



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Tuesday, 16th January, 2007

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1. The Senate met at 10:20 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**  
The Senate President announced that he had examined the Votes and Proceedings (No. 2) of Thursday, 21st December, 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 the President, Federal Republic of Nigeria which he read as follows:  
(i)



PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA

PRES/134

12 January 2007

Senator Ken Nnamani, GCON, President of  
the Senate, Senate Chambers, National  
Assembly Complex, Abuja.

Dear President of the Senate,

**CONFIRMATION OF APPOINTMENT OF HONOURABLE**  
**JUSTICE IDRIS LEGBO KUTIGI, CON.**  
**AS CHIEF JUSTICE OF NIGERIA**

Section 230(2) of the 1999 Constitution of the Federal Republic of Nigeria provides that the Supreme Court of Nigeria shall consist of the Chief Justice of Nigeria and such number of Justices of the Supreme Court, not exceeding twenty-one as may be prescribed by an Act of National Assembly.

Section 3(2) of the Supreme Court Act provides that any person holding the office of Chief Justice of Nigeria shall vacate that Office when he attains the age of seventy (70) years. In this connection, Honourable Justice S. M. A. Belgore, GCON, Chief Justice of Nigeria, has given notice to retire from service with effect from 17 January 2007 when he will **attain** the constitutional retirement age of seventy (70) years.

Following this development, the National Judicial Council, on the advice of the Federal Judicial Service Commission, has recommended Honourable Justice Idris Legbo Kutigi, CON, Justice of the Supreme Court, for appointment as the Chief Justice of Nigeria.

Section 231, sub-Section (1) of the 1999 Constitution provides **that** the appointment of the Chief Justice of Nigeria shall be made by me acting on the recommendation of the National Judicial Council subject to confirmation by the Senate. Inline **with** this provision, the National Judicial Council met on 20 December 2006 and found Honourable Justice Idris Legbo Kutigi, CON, most suitable for appointment as the Chief Justice of Nigeria. In this connection, I attach herewith a copy of letter Ref. No. FJSC/A. 71/111/815 of 22 December 2006 from the Chief Justice of Nigeria and Chairman, National Judicial Council.

Accordingly, I seek the Senate's confirmation of the appointment of Honourable Justice Idris Legbo Kutigi, CON, as the Chief Justice of Nigeria.

I look forward to your early action.

Yours Sincerely,

Signed: **OLUSEGUN  
OBASANJO**

(ii)



**PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA**

PRES/134

December 14, 2006

The Senate President, Senate  
Chambers, National Assembly  
Complex, Three-Arms Zone,  
**Asokoro** - Abuja.

Dear President of the Senate,

**INADVERTENT OMISSION OF THE NATIONAL COPYRIGHT  
COMMISSION FROM THE 2007 BUDGET PROPOSAL**

\* The purpose of this letter is to transmit to the Senate, the attached budget proposal of the National Copyright Commission (NCC), an agency of Ministry of Justice, which was inadvertently omitted from the 2007 budget proposal which I presented to the Joint Sitting of the National Assembly on 13 October, 2006.

In transmitting the budget proposal of the Commission, which amounts to total of N204 million, I am mindful of the need to stay within the confines of the aggregate expenditure in the 2007 budget proposal. Accordingly, to compensate for the N204 million required to fund the budget proposal of the Commission, I propose the following reductions in the under-listed Service- Wide Votes:

| <b>Vote</b>                    | <b>Original Proposal</b> | <b>Proposed Reduction</b> | <b>Revised Proposal</b> |
|--------------------------------|--------------------------|---------------------------|-------------------------|
| Public Service Wage Adjustment | 8,000,000,000            | 142,600,000               | 7,857,400,000           |
| Margin for Increased Costs     | 5,000,000,000            | 41,400,000                | 4,958,600,000           |
| Adjustment to Capital Cost     | 2,000,000,000            | 20,000,000                | 1,980,000,000           |
| <b>Total</b>                   | 15,000,000,000           | 204,000,000               | 14,796,000,000          |

*I crave your kind indulgence for the consideration of the Commission's budget proposal which is transmitted here with and the consequential amendments to the Service- "Wide Votes specified above, along with 2007 budget proposal presently before you.*

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

*Yours sincerely,*

Signed:  
**OLUSEGUN OBASANJO**

(iii)



**PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA**

PRES/134

December 21, 2006

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

*Dear President of the Senate,*

**PRESENTATION OF EKITI STATE YEAR  
2007 APPROPRIATION BILL**

*I hereby present, for formal consideration and passage into law by the Senate, the attached Draft 2007 Appropriation Bill of Ekiti State.*

*I hope the Bill will receive prompt attention of the Distinguished Members of the Senate.*

*Yours sincerely,*

Signed:  
**OLUSEGUN OBASANJO**

(iv)



PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA

PRES/134

December 21, 2006

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

Dear President of the Senate,

PRESENTATION OF EKITI STATE 2006 SUPPLEMENTARY  
APPROPRIATION BILL

thereby present, for formal consideration and passage into law by the Senate, the attached 2006 Supplementary Appropriation Bill of Ekiti State.

