

**Votes & Proceedings
of the
Fifteenth Parliament
No. 52**

**First Sitting of the Thirteenth Meeting
Tuesday, 14th September 2004**

2.00 p.m.

1. The House met at 2 p.m. in accordance with the resolution made on Saturday, 4th September 2004.
2. The Hon. Russell Kun, M.P., Speaker of Parliament, took the Chair and read Prayers.
3. **Statement From the Chair**

The Hon. Russell Kun, Speaker of Parliament, made the following statement on his recent trip to Fiji to attend two parliamentary meetings :-

“Honourable Members, before we proceed with the normal business of the day, I wish to make a small report on the two consecutive parliamentary conferences/meetings held in Fiji in the 3rd week of August in which Nauru was represented by myself, Clerk of Parliament and the A/Parliamentary Counsel.

The first meeting, that is, Asia Pacific Parliamentarians Conference on Environment and Development (APPCED) was held in Korolevu, Fiji from 17th to 20th August 2004. This meeting was attended by over 20 countries including Australia, Canada, China, India, Pakistan and the Small Island States of the Pacific as well. Nauru was given special importance in this meeting as I was given the honour to chair the sessions of Group 1 of the discussion on ‘Sustaining Island Eco-systems’. Apart from chairing this group meeting, I also presented an address for the 11th General Assembly of the APPCED bringing out the salient points which concerns Nauru in ‘Sustaining its Eco-systems’. The salient points which were highlighted in the meeting were inter alia - a small land mass; Nauru coastal plains; central plateau or topside bereft of any vegetation; the ill effects of about a hundred years of strip-mining; loss of varieties of flora and fauna; problems faced in rehabilitation of these mined-out lands as per the master land-use plan; absence of Lands Acquisition Act.

I also touched upon certain international issues in my presentation

which earned a wide support from almost all the participating countries. Such issues were a complete ban on the dumping of nuclear waste in the Central and South Pacific regions yet to be enforced; lack of international effective regulatory environment protection laws to check damage by anthropogenic emissions and discharge of polluting chemicals into the sea; degradation of coral reefs, etc. Nauru extended open invitation to international donor agencies, non-government organisations, our bilateral partners and multi-lateral organisations to come and help Nauru in these areas.

In the separate country report, I raised very specific problems of Nauru in the post new millenium era. These problems are the continuous danger to the coastal and marine resources due to rising global temperatures and depletion of ozone layer. This results into coral bleaching and the death of the coral which deprives us of marine habitats and destruction of food chains for important marine organisms.

Honourable Members, all these points were taken care of in the 'Korolevu Declaration'. I was also privileged to present 'Comments During Discussions' for the Group 1 on the topic of 'Sustaining Island Eco-systems'. The formal Korolevu Declaration is yet to be received in the Parliament Secretariat and once it is received I will lay it before the House. I also take this opportunity to thank the Nauru Fisheries and Marine Resources Authority, Department of IDI and Nauru Rehabilitation Corporation for providing the requisite materials and statistics for my presentation and Country Report.

On my behalf, the A/Parliamentary Counsel also had discussions with the Leader of the Indian delegation, Prof. Saif-Ud-Din Soz, M.P., for extending assistance to the Parliament of Nauru in certain areas. I am happy to report that Prof. Soz agreed in principle to provide the Parliament of Nauru with one year of complete stationary requirements. The matter has now to be placed formally to the Parliament of India.

The second meeting, that is, Pacific Parliamentary Assembly Meeting on Population and Development (PPAPD), Executive and Parliamentary Clerks meeting on Population and Development was also held in Korolevu, Fiji from 23rd to 24th August 2004 which was attended by the Clerk of Parliament and the A/Parliamentary Counsel. The meeting was organised under the auspices of United Nations Fund for Population Activities, the South Pacific Commission and the Asian Forum of Parliamentarians on Population and Development. Nauru was represented in the Parliamentary Clerks session on 'Understanding PPAPD', in group

presentations and discussion on international studies on a regional and country specific scale. Nauru, also, took part in panel discussions on 'Mobilising National Budgets and Donor Resources'. Some of the important points emerging out of the discussions are brought out in the succeeding paragraphs :

