7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 50



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Tuesday, 21st January, 2014

**1.** The Senate met at 11:08 a.m. The Senate President read prayers.

**2.** **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 19th December, 2013.

*Question was put and the Votes and Proceedings were approved.*

**3.** **Messages from Mr President:**
The Senate President announced that he had received four letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

***(a) Cybercrime Bill, 2013:***

**PRESIDENT,**
FEDERAL REPUBLIC OF NIGERIA

*December 18, 2013*

*Distinguished Senator David Mark, GCON*
*Senate President,*
*Senate Chambers,*
*National Assembly Complex,*
*Three Arms Zone,*
*Abuja.*

*Your Excellency,*

***CYBERCRIME BILL, 2013***

*I hereby introduce for formal consideration and enactment into law by the Distinguished Senate of the Federal Republic of Nigeria, the Cybercrime Bill, 2013.*

*While I hope that the Bill will receive the usual expeditious attention of the Distinguished Senators, please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,*
*(Signed)*
***GOODLUCK EBELE JONATHAN***

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***(b) Diaspora Bond:***

**PRESIDENT,**
FEDERAL REPUBLIC OF NIGERIA

*January 2, 2014*

*Distinguished Senator David Mark GCON,*
*President of the Senate,*
*Senate Chambers,*
*National Assembly Complex,*
*Three Arms Zone,*
*Abuja.*

*Your Excellency,*

***REQUEST FOR AN INCREASE IN THE AMOUNT TO BE RAISED THROUGH THE DIASPORA BOND FROM THE INTERNATIONAL CAPITAL MARKET***

*Distinguished Senate President I wish to once more express my gratitude to the leadership of the National Assembly and all the legislators for your continued support and co-operation on issues bordering on the overall development of our great country.*

*The Senate President may recall that the USD 9,005.69 million approved by the National Assembly in the Medium Term (2012 - 2014) External Borrowing Plan, included a USD 100 million Diaspora Bond to raise funds from Nigerians in Diaspora for the financing of development projects in priority sectors of the economy. The Diaspora Bond is to be issued in the International Capital Market (ICM) and the Senate President may wish to be informed that the process for the issuance of the Bond has commenced with the advertisement of Requests for Proposal for Transaction Parties for the Offering.*

*I wish to inform the Senate President that from engagements with Nigerians in Diaspora and the enquires received since the publication of the Requests for Proposal, there is a high level of interest in the Diaspora Bond and there is an indication that the USD 100 million could be inadequate relative to the demand expected from investors for the Bond. Based on the level of subscription expected, I wish to request for the National Assembly's approval to increase the amount to be raised through the Diaspora Bond from USD 100 million to an amount up to a maximum of USD 300 million.*

*The advantages from the increase of the amount to be raised through the Diaspora Bond to an amount up to USD 300 million are:*

*i. It will allow for allotments to be made to more Nigerians in Diaspora than would have been possible with a lower amount, thereby providing an opportunity for them to participate in the development of the country while earning returns on their investments. The issuance of a lower amount could result in the rejection of subscriptions, which would be a disappointment for Nigerians in Diaspora after heeding the call to support the growth of their country.*

*ii. It will provide the opportunity to invest the funds to be raised from the issuance in a project with a higher value, which will have a greater impact on the economy and the potential for a more visible symbol of the contribution of Nigerians in Diaspora to the country's development. Otherwise, many of our compatriots would be disappointed in missing an opportunity to contribute to the funding of the national economic transformation.*

*iii. The cost of issuance as a percentage of the funds raised will be much lower, since some costs, such as the costs of travelling, organization of the Roadshows and the preparation of an Offering Memorandum will be the same, regardless of the issued amount.*

*Based on the foregoing, therefore, I wish to solicit for your approval of the request to increase the amount of the Diaspora Bond from USD 100 million to a maximum of USD 300 million. In line with Section 21(1) of the Debt Management Office Establishment (Etc.) Act, 2003 which states that 'No external loan shall be approved or obtained by the Minister unless its terms and conditions shall have been laid before the National Assembly and approved by its resolution', may I also request for a Resolution of the National Assembly evidencing the approval as this will be required by the operators and regulators in the ICM as part of their Due Diligence process.*

*While looking forward to your usual timely approval, kindly accept the assurances of my highest consideration.*

