



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8 January, 2008

1. The Senate met at 10.45 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings (2) of Tuesday, 18th December, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Messages 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 he read as follows:
(A)

11 December, 2007

PRES/134

Senator David Mark, President of the
Senate, Senate Chambers, Three Arms
Zone, National Assembly Complex,



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

Abuja.

Excellency and Dear Brother,

REQUEST FOR CONFIRMATION OF APPOINTMENT
OF PROFESSOR SHU'AIBU OBA ABDULRAHEEM
AS CHAIRMAN, FEDERAL CHARACTER
COMMISSION (FCC)

The Federal Character Commission (FCC) is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part 1 (C) of the Third Schedule of the 1999 Constitution, the Commission shall comprise a Chairman and one person to

represent each of the States of the Federation and the Federal Capital Territory, Abuja. A vacancy has now arisen in the composition of the Commission following the death of the former Chairman of the Commission, Alhaji Kofar Bai early this year.

I have therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria, decided to appoint Professor Shu 'aib Oba Abdulraheem whose Curriculum Vitae is attached hereto as Chairman, Federal Character Commission.

In accordance with the provision of Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria which states that the appointment shall be subject to confirmation by the Senate, I hereby present the nomination of Professor Shu'aib Oba Abdulraheem for confirmation, by the Senate.

Kind regards.

Signed: UMARU
MUSA YAR'ADUA

(B)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

December 24, 2007

The President of the Senate,
Senate Chambers, National
Assembly Complex, Three Arms
Zone, Abuja.

Excellency and Dear Brother,

BILL ON THE EXECUTED AGREEMENT ON AVOIDANCE OF
DOUBLE TAXATION AND PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES INCOME AND CAPITAL GAINS
BETWEEN NIGERIA AND SOUTH KOREA

I forward herewith, for your kind attention, the above stated Bill.

It is my hope that it will receive the usual expeditious consideration and passage into law by the Distinguished Senate of the Federal Republic of Nigeria.

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

Best regards.

Signed: UMARU
MUSA YAR'ADUA

4. Remarks by the Senate President.



The President,
Senate of the Federal Republic of Nigeria

REMARK BY HIS EXCELLENCY THE PRESIDENT OF THE SENATE, DISTINGUISHED SENATOR DAVID A. B. MARK AT THE RESUMED SITTING OF THE SENATE AFTER THE SALLAH, CHRISTMAS AND NEW YEAR BREAK ON TUESDAY, 8TH JANUARY 2008

Your Excellency, The Deputy Senate President, Your Excellency, The Senate Leader Your Excellencies, Principal Officers of The Senate, Distinguished Colleagues,

It is with the deepest sense of gratitude to God Almighty that I heartily welcome you back from your well deserved working Sallah, Christmas and New Year break. I am pleased to note and observe that during the break, we have individually and collectively received God's blessings and protections in our various chosen abodes and engagements. It is my sincere hope that we have returned to this hallowed Chamber reinvigorated to continue and carry on with the pursuit of our pledge and commitment to the people of this country.

Obviously, our first point of call shall be to put finishing touches to the passage of the 2008 Appropriation Bill to pave way for the effective commencement of the implementation of the Budget.

I wish to appreciate and thank in a special way, all our Committees for the effort and commitment to ensure the speedy passage of the Appropriation Bill in the period that preceded and during the break. We must now work round the clock to crown our effort.

Let me also commend and welcome back, the Amirul Hajj and Senate Leader, Distinguished Senator Folarin for a very successful outing. I wish on behalf of the Senate to thank the President and Commander-In-Chief, His Excellency, Umaru Musa Yar'Adua for giving one of us the opportunity to serve the nation in such a spiritual capacity. We acknowledge with warmth, the selfless dedication and commitment of the Leader towards the success of the 2007 Hajj and therefore congratulate you for being a worthy ambassador. In the same token, I congratulate all our Distinguished Colleagues who performed the last pilgrimage and for giving the leader the enabling support to succeed in the assignment. It is our prayer that the reward and blessing of the Hajj shall abide in us and the nation at large.

Permit me also to bring to the attention of my Distinguished Colleagues that during the break, I also had the privilege of attending the Conference of Speakers and Presiding Officers of the Commonwealth in London. During the Conference, topical issues that engaged the attention of participants include:

- (a) Privilege and the Right of reply;*
- (b) Keeping order and fostering decorum;*
- (c) Standards and ethics for Parliamentarians; and*
- (d) Parliament's relations with the public.*

During the Conference, colleagues from other Commonwealth member nations had the opportunity of comparing notes and sharing ideas on the aforesaid themes, and far reaching decisions that would stabilize democracy and strengthen the Parliament in our respective countries were reached. I wish to thank my distinguished colleagues who at very short notices, took off time from their period of rest to accompany me to the Conference.

At the international scene, our country shall in a few days join some other African nations to compete for the Cup of Nations. I wish to enjoin all our nation's representatives to acquit themselves as creditably as always. On our part, the National Assembly shall continue to accord sports the support that is required to enable our nation excel in all international competitions and outings.

