



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Thursday, 26th October, 2006

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1. The Senate met at 11:10 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**  
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 12th October, 2006 and approved same.

*By unanimous consent, the Votes and Proceedings were adopted.*

3. **Messages from Mr. President:**  
The Senate President announced that he had received five letters from Mr. President, Commander-in-Chief which he read as follows:

(i)



**PRESIDENT,**  
**FEDERAL REPUBLIC OF NIGERIA**

PRES/134

October 18, 2006

Rt. Hon. Chief Ken Nnamani,  
President of the Senate, Senate  
Chambers, National Assembly  
Complex, Three Arms Zone,  
Abuja.

Dear President of the Senate,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF CHAIRMAN  
AND MEMBERS OF THE NATIONAL POPULATION COMMISSION**

The National Population Commission 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 (J) of the Third Schedule of the 1999 Constitution, the Commission shall comprise a Chairman and one person from each State of the Federation and the Federal Capital Territory, Abuja. In this connection, the tenure of the Chairman and twenty eight (28) members of the Commission listed below will expire on 30th October 2006 and 18th December 2006.

| S/N | Name                   | State of Origin | Designation | Date of Appt | Date of Exp. of Tenure |
|-----|------------------------|-----------------|-------------|--------------|------------------------|
|     |                        | Plateau         | Chairman    | 31/10/2001   | 30/10/2006             |
| 1.  | Mr. S.D. Makama        | Adamawa         | Member      | 31/10/2001   | 30/10/2006             |
| 2.  | Mr. S. D. Kwabe        | Akwa Ibom       | Member      | 31/10/2001   | 30/10/2006             |
| 3.  | Dr. U.I. Asibong-lbe   | Bayelsa         | Member      | 31/10/2001   | 30/10/2006             |
| 4.  | P.K. Clement Atuwu     | Borno           | Member      | 31/10/2001   | 30/10/2006             |
| 5.  | Dr. Suleiman Bello     | C/River         | Member      | 31/10/2001   | 30/10/2006             |
| 6.  | Barr. Edu Harry Ezoke  | Ebonyi          | Member      | 31/10/2001   | 30/10/2006             |
| 7.  | Mr. F.J. Nwachukwu     | Edo             | Member      | 31/10/2001   | 30/10/2006             |
| 8.  | Barr. Peter Otaigbe    | Ekiti           | Member      | 31/10/2001   | 30/10/2006             |
| 9.  | Mr. M. O. Ogunbolude   | Gombe           | Member      | 31/10/2001   | 30/10/2006             |
| 10. | Alh. Moh'd T. Ahmed    | Imo             | Member      | 31/10/2001   | 30/10/2006             |
| 11. | Chief Joe Ndu          | Kaduna          | Member      | 31/10/2001   | 30/10/2006             |
| 12. | Prof. Bashir A. Ikara  | Kano            | Member      | 31/10/2001   | 30/10/2006             |
| 13. | Alh. Bello A. Wudil    | Kebbi           | Member      | 31/10/2001   | 30/10/2006             |
| 14. | Alh. Ibrahim K. Aliyu  | Kogi            | Member      | 31/10/2001   | 30/10/2006             |
| 15. | Mr. S.S. Lawal         | Kwara           | Member      | 31/10/2001   | 30/10/2006             |
| 16. | Alh. Saidu B. Ahmed    | Lagos           | Member      | 31/10/2001   | 30/10/2006             |
| 17. | Otunba S. Okanlawon    | Nasarawa        | Member      | 31/10/2001   | 30/10/2006             |
| 18. | Alh. Abdul. R. Nuhu    | Niger           | Member      | 31/10/2001   | 30/10/2006             |
| 19. | Alh. Muh'd Liman D.    | Ondo            | Member      | 31/10/2001   | 30/10/2006             |
| 20. | Dr. Bode Iwaloye       | Osun            | Member      | 31/10/2001   | 30/10/2006             |
| 21. | Dr. Duro Famojuro      | Plateau         | Member      | 31/10/2001   | 30/10/2006             |
| 22. | Mr. J. Kum             | Rivers          | Member      | 31/10/2001   | 30/10/2006             |
| 23. | Mr. Moses E. Ofori     | Taraba          | Member      | 31/10/2001   | 30/10/2006             |
| 24. | Alh. Abdulrazaq Musa   | FCT             | Member      | 31/10/2001   | 30/10/2006             |
| 25. | Dr. S. Anjugu          | Sokoto          | Member      | 31/10/2001   | 30/10/2006             |
| 26. | Alh. A.I. Dogondaji    | Anambra         | Member      | 19/12/2001   | 18/12/2006             |
| 27. | Chief B.B.O. Emeji     | Enugu           | Member      | 19/12/2001   | 18/12/2006             |
| 28. | Chief M.O. Anih        | Ogun            | Member      | 19/12/2001   | 18/12/2006             |
| 29. | Dr. (Mrs) O.T. Oduneye |                 |             |              |                        |