*Yours Sincerely,*
*(Signed)*
***GOODLUCK EBELE JONATHAN***

***(c) Appointment of Chief of Defence Staff and Service Chiefs:***

**PRESIDENT,**
FEDERAL REPUBLIC OF NIGERIA

*January 20, 2014*

*Distinguished Senator David Mark, GCON*
*President of the Senate,*
*Senate Chambers,*
*Three Arms Zone,*
*National Assembly Complex, Abuja.*

*Your Excellency,*

***APPOINTMENT OF THE CHIEF OF DEFENCE STAFF AND SERVICE CHIEFS FOR THE ARMED FORCES OF THE FEDERAL REPUBLIC OF NIGERIA***

*I write to forward, in compliance with the provisions of Section 18(1) of the Armed Forces Act, Cap. A.20 Laws of the Federation of Nigeria, 2004, the names of the under listed for the kind confirmation of the Senate of the Federal Republic of Nigeria for appointment as Chief of Defence Staff and Service Chiefs of the Armed Forces of the Federal Republic of Nigeria.*

| | | |
|---|---|---|
| *1.* | *Air Marshall Alex Badeh* | *Chief of Defence Staff* |
| *2.* | *Major General Kenneth Minimah* | *Chief of Army Staff* |
| *3.* | *Rear Admiral Usman Jibrin* | *Chief of Naval Staff* |
| *4.* | *Air Vice Marshall Adesola Amosu* | *Chief of Air Staff* |

*I look forward, Distinguished Senate President, to the usual kind expeditious consideration of the above request by the Senate of the Federal Republic of Nigeria.*

*Please accept, as always, the assurances of my highest regards and esteem.*

*Yours Sincerely,*
*(Signed)*
***GOODLUCK EBELE JONATHAN***

*(d) Confirmation of Ministerial Nominees:*

**PRESIDENT,**
FEDERAL REPUBLIC OF NIGERIA

*20th January, 2014*

*Distinguished Senator David Mark, GCON*
*President of the Senate,*
*National Assembly Complex,*
*Three Arms Zone,*
*Abuja.*

*Your Excellency,*

***CONFIRMATION OF MINISTERIAL NOMINEES***

*In accordance with Section 147(2) of the Constitution of the Federal Republic of Nigeria, 1999, as amended, I have the honour to forward the under-listed ministerial nominees for consideration for Senate confirmation.*

| *S/No.* | *Name* | *State* |
|---|---|---|
| *1.* | *Senator Musiliu Obanikoro* | *Lagos* |
| *2.* | *Hon. Mohammed Wakil* | *Borno* |
| *3.* | *Alh. Abduljelili Oyewale Adesiyan* | *Osun* |
| *4.* | *Amb. Aminu Wali* | *Kano* |
| *5.* | *Hadjia Jamilla Salik* | *Kano* |
| *6.* | *Mrs. Akon Etim Eyakenyi* | *Akwa Ibom* |
| *7.* | *Lawrencia Labaran Mallam* | *Kaduna* |
| *8.* | *Dr. T. W. Danagogo* | *Rivers* |
| *9.* | *Asabe Asmau Ahmed* | *Niger* |
| *10.* | *Gen. Aliu Gusau Mohammed (Rtd)* | *Zamfara* |
| *11.* | *Mr. Boni Haruna* | *Adamawa* |
| *12.* | *Dr. Khaliru Alhassan* | *Sokoto* |

*Copies of their Curriculum Vitae are attached herewith.*

*It is my hope that this exercise will receive the usual kind expeditious consideration of the Distinguished Members of the Senate of the Federal Republic.*

*Yours Sincerely,*
*(Signed)*
***GOODLUCK EBELE JONATHAN***

**4. Announcements:**

***(a) Appreciation:***

The Senate President read a letter from Senator David A. B. Mark (*Benue South*) as follows:

**President of the Senate**
Federal Republic of Nigeria

***-ANNOUNCEMENT-***

***APPRECIATION***

*My Bosses and Distinguish Colleagues,*

*I wish to thank you on behalf of the Mark and Adakole families for your support during our time of bereavement over the passing of our daughter and sister, Mrs. Onma MaryMark Adakole.*

*Onma MaryMark was a daughter rather than a sister just like all my other siblings. Her sudden passing came to us as a shock. However, your personal visits and condolence messages have been a source of strength and comfort to us.*

