

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 27th April, 2016

The Senate met at 10:52 a.m.

PRAYER

(The Deputy President in the Chair)

CLOSED SESSION

Plenary suspended: 10.52 a.m.

Plenary resumed: 11.27 a.m.

The Deputy President: Distinguished Colleagues, the Senate in a Closed Session deliberated on issues relating to the 2016 Appropriation Bill and the hope of signing of the Bill by Mr. President soon. Is this a true reflection of what transpired in the Closed Session?

Several Distinguished Senators: Yes.

VOTES AND PROCEEDINGS

The Deputy President: Distinguished Senators, we have before us the Votes and Proceedings of Tuesday, 26th April, 2016 for approval. We will start consideration from page 679 to 786.

Senator Bukar Abba Ibrahim (Yobe East): Mr. President, I move that the Votes and Proceedings of Tuesday, 26th April, 2016 be approved.

Senator Muhammad Hassan (Yobe South): Mr. President, I second the Motion that the Votes and Proceedings of Tuesday, 26th April, 2015 be adopted.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 26th April, 2016 be approved.

PRESENTATION OF PUBLIC PETITIONS

Petitions against the Hotel Management Board, Power Holding Company and the Nigerian Navy

Senator Kabiru Ibrahim Gaya (Kano South): Mr President, I have 3 petitions; one is a petition by Late Hajiya Fatima Ladi who worked at the Hotel Management Board. I read her petition last Senate, unfortunately, before the end of the Senate, the petition was not considered, so we are renewing that petition.

The second petition is from somebody from my town, Dr. Isa Ahmed, who works in Power Holdings. In 2011, he was asked to write or to certify a job that was not well done and to his personal conviction, he felt that he should not certify that job because the job was not done. For that purpose, he was dismissed from office.

The third one is a person who was wrongly dismissed from the Nigerian Navy.

If I have your permission, I will lay these petitions.

Petitions laid on the Table and referred to the Committee on Ethics, and Public Petitions to report back to the Senate in four weeks.

**Petition by Owuwaye Bosede Funmilola against
WAEC**

Senator Babajide Christopher Omoworare (Osun East): Mr President, I am coming under Order 41, Petition, the summary of the provision is to the effect that:

A petition may only be presented by a Senator who must have affix his name on the same and Order 41(2) provides that a brief statement, the number of signature attached there, material allegations etcetera.

The petition is from my Constituent from Ilesha, Owuwaye Bosede Fumilola, who is asking the Senate of the Federal Republic of Nigeria, having detailed what she has gone through since 1995 having sat for WAEC at Oduduwa College in Ile-Ife and WAEC has not been able to give her certificate. There are so many annexures attached to the petition and they are so fixed. It is not a matter that is subjudice.

Petitions laid on the Table and referred to the Committee on Ethics, and Public Petitions to report back to the Senate in four weeks.

PERSONAL EXPLANATION

Senator Muhammad Adamu Aliero (Kebbi Central): Point of Order, Mr President! Mr President, I come under Order 43:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate; 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 detail to the President of the Senate when his leave to make it is sought.

Mr. President, I discussed this issue before you, with your permission, I will go ahead.

The Deputy President: Go ahead.

Senator Muhammad Adamu Aliero: If you recall, I brought a Motion on the importation of rice through our land borders and after extensive deliberation on the Motion, the Senate referred it to the Committee on Import Duty Waiver and Concessions. That same Committee invited the Comptroller-General Customs and we deliberated on the issue. He tried to defend the decision of importing rice through the land borders and certainly, we were not convinced and we reported to the Senate.

In that report, we resolved that the Comptroller-General of Customs should revisit that decision; that he should rescind that decision; that all importation of rice should come through the seaport. We said that was the only way the import duty can be collected and the only way the security implications can be attended to. Not only that, the protection for our local farmers and local millets will certainly be guaranteed if the importation is coming through our seaport. About three weeks ago, the Controller of Customs rescinded the decision to bring rice through the land borders. It is now through the sea port only. I feel that I should report back to the Senate on this development.

The Deputy President: I appreciate the fact that the Resolution has been respected and that is expected because most of these resolutions are well thought out and it is in the interest of Ministerial Departmental Agencies (MDA) and Government in general to ensure that they respect the resolutions of the National Assembly. It makes for a harmonious relationship between us and Executive.

MATTER OF URGENT PUBLIC IMPORTANCE

Fire Incidence in Gagamari, Refugee Camp Niger Republic

Senator Kyari Abubakar (Borno North): Mr. President, point of Order!

The Deputy President: Senator Kyari, Order what?

Senator Kyari Abubakar: Mr. President, Order 42, with your kind permission, may I read?

The Deputy President: Please read.

Senator Kyari Abubakar: Mr. President, Order 42:

- (1) *The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.*

- (2) *If the claim is allowed by the President of the Senate, and the Leave of the Senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.*

- (3) *Not more than one such Motion may be made at the same sitting.*

Mr. President, I hereby present a Motion against tomorrow on the fire incident that occurred in Gagamari, Refugee Camp in the Niger Republic, where a lot of our refugees from Borno and Abadan Local Government are camped. That fire incident consumed most of their houses and the refugee settlement, leaving at least 104,000 people homeless, without food and clothing. I pray that you grant me leave to present the Motion at the next legislative day.