The Chairman and the twenty eight (28) members have performed creditably well since they were appointed in 2001 and considering the fact that the Commission is yet to conclude work on 2006 National Population and Housing Census it is compelling to review their tenure to enable them conclude the on-going census exercise.

I have, therefore, in the exercise of the powers conferred on me by Section 156(3) of the 1999 Constitution, decided to re-appoint the Chairman and Twenty eight (28) members listed above whose CVs are attached, for a second and final term of five (5) years.

In line with the provision of Section 154(1) and (3) of the 1999 Constitution and, after due consultation with the Council of State at its meeting of Thursday, 28th September 2006, I hereby present the re-appointment of the Chairman and twenty eight (28) members for confirmation by the Senate.

I look forward to your early action.

Yours Sincerely,

**Signed: OLUSEGUN  
OBASANJO**



(ii)

**PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA**

PRES/134

October 17, 2006

Rt. Hon. Chief Ken Nnamani,  
President of the Senate, Senate  
Chambers, National Assembly  
Complex, Three Arms Zone,  
Abuja.

Dear Senate President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF  
ALHAJI AYINIA OLOMADA AS A MEMBER OF THE  
FEDERAL JUDICIAL SERVICE COMMISSION**

The Federal Judicial Service Commission is one of the Federal Executive Bodies Established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provisions of Section 154(1) and (3) read together with Part 1 E of the Third Schedule of the 1999 Constitution, appointments of certain categories of members of the Federal Judicial Service Commission are to be made by the President in consultation with the Council of State and shall be subject to confirmation by the Senate. These categories are as follows:

- (i) two persons, each of whom has been qualified to practise as legal practitioner in Nigeria for a period of not less than fifteen years from a list of not less than four persons so qualified recommended by the Nigerian Bar Association; and
- (ii) two persons, not being legal practitioners, who in the opinion of the President are of unquestionable integrity.

I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution, decided to appoint Alhaji Ayinla Olomada as a non-legal member of the Federal Judicial Service Commission to replace Alhaji Abubakar Maigari Yuguda whose tenure will expire on 19th November 2006.

In line with the provisions of Section 154(1) and (3) of the 1999 Constitution and, after due consultation with the Council of State at its meeting of Thursday, 28th September 2006, I hereby present Alhaji Ayinla Olomada, whose CV is attached herewith, for confirmation by the Senate.

I look forward to your early action.

Yours sincerely,

**Signed: OLUSEGUN  
OBASANJO**

(in)



PRES/134

October 18, 2006

**PRESIDENT,**  
FEDERAL REPUBLIC OF NIGERIA

Rt. Hon. Chief Ken Nnamani,  
President of the Senate, Senate  
Chambers, National Assembly  
Complex, Three Arms Zone,  
Abuja.

Dear President of the Senate,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF THREE (3)  
JUSTICES OF THE SUPREME COURT OF NIGERIA**

The National Judicial Council, on the advice of the Federal Judicial Service Commission, has forwarded to me the names of candidates for appointment as Justices of the Supreme Court as follows:

| S/No. | Name                             | Zone       |
|-------|----------------------------------|------------|
| (1)   | Hon. Justice P. O. Aderemi       | South West |
| (2)   | Hon. Justice I. T. Mohammed      | North East |
| (3)   | Hon. Justice C. M. Chukwuma-Eneh | South East |

Section 231, sub-Section (2) of the 1999 Constitution provides that the appointment of a Justice of the Supreme Court shall be made by me on the recommendation of the National Judicial Council subject to confirmation by the Senate. In line with this Provision, the National Judicial Council, in its deliberations, resolved to recommend the candidates for appointment as Justices of the Supreme Court of Nigeria. I attach herewith, a copy of letter CJN/PFRN/A. 1/111/489 dated 5th October 2006 from the Chief Justice of Nigeria and Chairman, National Judicial Council.

