



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 15th May, 2007

1. The Senate met at 10:30 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, 10th May, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. Messages from Mr. President:
The Senate President announced that he had received two letters from the President, Federal Republic of Nigeria which he read as follows:
(A)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

May 8, 2007

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

Dear President of the Senate,

CONFIRMATION OF APPOINTMENT OF EXECUTIVE CHAIRMAN,
FEDERAL INLAND REVENUE SERVICE (FIRS)

Section 3 (2) of the Federal Inland Revenue Service (Establishment) Act, 2007 provides that the Federal Inland Revenue Service Board shall consist of, amongst others, the Executive Chairman of the Service who shall be experienced in taxation to be appointed by the President and subject to the confirmation of the Senate.

I have, therefore, in the exercise of the powers conferred on me by the provisions of Sections 3 (2) (a) and 4(a) of the Federal Inland Revenue Service (Establishment) Act, 2007, decided to re-appoint Ms. Ifueko Omoigui as the Executive Chairman of the Federal Inland Revenue Service. Prior to the promulgation of the Federal Inland Revenue Service (Establishment) Act, 2007, Ms. Omoigui was appointed as the Executive Chairman of Federal Inland Revenue Service (FIRS) on 3rd May, 2004 for three (3) years in the first instance and her tenure expired on 2nd May, 2007.

In line with the provision of Section 3(2) (a) of the Federal Inland Revenue Service (Establishment) Act which provides that the appointment shall be subject to confirmation of the Senate, I hereby present Ms. Ifueko Omoigui, whose CV is attached, for confirmation by the Senate.

I look forward to your early action.

Your Sincerely

Signed: OLUSEGUN
OBASANJO

(B)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/I34

April 4, 2007

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

Dear President of the Senate,

REQUEST FOR CONFIRMATION OF APPOINTMENT OF MEMBERS
OF THE FEDERAL JUDICIAL SERVICE COMMISSION (FJSC)

The Federal Judicial Service Commission is one of the Federal Executive Bodies established under Section 153(1) (e) of the Constitution of the Federal Republic of Nigeria, 1999. Paragraph 12(e), Part 1 of the THIRD SCHEDULE of the 1999 Constitution provides for the appointment of two persons each of whom has been qualified to practise as a legal practitioner in Nigeria for a period of not less than fifteen (15) years, from a list of not less than four persons so qualified recommended by the Nigerian Bar Association as members of the Federal Judicial Service Commission.

I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the Constitution of the Federal Republic of Nigeria, 1999, decided to appoint Rafiu A. Lawal-Rabana and Lady Debbie N. Obodoukwu-Iregbu from a list of four members presented by the Nigerian Bar Association as members of the Federal Judicial Service Commission to represent the Nigerian Bar Association.

In line with the provision of Section 154(1) and (3) of the Constitution of the Federal Republic of Nigeria, 1999 and after due consultation with the Council of State at its meeting of Monday, 5th March, 2007, I hereby present the appointment of Rafiu A. Lawal-Rabana (Kwara State) and Lady Debbie N. Obodoukwu-Iregbu (Imo State), whose CVs are enclosed, for confirmation by the Senate.

I look forward to your early action.

Your Sincerely

Signed: OLUSEGUN
OBASANJO

4. Presentation of Bill:

National War College (Amendment) Bill 2007 (SB. 361) — *Read the First Time.*

5. Confirmation of Nomination:

Motion made and Question Proposed: That the Senate do consider the request of Mr. President Commander-in-Chief, for the confirmation of the nomination of Mr. Emmanuel Justus Ntuk (South-South Zone) as a Commissioner in the National Assembly Service Commission (NASC) (*Senate Majority Leader*).

Question put and agreed to.

Request accordingly referred to Senate Committee on Establishment and Public Service to report within one week.

6. Confirmation of Nominations:

Motion made and Question Proposed: That the Senate do consider the request of Mr. President Commander-in-Chief, for the confirmation of the nominations of the following persons as Members of the National Population Commission (NPC):

(i)	Alh. Abashe Ira	Katsina	—	Member
(ii)	Mr. Raphael Fola Adedayo	Ekiti	—	Member
(iii)	Mr. Stephen Eruvwetere Egbivbie	Delta	—	Member
(iv)	Mr. Sani Abdullahi Sulaiman	FCT	—	Member
(v)	Alhaji Hassan Bashir	Bauchi	—	Member
(vi)	Alhaji Umaru Abdullahi Yelwa	Kebbi	—	Member

(*Senate Majority Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on National Population and National Identity Card to report within one week.