The Deputy President: As contained in our Rule, I will like to put the Question?

Question put and agreed to.

Resolved: That the Motion be taken at the next Legislative Day.

Inconclusive Election in Four States

Senator Ben Murray-Bruce (Bayelsa East): Mr. President, point of Order!

The Deputy President: Senator Ben Murray-Bruce, what is your point of Order?

Senator Ben Murray- Bruce: Mr. President, I come under Order 42, with your kind permission, may I read.

The Deputy President: Please read.

Senator Ben Murray-Bruce: Mr. President, Order 42:

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

It is a matter of inconclusive elections in Rivers, Imo, Anambra and Kogi State, I refer to Section 48 of the Constitution which says:

The Senate shall consist of three Senators from each State and one from the Federal Capital Territory (FCT).

As you know, since December last year, we had no representation from River State, and we had problems from Imo, Anambra and Kogi State.

The Independent National Electoral Commission (INEC) has not concluded these elections, violating the Constitution of the Federal Republic of Nigeria and depriving representation from these states. I am urging the Senate to please ask the INEC Chairman to come before us to explain why those elections have not concluded. I understand that FCT had re-run elections and in one week, they concluded the elections in FCT, but in these other states, we have no representation; it does not make any sense and it is a violation of the Constitution.

The people of these states have a right of representation here. The INEC Chairman owes us an explanation as to why these elections have not been concluded. It is a simple matter and it is the responsibility of INEC to conclude these elections so that the people of these beautiful States have representations in the Senate.

The Deputy President: I am aware that INEC will be meeting tomorrow to fix date for these re-run elections. It is important that you have raised it so that the nation will know that we are concerned about the non-representations of some of these States. It is clear in the Constitution that INEC should quickly conduct within 30 days bye-elections, where vacancies occur. It is more than 30 days that vacancies occurred in some places, so it is important that we urge INEC to ensure that as soon as possible, these elections are conducted so that every State will have their full representation in the National Assembly.

ORDER OF THE DAY

CONSIDERATION OF BILLS

National Assembly Budget and Research Office (Establishment) Bill 2016.

Senator Mohammed Ali Ndume (Borno South): Mr. President, the first Order of the Day is the second Reading of the National Assembly Budget and Research Office, (Establishment) etc. Bill 2016.

You will recall that the Bill was read the first time in this Chamber on Tuesday, 16th February, 2016. You may wish to invite distinguished Senator Omowore Babajide to move the Motion for the Bill to be read the second time.

Question proposed.

Senator Omowore Babajide Christopher: Mr. President, I have the pleasure to read the lead debate on the Bill to enact the National Assembly Budget and Research Office, SB. 22.

May I first of all crave the indulgence of Mr. President to read a provision that I know we are familiar with. This is Order 81 of our Standing Rule, which provides that:

On the Order of the Second Reading of the Bill being read that the Bill be read the Second Time, debate may arise covering the general merits and principles of the Bill.

What I intend to do this Morning is to discuss the general merits and principle of the Bill which is more like establishing what we called *prima facie* just for us to go ahead. Therefore, Mr. President, permit me to lead this debate on the general principle of this Bill, it was read the First Time like the Leader said on 16th February, 2016.

As it stands, there is no organic law that gives powers to any Office to independently provide assistance to the National Assembly in relation to budgetary and financial matters. The National Assembly currently operates in a manner in which legislation is made and decisions are taken without relevant consideration of their financial and economic impacts.

The only semblance of recognition of scrutiny and/or analysis of budget of the National Assembly or of the Federation is the Appropriation Committee of the National Assembly, consisting of members of the National Assembly, thereby depriving it of the quality of expertise, independence and transparency needed for such technical subject. The lack of an independent budgetary office, specifically established to offer professional input to legislative budget process, therefore, leads to a lack of expertise and loss of the benefits that will be gained from the proper review and analysis of budgetary proposals.

Furthermore, using the most recently reported cases of *budget padding and inflation* in the 2016 Budget that was submitted by the President of the Federal Republic to the National Assembly, it could be argued that it is now timely for this NABRO Bill to be passed. It will help save costs and block the loopholes that seem to be deliberately created within the annual budget as drain pipes.

The passage of this Bill will also positively impact on the delay that has since been occasioned since the presentation of the budget proposal by Mr. President because of indelible inputs of trained, specialised and seasoned bureaucrats and technocrats, who will enable us to have the benefit of permanent and perpetual facts, figures, data and statistics that will help in the smooth passage of Appropriation Bills devoid of political affiliation, sentiments, personal interests etc, from both the executive and legislative Arms of Government.

A Clause by Clause summary of the Bill is as follows:

- Clause 1 of the Bill establishes the National Assembly Budget and Research Office.
- Clause 2 – 3 states the functions and powers of NABRO.

