



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 20th March, 2019

1. The Senate met at 10:50 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 19th March, 2019.
Question was put and the Votes and Proceedings were approved.
3. **Messages from Mr. President:**
The Senate President announced that he had received five (5) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:
 - (a) **Presidential Decision to Decline Assent:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE NIGERIAN FILM COMMISSION BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 5th March, 2019 to decline Presidential Assent to the Nigerian Film Commission Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill because:

- a. Sections 1(3) (d) & (e) of the Bill conflicts section 2(a) (i), (ii) and (c) of the National Film and Video Censors Board Act which confers functions in relation to film exhibition on the National Film and Video Censors Board;
- b. Section 7(1) (k) of the Bill which states that 1% of the proceeds for television licence from the National Broadcasting Commission shall be paid into a fund to be controlled by the National Film Commission is in conflict with Section 16(1) of the National Broadcasting Commission Act which stipulates the purpose for which expenditure generated by the NBC may be used,
- c. Section 7(2) (d) of the Bill which proposes to divert 5% of VAT on all film related activity to the National Film Development Fund violates Section 40 of the Value Added Tax Act and the sharing formula prescribed therein, because it diverts funds normally distributed to the States of the Federation to a single federal institution.

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

Yours Sincerely,
(Signed)
Muhammadu Buhari

(b) **Presidential Decision to Decline Assent:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE IMMIGRATION (AMENDMENT) BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 5th March, 2019 to decline Presidential Assent to the Immigration (Amendment) Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill due to concerns expressed about the retroactive effective of the provisions of Section 38(5) of the Bill and the impact of the Section on the Ease of Doing Business initiative of the Federal Government as contained in Executive Order One. There are also concerns that if passed into law, the Bill would be disruptive to Nigerians in diaspora if other countries were to reciprocate the provisions of Section 38(5) in their immigration laws.

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

Yours Sincerely,
(Signed)
Muhammadu Buhari

(c) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE CLIMATE CHANGE BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 5th March, 2019 to decline Presidential Assent to the Climate Change Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill because:

- (a) *The spelt-out scope and guiding principles in the Bill replicate the functions of the Federal Ministry of Environment, which is charged with mainstreaming climate responses and actions into government policy, but does not suggest the scrapping of the Ministry.*
- (b) *Setting up the Council as contemplated by Section 2 of the Bill will be unwieldy and expensive to maintain as it will amount to a proliferation of government agencies especially when there are existing agencies already performing the proposed functions.*
- (c) *The Bill as presently submitted lacks legal and draftsman elegance and consists of contradictory provisions and needs significant clarity and harmonization with administrative realities.*

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

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(d) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE CHARTERED
INSTITUTE OF PENSION PRACTITIONERS OF NIGERIA BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 5th March, 2019 to decline Presidential Assent to the Chartered Institute of Pension Practitioners of Nigeria Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill because the objectives of the Chartered Institute of Pension Practitioners of Nigeria created by the Bill are similar to the objectives of the Certified Pension Institute of Nigeria which is already in existence and functional and it would thus amount to duplication of the functions of a separately constituted institute.

Concerns have also been raised in connection with the propriety of a private investigative panel conducting criminal investigations as appear to be suggested by Section 8(1) (a) of the Bill.

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

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(e) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE DIGITAL RIGHTS AND FREEDOM BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 5th March, 2019 to decline Presidential Assent to the Digital Right and Freedom Bill, 2018 recently passed by the National Assembly .

I am declining assent to the Bill because it seeks to cover too many technical subjects in one text and in the process fails to address any of them exhaustively. These areas include surveillance and data protection, lawful interception of communications, data protection and retention etc, which are currently the subject of various bills pending at the National Assembly.

We therefore suggest that the scope of the Bill should be limited to the protection of human rights within the digital environment to reduce the challenge of duplication and legislative conflicts in the future.

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

*Yours Sincerely,
(Signed)*

Muhammadu Buhari

4. Announcement:

Acknowledgment:

The Senate President acknowledged the presence of the Staff and Students of St. Martins Catholic Schools, Dei-Dei, Abuja who were at the gallery to observe Senate Proceedings.

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Barnabas A. I. Gemade (*Benue North-East*) drew the attention of the Senate on the demise of Senator Joseph Kennedy Nyikwagh Waku. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with heavy heart, the death of Distinguished Senator J.K.N. Waku, a Senator of the Federal Republic of Nigeria, who represented Benue North-West Constituency of Benue State between 1999 - 2003, which occurred on the 3rd of February, 2019; at the age of 73;

notes also that Senator J.K.N. Waku was born on 12th June, 1946 at Uvir in Guma Local Government Area of Benue State;

recalls that the late Waku was a prominent member (and Minority Leader) of the Benue State House of Assembly in the Second Republic on the ticket of the defunct Nigerian Peoples Party (NPP) led by the late Dr. Nnamdi Azikiwe;

notes also that during the botched transition programme of the late General Sani Abacha regime, Waku was elected Senator on the ticket of the Congress for National Consensus (CNC) led by Chief (Dr.) Barnabas Gemade;

notes further that late Senator Waku joined the Peoples Democratic Party (PDP) right from the inception of the Party in 1998, and was again elected as a Senator representing Benue North - West Senatorial District;

recalls that he was an active member of the Arewa Consultative Forum (ACF) a northern socio-political lobby group, where he as served its Vice Chairman up the time of his demise;

recalls also that Senator J.K.N. Waku, was at the time of his death a Pro-Chancellor Federal University of Technology Akure and one of the founding members of the Nigerian Institute of Public Relations (NIPR);

observes that Senator J.K.N. Waku who held the traditional Chieftaincy title of Wanbegha u Tiv, amongst others was a successful businessman;

He had lived a life of selfless service to his fatherland;

He was brilliant, courageous and had love for humanity; and

aware that his demise is a great loss to the people of Benue North West Senatorial District in particular, and Benue State, and Nigeria in general.

