is in very short supply.

Mr. Speaker, Sir, hon. Members, I believe that this is the root of the problem of corruption in Nigeria and I think there is no better way of handling the matter as ruthlessly as is required and as is enshrined in the provisions contained in the proposed Bill sent to us by Mr. President.

Mr. Speaker, Sir, hon. Members, I have made my study of the Bill and I have noted many areas where changes can be effected, but because of the exigency of time I shall just make some few comments on some of these areas, and then at the time that the Bill is submitted or committed to a Committee, I would submit my observations to the Committee.

One of the areas that I have noted is in respect of Section 4, Sub-Section 3. Mr. Speaker, Sir, it is possible that the draftsmen inadvertently omitted to reckon with the Chairman of the Commission when it comes to subscribing to the prescribed oath in the Constitution of the Federal Republic of Nigeria, meant for public officers before assuming duty. In order to rectify this submission,

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I suggest an amendment of the sub-section in the following terms. With your kind permission, I shall read that sub-section.

The Chairman and every Member of the Commission shall before assuming the duties of his or their office subscribe to the oath prescribed in the Constitution of the Federal Republic of Nigeria for public officers and service in the Commission shall be approved for the purposes of the pension Act.

Mr. Speaker, hon. Members, there are many of these observations I have made and, like I said, I shall forward these submissions to the Committee when the Bill is finally committed to it.

Thank you, Mr. Speaker, Sir.

Hon. Lateef Adebola Alli (Akinyele/Lagelu): Mr. Speaker, Sir, hon. Members, much of these things come at the very nick of time. It depicts a direct climate of what Nigeria is today. But the Bill itself needs a thorough surgery, because some of the provisions inside it actually bring back Decree 2 of the olden days. You will observe that the Commission has been given so much powers, so much sweeping powers that the fundamental human rights of individuals are so much infringed. The Police Commission is there. As a matter of fact, the Bill actually erodes the powers of the Nigeria Police, making the Nigeria Police redundant and look ineffective.

The Bill has to be looked into, amended and re-presented to this honourable House for passage. If not, I oppose the Bill.

Thank you, Mr. Speaker.

Mr. Speaker: I call on Hon. Asuquo.

Hon. Nya Eyoma Asuquo (Calabar Municipal Odukpani): Mr. Speaker, Sir, hon. Members, Nigerians generally abhor corruption. The fact that they do so is seen in their reaction when the government decided to take anti-corruption measures. It is generally acknowledged that corruption has been the scourge that has made the development of this country impossible, and that has distorted every level of our developmental activities. It is a scourge that has impoverished Nigerians, and that has kept us 40 years after independence in such a pitiable situation.

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Mr. Speaker, Sir, it is, therefore, necessary that any law or any Bill that is for the purpose of tackling this scourge should be taken very seriously.

International Agencies and foreigners are not even happy to conduct business in Nigeria because of the high level of corruption exhibited by our people. I will give you one example. When the Nitel Transmitter got burnt in Lagos, companies from three countries were to tender.

The lowest tender came from the U.S. and, I think, it was about \$15m. But the Nigerian officials in charge of that project insisted that for any company to be able to benefit from that contract, it must jack up the price to \$85m. The company from the U. S. and the company from Germany pulled out, and I think they finally gave out that contract to one company from Holland for over \$200m. This type of behaviour, to say the least, is criminal.

Having said this, I have read through that Bill and there are some Sections of that Bill which, if not modified, might turn this country in time into a Police State. We are trying to democratise, we are trying to move away from military type of forced detention. I think, Sir, those aspects of that Bill that might tend to turn this country into a Police State should be expunged by the relevant Committees of this House.

Thank you very much. *(Applause)*

Mr. Speaker: I call on Hon. Animashaun.

Hon. Oladotun Animashaun (Kosofe): Mr. Speaker, Sir, hon. Members, on this anti-corruption Bill, I think and I believe that so many areas in the Bill need to be looked into by this House and maybe we shall refashion it in such a way that we shall not be a Police State after all.