- Clause 4 provides for the structure and organization of the Governing Board.
- Clause 5 provides for qualification for membership.
- Clause 6 provides for procedure for removal of members from the Board.
- Clause 7 provides for allowances and remuneration of members of the Board.
- Clause 8 provides for the powers and functions of the Governing Board.
- Clause 9 provides for the establishment, composition and functions of the Management Committee.
- Clause 10-11 provides for the mode of appointment, scope of duties, tenure and removal of the Director-General and Directors respectively.
- Clause 12 provides for the mode of appointment of other staff by the Management Committee.
- Clause 13 provides for the remuneration of Directors, Professional Analysts and Professional Staff.
- Clause 14 provides for the grant of pensions to other staff of NABRO.
- Clause 15 provides for the powers of the governing Board to make regulations.
- Clause 16 provides for the means of procuring funds, application of such funds, preparation of estimates and budgets for NABRO.
- Clause 17 – 18 provides for power and means of the Director-General to obtain data from the National Assembly and other public bodies.
- Clause 19 is the interpretation section of this Bill.
- Clause 20 provides for the citation of the Bill.
- Schedule 1-2 deals with the composition and quorum of the meeting.
- Schedule 3 provides for delegation of the functions of the Board.
- Schedule 4 provides for the role of non-members in the meeting of the Board.

- Schedule 5 provides for the validity of the procedure of the fixing of the seal of office.
- Schedule 6 provides for the validity of the proceedings of the Board or of a Committee.

The National Assembly Budget and Research Office (NABRO) is designed to provide legal backing to the already existing Office with the aim of providing independent, unbiased and non-partisan analysis of the national budget estimates. In addition to also analysing the budget of the National Assembly and assisting committees of the National Assembly in developing their annual budgets, it will provide independent and continuous review of the Federal Government budgets including monitoring of existing and proposed programmes.

The National Assembly, like several other legislatures that have established their own Budget Offices, requires a bureaucracy that is at par with the Executive's Budget Office for balanced engagement over budget matters. This will effectively eliminate the inferiority and or superiority complex often characterising the Legislative-Executive Budget engagement.

The speedy passage of this Bill is imperative in the face of the new policy thrust of this current Administration. The fight against corruption and wastage will be greatly enhanced by a sharpened instrument of budget implementation because the Executive and Legislature will be on the same page. With this Bill in place, the National Assembly Budget Office is going to comprise of a very sound structure that would have competent experts to work on the budget similar to what obtains in the Budget Office in the Executive Arm of Government so that they will give continuous, regular, periodic, timely and objective analysis of the budget at every point in time, whether it is the mid-term frame work or the budget itself. The Office will also assist in budget tracking and oversight.

Presently, the closest and only Office that assists the National Assembly on related matters is the National Institute for Legislative Studies, (NILS). It is however generic in nature for the simple reason that it assists the National Assembly in researching and analysing legislation and policy issues broadly. It is not specific to budgetary and economic matters. Therefore, according to the doctrine of covering the field, the NILS Act, 2011, does not specifically cover the field on issues relating to budget and economic matters. The scope of its function is spread across board on all subject matters. Consequently, it may not possess the required expertise to adequately carry out this function, thereby further emphasising the need for a specialised NABRO office for this purpose.

It is interesting to note at this juncture that this same NABRO Bill was passed and sent for assent in the last two Parliamentary Sessions but unfortunately were not assented to. We are hoping we will be third time lucky. The need for its passage and assent has become even more compelling taking into consideration our dire economic straits. The establishment of this Office will provide the much needed economic and financial support the National Assembly requires in order to make it perform better in light of economic realities and also make their financial activities more transparent and accountable to the public. The Office will also help in providing policy alternatives to the bodies they assist in order to provide these bodies a well-rounded and thorough explanation of options before financial decisions are taken.

The passage of the NABRO Bill would provide Committees in the National Assembly with an additional source of obtaining essential budgetary information needed when processing national budgets rather than deriving the statistics of the budget solely from the Executive. The Bill will give NABRO the legal teeth to request for information and documents from Ministries, Departments and Agencies (MDAs), without the MDAs thinking they are doing the Office a favour. Reference can be made to Clauses 17 and 18, as earlier said in the debate that provides for power and means of the Director-General, to obtain data from the National Assembly and from every other public body.

Furthermore, passage of the Bill will offer a stable template to determine the allocative and operational efficiency of budget implementation. Abandonment of projects will be brought to a halt if the Bill is passed and NABRO is allowed to collate unimplemented projects in a preceding year before approving the forthcoming budget.

In the 2016 budget proposal, NABRO rose to the occasion to its scrutiny of the details of the Appropriation Bill by providing a review that showed abnormalities of repetitions, unidentified items and errors. In all, about 200 billion quanta of errors/repetitions were detected. This analysis can be done more timely with greater in-depth if the proper legal backing is given to the Office.

Since 2012, NABRO has consistently delivered on its mandate. It is therefore only proper that its status be codified. Its functions will include assisting the National Assembly even in its oversight functions. It is not duplicating the efforts of the Budget Office of the Executive but serving as checks for errors of the Executive, if any. It will be a continuous exercise and serve as repository of records that will identify representation of heads that have hitherto been executed or purportedly executed.

