



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 7th March, 2007

1. The Senate met at 10:35 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 6th March, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcement:**
The Senate President acknowledged the presence of the Staff and Students of Grande Ville Academy, Life Camp, Abuja, who were in the gallery to observe Senate proceedings.

4. *Conference Committee on Nigerian Local Content on Oil and Gas Bill:*

The Senate President named the following as Senate Conferees:

(i)	Senator Bassey Ewa-Henshaw	—	Chairman
(ii)	Senator Bala Adamu	—	Member
(iii)	Senator Idris I. Kuta	—	Member
(iv)	Senator Umaru Dahiru	—	Member
(v)	Senator John K. Brambaifa	—	Member
(vi)	Senator Julius A. Ucha	—	Member
(vii)	Senator Clement K. Awoyelu	—	Member

5. *Conference Committee on Pension Rights of Federal Judicial Officers' Bill 2007:*

The Senate President named the following as Senate Conferees:

(i)	Senator Felix O. Ibru	—	Chairman
(ii)	Senator Mohammed Ahmed	—	Member
(iii)	Senator Zik S. Ambuno	—	Member

(iv)	Senator Iyabode Anisulowo	—	Member
(v)	Senator Emma Azu Agboti	—	Member
(vi)	Senator Bello H. Gwarzo	—	Member
(vii)	Senator Ike Ekweremadu	—	Member

6. *Review Committee on the Report of the Ad-hoc Committee on the Petroleum Technology Development Fund (PTDF):*

The Senate President named the following Senators as Members:

(i)	Senator Umaru I. Tsauri	—	Chairman
(ii)	Senator Bello M. Yusuf	—	Member
(iii)	Senator Timothy A. Adudu	—	Member
(iv)	Senator Zik S. Ambuno	—	Member
(v)	Senator Akinlabi Olaniran	—	Member
(vi)	Senator John Azuta-Mbata	—	Member
(vii)	Senator Chris Adighije	—	Member

7. *Matter of Urgent Public Importance:*

The Deteriorating Security Situation in the Niger Delta Area:

Rising of Rules 42 and 52, Senator John Azuta-Mbata, invited the attention of the Senate to the deteriorating security situation in the Niger Delta Area. He sought and obtained the leave of Senate for the matter to be debated forthwith.

Motion made and Question Proposed: That whereas the deteriorating security situation and the escalating threat to the peace, safety of lives and property in the Niger Delta area;

WHEREAS the increasing adverse effect that the situation could have on the Nigerian economy particularly with levels of oil production, foreign exchange earnings, declining foreign investments, and other attendant budgetary implications;

WHEREAS the continuing degradation of the environment and the ecology of the area owing to oil and gas exploration, the general poverty level due to the lack of subsistence employment opportunities in fishing and farming, arising from pollution of farmlands, lakes and rivers;

WHEREAS the accumulated neglect and insensitivity of the Federal and State Governments and the major oil exploration companies, to the plight of the people, particularly in the face of enhanced global oil prices, income and prosperity;

WHEREAS the urgent need to nip in the bud the emerging despondency and desperation of the people of the area which is being given expression through militant/armed struggle. Increasingly unemployed youths have resorted to this mode of expression of the legitimate aspirations of the people to share in the prosperity generated from their environment; and

WHEREAS this is the immediate cause of the escalating insecurity situation. Government must act quickly to address the legitimate aspirations of the people in order to separate it from criminality and banditry.

Be it resolved:

- (i) That the Senate draws the attention of the President, Commander-in-Chief to the seriousness of the insecurity situation in the Niger Delta area, and the concern of the Senate thereof;
- (ii) That the Federal Government should without further delay, apply a political solution through an engagement process involving all the stakeholders and the leaders, including those that are presently incarcerated, with a view to finding a lasting solution to the problem;

- (iii) That the Nigerian Police should be better equipped and motivated to handle the issues of criminality, banditry and lawlessness in the area; and
- (iv) That the Federal Government and the Oil Companies should accelerate the provision of infrastructure and development in the area.