*I wish to also thank those of you who joined us to bid her farewell as we laid her remains to mother earth at Otukpo, Benue State.*

*May Almighty God continue to guide and protect all of you and your families.*

*Signed:*
***PRESIDENT OF THE SENATE***
*(21/01/14)*

***(b) Demise of Mama Roseline Efeturi:***
The Senate President read a letter from Clerk of the Senate as follows:

**SENATE**
FEDERAL REPUBLIC OF NIGERIA
**OFFICE OF THE CLERK**

TEL: 2340273
FAX: 2341325

P. M. B. 141 GARKI,
ABUJA - NIGERIA

*President,*
*Senate of the Federal Republic of Nigeria.*

*My dear Boss,*

***PASSING ON TO GLORY OF MY INESTIMABLE MOTHER - MAMA ROSELINE EFETURI***

*It is with a heavy heart, but total submission to the will of the Almighty God, that I inform you of the passing on to glory of my beloved mother, Mama Roseline Mamoke Efeturi.*

*Mama Roseline Mamoke Efeturi passed on to glory on Tuesday, 24th December, 2013 at the ripe age of 90 years, She is survived by Ten (10) Children, Forty (40) Grand children and Thirty Six (36) great grand children.*

*Burial date has been fixed for Friday, 7th and Saturday, 8th March, 2014 in Warri, Delta State and Erowha town in Bayelsa State.*

*Detailed burial arrangements will be duly communicated to you subsequently.*

*(Signed)*
***Ben Efeturi,***
*Clerk,*
*Senate of the Federal Republic of Nigeria*

**5. Remarks by the Senate President:**

**The President,**
**Senate of the Federal Republic of Nigeria**

***ADDRESS BY THE PRESIDENT OF THE SENATE OF THE FEDERAL REPUBLIC OF NIGERIA, HIS EXCELLENCY, SENATOR (DR) DAVID A.B MARK, GCON, fnim, fnipr AT THE RESUMPTION OF SENATE PLENARY AFTER THE CHRISTMAS AND NEW YEAR RECESS ON TUESDAY, 21ST JANUARY, 2014.***

*Protocol:*

1. *My Distinguished Colleagues, Senators of the Federal Republic of Nigeria.*

2. *I give thanks to God Almighty for His protection during the Christmas and New Year recess, and I am glad that we are all back hale and hearty to resume our legislative duties.*

3. *I do hope that we all managed to get some rest amid the usual flurry of activities that marks the season and the inevitable interactions and engagements with our various constituents.*

4. *At this moment in time however, my thoughts and prayers go to Distinguished Senator Magnus Abe, who we hear was injured in the commotion that erupted during a political event in Port-Harcourt. When this incident was brought to my knowledge, I immediately directed the Chairman, Senate Committee on Police Affairs to make some preliminary findings and report back to me. As soon as he does, I will make the findings available to Senators. I also directed the Senate Leader and the Deputy Senate Leader to visit Senator Abe in London. In the same vein, I mandated the Chairman, Senate Committee on Media, to issue a statement condemning the violence and thuggery. I have also instructed the Senate Committees on Air Force and Police Affairs to investigate the incidents involving Senator Ali Ndume in Borno State and Senator Gbenga Obadara in Ogun State respectively.*

5. *As we resume today, we will soon realize that it is not only our legislative responsibilities that will task our wisdom. Pervasive political tension arising from festering political disputes continues to engage the larger polity. Across the nation, governance appears to have been sacrificed on the altar of desperate political manoeuvres and feverish permutations aimed at out-flanking one another ahead of the 2015 elections. Blinded by naked ambition, the political class has so painfully forgotten the lessons of our national history, and has once again allowed the collision of vaulting personal ambitions to overheat the polity and undermine governance. Coming at a time when our nation is still transiting amid tremendous strains and enormous social and economic challenges, the emphasis on primordial politics at the expense of governance is irresponsible, and even dangerous. I have said this several times and even at the risk of sounding like a broken record, let me once again caution against provocative utterances.*