By way of comparative analysis, the United States of America which operates a Federal System of Government like ours and NABRO is designed to function in a similar way and manner like the Congressional Budget Office (CBO) see generally <https://www.cbo.gov>. The CBO provides the baseline budget and economic short and long term projections; cost estimates of projects; analytical reports; analysis of the budget; provides options, does monthly budget reviews; compiles unauthorised appropriations and expiring appropriations; gauges its forecasts from time to time etc. most importantly, all the foregoing reports are afforded Senators and Congressmen as and when statutorily required.

Uganda that is a developing Nation has the Legislative Budget Office (LBO) that monitors implementation of the budgets, giving details of the future implications of the present budget, requirement of value-for-money implication of the spending data etc. LBO in Uganda generally provides the Parliament and its Committees with objective, independent and timely analysis of the national budget sees (<http://www.parliament.go.ug>)

Finally and fundamentally as required by Order 77(3) of the Senate Standing Rules, this Bill has no financial implication whatever as the body has been in existence since 2012 with full structure and regular budgetary allocation. Therefore, we are not adding more financial burden to the Federal Republic of Nigeria with the passage of this Bill. On the basis of the foregoing, I seek the full support of the President and my distinguished Colleagues to see the prompt passage of this Bill.

The Deputy President: All right, distinguished Colleagues, you can see that the lead debate is very exhaustive and so I will appeal that we keep our contributions very short so that as many people as possible will have the opportunity of contributing.

Senator Barau I Jibrin (Kano North): Mr President, I stand to support this Bill because I was one of those who initiated the establishment of NABRO in the year 2000-2001 when I was in the House of Representatives. It came up as a result of the working visit that the House of Representatives at that time paid to the Congress of the United States of America. The delegation was led by the Speaker of the House of Representatives at that time, Hon. Ghali Umar Na'Abba.

It was then we saw in the Congress the importance of (they call it) the Congressional Budget Office. We saw an office that was well equipped, well-staffed and it had the mandate of collating data about the American economy vis-à-vis the World economy and assessing the data for the use of the United States of America Congress.

The office was very important to the Appropriation Committee of the House of Representatives of the United States of America and the Appropriation Committee of Senate of the United States of America. Then, we saw that there was a need that we also form that office here in our National Assembly and that was the reason we decided that we must have one here.

The importance of this office cannot be over-emphasised, it collates data at all time and analyse these data for the use of the National Assembly. The way things are being run now – we work based on the information that is always given to us by the Executive. We need to have our independent analysis of our economy, particularly, the Budget. Whenever the Executive presents a budget to us, we should not always rely on the information or the budget given to us by the Executive. Rather we should have our independent analysis of the budget so that we can now compare and contrast between the information given to us and our information. That is how we could reach a very informed decision on how to go on any budgeting process for every year.

The office has been put in place but there is no enabling law to allow it to function, it is therefore important that we give legal teeth to this office so that our budgeting process that is now emerged in controversy all the time, every year will bring sanity into it. We will be well informed about our budgetary process so that we can produce a budget at a very short period of time for the benefit of this country. It is very important and I urge my Colleagues to support this Bill because of the importance of the Bill.

Senator Shehu Sani (Kaduna Central): I stand as a comrade to fully identify myself with the spirit of this Bill. Year in year out, each time it is a budget season, it always becomes a period of intrigues, macerations and conflicts of interests. I believe a Budget Research Office is an idea whose time has come. If you go through the Bill, there are three key issues there – budget tracking, budget oversight and budget analysis. The object of this Bill is principally to inform those of us in the Parliament to take a better approach and better decisions in terms of helping the Executive come out with a budget that is fully acceptable to the country.

I am deeply disturbed by what has happened recently, where you see all sought of issues coming in – padding, re-padding, removal, inclusion, insertions and so on. I believe that this Bill for This Research Office will help address that problem. Thank you.

Senator Adeola O. Solomon (Lagos West): Mr President, I choose to speak on this Bill because I can recollect that while passing it into law, the Legislative Agenda for this 8th Senate, one of the focuses of that agenda is about this National Budget and Research Office (NABRO).

I want to believe that our bringing it up today is not as a result of the crises which we are currently confronting. I will not be talking about the usefulness of the Bill, because we all already agreed during the Legislative Agenda debate that this is one important Office that we should put in place; that should be a working tool in the hands of the Senate.

I will be talking much about the sincerity of purpose, that this time around, I believe that this Bill we are about to consider and pass into law, we would be doing it with all sincerity of mind and purpose so that we can, as a matter of urgency, put this office to work immediately.

I want to say this without fear or favour that NABRO, which in other parts of the world is referred to as Congressional Budget Office (CBO), in terms of its advantages, is so numerous. I tell you sir, how can we pass a budget without having the details of the budget? How can we consider it in this hallowed Chamber? How many of us here have all that it takes to look into the budget in its entirety? But with this Office in place, it will give distinguished Senators here opportunity for them to know the contents of the budget. It is not about constituency budgets or so but the nitty-gritty of budget in terms of finances, in terms of how government is going to fund these projects; it is also about having information that will give us ample opportunity to know what Executive is giving to us. It will not be a situation of just having a document that we just have to consider and pass within a record time. But we want to know and what is contained in that document and the only office that can help in doing this is the NABRO office.

I want to thank the sponsor of the Bill and I hope that the Senate will give this the needed support.