7. Confirmation of Nomination:

Motion made and Question Proposed: That the Senate do consider the request of Mr. President' Commander-in-Chief, for the confirmation of the nomination of Dr. Sheikh Saleh Okenwa as a Member of the National Hajj Commission of Nigeria (NAHCON) (*Senate Majority Leader*).

Question put and agreed to.

Request accordingly referred to Committee on Foreign Affairs to report within one week.

8. Extension of Time of Sitting:

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

Question put and agreed to.

9. Motion:***The Conduct of 2007 General Election:***

Motion made and Question Proposed: Whereas the relevant provisions of the Constitution and indeed the Electoral Act 2006 enacted by the National Assembly, the Independent National Electoral Commission (INEC) is empowered to organize, undertake and supervise elections into offices created by the Constitution of the Federal Republic of Nigeria, 1999 as impartial umpires independent of any arm of government;

Whereas prior to the conduct of Saturday April 14, 21 and 28, 2007 elections respectively, there had been wide spread scepticisms regarding preparedness of the Independent National Electoral Commission (INEC) as constituted to organize and supervise credible, transparent, free and fair elections;

Whereas INEC officials in some states released ballot papers and result sheets to unauthorized persons before elections;

Whereas elections conducted by the Independent National Electoral Commission (INEC) on Saturday, April 14, 21 and 28 respectively have generated mixed reactions locally and internationally;

Whereas the elections conducted on the dates earlier cited have been greeted with allegations of massive irregularities including but not limited to intimidation of voters by security agents, snatching of ballots boxes by armed personnel, government officials, absence of voting privacy, stuffing of ballot boxes with already thumb printed ballot papers and outright falsification of results;

Whereas some of the reported irregularities enumerated above later resulted in disquieting voter apathy during the Saturday, April 28 Bye Election;

Whereas a number of local and International Observer groups have pronounced the elections as having been badly flawed while Government is counseling that the result be upheld;

Whereas there have been calls for outright cancellation of the election and mass protest by aggrieved parties while demanding for free conduct of polls;

Whereas the calls for cancellations or mass actions remain high with a potential to throw the nation into monumental crises as witnessed following the annulment of June 12, 1993 Presidential Election;

Whereas such calls portend great dangers for the sustenance of peace, stability and civil democratic rule in Nigeria;

Whereas not less than 200 citizens of our nation were killed in various crises relating to the Governorship and State House of Assembly elections conducted by Independent National Electoral Commission (INEC);

Whereas INEC a statutory body created under the rule of law, by its action of non compliance with orders issued by Courts of competent jurisdiction clearly demonstrate its total disrespect for the rule of law;

Whereas the Senate of the Federal Republic of Nigeria in accordance with the Constitution of the Federal Republic of Nigeria, 1999 appropriated funds for the conduct of the April 2007 general elections;

Whereas there has been a reported incident of the abandonment of 700,000 ballot papers (for which National Assembly in exercise of its power appropriated money) in South Africa, an incident confirmed to be true by the Independent National Commissioner in charge of Information and Publicity, Mr. Philip, Umeadi on Sunday 29th April 2007:

Whereas the sum of N13 Billion appropriated for printing of permanent Voter's Card with Automatic Finger Print Identification System (AFIS) for which contract was awarded, no permanent Voters Card printed, issued nor finger print authentication carried out by Direct Data Capture Equipment of which contract was awarded to Zinox instead, Zinox changed the Direct Data Capture Equipment with ordinary laptops;

Whereas INEC contracted for the installation of 1,028 VSAT transceivers and leased circuit with Reltel Communication for the purpose of transmitting and collation of election results nationwide at the cost of N4 Billion, less than 100 transceivers were installed which none is functional before and during the purported election of April 14th 2007, instead Globacom GSM SIM Cards were used by INEC in transmitting election results;

Whereas the Senate of the Federal Republic of Nigeria appropriated money to cover the cost of each and all of the elections, Presidential ballot papers were reported to have been used for Plateau State House of Assembly elections, a move justified by one Mr. Bencyn Ikpe, Public Relations Officer of INEC in Plateau State as having been taken to save time; and

Whereas the Senate of the Federal Republic of Nigeria, as a body responsible for making laws has historical responsibility to note, observe, collate and review the loopholes in the execution of the provisions of the Electoral Act 2006 and the Constitution of the Federal Republic of Nigeria, 1999 with respect to the conduct of elections in Nigeria.