Accordingly, I seek the Senate's confirmation of the appointments of Hon. Justice P. O. Aderemi (South West), Hon. Justice I. T. Mohammed (North East) and Hon. Justice C M. Chukwumah-Eneh (South East) as Justices of the Supreme Court of Nigeria.

I look forward to your early action.

Yours Sincerely,

**Signed:**  
**OLUSEGUN OBASANJO**



(iv)

**PRESIDENT,**  
FEDERAL REPUBLIC OF NIGERIA

PRES/134

October 25, 2006

Chief Ken Nnamani,  
President of the Senate,  
Senate Chambers, National  
Assembly Complex, Three  
Arms Zone, Abuja.

Dear President of the Senate,

REQUEST FOR CONFIRMATION OF THE APPOINTMENTS OF  
CHAIRMAN AND MEMBERS OF THE NATIONAL HAJJ  
COMMISSION OF NIGERIA (NAHCON) BY THE SENATE

Sequel to my recent assent to the National Hajj Commission of Nigeria (NAHCON) (Establishment) Bill 2006 and in exercise of the powers conferred upon me by Section 3(2) of the Act, I write to inform the Distinguished Senate that after due consultations, I have resolved to appoint the following persons as Chairman and Members of the NAHCON.

- (A) Chairman/Chief Executive Officer - Alhaji Muhammad Musa Bello
- (B) Three Full-Time Members:
- (i) Alhaji Liadi Telia;
  - (ii) Dr. Badmus O. Yusuf
  - (iii) Alhaji Ibrahim Ezeani
- (C) Six Part-Time Members representing the Geo-Political Zones
- (i) South East — Sheikh Adams Idoko;
  - (ii) South West — Alnaja Fatimah Oyekan
  - (iii) South South — Alhaji Ahmed Efebili
  - (iv) North Central — Sheikh Musa Isa
  - (v) North West — Alhaji Salisu Ado Shinka, fi
  - (vi) North East — Hajiya Hannatu Sanda Birma
- (D) Representatives of the following Ministries:
- (i) Aviation — Capt. Shehu Usman Iyal
  - (ii) Foreign Affairs — Alhaji Mahdi Jibir
  - (Hi) Internal Affairs (Immigration) — Saidu Bello, C. I
  - (iv) Health — Dr. Abdulsalami Nasidi
  - (v) Finance — Alhaji M. B. Muhammed
- (E) Representatives of the following Bodies:
- (i) Central Bank of Nigeria — Alhaji Muhammed Nda
  - (ii) Jama'atu Nasril Islam — Alhaji Bello Muh'd Tambuwal
  - (iii) Nigerian Supreme Council  
for Islamic Affairs — Amb. Mamu Sanusi

In view of the above, it will be appreciated if the appointments of the Chairman, three full-time Members and Six part-time Members respectively listed in A, B and C above, are confirmed by the Senate in accordance with the same provisions of Section 3(2) of the Act. To this end, Distinguished Senators may wish to note that airlift of Pilgrims to Saudi Arabia for this year's Hajj is due to begin in less than two (2) months. Consequently, the need to expedite action on the confirmation of the appointments can hardly be over-emphasised in order to enable the new Commission take over and conduct the 2006 Hajj exercise. Time is, therefore, of the essence.

While urging the Senate for a speedy consideration of the request, accept, Distinguished Senate President, the assurances of my highest esteem and best wishes for the entire Senate.

Yours sincerely,

Signed:  
**OLUSEGUN OBASANJO**



(v)

**PRESIDENT,**  
**FEDERAL REPUBLIC OF NIGERIA**

PRES/134

October 17, 2006

Rt. Hon. Chief Ken Nnamani,  
President of the Senate, Senate  
Chambers, National Assembly  
Complex, Three Arms Zone,  
Abuja.

Dear President of the Senate,

**TRANSMISSION OF VIREMENT/AMENDMENT PROPOSAL**

The effective co-operation between Executive and Legislature in the formulation of the 2006 Budget has allowed for an effective implementation of the 2006 Appropriation Act.

