SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 16th September, 2014

1. The Senate met at 10:23 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings(2) of Thursday,17th July, 2014.

Question was put and the Votes and Proceedings were approved.

3. **Privileges of the Floor:**
Motion made: That the Senate do invoke Rule 17(1)(e) to admit an Honourable Member of the House of Representatives to the Floor for the purpose of witnessing the Oaths-taking of Senator-Elect, Shem Zagbayi Nuhu (*Senate Leader*).

Question put and agreed to.

Honourable Member accordingly admitted.

4. **Oaths:**
Senator-Elect, Shem Zagbayi Nuhu (*Niger East*) took and subscribed to Oaths of Allegiance and Membership as required by law.

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

(a) Diplomatic Privileges and Immunities Order Granted to the African Finance Corporation (AFC):

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

July 17, 2014

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

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Your Excellency,

LAYING BEFORE THE NATIONAL ASSEMBLY OF THE DIPLOMATIC PRIVILEGES AND IMMUNITIES ORDER GRANTED TO THE AFRICAN FINANCE CORPORATION (AFC) BY THE HONOURABLE MINISTER OF FOREIGN AFFAIRS

By the powers conferred on me by Section 21 of the Diplomatic Privileges and Immunities Act, CAP D9, LFN 2004, I have the honour of laying the "Diplomatic Privileges and Immunities (African Finance Corporation) Order, 2013", S.1. No.9 of 2014, for further legislative action by the Distinguished Senate.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

(b) National Drug Law Enforcement Agency Act (Amendment) Bill 2014:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

July 18, 2014

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

Your Excellency,

AN ACT TO AMEND THE NATIONAL DRUG LAW ENFORCEMENT (AMENDMENT) BILL, 2014

I forward herewith, for your kind consideration and passage into law, the attached draft Bill for an Act to Amend the National Drug Law Enforcement (Amendment) Bill, 2014.

It is my hope that the Distinguished Senate of the Federal Republic of Nigeria will consider and pass the Bill in your usual expeditious manner.

Please accept, Mr. Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

(c) Confirmation of Appointment:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

July 22, 2014

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

Your Excellency,

APPOINTMENT OF A JUSTICE OF THE SUPREME COURT OF NIGERIA

In conformity with Section 231, Sub-section (2) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, which gives the President powers to appoint a Justice of the Supreme Court acting on the recommendation of the National Judicial Council and subject to confirmation by the Senate, I hereby present the nomination of Hon. Justice Chima Centus Nweze for consideration by the Distinguished Senate of the Federal Republic of Nigeria as Justice of the Supreme Court of Nigeria.

It is my hope that this request will receive the usual expeditious consideration and approval of the Distinguished Members of the Senate.

Please accept, Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

(d) Confirmation of Appointment:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

12th August 2014

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

Your Excellency,

REQUEST FOR CONFIRMATION OF APPOINTMENT OF DR. JONAH MADUGU AS COMMISSIONER, FEDERAL CIVIL SERVICE COMMISSION (FCSC)

The Federal Civil Service Commission is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria, as amended. By the provision of Part 1, Paragraph 10 of the Third Schedule to the constitution, the commission shall comprise of a Chairman and not more than fifteen Members.

You may wish to note the expiration of the tenure of the Commissioner representing Benue, Nasarawa and Plateau States in the commission. It is in this regard that I present, for the Senate's consideration and confirmation, the appointment of Dr. Jonah Madugu as the Member of the Federal Civil Service Commission representing Benue, Nasarawa and Plateau States for a tenure of five years, in line with the provision of section 154(1) of the Constitution of the Federal Republic of Nigeria, as amended. His Curriculum Vitae is attached herewith.