Let me also use this opportunity to call upon our colleagues Parliamentarians in Kenya to intervene in the current dispute so as to bring to an end, the avoidable loss of lives that has accompanied the Presidential elections. Even though we respect the right of Kenyans as a sovereign nation and do not intend to interfere in what is truly an internal affair of that nation, we are pained and saddened by the colossal loss of lives that is being reported in a sister African nation that has had a reputation for peace and tourism. To that effect, I wish to strongly appeal to the various parties and interest groups to return to the round table with a view to restoring normalcy in that nation.

Back here at home, I wish to appeal to my Distinguished Colleagues to breast up to the issue of constitutional amendment which for now remains a fundamental challenge that confronts us as a Parliament in keeping with Section 9(2) of the 1999 Constitution. It is now a notorious fact that such issues as creation of Local Governments, State and boundary adjustment, immunity clause, issue of State Independent Electoral Commission, Power rotation, State and Local Government Joint Account etc have continued to agitate the minds of our citizens and we can no longer shy away from such a vital constitutional responsibility.

As we settle down to pass the Budget, I wish to remind us of the need for the various Committees to take their oversight functions very seriously so as to ensure that the spirit and intent of the National Assembly as enshrined in the Appropriation Act are implemented faithfully by all Ministries and Agencies.

You may recall that it became necessary for the National Assembly to consider and approve Supplementary Budget in the last quarter of 2007.

It was also our position that funds appropriated should be expended within the year of appropriation and not carried over or warehoused.

Therefore in the spirit of living by example and in pursuit of accountability and transparency to the fullest, we had to return to the treasury the capital funds appropriated to the Senate in the 2007 Supplementary Budget.

It is unfortunate that the funds were not released to the Senate until 31st December 2007 knowing fully well that all unspent funds have to be returned to treasury by that date. In accordance with the Fiscal Responsibility Act we also know that due process must be complied with in incurring any expenditure. As Lawmakers we were not therefore prepared to breach the standards set to ensure proper accountability and transparency in the conduct of Government business.

It is our hope that other arms of Government have similarly complied with this principle and in order to ensure and sustain compliance, I wish to implore His Excellency, the President and Commander-in-Chief to effect the establishment of the Fiscal Responsibility Commission as provided for by the enabling Act.

Distinguished Colleagues, I wish to commend the Media for the role it has been playing to get the populace informed about our activities. May I appeal for a sustained cooperation and partnership from the media whose role expectation in the stabilization of our democracy cannot be over emphasized.

On our part, I have resolved to resist the temptation of preaching any form of sermons from this seat believing that the nature of Bills that would be passed by this Senate would best speak for the Senate. Our resolve and determination towards a new hope, a new dream, a new dawn and a new era that is people focused and people oriented remains unshaken and our Bills would speak for us.

On this note, I once more warmly welcome you back from your break and wish us all a very eventful task of Legislative activities in this New Year with a reassurance to Nigerians that the ordinary citizen on the street shall remain the centre piece of our legislative agenda.

Thank you and may God continue to bless our efforts.

Senator David A. B. Mark
President of the Senate

5. Personal Explanation:

Rising on Rule 43, Senator Zaynab A. Kure invited the attention of the Senate to the Bill on Certain Political, Public and Judicial Office Holders (Salaries and Allowances etc) referred to the Committee on Thursday, 13th December 2007 for further legislative actions. She stated that the Committee could not conclude the assignment due to series of adjournments during the period and urged the Senate to grant it more time to conclude the assignment and report as directed.

Debate:

By leave of Senate, the Committee was granted additional one week extension within which to conclude the assignment and report as mandated.

6. Presentation of Bills:

- (i) National Sports Commission Act (Amendment) Bill 2008 (SB. 23) — *Read the First Time.*
- (ii) Anti-Torture Commission (Establishment, etc) Bill 2008 (SB. 25) — *Read the First Time.*
- (iii) Environmental Pollution Tax Commission (Establishment, etc) Bill 2008 (SB. 26) — *Read the First Time.*
- (iv) Nigerian Christian Pilgrims Commission Act (Amendment) Bill 2008 (SB. 30) — *Read the First Time.*
- (v) National Communications Commission Act (Amendment) Bill 2008 (SB. 32) — *Read the First Time.*
- (vi) National Fire Administration (Establishment, etc) Bill 2008 (SB. 35) — *Read the First Time.*

7. Personal Explanation:

Rising on Rule 43, Senator Iyiola Omisore informed the Senate that the Committee on Appropriation could not report as directed because the Committee on Finance and the Federal Ministry of Finance were yet to conclude work on the Revenue Profile of the 2008 Appropriation Bill.

He therefore urged the Senate to grant the Committee additional time to conclude its report for onward presentation to the Committee of Supply.

Debate:

Ruling from the Chair:

The Committee on Appropriation was directed to conclude the assignment and report back on Tuesday, 16th January, 2008.

8. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 9th January, 2008 at 10:00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 11:20 a.m.