I hope the Bill will receive prompt attention of the Distinguished Members of the Senate.

Yours Sincerely,

Signed: OLUSEGUN  
OBASANJO

(v)



PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA

PRES/134

January 10, 2007

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

Dear President of the Senate,

REPORT ON CENSUS 2006 PROVISIONAL RESULTS

The Constitution of the Federal Republic of Nigeria, 1999, mandates the National Population Commission (NPC) to carry out a population census in the country and provide accurate and reliable census results. The primary objective of the census results is to assist the country in knowing as accurately and reliably as is possible, the population size, its composition and distribution. The results help the country in planning for the improvement of the quality of life of Nigerians.

In this connection, a National Population Census was conducted by the National Population Commission from 21st to 27th March 2006 followed by a Post-Enumeration survey from 18th to 26th June 2006. To ensure that the entire country was covered during the census operations, the Commission carried out the enumeration area demarcation exercise to cover all settlements, however small and remote.

*A massive public awareness campaign was launched throughout the country and every effort was made to ensure the integrity and credibility of the 2006 census results including adherence to transparency which allowed for National and International monitoring of the processes and the methodologies used.*

*Inline with Section 213(1) of the 1999 Constitution which provides that any report of the National Population Commission containing the population census after every census shall be delivered to the President by the Chairman of the Commission, the Chairman of the National Population Commission at an Extra-ordinary meeting of the Federal Executive Council held on Friday, 29th December 2006, presented to me the Report on Census 2006 Provisional Results.*

*Also in compliance with the provision of Section 213(2) of the 1999 Constitution of the Federal Republic of Nigeria which states that the President shall within a period of thirty (30) days after receipt of the report lay copies of the report before the Council of State, I accordingly laid the report before the Council of State at its meeting of Tuesday, 9th January 2007, which advised me to accept the report on census 2006 results.*

*I have the pleasure to accept the report and accordingly, in line with the provision of Section 213(3) of the 1999 Constitution of the Federal Republic of Nigeria, I hereby forward the Report on Census 2006 Provisional Results to you for it to be laid on the table of the Senate.*

Yours Sincerely,

Signed: **OLUSEGUN  
OBASANJO**

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



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

**TEXT OF REMARKS BY SENATOR KEN NNAMANI,  
PRESIDENT, SENATE OF THE FEDERAL REPUBLIC OF NIGERIA,  
TO WELCOME SENATORS FROM RECESS ON TUESDAY, JANUARY 16,  
2007 AT THE SENATE CHAMBERS**

**"WE NEED TO STAY FOCUSSED"**

*Distinguished Senators of the Federal Republic of Nigeria, I warmly welcome you to this chamber. I believe we had a deserved rest from a hectic session in 2006. Welcome to 2007.*

*2006 was a traumatic year. It was a year of terrible tragedies. Grief and sadness hit many Nigerian families as calamities befell the Nation. This Senate mourned, and still mourns our distinguished colleagues who died in the ill-fated ADC air crash in 2006. Senators Sule Yari Ghandi and Mohammed Maccido were great colleagues. We continue to miss their conviviality and patriotism. In all these tragedies, the poor state of disaster management was exposed. So many lives were lost because disaster managers could not respond quickly and effectively. Nigeria deserves an efficient disaster management system.*

*Distinguished colleagues, as 2007 beckons, the Senate mourns again. One of our distinguished colleagues and friends- Senator Sami Usman Sani died on January 6, 2007, He was amiable, passionate and committed to the vision of excellence that drives this Senate, We will miss him dearly. But, we are consoled that he lived and died to promote the greatness of our beloved country. We shall always cherish his comradeship.*

*This Senate also shares the grief of families of those who died in the recent Lagos pipeline explosion. All relevant federal agencies should work together and hard to end the spectre of oil pipeline explosion. The life of every Nigerian is highly valued, and should not be lost to greed, carelessness, negligence or inefficiency.*

*My distinguished colleagues, as we return to legislative business this year we should remember that we have just few more months to sit in this hallowed chamber as members of the fifth Senate of the Federal Republic of Nigeria. As our tenure draws to an end, we should strengthen our resolve, and do our best so that the reputation we are working hard to establish will be preserved to the end.*

*As we come to the end of our tenure, we should resolve to continue to uphold the constitution, to preserve due process, and to ensure that the highest ideals of representative democracy guide the actions of persons entrusted with state power.*