Nevertheless, the Executive has found it necessary to submit a Virement/Amendment proposal in respect of the Ministries, Departments and Agencies listed below:

| <b>HEAD</b>                                                                   | <b>MDA</b>             | <b>HEAD</b> | <b>MDA</b>               |
|-------------------------------------------------------------------------------|------------------------|-------------|--------------------------|
| (1) 230000 Police Affairs                                                     | 290000 Water Resources | (8)         | 490000 Transport         |
| (2) 320000 Education                                                          | 360000 Health          | (9)         | 510000 Works             |
| (3) 410000 Justice                                                            | 390000 Internal        | (10)        | 580000 Solid Minerals    |
| (4) 440000 Science and Technology                                             | Details of the         | (11)        | 620000 Environment       |
| (5) Virement/Amendment proposal are set out in Appendix A, attached herewith. |                        | (12)        | 650000 Culture & Tourism |

(6) Each substantive Virement/Amendment has  
(7) been developed with the input of your Committees, working together with our Ministries to make the necessary adjustments to their expenditure plans, I, therefore, sincerely hope that the National Assembly will approve the proposal expeditiously.

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

Yours Sincerely,

Signed:  
**OLUSEGUN OBASANJO**

Copy to:

— Hon. Minister of Finance

**4. Proclamation of State of Emergency in Ekiti State:**

Relying on Rule 136, the Senate President requested the Senate to resolve into a Closed Session in order to brief the Senate on the circumstances of the proclamation of State of Emergency in Ekiti State.

**Closed Session**

— **11: 40 a. m.**

The Senate President read the letter of proclamation as follows:



**PRESIDENT,**

*FEDERAL REPUBLIC OF NIGERIA*

PRES/J34

19 October 2006

Ri. Hon. Ken Nnamani,  
President of the Senate,  
Senate Chambers,  
National Assembly Complex,  
Abuja.

Dear President of the Senate,

**IMPOSITION OF A STATE OF EMERGENCY**  
**IN EKITI STATE**

Attached herewith, in accordance with Section 305 of the Nigerian Constitution 1999, a Federal Gazette of October 19, 2006 on Declaration of a State of Emergency in Ekiti State for the necessary action of the Senate.

*I feel constrained to write you this letter on recent developments in Ekiti State, efforts by the Federal government to bring about peace and harmony, and the inevitable resort to the last constitutional option open to me: the imposition of a State of Emergency.*

*We have all made personal and collective sacrifices not just to enthrone peace, stability and democracy in Nigeria but also to consolidate our democratic enterprise and cultivate new values. It is, therefore, very painful when that new collective commitment to democracy, peace and security is compromised, contaminated or truncated in any way or form.*

*At this stage, it is the belief of Government, based on available security reports as well as visible evidence on ground, that the situation in Ekiti State, to say the least, constitutes a challenge to our democracy, negates the norms of rational human interaction, contradicts the tenets of civil society, and devalues opportunities for peace, stability, coexistence and social justice. It constitutes a grave threat to law and order and a great danger to security in Ekiti State. It is, therefore, clearly a great threat to the security and unity of Nigeria.*

*Let me give you some insights into direct efforts made by me and the leadership of our Party, the PDP. After the Economic and Financial Crimes Commission, EFCC, had submitted its report on Governor Ayo Fayose's proven corrupt acts, I summoned the leadership of the Party for the consideration of the Report. We concluded that Ayo Fayose could no longer put himself up as a gubernatorial candidate of PDP, anywhere in the country. We made him to understand this point, which he accepted. Secondly, we made him to understand that he had to face up to EFCC's follow-up actions. The State House of Assembly requested the EFCC for the Report. On receipt of the Report, the State House of Assembly decided that they would carry out their constitutional duty and responsibility. Nobody in the face of the Report stopped them*

from carrying out their constitutional responsibility as they deemed fit. At this stage, to save the State from the agonizing experience of impeachment, some leaders of the Party at State and national levels counseled Ayo Fayose to resign but he decided to see the impeachment process through.

Mr. Senate President, the situation in Ekiti State which culminated, on Monday, in the Speaker of Ekiti State House of Assembly being sworn in as Acting Governor is patently unconstitutional and, on that same day, the Attorney-General of the Federation issued a statement to that effect. Let me say from the onset that, for us at the Federal Government level, the issue is not the constitutional right of a State House of Assembly legitimately removing the State Chief Executive or Deputy Chief Executive for misconduct, the issue clearly, is the due process and the constitutional and legal procedure to be followed without violating the Constitution and without breaching the rule of law. As at today, we have three people laying claim to the governorship of the State - a State of anarchy.