Mr. Speaker, Sir, I would like to support the hon. Member who spoke about two weeks ago on the question of renaming the Commission itself. I feel that the Anti-Corruption Bill will show us as a people who are really corrupt. Though we may be corrupt, but we should not let the whole world know that we are corrupt at this time in the history of Nigeria. So, I think, a change of the name of the Commission itself will be in order. Also, because of the enormous powers of the Commission, I would suggest that instead of the President alone appointing the Chairman and Members of the Commission, the Chairman of the Commission should be cleared by the National Assembly as in the case of Ministers. This is

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because if we give somebody such enormous powers, and he is answerable only to the President, they can just accost you on the road, arrest you and make you to face the law without any argument about it. Once we have known that corruption is a problem in this country that must be solved, then we must not give the Executive so much powers that we shall go back to what we were during the military regime.

When I read this Bill, and I happen to be a Member of the Police Committee, I also read the Police Act. Really, there is only very little difference between the Bill and the Police Act. It is only in a few areas that Anti-Corruption Bill gains power beyond the Police Act. I believe that the Police Act alone is good for us. Even if they will not use that, it is all right. The President should let us have an Anti-Corruption Bill with some modification, so as to be in conformity with the principles of fundamental human rights.

I thank you very much. I will suggest and put some of my views in writing to the Committee.

Thank you, Mr. Speaker.

Hon. Tony Eze Okeke (Ohaji-Egbema/Oguta/Oru West): Mr. Speaker Sir, I have carefully examined the Bill on the Bribery and Corruption of our public Officers and other persons. I think the Bill is well intended, but what worries me is that the Bill appears to be draconian from the start when it starts to function. Corruption, as you know it, arises as a result of a society that has no good governance. People are very poor, there is no good education and no good amenities for people to enjoy. The Bill, to my mind, has some short falls. For instance, the Commission is not empowered to undertake a study on the causes of bribery and corruption and the ways to ameliorate them. It would appear to be heavily concentrated on dealing with corrupt public officers, but appears to be silent on what happens to corrupt practices at high places. The Bill appears to be a challenge to the existing laws of the land, especially the 1999 Constitution. Most of the provisions are not in consonance with the provisions of the Constitution. Take, for instance, the issue of Fundamental Rights of Nigerians as enunciated in Section 49 of the Bill. This Section of the Bill appears to expunge Section 37 of the 1999 Constitution. Section 37 of the 1999 Constitution states:

The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

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Section 3, paragraph 5, is not denying the provision of the 1999 Constitution as granted in that Constitution. A reference to provision 84 paragraphs 1 and 4 are relevant here because it is the duty of the Revenue Mobilisation Allocation and Fiscal Commission to deal with salaries and allowances for Members of the Commission and not by the President as being demanded.

To my mind, the Bill appears to have taken away the powers of the National Assembly to check corruption as being referred to in Section 38(2c), paragraph 89 of the 1999 Constitution. Equally, I feel the Bill was silent on what happens to Nigeria's money that have been taken away by people who have previously ruled this country. I think these people should be probed and their loot recovered before we think of how to punish them.

I will also disagree with Section 36 of the Bill. It is my opinion that the appointment of Members of the Commission should be received and approved by the National Assembly including their removal from office, because this should check arbitrariness. Other comments I need to make on this issue shall be made available to the Committee.

Thank you very much.

Hon. Mao Oluabunwa (Arochukwu/Ohafia): Mr. Speaker, Sir, I stand to fault the enactment of this Bill on the ground that we all are aware that corruption is a cankerworm in this country and it has really eaten deep into the fabric of all aspects of our life endeavours. But be that as it may, and having gone through the Bill, it looks a little more draconian and I would want to refer this honourable House to Sections 13; 35; 40; 47 and 64 of this proposed Bill. This Section is telling us about the Commission and with your permission, Mr. Speaker, I will read:

The Commission shall in the discharge of its functions under this Act, not be subject to the direction or control of any other person or authority.

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We are not foreigners, we are not aliens in this country, we are Nigerians and we know that Nigerians are lovers of power and when we are given power, we really know how to use it. And if you are giving somebody an absolute power in the discharge of his functions, that is not under anybody's control, Mr. Speaker, I want this House to look at the kind of Commission we are expecting.

