THE SENATE
FEDERAL REPUBLIC OF NIGERIA
ORDER PAPER
Thursday, 23rd January, 2014

1. **Prayers**
2. **Approval of the Votes and Proceedings**
3. **Oaths**
4. **Announcements (if any)**
5. **Petitions**

ORDERS OF THE DAY

1. Confirmation of Nomination
Sen. Victor Ndoma-Egba, SAN, CON *(Senate Leader)*
"That the Senate do consider the request of Mr. President, C-in-C, for the confirmation of COL. UMARU FARUK AHMED (rtd) *(Katsina State)* for appointment as a Member of the Governing Board of the Infrastructure Concession Regulatory Commission in accordance with Section 15(3) of the Infrastructure Concession Regulatory Commission) Act".

2. Confirmation of Nominations
Sen. Victor Ndoma-Egba, SAN, CON *(Senate Leader)*
"That the Senate do consider the request of Mr. President, C-in-C, for the confirmation of the following Nominees for appointment as Chief of Defence Staff and Service Chiefs for the Armed Forces of the Federal Republic of Nigeria in accordance with Section 18(1) of the Armed Forces Act, Cap. A.20 Laws of the Federation of Nigeria, 2004".

i. Air Marshall Alex Badeh	Chief of Defence Staff
ii. Major General Kenneth Minimah	Chief of Army Staff
iii. Rear Admiral Usman Jibrin	Chief of Naval Staff
iv. Air Vice Marshall Adesola Amosu	Chief of Air Staff

MOTION

1. Unlawful Insertion of Unconstitutional and Irregular Statutory Instruments into Published Laws of the Federation 2011: Armed Forces Act, Etc, and Appointment of Service Chiefs
Sen. Ita Enang *(Akwa Ibom North East)*

Sen. Victor Ndoma-Egba, SAN, CON	Sen. Abdul A. Ningi, CON	Sen. Umaru Dahiru, OON
Sen. Babayo G. Gamawa	Sen. Abubakar A. Bagudu	Sen. Joshua M. Lidani
Sen. Smart Adeyemi, CON	Sen. Hosea A. Agboola	Sen. Chris N.D. Anyanwu MFR
Sen. Andy E. Uba, MFR	Sen. Babajide C. Omoworare	Sen. Ibrahim Musa
Sen. Olufemi A. Lanlehin	Sen. James E. Manager CON	

THE SENATE,
NOTES that the Constitution of the Federal Republic of Nigeria, per S.4 vests the legislative powers of the federation in the National Assembly and by S. 58 the said powers are to be exercised by way of Bills;
NOTES also that President Umaru Musa Yar'adua, GCFR, President, Commander in Chief of the Armed

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Forces, Federal Republic of Nigeria (as he then was) upon the advice of the learned Attorney General of the Federation and Minister of Justice, by Statutory Instrument No. 17 dated August 4th, 2008, purported to amend (vide S. 315 of the 1999 Constitution) the Armed Forces Act Cap A20, Laws of the Federation of Nigeria by deleting the words "....and subject to confirmation by the National Assembly...." from the enacted text of the Act thereby unlawfully and unconstitutionally amending the law authorising the appointment of Service Chiefs by the President without confirmation by the National Assembly;

NOTES further that Section 18 (1) of the Armed Forces Act, Cap A20, Laws of the Federation of Nigeria, 2004 provides that *"the President, may, after consultation with the Chief of Defence Staff and subject to confirmation by the National Assembly, appoint such officers (in this Act referred to as "the Service Chiefs") as he thinks fit, in whom the command of the Army, Navy and Air Force, as the case may be, and their Reserves shall be vested";*

OBSERVES that the Chief of Defence Staff, Chief of Air Staff, Chief of Army Staff and the Chief of Naval Staff were appointed by the President without the confirmation of the National Assembly;

OBSERVES also that the appointment of the Chief of Defence Staff, Chief of Air Staff, Chief of Army Staff and the Chief of Naval Staff was null and void ab initio as they were not confirmed by the National Assembly in line with the provisions of the Armed Forces Act;

AWARE that the Federal High Court on July 1, 2013 in Suit No. FHC/ABJ/CS/611/2008 in the case of Mr. Keyamo v. The President of the Federal Republic of Nigeria, the Attorney-General of the Federation & Orders declared that the appointment of Service Chiefs for the Federal Republic of Nigeria, without the confirmation of the National Assembly is illegal, unconstitutional and void;

AWARE also *that* the Federal High Court further declared that Section 18(1) & (2) of the Armed Forces Act, Cap A20, Laws of the Federation of Nigeria, 2004 is in conformity with the provisions of the 1999 Constitution so as not to fall within the category of existing laws under S. 315 (2) of the Constitution of the Federal Republic of Nigeria 1999, that the President may, by order, modify its text, to bring it into conformity with the provisions of the Constitution;

OBSERVES that several other laws may have been amended by way of modification orders without being passed by the National Assembly, and inserted in the body of the Laws of the Federation published by LEXISNEXIS BUTTERWORTHS (PTY) LTD besides other publications, including Laws uploaded and published on-line as Laws of the Federation of Nigeria, without filtering out modification orders as Statutory Instruments;

Accordingly Resolves to:

i. *MANDATE* the Committee of the Judiciary, Human Rights and Legal Matters and the Rules and Business Committee to scrutinize the Laws of the Federation 2004, 2007 updated to 2007 and 2011 editions published by LEXISNEXIS BUTTERWORTHS (PTY) LTD with a view to determining unlawful and unconstitutional amendments and insertions of legislations and advise the Senate thereon;

ii. *FURTHER* mandate the said committees to invite and hear Emeritus Attorneys - General of the Federation from 1999 - 2014 namely Senator Kanu Godwin Agabi, SAN, Akin Olujinmi, SAN, Bayo Ojo, SAN, Michael Aondoakaa, SAN, Kayode Adetokunbo, SAN, Mohammed Bello Adoke, SAN and other persons concerned or connected with the publication of the referenced laws, other publications including online publications of laws of the Federal Republic of Nigeria in all forms, to shed light on the trend of illegal insertions and unauthorised publications for appropriate recommendations to the Senate.

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CONSIDERATION OF REPORT

1. **Report of the Committee on Police Affairs**
Investigation into Cruelty to Infants
Sen. Paulinus I. Nwagu ***(Ebonyi Central)***
"That the Senate do consider the Report of the Committee on Police Affairs on the Investigation into Cruelty to Infants".

CONSIDERATION OF BILL

1. **A Bill for an Act to Amend the Asset Management Corporation of Nigeria Act. 2010 (SB. 284) -** *Second Reading* **-** ***(Adjourned debates - Wednesday, 18th December, 2013)***
Sen. Bassey E. Otu ***(Cross River South)***

COMMITTEE MEETINGS

	Committee	*Date*	*Time*	*Venue*
1.	Rules and Business	Thursday, 23rd January, 2014	2.00pm	Committee Room 107 Senate New Building
2.	Establishment and Public Service	Thursday, 23rd January, 2014	2.00pm	Committee Room 327 Senate New Building
3.	SURE-P	Thursday, 23rd January, 2014	2.00pm	Committee Room 224 Senate New Building
4.	Education	28th and 30th January, 2014	2.00pm	Committee Room 323 Senate New Building

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