

**VOL. 2
No. 15**



**Wednesday
18th February, 2009**

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

THIRD ASSEMBLY (SIXTH SENATE)

SECOND SESSION

THE SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 18th February, 2009

The Senate met at 10.25 a. m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Tuesday, 17th February, 2009, Pages 477, 478, 479, 480, 481, 482.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to move that the Votes and Proceedings of Tuesday, 17th February, 2009 be approved

Senator Eme-Ufot Ekaette (Akwa Ibom South): Mr. President, I rise to second the Motion, as moved by my distinguished Colleague that the Votes and Proceedings of Tuesday, 17th February, 2009, be approved.

Question put and agreed.

Resolved: That the Votes and Proceedings of Tuesday, 17th February, 2009, be approved.

ANNOUNCEMENT

Visit of the Legislative Council Members of Igueben and Ishan South-East Local Government Areas of Edo State; Students of the Nigerian Law Academy, Delta State University and Staff and Students of Fortune High School, Uyo in Akwa Ibom State

The President: I wish to acknowledge the presence of the following:

- (i) Members of the Legislative Council, Igueben Local Government Area, Edo State;
- (ii) Members of Legislative Council, Ishan South-East Local Government Area, Edo State;
- (iii) Students of the Nigerian Law Academy, Delta State University, Ole Campus, Delta State;
- (iv) Staff and Students of Fortune High School, Uyo, Akwa Ibom State.

They are all in the Gallery to observe Senate Proceedings. We wish all of you fruitful observation of our proceedings.

ORDER OF THE DAY

MOTION

**Confirmation of Nominations for the Federal
Roads Maintenance Agency**

Senator Teslim Kolawole Folarin (Oyo Central): The first Order of the Day is a Motion requesting this Senate to consider the request of Mr. President, Commander-in-Chief for the Confirmation of the Nominations of the following persons as Chairman and Members of the Governing Council of the Federal Road Maintenance Agency in accordance with Section 3 of the Federal Road Maintenance Agency (Amendment) Act, 2007.

The names are as contained in the Order Paper. The purpose of this Motion is for the request of Mr. President, Commander-in-Chief to be referred to the relevant Committee for further legislative action.

I, therefore, move that this Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of the aforementioned persons as Chairman, and Members of the Governing Board of the Federal Road Maintenance Agency, in accordance with Section 3 of the Federal Road Maintenance Agency (Amendment) Act, 2007.

I so move.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion moved by the Senate Leader, that the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nominations of the under-listed persons in our Order Paper, as Chairman and Members of the Governing Board of the Federal Road Maintenance Agency in accordance with Section 3 of the Federal Road Maintenance Agency (Amendment) Act, 2007.

Question put and agreed to.

Resolved: That the senate do consider the request of Mr. President, Commander-in-Chief for the Confirmation and Nominations of:

S/NO.	NAME	DESIGNATION	GEO-POLITICAL ZONE
1.	Engr. Abdulkadir Abdullahi Kure	Chairman	
2.	Engr. Abdul-Azeez Alhaji Umaru	Member	North West
3.	Mallam Yakubu W. Bello	Member	North East
4.	Musa Hussein Esq.	Member	North Central
5.	Mr. Arikawe Akinlose Sylvester	Member	South West
6.	Chief Fidelis Ike Ndeokwelu	Member	South-East
7.	Barrister Bolatsi Omatseye Dudu	Member	South-South

as Chairman and Members in the Governing Board of the Federal Road Safety Maintenance Agency in accordance with Section 3 of the Federal Road Maintenance Agency (Amendment) Act, 2007 and referred to the Committee on Works to report within two weeks.

PRESENTATION AND CONSIDERATION OF REPORTS

Report of the National Assembly Joint Finance Committee on the Year 2009 Appropriation Bill

Senator Teslim Kolawole Folarin: The second Order of the Day is the presentation and consideration of a Conference Committee Report on the 2009 Appropriation Bill (SB. 231).

You will recall that the Senate and the House of Representatives passed different versions of the 2009 Appropriation Bill. The Conference Committee of both Houses has met to harmonise their differences in accordance with the Senate Standing Order 88 and the Report is now ready. You may wish to invite distinguished Senator Iyiola Omisore, the Chairman of Appropriations Committee, to move the Motion for the Senate to receive and consider the Report.

The President: Distinguished Senator Iyiola Omisore, it is your Report and as the Minority Leader,

there is no need for you to second it. Distinguished Iyiola Omisore, you may present the Report, please.

Senator Iyiola Omisore (Osun East): Mr. President, this is the Report of the National Assembly Joint Committee on the Year 2009 Appropriation Bill. The Senate will recall that Mr. President, Commander-in-Chief of the Federal Republic of Nigeria presented the 2009 Budget proposals with the Bill attached to it in the sum of ₦2.8705 trillion to the National Assembly for consideration and passage into law.

Thereafter, the Executive made additional requests and adjustments of about ₦85 billion amounting grossly to ₦2.955 trillion including Statutory Transfers and Arrears to Niger Delta Development Commission.

The estimation of revenues and expenditure for the fiscal year 2009 was passed by the Senate and House of Representatives in December, 2008, and February, 2009 respectively. Consequently, the Joint Finance Committee was set up to harmonise the areas of differences between the two versions of the Bills as passed by the two Chambers.

The Joint Finance Committee held several meetings in furtherance of its mandate and considered the various areas of differences to come up with its recommendations. The Statutory Transfers were reviewed upwards in line with increase spending since the allocations to Universal Basic Education and Niger Delta Development Commission are based on percentage of total spending. Other harmonised positions are listed below:

0541

0542

	SENATE	HOUSE OF REPRESENTATIVES	JOINT FINANCE COMMITTEE RECOMMENDATION
S/N SCHEDULE	=N=	=N=	=N=
1. STATUTORY TRANSFERS	165,719,910,696	165,719,910,696	168,620,847,114
2. DEBT SERVICE	283,649,892,795	283,649,892,795	283,649,892,795
3. RECURRENT (NON DEBT) EXPENDITURE	1,709,388,028,945	1,617,934,121,659	1,627,287,216,097
4 CAPITAL EXPENDITURE	890,136,302,767	1,019,742,361,943	1,022,255,794,620
T O T A L	3,048,894,135,204	3,087,046,287,092	3,101,813,750,626

Recommendations

The Senate/House of Representatives is invited to consider the report of the Joint finance Committee and approve the recommendations hereto.

We so recommend.

Appreciation

We thank the Senate and the House for giving us the opportunity to serve.

Signed by:

Members of the Joint Finance Committee On the 2009 Appropriation Bill

The Bill is attached:

Section 1: Appropriation Bill 2009

The Schedule: Part A – Statutory Transfers
Part B – Debt Service
Part C – Recurrent (Non-Debt) Expenditure MDAs
Part D – Capital Expenditure MDAs

I so present.

(Report laid on the Table)

The President: Thank you very much distinguished Senator Omisore. Are there comments?

It is a Joint Conference Report and we can hardly alter anything here as it were. If there is no comment then, I would put the Question.

Senator Ike Ekweremadu (Enugu West): Mr. President, on page 3 of 10, item 6(3), *The Accountant General of he*, the letter *t* is missing there.

The President: That is correct. Can I put the Question now that the Senate do approve and adopt the Conference Committee Report on the 2009 Appropriation Bill?

Some Distinguished Senators: Yes

Question put and agreed to.

Resolved: That the Senate do approve and adopt the Conference Committee Report on the 2009 Appropriation Bill.

Report of the Committee on Judiciary, Human Rights and Legal Matters

Senator Teslim Kolawole Folarin: Mr. President, the third Order of the Day is the consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of Hon. Justice John Afolabi Fabiyi (North Central) and Hon. Justice Olufunlola Oyelola Adekeye (South West) as Honourable Justices of the Supreme Court of Nigeria.

You will recall that the Report of the Committee was laid on Tuesday, 10th February 2009. You may wish to invite Senator Umaru Dahiru, Chairman of the Committee to move the Motion for the consideration of the Report.

Senator Umaru Dahiru (Sokoto South): Mr. President, I move that the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal

Matters on the screening of Hon. Justice John Afolabi Fabiyi (North Central) and Hon. Justice Olufunlola Oyelola Adekeye (South West) as Honourable Justices of the Supreme Court of Nigeria and approve the recommendations therein.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, I rise to second that the Report as presented by Senator Dahiru be accepted and considered.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of Hon. Justice Afolabi Fabiyi (North Central) and Hon. Justice Olufunlola Oyelola Adekeye (South West) as Honourable Justices of the Supreme Court of Nigeria.

Senator Umaru Dahiru: Mr. President, on Tuesday, 20th January, 2009, the Senate considered a request by Mr. President for the confirmation of nominations of Hon. Justice John A. Fabiyi, JCA and Hon. Justice Olufunlola O. Adekeye, JCA as Honourable Justices of the Supreme Court of Nigeria.

These appointments were made pursuant to Section 231(2) and (3) of the Constitution of the Federal Republic of Nigeria, 1999 which requires that the appointment of a person to the office of a Justice of the Supreme Court of Nigeria shall be made by the President on the recommendation of the National Judicial Council, subject to the confirmation of such appointment by the Senate.

Accordingly, by Order of Reference the Senate referred this request to the Senate Committee on Judiciary, Human Rights and Legal Matters and mandated it to screen the nominees and report its recommendations.

Methodology:

The Committee requested for and received the Curriculum Vitae and other supporting documents of the nominees and invited them to appear before it for the screening exercise. On Thursday, 29th January, 2009, the nominees appeared before the Committee. The Committee examined the Curriculum Vitae and other supporting documents of the nominees and thereafter screened them as follows:

Honourable Justice John Afolabi Fabiyi, JCA

The Committee invited Hon. Justice John A. Fabiyi and received explanations regarding his life, work experience, suitability, competence and integrity to assume

the position of Honourable Justice of the Supreme Court of Nigeria.

Hon. Justice J. A. Fabiyi was born on 25th November, 1945. He hails from Kogi State. He attended Government Secondary School, Okene, and obtained his School Certificate in 1965. He holds a Bachelor of Laws (LL.B. Hons) Degree from the Ahmadu Bello University, Zaira in 1969. He was called to the Nigerian Bar in 1970. He started his career as a Private Legal Practitioner with E. Noel Grey and Co. in Kano. He was appointed Magistrate Grade I, in the Kwara State Judiciary in 1975.

