



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 16th May, 2006

1. **The Senate met at 10. 20 a.m. The President read Prayers.**
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 1 lth May, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

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



***The President, Senate of the
Federal Republic of Nigeria***

**TEXT OF REMARK BY SENATOR KEN NNAMANI, PRESIDENT.
SENATE OF THE FEDERAL REPUBLIC OF NIGERIA. ON
TUESDAY, MAY 16, 2006 DURING DEBATE ON
THE FLOOR OF THE SENATE ON PROPOSED
AMENDMENT TO THE 1999 CONSTITUTION.**

"Protecting Legislative Due Process"

Distinguished Senators, I take the liberty to open today's deliberation on the amendment of the constitution with a brief statement. First, let me sincerely thank every distinguished Senator who has spoken during this debate. Your decorum and intelligent reflections on the issues before the nation reassure Nigerians that, in spite of the turbulence and traumas of building and sustaining democracy in Nigeria, the future of democracy appears bright. The future seems bright because this upper legislative house is filled with statesmen and women who understand that when the nation is passing through a crisis it is time for courage, heroism and sacrifice. Every one of us understands the challenge of this moment and the need to rise above partisan and alleged pecuniary considerations in making our decision.

Distinguished Senators, while welcoming you to plenary session on January 17, 2006, I observed that the proposed constitutional amendment has put the searchlight on the National Assembly, especially the Senate.

/ reminded colleagues of our responsibility to uphold the democratic rights of Nigerian citizens and strictly apply the procedures and principles in the Constitution and the Standing Rules of the Senate. I want to reaffirm to every distinguished Senator that I will, at all times, strictly apply these procedures and principles. I will stick to constitutional due process because that is the trust I received from every Senator on April 5, 2005, when I was elected to preside over this Senate. A democratic society requires that those entrusted with political power uphold democratic procedures established by the constitution and norms of equity, transparency and fairness.

I have thought carefully about the process and the politics of amending the constitution. I have come to the conclusion that the historic responsibility which the Almighty God has placed on my shoulders as the President of the Senate at this moment in our history is to uphold truth, justice and the principles of the rule of law. Democracies survive when citizens believe that the state can give them justice. Justice is not the assurance that you must win in your cause, but the assurance that the rules will be applied fairly. In a democracy, every political faction requires an assurance that its cause will be treated fairly and justly by those who exercise political power. As long as this assurance is not betrayed political conflicts can not fatally derail democratic governance.

I want to refer us to the recent crisis of democracy in the United States. In 2000, the US democracy was put on trial because of an election that was fundamentally flawed. The confrontation between party chieftains was violent and feverish. But, as long as the Supreme Court- the highest institution of the rule of law-decided the matter according to legitimate processes, the political crisis was easily contained. I recall Prof. Larry Tribes, the lawyer to Democratic Presidential Candidate, Al Gore, disagreeing with the reasoning of the US Supreme Court but affirming his acceptance of its decision. Some Americans believed that the Supreme Court erred in its decision, but nevertheless, accepted that the contest was resolved democratically. The Supreme Court, just like this Senate, resolves a political conflict democratically when it transparently follows laid down procedures and principles of justice. If the US Supreme Court had wantonly abandoned its rules of procedure in managing the electoral crisis, it is doubtful if the crisis would have been well managed. If there is no transparency there is no legitimacy. And without legitimacy, a republic is likely to come to ruins.

As a democrat, I believe that the core of democracy is legitimacy. Legitimacy is secured by publicity and fairness. As a presiding officer of this upper legislative house one of my responsibilities is to ensure that our decisions are legitimate. It is to secure the legitimacy of legislative process that I authorised the public broadcast of every deliberation relating to the amendment of the constitution.

Today, every decision of this Senate on the amendment of the constitution is in the full glare of Nigerians who gave us the mandate to represent them and whose constitution is being amended. Today, every decision of this Senate is made according to procedures in the constitution and the Standing Rules of the Senate. We are following due process because we want to ensure that Nigeria survives this crisis. We are following due process because without due process, political conflicts easily graduate to political warfare. I will continue to strictly follow the letters of the Constitution and Senate Rules as long as I preside over this congregation of senior citizens. This is, perhaps, the only way we can save the nation from the crisis of political succession.

Distinguished Senators, now that we are at the threshold of concluding this historic debate on the proposed amendment to the constitution, I urge every Senator to rise up to the challenge of patriotism. We should not become political entrepreneurs who pander after personal gains, but rather delegates and trustees of the people who will preserve democratic governance. Let us remain guided by the highest ideals of legislative democracy. Let us protect democratic procedures no matter where our votes fall. In this circumstance, the process is more important than the result.