While hoping that the request will receive the usual expeditious consideration of the Distinguished Senators, please accept, Distinguished Senate President, the assurances of my highest regards and esteem.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

(e) Confirmation of Appointment:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

10th September, 2014

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

Your Excellency,

REQUEST FOR CONFIRMATION OF DIRECTOR-GENERAL, NIGERIAN CIVIL AVIATION AUTHORITY

The Nigerian Civil Aviation Authority is one of the Parastatals under the Federal Ministry of Aviation. By the provision of Section 8(1) of the Civil Aviation (Repeal and Enactment) Act, 2006, the appointment of the Director-General, Nigerian Civil Aviation Authority is subject to confirmation by the Senate of the Federal Republic of Nigeria.

In this connection, following the recent reorganisation in the Federal Ministry of Aviation, I have decided to appoint Captain Muhktar Usman as Director-General, Nigerian Civil Aviation Authority.

In accordance with the provision of Section 8(1) of the Civil Aviation (Repeal and Enactment) Act, 2006, I hereby present Captain Muhktar Usman for the kind consideration of the Senate of the Federal Republic of Nigeria.

Please accept, Mr. Senate President, the assurances of my highest regards.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

6. Remarks by the Senate President:

The President,
Senate of the Federal Republic of Nigeria

WELCOME SPEECH BY THE PRESIDENT OF THE SENATE, FEDERAL REPUBLIC OF NIGERIA, HIS EXCELLENCY, SENATOR (DR) DAVID A. B. MARK, GCON, fnim, TO SENATORS OF THE 7TH SENATE ON RESUMPTION FROM ANNUAL RECESS ON TUESDAY, 16 SEPTEMBER, 2014.

Protocol:

1. *My dear bosses, I heartily welcome you to the hallowed chamber of the Senate from the 2014 annual recess. Thank God that in spite of the mounting challenges, we are back to the chamber to face our legislative duties.*

2. *Each time we return to this chamber hale and hearty, after a recess, I am especially filled with happiness and gratitude to God Almighty for his mercies and great benevolence.*

3. *The annual legislative recess, though a period of rest, is designed to afford us the opportunity of insightful interactions with our constituents. Therefore, we usually emerge from each recess with a deeper appreciation of our peoples' expectations, aspirations, hopes, challenges and fears.*

4. *I have no doubt in my mind that we have all come back reinvigorated and prepared to accomplish our loaded legislative agenda. On this same occasion last year, I had intoned that our nation has no alternative to democracy. That is the desire of our people who want fulfillment in a united, peaceful, prosperous and democratic Nigeria, free from impunity, brigandage, banditry, insurgency, corruption, avarice and greed. In a nutshell, our people want and deserve good governance.*

5. *As legislators, our role is to give fulfillment to these legitimate expectations. It is a solemn obligation and we cannot, and must never abdicate. The centrality of the legislature in the provision of good governance can never be overemphasized. We are critical stake holders in the provision of good governance as well as a key component in deepening democracy and building our nation. Happily, through our exemplary acts of patriotism, dedication, courage, sacrifice and mature leadership, we have, as occasion has often demanded, demonstrated resilience, bi-partisanship and capacity to steer the ship of state away from the precipice. Distinguished colleagues, this we must continue to do.*

6. *The new legislative year brings with it enormous challenges and with elections not far away, the season for partisan politicking about to open, the temptation to lose focus is equally imminent. It is therefore profoundly important to keep in mind that our mandate continues till June 2015. We should therefore be alive to our constitutional responsibilities and avoid distractions.*

7. *I say this because I see an opportunity beckoning on this 7th Senate to make history and keep a date with destiny. The current legislative agenda contains so many crucial items which could fundamentally reshape our country. We have on our legislative calendar the Petroleum Industry Bill, Pensions Reforms (Amendment) Bill, Customs (Amendment) Bill, Immigration (Repeal & Re-enactment) Bill, Public Procurement Act (Amendment) Bill, Proceeds Of Crimes Bill, National Automotive Industry Development Plan (Fiscal Incentives and Assurances), FCT Area Council (Political Structural) Bill, Labour Institutions Bill, Bio Safety Management Bill, Agricultural Processing Zones Bill, further review of the Electoral Act for harmonization, harmonization of the Senate and House positions on the proposals for the further amendment of the 1999 Constitution (as amended), and consideration of the 2015 budget estimates, amongst others.*