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I also want to go to Section 35 which talks about forceful entry to premises. The last speaker has told us that this Constitution gives us the power and protection of our human rights and privacy. But here it states that if there is an information needed, the Attorney General can give them power to enter any premises, break through any house, take possession of any document or any article and that they have the power.

Mr. Speaker, with your permission, I will not want to go into details, I will also want to look at the issue that if they have the power to move into any premises or break any door, whether you are there or not, then I think, we will be having a different Nigeria from what we expect it to be.

I will also want us to go to Item 40 which is the obstruction of inspection and search. Let me read:

Any person who refuses any officer of the Commission access to any premises or fails to submit to a search by a person authorised under this Act, obstruct ...

You do not have the power, as long as whatever they assume as obstruction; then you face the music of the Commission and you will not be given any option or defence. And whatever the man who has come to your place decided is what he is going to do with you.

This leads me finally to Item 64, which is the protection of Officers, it reads:

No legal proceedings, civil or criminal shall be instituted against any officer of the Commission or any other person assisting such officer, for any act which is done in good faith or for any omission in good faith by such officer or other person.

That completes what I am saying. After everything, there should be legal protection. So if you feel offended, there is no redress because you cannot go to any law court to institute a criminal or civil action against the officer.

Inasmuch as I support us to look and pass the Bill on corruption, I will want the Committee that will look at this Bill to please do a proper *panel beating* on this Bill.

Thank you very much.

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[Adjournment]

Muhammed Wakil (Damboa/Gwoza): Mr. Speaker, I will like to move that the Gallery be cleared to enable the House discuss some issues in camera.

(Gallery cleared)

Sitting suspended: 1.25 p.m.

Sitting resumed: 2.05 p.m.

[Adjournment]

0764

ADJOURNMENT

And it being 2.05 p.m. the Speaker adjourned the House till Tuesday, 10th August, 1999 without question put pursuant to Order 14(1) of the Standing Rules of the House.

The House adjourned accordingly at 2.05 p.m.

National Assembly Debates (House of Representatives)

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[Votes and Proceedings]

[Announcements]

0740

**HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA**

Monday, 9th August, 1999

The House met at 11.35 a.m.

PRAYERS

(Mr. Speaker in the Chair)

VOTES AND PROCEEDINGS

Mr. Speaker: Hon. Members, I have examined and approved the Votes and proceedings of Thursday, 5th August, 1999.

ANNOUNCEMENT

Meeting of Ethics and Privileges Committee

There will be meeting of the Ethics and Privileges Committee today, Monday, 9th August, 1999 at 2.30 p. m. in Committee Room 4.

Motor Accident Involving Hon. Ogar

Hon. Members, I wish to inform the House that Hon. Michael Ogar, the Deputy Chairman, Ethics and Privileges Committee, was involved in a motor accident along Calabar-Ogoja road and he is presently receiving treatment in a hospital in Calabar.

May we pray for his quick recovery.

(Prayers offered for Hon. Ogar's quick recovery)

All Members of the Committee on Education should please collect their forms from the Committee later today. This information is signed by Dr. Abubakar Shehu Matazu, Chairman.

Hon. Member, the House whip will like to show to hon. Members the Attendance Register.

Hon. Abubakar Bwari Bawa (Gurara/Suleja): Mr. Speaker, Sir. Hon. Members, I have here with me the Attendance Register. We are now working on the modalities of administering this register. It is there in

the hands of the Sergeant-at-Arms. The Register will start to be put into use as from tomorrow. Members are expected to write in their names, their constituency, the time and signature as they come in to the House.

This House will be sitting as from 10 o'clock and Members are expected to be here before that time. This register will be closed at five minutes past ten-*(Interruptions)*. There is no need for this House to be sitting at 11.00 a. m. The Rules are there - *(Interruptions)*.

Several hon. Members: No! no!

Mr. Speaker: What the Whip should do is only to introduce the Register. Please, let us proceed to the next item on the Order Paper.

Meeting of APP Caucus

Mr. Speaker: There will be an emergency meeting of the APP Caucus immediately after today's Session. Signed: APP Whip.

