SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 21st October, 2014

1. The Senate met at 10.52 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 16th October, 2014.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
(i) Matriculation:
The Senate President read a letter from Senator Ike Ekweremadu (*Enugu West*) as follows:

NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES
NATIONAL ASSEMBLY

NOTICE OF MATRICULATION (SENATE)

The National Institute for Legislative Studies, in affiliation with the University of Benin, hereby announces the commencement and matriculation ceremony for all registered postgraduate students at the Institute.

This first matriculation ceremony for students enrolled for the Master's Degree in Legislative Studies and Drafting is scheduled for Tuesday October 21, 2014 at the Senate Auditorium at 2pm.

To this end, all Senators are respectfully invited to attend this important event.

(Signed)
SENATOR IKE EKWEREMADU, CFR
Deputy President of the Senate and
Chairman NILS Governing Council

(ii) Acknowledgment:
The Senate President acknowledged the presence of the Students of Political Science Department, University of Jos, Jos, Plateau State who were in the gallery to observe Senate Proceedings.

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4. ***Increase in the amount of the Diaspora Bond from the International Capital Market:***
Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, to increase the amount of the Diaspora Bond from USD 100million to a maximum of USD 300million from the International Capital Market (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to Committees on Local and Foreign Debts; and Finance to report within Two (2) weeks.

5. **Conference Committee:**
Report on the Constitution Review of the Federal Republic of Nigeria, 1999 (Further Amendment) Bill 2014 (SB. 77):
Motion made: That the Senate do consider the report of the Conference Committee on the Review of the Constitution of the Federal Republic of Nigeria, 1999 (Further Amendment) Bill 2014 (*Senator Ike Ekweremadu — Enugu West*).

Report presented

Question put and agreed to.

Report accordingly adopted.

Nemine contradicente.

The following Senators were present:

1. Abaribe, Enyinnaya Harcourt
2. Abatemi-Usman, Nurudeen
3. Abe, Magnus Ngei
4. Abu, Ibrahim
5. Adeniyi, Anthony A.
6. Adeseun, Ayoade Ademola
7. Adetumbi, Olubunmi A.
8. Adeyemi, Smart
9. Adeyeye, Olusola
10. Adokwe, Suleiman A.
11. Agboola, Hosea Ayoola
12. Ahmed, Mohammed Makarfi
13. Ajibola, Simeon S.
14. Akinyelure, Ayo P.
15. Akume, George
16. Ali, Aidoko Atai
17. Alkali, Saidu Ahmed
18. Ashafa, Bareehu Olugbenga
19. Bagudu, Abubakar Atiku
20. Boroffice, Robert A.
21. Chuba-Okadigbo Margery
22. Dahiru, Umaru
23. Dariye, Joshua Chibi
24. Ekweremadu, Ike
25. Emmanuel, Paulker I.

26. Enang, Ita Solomon J.
27. Etok, Aloysius Akpan
28. Eze, Ayogu
29. Galaudu, Isa Mohammed
30. Gemade, Barnabas A. I.
31. Gobir, Ibrahim Abdullahi
32. Goje, Mohammed D.
33. Gumba, Adamu I.
34. Gwarzo, Bello Hayatu
35. Husain, Mudashiru Oyetunde
36. Ibrahim, Bukar Abba
37. Igwe, Nwagu P.
38. Ikisikpo, Clever
39. Jibrilla, Mohammed Bindowo
40. Kunlere, Boluwaji
41. Kure, Zaynab Abdulkadir
42. Lafiagi, Mohammed Shaaba
43. Lanlehin, Olufemi Akinola
44. Lar, Victor
45. Lawan, Ahmad Ibrahim
46. Lidani, Joshua M.
47. Lokpobiri, Heineken
48. Magoro, Mohammed
49. Marafa, Kabir Garba
50. Musa, Ibrahim
51. Ndoma-Egba, Victor
52. Ndume, Mohammed Ali
53. Ngige, Chris N.
54. Nnaji, Gilbert
55. Nwagwu, Matthew Ifeanyi
56. Nwankwo, Christopher C.
57. Nuhu, Shem Zagbayi
58. Obadara, Olugbenga Onaolapo
59. Obende, Domingo A.
60. Odunsi, Kamar Akin Babalola
61. Ogbuoji, Sunny O.
62. Ojudu, Babafemi
63. Pwajok, Gyang Nyam Shom
64. Saleh, Mohammed Sani
65. Sani, Ahmad Rufa'i
66. Saraki, Abubakar O.
67. Sekibo, George Thompson
68. Sirika, Hadi Abubakar
69. Tanimu, Philip Aduda
70. Tinubu, Oluremi
71. Tukur, Bello Mohammad
72. Uba, Andy E.
73. Ugbesia, Odion M.
74. Umar, Abubakar Tutare
75. Usman, Nenadi Esther
76. Uzamere, Ehigie E.