Senator Mohmud Kanti Bello (Katsina North): Point of Order!

The President: Point of Order, Senator Mohmud Kanti Bello.

Senator Mohmud Kanti Bello: It is on Code of Ethics, Sir. A Senator shall not approach the Chair except when invited by the Presiding Officer.

The President: Your Point of Order is sustained but distinguished Senator Omisore has already gone back to his seat.

Senator Umaru Dahiru: Hon. Justice John Afolabi Fabiyi rose through the ranks to become a substantive Chief Registrar in 1981. After a brief stint as Chief Registrar, he was appointed High Court Judge where he served between 1984 and 1998 both in Kwara and Kogi States High Court.

He was appointed to the Court of Appeal Bench in 1998, and he was the Presiding Justice of the Court of Appeal, Ibadan Division before his nomination for elevation to the Supreme Court of Nigeria.

Hon. Justice Fabiyi comes across as a strict, courageous and consummate Judge. Apart from his regular duties as a Judge, he was Chairman of Armed Robbery and Fire-Arms Tribunal in Kogi State from 1994 to 1998 and Chairman, Election Petition Tribunal, in Anambra State, 1998 among others. He has also attended conferences both in Nigeria and abroad. He is a recipient of National Honour of the Order of the Federal Republic (OFR), 2008.

In response to questions put to him, Hon. Justice Fabiyi demonstrated sufficient knowledge of the law and answered questions regarding the Independence of the Judiciary and expressed his views on Immunity Clause, Constitutional Amendment, and Appointment of Non-Judicial Staff to Courts of Superior Records, State Creation and Local Government system among others.

The Committee finds that Hon. Justice Fabiyi is an eminent jurist who has contributed greatly to the development of the law through his judgments and publications.

The Committee after a critical scrutiny of his CV and other accompanying documents and having been satisfied about his integrity, suitability and competence, found him a fit and proper person for appointment as Honourable Justice of the Supreme Court of Nigeria.

Honourable Justice Olufunlola Oyelola Adekeye, JCA

The Committee invited Hon. Justice O. O. Adekeye, JCA and received explanations regarding her life, work experience, suitability, competence and integrity to assume the position of Honourable Justice of the Supreme Court of Nigeria. She is the second woman to be nominated as a Supreme Court Judge.

Hon. Justice O. O. Adekeye was born on 28th October, 1942. She hails from Ekiti State. She attended St. Anne's School, Ibadan from 1955 to 1959. She then proceeded to London for her legal training where she attended North Western Polytechnic from 1961 to 1963, Leeds University, Leeds Yorkshire from 1963 to 1966. She was called to the Nigerian Bar in 1968.

She started her career as a Private Legal Practitioner with the law firm of Akin Oloko & Co. She thereafter joined the Ministry of Justice as State Counsel in 1970. She was appointed Magistrate Grade II and rose through the ranks to become substantive Chief Registrar in 1985. In 1987, she was appointed High Court Judge. By dint of hard work, she was elevated to the Court of Appeal Bench in 1998. Before her nomination for elevation to the Supreme Court Bench, she was the Presiding Justice of the Court of Appeal, Ilorin Division.

Hon. Justice Adekeye comes across as a strict, courageous and consummate Judge. Apart from her regular duties as a Judge, she also served on numerous ad-hoc committees, amongst them: National Committee for the Unification of the Criminal Code and Penal Code in Nigeria from 1990 to 1992; Chairman, Adekeye Commission of Inquiry; etc. She has also attended courses both in Nigeria and abroad.

Hon. Justice Adekeye has contributed to the development of the legal profession through law publications/papers, amongst them: Domestic Violence and the Suggested Roles of Voluntary Organisations; Judgment and Judgment Writing; Administration of Justice and the Role of Magistrate; Incidence of Juvenile Delinquencies and Solutions; Marriage and Divorce under the Customary Law, *et cetera*.

In response to questions put to her, Hon. Justice Adekeye demonstrated sufficient knowledge of the law and answered questions regarding the rule of law *vis-à-vis* the body polity in Nigeria and also expressed her views on domestic violence; indiscipline in the legal profession, appointment of Supreme Court Justices, Constitutional amendment, *et cetera*.

The Committee after a critical scrutiny of her CV and other accompanying documents and having been satisfied about her integrity, suitability and competence, found her a fit and proper person for appointment as Honourable Justice of the Supreme Court of Nigeria.

General Observation

For the avoidance of doubt, we wish to observe that these appointments satisfy the constitutional provisions of Section 231(3), which stipulates a minimum of 15 years post-call experience to qualify for appointment as a Justice of the Supreme Court of Nigeria.

It should be stated that these positions became vacant following the retirement of Hon. Justice S. U. Onu, JSC from North-Central Zone and Hon. Justice S.A. Akintan, JSC from South-West Zone. As a result, it therefore became necessary to make new appointments to replace them.

By virtue of paragraph 13(a)(ii) of the Third Schedule to the Constitution, the Federal Judicial Service Commission is empowered to advise the National Judicial Council in nominating persons for appointment as Honourable Justices of the Supreme Court of Nigeria. At present the composition of the Supreme Court of Nigeria as per geo-political zones is as follows:

North-East	-	2
North-West	-	3
North-Central	-	3
South-East	-	2
South-West	-	2
South South	-	3

If we confirm these two Justices, the outlook will be as listed below:

North-East	-	2
North-West	-	3
North-Central	-	4
South-East	-	2
South-West	-	3
South South	-	3

Presently, we have fifteen Justices of the Supreme Court. Once we confirm these two Justices, we are going to have seventeen.

Recommendation

The Senate Committee on Judiciary, Human Rights and Legal Matters, after careful scrutiny of the CVs and other accompanying documents of Hon. Justice J. A. Fabiyi, JCA and Hon Justice O. O. Adekeye, JCA and having been satisfied about their exposure, experience, performance, qualification and competence, hereby recommends that the Senate do confirm the nominations of Hon. Justice J. A. Fabiyi and Hon. Justice O. O. Adekeye as Honourable Justices of the Supreme Court of Nigeria.

I so move.

Senator Patrick E. Osakwe (Delta North): Mr. President, I stand to second the Motion moved by distinguished Senator Dahiru. I want to say one or two things in addition since I may not have opportunity to speak again on this.

This is a very good job; well researched. I agree with the recommendation. I want to advise that this country has lost so many brilliant Justices because of the age at which they retire. In developed economies like Britain, they remain there until they are 80 years but here there are very brilliant Justices that have been cut off with this age restriction. Look at these people we are confirming today, some of them are very close to 70 years and how many years would they serve before they are out.

So, I want to use this medium to appeal so that the age of retirement for our judges be increased by, at least, five years so that those who are healthy could remain there for some time. Any one who gets sick would retire on that basis. By the present age of retirement, we have lost so many brilliant Justices that this country would have needed their services. Apart from that I support the recommendations of the Committee.

Senator James Ebiowou Manager (Delta South): Mr. President, I want to join Senator Patrick Enebeli Osakwe, my Brother and Colleague from Delta to say that the Committee has done a good job. I also support him by saying that at that level of adjudication of justice I sincerely believe that the older the better. So, long as the person has a sound mind and a sound health, the older the better. If there is anything we can do to raise the retirement age to 80 years the country stands to benefit from it.

I want to make this observation as an unbiased observer. At that level of adjudication appointment to the

Supreme Court is very strategic and if you look at the last page, you will see the table of the geo-political composition of the Justices of the Supreme Court that are now serving. North-East geo-political Zone has 2, North-West 3, North Central 4, North-East 2, South-West 3 and South-South has 3 and that is what I mean by saying that I am making this observation very unbiased as a Nigerian. At that level, it is important for us to balance it up. I am making this observation to the appointing authorities because I want to believe that the South-East in particular does not lack the quality and character of persons to be appointed to the Supreme Court bench. I am neither from the South-East nor from the North-East but in the history of wise men, they always come from the East. Thank you for giving me the opportunity.

Senator Ayogu Eze (Enugu North): Mr. President, I want to start my contribution by commending the very dispassionate views of Senator James Ebiowou Manager who has shown himself as a very detribalised Nigerian and who looks at what appears like an injustice in the face and calls it by its name.

Actually, I was going to make that point but I was also going to support the view that asking the Justices to retire at the age at which they do now has the tendency of robbing our bench of the seasoned knowledge that these people have gathered over the years. I know that in a country like Britain, there are cases of people who have sat as Justices even at a ripe age of 80 years. People in the legal profession get better at old age. At older age, they are no longer facing certain distractions that young people face and they concentrate on jurisprudence and administration of law. Here, it is at that point that they are plucked away.

I know one of them personally. Justice Adekeye served in the Enugu Judicial Division and I can attest to her integrity, erudition and knowledge of law. Some of the pronouncements she made while she was in Enugu are landmarks that are being cited across this country. I believe the same applies to her Colleague, Justice Fabiyi. I have no hesitation in recommending that our Colleagues should endorse the confirmation of these two eminently qualified Nigerians.

I wish to once more draw attention to the table that Senator James Manager has spoken about and if you talk about the history and origin of legal practice in Nigeria once you talk about Lagos and probably Ibadan axis, the next place is Onitsha and some parts of Igbo land. To do justice to this table and in observance of our constitutional provision as regards federal character, we should try as much as possible to maintain some parity. I know that in the United State, more often than not, the politics of appointing people who serve on the Supreme Court is even

hotter than the politics of electing their President because they know the implication of having people in the apex Court. I support that we approve this confirmation but the appointing authorities should also be very mindful of the lopsided distribution of those who are serving in the apex Court.