My hon. Members, before we proceed on the Order of the Day, I would like to make some comments.

On Thursday last week, I had cause to travel to Lagos and one of the things I did was to visit some of the media houses in Lagos. When I was there, I learnt there was a fracas in the House resulting in so many embarrassing statements by the Press. Please, I want to appeal to us to observe a high standard of decorum in conducting our debates. Everybody has a right to contribute to the debates on the Floor of the House. Everybody has the right to be heard and I believe there is no point in getting involved in this kind of fracas. We have become object of blackmail by some people and I believe it is not in the best interest of the House to continue on such a course.

I, therefore, urge Members of this honorable House to restrain ourselves from getting involved in situations like this. I want to assure my hon. Colleagues that if I notice that this situation repeats itself, I will not hesitate to enforce the Rules of the House against any Member that attempts to bring the House to any ridicule.

After today's Session, I would like us to stay for about 30 minutes for some important discussions.

ORDERS OF THE DAY

MOTION

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

(Adjourned Debate) (5th August 1999)

Mr. Speaker: Hon. Members, there is only one Motion for today's Session. You will recall that the debate on this Motion started last week, Thursday. It, accordingly, will resume today and before the House adjourns, I would like Members to contribute their views on this Motion sincerely. I will call on hon. Adamu Bulkachuwa to the Floor.

Please, hon. Members, let us hear his views.

Hon. Adamu M. Bulkachuwa (Katagum): Mr. Speaker, Sir, I rise to speak in continuation of the Motion calling for the re-location of the Nigerian Ports Authority, Nigerian Shippers Council, National Maritime Authority and the Nigerian Railway Corporation to Lagos. As Representatives of the people, our duty is to effect control of government business in such a way that it is run by the right people and at the right time. It is important that we take this issue and handle it carefully as has been advised by the Speaker, and according to our Rules, maturely and responsibly as much as possible.

Another reason as I understood, especially with regard to the first paragraph of the Motion, was that the action of the Government was motivated for the simple reason that the Government wants to accommodate the Ministry of Defence. This is the reason that was given officially. That, because the Ministry of Defence does not have offices here and there is an urgent need for them to come back to Abuja, it is important that these parastatals that have nothing to do here should be relocated back to Lagos. This is in fact, the principal reason. Gen. T. Y. Danjuma (Rtd) himself said so, and the Vice President, when he was explaining and also defending this action, said that it requires some N50 billion to accommodate the offices and the residences of the Ministry of Defence. Therefore, all other reasons, we are told, were just to defend the fact that they really want to move them in order to accommodate the Ministry of Defence. That is the main reason why they want to move the parastatals. This should be made very clear.

The other aspect of the debate on the Motion that I do not like is the distortion that it is a Motion against the anti-North agenda. This is a Motion that seeks to merely argue theoretically and nationalistically that there are economic matters and even political issues that are even more important than this movement.

Let us begin, Mr. Speaker, Sir, with the Fundamental reason why this action had been proposed by government, that they want to accommodate the Ministry of Defence. The impression is given that there is a bully Ministry that can confiscate landed assets of parastatals that do not even belong to it. Clearly, we do not understand that. The impression is given that there is a favourite Ministry and by sheer force, reminiscent of the Military rule - *(Interruptions)*

Mr. Speaker, I, hope I am protected? What I was saying is that such a thing should not happen in this time of democracy. It also discourages these parastatals and others from building offices and residential accommodation for themselves if they know that some Ministries that are more powerful than them are going to confiscate their properties. Mr. Speaker, this is against the anti-corruption posture of this administration. This belies the major aspect of our moral argument.

Thank you very much.

Hon. Okey Udeh (Orumba North/south): Mr. Speaker, Sir, I must say that what we are discussing now has generated so much public interest that warranted our Committee to look into the matter. And also the Committee has received a lot of memoranda from individuals and institutions, and also the Committee went further to discuss with the Honourable Minister of Transport just to get more information on the operational system of the said parastatals.