6. *But here in the Senate, how we ride the challenge, and not let it deflect our focus from our constitutional responsibilities and our duty to our nation, will be a measure of our maturity as elder statesmen and women, democrats and patriots. Our nation is watching to see whether distinguished Senators will uphold the dignity of this institution and their oath of office, or whether we will allow ourselves to become mere tools in factional political disputes and intra-party rows. In fragile and young democracies such as ours, the cause of democracy is vastly served when statesmen and women refuse to sell the truth to serve the hour. Living true to our conscience as elder statesmen and women as well as distinguished Senators is the challenge of this very hour. And it is a challenge that will define the social and political fabric of Nigeria.*

7. *The leadership which we as Senators have always collectively offered compels us now to brace for these obvious political challenges, and to insist, as we have always done, on the primacy of the interest of the nation, and the welfare of our people.*

8. *Our collective resolve, and our example as Senators of the Federal Republic, should serve as a powerful reminder to the political class that democracy's fundamental raison d'être is to free the average citizen from the bonds of poverty, deprivation, disease and want. Our compatriots desire a society where every citizen, irrespective of tribe or class, is availed a socio-economic and political space that dispenses access to resources, privileges, and opportunities in a fair and just measure. The political class will certainly be judged by how far this ideal is attained, not by how much we ingratiate ourselves, advance our political careers or flaunt the panoply of high office.*

9. *Therefore, Distinguished colleagues, whether in or out of this chamber, we must lead by the force of our personal example. We must remain courageous and continue to demonstrate a clear and instinctive inclination for patriotism, self sacrifice, mature and responsible leadership.*

10. *We are the members of an institution deliberately designed by our Constitution to balance the nation and to stabilize our polity. We live true to this creed, and to this constitutional responsibility, only when we rise above narrow and parochial considerations not only in our thoughts and words but also in our actions.*

11. *Tribes and tongues may differ, and the sands of political allegiances may shift, but this chamber unites us, first and foremost as Senators of the Federal Republic, all sworn to promote the peace, order and good governance of our nation. Accordingly, our thoughts, words and actions should at all times be focused on the search for a better country; a search for peace and unity.*

12. *Distinguished colleagues, let me emphasize that we have just six months to the end of this legislative year. But we resume plenary to be confronted at once with a legislative agenda filled to the apex with unfinished legislative business. Lined up, and demanding immediate and prompt consideration, are the 2014 Appropriation bill, the Petroleum Industry Bill, Customs (Amendment) Bill, Pensions Reforms (Amendment) Bill, further review of the Electoral Act, the harmonization of the Senate and House positions on the amendment of the 1999 Constitution (as amended) amongst several other bills.*

13. *In line with the imperatives of collaborative governance and fiscal responsibility, we will immediately commence the consideration of the budget estimates in a most robust and meticulous manner. And inspite of the estimates not arriving as early as we had expected, we will work to see that the 2014 Appropriation bill is passed as quickly as possible.*

14. *In our evolving democratic practice, the point is now settled that parliament has the power to make inputs when considering Budget estimates. However, in exercising this constitutional power, every parliamentarian must bear in mind that an annual budget sets out an administration's economic and social vision, and the fiscal means of attaining it. Parliamentary inputs should therefore reinforce and complement that vision. The executive arm should never and must not interpret this to mean a distortion of the budget.*

15. *Once the 2014 budget is passed and signed into law, we will swiftly activate the weapon of oversight to drive for full implementation, and to insist on accountability, probity and transparency. We will not wring our hands in apathy and bemoan the lethargic implementation of the budget amid infrastructural decay and economic dysfunction. We will certainly work to ensure that the developmental goals underpinning the budget are fully realized.*

16. *Let me place on record once more my appreciation of the somberness, insight, wisdom, patriotism, and dedication with which you have always discharged your constitutional duties. But pardon me if despite our strenuous efforts, I still ask more from you as we prime ourselves to face the items on the loaded legislative agenda, and as we continue to balance the polity. The challenges call for a definite improvement on our time consciousness, diligence and vigour.*

17. *I am personally deeply pained and troubled by the strings of sordid revelations recently emerging even from high places. As a parliament, we will not prejudge the veracity or otherwise of these revelations. But every charge, every allegation or revelation of corruption, challenges parliament to be alert and to rededicate itself to its oversight responsibilities.*

18. *The Constitution has charged us with the responsibility of exposing corruption in the administration of laws within our legislative competence and in the disbursement or administration of funds appropriated by us. It is a solemn responsibility that we should continue to live up to. However, whistleblowers must be prepared to back up their allegations with hard facts, and to substantiate them when called upon to do so.*