Be it resolved:

- (i) That the Senate do constitute a seven (7) man Ad-hoc Committee immediately to investigate areas of commission and or omission by INEC against lawful court orders and or abuse or the provisions of the Electoral Act 2006 and investigate the causes of the reported lapses during the last elections pursuant to the provisions of Section 89 of the Constitution of the Federal Republic of Nigeria, 1999;
- (ii) That the Committee should identify the flaws in our present Electoral Act 2006 and make necessary recommendation to assist the next National Assembly in making necessary electoral reforms and institutionalizing processes for the conduct of credible elections in the country;
- (Hi) That the Committee should investigate the disbursement and administration of the funds appropriated by the National Assembly to INEC for the purposes of the conduct of the elections in exercise of the power conferred on the Senate of the Federal Republic of Nigeria vide Section 88 of the Constitution of the Federal Republic of Nigeria, 1999;
- (iv) That the Committee be accordingly empowered by this Senate to make any farther inquiry as it may deem fit and make necessary recommendations to guide against future occurrences of the electoral malpractices of this magnitude (*Senator Muktar A. Mohammed Aruwa*).

Debate:

Prayer (i):

That the Senate do constitute a seven (7) man Ad-hoc Committee immediately to investigate areas of commission and or omission by INEC against lawful court orders and or abuse or the provisions of the Electoral Act 2006 and investigate the causes of the reported lapses during the last elections pursuant to the provisions of Section 89 of the Constitution of the Federal Republic of Nigeria, 1999 — *Negatived*.

Prayer (ii):

That the Committee should identify the flaws in our present Electoral Act 2006 and make necessary recommendation to assist the next National Assembly in making necessary electoral reforms and institutionalizing processes for the conduct of credible elections in the country — *Negatived*.

Prayer (Hi):

That the Committee should investigate the disbursement and administration of the funds appropriated by the National Assembly to INEC for the purposes of the conduct of the elections in exercise of the power conferred on the Senate of the Federal Republic of Nigeria vide Section 88 of the Constitution of the Federal Republic of Nigeria, 1999;

Amendment Proposed:

Leave out the words "Committee should" in line 1 and *insert* the words "Senate do constitute a Joint Committee comprising the Committees on Appropriation, Independent National Electoral Commission (INEC) and Public Accounts to" instead thereof (*Senator Udoma Udo Udoma*).

Question that the amendment be made put and agreed to.

Prayer (iv):

That the Committee be accordingly empowered by this Senate to make any further inquiry as it may deem fit and make necessary recommendations to guide against future occurrences of the electoral malpractices of this magnitude — *Negatived*.

Resolved:

That the Senate do constitute a Joint Committee comprising the Committees on Appropriation, Independent National Electoral Commission (INEC and Public Accounts to investigate the **disbursement and**

of the elections in exercise of the power conferred on the Senate of the Federal Republic of Nigeria vide

10. Conference Committee on the Statistics Bill 2007 (SB. 255):
Report of the Conference Committee on the Statistics Bill 2007:

By leave of the Senate, Report stood down to the next legislative day.

**11. Committee on Establishment and Public Service:
Report on the Public Procurement Bill 2007 (SB. 151):**

By leave of the Senate, Bill stood down to the next legislative day.

12. Committee on Finance:

Report on the Petroleum Profit Act (Amendment) Bill 2007 (SB. 177):

By leave of the Senate, Bill stood down to the next legislative day.

13. National Inland Waterways Authority Act (Repeal and Re-enactment) Bill 2007 (SB. 358)

By leave of the Senate, Bill stood down to the next legislative day.

10. Adjournment:

And it being 2.35 p.m. the Senate President adjourned the Senate till Wednesday, 16th May, 2007 at 10.00 a.m.

Adjourned accordingly at 2.35p.m.

Ken Nnamani, GCON
President of the Senate