Now, the Committee deliberated on all these things and came out with some observations that we can go through. But, before I do that, Mr. Speaker it is very much in order for this honourable House to look into these issues because these are issues that bother on public policy and for any responsible government, it should weigh its policies on the scale of public opinion. Mr. Speaker, I will say short of conducting a referendum on an issue, there is no other place you derive public opinion better than from the Floor of this House because we are representing the People. So, whatever that comes from this House represents genuine public opinion on every issue.

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Having said that, I will also add that having fastened to all the arguments being made of this issue, there are two basic reasons why we are discussing this.

First, is the provision of accommodation for the Ministry of Defence which I would quickly handle. I would ask Members to take note of the presentation of the hon. Member for Katagum (*Hon. Adamu Bulkachuwa*). I think he did justice to that issue. The second point is the need to improve on the operational efficiency of these parastatals. We looked critically into the operations and what the modalities are or should be in these parastatals.

We are of the view, that the policy formulating unit of this organisation actually needs to be in the Federal Capital, Abuja. What we also recommend is that they should look into the aspect of its operation and see how best to decentralise the operations of these parastatals so that the areas of differences like the Ports, the Maritime sectors in the different areas of the country be semi-autonomous so that they do not have to be shuttling between the areas of their business and Abuja for simple things to be done. I will give specific example. Nigeria currently produces and exports soya beans; what does that translate into? It then means that the Nigerian government and even the Maritime Authority does not even have a role to play in doing businesses in terms of Port charges and the Maritime levies which ought to be paid into their accounts before the vessels arrive here. By the time the vessels arrive, you will find out that what actually happens in the Port is just minor operational details that can be handled by the Traffic Managers and Ports Controllers there. They do not need intervention of the policy makers but rather what they are supposed to do is to stay at the Headquarters that Abuja represents, where you will have other institutions that are involved in international trade and now see how they can improve on their service charges and some other policy issues and even legislation that they will use to improve their services. That is what their duties are supposed to be, not day-to-day activities. Another problem that we all know it that, Nigeria is a big country. We have more than five functional ports. If we now say that we are taking these operations to a particular port, what then happens to other ports. It means that they will still be shuttling from such other port to this particular port. So, we think that it is better—(*Interruptions*).

Mr. Speaker: I am now, going to take argument against the motion.

[Relocation of the NPA, NSC, NMA and NRC to Lagos] 0744

Hon. Mayegun Abayomi (Lagos Island): Mr. Speaker, Sir, hon. Members, I want us to look at this matter critically. We are law-makers and our powers are quite spelt out in the Constitution and it is only in the interest of democracy to survive, we fought so much to achieve something, and you said, it is clear that we should confine ourselves to the Constitution of this country. Without that, we are not going anywhere and it is on this that I want us to look at this matter on the point of law.

This is an Executive action; the executive has acted. We are Legislators, our powers and duties are clearly spelt out under Section 4 of the 1999 Constitution. If the Executive has taken an action and for any reason, whether public opinion or on the ground of morality or even on the ground of law which we are supposed to make, (which is our primary responsibility) and we are not happy with it, we have an option and the option which is the only valid one and the best option available to us is to have the Courts or the judiciary which is the 3rd arm of Government to resolve the matter.

It is not for us to say, the Executive has done this. It is wrong, therefore, we come in the way of Motion to discuss it. With due great respect, we will be seen as people ready to work. If we are not happy with the Executive action, there are so many options for us to take and the best one is that of the Judiciary which some Senators have done. As you have said and the Rule has correctly been interpreted, we can discuss it, only that we cannot discuss in such a way that it will be prejudicial to Court decision. Fine! But then, to come by way of Motion to say that an Executive action should be set aside, I think, it is an unnecessary confrontation on the Executive arm of government.

We do not need it at this age of our democracy. If we really want democracy to survive in this country, we should practise it the way it is being practised in other advanced democracies of the world. We can go to court, either collectively or individually to challenge any Executive action that we are not happy with and the court is there, that is their primary responsibility, to interpret the Constitution as stated under Section 6 of the 1999 Constitution. Particularly Section 6 (b) is there to settle any differences by way of law, between persons, authorities or governments. It is not just there for individuals to go to court.