19. *Distinguished colleagues, as we resume today, the Senate salutes the forbearance of the Academic Staff Union of Nigerian Universities (ASUU) in calling off the strike. It is our sincere hope that the conditions which allow protracted strikes to occur in any sector at all are quickly addressed, and eliminated. As with the case of the ASUU strike, the Senate will always invest the full weight of its moral and constitutional authority to help stave off further industrial actions, even before they occur and to wade in to resolve them when they inevitably occur.*

20. *In the spirit of the accommodation which the Federal Government has struck with ASUU, the grievances of the Academic Staff Union of Polytechnics (ASUP) should similarly be looked into, and quickly resolved. Compromise and flexibility from both sides will help the ongoing efforts to resolve the stalemate.*

21. *We commend the Super eagles for their performance in the ongoing 2014 African Nations Championship (CHAN). Our prayer is that the team should bring the cup home.*

22. *Our nation is so immensely blessed in every ramification that every stratum should be made to believe in the promise which tomorrow surely brings. This Senate will at all times stand by the people, with the people and for the people.*

*23. Distinguished Colleagues, let me once again thank you all for your dedication and past sacrifices. I welcome you back to this chamber and wish you all a very happy and prosperous 2014.*

*(Signed)*
***Senator (Dr.) David A.B. Mark, GCON, fnim, fnipr***
*PRESIDENT OF THE SENATE.*

**6. Matter of Urgent Public Importance:**
Rising on Rule 42, Senator Wilson A. Ake (*Rivers West*) drew the attention of the Senate to the recent happenings in Rivers State which he said has assumed dangerous and difficult dimension. He sought and obtained the leave of the Senate to present the matter.

*Matter to stand over to the next Legislative Day [Rule 42(2)].*

**7. Committee on Establishment and Public Services:**
***Report on the National Assembly Service Commission Act Cap N7 2004 (Repeal and enactment) Bill 2013 (SB. 245):***

*Consideration of Report deferred to another Legislative Day.*

**8. Committee on Health, Primary Healthcare:**
***Report on the National Health Bill 2013 (SB. 215):***

*Consideration of Report deferred to another Legislative Day.*

**9. Committee on Ethics, Privileges and Public Petitions:**
***Report on the Alleged Unlawful Dismissal of Mr. Ibrahim Oricha Yusuf:***
*Motion made:* That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions, on the alleged unlawful dismissal of Mr. Ibrahim Oricha Yusuf from service, by the Nigeria Customs Service, because of his disability (*Senator Ayo Akinyelure — Ondo Central*).

*Report presented.*

*Debate:*

***Proposed Resolution (i):***
*Question:* That the Senate do strongly recommend that since it has been proved beyond reasonable doubt, that the petitioner cannot actively perform his duties as a Unified Customs Officer, the action of Nigeria Customs Service for retiring him with full benefits along with over two hundred other officers is considered justified — *Agreed to.*

***Proposed Resolution (ii):***
*Question:* That the Senate do recommend that the petitioner could be given another opportunity to serve in any other Federal Ministry or Parastatal where his services may be needed and could add value to the system, if he so desires, considering his disability — *Negatived.*

*Resolved:*
That the Senate do strongly recommend that since it has been proved beyond reasonable doubt, that the petitioner cannot actively perform his duties as a Unified Customs Officer, the action of Nigeria Customs Service for retiring him with full benefits along with over two hundred other officers is considered justified ***(S/Res/027/03/14).***

**10. Conciliation and Arbitration Commission (Establishment, etc.) Bill 2013 (HB. 99):**

*Consideration of Bill deferred to another Legislative Day.*

**11. Chartered Institute of Treasury Management (Establishment, etc.) Bill 2013 (HB.88):**

*Consideration of Bill deferred to another Legislative Day.*

**12. Adjournment:**

*Motion made:* That the Senate do now adjourn till Wednesday, 22nd January, 2014 at 10.00 a.m. (*Deputy Senate Leader*).

*Adjourned accordingly at* 12:30 *p.m.*

**Dr. David A. B. Mark, GCON, fnim**
*President,*
*Senate of the Federal Republic of Nigeria.*