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**Thursday
23rd April, 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**

Thursday, 23rd April, 2009

The Senate met at 10.30 a.m.

PRAYERS

(The Deputy President in the Chair)

VOTES AND PROCEEDINGS

The Deputy President: Distinguished Senators, we have the Votes and Proceedings of Wednesday, 22nd April, 2009 for approval: Pages 659, 660, 661, and 662.

Senator Ayogu Eze (Enugu North): Mr. President, I rise to move that the Votes and Proceedings of Wednesday, 22nd April, 2009 be approved.

Senator Nkechi Nwaogu (Abia Central): Mr. President, I rise to second the Motion that the Votes and Proceedings of Wednesday, 22nd April, 2009, be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 22nd April, 2009 be approved

MESSAGE FROM MR. PRESIDENT

The Deputy President: We have a letter from Mr. President, which reads as follows:

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

My Dear Brother,

***Request for Confirmation of Appointment of the
Osun State Representative in the Federal
Character Commission***

*The Federal Character Commission is one of
the Federal Executive Bodies established under*

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Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part 1(c) of the Third Schedule of the Constitution, the Commission shall comprise a Chairman and one Member from each State of the Federation and the Federal Capital Territory, Abuja. In this connection, the tenure of Osun State representative in the Federal Character Commission has expired and there is need to fill the vacant position.

I have, therefore, in exercise of the power conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria decided to appoint Bashorun Jonathan Oladele Awofisayo whose Curriculum Vitae is attached herewith, as a Member of the Federal Character Commission, representing Osun State for a term of five years.

In accordance with the provision of Section 154(1) of the 1999 Constitution which states that the appointment shall be subject to the confirmation by the Senate, I hereby present Bashorun Jonathan Oladele Awofisayo for the kind consideration of the Senate of the Federal Republic of Nigeria.

(Signed)
UMARU MUSA YAR'ADUA
PRESIDENT

ANNOUNCEMENT

Notice of Conferment of Chieftaincy Title

I have another letter but this one is from Senator Patricial Naomi Akwashiki. The letter reads:

*The Senate President,
Federal Republic of Nigeria,
Three Arms Zone,
Abuja.*

Your Excellency,

Letter of Notification

I wish to notify the Senate President and my fellow Colleagues in the Senate that my Traditional Ruler, The Arin Egom, Dr. Bala Angbasu, has found me worthy to be given the Chieftaincy Title of Gimbiyam Egom. The conferment of this chieftaincy is on the 9th May, 2009 at the Palace of the Arin

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Egom in Nasarawa Egom Local Government Area of Nasarawa State by 10.00 a.m. prompt.

I wish to use this medium to solicit for your prayers and best wishes.

Accept my highest regards

(Signed)

*Senator Patricial Naomi Akwashiki
The Gimbiyan Egom*

We congratulate you in advance.

ORDER OF THE DAY

MOTION

Confirmation of Nomination

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, 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 nomination of Alhaji Mahdi Bukar (Yobe State) as a Member in the National Population Commission (NPC) in accordance with Section 154(1) and (3) of the 1999 Constitution of the Federal Republic of Nigeria.

The purpose of this Motion on the Order Paper is simply 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 now consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Alhaji Mahdi Bukar (Yobe State) as a Member in the National Population Commission in accordance with Section 145(1) and (3) of the 1999 Constitution of the Federal Republic of Nigeria.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Alhaji Mahdi Bukar (Yobe State) as a Member in the National Population Commission in accordance with Section 154(1) and (3) of the 1999 Constitution of the Federal Republic of Nigeria.

Question put and agreed to.

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The Deputy President: It is to be referred to the Committee on National ID Card and National Population Commission.

Resolved: That the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Alhaji Mahdi Bukar (Yobe State) as a Member in the National Population Commission in accordance with Section 154(1) and (3) of the 1999 Constitution of the Federal Republic of Nigeria and referred the matter to the National ID Card and National Population Commission to report back within two weeks.

Senator Nkechi Nwaogu: Point of Order, Mr. President!

The Deputy President: Yes, what is your Point of Order?