I am sure that you can fully appreciate the grave situation I have described thus far. You can also see evidence of gross abuse of rule of law. This must not be allowed to crystalise and to be consolidated. The time to save our democracy from being undermined and badly eroded is now. We must save our democracy and preserve our Constitution and that was the oath of office I took. We must save Ekiti State from anarchy.

From what is on ground at the moment, we need to take very serious action.

Mr. Senate President, the Nigerian Constitution 1999 foresees the ultimate of emergency in part or all of Nigeria and provides for it as the last resort. Therefore, by virtue of Section 305 of the Constitution of the Federal Republic of Nigeria (1999), I have to declare a State of Emergency in Ekiti State with effect from today, 19, October 2006. This declaration has been published in a Federal Gazette as of today.

The Governor and his Deputy by this declaration, cease to be in charge of the affairs of Ekiti State for six months in the first instance. An Administrator to manage the affairs of Ekiti State in the person of Brig-Gen. Tunji OLURIN (rtd) is nominated.

The Ekiti State House of Assembly also ceases to exist as the formal legislative body of the State with immediate effect. Having a State Assembly in position under a State of Emergency is incongruous and may not allow for the expeditious actions that the Administrator will need, to put the State back into a situation of peace, harmony, security for all and maintenance of law and order throughout the State.

It is the hope of the Federal Government that the Administrator will not need new laws for the administration of the State. But if he does, it will be in the form of a regulation which he will submit to the President for consideration by the Federal Executive Council and promulgated by the President for the State.

The decision to impose a State of Emergency in Ekiti State was based on the collective desire to strengthen our democratic practice, institutions, and values. This decision would, without doubt, enhance security as well as protect the stability and corporate existence of our nation for which many have died.

It is my hope and prayer that this 6-month period will be used by the Administrator and all peace-loving people in and outside the State to bring peace and join hands to promote democratic values and enshrine the values of transparency, accountability, social justice, love, good neighborliness and good governance.

I thank you for your understanding and appreciation of the reasons why the State of Emergency had to be imposed in Ekiti State. I am certain that we shall all come out of this stronger, more united and more committed to democracy and good governance.

Yours Sincerely,

Signed **OLUSEGUN  
OBASANJO**

**Open Session**

—

**12: 00 noon.**

The Senate President, thereafter made available to the Senators other documents relevant to the proclamation.

5. Extension of Time:

*Motion made and Question Proposed:* That the Senate do sit beyond the appointed time of sitting (*Senate Majority Leader*).

*Question put and agreed to.*

Sitting Suspended — 12: 20 p. m.

Sitting Resumed — 2: 40 p. m.

*Motion made and Question Proposed:* That the Senate do resolve into a Closed Session to consider the letter of proclamation (*Senate Majority Leader*).

*Question put and agreed to.*

Closed Session — 2: 45 p. m.

Motion:

*Resolution of the Senate in Closed Session on the State of Emergency in Ekiti State:*

*Motion made and Question Proposed:* Whereas the Executive arm of Government has communicated the instrument published in the Official Gazette for the Proclamation of a State of Emergency in Ekiti State to the Senate for approval;

Whereas the Senate considered the said instrument dispassionately and on merit having regards to the deteriorating security situation in Ekiti State and similar situations in other States;

Be it resolved:

That the Senate do;

- (i) condemn the blatant disregard by the State Assemblies (e.g Oyo, Ekiti, Plateau and Anambra States) to the constitutional provisions regarding impeachment of Governors, Deputy Governors and Speakers;
- (ii) condemn the blatant disregard by some State Judicial officers of the constitutional provisions for impeachment of erring public officers of Ekiti and Plateau States;
- (iii) condemn the use of Economic and Financial Crimes Commission (EFCC) and other security agencies to intimidate members of State Assemblies in exercise of their legislative functions;
- (iv) request the National Judicial Council to impress on State Chief Judges to comply with the provisions of the Constitution;
- (v) call on the President, Commander-in-Chief to ensure that the 2007 elections will be free and fair and on schedule, and mat the Senate notes with sadness the tragedy of events in Ekiti State beginning from the impeachment procedures to the proclamation of State of Emergency and condemns the entire exercise;
- (vi) in order to move this country forward, urge that the President, Commander-in-Chief shall discuss with the National Assembly all future proclamation of State of Emergency, if at all before the proclamation; and
- (vii) approve unanimously the proclamation of the State of Emergency in Ekiti State, subject to the above condition (*Senate Majority Leader*).