*This is the year of historic elections in Nigeria. Success in conducting these elections will secure the foundations of democracy in Nigeria. If our destination is a great Nigeria in 2007 and beyond, free and fair elections in 2007 is the roadmap.*

*Vigilance, they say, is the price of liberty. To secure the foundations of democracy in Nigeria, we should remain vigilant and ensure no provision of the Constitution and the Electoral Act is violated. We should ensure, through oversight activities, that the Independent National Electoral Commission (INEC) conducts the 2007 elections according to the strict provisions of the constitution and the electoral act. We should always remember that Nigeria is a republic. In a republic, it is law, not men, that rules.*

*As the Nation prepares for elections, controversy rages on the power of INEC to screen and disqualify candidates to elective offices. INEC interprets its power to include the power to screen candidates. Some political parties deny that INEC is empowered to screen candidates. INEC threatens mass disqualification of candidates who fail to appear before it for screening. Distinguished Senators, there is need for caution as the elections approach. We should learn from history. It is disputations of this sort that destroyed the legitimacy of elections in the past and threw the nation into chaos. We cannot go that path again. We must make a clean break with the traumas of the past.*

*It is true that INEC as a regulatory agency can interpret its powers. But, such interpretation is subject to how the National Assembly defines its legislative mandate through resolutions, and ultimate!) \ subject to interpretations and decisions of the courts. It is the National Assembly that enacted the electoral act that defines the mandate of the INEC. The National Assembly has the power, indeed the responsibility, to guide the INEC in exercising its power. We should not shirk our responsibility to make sure INEC conducts the elections according to the laws we have enacted.*

*My distinguished colleagues, 2007 is a defining year for Nigeria. It is the year of general elections. The world waits to see how we negotiate another critical bend in the consolidation of democracy. This Senate should get straight to work to enact those laws that will secure the benefits of the ongoing economic reform and craft resolutions that will guide INEC and other federal agencies to conduct free and fair elections which results will be accepted by the people of Nigeria and the international community.*

*Distinguished colleagues, the task is not yet accomplished. We must work harder to secure our reputation as the Senate that is protecting democracy and preserving the rule of law. We must finish strong. Welcome back to business.*

*Thank you,*

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*Signed: Senator Ken Nnamani,  
GCON  
President,  
Senate of the Federal Republic of Nigeria*

## 5. **Announcements:**

- (i) *Transition to glory of Late Senator Andrew **Ogbonnaya** Nwankwo:*  
The Senate President read a letter from Chief Chris Nwankwo OFR, mni as follows:

**Senate in Closed Session****11,15 a.m.****Senate in Open Session****11.40 a.m.**

The Senate President reported that the Senate in Closed Session, agreed **to** send the underlisted Senators to condole the **Government** and **People** of Kebbi State; Emir of Zuru **and the** entire family of late Senator Usman Sani Sami:

- (I) Senator Lawal Shuaibu
- (2) Senator Saidu M. Dansadau
- (3) Senator Julius A. Ucha
- (4) Senator Adeleke O. Mamora
- (5) Senator Nuhu Aliyu
- (6) Senator Mohammed S. Ohiare
- (7) Senator Titus O. Olupitan
- (8) Senator Idris I. Kuta
- (9) Senator Abubakar D. Sodangi
- (10) Senator Mohammed Ahmed
- (II) Senator Abu Ibrahim

**6. Valedictory Session:****2007) (Kebbi South):*****Late Senator Usman Sani Sami (1945***

The following Senators paid tributes.

- |                              |                                         |
|------------------------------|-----------------------------------------|
| 1. Senator Dalhatu S. Tafida | 9. Senator Titus O. Olupitan            |
| 2. Senator Lawal Shuaibu     | 10. Senator Yushau M. Anka              |
| 3. Senator Ibrahim N. Mantu  | 11. Senator Umaru Dahiru                |
| 4. Senator Saidu M. Dansadau | <b>12.</b> Senator Fred I. Orti Senator |
| 5. Senator David Mark        | 13. Idris I. Kuta Senator Sanusi        |
| 6. Senator Julius A. Ucha    | 14. M. Daggash Senator                  |
| 7. Senator Joy Emodi         | 15. Adeleke O. Mamora Senator           |
| 8. Senator Ike Ekweremadu    | 16. Mamman <b>B.</b> Ali                |

*One minute in silence accordingly observed in honour of late Senator Usman Sani Sami and late Senator Andrew Ogbonnaya Nwankwo.*

**7. Adjournment:**

*Motion made and Question Proposed:* That the Senate do adjourn till Wednesday, 17th January, 2007 at 10.00 a.m. (*Senate Majority Leader*).

*Adjourned accordingly at 1.00p. m.*

**Ken Nnamani**  
*President of the Senate*