



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

Tuesday, 26 February, 2008

1. The Senate met at 2.20 p.m. The Senate President read prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings (2) of Wednesday, 20th February, 2008 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. Message from Mr. President:
The Senate President announced that he had received two letters from the President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, which be read as follows:

(A)

PRES/134

*Distinguished Senator David
Mark, President of the Senate,*



February 25, 2008

PRESIDENT,

FEDERAL REPUBLIC OF NIGERIA

*National Assembly Complex, Three
Anns Zone, Abuja.*

Ex and dear brother,

**RE: REQUEST FOR CONFIRMATION OF APPOINTMENT OF 27
MEMBERS OF THE FEDERAL CHARACTER COMMISSION**

Further to my earlier letter to you Ref. PRES/J34 dated 22nd October, 2007 on the above subject matter and in execution of the Powers conferred on me by Section 154(1) of the 1999 Constitution, I hereby substitute the name of (Lady) C. G. O. Nzelibe from Anambra State with Veronica Ukamaka Ebenebe.

The Curriculum Vitae of the nominee is attached herewith.

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*I would appreciate the usual expeditious **consideration** of the nomination by the Distinguished Senate, please.*

Yours most sincerely,

Signed: **UMARU MUSA
YAR'ADUA**

(B)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

PRES/I34

22nd February, 2008

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

Ex and dear brother,

RE: THE APPROPRIATION BILL 2008

1 refer to your letter No. NASS/CAN/115/VOL. 21/66 of February 20, 2008, conveying the above Bill to me by the National Assembly for my signature.

I would like, first to congratulate the leadership and members of the National Assembly for the mature, diligent and committed way in which work on the 2008 Budget has progressed so far. 1 am sure we will all be judged well by history as helping to lay the foundation for a strong, stable and sustainable democracy for our country¹.

*After a careful examination of the **Bill**, 1 would **like to** urge the members of the National Assembly to consider it in the following critical areas:*

1. *Tire N28.33 billion shown as Special Presidential **Intervention** to the NDDC should be shown rather as Presidential Infrastructural **Intervention** in the Oil Producing States, as earlier conveyed by the Minister of Finance's letter dated December 22, 2007 (copy attached as Annex I).*
2. *Clause 13 requiring the Finance Minister to obtain the approval of the National Assembly before any expenditure vote is reduced, even in the event of revenue shortfalls, should be deleted.*
3. *The increase in the recurrent allocation for the Defence Forces amounting to N26.164 billion should be adjusted to N22.198 billion. the detailed breakdown of the increase required for the Defence forces is attached as Annex II.*
4. *National Assembly Budget:
(a) **Recurrent Expenditure-this has been increased by 78%.** While appreciating the reasons for some **increase**, especially due to the effort to ensure that no National Assembly Committee seeks the financial assistance of any MDA before embarking on any oversight function, I still believe that an increase of 78% is far too high. In this respect, I would like to advise **that** the overall increase is kept to no more than 20%.*

- (b) *Capital Budget - I am informed by the Hon. Minister of Finance that the reasons that the National Assembly is asking for an increase here include:*
- (i) *that the sum of N7 billion was relumed unspent out of the 2007 capital budget of the National Assembly, and*
- (ii) *that the new National Assembly building will require a considerable amount of furniture and equipment.*

Recognizing the validity of the above reasons, it is quite reasonable to increase the capital budget of the National Assembly from N6.6 billion in the draft budget I submitted to you to a total of N15 billion.

Furthermore, in line with the principle of the separation of powers, I would like to leave it to the National Assembly to determine its priorities in allocating the sum of N15 billion, as well as to set up its own due process mechanism. I will, moreover, instruct the Finance Minister to effect releases of all monies due to the National Assembly subject to the availability of funds and in line with proper budgeting and accounting standards.

5. *Ministry of Transportation (FMOT) - I would want the N21.5 billion added to the recurrent vote of the FMOT of which, I am informed, N18 billion is for FERMA, to be removed. This is partly because we have concerns about the executive capacity of this agency as well as the procedure adopted for such an increase.*
6. *Other Specific Expenditure Increases: the increase to the National Sports Commission (109% - recurrent: 714% - capital), Justice (148%), Code of Conduct Bureau (998%) and Police Service Commission (662%) should also be eliminated for the reasons given in paragraphs 5 above and 7 below.*
7. *General Capital Increase to the Capital Budget of the Executive Arm of Government - this has been increased overall by over N2S5.3 billion. My proposal here is that all the amount realized from the increase in the benchmark price from my proposed US\$53.83/barrel to the National Assembly's figure of US\$59/barrel should be used wholly to eliminate the proposed deficit in the 2008 Budget.*

This will not only make the 2008 Budget balanced and more realistic but will create more room and opportunity for more informed capital spending especially on infrastructure under the Supplementary Budget that I intend to submit to you very soon. This will also provide both the Executive and the Legislature with an opportunity for greater dialogue and consultation, in order to arrive at, and agree on, capital spending priorities, well before I formally submit the supplementary budget proposals for your consideration.