77. Uzodimma, Hope O.
78. Zanna, Ahmed

6. Joint Committee on Judiciary, Human Rights and Legal Matters; and States and Local Government:
Report on the Border Communities Development Agency Act CAP BI0 LFN 2011 Bill 2014 (SB. 143):
Motion made: That the Senate do consider the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and States and Local Government on the Border Communities Development Agency Act CAP B10 LFN 2011 Bill 2014 (*Senator Umaru Dahiru — Sokoto South*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE BORDER COMMUNITIES DEVELOPMENT AGENCY ACT CAP. B10 LAWS OF THE FEDERATION OF NIGERIA, 2004 (ESTABLISHMENT, ETC.) AND FOR RELATED MATTERS, 2014

PART I

Clause 1: Establishment of the Border Communities Development Agency.
The Border Communities Development Agency (Establishment, etc) Act as amended ("The Principal Act") is further amended thus —

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 1 *do stand part of the Bill, put and agreed to.*

Clause 2: Establishment of the Governing Board.
(1) There is established for the Agency a Governing Board which shall provide the general policy guidelines for the day-to-day administration of the Agency and shall comprise —
(a) the Vice President of the Federation, who shall be the Chairman;
(b) the Attorney General of the Federation;
(c) the Ministers responsible for the following —
(i) the Ministry of Foreign Affairs;
(ii) the Federal Ministry of Works;
(iii) the Federal Ministry of Interior;

(iv) the Federal Ministry of Finance;

(v) the Federal Ministry of Water Resources;

(vi) the Federal Ministry of Health;

(vii) the Federal Ministry of Power;

(viii) the Federal Ministry of Agriculture and Rural Development;

(ix) the Federal Ministry of Defence;

(x) the National Planning Commission;

(d) Inspector-General of Police;

(e) Director-General, National Boundary Commission;

(f) Surveyor-General of the Federation;

(g) Director-General, National Intelligence Agency;

(h) Six other persons to represent each of the six geo-political zones;

(i) The Executive Secretary of the Agency who shall serve as the Secretary to the Board.

(2) The persons named in Section 2 (1) (h) and (i) above shall be appointed by the President.

(3) Members of the Board other than ex-officio members—

(a) shall hold office on such terms and conditions as may be specified in their letters of appointment;

(b) shall hold office for a term of four years in the first instance and may be reappointed thereafter for a further term of four years and no more.

(4) With the exception of the Executive Secretary, all members of the Board including ex-officio members shall serve on a part-time basis.

(5) Notwithstanding the provisions of subsection (3) of this section, a member of the Board may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(6) A member of the Board may resign his appointment by a notice in writing under his hand and that member shall, on the date of the receipt of the notice by the President cease to be a member.

(7) An ex-officio member of the Board shall cease to be a member upon vacation of his office on grounds of resignation, retirement from service, redeployment or for any other reason.

(8) Notwithstanding the foregoing provisions of section 3 (3) of this Act, a person shall cease to hold office as a member of the Board if—

(a) he becomes bankrupt, suspends payment or compounds with his creditors;

(b) he is convicted of a felony or any offence involving dishonesty or fraud;

(c) he becomes of unsound mind, or incapable of carrying out his duties;

(d) he is guilty of a serious misconduct in relation to his duties;

(e) in the case of a person in possession of professional qualifications, having been disqualified or suspended (other than at his own request from practicing his profession in any part of the world) by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the President in accordance with section 3 (6) of this Act.

(9) The supplementary provisions set out in the Third Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: **Appointment of Executive Secretary.**
There shall be for the Agency, an Executive Secretary who shall be appointed by the President of the Federal Republic of Nigeria.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: **Appointment of Heads of Departments of the Agency.**
The Governing Board may appoint Heads of Departments for the Agency who shall be professionals in border issues and such other persons to be officers and employees of the Agency to assist the Secretary in the exercise of the functions of the Agency under this Act.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Clause 5: **Funds of the Agency.**
Section 9 of the Principal Act is amended by inserting after paragraph (f), a new paragraph (g) as follows:

"(g) 20% of the Ecological Fund accruable to the Federal Government shall be provided to the Agency for the ecological problems prevalent in most border Communities (*Senator Umaru Dahiru — Sokoto South*).