Senator Ike Ekweremadu: First, let me commend Senator Manager for his observation. I have a very serious concern about this development of identifying judicial officers with geo-political zones. I do not think that is good for judiciary and justice itself. We should be able to send to Supreme Court, Court of Appeal and even the High Courts the best brains in the profession irrespective of where they come from. Justice should be like football in our country. We should look for the best that will represent us because when you are dispensing justice you are doing so to all concern irrespective of tribe, religion or wherever. To begin to say that a particular Justice of the Supreme Court is representing a zone is an anathema that should not be encouraged. This is not found in any law and not even in the Constitution. So we have to desist from the practice of saying that a Justice is representing a particular geo-political zone. That would not tell well for our judiciary and it is not good for the ordinary people of this country. Therefore, we need to discourage it and possibly take a decision in this Senate so that further appointments to the Judiciary should not indicate geo-political zones.

Senator Adamu Garba Talba (Yobe South): Mr. President, I rise to support the Report as presented by my best Friend and Brother, Senator Dahiru. I would like to talk about the retirement age of Justices and Judges.

In my view, the Justices and Judges shall reach the age of 80 years before they are retired because the more elderly they become the more experienced. So, I feel that the retirement age should not be at par with that of the Civil Servants.

Also Yobe State has never experienced any appointment in respect of Justice of the Supreme Court and we have the talents. So, if it is based on states or zones, Yobe State should have been considered for a Justice of the Supreme Court. To this end, I support and appreciate the work of Senator Dahiru. It is a job well done.

Senator George Thompson ekibo (Rivers East): Mr. President, I rise to sincerely recommend the Chairman and Members of this Committee for the detailed, neat and comprehensive work they have done that does not, indeed, demand any question to be thrown to them. Few issues we need to know about the persons we are talking about have been expressly recorded. I would say that because of the

nature and quality of the Report, we should support it and give approval to it.

I also want to lend my voice to what the very first two speakers said, Senator Patrick Osakwe and Senator James Manager on the issue of age. We know that age gives birth to experience and good experience keeps a nation going when it is brought to bear in the management of the affairs of the people. I sincerely support Senator Osakwe on his debate.

Again, on what Senator James Manager said, as Nigerians we have seen that geo-political zones have come to stay. Since each of them is almost having equal status, it is necessary that the unbiased observation of Senator James Manager be looked into critically when other appointments would be made in the future in this particular area.

When the Senate President called the first lawyer, the second and continued with lawyers, I thought that those of us who are not lawyers may not have opportunity to say something in this regard. However, now that we have the opportunity, I was trying to go through the Constitution on the establishment of the Supreme Court; I did not see where age limit is inserted. I do not know if it is a policy matter or institutional. I will still look further. If it is not enshrined in the Constitution then it is only a policy matter; and if it is a policy matter then, changes could be made without too much rigours. I support the adoption of the Report.

Senator Joy Emordi (Anambra North): Mr. President, I commend the Chairman and Members of the Judicial Committee for this wonderful Report. I also commend the President of the Federal Republic of Nigeria for making these appointments. This is yet another stride for the women of this country. Another history made that less than three years we now have two women Supreme Court Justices. It is a big stride.

Again, this brings me to this issue of affirmative action whether or not we actually need it in this country. In the next 10 years, I feel that the Supreme Court will be peopled by mostly women. So agitation for this affirmative action is all right, but we have to take a second look at that.

I commend Justice Adekeye for making Nigerian women proud. Manifested from the Report of the Committee, she is a woman of integrity, competence and high intelligence that merited her to take up this very important position not through affirmative action or any godfather. I thanked God for her. This is a clear manifestation of the fact that women can be whatsoever they want to be through sheer hard work and diligence. I commend her again for this.

Then, on the issue of federal character, I believe that we do not have to murder competence on altar of federal character. It is all right, but there are some fields where we should not over emphasise this, especially in issue of judiciary. It is all right, but we should not murder competence, integrity and diligence on the altar of federal character.

I thank the Committee for the job well done. I congratulate Nigerian women for yet another stride for making history again.

Senator Oloruninmbe Mamora (Lagos East): Mr. President, flowing from the submissions of the Deputy Senate President and Senator Joy Emodi, I am seeking the interpretation of Section 14 which we have referred to every time from your good self. Section 14(3) of the Constitution says that: *The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character...*The clarification I am seeking is whether the appointment of Justices falls within this aspect of the Constitution. Is it a political appointment? I just want your ruling on that issue.

The President: This is not a very clear court case where we can say that federal character has to be strictly adhered to. The issue here is that the balance should not be seen to be totally out of balance. In my candid opinion, the figures that are reflected there appear reasonable because we cannot go strictly according to states or geo-political zones for the simple reason that the Judiciary has a hierarchy. There is always an order of seniority in the Judiciary and I believe that these two that have been appointed are also very senior in the Judiciary. So, apart from political balancing there is also the issue of seniority in the Judiciary just like in the Armed Forces.

We should be careful not to give the Justices an impression that they are Justices because they come from a particular geo-political zone. It is better to see them more as Nigerians who have been elevated to that position based on their competence and seniority within the Judiciary. That is my candid opinion on the current issue.

We have listened to a lot of comments on this and I want to thank you for your contributions.

Senator Osita Izunaso (Imo East): Mr. President, I would like to refer us to Section 230(1)(b) which says: *There shall be a Supreme Court of Nigeria.*

230(2); The Supreme Court of Nigeria shall consist of

(b) *such number of Justices of the Supreme Court, not exceeding twenty-one, as may be prescribed by an Act of the National Assembly.*

My clarification is from the table of content read by distinguished Senator Dahiru; when these two are confirmed, we are going to have 17 Supreme Court Justices whereas the Constitution says we can have up to 21. Why is it that the number cannot be increased to 21? I just want clarification on this.

The President: The number of Justices in the Supreme Court is at the discretion of the man who appoints them. It did not say it must be 21 rather it says it shall not exceed 21. There is nothing wrong with having less than 21 but the total number of Justices in the Supreme Court cannot exceed 21. The person that appoints them can increase it when he decides to. I thought you wanted to ask whether the National Assembly has enacted any Act on the minimum number of Justices.

Senator Teslim Kolawole Teslim: Mr. President, I move that this Senate move into Committee of the Whole to consider the Report.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I second the Motion that the Senate do resolve into Committee of Whole to consider the Report of the Committee on Judiciary.

Question put and agreed to.

Report of the Committee on Judiciary, Human Rights and Legal Matters on the Screening of Hon. Justice John Afolabi Fabiyi (North Central) and Hon. Justice Olufunlola Oyelola Adekeye (South West) as Honourable Justices of the Supreme Court of Nigeria – CONSIDERED IN THE COMMITTEE OF THE WHOLE

Senator Umoru Dahiru: Mr. Chairman, the information I want to give which is equally another constitutional issue is regarding age. Some Senators asked why could we not increase the age from the current 70 to even 85 years. Section 291(1) of the Constitution, requires 70 years for retiring age. In fact, a Justice or Judge can retire as from 65 years and after reaching 70 years that would be the end of it. So, if we want to make it 80, we can use the opportunity of the Constitution Amendment that we are embarking upon to increase the age.

The Chairman: You are saying that the retirement age is constitutional. It is 70 years in the Constitution.

Senator Mamora, just a point of clarification; is there any co-relationship between age and senility?

Senator Olorunimbe Momora: Yes, to some extent, except that we have what we call *pre-senile senility*. There are those who go senile even when they are not that old, maybe, from cigarette smoking and things like that.

The Chairman: So, 70 years is all right? I can now put the Question on the approval of the nomination of Hon. Justice John Afolabi Fabiyi as Honourable Justice of the Supreme Court of Nigeria?

Question put and agreed to.

Will the Senate approve the nomination of Hon. Justice Olufunlola Oyelola Adekeye as Honourable Justice of the Supreme Court of Nigeria?

Question put and agreed to.

Senator Teslim Folarin: Mr. Chairman, I move that you respectfully, report progress.

Senator Maina Ma'aji Lawan: Mr. Chairman, I rise to second the Motion that the Chair do report progress.

Question put and agreed to.

(Mr. President resumed the Chair)

The President: The Senate in the Committee of the Whole, considered the Report of the Senate Committee on Judiciary, Human Rights and Legal Matters, on the screening of Presidential Nominees for appointments as Honourable Justices of the Supreme Court of Nigeria, and approved the following nominations: Hon. Justice John Afolabi Fabiyi (North Central) and Hon. Justice Olufunlola Oyelola Adekeye (South West).

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nominations

The President: Will the Senate confirm the appointment of Hon. Justice John Afolabi Fabiyi as an Honourable Justice of the Supreme Court of Nigeria?

Question put and agreed to.

Will the Senate confirm the appointment of Hon. Justice Olufunlola Oyelola Adekeye as an Honourable Justice of the Supreme Court of Nigeria?

Question put and agreed to.

Resolved: That the Senate do confirm the nominations of Hon. Justice John Afolabi Fabiyi and Hon. Justice Olufunlola Oyelola Adekeye as Honourable Justices of the Supreme Court of Nigeria.

Report of the Committee on Federal Character and Inter-Governmental Affairs on the Screening of Nominee

Senator Teslim Folarin: The fourth Order of the Day is the presentation and consideration of the Report of the Committee on Federal Character and Governmental Affairs, on the screening of Professor Ahmed Dembo Danfulani as the Director-General of the National Institute for Policy and Strategic Studies (NIPSS) in accordance with Section 5(2) of the National Institute for Policy and Strategic Studies Act, 2004.

The Report was laid on Wednesday, 11th February, 2009. You may wish to invite distinguished Senator Smart Adeyemi, the Chairman of this Committee, to move the Motion for the presentation and consideration of the Report.

The President: Distinguished Senator Smart Adeyemi, you are invited to present the Report of your Committee.

Senator Smart Adeyemi (Kogi West): Mr. President, I rise to move the Motion that the Senate do grant my Committee the approval to present the Report of the screening of Professor Danfulani, as Director-General of NIPSS.

I so move.

Senator Nuhu Aliyu (Niger North): Mr. President, I second the Motion moved by distinguished Senator Smart Adeyemi that he be allowed to present his Report on the screening of Professor Danfulani as Director-General of NIPSS.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Federal Character and Governmental Affairs, on the Screening of Professor Ahmed Dembo Danfulani as Director-General of NIPSS.

Senator Smart Adeyemi: Your Excellency, the Senate of the Federal Republic of Nigeria at its sitting on Thursday, 15th January, 2009, considered the request by the President, Commander-in-Chief, for the appointment of Professor Danfulani Shaibu Ahmed as Director-

General, National Institute for Policy and Strategic Studies (NIPSS) and referred same to the Committee on Federal Character and Inter-Governmental Affairs for further action.