Prayer (i):

That the Senate do condemn the blatant disregard by the State Assemblies (e.g Oyo, Ekiti, Plateau and Anambra States) to the constitutional provisions regarding impeachment of Govenors, Deputy Governors and Speakers — *Agreed to.*

Prayer(ii):

That the Senate do condemn the blatant disregard by some State Judicial officers of the constitutional provisions for impeachment of erring public officers of Ekiti and Plateau States — *Agreed to.*

*Prayer (iii):*

That the Senate do condemn the use of Economic and Financial Crimes Commission (EFCC) and other security agencies to intimidate members of State Assemblies in exercise of their legislative functions — *Agreed to.*

*Prayer (iv):*

That the Senate do request the National Judicial Council to impress on State Chief Judges to comply with the provisions of the Constitution — *Agreed to.*

*Prayer (v):*

That the Senate do call on the President, Commander-in-Chief to ensure mat the 2007 elections will be free and fair and on schedule, and that the Senate notes with sadness the tragedy of events in Ekiti State beginning from the impeachment procedures to the proclamation of State of Emergency and condemns the entire exercise, but in order to move this country forward — *Agreed to.*

*Prayer (vi):*

That the Senate do, in order to move this country forward, urge that the President, Commander-in-Chief shall discuss with the National Assembly all future proclamation of State of Emergency, if at all before the proclamation — *Agreed to.*

*Prayer (vii):*

That the Senate do approve unanimously the proclamation of the State of Emergency in Ekiti State subject to the above condition — *Agreed to.*

*Resolved:*

- (i) That the Senate do condemn the blatant disregard by the State Assemblies (e.g Oyo, Ekiti, Plateau and Anambra States) to the constitutional provisions regarding impeachment of Governors, Deputy Governors and Speakers;
- (ii) That the Senate do condemn the blatant disregard by some State Judicial officers of the constitutional provisions for impeachment of erring public officers of Ekiti and Plateau States;
- (in) That the Senate do condemn the use of Economic and Financial Crimes Commission (EFCC) and other security agencies to intimidate members of State Assemblies in exercise of their legislative functions;
- (iv) That the Senate do request the National Judicial Council to impress on State Chief Judges to comply with the provisions of the Constitution;
- (v) That the Senate do call on the President, Commander-in-Chief to ensure that the 2007 elections will be free and fair and on schedule, and that the Senate notes with sadness the tragedy of events in Ekiti State beginning from the impeachment procedures to the proclamation of State of Emergency and condemns the entire exercise, but in order to move this country forward;
- (vi) That the Senate do, in order to move this country forward, urge that the President, Commander-in-Chief shall discuss with the National Assembly all future proclamation of State of Emergency, if at all before the proclamation; and
- (vii) That the Senate do approve unanimously the proclamation of the State of Emergency in Ekiti State subject to the above condition.

Open Session — 6: 15 p. m.

The Senate President reported that the Senate in Closed Session debated the letter of proclamation of State of Emergency in Ekiti State and resolved as follows:

*Resolved:*

- (i) That the Senate do condemn the blatant disregard by the State Assemblies (e.g Oyo, Ekiti, Plateau and Anambra States) to the constitutional provisions regarding impeachment of Governors, Deputy Governors and Speakers;
- (ii) That the Senate do condemn the blatant disregard by some State Judicial officers of the constitutional provisions for impeachment of erring public officers of Ekiti and Plateau States;

- (iii) That the Senate do condemn the use of Economic and Financial Crimes Commission (EFCC) and other security agencies to intimidate members of State Assemblies in exercise of their legislative functions;
- (iv) That the Senate do request the National Judicial Council to impress on State Chief Judges to comply with the provisions of the Constitution;
- (v) That the Senate do call on the President, Commander-in-Chief to ensure that the 2007 elections will be free and fair and on schedule, and that the Senate notes with sadness the tragedy of events in Ekiti State beginning from the impeachment procedures to the proclamation of State of Emergency and condemns the entire exercise, but in order to move this country forward;
- (vi) That the Senate do, in order to move this country forward, urge that the President, Commander-in-Chief shall discuss with the National Assembly all future proclamation of State of Emergency, if at all before the proclamation; and
- (vii) That the Senate do approve unanimously the proclamation of the State of Emergency in Ekiti State subject to the above condition (S. Res/068/06).