On the last note, which is very important, Mr. Speaker, Sir, may I urge you to liaise with the President of Senate.

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We need training and I think that it is part of the problems we have. It is not just for us to come by way of Motion to the House to discuss anything under the earth in this country, because we have a lot of work to do. So, let us face our primary duty here, which is legislation. So many Bills are before us to discuss. Please, Mr. Speaker, Sir, I urge that this Motion be struck out based on the point of law and constitutionality.

Thank you very much. (Applause)

Hon. Ibrahim Laoshe Lanre (Abeokuta South): Mr. Speaker, I want to oppose this Motion based on the economic facts available. An hon. Member in the Transport Committee made information available. Some of the facts, he said are that, there are Ports in other parts of Nigeria and not in Lagos alone. We have 53 shipping companies in Nigeria, while 47 of them are based in Lagos; 2 are in Port Harcourt, 2 in Warri, one in Ibadan and one in Benin. If NPA, NMA, Shippers Council are going to do with shippers, I think they should be relevant in the places where their customers are. Last week, the hon. Member from Katsina (*Hon. Abubakar Sadiq Yar'Adua*), said that the Port of Rotherham is the biggest port in Europe, whereas the Royal Maritime Authority is based in Amsterdam; it must be pointed out that Amsterdam is both a City as well as a Port. The capital of the largest Port in Nigeria are Tin Can and Apapa Ports. All these agencies, particularly the NPA, have 95 per cent of all our shipping assets. The chain services at Apapa Port is said to be their operational base, that is to have a close link for business and this is correct.

With reference to the decision of the Executive, it was a well considered decision. If Mr. Speaker will permit me to read a letter from the Hon. Minister for Finance, Alhaji Adamu Ciroma, he said: *There are all sorts of things happening and some of them are by interest and some of them disinterested, for instance, the decision about the location of NPA and NMA. There was a permanent Committee that was set up to look into the problems of Agencies and Ministries in Abuja, and we looked at various options open to us. I was a Member and there are other Members from the North in that Committee. I was there, Alhaji Rilwanu Lukman was there, Alhaji Ibrahim Bunu, Minister for FCT, was there.*

So, the decision has come from some Members of Parliament who have some axe to grind and the decision has been followed by sharp decisions which I believe is of vital interest to this country.

[Relocation of the NPA, NSC, NMA and NRC to Lagos] 0746

Mr. Speaker, Sir, what is happening to our Shipping Industry in Nigeria is that quite a number of our cargoes are being diverted to neighbouring countries because it is more expensive to do business in Nigeria.

Some of the policies we have taken, like citing some of these agencies in Abuja, is costing the agencies a lot more money to come and do business here. All their operational units are in Abuja and all the Directors are here. There is nobody in the areas of operation.

Mr. Speaker: Your time is up, please. (Applause).

Hon. Kareem Adekunle Jenrande (Egbeda/Ona-Ara): Mr Speaker, Sir, I want to speak against the Motion. I believe quite frankly that there is no need for this honourable House to debate extensively on Motions like this. Whatever aspect you are going to take, I believe, should transcend beyond personal interests. I want to read the 2nd paragraph of the Motion which says:

WHEREAS the reasons adduced for the directive that these offices should relocate to Lagos are that:

- (i) *they have no business doing at Abuja, and should not have been here in the first place: (That is the Ministry instructing its own parastatals)*
- (ii) *they do not have facilities in Abuja to enable them manage their operations properly;*
- (iii) *related to (ii), they need to be near their field or operational units in order to manage the latter efficiently and effectively.*

If the Ministry has suggested this, what are we discussing? As a matter of fact, it is not the Ministry that is relocating to Lagos, it is the Departments of the Ministry. If I may refer to the 1988 Civil Service Reforms, that Reform empowered each Ministry to have Departments such as the Personnel Management Department, Finance and Supplies, Research and Statistics and other operational Departments of that Ministry. If the Ministry is now talking of NPA, Maritime Authority and so on, to relocate for convenience and to reduce cost-waste, I believe this House should rise in support of such moves by Ministries like this.