8. *Federal Government Independent Revenue — I notice also that this has been increased, by about N100 billion. As the basis for such an increase is not yet available, it is difficult to appraise it. It is quite debatable, however, that such an increase can be achieved within a single year.*

I advise nevertheless that this also be discounted for now, so that it can, along with other possible additional revenue sources, be discussed and agreed in the context of how to find the supplementary budget.

I will like to conclude, Your Excellencies, the Senate President and Mr. Speaker, by thanking you very much for the cooperation that I have enjoyed not only from you but also from your membership. It is my hope that this spirit of cooperation will prevail and flourish in our effort to enthrone deep respect for, and abidance by, the Constitution, rule of law and accountability not only for the growth of democracy in Nigeria but also to the eternal benefit of the Nigerian people.

Yours most sincerely,

**Signed: UMARU MUSA
YAR'ADUA**

Appendix I



FEDERAL MINISTRY OF FINANCE

Office of the Honourable Minister

P.M.B 14, Gorki,
Central Area,
Abuja, Nigeria.

2340932
_2346928
Fax: 09 - 2340903

December 22, 2007

The Distinguished Senator,
Alh. Ahmed **Makarfi**,
Chairman,
Senate Committee on Finance,
National Assembly,
Abuja.

Please recall our discussion of yesterday. I hereby confirm to you **that** the correct figure for the statutory provision to NDDC, under the NDDC Act No,6 of 2000, is as follows:

As proposed **in** the 2008 Appropriation Bill submitted to the National Assembly:

	N billions	N' billion
1. Federation Account Main Pool		3,758
of which:		
a. Share of All State Governments	1,004	
b. Share of NDDC States	236.7	

Thus the statutory contribution by the FGN to NDDC, which is 15 % of N236.7 billion, amounts **to** N35.5 billion. The error arose from the work of the technical expert who prepared the spreadsheet where, as in the attached page of the spreadsheet, the calculation was based on row **A39**, instead of **A40**.

Mr. President has directed, **furthermore**, that while the statutory allocation to NDDC under the law should be reflected correctly as N35.5 billion, **the** difference of N34.4 billion (between the NDDC figure of N69.9 billion **in** the draft Appropriation **Bill forwarded to** the National Assembly and the corrected figure of N35,5 billion) should still be appropriated as Special Intervention Funds by the Federal Government **in** the Niger Delta.

I will like to put here on record the very positive and cooperative way that the Joint Finance Committee has been working under your able leadership to ensure that we **all**, whether Executive or Legislature, should be working in the common **interest** of Nigeria.

Please accept the assurance of my highest regards,

Signed: Dr.
Shamsuddeen Usman (OFR)
Minister of Finance

Appendix II Ministry of

Defence Operations	N8,163,462,905
Requirement	\$123,246,069
Operations Allowance Add US \$ Component of	N14,419,790,073.00
Naval Patrol of Coastal Area	N435m per quarter
	N1,740,000,000.00
Totaling Pre-enumeration of Mine	N500.000,000.00
Victims	N24,823,252,978.00
	<u>N2,625,000,000.00</u>
Less TOTAL	N22,198,252.978.00

4. **Announcement:**

That the Senate President acknowledged the presence **of Staff and** Students of the following schools who were in the gallery to observe Senate Proceedings:

- (i) **Our** Lady of Apostles Girls College, Akwanga, Nasarawa State; and
- (ii) Federated Union of **Edo** State Students, Federal Polytechnic, Bida, Niger State

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

The President

Senate of the Federal Republic of Nigeria

REMARK BY HIS EXCELLENCY, THE PRESIDENT OF WE SENATE, DISTINGUISHED SENATOR DAVID A. B. MARK TO THE SENATE ON THE outcome OF THE DECISION OF THE ELECTION PETITION TRIBUNAL ON THE BENUE SOUTH SENATORIAL DISTRICT APRIL 2007 ELECTION

Your Excellency, The Deputy Senate President,

Your Excellency, The Senate Leader,

Other Principal **Officers** of the Senate,

Distinguished Senators of the Federal Republic of Nigeria,

It is amidst high hopes for the deepening of the democratic tenets **in** our nation's body polity that I speak to you today on the outcome **of the** decision of the Election Petition Tribunal on the Benue South Senatorial District seat.