Debate:

Prayer (i):

Question; That the Senate draws the attention of the President, Commander-in-Chief to the seriousness of the insecurity situation in the Niger Delta area, and the concern of the Senate thereof.

Amendment Proposed:

Leave out the words "draws the attention of" and *insert* the words "do emphasize to" instead thereof (Senator Umar Dahiru).

Question that the amendment be made put and agreed to.

Prayer (ii):

Question; That the Federal Government should without further delay, apply a political solution through an engagement process involving all the stakeholders and the leaders, including those that are presently incarcerated, with a view to finding a lasting solution to the problem.

Amendment Proposed:

Leave out the words "Federal Government should without further delay" in line 1 and *insert* the words "Senate do urge the President to" instead thereof (Senator Patrick Osakwe).

Question that the amendment be made put and agreed to.

Prayer (Hi):

Question; That the Nigerian Police should be better equipped and motivated to handle the issues of Criminality, banditry and lawlessness in the area — *agreed to.*

Prayer (iv):

Question; That the Federal Government and the Oil Companies should accelerate the provision of infrastructure and development in the area— *agreed to.*

Resolved:

- (i) That the Senate do emphasize to the President, Commander-in-Chief to the seriousness of the insecurity situation in the Niger Delta area, and the concern of the Senate thereof;
- (ii) That the Senate do urge the President to apply a political solution through an engagement process involving all the stakeholders and the leaders, including those that are presently incarcerated, with a view to finding a lasting solution to the problem;
- (iii) That the Nigerian Police should be better equipped and motivated to handle the issues of Criminality, banditry and lawlessness in the area; and
- (iv) That the Federal Government and the Oil Companies should accelerate the provision of infrastructure and development in the area (S. **Res/014/07**).

8. Recision of First Reading of Economic and Financial Crimes Commission (Establishment, etc.) Act (Amendment) Bill 2007 (SB. 352):

Motion made and Question Proposed: That the Senate do rescind the First Reading of the Economic and Financial Crimes Commission (Establishment, etc.) Act (Amendment) Bill 2007 read on Thursday, 1st March, 2007 (Senate Majority Leader).

Question put and agreed to.

9. Presentation of Bill:

Economic and Financial Crimes Commission (Establishment, etc.) Act (Amendment) Bill 2007 (SB. 352) — *Read the First Time.*

10. Committee on National Planning, Economic Affairs and Poverty Alleviation:

Report on the Screening of Nominee:

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Alhaji Aliyu Muhammad as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission and approve the recommendation (*Senator Gbemi R. Saraki*).

Question put and agreed to.

Report presented and Laid.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Screening of a Nominee as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC).

Debate:

Recommendation :

That the Senate do confirm the nomination of Alhaji Aliyu Muhammad as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the Alhaji Aliyu Muhammad as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission and approved the recommendation.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation:

Question:

"Will the Senate confirm the nomination of Alhaji Aliyu Muhammad as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission?" — *Resolved in Affirmative.*

Nomination of Alhaji Aliyu Muhammad as a Commissioner representing Sokoto State in the Revenue Mobilization, Allocation and Fiscal Commission accordingly confirmed.

11. Committee on Niger Delta:

Report on the Niger Delta Development Commission Act (Amendment) Bill 2007 (SB, 05):

Motion made and Question Proposed: That the Senate do consider the Report of the Committee on Niger Delta on the Niger Delta Development Commission Act (Amendment) Bill 2007 (*Senator Patrick Osakwe*).

Question put and agreed to.

Report presented and Laid.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE) A BILL FOR AN ACT TO AMEND

THE NIGER DELTA DEVELOPMENT COMMISSION (ESTABLISHMENT ACT) ,
2000 AND FOR MATTERS CONNECTED THEREWITH.

Clause 1: Section 2 Subsection 2:
The Chairman and other members of the Board shall:
(a) be appointed by the President, Commander in Chief of the Armed Forces, subject to the confirmation of the Senate in consultation with the House of Representatives, and

Executive Bill:
The Chairman and other members of the Board shall:
(a) be appointed by the President, Commander in Chief of the Armed Forces.