(i) As a measure of resource mobilisation, Nauru can seek funding for various projects and programs on population and development from UNDP, UNAID, UNEP, EU, etc. The parliamentarians can also seek assistance under the Green Parliamentarians Project. Apart from this, there are a number of private American-based foundations such as Hewlett Foundation, Packard Foundation, Asia Foundation, Wallace Foundation, etc. which provide funding for population and development activities only to the NGO's. Any body interested to start an NGO on Nauru can first make a specific project proposal and get its NGO registered. He can subsequently approach these foundations for funding. Those interested to have the contact details of these foundations can write to Mr. Shiv Khare, Executive Director of Asian Forum of Parliamentarians on Population and Development at his e-mail afppd@inet.co.th Apart from that, the Democrat Institute and the Republican Institute also provide funding for the population and development programs. These two institutes are part and parcel of the Democrat and Republican parties of the U.S.

(ii) Most of the aids and grants in cash for population and development projects is provided to the countries on the basis of the recommendations of the Standing Committee on Health and Population matters. Unfortunately, Nauru does not have such a committee yet. It is open for the Members, if they would like to set up such committee.

The Joint Report of the meeting is in the Office of the Clerk of Parliament and any Member who would like to have a copy can request the Clerk for the same.

Before closing, I would like to convey my sincere thanks to the Embassy of the People's Republic of China in Nauru for their generous assistance in enabling the delegation to attend these meetings. Thank you."

4. Matter of Privilege Raised

Mr. Clodumar (Boe) raised a matter of privilege under Standing Orders 83,

84, and 86 as follows :

“Honourable Speaker,

Re - Matter of Breach of Privilege

I draw reference to the ministerial statement of the Minister for Nauru Phosphate Royalties Trust, Hon. Fabian Ribauw, M.P., which was delivered to the House at its sitting held on 4th September 2004.

The statement is very personal, biased, reduces my ability and infringes upon my capabilities to perform as an elected representative of Parliament. My ability to perform as an M.P. has been tarnished to a great extent by these baseless allegations of graft and underhand dealings with one overseas company named BACF/HLBC. The Honourable Minister has not brought forward any documentary evidence with his statements to prove his allegations and it is obvious he had not laid any of them on the Table of the House. This matter assumes very serious ramifications as myself the aggrieved Member was not even present in the House to defend myself. This is the first opportunity available to me to raise this issue before you and before this august House. I had been the President of the Republic, Minister of the Cabinet and Chairman of various corporations. Such an allegation also affects the performance of my duties, if assigned to me again by this House.

Honourable Speaker, you are well aware that privileges are accorded to the Members of Parliament without which they cannot perform their duties.

This matter of breach of privilege is further amplified by the fact that proceedings in the House which are unedited have now become part of public domain.

Accordingly, I request you to refer this matter to the Committee of Privileges forthwith so that the Committee can start its inquiry in that matter and pronounce appropriate punishment.

With kind regards, Yours sincerely, (signed) Hon. Kinza Clodumar, M.P., Member for Boe.”

5. Leave of Absence Sought

The Hon. David Adeang (Minister for Finance) sought leave of absence for Dr. Kieren Keke (Minister for Health) who is away overseas on government business.

Leave was granted.

6. **Questions Without Notice** were asked.

The Chair suspended the sitting to look into a matter raised by certain Members and will resume when the bell rings.

Resumed

7. **Ruling From the Chair**

The Speaker made the following ruling on the matter raised prior to suspension of the sitting :

“Honourable Members of the House, the question raised before me is very important and unprecedented in the history of Nauru. It poses a very serious and straight question whether an Australian citizen can be a Member of this House vis-a-vis a Minister or President of this country. I had instructed my staff to make preliminary inquiry regarding the matter and the feed-back received from the staff establishes the fact that the Minister for Health indeed travelled to Australia on an Australian passport.