I remain resolved to continue to guarantee transparency, publicity and fairness in every process of this constitutional amendment. I pledge to continue to ensure that every Senator says his mind and votes his mind. I totally pledge to strictly follow legislative due process in amending the constitution. Regardless of how the votes are cast, I will not short-circuit any of the provisions of our Standing Rules or the Constitution.

Senator John McCain in his recent book, "Why Courage Matters: the Way to a Braver Life " states "that courage is not the absence of fear, but the capacity for action despite our fear".

Let us do our duties to Nigeria with pride and with courage.

Signed:

Senator Ken Nnamani

President

Senate of the Federal Republic of Nigeria

4. Announcements:

(A) The Senate President acknowledged the presence of the under-listed who had come to observe Senate proceedings from the gallery:

- (i) Chief Bisi S. Akande — ' Former Governor of Osun State
- (ii) Chief Segun Osoba — Former Governor of Ogun State
- (iii) Chief Niyi Adebayo — Former Governor of Ekiti State
- (iv) Chief Lam Adesina — Former Governor of Oyo State
- (v) Chief Audu Ogbeh — Former Chairman, PDP
- (vi) Chief Tom Ikimi — Former Minister of External Affairs
- (vi) Chief S. Oyedokun — Former Deputy Chairman South-West (PDP)
- (vii) Chief Yomi Edu — Former Minister
- (viii) Chief Funke Adedoyin — Former Minister

(B) The Senate President read the following letters:

(i)



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(Aji Sudani of Dikwa) and Upstream Petroleum.
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16th May, 2006.

Your Excellency, Senator Ken
 Nnamani, **President** of the
 Senate, Federal Republic of
 Nigeria

Sir.

NOTIFICATION OF MY DECAMPMENT FROM THE ANPP TO THE PDP

I would like to officially notify you and my entire colleagues, that last Saturday (13th of May 2006), I have decamped along with the majority of people in my constituency, from the All Nigeria People Party (ANPP) to the People Democratic Party (PDP).

Our decision to do so was necessitated by the fact that the ANPP has fragmented beyond redemption in spite of all efforts that my colleagues and I, have made to reconcile its warring factions. As you are all aware, at the end last March, the Jerry Oseni faction and the Don Etiebet faction held separate NEC Meetings (only a day apart) in Abuja and in Maiduguri respectively. At the Maiduguri event, the entire National Executive Committee and the Board of Trustees of the party were claimed to have been dissolved and replaced by a Caretaker Committee under Senator AH Modu Sheriff, the governor of Borno State -something that the Jerry Oseni faction and most people have refused to accept because due process was not followed.

Consequently, I thoroughly explained to my colleagues in the Minority Parties Senate Caucus, the decision that I have reached along with my constituents before I voluntarily resigned from holding the office of the Senate Minority Whip last Thursday, the 11th day of May, 2006.

While thanking my entire colleagues for giving me the rare opportunity of serving as Principal Officer of the Senate for almost two years, I would like to urge those that I leave behind at the Minority Wing of this Hollowed Chamber, to continue with the good work of providing constructive opposition that guarantees the checks and balances required in vibrant democracies.

Yours Truly,

Signed:

Senator Muhammed Abba Aji



Senator Muktar A. Mohammed (Aruwa)

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The President,
Senate of the Federal Republic of Nigeria,
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PMB 141,
Abuja.

Mr. President,

THREAT ON MY LIFE AND WHERE I STAND ON THE THIRD TERM ISSUE

I write to formally inform you by extension the Senate of the Federal Republic of Nigeria, and to express my heartiest appreciation to Allah (SWA) for His protection in particular saving my life from the hands of four uniform assassins at 8.30 p.m. Sunday the 14th day of May 2006. On the said Sunday at about 8.00 p. m. I noticed a Peugeot Station wagon whose plate number was not readable occupied by 2 men in Mobile Police uniform and 2 in Nigeria Army camouflage type uniform trailing my car from stadium roundabout, Kaduna right through railway station market before the Command Junction. When my car slowed down to negotiate turning into total filling station command junction they drove past.

As I drove to my farmhouse, I was ambushed by this same men at the rail crossing less than one kilometer to my farm house gate. Off course the hands of God saved my life and the two people I had with me in the car from the bullets. The vehicle is left bullets ridden for which I remain grateful.

In this respect, it is my firm believe and conviction that the attempt on my life is no doubt a threat to frighten me to change my position by the desperate proponent of third term agenda.

If it is the will of Almighty Allah for me to die in the course of speaking for the voiceless by rejecting perpetuation, elongation, or extension of office and by or what ever name is called I have no regret as death itself is a process of renewal created by Almighty Allah. Even if Allah will it for me to die in this process I remain thankful to him (Allah) and my vote is still no to third term.