Committee's Recommendation:
The Chairman and other members of the Board shall:
(a) be appointed by the President, Commander in Chief of the Armed Forces, subject to the confirmation of the Senate (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Section 3 Subsection 1:
Subject to the provision of Section 4 of this Act, a member of the Board other than an ex-officio member shall hold office or a term of 4 years at the first stance and may be reappointed for a further term of 4 years and no more.

Section 3 Subsection 2:
A member of the Board other than an ex-officio member may resign his appointment by notice in writing under his hand addressed to the President Commander-in-Chief of the Armed Forces, which resignation shall take effect only upon receipt by the President Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

Committee's Recommendation:
Insert a new Subsection 3 as follows:
"Notwithstanding the provisions of subsection 1 of this section, the Chairman or a member of the Governing Board may be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or for misconduct or if the President is satisfied that it is not in the interest of the public that the member should continue in office.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Section 9 Subsection 1:
"There shall be established in the Head Office of the Commission the following Directorates...

(i) Directorate of Education, Health and Social Services

Committee's Recommendation:
Leave out the provision in Subsection (1) (i) and insert the following instead thereof:
(i) "Directorate of Education, Health, Sports and Social Services"

(ii) *Insert a new directorate as follows:*
"Directorate of Youths, Women, Sports and Culture" (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4:**Section 10 (a):**

There shall be for the Commission a Management Committee which shall:

- (a) Consist of a Chairman who shall be the Managing Director, two Executive Directors, the Directors responsible for the Directorates established under section 9 of this Act and such number of other members as may be determined from time to time by the Board".

Executive Bill:

There shall be for the Commission a Management Committee which shall: "(a) Consist of a Chairman who shall be the Managing Director, two Executive Directors, the Heads of the Directors established under section 9 of this Act and such number of other members as may be determined from time to time by the Board".

Committee's Recommendation:

That the provision in the Principal Act be retained (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5:**Section 12 Subsection 1:**

"There shall be for the Commission a Managing Director and two (2) Executive Directors who shall be indigenes of Oil Producing Areas starting with the member states of the Commission with the highest production quantum of oil and shall rotate among member states in order of production, and shall....

- (c) be appointed by the President Commander-in-Chief of the Armed Forces and confirmed by the Senate in consultation with the House of Representatives"

Executive Bill:

"There shall be for the Commission a Managing Director and two (2) Executive Directors who shall be indigenes of Oil Producing Areas starting with the member states of the Commission with the highest production quantum of oil and shall rotate among member states in order of production, and shall....

- (c) be appointed by the President Commander-in-Chief of the Armed Forces.

Committee's Recommendation:

There shall be for the Commission a Managing Director and two (2) Executive Directors' who shall be indigenes of Oil Producing Areas starting with the member states of the Commission with the highest production quantum of oil and shall rotate among member states in order of production, and shall....

- (c) be appointed by the President Commander-in-Chief of the Armed Forces and confirmed by the Senate (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6:**Section 12 Subsection 2 (b) and (c) (i):**

"The Managing Director shall, subject to the general direction of the Board, be responsible

- (b) for keeping the books and proper records of the proceedings of the Board, and

for

- (i) administration of secretariat of board; and

- (c)

- (ii) the general direction and control of all other employee of the Commission.

- (3) The Board shall have power to —
- (a) employ either directly on secondment from any civil or public service in the Federation or a State such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Act; and
 - (b) pay to persons so employed such remuneration (including allowances) as the Board may determine.

Committee's Recommendation:

- (i) Leave out the provision in Subsection (2) (b) and (c) (i).
- (ii) Insert a new Subsection (4) as follows:
- "(4) The Head of the Directorate of Legal the Services shall be —
- (a) Secretary to the Board of the Commission; and shall be responsible for-
 - (i) Keeping the books and proper records of the Board.
 - (ii) Administration of the Secretariat of the Board" *(Senator Patrick E. Osakwe) — Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7:

Section 14 Subsection 2 (a):

There shall be paid and credited into the fund established pursuant to subsection 1 of this section —

- (a) from the Federal Government, the equivalent of 15% of the total monthly statutory allocations due to member states of the Commission from the Federation Account; this being the contribution of the Federal government to the Commission.