8. *I cannot overemphasize the importance of passing the Petroleum Industry Bill (P.I.B) as quickly as possible. Both operators and watchers of Nigeria's petroleum Industry are in agreement that this vital sector is in dire need of reforms and a new template that will enthrone these essential reforms is an urgent imperative. Every informed player in the industry that I have interacted with holds the view that one imperishable legacy the 7th Senate can leave behind is the passage of the Petroleum Industry Bill. Not only will it engender greater transparency in the operations of the oil and gas industry, it will also enable our country to maximize the benefits derivable from this God given resource.*

9. *You will also recall that this time last year, in response to the clarion calls for a national conference, the Senate gave its support to the idea. The President accordingly convoked the conference to discuss and suggest ways of resolving the perceived structural defects in the polity. Whilst we are not directly involved at this stage, we await the subsequent action of Mr. President.*

10. *Distinguished colleagues, I cannot thank you enough for your past sacrifices and dedication to duty. Not too long ago our elections were fractious. Since then the electoral system has undergone creative reformation by several acts of the National Assembly. As a result of these efforts, our elections have increasingly been adjudged free, fair and credible. Another general election is around the corner. I urge all of us to live by example and play by the rules, during and after the elections. I pray to see the day when every loser in an election will gamely accept the verdict of the electorate, and the winner will be magnanimous in victory.*

11. *Stakeholders in our democracy must therefore restrain themselves from inflammatory and treasonable statements or actions. Our collective or individual ambitions are subordinate to the national interest. We must therefore, always consider the primacy of our national interest. Afterall, it is a trite fact that for us to even actualize our various political visions, our nation must first exist.*

12. *Although this address is essentially to welcome you, my bosses, and to unfold our legislative agenda, there are other critical issues at the moment for which Nigerians demand our urgent action.*

13. *The escalation of violence and the heinous crimes daily perpetrated by insurgents and terrorists including the declaration of a Caliphate has reached alarming proportions. Regrettably, the Boko Haram sect, these harbingers of death have become more*

emboldened and daring, killing innocent Nigerians and destroying property at will. From abductions, kidnappings and bombings, the situation has now degenerated to capturing and occupying some parts of Nigeria. In what is obviously intended to humiliate us as a sovereign nation and test our resolve, the terrorists have brazenly hoisted their flags to confirm their assault and affront on our collective will as a nation.

14. *My dear colleagues, to put it otherwise is to shy away from the truth. In my candid opinion, the Boko Haram sect has in no unmistakable terms declared a total war on Nigeria and Nigerians. Their ideology is alien to our culture. We must as a people and nation handle this situation with all the seriousness it deserves.*

15. *I have consistently advocated dialogue as the needed panacea to this malaise. Sure, dialogue must not be ruled out but this time around, with this scale of warfare, we must first demonstrate our strength, confront and defeat these terrorists and insurgents before we resort to dialogue.*

16. *I am yet to come to terms with what the Boko Haram Sect actually wants. And I dare ask what offence has the Chibok girls or any other school child, a market woman or artisan struggling to earn a living committed that he or she deserves to be felled and decimated daily by the bombs and arsenals of these insurgents?*

17. *This war has certainly come to our door-steps. As Senators of the Federal Republic, destiny has entrusted us to be at the helm of affairs today. We must all rise to the current challenge. The government must be supported fully by this Senate to confront the challenge head-long. Therefore, we must devise a better strategy to win this war at the earliest possible time. We must come out with clear, concise and unequivocal mission statement on how to win this war. As I have repeatedly said, we must as a matter of urgency, fish out the financiers of these terrorists and all collaborators wherever they are, and bring them to book. My appeal to you, my bosses, is to continue to provide the necessary legislative framework that is needed to win this war.*

18. *Except to pretend and say otherwise, Nigerians are frustrated and presently appear helpless over the unfolding events. They watch in total disbelief and shock at the activities of the Boko Haram. But we must reassure them that they are not alone in this. We are indeed doing all we can to protect and secure their lives and property. As a responsible government, we will not tolerate this subversion of our sovereignty. It is reprehensible and totally unacceptable. The life of every Nigerian is very important to us and must be held sacrosanct. Total security is sine qua non to our existence.*