This case is undoubtedly a constitutional issue. It, inter alia, involves Articles 30, 31, 36 and 75 of the Constitution of Nauru. It will not be fair on the part of the Speaker to give any categorical decision in this regard. The only course available to the Speaker is to request the President to refer the question to the Supreme Court whether a person holding dual citizenship can be a Member of Parliament of Nauru or not. Hence, I request His Excellency the President that in accordance with the provisions as contained in Article 55 of the Constitution of Nauru, this matter should immediately be referred to the Supreme Court for pronouncing its opinion on the question. I would also like that a direction to the Supreme Court may be given that the opinion on this matter should be given within a time-frame, i.e. within seven days of the receipt of this matter by the Supreme Court.

Until such time the opinion of the Supreme Court is received, Hon. Dr. Kieren Keke, shall remain suspended from the sittings of the House. I hope Honourable Members will concur with my decision. Thank you.”

8. **Dissension to Speaker’s Ruling**

His Excellency President Ludwig Scotty moved to dissent to the Speaker's ruling.

The Hon. David Adeang (Minister for Finance), the Hon. Marcus Stephen (Minister for IDI), the Hon. Baron Waqa (Minister for Education) and the Hon. Fabian Ribauw (Minister for NPRT) stood in support of the motion.

Debate ensued.

Question put and negatived.

9. **Division of the House Called for**

The Hon. David Adeang (Minister for Finance) and the Hon. Marcus Stephen (Minister for IDI) called for division.

The House divided.

AYES

Mr. Scotty Mr. Adeang
Mr. Stephen Mr. Waqa
Mr. Ribauw Mr. Jeremiah
Mr. Akua Mr. Thoma

Total - 8

NOES

Mr. Harris Mr. Clodumar
Mr. Adam Mr. Detenamo
Mr. Namaduk Mr. Botelanga
Mr. Gioura Mr. Ekwona

Total - 8

There being an equality in the voting, the Speaker cast his vote with the noes.

Question put and negatived.

10. **Motion**

His Excellency President Ludwig Scotty moved that motions Nos. 1, 2, 3, 4 and 5 be adjourned to the next sitting.

Question put and passed.

11. **Motion**

Mr. Adam (Buada) moved that motion No. 6 be adjourned to the next sitting.

Question put and passed.

12. **Orders of the Day**

(i) The Hon. David Adeang (Minister for Finance) moved that Order of the Day No. 1 be deferred to the next sitting.

Question put and passed.

(ii) Mr. Thoma (Aiwo) moved that Order of the Day No. 2 be discharged from the notice paper.

Question put and passed.

(iii) Mr. Akua (Anabar/Ijuw/Anibare) moved that Orders of the Day Nos. 3, 4, 5, 6 and 8 be deferred to the next sitting.

Question put and passed.

(iv) Mr. Thoma (Aiwo) moved that Order of the Day No. 7 be deferred to the next sitting.

Question put and passed.

13. Motion Fixing the Date for the Next Sitting

His Excellency Ludwig Scotty moved that Parliament at its rising do adjourn until a time and date to be fixed by the Chair.

The Hon. David Adeang (Minister for Finance) seconded.

14. Motion of Amendment

Mr. Clodumar (Boe) moved to amend the motion -

“That Parliament at its rising do adjourn until tomorrow, Wednesday 15th September 2004 at 2 p.m.”.

Mr. Adam (Buada) seconded.

Question put and negatived.

15. Division of the House Called for

Mr. Clodumar (Boe) and Mr. Adam (Buada) called for division.

The House divided.

AYES

Mr. Harris Mr. Clodumar
Mr. Adam Mr. Detenamo
Mr. Ekwona Mr. Botelanga
Mr. Gioura Mr. Namaduk

NOES

Mr. Scotty Mr. Adeang
Mr. Stephen Mr. Waqa
Mr. Ribauw Mr. Jeremiah
Mr. Akua Mr. Thoma

Total - 8

Total - 8

There being an equality in the voting, the Speaker cast his vote with the noes.

Question put and negatived.

The question on the original motion was put and passed.

16. **Adjournment**

His Excellency the President moved that the House do now adjourn.

Debate ensued.

Question put and passed.

And then the House at thirty minutes past seven o'clock p.m. adjourned until a time and date to be fixed by the Chair.

Members Present

All Members were present at some time during the sitting, except

* Dr. Keke.

John Garabwan
Deputy Clerk of Parliament

* Leave of absence.