Kindest regards.

Signed:

Senator Muhtar A. Mohammed (Aruwa) MNIM

Walin Hadejia/Marafan Nasarawa

May 16, 2006.

5.

Personal Explanation:

Invoking on Rule 43, Senator Victor K. Oyofe drew attention of the Senate to the burning of the compound of Chief Raymond Dokpesi at Agenegbode. He stated that he had made several inquiries on the arson and was reliably informed that the fire started from an electrical fault in one of the buildings. He noted that the fire incident had nothing to do with his continued coverage of the on-going constitutional amendment debate at the National Assembly.

Privilege:

Rising on Rule 14, Senator Umaru Dahiru drew attention of the Senate to a letter found in his pigeonhole captioned "You must Vote to move Nigeria forward" and the content of which threatened his life and those of members of his family. He stated that the content of the said letter impugned on his privileges as a Senator.

Debate:

Motion made and Question Proposed: That whereas several Senators received a letter captioned " *You must vote to move Nigeria forward*" and other letters through their pigeonholes, the content of which threatened-their lives and those of their families; and

Whereas going by the current happenings in the polity, such threats should not be ignored.

Be it resolved:

That the Senate do direct the Committee on National Security and Intelligence to investigate the matter and report to the Senate within one week (*Senator Saidu M. Dansadau*).

Debate:

Prayer:

Question: That the Senate do direct the Committee on National Security and Intelligence to investigate the matter and report to the Senate within one week — *Agreed to*.

Resolved:

That the Senate do direct the Committee on National Security and Intelligence to investigate the matter and report to the Senate within one week (*S. Res./047/06*).

7. **Presentation of Bills:**

(i) Petroleum Profits Tax Act (Amendment) Bill 2006 (SB. 282) — *Read the First Time*.

(ii) Public Order Act (Amendment) Bill 2006 (SB. 298) — *Read the First Time*.

8. **Committee on Banking, Insurance and Financial Institutions:**

Report on Maritime Development Bank Bill 2006 (SB. 43):

Motion made and Question Proposed: That the Senate do receive the Report of the Committee on Banking, Insurance and Financial Institutions on the Maritime Development Bank Bill 2006 (*Senator Gbenga Ogunniya*).

Question put and agreed to.

Report Laid.

9. **Committee on Banking, Insurance and Financial Institutions:**

Report on Dishonoured Cheques (Offences) Act 1977 (Amendment) Bank Bill 2006 (SB. 110):

Motion made and Question Proposed: That the Senate do receive the Report of the Committee on Banking, Insurance and Financial Institutions on the Dishonoured Cheque (Offences) Act (Amendment) Bill 2006 (*Senator Gbenga Ogunniya*).

Question put and agreed to.

Report Laid.

10. **Confirmation of Nomination:**

Motion made and Question Proposed: That the Senate do consider the request by Mr President, Commander-in-Chief for the confirmation of the nomination of Dr. Michael Ebie Onyia, as a Non-Executive Commissioner in the Nigerian Communications Commission (NCC) (*Senate Majority Leader*).

Request accordingly referred to the Committee on Communications to report within two weeks.

11. **Privileges of the Floor:**

Admission of past Senators:

Motion made and Question Proposed: That the Senate do invoke Rule 17(1) to admit the following past Senators to the floor of the Senate:

(i) Senator J. K. N. Waku

(ii) Senator Musa Adede

(iii) Senator Lawan Guba (*Senate Majority Leader*).

Question put and agreed to.

Past Senators admitted accordingly.

12. Constitution of the Federal Republic of Nigeria 1999 (Amendment) Bill 2006 (SB. 297) (Second Reading) (Sixth Allotted Day) (Adjourned Debate, Thursday, 11th May, 2006):

Resumed debate on the Amendment Bill.

Senator John Azuta-Mbata — (Abstained).

The following Senators made contributions:

- (i) Senator Teslim K. Folarin
- (ii) Senator Farouk B. Bunza
- (iii) Senator Iyiola Omisore
- (iv) Senator Uche Chukwumerije
- (v) Senator Ahmed Mohammed
- (vi) Senator Haruna Garba
- (vii) Senator Gbemisola R. Saraki-Fowora
- (viii) Senator Tokunbo Afikuyomi
- (ix) Senator David Mark
- (x) Senator Adolf Wabara

Question: That the Bill be read the Second Time— put and negatived.

13. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 17th May, 2006 at 10.00 a.m. (Senate Majority Leader).

Adjourned accordingly at 1. 50p.m.

Ken Nnamani
President of the Senate