Senator Nkechi Nwaogu: It is Order 10 of our Standing Rules. I am constrained once again to draw the attention of Mr. President to Order 10 on the issue of Quorum.

The Deputy President: You may read it.

Senator Nkechi Nwaogu: Order 10(1) reads: *The quorum of the Senate shall be one-third of the members of the Senate.*

Order 10 (2): *If, at any time, during the daily sessions of the Senate, a question is raised by any Senator as to the presence of a quorum, the presiding officer shall within fifteen minutes forthwith, direct the Clerk to call the roll and announce the result, and these proceedings shall be without debate.*

I wish to draw the attention of the Senate and Mr. President that the necessary quorum is not present in the Chamber.

The Deputy President: We would follow our Rules. Within fifteen minutes, we would do a roll call.

Cross-border Incursions into and Displacement of Nigerian Villages by Beninois Communities and Attendant Consequences to the Peaceful Co-existence in the ECOWAS Sub-Region.

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Senator Teslim Folarin: Mr. President, the second Order of the day is a Motion standing in the name of Senator Umar A T. Argungu and 39 others on the Cross-border Incursions into and Displacement of Nigerian Villages by Beninois Communities and Attendant Consequences to the Peaceful Co-existence in the ECOWAS Sub-Region.

You may recall that yesterday, Wednesday, 22nd April, 2009, Senate vide Order 42(2) of our Standing Rules approved this Motion to be moved on the next legislative day which is today. You may now invite Senator Argungu to move his Motion.

Senator Uche Chukwumerije (Abia North): Mr. President, you have not given a ruling on what she said. You do not say within fifteen minutes, we do a Roll Call.

The Deputy President: The Rule does not say we will not proceed. It says within fifteen minutes we will do a Roll Call.

I have ruled on that. Go ahead, Senator Argungu.

Senator Umar Abubakar Argungu (Kebbi North): Mr President, Motion on the Cross-border Incursions into and Displacement of Nigerian Villages by Beninois Communities and Attendant Consequences to the Peaceful Co-existence in the ECOWAS Sub-Region.

The Senate:

Notes with deep concern that the phenomena of cross-border incursions into and displacement of Nigerian villages with particular reference to the recent incident in Tungar-Kungi by the Beninois communities is threatening the peaceful co-existence of the ECOWAS Sub-Region;

Observes that the recent case in particular, is the unprovoked aggression on a Nigerian village in the western part of Kebbi North Senatorial district last week by the Beninois communities which razed the Tungar-Kungi Village eight kilometres into Nigeria displacing thousands of peace-loving Nigerians from their lawful abodes inflicting unquantifiable losses worth millions of Naira all in the quest to control the richly endowed Nigerian lands.

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Notes also that the razed Tungar-Kungi Village is situated about three-kilometres from the Lolo Town in Bagudo Local Government Area of Kebbi State and about eight kilometres before the Nigeria-Benin-Niger border. The inhabitants of this village and other settlements around it are predominantly fishermen and farmers as the area is richly endowed with fisheries resources and fertile fadama land for rice cultivation and irrigation farming. This is the greatest envy of the neighbouring Beninois communities who have no such endowment and as such feel naturally disadvantaged. They, therefore, feel that the Nigerian villages have to bequeath such land to them.

Notes further that the attack was carried out by over 2,000 people mobilised from five Benin villages and masterminded at Madikali Village in Benin Republic. The sordid attack razed the entire Tungar-Kungi Village to the ground leaving behind a pitiful situation of 1,500 displaced victims most of them women and children who sought refuge at a four-classroom primary school at Lolo Town with no facilities to cater for them.

Warns that unless very urgent decisive action is taken by the Federal Government to nip such cross-border incursions in the bud, Nigeria would have a repeat of Bakassi situation in the North West Zone.

Notes further that there were several cases of similar border incursions in the past few years resulting in wanton destruction of lives and properties leaving both the Bagudo Local Government and Kebbi State Government helpless in dealing with the situation.