For thorough clearance procedure, the Committee requested the Office of the Special Adviser to the President on National Assembly Matters the following documents in respect of the Nominee.

- Curriculum Vitae
- Relevant Certificates
- Clearance letters from State Security Service
- Police reports on finger print search
- Asset Declaration

The Nominee was invited for screening on Tuesday, 3rd February, 2009. The Committee went through his credentials, Curriculum Vitae, State Security and Police Reports, asked relevant questions to which he was not found wanting.

Also, during the screening exercise, several questions relating to his education, work experience and current affairs were asked. The Nominee answered all the questions satisfactorily.

Committee Findings

Arising from the screening exercise, the Committee noted as follows: Professor Dembo Danfulani Ahmed was born on 12th December, 1952. He hails from Ilorin, Fulani Ward, Ilorin South of Kwara State. He is a Professor of International Law and Strategic Studies, International Affairs and Military Strategies.

He had his first degree in Science Education between 1974 and 1977 at the University of Ibadan with Second Class Upper Division. He proceeded for his Masters Degree and consequently bagged six Masters Degrees in different fields of study namely Public Administration, Diplomacy, International Relations, Law, Management and Defence Studies.

He later proceeded for his Doctoral Degree where he bagged Doctor of Science in Public Law, Strategy and Laws of International Security with a First Class Division. He specialises in Diplomacy, Defence and National Security between 1984 and 1988.

Professor Danfulani attended the following Institutions:

1. University of Ibadan with a B.Sc Nursing (Science Education) - 2nd Class Upper between 1974 and 1977.
- 2.

3. He proceeded to University of Ife now Obafemi Awolowo University for his Master of Public Administration between 1980 and 1983.

3. He further attended University of Paris where he bagged B.Sc. Diplomatic Relations between 1984 and 1985. He went back to the same University where he bagged M. Phil. in Philosophy and International Relations in addition to Development and Cooperation Studies.

4. He was back to the University of Paris in 1985/86 where he bagged his LLM Public International Organisation Studies.

5. He went back to the same University in 1986/87 where he equally bagged M. Phil in Human Resources Management.

6. In that same University in 1987/88 Professor Ahmed Danfulani equally went back for further studies in Strategic Studies culminating in Masters Degree in .Philosophy.

7. Between 1983/84 and 1989 Professor Danfulani went for his doctorate degree at the State University of Paris where he bagged his PhD.

He had a classical working experience and knowledgeable in various walks of life. He is a man with great strength of character and intelligence. He was formally a Senior Research Fellow/Consultant to UNESCO between 1986 and 1992. He was a Senior Programmes Specialist, UNESCO in Paris, France between 1993 and 1996. He was a Visiting Scholar at the University of Cambridge, Cambridge, United Kingdom between 1996 and 1998.

Professor Ahmed Danfulani was the National Vice-Chairman, National Peace Forum, the Presidency, Abuja between 2003 and 2004. He is a Visiting Professor to the North American University in Cotonou, Benin Republic between 2006 and 2007. He was previously an Associate Professor of International and Strategic Studies, Ahmadu Bello University, Zaria between 2006 and 2008.

He had put in 34 years of professional academia between 1974 and 2008 and had attended twelve professional training courses within and outside the country. He attended over thirty international Workshops and Conferences in Europe and America between 1988 and 1998. He had to his credit sixty two Local and National Workshops and Conferences in Nigeria between 1999 and 2008; twenty eight different exposures in professional academic responsibilities

Presently, he is Chancellor/Trustee of an NGO here in Abuja; International Strategic Studies, Garki, Abuja. He is the Deputy Secretary General, Nigeria Society of International Law to date.

Professor Ahmed Danfulani has the following publications to his credit:

- i. 34 Conference/Seminar papers (18 as Book Chapters)
- ii. 9 Unpublished Academic Post Graduate Papers/Essays
- iii. 4 Major textbooks (8 others completed; others are still in the pipeline.
- iv. 6 Monographs.
- v. He has published 12 books already.
- vi. 34 articles and papers published.
- vii. 16 international and 18 National Journals
- viii. He has reviewed 12 Books - 7 Major textbooks and 5 literary books.
- ix. 1 Consultancy - NYSC Book (Danfulani and Aja Eds), Spectrum Books 2008 which is presently being read in a number of places.

Committee's Recommendations

In the light of the above, the Committee considers Professor Ahmed Danfulani is an asset to the National Institute for Policy and Strategic Studies (NIPSS) and, indeed, to Nigeria and our continent Africa.

His vast international exposure, academic and in particular his research background are added advantage to what is expected of the leadership of the National Institute for Policy and Strategic Studies as this point in time.

The Committee recommends that the Senate do confirm Professor Ahmed Danfulani as Director General, National Institute for Policy and Strategic Studies, Kuru.

On behalf of other Members of the Committee we wish to thank you for giving us this assignment to fish out a big asset to the Federal Republic of Nigeria.

Senator Patricia Naomi Akwashiki (Nasarawa North): Mr President, if I may just take off from the conclusions of Senator Smart Adeyemi, it is very credible that we have a very distinct Nigerian in the person of Professor Danfulani.

The citation just read to us is so incredible and we are proud that somebody of that status is still here trying to build this country. NIPSS being a centre of excellence would benefit from his wealth of experience. It is so important that whatever they have they would now pass on to those of who would want to go to NIPSS one of these

days. NIPSS has had a little bit of turbulence for the past few years and we need somebody like that to put some order in that Institution. I am very proud that somebody of this status is coming from North Central of Nigeria and I recommend that the Senate do confirm this excellent Nigerian.

Senator Ahmed Ibrahim Lawan (Yobe North): Mr. President, I have gone through the Report and the gentleman in question is someone who has acquired six different Masters Degrees in different fields and capped it with a PhD.

I once served on the Committee of the House of Representatives that supervised NIPSS. That was when the late Joe Garba was the Director General. This is one institution in this country that deserves men of credibility and integrity; men that have the wherewithal and, indeed, the capacity to run that Institution.

When the late Joe Garba was the Director General of that Institution we saw very good leadership in that Institute. Of course, the National Assembly at that time supported NIPSS through Appropriations and other needs.

We are lucky that we have someone who has, not only vastly and massively studied, but who has also acquired both national and international experience enough to run that Institute effectively and efficiently. What I would add here, therefore, is that this Senate confirms this epitome of hard work, dedication and commitment so that we have a revival and stability of NIPSS in the near future and, of course, produce a lot more of what we need to make this country great.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, like the speakers before me, I want to commend the Committee for a job well done. I also want to commend the Federal Government, the President in particular, for sourcing an individual whom I have known for a long time and whom I have come to respect because of his excellence in both character and in learning.

NIPSS at Kuru is an Apex Institution in the area of training of high level managerial manpower of the country in terms of administration and strategic studies. As the speaker before me has enumerated, since the demise of late General Joe Garba, the Institution has really not fared very well in terms of leadership. This is the time an amendment is to be made. This is a time when the Federal Government is coming up with an individual who has made differences in all the endeavours he has set himself out to perform and he is set to make a difference in this one also.

I have no doubt in my mind that the assumption of duty by Professor Ahmed Dembo Danfulani would be an epoch time in the history of the Institution. I am sure he is one who has the proper framework, good educational background, experience as well as the reach out to see that the Institution performs its roles.

In the circumstance, I want to fully support the content of this Report and I call on my Colleagues to pass this recommendation without much ado.

Senator Mohammed Mana (Adamawa North): Mr. President, first, I want to congratulate the system that has been able to fish out this brilliant Fulani man to head the National Institute for Policy and Strategic Studies. As has been pointed out and I believe Mr. President can testify to it because he was there last week to deliver a lecture at the Institute. The Institute is a premier institution that is responsible for the development of high level manpower for this country. To have been able to fish out this brilliant Fulani man all the way from Ilorin with all the distinctions and degrees he has acquired, the Institute would go a long way in discharging its responsibilities.

When the right man is put in the right position, nobody asks where he comes from or his geographical location. You can notice that from the contributions of various distinguished Senators that this man is the right caliber of person to head the Institution. I, therefore, thank the distinguished Senators for applauding and finding him as the right person to head the National Institute for Policy and Strategic Studies.

I also congratulate the Chairman of the Committee for bringing out this fine gentleman with all his degrees from France, Ife and other universities to come and lead this Institute. I wish to support his nomination and wish him success as he heads the National Institute for Policy and Strategic Studies.

Senator Effiong D. Bob (Akwa Ibom North-East): Mr. President, I thank the Chairman and Members of this Committee for a job well done.

Looking at the profile of Professor Ahmed Dembo Danfulani, I am not surprised at this recommendation because he is eminently qualified. From first degree in nursing to public administration covering many countries, I believe that he speaks French and other languages, which is additional advantage. I also believe that he is computer literate in view of the many books published by him.

I also looked at his connection with academics, he had taught in many universities. He does not only have a PhD he has a B.Sc. I feel that the nomination is one of the best

we have seen in this Chamber. I commend Mr. President for this very nomination. I also commend the Committee

for doing a thorough job because no information has been hidden; everything is exposed and clearly stated in this Report. Professor Ahmed Dembo Danfulani is well qualified and I support his nomination. I urge my distinguished Colleagues to support this nomination as well.

Senator Iyabo Olusola Obasanjo-Bello (Ogun Central): Mr. President, I rise to support the candidate, Professor Ahmed Dembo Danfulani for the position of Director-General of the National Institute for Policy and Strategic Studies (NIPSS). From his qualifications, he is a very qualified candidate. I do not know the relevance of so many Masters Degrees but obviously, he is a well educated individual and I support his nomination.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, let me start by commending very sincerely this excellent job done by the Committee on Federal Character Commission. In particular, I rise to join my Colleagues who have spoken in favour of approving the recommendation of Prof. Danfulani as the Director-General of National Institute for Policy and Strategic Studies (NIPSS).