*Question, That the Senate do approve the Resolution of the Senate in Closed Session — Resolved in the Affirmative.*

6. Motion:

*Proclamation of State of Emergency in Ekiti State:*

*Motion made and Question Proposed:* That whereas there is a manifest collapse of the orderly machinery of Government in Ekiti State of Nigeria;

WHEREAS the Government of Ekiti State has been incapable of managing the situation as there is no discernible constitutional authority in place in Ekiti State of Nigeria;

WHEREAS there is a clear and present danger of an actual breakdown of public order and public safety in Ekiti State of Nigeria which require extraordinary measures to avert such danger;

WHEREAS there is a clear and present danger of the crisis in Ekiti State which, if left unchecked, could degenerate, leading to massive loss of lives and property and create serious humanitarian calamity within and outside the State;

WHEREAS extraordinary measures are required to restore peace, security, order and discernible authority in Ekiti State;

WHEREAS the President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria has published and transmitted copies of the Official Gazette of the Government of the Federation containing the Proclamation including the details of the Emergency to the President of the Senate, in accordance with Section 305 of the Constitution of the Federal Republic of Nigeria;

WHEREAS this matter is of serious concern to the Senate and the generality of Nigerians;

Be it resolved:

- (i) That the Senate do hereby invoke the powers conferred on it by Section 305 (2) and (6b) of the Constitution of the Federal Republic of Nigeria and approve the Proclamation of State of Emergency in Ekiti State of Nigeria by the President, Commander in Chief of the Armed Forces of the Federal Republic of Nigeria.
- (ii) That in accordance with the Constitution of the Federal Republic of Nigeria 1999, all laws for governing of Ekiti State during the period of the emergency shall be enacted by the National Assembly (*Senate Majority Leader*).

*Question by Roll Call Vote resolved in the affirmative, nemine contradicente.*

## AYES

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Sen. Bala Adamu                  | 2. Sen. Chris Adighije               |
| 3. Sen. Timothy Aku Adudu           | 4. Sen. Tokunbo Afikuyomi            |
| 5. Sen. Emmanuel A. Agboti          | 6. Sen. Mohammed Ahmed               |
| 7. Sen. Mohammed Abba Aji           | 8. Sen. Simeon Sule Ajibola          |
| 9. Sen. Abiola Ajimobi              | 10. Sen. Darlington Eze Ajoku        |
| 11. Sen. Zik Sunday Ambuno          | 12. Sen. Jibril Mohammed Aminu       |
| 13. Sen. Ibikunle Amosun            | 14. Sen. Veronica Iyabo Anisulowo    |
| 15. Sen. Ifeanyi G. Araraume        | 16. Sen. Muktar Moh'd Aruwa          |
| 17. Sen. Clement K. Awoyelu         | 18. Sen. John Azuta-Mbata            |
| 19. Sen. Isaiah C. Balat            | 20. Sen. Effiong Dickson Bob         |
| 21. Sen. John Kojo Brambaifa        | 22. Sen. David Cobbina Brigidi       |
| 23. Sen. Uche Chukwumerije          | 24. Sen. Mohammed Sanusi Daggash     |
| 25. Sen. Umaru Dahiru               | 26. Sen. John Magiel Danboyi         |
| 27. Sen. Usman Saleh Danboyi        | 28. Sen. Dalha Ahmed Dan-Zomo        |
| 29. Sen. Daisy U. Ehanire-Danjuma   | 30. Sen. Oladapo Hosea Ehinlanwo     |
| 31. Sen. Ike Ekweremadu             | 32. Sen. Joy Ifeymwa Emodi           |
| 33. Sen. Bassey Ewa-Henshaw         | 34. Sen. Teslim Kolawole Folarin     |
| 35. Sen. Haruna Garba               | 36. Sen. Omar Abubakar Hambagda      |
| 37. Sen. Abdul-Azeez A. Ibrahim     | 38. Sen. Abu Ibrahim                 |
| 39. Sen. Mohammed Ibrahim           | 40. Sen. James Olagunju Kolawole     |
| 41. Sen. Lee Ledogo Maeba           | 42. Sen. Abubakar Maikafi            |
| 43. Sen. Isa Maina                  | 44. Sen. Adeleke O. Mamora           |
| 45. Sen. James Ebiowuo Manager      | 46. Sen. Nasiru Ibrahim Mantu        |
| 47. Sen. David Mark                 | 48. Sen. Ibiapoye S. Martyns-Yellowe |
| 49. Sen. Abubakar Sa'ad Mohammed    | 50. Sen. Isa Mohammed                |
| 51. Sen. Victor Ndoma-Egba          | 52. Sen. Gregory Ngaji               |
| 53. Sen. Geokur Cosmas Niagwan      | 54. Sen. Francis Arthur Nzeribe      |
| 55. Sen. Ben Obi                    | 56. Sen. Jonathan Tunde Ogbeha       |
| 57. Sen. Olatokunbo O. Ogunbanjo    | 58. Sen. Gbenga Ogunniya             |
| 59. Sen. Felix Kola Ogunwale        | 60. Sen. Fidelis Chukwuemeka Okoro   |
| 61. Sen. Emmanuel O. Okpede         | 62. Sen. Akinlabi Olasunkanmi        |
| 63. Sen. Bode Olowoporoku           | 64. Sen. Titus Olajide Olupitan      |
| 65. Sen. Iyiola Omisore             | 66. Sen. Patrick Enebeii Osakwe      |
| 67. Sen. Gbemisola R. Saraki-Fowora | 68. Sen. Daniel Iyorkegh Saror       |
| 69. Sen. Rufus Inatimi Spiff        | 70. Sen. Dalhatu S. Tafida           |
| 71. Sen. Baba Tela                  | 72. Sen. Umaru Ibrahim Tsauri        |
| 73. Sen. Ugochukwu Betram Uba       | 74. Sen. Julius Ali Ucha             |
| 75. Sen. Udoma Udo Udoma            | 76. Sen. Nicholas Yahaya Ugbane      |
| 77. Sen. Usman K. Umar              | 78. Sen. Adolf Wabara                |
| 79. Sen. Tawar Umbi Wada            | 80. Sen. Sule Gandi Yari             |
| 81. Sen. Lawan Jalo Zarami          | 82. Sen. Jonathan Silas Zwingina     |