19. *Obviously, these are trying times. We must not, under any circumstances, play politics with our collective security. This is not the time to willfully castigate or criticize our armed forces and security operatives. We must not trade blames or pass the buck. We must not stand divided along any real or perceived fault lines. We must not abandon the dreams of our founding fathers and their belief in one united, indivisible and indissoluble democratic nation. We must not condone religious intolerance. We must not cave in to the rigid and bigoted views espoused by these terrorists. We must not succumb to intimidation, blackmail and threat under any extremist ideology.*

20. *This is the time to stand united, rally round and encourage our armed forces and security operatives. They are our dear compatriots who have chosen to lay down their lives so that we all may live in peace. This is the time to give them maximum support so that they will be motivated to prosecute and win this needless war in the shortest possible time. We must also mobilize all our war efforts and resources. This nation is greater than these evil merchants.*

21. *Another issue of grave national and international concern is the unfortunate outbreak of the deadly Ebola Virus. As if the man-made peril posed by insurgency and terrorism was not terrible enough, a new molecular peril with a potentially more profound lethality arrived from neighboring Liberia in July. Although our customs forbid us from speaking ill of the dead, I must say, I deplore the conduct of this vile and irresponsible visitor, Patrick Sawyer. His condemnable action has left a huge burden and everlasting scar on the nation.*

22. *However, what is reassuring is that government has been able to contain further spread of the epidemic. One useful lesson from the outbreak of the Ebola Virus is that Nigerians are now more conscious of their personal hygiene. This notwithstanding, Government at all levels must now leverage on this preventive measure to check further spread. What this ultimately calls for is good and implementable health care delivery system in Nigeria.*

23. *As schools resume for the new academic session, it is incumbent on all heads of educational institutions to make adequate arrangement to ensure that the Ebola Virus does not in any way spread within the precincts of their schools and put the lives of our children in danger.*

24. *Our hearts go out to the valiant health workers and caregivers who are consistently battling to contain the spread of this disease. We commend the Federal and State governments for the prompt and decisive actions they have so far instituted to stem the spread.*

25. *It is imperative to commend the late Dr. Stella Ameyo Adadevoh, Consultant Physician, for her bravery. But for her being proactive, the late Patrick Sawyer would have spread the virus beyond our imaginations. She is indeed a heroine. She deserves a national posthumous honour, and should be duly recognized and honoured by this nation. I pray that God Almighty grants her soul, and those of other caregivers who paid the supreme prize, eternal rest.*

26. *We commend the Nigerian Medical Association (NMA) for calling off its strike action. I did intervene on your behalf, my distinguished colleagues, while you were on recess.*

27. *As the 2014 fiscal year draws to a close, we expect that the appropriation bill arrives this chamber before the end of this month. This will enable us work on the budget and pass it into Law before January 2015.*

28. *Having said all these, my bosses, let me ask you once again to brace for the challenges of the new legislative year. I thank you for your passion, faith and loyalty. I am confident that we will draw from your reservoir of patriotism and dedication to ride the storms that lie ahead.*

29. *Distinguished colleagues, my bosses, as always, it is a great honour to welcome you back to this chamber.*

30. *Thank you and God bless.*

(Signed)
Senator (Dr.) David A. B. Mark, GCON, fnim
PRESIDENT OF THE SENATE, AND CHAIRMAN
NATIONAL ASSEMBLY

7. Announcements:

(a) North-East Senators Meeting:

The Senate President read a letter from Senator Abdul A. Ningi (*Bauchi Central*) as follows:

FEDERAL REPUBLIC OF NIGERIA
DEPUTY SENATE LEADER

MEETING

There will be a North-East Senators meeting immediately after the day's Session.

Venue: Deputy Leader's Office, Room 427.