Senator Musa Mohammed Rabi Kwankwaso (Kano Central): Point of Order!

The Deputy President: Senator Kwankwaso, what is your Point of Order?

Senator Musa Mohammed Rabi Kwankwaso: Thank you Mr President, I come under Order 53(4) (5) and with your permission I will read.

The Deputy President: Go ahead and read.

Senator Musa Mohammed Rabi Kwankwaso: *Rules of Debate, Order 53—(4)*

- (4) *A Senator must confine his observations to the subjects under discussion and may not introduce matter irrelevant thereto.*

Order 53—(5)

- (5) *Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might in the opinion of the President of the Senate prejudice the interest of parties thereto.*

What my Distinguished Colleague has just said, that he is representing the largest Constituency in this country. I have in terms of figures, about 760 thousand votes and going by 2006 census, Kano is the most populous State in this country and more so, I understand that his state has taken the matter to the court. Therefore, for him to make reference here -

The Deputy President: Senator Kwankwaso, let me quickly reply you. First, you know he made reference to his Constituency being the largest Constituency before he started his contribution and you did not say anything at that point, and they say *delay defeats equity*. The second point is that the reference that will stop him from making his contribution must be in the opinion of the Presiding Officer should be such as to prejudice the hearing of the case in court. I do not think that what he has said has in any way prejudiced the hearing of the matter and I am not even aware of any pending matter in court between Lagos and Kano on the issue of population. So, on this, I rule you out of order.

Senator Adeola Solomon Olamilekan: Mr. President. I just want to thank the mover of this Bill and I hope the Senate will give it a speedy hearing both at the levels of Committee and by the time the report will be submitted before the Senate.

Senator Mao A. Oluabunwa (Abia North): Mr. President, Distinguished Colleagues, the issue of NABRO cannot be overemphasized. Like my brother, Senator Barau said, when he was the Chairman of the House Committee on Appropriation, I was the Deputy Leader of the House and we visited the Congressional Budget Office and from that point, we decided that we were going to set up a Budget Office in the entire National Assembly and the process started. I came back to hear that already there is a NABRO office; it is important because NABRO office will definitely be the clearing house for all budgetary activities, for our legislative appropriation activities, and so on. If NABRO is well established as we see, definitely we would not have problem as regards reconciling issues with the Executive. At least they will interface with the budget office of the Executive.

My only worry as regards this Bill is whether NABRO should be set up by law. I expect that NABRO as it is and is still established today, we have NABRO already with the offices established. It should be a department under Finance; we do not need to begin to set up bureaucracies.

If you look at this Bill as it is established, definitely there should be a financial compendium because you talk about setting up a board, you talk about remuneration and so on. For me, in as much as I support NABRO office to be well established and functional, I think it should be a department under the Directorate of Finance than coming to set up bureaucracy with all parastatals. I do not think we need that and judging from the financial situation of the country now, we need to step down and reduce bureaucracy in our activities.

On that note, I support NABRO but I do not really think it should come under a Bill for a legal establishment.

Senator Dino Melaye (Kogi West): Mr. President, my Colleagues, the importance of the NABRO office cannot be overemphasized. As lucidly elucidated by the sponsor of this Bill, the NABRO office is very germane and important to fiscal responsibility and transparency in financial transaction in this country.

However, there has been consistent lackadaisical approach towards the take-off of the NABRO office. It sounds very unserious that we are talking about the NABRO office in the National Assembly but the NABRO office is in Asokoro. There is no sincerity of purpose of heart and commitment even by the National Assembly in establishing and setting up the NABRO office. I was a Member of the House of Representatives between 2007 and 2011 and I am aware that over two billion naira was appropriated for the NABRO take off. Then, Hon. Fasinro from Lagos was appointed Chairman Committee on NABRO; a Committee was set up as one of the Standing Committees of the House of Representatives and Hon. Fasinro was the Chairman.

As I speak to you, over two billion was appropriated; today we have not seen the light of day, NABRO has not taken off, and no accountability as regards the money. The year after again, over one billion was appropriated and NABRO has not taken off; NABRO to me, is now becoming a conduit pipe. Every Assembly will come up with the issue of NABRO, monies will be allocated, yet NABRO will not take off.

To me, the reason for the lackadaisical approach is corruption. If we want the NABRO office to take off, then there must be sincerity of purpose of heart and commitment towards the implementation of the NABRO programme. Nobody is undermining the capacity of the NABRO office to institute transparency in our financial transaction. If we are able to establish the NABRO office, it will check unauthorized spending of government. The Congressional Budget Office in the United States of America is so respected that even the Budget Office of the United State of America consults them on budget affairs. We must be able to set up a very competent office with the necessary expertise.

As I speak to you, it is impossible for the House of Representatives or the Senate to properly scrutinize budget because we do not have the technical know-how and expertise to research, scrutinize and even check spending in terms of the provision of the Public Procurement Act. I want to use this opportunity to call on the 8th Senate that if we have to write our names in gold, then we must depart from the ineffective way of managing the NABRO processes before now. This Assembly must, with sincerity of purpose, with Holy Jesus and Mohammed minds, make sure that we do that which is right in establishing this NABRO office. It should not be a matter among our Leadership, the Executive and a small committee where the money will be re-appropriated.