Distinguished Colleagues, you would recall **that** it was in this very hallowed Chamber that the Electoral Act 2006 was passed and subsequently assented to by MR President. That very law you would further recall, provided for the establishment **of Election** Petition Tribunals and Appeal Courts to hear complaints and petitions **that** might arise at the end of Elections conducted by the Independent National Elections Commission [INEC].

Expectedly, at the end of the April 2007 elections, appropriate Tribunals were accordingly constituted in accordance with the provisions of that Law. Since then, a number of results as declared by INEC have become subject of litigation in these Tribunals across the nation.

In the case of the Benue South Senatorial Scat which by the grace of God and by the mandate of the good people of that constituency I represent in this hallowed Chamber, the April 2007 election was challenged by my younger brother and flag bearer of the AH Nigeria Peoples Party (ANPP).

Last Saturday, the 23rd of February 2008, the Benue State Election Petition Tribunal sitting in Makurdi delivered it's ruling on that petition.

As a true democrat and the savant of the custodians of the highest law making body of the nation, it behooves me to make one or two remarks. The first is that in keeping with the present Administration's avowed commitment and determination to be governed by the Rule of Law, I have decided to appeal against the ruling of the Election Petition Tribunal. In doing so, I act with the absolute conviction that the Judiciary remains the last hope of any party to a legal dispute particularly where miscarriage of justice is deemed to have occurred.

As a product of a due legal process, my hope and belief on the Judiciary as the beacon of any true democracy remains unequivocal and unshaken. To that extent, I remain prepared to submit myself to the pronouncement of the relevant tribunals and courts of the land without also wavering in my right to exhaust all legal avenues available to me.

Secondly, I wish to particularly express my profound gratitude and appreciation to the numerous Nigerians from all works of life in and out of this country, who have personally visited or called to express their support and solidarity. They are too numerous to name individually but suffice here to mention just a few which includes the President and Commander-in-Chief, Alhaji Umaru Musa Yar'Adua and the First Lady, Mrs Tura 'i Yar'Adua; the Vice President, Dr. Jonathan Goodluck and his wife, Mrs Patience Goodluck; former Presidents, the Speaker of the House of Representatives, Hon. Dimeji Bankole and the Leadership of the House of Representatives; the Deputy Semite President and my Distinguished Colleagues, my bosses, Senators of the Federal Republic, of Nigeria and their families; Executive Governors; Honourable Ministers; Members of the Diplomatic Missions and Intel national Communities; Elder Statesmen; the Labour Unions; State Assembly Members; Religious Leaders; Media Practitioners; Traditional Rulers and Nigerians with different political persuasions.

I am encouraged and humbled by these visits and immeasurable support. It has further reinforced my desire to do all that I can to uphold and preserve the integrity and independence of the Senate in particular and the National Assembly in general.

Finally, I wish to assure my Distinguished Colleagues that, I will continue to remain focused, transparent, honest and God fearing in the discharge of my constitutional duties and responsibilities. I further wish therefore to express my profound gratitude and appreciation for the immeasurable support thus far enjoyed.

Once more, I wish to express my appreciation to you my colleagues and bosses for your tremendous support and the confidence reposed in me. I pray that together we shall continue to move this nation forward through legislative works and actions.

Thank you for your attention and May the Good Lord continue to guide and lead us aright.

*Signed: Senator
David A. B. Mark
President of the Senate*

6. **Personal Explanation:**

Rising on Rule 43, Senator Felix K. Bajomo invited the attention of she Senate on the demise of the Olu of Ilaro and Paramount Ruler of Yewaland, His Royal Majesty Oba (Dr.) Samuel Adeniran Adekanmbi Telia Agbenuaran III who passed on, on Wednesday, 20th February, 2008 at the ripe age of 86 years.

The Senate noted the demise of Olu of Ilaro and Paramount Ruler of Yewaland, His Royal Majesty Oba (Dr.) Samuel Adeniran Adekanmbi Telia Agbenuaran HI.

13. **Committee on Finance:**

Customs, Excise Tariff, Etc (Consolidation) Act (Amendment) Bill 2008 (HB. 01):

Consideration deferred to another legislative day.

14. A Bill for an Act **to** Repeal the National Inland Water Ways Authority Act No. 47 2004 and to Re-Enact the National Inland Water Ways Agency to provide for among other things the Regulation, Management, Directions and Control of the Inland Water Ways for Navigation and Provision of River Ports Services and Other Connected Purposes 2008 (SB. 02)

Consideration deferred to another legislative day.

15. **Adjournment:**

*Motion made and Question Proposed: That the Senate **do** adjourn till Wednesday, 27th February, 2008 at 10:00 a.m. (Senate Majority Leader).*

Adjourned accordingly at 4. 40p.m.

David A. B. Mark, GCON

President of the Senate