Amendment Proposed:
Leave out the provision in Clause 5 (*Senator Ahmad I. Lawan — Yobe North*).

Question that the amendment be made, put and agreed to

Question that Clause 5 *as amended do stand part of the Bill, put and agreed to.*

Clause 6: **Interpretation.**
Border Communities" means communities in the local governments of the border states listed in the Third Schedule to this Act, situated within 15 kilometers from the international border with neighbouring countries (*Senator Umaru Dahiru — Sokoto South*).

Amendment Proposed:
Leave out the Provision in Clause 6 and *insert* the following instead thereof:
"Border Communities" are communities in the local governments of the border states situated within 15 kilometers from the international border with neighbouring countries" (*Senator Ita S. J. Enang — Akwa Ibom North-East*).

Question that the amendment be made, put and agreed to

Question that Clause 6 as amended do stand part of the Bill, put and agreed to.

Clause 7: **Short Title.**
This Act may be cited as the Border Communities Development Agency (Establishment, etc.) (Amendment) Bill 2014.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 7 *do stand part of the Bill, put and agreed to.*

THIRD SCHEDULE

(*Section 23*)

Border Communities (States and Local Governments)

1.	Adamawa	
	Fufore	
	Ganye	
	Jada	
	Madagali	

Maiha
Michika
Mubi North
Mubi South
Toungo

2. Akwa-Ibom
Eastern Obolo
Eket
Esit Eket
Ibeno
Mkpat-Enin
Ikot Abasi
Mbo
Urue-Offong/Oruko
Okobo
Udung-Uko

3. Bayelsa
Ekeremor
Southern Ijaw
Brass
Nembe

4. Benue
Kwande

5. Borno
Abadam
Bama
Gwoza
Monguno
Kala Balge
Kukawa
Marte
Mobbar
Ngala

6. Cross-River
Obanliku
Boki
Etung
Akamkpa
Akpabuyo
Bakassi

7. Delta
Warri North
Warri South
Burutu

8. Jigawa
Sule Tankarkar
Yankwashi

Malamaduri
Kaugama
Maigatari
Gumel
Babura
Birniwa
Gagarawa

9. Katsina
Jibiya
Kaita
Mashi
Mai'adua
Daura
Zango
Sandamu
Batsari
Baure

10. Kebbi
Bagudo
Dandi
Arewa

11. Kwara
Baruten

12. Lagos
Alimosho
Badagry
Ikorodu
Ijebu-Lekki
Eti-Osa
Ojo
Epe
Apapa
Kosofe
Amunwo-Odofin

13. Niger
Borgu

14. Ogun
Imeko-Afon
Yewa-North
Ipokia
Egbado South

15. Ondo
Ilaje
Ese Odo

16. Oyo
Saki West
Atiba
Iwajowa

17. Rivers
Akuku-Toru
Degema
Bonny
Andoni
Opobo/Nkoro
Okrika

18. Sokoto
Gada
Gudu
Iliela
Sabon Birni
Tangaza
Isa

19. Taraba
Gashaka
Sardauna
Kurmi
Ussa
Takum

20. Yobe
Machina
Gaidam
Karasuwa
Yusufari
Yunusari

21. Zamfara
Zurmi
Shinkafi (*Senator Umaru Dahiru — Sokoto South*).

Amendment Proposed:
Leave out Third Scheduled (*Senator Joshua M. Lidani— Gombe South*).

Question that the amendment be made, put and agreed to

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and States and Local Government on the Border Communities Development Agency Act CAP B10 LFN 2011 Bill 2014 and approved as follows:

Clauses 1-4	—	As Recommended
Clause 5	—	Deleted
Clause 6	—	As Amended
Clause 7	—	As Recommended
Schedule	—	Deleted

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

7. **Committee on Banking, Insurance and other Financial Institutions:**
Report on the Asset Management Corporation of Nigeria Bill 2014 (SB. 284):

Consideration of Report deferred to another Legislative Day.

8. **Chartered Institute of Treasury Management (Establishment, etc.) Bill 2014 (HB.88):**

Consideration of Bill deferred to another Legislative Day.

9. **Dichotomy and Discrimination between First Degrees and Higher National Diploma in the same Profession/Field Bill 2014 (SB. 433):**

Consideration of Bill deferred to another Legislative Day.

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

Adjourned accordingly at 12.48 *p.m.*

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