Senator James Manager (Delta South): Mr. President, the sponsor of this Bill has done a thorough job and the lead debate is exhaustive and is very clear to the point. In the last Senate, just like he pointed out in the lead debate, this Bill was passed by the Senate. Unfortunately it was not assented to, that is the reason this Bill is back to us.

The importance of this Bill cannot be overemphasised, as pointed out in the lead debate. The NABRO office is in existence but there is no legal platform for it to breath, and to provide the legal platform is the essence of this Bill. If for any reason the NABRO office is saddled with corruption, what is needed at this point in time is for us to provide checks and balances, provide the legal framework so that the Committees that are charged with the responsibility of overseeing the NABRO office both in the Senate and the House of Representatives will have to do their oversight responsibilities. Once that is done, we will get somewhere.

The importance of the establishment of the NABRO office would definitely put to rest some of these nagging problems that we have had over time about budgeting. You do know right now there are accusations and counter accusations about what we have done to the budget. If we have had this particularly with the legal backing in place, perhaps some of these problems would have been put to rest. The NABRO office is important for us to establish it by an Act of Parliament so that whether there is budget before us or no budget the NABRO office will continue to work and it will lessen the burden of the National Assembly once budgets are presented by the Executive.

As cited by the lead debate, we look up to the United States of America as a role model for the kind of democracy that we practise. The Budget office is there, it is been in existence for many years, and even developing countries like Uganda have the budget office. So what stops the Nigerian Parliament?

This is about seventh year of existence, we must take the Parliament to the next level by establishing an Act of Parliament for NABRO office so that they can be alive to their responsibilities, crossing the t's and dotting the i's of the budget proposals that are presented the National Assembly. Once that is done, it is my firm believe that we will definitely get somewhere.

I want to urge my Colleagues to support this all important Bill. This Bill is about us, it is about the effectiveness of this Parliament; therefore, this is one Bill that must be passed by Parliament.

The Deputy President: Distinguished Colleagues, you can see this is a very popular Bill. We believe that it will help in transparency and constructive engagement with the Executive in the budget process. We have noted the complaints of most of our Colleagues regarding the re-occurrence of this Bill each time, but I believe it is better to be late then the late itself. If we start being better today we are still early in the day, but it is good that we expedite action this time around to have this particular Bill considered and passed as soon as possible.

I would like to thank all those who contributed. Let me just remark finally that in all that we have said, the essence of this Bill would be achieved if the Executive on their own bring the budget as early as possible so that both the Budget Office and the National Assembly Members would have an ample time to look at the budget. We will probably have a public hearing before the passage of the Bill; that will also help. While we are doing our best to ensure transparency and efficient budget process, we urge the Executive to also show commitment by bringing the budget as early as possible, possibly in September of every year. If that is done, the budget will go through a very transparent process and with the Budget Office in the National Assembly, I am sure Nigerians will have a better budget each year. I am now going to put the question.

Question put and agreed to.

(Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service matters as well as the Appropriation Committee and to report back in four weeks.)

A Bill for an Act to Repeal the National Inland Waterways Authority Act CAP, N47, LFN 2004 (Repeal and Re-enactment)

A Bill for an Act to Repeal the National Inland Waterways Authority Act to provide for the Management, Regulation and Development of the National Inland Waterways and to promote Private Sector participation in the Development of the National Inland Waterways in Nigeria and for other related Matters, 2016.(SB.240) -

Order for Second Reading.

Senator Ali Ndume: Mr. President, the second Order of the day is the Second Reading of the National Inland Water Ways Act CAP, N47, Repeal and Re-enactment Bill 2016.

Mr. President, Distinguished Colleagues, you will recall that the Bill was read the first time in this Chamber on Wednesday, 23rd March, 2016. Mr. President, you may wish to invite Distinguished Senator Andy Uba to move the Motion for the Bill to be read the second time.

ANNOUNCEMENT

The Deputy President: Before I invite Senator Andy Uba, let me quickly read this letter addressed to his Excellency, Senator Abubakar Bukola Saraki, President of the Senate:

*The President of the Senate,
Sen. Dr. Abubakar Bukola Saraki,
President of the Senate,
National Assembly,*

Your Excellency,

INVITATION TO THE PUBLIC PRESENTATION OF A BOOK: "WHO WILL LOVE MY COUNTRY"

I would like to invite all the Distinguished Senators of the Senate to the public presentation of my book: "Who Will Love My Country".

The book is my modest attempt to dissect the problems facing us as a nation and to challenge leaders and fellow Nigerians to find creative solutions to these challenges. The ideas expressed in the book generally implore Nigerians to engage in good faith discourse about how to make Nigeria to work for us all.

The book presentation is scheduled today at Africa Hall, International Conference Centre, Abuja by 1:00 p.m. prompt.

It is certainly an event that I would cherish the company of former Distinguished Senators and I will therefore feel highly honoured if you could find time to join me.

While looking forward to esteemed presence and support, please accept the assurances of my highest regards.

Buses will be available for the Senate Wing of the National Assembly by 12:45 prompt.