As has been said and for purposes of emphasis, this is an excellent material for a job that is expected to be done by an excellent brain. Prof. Danfulani has exemplified himself as an erudite scholar and a person exposed in the last 34 years that could be entrusted with any responsibility of governance. I believe that if he has excelled in academia I see no reason he cannot succeed in steering the affairs of NIPSS; those who are being trained to be leaders of Nigerians in many fields of our endeavours. I know him as a personal friend and I believe that he will not disappoint his friends and associates and certainly, he will not disappoint Nigerians. He will surely not disappoint Mr. President who believes in transparency, honesty, dedication to work and that is what Prof. Danfulani has been preaching; peace, justice and tranquillity and let there be good governance in Nigeria.

I want to commend once again, distinguished Senator Smart and his able Members for bringing this into limelight. I witnessed the screening which was transparent and he excelled so beautifully well that I am happy that people have acknowledged that he is a very excellent material. I believe this hallowed Chamber would have no reason not to approve him because we are convinced that if he gets our blessing he would definitely work very well for Nigeria.

Once again, I thank you for allowing me to lend my voice to this very important exercise.

The President: I will take the last two, one from Senator Lee and the last one from Senator Muse.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, while I join others in commending the Committee for a thorough job done, this is a *cleric venez*. Very soon we would go to the Committee of the Whole; but I am guided by the Curriculum Vitae (CV) of Prof. Danfulani Shaibu Ahmed.

I regard University of Paris as a very good school. I am thinking that I will just go in there for one year and be sure that, at least, I can get three or four Masters Degrees because I like these degrees. What I do not know is if the Committee really found out from Prof. Danfulani how he got three Masters Degrees within one year. Within the same years he was doing a Doctorate Degree. I am guided by the dates carefully put on this CV by Prof. Danfulani because from Associate Professor, he was a visiting Professor. I did not see in his schedule which school he actually stayed and became a real professor. Mr. Aborisade came here and denied that he was not a Professor but a Reader.

I want to actually follow Danfulani because he is a First Class Nurse but he did not practice nursing which I do not want to quarrel about. He went into Public Administration and did not stay there. He left and went into Diplomatic Studies. The dates in this CV 84/85, 84/85 and another 84/85. Between 1984/85 he was doing Masters, then 1983/84 he was doing a Ph.D. Ah! Could you actually stay in a school and be doing a PhD before you enrol for a Masters; we all went to school. I want to find out this. We should not rush and be blinded by all these degrees. (*Interruptions*)

Excuse, me can I finish my contribution? I am saying what I have seen from his CV; anybody saying no, may concur in a way, but I will agree in a way that I put my submission straight to Mr. President. We should not be in a haste to make this confirmation. I am raising an issue of dates of study. How could you do Ph.D specialised in Public International Law in 1983/84 and at the same time you are doing Public Administration in 1982/83 all at the same time. So, I want us to be careful. The Committee should invite Prof. Danfulani to put these dates clearly and possibly attach originals of these degrees so that we can see how the dates as itemised correspond because I could not see how you could be doing Masters and at the same time Ph.D and yet another Masters. It is just a *jambas*. I am actually submitting that I would want the Committee to call back Danfulani to put his certificates with dates. That is my submission.

Senator Munirudeen Adekunle Muse (Lagos Central): Mr. President, for a long time we have been talking about brain-drain, now Nigeria should be talking about brain-gain. For a person like Prof. Danfulani who has acquired so much educationally, Nigeria should continue to look for such people.

Prof. Danfulani has been utilised to maximum advantage by the developed nations as evidenced from what we see in his CV. I believe that being a very mature person because he has put in about 34 years of professional academia; such a person will serve this nation very well at the particular Institute that he is going which is NIPSS. I will support that this Chamber give confirmation of Danfulani's appointment.

The President: Distinguished Senator Adeyemi, can you clarify the dates on sub paragraph 3; University of Paris, MSC Diplomatic Relations 84/85 and M/PHIL 84/85; those two dates.

Senator Smart Adeyemi: Mr. President, I am sure that we are all aware that our responsibility as a Committee is first and foremost to rely on the information emanating from the Security Agencies; talking about the State Security Service and the Police. Again, we received these reports apart from the fact that the Presidency must have done their own investigation before they recommend him to us - (*Interruptions*)

The President: No, we have listened to that and he has raised a cogent point. In 84/85 he was doing his Masters and also in 84/85 he was doing his M/PHIL. Just clarify those dates that is all. We do not doubt his qualification but if there is a mix up in date, then you should clarify it.

Senator Smart Adeyemi: He told us that these courses are interwoven and in some of the overseas universities, they allow you to combine courses. They inter-lap with each other. So, it is not as if there is anything wrong about it because we asked him the question and he proved it to us. In fact, he made effort to make a phone call to the University in our presence to confirm to us that these courses are interwoven.

The President: That is all the clarification we need. The Director-General of NIPSS is a very key appointment and there is every need for us to ensure that we get the right person into NIPSS. NIPSS, if run properly, should be a strategic research center for this country. We can take problems to them and get them to do proper analysis and come with real practical solutions. That is why those who actually go to NIPSS are very senior officers in their various fields. NIPSS, the Defence College and the Command and Staff College, are real strategic institutions

that we must ensure the caliber of the people who go there are those who can run the Institution properly. Unfortunately, NIPSS in the last few months has been in some rather bad news of crisis involving staff rather than students which is a more disturbing issue. But the clarification from Senator Smart, to me, is satisfactory.

Senator Teslim Kolawole Folarin: Mr. President, I now move that this Senate do resolve into Committee of the Whole to consider the Report.

Senator Olorunnimbe Mamora: Mr. President, I rise to second the Motion as moved by the Senate Leader.

Question put and agreed to.

Screening of Professor Ahmed Dembo Danfulani as Director General of the National Institute for Policy and Strategic Studies (NIPSS) – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Will the Senate approve the nomination of Professor Ahmed Dembo Danfulani, as Director General of the National Institute for Policy and Strategic Studies (NIPSS)?

Question put and agreed to.

Senator Lee Ledogo Maeba: Mr. President, Point of Order!

The Chairman: Point of Order, Senator Lee Maeba?

Senator Maeba Legodo: It is Order 14(a) and (b) dealing on Privileges.

The Chairman: You may read.

Senator Maeba Ledogo: Order 14(a) and (b) says:

Privileges are the rights enjoyed by the Senate collectively and by the members of the Senate individually conferred by the Legislative Houses (Powers and Privileges) Act Cap 208 laws of the Federation 1990, and other statutes or by practice, precedent, usage and custom.

(b) Whenever a matter of privilege arises, it shall be taken up immediately.

I am taking up this issue of privilege because as a distinguished Senator sitting here in the Committee of the Whole in confirmation of Prof. Danfulani, I have raised some questions that have not been answered. I have asked questions on the professorship of Danfulani; the school he obtained the professorial chair and I have not been given the answer. The privilege I have as a Senator sitting in this

Chamber to confirm him, is to verify the certificate of Prof. Danfulani.

I agree that the courses are interwoven but is it not our right to see these certificates and see how they are interwoven as they were to confirm that the dates are correct as they are on the CV. I fell my privilege could be breached if this confirmation goes on without the verification by the Senate of this issue more especially where he got the professorial chair. Is it in a Nigerian university or after reading for doctorate in Paris they just made him a professor? I want to know Mr. President and I believe my privileges are at stake if I do not know all these.

The Chairman: Senator Lee, I would like you to read your Order 14 in conjunction with Order 53(6). Read them together.

Senator Lee Maeba: I will read the whole of Order 14.

Privileges are the rights enjoyed by the Senate collectively and by the members of the Senate individually, conferred by the Legislative Houses (Powers and Privileges) Act Cap 208 laws of the Federation 1990 and other statutes or by practice, precedent, usage and custom.

(b) Whenever a matter of privilege arises, it shall be taken up immediately.

(c) In cases where adequate provision is not made in these Standing Orders, the Senate shall by resolution regulate its procedure.

Order 53(6) says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

The issue of privilege should be taken up at any time.

The Chairman: I only asked you to read, I did not say you should explain because I gave you enough time to explain when you came under Order 14(a) – Privileges. Your contention is that your privilege is breached if you do not get an answer to the questions that you asked. But you recall that I asked Senator Smart Adeyemi to explain and after his explanation, I went further to say that I was satisfied. Not only that, I also banged the Gavel, which means that matter had been concluded.

First of all, apart from the fact that coming under Order 14 – Privileges, is not the most appropriate Order in what you are seeking now. I have also ruled on the issue you raised. It is a unique opportunity for me to simply rule

you out of order. I am sure you will graciously accept that. I rule you out of order Senator Lee.

Senator Teslim Kolawole Folarin: Once again, Mr. Chairman, I move that you report progress.

Senator Olorunnimbe Mamowora: I rise to second the Motion that you do report progress.

Question put and agreed to.

(Mr. President resumed the Chair)

The Senate President: The Senate in the Committee of the Whole considered the Report of the Committee on Federal Character and Inter-Governmental Affairs, on Mr. President's Nominee for appointment as Director General of the National Institute for Policy and Strategic Studies (NIPSS), and approved the nomination of Prof. Danfulani Shuaibu Ahmed as Director-General of NIPPS.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nominee

The President: I will now put the Question that the Senate do confirm the nomination of Professor Ahmed Dembo Danfulani as Director-General of the National Institute for Policy and Strategic Studies (NIPSS).

Question put and agreed to.

Resolved: That the Senate do confirm the nomination of Professor Ahmed Dembo Danfulani as Director-General of the National Institute for Policy and Strategic Studies (NIPSS).

Report of the Committee on Federal Character and Inter-Governmental Affairs on the State of the Nation Address Bill, 2009

Senator Teslim K. Folarin: Mr. President, the fifth Order of the Day is the consideration of the Report of the Committee on Federal Character and Inter-Governmental Affairs on the State of the Nation Address Bill, 2009. The Report was laid on Thursday, 22nd January, 2009.

You may now invite Senator Smart Adeyemi to move the Motion for the presentation and consideration of the Report.

Senator Smart Adeyemi: Your Excellency, I rise to move that the Senate do accept the presentation and consideration of a Bill for an Act to Enshrine an Annual

State of the Nation Address and Other Matters Connected Thereto.