Executive Bill:

There shall be paid and credited into the fund established pursuant to subsection 1 of this section —

- (a) from the Federal Government, the equivalent of 10% of the total monthly statutory allocations due to member states of the Commission from the Federation Account; this being the contribution of the Federal government to the Commission.
- (b) 10 percent of the monthly statutory allocation due to each member state of the Commission from the Federation Account Allocation Committee¹

Committee's Recommendation:

That the provision in Principal Act be retained *(Senator Patrick E. Osakwe) — Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8:

Section 14 Subsection 2 (b):

- (a) "There shall be paid and credited into the fund established pursuant to subsection 1 of this section—
- (b) 3 per cent of the total annual budget of any oil producing company operating on shore and offshore in the Niger Delta area including gas processing companies.

Executive Bill:

- (a) There shall be paid and credited into the fund established pursuant to subsection 1 of this section-
- (b) 2 percent of the total annual budget of any oil producing company operating on shore and offshore in the Niger Delta area including gas processing companies.

Committee's Recommendation:

That the provision in Principal Act be retained (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9:**Section 18:**

- (1) The Board shall not later than 30th September in each year submit to the National Assembly through the President, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Commission during the next succeeding year for approval.
- (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation"

Executive Bill:

- (1) The Board shall not later than 30th September in each year submit to the President, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Commission during the next succeeding year for approval.
- (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation"

Committee's Recommendation;

That the provision in Principal Act be retained (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10:**Section 24 Subsection 2 (Lines 1 - 6):**

Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment **or** any Public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any Court unless...

Committee's Recommendation:

Leave out the provision in Subsection 2 and *insert* the following instead thereof: "Subject to the provisions of Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 and notwithstanding anything to the contrary contained in any other **law** or enactment, no suit shall lie or be instituted in any court against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such other law or enactment, duty or authority" (*Senator Patrick E. Osakwe*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11:**Section 28 Subsection 5:**

Notwithstanding the provisions of this Act but subject to such directions as may be issued by the Commission, a person who immediately before the commencement of this Act held office in the dissolved Commission shall be deemed to have been transferred to the Commission on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act, and service in the dissolved commission shall be deemed to be service to the commission for purposes of pension.

Committee's Recommendation:

Leave out the provision in Subsection 5 and insert the following instead thereof: "Notwithstanding the provisions of this Act, the Commission may, in its discretion, employ any person who immediately before the commencement of this Act held office in the dissolved Commission and shall be deemed to have been transferred to the Commission on such terms and conditions not less favourable than those existing immediately before the commencement of this Act, and service in the dissolved commission shall be deemed to be service in the Commission established by this Act for purposes of pension" (Senator Patrick E. Osakwe) — Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: For the words "President, Commander-in-Chief of the Armed Forces" wherever it appears in the Principal Act, there shall be substituted the word "President"

Committee's Recommendation:

That the provision in Clause 12 be retained (Senator Patrick E. Osakwe) — Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: The Act may be cited as the Niger Delta Development Commission (Amendment) Act, 2007.

Committee's Recommendation:

That the provision in Clause 13 be retained (Senator Patrick E. Osakwe) — Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

Chairman to report **Bill**.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Niger Delta on the Niger Delta Development Commission Act (Amendment) Bill 2007 and approved as follows:

Clauses 1—5	—	As Recommended
Clauses 6— 10	—	As Recommended
Clauses 11—12	—	As Recommended
Title	—	As Recommended

Question; That the Report of the Committee of the Whole be approved — Resolved in the Affirmative.

Motion made and Question Proposed: That the Bill be read the Third Time (Senate Majority Leader).

Question put and agreed to.

Bill accordingly read the Third Time and passed.

12. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Thursday, 9th March, 2007 at 10.00 a.m. (Senate Majority Leader).

Adjourned accordingly at 1.45p.m.