(Signed)
Senator Abdul A. Ningi
Deputy Senate Leader

(b) Acknowledgment:

The Senate President acknowledged the presence of Trainee Official Reporters of the Federal Training Centres, Lagos and Enugu States who were in the gallery to observe Senate Proceedings.

8. Presentation of Bills:

(*i*) Institute of Chartered Insurance Brokers of Nigeria Act 2003 (Amendment) Bill 2014 (SB. 507) — *Read the First Time.*

(*ii*) Nigeria Industrial Revolution Plan Bill 2014 (SB. 508) — *Read the First Time.*

9. Executive Communication:

External borrowing of not more than One Billion U.S Dollars to tackle the ongoing Security Challenges in Nigeria:

Motion made: That the Senate do consider the request of Mr. President, Commander-In-Chief of the Armed Forces of the Federation for approval of the external borrowing of not more than One Billion U.S Dollars to tackle the ongoing Security Challenges in Nigeria (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committees on Finance; and Local and Foreign Debts to report within one (1) week.

10. Motions:

(i) Threat to National Sovereignty and Territorial Integrity of Nigeria by Insurgents:

Motion made: That the Senate is worried that the Security situation in the North East States of Borno, Yobe and Adamawa have continued to deteriorate despite the imposition of State of Emergency in the said States;

observes that the last couple of months while the National Assembly was on its annual recess have witnessed unabated loss of lives and damage to property in what is increasingly challenging the Security Agencies in the affected States;

concerned that the insurgents purported to carve out some Local Governments in Borno and Adamawa States declaring same as a caliphate under their control as if it were no longer part of the territory of Nigeria; and

further concerned that the level of re-grouping and re-surge of the insurgents is becoming alarming and their activities inhuman.

Accordingly resolve to:
mandate the Leadership of the Senate to meet with the President, Commander-In-Chief of the Armed Forces of the Federation, President Goodluck Ebele Jonathan and the Leadership of the Security Agencies on steps taken thus far and further steps to address the situation and report to the Senate (*Senate Leader*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Leadership of the Senate to meet with the President, Commander-In-Chief of the Armed Forces of the Federation, President Goodluck Ebele Jonathan and the Leadership of the Security Agencies on steps taken thus far and further steps to address the situation and report to the Senate — *Agreed to*.

Additional Proposed Resolution:
"That the Senate do include Senators from the three affected States of Adamawa, Borno and Yobe in the visit of the Leadership to Mr President, Commander-In-Chief of the Armed Forces of the Federation" *(Senator Kabiru I. Gaya — Kano South)*.

Question that the amendment be made, put and agreed to.

Additional Proposed Resolution:
"That the Senate do urge Mr President, Commander-In-Chief of the Armed Forces of the Federation, to declare a total war on Boko Haram in the North-East of Nigeria and wherever else in Nigeria they may exist" *(Senator Umaru Dahiru — Sokoto South)*.

Question that the amendment be made, put and agreed to.

Resolved:
That the Senate do:

(*i*) mandate the Leadership of the Senate to meet with the President, Commander-In-Chief of the Armed Forces of the Federation, President Goodluck Ebele Jonathan and the Leadership of the Security Agencies on steps taken thus far and further steps to address the situation and report to the Senate;

(*ii*) include Senators from the three affected States of Adamawa, Borno and Yobe in the visit of the Leadership to Mr President, Commander-In-Chief of the Armed Forces of the Federation; and

(*iii*) urge Mr President, Commander-In-Chief of the Armed Forces of the Federation, to declare a total war on Boko Haram in the North-East of Nigeria and wherever else in Nigeria they may exist ***(S/Res/007/04/14)***.

(ii) The Ebola Virus Disease in Nigeria:

Consideration of Motion deferred to another Legislative Day.

11. Committee on Health, Primary Health Care:
Report on the Nigeria Public Health Bill 2014 (SB.210):

Consideration of Report deferred to another Legislative Day.

12. Adjournment:
Motion made: That the Senate do now adjourn till Wednesday, 17th September, 2014 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:24 *p.m.*

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