NOES

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| ARSENT |     |                        |     |                              |
|--------|-----|------------------------|-----|------------------------------|
| 1.     | Sen | Iya Abubakar           | 2.  | Sen. Shehu Usman Albishir    |
| 3.     | Sen | Mamman Bello Ali       | 4.  | Sen. Nuhu Aliyu              |
| 5.     | Sen | Yushau Mohammed Anka   | 6.  | Sen. Mahmud Kami Bello       |
| 7.     | Sen | Farouk Bello Bunza     | 8.  | Sen. Saidu Mohammed Dansadau |
| 9.     | Sen | Ittak Bob Ekarika      | 10. | Sen. Hayatu Bello Gwarzo     |
| 11.    | Sen | Rufai Sani Hanga       | 12. | Sen. Felix Ovuoduroye Ibru   |
| 13.    | Sen | Sani A. Kamba          | 14. | Sen. Robert Bonuola Koleosho |
| 15.    | Sen | Idris Ibrahim Kuta     | 16. | Sen. Badamasi Muh'd Maccido  |
| 17.    | Sen | Christopher C. Nshii   | 18. | Sen. Musiliu M. O. Obanikoro |
| 19.    | Sen | Mohammed S. Ohiare     | 20. | Sen. Fred Injinia Orti       |
| 21.    | Sen | Oserheimen A. Osunbor  | 22. | Sen. Victor Kassim Isa Oyofe |
| 23.    | Sen | Usman Sani Sami        | 24. | Sen. Lawal Shuaibu           |
| 25.    | Sen | Abubakar Danso Sodangi | 26. | Sen. Bello Maitama Yusuf     |
| Ayes   |     | 82                     |     |                              |
| Noes   |     | 0                      |     |                              |
| Absent |     | 26                     |     |                              |
|        |     | 108                    |     |                              |

*Resolved:*

- (i) That the Senate do hereby invoke the powers conferred on it by Section 305 (2) and (6b) of the Constitution of the Federal Republic of Nigeria and approve the Proclamation of State of Emergency in Ekiti State of Nigeria by the President, Commander in Chief of the Armed Forces of the Federal Republic of Nigeria.
- (ii) That in accordance with the Constitution of the Federal Republic of Nigeria 1999, all laws for governing of Ekiti State during the period of the emergency shall be enacted by the National Assembly (5. Res/069/06).

7. *Adjournment:*

And its being 6. 45 p. m. the Senate President adjourned the Senate till Tuesday, 31st October, 2006 at 10.00 a.m.

*Adjourned accordingly at 6.45p.m.*

Ken Nnamani  
President of the Senate