Signed:
Senator Ike Ekweremadu
Deputy President of the Senate

The Deputy President: Senator Andy Uba, you may now lead the debate.

Question proposed.

Senator Andy Uba (Anambra South): Mr. President, I thank you immensely for the opportunity given to me to lead the Debate on this Bill.

The Bill seeks to repeal the National Inland Waterways Act No. 47 Laws of the Federation of Nigeria 2004 and to re-enact the National Inland Waterways Agency to transform and restructure the Authority into a purely regulatory institution with the powers to manage and develop the inland waterways by providing adequate enabling environment for the private sector to operate as against the requirement in the principal Act, which enables the Authority to provide services as an operator.

The Bill also seeks to achieve the following:-

- a. An alternative mode of transportation for the evacuation of goods and services and also for the commercial transportation of persons;
- b. Execute the aims of the National Transport Policy as it affects the inland waterways;
- c. Provide maritime safety within the intra-coastal and inland waterways of Nigeria;
- d. Facilitate the transfer of technology system and managerial expertise through private sector involvement and participation;
- e. Provide the inter-modal connectivity within the transport sub-sector.

The proposed Bill is in nine (9) parts providing for:-

1. The functions and powers of the agency;
2. Staff of the Agency to run the authority under a governing Board;
3. Identifying and declaring the Federal Navigable Waterways in the country;
4. Financial provisions;
5. Legal proceedings relating to the Board; and
6. Ensuring Compliance with all regulations provided by the proposed law or as may be provided by the Agency and providing for offences and penalties for non-compliance.

The Bill has sufficient provisions for the Agency to provide all necessary logistical services alone or in partnership with any Government Institution or private companies or persons to develop infrastructural and managerial skills.

The Agency is also empowered to design and maintain navigation facilities along all navigable waterways and ensure safety of goods, services and persons operating in the sector and maintain environmental friendly condition.

The Agency is also empowered in the proposed Bill to regulate, grant, approve and issue licenses, permits and other approvals for the development of the inland waterways technology and services to the private sectors.

By this, therefore, the Bill seeks to create and alternative basket for the country to save us from the daily hazards and horrors that the nation faces because the only mode of transporting goods and services and 95 *per cent* of our over 170 million populations is the road transport.

Our government find it difficult to maintain the existing road network in the country because of the heavy goods and services that daily transverse the roads, and construct new ones due to the enormous cost involved alongside other factors such as the hazards of gully erosion, desertification, flooding and other natural hazards. The most important advantage, however, is the window of opportunity that the Bill seeks to open for the provisions of the much needed employment opportunity for the millions of skilled youths and women of this nation.

It is estimated that by developing the water transportation sector of the country, unemployment will be reduced by about 60 *per cent* as a consequence of which inflation will also reduce drastically as wealth is created for the unemployed. Our young men and women will no longer need to go from one office to another, seeking unavailable jobs; or continue to hang out at the corridors of Ministers as emerging contractors nor go about begging for their next meal.

Some financial provision has been made in this Bill to reasonably cater for the Agency to commence the gigantic work of building the marine transport sector of our economy. I am optimistic however, that in a few years from now, considering the enormous socio-economic benefit realizable in the nation by the development of the inland waterways transportation, more funds would be required to keep up with the emerging technology in the sector. This I believe the Agency in partnership with the private sector would provide in accordance with the provisions of the Bill. In line with our order 77(3) a compendium of the financial implication of this Bill is attached.

I urge you all to support this Bill and improve the fortunes of our dear nation.

Senator Muhammad Adamu Aliero (Kebbi Central): Mr. President, point of order!

The Deputy President: What is your Point of Order, Senator Adamu Aliero?

Senator Mohammed Adamu Aliero: Mr. President, I am reading Constitution of Point of Order with regard to this Bill sponsored by Senator Andy Uba. Second Schedule of the Constitution under Exclusive Powers Item No. 36: –

Maritime Shipping and Navigation including (e) Shipping and Navigation on the River Niger and its confluence and on any other Inland Waterways as maybe designated by National Assembly to be an International Waterway or to be an Inter-State Waterway....

This is in the Exclusive List and anything that is under Exclusive List, you cannot make law on it and allow the private sectors to participate unless you amend the Constitution. You have to remove Inland Waterways from the Exclusive List to maybe Concurrent List before you can legislate on it. Therefore, I believe the amendment being brought by Senator Andy Uba is against the Constitution and it should not be allowed to move.

The Deputy President: Thank you Senator Aliero, let me just read Section 42 of the Constitution to you.

The National Assembly shall have powers to make Laws for the peace, other and good government of the Federal or any part thereof with respect to any matter included in the Exclusive Legislative Lists set out in part one of the of the Second Schedule to this Constitution.

Therefore, we are not even sharing power with any person in matters under the Exclusive List. So, I think it is still within our legislative competence to make this legislation and when you make legislation at the National Assembly, it is binding on everybody in Nigeria or authorities including the private and public sectors. I think we are still within our legislative competence in considering this Bill. So, I respectfully rule you out of order.

Senator Joshua Moljobok Lidani (Gombe South): Mr. President, I second the Motion that this Bill be read a Second Time and in doing so, I would like to urge my Colleagues to support this Bill.