Accordingly resolves to:

- (i) observe a minute silence in honour of late Senator J.K.N. Waku;
- (ii) send a delegation of this hallowed chamber to condole with his family, the people and Government of Benue State; and
- (iii) urge the Federal Government to immortalize the late Senator J.K.N. Waku, by naming a monument in his honour.

Debate:

One minute silence accordingly observed in honour of the deceased.

6. Committee on Diaspora and Non-Governmental Organizations:

Report on the Confirmation of the Nomination of Honourable Abike Dabiri-Erewa for Appointment as Chairman/Chief Executive Officer of Nigerian Diaspora Commission:

Motion made: That the Senate do receive the Report of the Committee on Diaspora and Non-Governmental Organizations on the Confirmation of the Nomination of Honourable Abike Dabiri-Erewa for Appointment as Chairman/Chief Executive Officer of Nigerian Diaspora Commission (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Question put and agreed to.

Report Laid.

7. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do consider the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Miss Monica Okafor, against the National Biotechnology Development Agency (NABDA), Abuja for alleged wrongful termination of her appointment by the agency; and
- b. Dr. George A. Omoogun, against the Federal Ministry of Science and Technology and the Nigerian Institute for Trypanosomiasis Research for non-payment of his emoluments (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Reports Laid.

8. Motions:

(a) *Withholding of Assent:*

Motion made: That the Senate recalls that the President, Commander-in-Chief of the Armed Forces of the Federation had signified the withholding of his assent of the Federal Polytechnics Act (Amendment) Bill, 2018 (SB. 241) pursuant to section 58(4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended);

notes that the rationale for withholding the assent borders on the observation of Mr. President on clauses 3 and 16 of the Bill as follows:

- (a) Section 16(1)(2) of the Amendment Bill, which subjects the removal of Governing Council Members and Rectors of Polytechnics to the approval of the Federal Executive Council as a body, instead of the President's approval as is obtained in the Principal Act will make the removal process more administratively cumbersome;
- (b) Section 3(f) of the Amendment Bill which lists membership of the Governing Council of Polytechnics as consisting of representative of the Ministry or a regulatory body is not acceptable as this may ultimately jeopardize the supervisory role of the Ministry of the Council. It is desirable that the Ministry's presence on the Council is clear and unambiguous; and

notes that a Technical Committee of the Senate and House of Representatives has looked into Mr. President, Commander-in-Chief of the Armed Forces of the Federation observations.

Accordingly resolves to:

refer the Bill to the Committee of the Whole for consideration and passage (*Senate leader*).

Debate:

Proposed Resolution:

Question: That the Senate do refer the Bill to the Committee of the Whole for consideration and passage — *Agreed to.*

Resolved:

That the Senate refer the Bill to the Committee of the Whole for consideration and passage (*S/Res/069/04/19*).

Federal Polytechnics Act (Amendment) Bill, 2018 (SB. 241):

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 FEDERAL POLYTECHNICS ACT (CAP F17, LAWS OF THE FEDERATION OF NIGERIA, 2004), TO REVIEW THE RETIREMENT AGE OF STAFF OF FEDERAL POLYTECHNICS, HARMONIZE THE TENURE OF THE OFFICE OF THE RECTOR AND OTHER PRINCIPAL OFFICERS OF THE FEDERAL POLYTECHNICS IN NIGERIA AND FOR OTHER RELATED MATTERS, 2019.

Clause 1: Amendment of Section 3:

3(2)(f) one person of representing the Federal Ministry of Education.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Amendment of Section 16:
Delete, and retain as in the Principal Act.

- (1) If it appears to the Council that a member of the Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President, and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall, in writing, declare the office of such member vacant.

Delete, and retain as in the Principal Act.

- (2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the polytechnic that such member should continue as a member of the Council.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, 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 a Bill for an Act to Amend the Federal Polytechnics Act (Cap F17, Laws of the Federation of Nigeria, 2004), To Review the Retirement Age of Staff of Federal Polytechnics, Harmonize the Tenure of the Office of the Rector and Other Principal Officers of the Federal Polytechnics in Nigeria and for Other Related Matters, 2019 and approved as follows:

Clauses 1- 2 — As Recommended

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

- (b) ***The militarization of the Nigerian Electoral Process and the inconsistent application of Electoral Laws by the Independent National Electoral Commission (INEC):***

Motion made: That the Senate is conscious of the need to grow our nascent democracy through the institutionalization of procedures, application of civil laws and the restriction of excessive use of military force in the civil affairs of the state;

aware of the growing militarization of our nations electoral process, and the inconsistent application of electoral laws by the institutional umpire - the Independent National Electoral Commission (INEC), especially as witnessed in the recent national elections 2019, where the presence of the use of extreme military force akin to a war campaign was applied in electoral polling stations, and the declaration of 'inconclusive elections', as a term - being used inconsistently, and partially at the whims of electoral officers in occasions that appear solidly as similar cases;

concerned that this extreme militarization of a democratic electoral process, and the inconsistent application of electoral laws by Independent National Electoral Commission (INEC) in matters of national elections - pose serious threats to our democracy, and has security implications that must be nipped in the bud; and

persuaded that the nation is on the edge of a precipice, and our democracy can be saved for future posterity, if only we can build strong institutions that can operate within established laws, and with our military forces restricted to their traditional roles of defending the nation.