Senator James Ebiowou Manager: Mr. President, I rise to second the Motion moved by Senator Smart Adeyemi, Chairman Committee on Federal Character and Inter-Governmental Affairs, to present his Report for the consideration of the Senate.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Federal Character and Inter-Governmental Affairs on the State of the Nation's Address Bill.

The President: After the presentation of this Bill, we are going to consider the Bill Clause by Clause. Is it not?

Some distinguished Senators: Yes.

The President: Senator Smart Adeyemi, is there any need for this lengthy presentation that you have?

Senator Smart Adeyemi: Mr. President, may I request that I present the background and observations.

The President: Do so.

Senator Smart Adeyemi: This Bill was presented to the Senate by the Deputy Senate President, Senator Ike Ekweremadu. The Bill is a straightforward Bill consisting of five Clauses. Its major aim is to ensure that, apart from the Annual Budget Speech normally presented to the Joint Sitting of the National Assembly, the President, Commander-in-Chief should also present annually an address to be known as the State of the Nation Address to the Joint Sitting of the National Assembly.

This address is intended to deal with issues contained in Clause 2(1) of the Bill. This Bill also seeks to enshrine in our laws the presentation of Annual Reports of ministries, parastatals and government agencies to the National Assembly through the relevant Committees of both Houses. See Clause 3(1), (2) and (3) of the Bill.

Methodology

The Committee met on 4th November, 2008 and considered the Title and every Clause in the Bill and meaningful contributions were made by Members of the Committee.

Observation

The Committee observed as follows:

- i. That the Title of the Bill should be couched in a way that would indicate the intention of the sponsor to incorporate it in the Laws of the Federation. The Committee has, therefore, added the words; *in the Laws of the Federation of Nigeria* after the word *address* in the Title of the Bill.
- ii. That the provisions of Clause 3(1), (2) and (3) of the Bill are not compatible with the tenets of the Bill and they should, therefore, be deleted.

The Committee is of the view that the Senate has the Constitutional power under Section 88(1)(b) of the 1999 Constitution to direct an investigation into the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty or responsibility for –

- i. executing or administering laws enacted by the National Assembly; and
- ii. disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

The Committee observed that since none of the provisions of Clause 3 is reflected in the Title of the Bill, the Clause should not stand. It would be more ideal for the State of the Nation Address Bill to stand alone without carrying along any incompatible provision.

- i. The Committee observed that the choice of the word: *May* for the presentation of the State of the Nation Address by the President is suitable as Legislative activities in the two Houses; the Lower House and the Upper House of the National Assembly would have been in full swing by then.
- ii. That the Bill would ensure a better commitment on the part of each arm of government to strive harder to achieve the goals and objectives of the government aimed at making life better for the citizens of the country.

Recommendation

Having carefully scrutinised, studied and evaluated the Bill, the Committee requests that the Senate should pass the Bill as recommended.

Mr. President, Distinguished Senators, on behalf of the Committee, I thank you all for giving us the opportunity to go through this Bill.

The President: This Bill had earlier been laid on the Table. Is it not?

Senator Smart Adeyemi: We laid it last year.

The President: Is there any comment?

Senator Bode Olajumoke (Ondo North): Mr. President, I commend the Committee for a good job. As is commonly known, the Committee is the engine room of the Senate and I acknowledge that the Bill was first read on 28th April, last year, but I have a bit of problem and I think I have mentioned this on the Floor of this distinguished Senate. We have a situation where Members are not given the opportunity to digest and do their own bit of research into Reports that are being presented.

This report was foisted on us a few minutes ago before Senator Adeyemi presented it. Honestly, except we are not interested in having quality Bills, otherwise, we should be given the opportunity to read these Reports before they are brought here for consideration. I do not see any reason a copy of this Bill should not have been sent to Members yesterday to enable us look into it to be able to make meaningful contributions.

Senator Anyimchukwu Ude (Ebonyi South): Mr. President, I rise to associate myself with what my distinguished Colleague has said. I am also one of the advocates of the idea of giving us, at least, 24 hours notice for a document like this. I remember (*Interruptions*)

Senator Joel Danlami Ikenya (Taraba South): Point of Order!

The President: Point of Order, distinguished Senator Joel Danlami Ikenya.

Senator Ikenya: My point of order is Order 79(1) and 82. I want to read it down for everybody to understand.

The President: You may read.

Senator Ikenya: Order 79(1) says:

Every bill shall receive three readings previous to its passage, which readings shall be in different days, unless the Senate unanimously directs otherwise and the President of the Senate shall give notice at each reading whether it is first, second or third.

I believe this has been done.

(2) *At the conclusion of the first reading or at any subsequent stage of a bill, a day to be named by the Committee on Rules and Business shall be appointed for next stage.*

This, I also know has been done.

Order 80 (1) says: *On the order for the second reading of a bill being read, a motion may be made "That the bill be now read a second time" and a debate may rise covering the general merits and principles of the bill.*

This, I also know has equally been done.

- (2) *On the second reading of a bill, an amendment may be proposed without notice to the question "That the Bill be now read a second time" to leave the word "Now" and add at the end of the question "Upon this day....months" or an amendment may be moved to leave out all the words after the word "That" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the principles of the bill and not deal with its details.*
- (3) *When debate on the motion for the second reading has been concluded, and any amendments disposed of, the Chair shall put the question on the second reading: "That this bill be now read a second time". On this question being agreed to, the Clerk shall read the long title of the Bill.*

My Point of Order is that I am aware that Senator Olajumoke and Senator Anyim Ude, are first timers in the Senate. I am of the opinion that if they did not know that this Bill has passed through these stages, they should know that we are now at the stage of adding or deleting, that is, consideration of the Bill Clause-by-Clause.

Senator Kolawole Folarin: In support of Senator Joel Danlami, let me say some few words. We have had extensive and lively debate on the Bill. I recall that at the Second Reading of the Bill the Bill was circulated to every Senator and later gazetted. After that we had a Public Hearing and then when the Report is laid it becomes an official document so what it means is that you can ask for copies.

I want to submit that we have passed the stage of debate. I humbly request that we go into the Committee of the Whole.

The President: Let me rule on Joel Danlami's Point of Order but before I do that, you know one of the problems we all have is, if we circulate a paper today nobody shows up with it tomorrow. Otherwise, you would have noticed from yesterday's Order Paper that this Bill is coming on today because usually at the end of every Order

Paper you will see the expected Bills for the next day. On that notice, yesterday's Order Paper showed the notice for today's Order Paper and it clearly reflected that this Bill would be taken.

However, over and above that when we did the Second Reading, the Bill was distributed to everybody. Our problem is not distribution but ability to bring along the paper that has been distributed to Senators in the Chamber the next legislative day. We should try to do a little more homework. Senator Joel, thank you very much, your Point of Order is sustained. I should put the Question now.

Some distinguished Senators: Yes.

The President: Senate Leader, have you moved the Motion?

Senator Kolawole Folarin: I have moved the Motion.

The President: That is all right.

Question put and agreed to.

Report of the Committee on Federal Character and Governmental Affairs on the State of the Nation Address Bill 2009 – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: I will start with the Clauses then we come back to the Long Title.

Clause 1: (WITHOUT PREJUDICE TO THE PRESENTATION OF ANNUAL BUDGET SPEECH, THE PRESIDENT SHALL PRESENT ANNUALLY A STATE OF THE NATION ADDRESS TO THE JOINT SITTING OF THE NATIONAL ASSEMBLY)

Senator Nicholas Yahaya Ugbanne (Kogi East): I have an Amendment on the Title of the Bill. The word; *enshrine* is wrongly spelt in the Committee's recommendation of the Title of the Bill. The word is written *enshire* instead of *enshrine*.

The Chairman: All right. I said we would come back to that. I am starting with Clause 1, we do the Clauses, the Schedule and then we would go to the Long Title. However, your Amendment is noted.

Senator Victor Ndoma-Egba (Cross River Central): I have an observation.

The Chairman: Yes, Senator Ndoma-Egba, what is your observation?

Senator Ndoma-Egba: Mr. Chairman, in Clause 1 it is assumed that the President is under constitutional obligation to make a budget speech, while that is not the case. For us to assume that he is under such obligation in Clause 1, would be out of point. I propose that Clause 1 should merely read thus: *The President shall present annually a state of the Nation Address to the Joint Sitting of the National Assembly.* We do not need to refer to any budget speech because constitutionally, he is under no obligation to make a budget speech.

The Chairman: Can we not amend that to read: *Without prejudice to the presentation of an the Annual Budget?* He is under obligation; constitutionally, he must present a Budget which will be laid on the Table.

Senator Victor Ndoma-Egba: But he does not need to make a speech.

The Chairman: That is why I said remove the word; *speech* in that Clause so that it remains: *Without prejudice to the presentation of Annual Budget by the President...*

Senator Annie Okonkwo (Anambra Central): Mr. President, I have a Point of Order!

The Chairman: Point of Order, distinguished Senator Annie Okonkwo.

Senator Annie Okonkwo: It is Order 15 which says:

Any Senator may rise at any time to speak upon a matter or privilege suddenly arising and he shall be prepared to move without notice a Motion declaring that a contempt or breach of privilege has been committed or referring to the matter to the Committee on Ethics and Privileges but if the matter is raised on the Committee of the Whole Senate, the Chairman shall leave the Chair and report progress.

Mr. Chairman, we are here as Senators of the Federal Republic of Nigeria. Of course, when Senator Joel Danlami was making a statement on his Point of Order; he used certain words that have hindered my privileges. We are Senators and we realise that there is ranking in the Senate but that does not mean that he will make a statement referring to a Senator as a first timer. He has actually hindered my privilege which I am not comfortable with.

That is my Point of Order and I want you to really address this issue. He cannot use such words to make his point. A Senator is a Senator. It is very important to me. I am not happy about it and I want it to be addressed.

The Chairman: I appreciate the point that you have raised but has he, by using the words; first timer impugned any negative motive to you or dented your character?

Senator Annie Okonkwo: Yes, Sir.

The Chairman: What is negative about saying that you are a first timer?

Senator Annie Okonkwo: First of all, he wants to classify me as an inferior Senator to others and we have been here for many months now. What that means is that we are not doing anything. Of course, it affects me negatively.