Some distinguished Senators may be wondering why we need to have this Bill since we have the National Inland Waterways Act that was enacted in 2004. The reason is because it has been discovered that the extant Act provides only for the National Inland Waterways, a Government own organisation to be in charge of the Waterways of the River Niger, River Benue and the tributaries. No provisions have been made for operators in the private sector who wish to ply those routes.

Therefore, this Bill is trying to address developments in the Maritime Sector, especially as it affects transportation on the Inland Waterways. If we have National Inland Waterways Act which is deficient in that respect, we need to have an amendment but to have an amendment will not be able to clear the problems. So we need to have the whole Act replaced with another one so that it will take care of the deficiency that exists in the extant Act.

This Bill is coming at the right time because there are people who are in the private sector that wish to go into this kind of business of Maritime Transportation etc. It will also provide for security in those areas. Security has not been merely restricted to the Coastal Waterways, but for security in the Inland Waterways, no such provisions have been made in the extant Act. This Bill seeks to take care of this act and cure the deficiency in the Act.

I therefore, urge my Colleagues to support this Bill because it will enable the private sector to participate and if they participate, it will mean more jobs are being created; if more jobs are being created, definitely the economy will be boosted and the economy will be improved.

Senator Ibrahim Abdullahi Gobir: Mr. President, this is a very important Bill. I remember when I was the Managing Director of Cement Company at the Northern Nigeria; many times I received bills from the Department of Inland Waterways, asking that we should pay money for the use of Inland Waterways. In fact, people are not even aware of what they do and many people do not even know they exist.

In addition to this, what we should do is to make sure that people are aware, people know about these Inland Waterways. Also we have to spend a lot of money in trying to dredge the Inland Waterways because sometimes, you will start moving in a canoe and all of a sudden, you will be stopped; so there is need to look at that area.

Finally, I will like to say that I support this Bill and that it should pass through the Second Reading.

Senator Abdullahi Abubakar Gumel (Jigawa North-West): Mr President, this Bill is timely and I want to speak on one aspect only. The aspect I want to speak on is the pipelines that transport our crude through the cricks. These pipelines are so old and the capital to replace them is so intensive that the government cannot finance the replacement of these pipelines. We need private capital to come in and replace these pipelines so that the leakages from these pipelines which are spilling day in day out into the Nigerian waters will be addressed. The incessant breakage of these pipelines, stealing the crudes, making the environment uninhabitable will stop. From this angle, I support this Bill so that we will need capital to address this menace.

Senator Umar Ibrahim Kurfi (Katsina Central): First of all, let me congratulate the mover of this Bill because the Bill is extremely timely. This is first time we are having this kind of Bill and it is the right time we are getting the Bill because we need lots of revenue now. This certainly will increase our internally generated revenue. Internally generated revenue is the only way that we can get lots of money. So it is important that we support this Bill.

Another thing is the employment; with this Bill, there will be lots of employment for us. So this Bill should be supported by every Senator. Also more importantly, it will reduce a lot of difficulties on our roads, because most of our roads are being spoiled because the trucks we have on the highway are those that are destroying the roads. If we are now increasing our sea traffic, definitely there will be less damage to our roads. This Bill is a straightforward Bill and should be supported by all to be read for the Second time.

The Deputy President: Our very Distinguished Colleagues, this is a very popular Bill, we must thank Senator Andy Uba for sponsoring this Bill. Our people are very mobile and it is important that we open up every alternative transport system including the waterways. We must commend the government on the effort towards revitalising and improving the railways system. Of course, we believe that more can be done towards improving our transport infrastructure, and I believe that this can only happen if you provide the necessary legislative structure that will help us to develop our transport infrastructure; most importantly the waterways as being discussed this morning.

Once more, I will like to thank everybody that has contributed to this debate and I do hope that the Committee that will consider this Bill will do that as quickly as possible to enable us consider the Bill clause by clause and pass it into law, so that the waterways will benefit from this very enterprising Bill. Having said this, I believe I can now put the question.

Question put and agreed to.

(Bill read the Second Time and referred to the Committee on Marine Transport to report back in four weeks.)

Suspension of all other Items on the Order Paper

Senator Mohammed Ali Ndume: Mr. President, in view of the fact that we have other legislative assignment and I, in particular, am a member of the Committee to reconsider the issues related to Budget, I move that we stand down the rest of the items on the Order Paper to the next Legislative Day.

Senator Philip Aduda Tanimu (FCT): Mr President, I second the Motion that we stand down other items on the Order Paper to the next Legislative Day.

Question put and agreed to.

(With the leave of the Senate, all other items on the Order Paper stood down till the next Legislative Day.)

ADJOURNMENT

Senator Mohammed Ali Ndume: Mr President, having concluded today's proceedings on the Order Paper, I move that this Senate do adjourn till Thursday, 28th April, 2016 at 10:00 a.m.

Senator Philip Aduda Tanimu: Mr. President, I rise to second the Motion that the Senate now stand adjourn till Thursday, 28th April, 2016 at 10:00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 28th April, 2016 at 10:00 a.m. prompt.

The Senate adjourned accordingly at 12:45 p.m.