Senator Paulker Emmanuel (Bayelsa Central): Mr. Chairman, I want to allign with my Colleague, Senator Annie Okonkwo. It portends a sense of inferiority and the way he presented the matter was as if first timers in this Senate cannot contribute adequately. Inasmuch as we admit that there are ranking Senators on the Floor, himself is a first timer in the Senate. He came from the House of Representatives and an Hon. Member in the House of Representatives is not a Senator in the Senate. If he feels inferior, other Senators who came in first are not inferior and when contributions are made on the Floor, it is contributions that are coming from the Senators of the Federal Republic of Nigeria, for God's sake. To make that distinction when contributions are made portrays a sense of classification, and in fact, depicts as if his contribution is better. That actually negates the spirit under which all of us are here to contribute.

He is representing a Constituency and first timers are representing Constituencies and he cannot speak on behalf of other Constituencies. It infringes on the right of all first timers on this Floor and that matter should be addressed once and for all, including me; my rights are being infringed.

The Chairman: Let us make progress. Do you agree that there is a term called first timer? Do you accept that term? (*Interruptions*) I believe that you agree that there is a term called first timer because you said that Senator Danlami himself is a first timer. If Senator Danlami is saying in effect that those of us who are first timers should read such and such Rules so that we can understand the various stages of a Bill, how does that in any way becomes offensive?

Senator Paulker Emmanuel: What we are saying is that, in the rules you do not see such things as first, second or third timer. It is ranking and to use the term; first timer, is derogatory. That is what we are saying.

The Chairman: How do you get ranking?

Senator Paulker Emmanuel: Ranking is stated clearly in the Rule but there is no first timer and for him to use the word first timer to a Colleague is derogatory. The context in which he spoke, looking at him closely, the way he portrays it even on his face depicts derogatory.

The Chairman: Senator Annie Okonkwo has come under Order 14 which is Privileges and Rights and it has been taken. But you have compounded the problem because I have to move to the Chair to rule. So, I will not rule while sitting here. I have to go back to the Chair to rule on the Point of Order. *(The President moves back to the Upper Chair)*

(The President in the Chair)

The President: In the Committee of the Whole, a Senator raised an issue on the matter of privilege, and my ruling is that though it appears cogent on the face value, his privilege has not in any way been breached. Therefore, Senator Annie Okonkwo, I rule you out of order. *(The Senate resumes at the Committee of Whole while the President moves to the Lower Chair)*

The Chairman: Senator Ibrahim Idah, you were about to speak on Clause 1.

Senator Ibrahim Mohammed Ida: Mr. President, I want to refer this Chamber to the Second Reading of this Bill particularly, as it relates to the context within which Clause 1 was taken. During that discussion attention was drawn to Section 81 and with your permission, I want to read it and it says:

The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year, estimates of the revenue and expenditure of the Federation for the next following financial year.

The emphasis here is *prepared and laid*. One of the reasons this Bill was heralded was the fact that it would afford the President an opportunity to talk not only to Nigerians but also to the whole world and in the midst of not only the legislators but also all the other arms of government. Emphasis was made to the fact that wherein the President comes to the National Assembly every year to deliver a budget as an address, the Constitution does not actually require him to do that. I say so against the backdrop of the fact that if we would adopt the principle, the State of the Nation Address would afford the President an opportunity to talk not only on politics but also on socio-political and economic issues, then it serves as a good replacement for the Budget Presentation. Therefore, I propose that Clause 1 should be couched in such a way as to substitute the annual budget address by Mr. President

with the State of the Nation Address, thereby making it possible for him to have the estimates simply laid before the two Houses of the National Assembly as he did in the case of the Census Report. Then his State of the Nation Address will now be all encompassing. These are my comments.

The Chairman: If you read the Bill to the end it covers the point you have raised. We are just on Clause 1. If you read the other Clauses of the Bill, they state what the address should include.

Senator Ibrahim Mohammed Idah: The point I am making is that it should substitute for the Annual Budget Address.

The Chairman: So, what would be the Clause 1?

Senator Ibrahim Mohammed Ida: Clause 1 is that there should be no reference to the Annual Budget Address rather Mr. President shall present annually a State of the Nation Address to the Joint Sitting of the National Assembly. That is all. There should be no reference to the annual budget presentation.

The Chairman: In that case, there are two Amendments here. One is that Mr. President shall present annually, a State of the Nation Address to the Joint Sitting of the National Assembly. The second is that without prejudice to the presentation of the Annual Budget by Mr. President, he shall present annually a State of the Nation Address to the Joint Sitting of the National Assembly. Those are the two Amendments. The Annual Budget Presentation is a constitutional requirement. We cannot waive that away.

Senator Omar Hambagda (Borno South): Mr. Chairman, the point being made is that laying of Annual Budget is a constitutional requirement but the speech is not a constitutional requirement and the State of the Nation Address is a speech. It must have no relationship with the Budget. That is why the entire thing should go.

The Chairman: We have said that speech should be deleted because that implies that he must make a speech. So, we are saying that he should not make any speech. Just leave it as presentation as it is specified in the Constitution. Now, we are saying that without prejudice to this, he would now give a State of the Nation Address. This is what the Amendment is saying. Senator Idah and Senator Jibrin, does that reflect what you want to say?

Senator Ibrahim Mohammed Ida: No, within the context in which you have said it, it is all right so long as speech is removed.

Senator Mohammed Kabiru Jibrin (Kaduna Central): Mr. Chairman, my observation is that the need for Mr. President as it is required by this Bill to make a State of the Nation Address do not have to align with or in any way rest, or preclude any action required of the President by the Constitution. Accordingly, we do not have to remove or preclude anything that is required by the Constitution to be done by the President at the laying of the Annual Budget. The Bill could go straight to require the President to make a State of the Nation Address, and perhaps, prescribe time during which the State of the Nation Address could be presented. I have an Amendment which I will read with your permission. I propose that Clause 1 should read as follows: *The President shall present annually, a State of the Nation Address to the Joint Sitting of the National Assembly immediately upon laying the Annual Budget.*

Some distinguished Senators: No.

The Chairman: Your microphone is off so there is no point in going on. You see, you started saying that you want to remove everything that has to do with annual budget speech, and then you are bringing it up again. I should put the Question.

Senator Heineken Lokpobiri (Bayelsa West): Point of Order!

The Chairman: Point of Order, Senator Heineken Lokpobiri?

Senator Heineken Lokpobiri: My Point of Order is predicated on Order 49 of our Standing Orders which reads: *The question on any motion or amendment shall not be proposed from the Chair in the Senate unless it shall have been seconded...*

None of the two Amendments proposed by Senator Ndoma-Egba and Senator Ibrahim has been seconded. Therefore, it is premature to put the Question.

The Chairman: I do not know why a Senator will read an Order half way. The Order reads in full thus: *The question on any motion or amendment shall not be proposed from the Chair in the Senate unless it shall have been seconded but in committee a seconder shall not be required.* Why did you leave out that bit? I rule you out of order, Senator Lokpobiri.

I will now put the Question on Clause 1 as amended.

Question put and agreed to.

Clause 1 - (WITHOUT PREJUDICE TO THE PRESENTATION OF ANNUAL BUDGET BY THE

PRESIDENT IT SHALL BE MANDATORY FOR THE PRESIDENT TO PRESENT ANNUALLY, A STATE OF THE NATION ADDRESS TO THE JOINT SITTING OF THE NATIONAL ASSEMBLY) - as amended ordered to stand part of the Bill.

Clause 2 - (THE PRESIDENT SHALL NOT DELEGATE HIS RESPONSIBILITIES UNDER THIS ACT TO ANY SUBORDINATE OR AIDE BUT HE SHALL BE ACCOMPANIED BY THE VICE PRESIDENT, THE CHIEF JUSTICE OF NIGERIA, TWO SERVING MINISTERS AND SUCH OTHER OFFICIALS AS HE MAY DEEM NECESSARY TO THE SAID JOINT SITTING UNDER THIS ACT)

Is there any Amendment?

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. Chairman, it will be dangerous to make a law compelling the Chief Justice of Nigeria to be accompanying Mr. President. Therefore, I propose that the Chief Justice of Nigeria be deleted from Clause 2.

If the Chief Justice wants to attend, he can attend in his own right but not to accompany Mr. President to deliver a State of the Nation Address. He is not a staff of the President that he can be joining Vice President and Ministers to the National Assembly for a State of the Nation Address.

Senator Wilson Asinobi Ake (Rivers West): Mr. Chairman, outside the Chief Justice of Nigeria I do not think there is any need to indicate the number of Ministers that will accompany him. I suggest that we should remove the Chief Justice of Nigeria and two serving Ministers from the Clause.

Senator Annie Okonkwo: I believe that the Presidency is one. If we say a State of the Nation Address, it may be delivered by either the President or the Vice President. We should not say that the President must be accompanied by his Vice. It is one Presidency. So, we need not insert it in the Bill.

Senator Mohammed Kabiru Jibrin: Mr. Chairman, I suggest that the entire Clause be deleted because we need not tell the President who to come with when he comes to perform his executive function. Everybody from the Vice President to the Ministers are all there at the discretion of Mr. President, of course, knowing the importance of the event he is attending we must give regard to the fact that the President should reasonably know what he is expected to do at that event and who he should invite to accompany him. In my opinion, the entire Clause should be deleted.

Senator Ibrahim Mohammed Ida: Mr. Chairman, the idea of having the State of the Nation Address is to have the three arms of government together when it is being delivered. To say that the President should be accompanied by the Chief Justice of Nigeria tantamount to subordinating the Chief Justice's Office to the Presidency. The idea is to say that the Address should be delivered to a sitting of the Legislature and the Judiciary. So, Clause 2 should be couched to reflect that it should be a sitting of both the National Assembly and the Judiciary. The President gives the address and it is received by the other arms of government.

The Chairman: Are we not stretching it too far if we say the Judiciary should also come here?

Some distinguished Senators: Yes.

The Chairman: Senator Jibrin, you are of the view that the Clause should be deleted?

Senator Mohammed K. Jibrin: Yes.

The Chairman: The issue of deleting the Clause is out of it. What is at issue is the people to accompany him. I think we should only say that he should not delegate the delivery of the address, otherwise we can water it down. If that is correct, we can amend the Clause to read that: *The President shall not delegate his responsibilities under this Act to any subordinate or aide.* That is all we want. Is it not?

Some distinguished Senators: Yes.

The Chairman: I will now put the Question on Clause 2 as amended.

Question put and agreed to.

Clause 2 – (THE PRESIDENT SHALL NOT DELEGATE HIS RESPONSIBILITIES UNDER THIS ACT TO ANY SUBORDINATE OR AIDE) - as amended ordered to stand part of the Bill.

Clause 3 – (THE STATE OF THE NATION ADDRESS SHALL BE DELIVERED TO THE JOINT SITTING OF THE NATIONAL ASSEMBLY ON THE FIRST LEGISLATIVE DAY OF THE SECOND WEEK IN MAY OF EVERY YEAR)

Senator Osita B. Izunaso (Imo West): I have an Amendment, Mr. Chairman. My Amendment is that the second week in May has not taken into cognisance the fact that it is in the month of May that the President leaves and another President comes in. Immediately, after that happens, by the first week of June the National Assembly

is inaugurated. An outgoing President cannot, by the second week of May give a State of the Nation Address. On the other hand, an incoming President will not have the opportunity until he has done, at least, one year in office, therefore, I want to propose an Amendment to read; *second week in June.* Second week in June would have taken care of the President coming in new - *(Interruptions)* Mr. Chairman, I need your protection.

The Chairman: You are the one who is distracting yourself. You are addressing me and I am listening then you want to hear and address the side talks. If you address me, I will answer.

Senator Osita Izunaso: The point I am trying to make is that if we leave it to second week of June it would afford an incoming President the opportunity of letting Nigerians know his programmes and policies as he is resuming office. Therefore, I do not think we should put it in May because May is a little bit not tidy. My Amendment is that we change it to first legislative day of the second week of every June.

Senator Ike Ekweremadu: I have an observation, Mr. Chairman.

The Chairman: Let us hear the observation to see if that would cure the Amendment.

Senator Ike Ekweremadu: I want to throw more light on the choice of the date. Following what Senator Izunaso has said, the reason for the choice of May is this, if we have a new President, by May the following year, he would have taken one whole year to study the country and can say this is the situation. Then, if we have an outgoing President, who will be leaving by the end of that May, he would now tell the country, I met this country in this situation and this is the position I am leaving it. This is the situation in respect of this and that issue, such as social, diplomatic, foreign affairs, the state of our currencies and others so that whosoever is coming after him would know the point where he met the country. That is why we have chosen that particular time of the year.

The Chairman: I think we should address the observation.

Senator James Ebiowou Manager: The May date is not all right. We are aware that the month of May, particularly 29th May is very significant in the political and democratic history of this country. As far as I am concerned, a new President once sworn in would definitely address the nation in his inaugural speech. He does not need to come to the Joint Sitting of the National Assembly to do anything. Of course, at that point in time the National Assembly is either outgoing or incoming and so

many people are going for one kind of bye election or the other. So, May is not good at all. It may be good in some years but in a year of transition; May is not good enough.

Moreover, we know that in some advanced democracies the practice is for Mr. President or the Prime Minister to address the nation in the month of January and January date is very convenient. In addition, in the month of May the National Assembly would have worked very hard and everybody becomes tired. Our Legislative Calendar ends in June. So it will be difficult for him to have a full National Assembly in attendance as many people would have travelled.

Therefore, I propose that the President should address a Joint Sitting of the National Assembly not later than 31st January every year.

The Chairman: The outgoing President should address the Joint Sitting of the National Assembly not later than 31st January every year. What I believe we should do is to have a culture that in a specific week in the year Mr. President should address a Joint Sitting of the National Assembly rather than saying not later than 31st January. I thought that the essence is for the outgoing President to deliver his last speech enumerating all the things he has done.

The new President who comes in on the 29th of May has one whole year to address the nation. That means the President who comes in on the 29th of May would have missed the address for that year. Now, for one whole year, he studies the entire situation and then addresses the nation. Mind you this happens only in the year of transition. The outgoing President gives his last state of the nation address in May before he goes. However, let us hear other opinions.

Senator Lee Ledego Maeba: Mr. Chairman, if you look the date proposed by Senator James Manager, it is a remarkable timing. Naturally, January is a time when there is a new policy thrust for the year. Since the President is living in May, he addresses the Joint Session of the National Assembly whereby he thanks you and states that this will be his last state of the nation address.

The new President has six months to work and prepare to address you on January, 31st the following year regarding how he has worked so far and his vision for the nation. So, I believe that the state of the nation address does not conflict with the provisions of the Constitution which states that the President must present to the nation the national affairs and the economic thrust of his government. I believe January is the appropriate time. It will also guide the National Assembly as to their work in that year. I believe that it is very nice to put it as; not later

than the 31st Day of January the President shall present the state of the nation address to the Joint Session of the National Assembly.

So I support the Amendment proposed by Senator James Manager.

Senator Eme Ufot Ekaette (Akwa-Ibom South): Mr. Chairman, I support the May date because by second week the out-going President in the state of nation address will tell you what is ahead of us. What he has done and what the new President should meet in Office. Therefore, the new President comes in at the end of May and carries on with the information he has gathered and the public know exactly what is in place. Therefore, for me, May is the better month.

The Chairman: Is there any other date apart from May and January?

Senator Wilson Asinobi Ake: Mr. Chairman, looking at the two dates proposed, May and January, as has been said in the case of May, at least, once in a tenure he is going to present the programme; the period of handing over. In the case of January, sometimes we have seen how much time it takes us to look at the budget. That is a budget season. Therefore, I feel that the appropriate time would be the last week of October by which time the incoming President would have had enough time to have read through all the documents before him and would then be in a position to tell the nation what he has met. The outgoing President would have also used the time to present what he is going to leave in office. So, I think October would be the safest month for us as a National Assembly.

Senator Omar A. Hambagda: Mr. Chairman, January being suggested is a busy time. October is too far. April is election time and May is transition time. My suggestion would be second week of March and my reasons are that the state of the nation address needs to be presented in such a way that the incoming President might have the opportunity to react in his policy statements to some of the problems that might have been enumerated. At the same time we would also have finished with the budget issue. Those are my reasons for suggesting second week of March.

Senator Munirudeen Adekunle Muse: Mr. Chairman, the month of January through May cannot be appropriate at all. What are we expecting from the nation address other than progress report of the nation? We would also expect progress report on the implementation of budget. Nothing much would have been done between January and May in respect of Budget implementation. So,

I am suggesting any month in between October and May hence I suggest that September would be appropriate.

Senator Ayogu Eze: The date I want to suggest would be sometime in May because the Senator has given us a specific time within May. Before I name the date let me give you the reasons why I am making the suggestion.

When the outgoing President addresses us in May he would be outlining what has happened and what jobs are outstanding as already enunciated by those who spoke before me.

On the part of the Legislature it would be a time that we would be going on holiday so, he would be handing to us some work that would form part of what we would anchor our agenda when we come back. We would be taking something away to chew and then come back and continue work on it.

I really wanted to use this opportunity to emphasise that it cannot be later than May because May is very appropriate for the President who is outgoing to rap up. Of course, the President who is coming in has till the next May after addressing the nation to put his programme together. On the part of the Legislature, the out-going President would have given them something to chew while on holiday and when they come back they would work on it. I believe it should be in May.

The Chairman: I already have May here. So, if it is an argument that it should be before May 29th it is not valid anymore because we have May here.

Senator Bassey Ewa-Henshaw: We should vote so as to eliminate the dates that are irrelevant. An address by an out-going President in May would be useless to us because it is giving by a lame duck President. He has nothing to tell us. It is only important for the in-coming President to tell us what he has found on the ground. That is why I think that the date must fall either in January or in October. Any other date is useless. We should vote on those two dates.

The Chairman: The man who is leaving us should be able to talk to us not only on what he is going to do but also on what he did in the last one year. He is a lame duck as far as future appointments are concerned, but for him to do analysis does not make him a lame duck. Is there any other date?

Senator Nkechi Nwaogu: I know dates have been given, my own new date from what has been canvassed I think that early July would have been the right date because we usually have something on 29th May. Ones every four years you would find that from May until 4th

June would not be suitable for the people to be addressed. But in July, the Executive President would have seen the state of the nation for six months from the Budget point of view and in July, seven months into the year, he would be able to give us an indication as to what we are doing with regard to the year that is why my proposal for July should be adopted.

The Chairman: The months that I have so far are May, January, October, March, September and July. Is there any other new month?

Senator Teslim Folarin: Mr. Chairman, clearly, this is a very important Bill and I think we need to get this date absolutely right. We need to sleep over this and reflect on the dates that we have. For this reason, I want to move that we suspend further consideration on this Bill till tomorrow.

Senator Sahabi Ya'u (Zamfara North): Mr. Chairman, I rise to support the Motion ably moved by the Senate Leader.

Question put and agreed to.

(Further consideration of the Bill by leave of the Senate suspended till the next legislative date)

Senator Teslim Folarin: Mr. Chairman, I move that the Chair reports progress.

Senator Sahabi Ya'u: Mr. Chairman, I rise to second the Motion that the Chair do report progress.

Question put and agreed to.

(Mr. President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Federal Character and Inter-Governmental Affairs, on the State of the Nation Address Bill, 2009 and approved as follows:-

CLAUSE 1 - As amended.

CLAUSE 2 -As amended.

Further consideration of the Bill was suspended to the next legislative date. Is it a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Senator Teslim Folarin: Mr. President, due to time constraint, I move that the last item on the Order Paper be stood down till another legislative date.

Senator Sahabi Ya'u: Mr. President, I rise to second the Motion move by the Senate Leader that the last item on the Order Paper be stood down till another legislative date.

Question put and agreed to.

(By Leave of the Senate the last item on the Order Paper stood down till another legislative date)

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow, Thursday, 19th February, 2009 at 10.00 am prompt.

Senator Sahabi Ya'u: Mr. President, I rise to second the Motion moved by the Senate Leader that the Senate do stand adjourned till tomorrow, Thursday, 19th February, 2009 at 10. 00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 19th February, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.55 p.m.