Observes that this action constitutes a devastating loss to the Nigerian Government and a violation of the ECOWAS Treaty and unwarranted aggression against the innocent and peace-loving Nigerians in their country.

Acknowledges the total absence of any Police or Army Barracks at such locations to deter the would-be cross-border aggressors.

The Senate accordingly resolves to:

- i. **Call** on the Federal Government to immediately investigate the remote causes of cross-border incursions with the neighbouring

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Benin Republic and take remedial measures to guard against recurrence of such incidences.

- ii. **Implore** the National Emergency Management Agency (NEMA) to come to the urgent aid of thousands of displaced victims of this recent attack at Tungar-Kungi with necessary relief and resettlement package.
- iii. **Direct** the National Boundaries Commission to urgently set the process in motion to resolve the areas of friction on the Nigeria/Benin Border.
- iv. **Urge** the Federal Government to close all Nigeria/Benin Republic borders pending the resolution of the crisis.
- v. **Call** on the Federal Government to, as a matter of urgency, see to the setting up of Police Barracks at those villages near the borders to deter such cross-border aggression.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, this is a very serious Motion because it touches on the territorial integrity of this great nation. Only yesterday in this very Chamber we moved a Motion in the process of which we highlighted the sacrifices being made by Nigeria for the welfare and well-being of the people of the Sub-Region. If the following day, that is, today we will now be moving a Motion highlighting an incursion by a member State into the territory of Nigeria that is a very serious business.

I am sorry to say that for too long Nigeria has been taken for granted. Otherwise, this type of thing could not have happened. This hallowed Chamber needs to really get the facts of what really happened? The Motion gives an insight but there is still the need for us to really have the relevant Committee of this Chamber to conduct a thorough investigation and report to us what really happened. That will inform the next course of action.

Consequently, I am recommending that the Prayers here be stepped down and instead we should have one Prayer that will direct the relevant Committee of Senate to conduct investigation and report back to this Senate. The recommendation they will make should, among other things, include not only highlighting what happened but also what course of action should be taken.

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I so submit.

Senator Mahmud Kanti Bello (Katsina North): Mr President, this is a very serious case but I have the feeling that the best we can do with regard to this particular incidence and any other similar incidence is to refer this case directly to our Committee for a detailed investigation. My feeling is that this distinguished Senate should direct its Committee on Foreign Affairs to carry out a detailed investigation into the causes of the cross-border incursions and report to the Senate within two weeks. Of course, the other Prayer imploring the National Emergency Management Agency to come to the aid of those displaced should also be sustained.

If we have these two Prayers sustained this distinguished Senate can move forward without wasting a lot of time on the case.

I so move, Sir.

The Deputy President: Is there any contrary view? If there is no contrary opinion on what has been suggested, can we take the Prayers now?

Senator Umar Argungu, are you satisfied with the suggestion?

Senator Umar Abubakar Argungu: Which of the suggestions, the one made by Senator Ida or the other by distinguished Senator Kanti Bello?

The Deputy President: They made the same suggestion that it should be referred to the Committee.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I want to make further Amendment. I subscribe to those who are saying we should make an interim investigation instead of the first Prayer calling on the Federal Government to carry out an immediate investigation. (*Interruptions*)

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, Point of Order.

The Deputy President: I am sorry, Senator Sodangi, there is a Point of Order from Senator Barigha-Amange.

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Senator Nimi Barigha-Amange: It is Order 55(2) and (3) which reads:

55(2) – *During the debates of all motions and bills, the President of the Senate shall allow speeches for the proposal first followed by speeches against the proposal.*

55(3) – *The President of the Senate shall allocate one-half of such time to be given to debate in favour of and one-half to debate in opposition to such proposition.*

You have just listened to two Senators on the support side and some of us may be opposing the Motion. So, it will be proper that you should listen to us.

The Deputy President: I asked the question if there was a contrary view and you did not say anything. I, therefore, rule you out of Order completely.

Senator Abubakar Danso Sodangi: This is not the first time we have had this unfortunate incursion. If you will recall, in 2004, there was a problem of this nature in the North East. I agree that we should internally investigate this matter. It is not going to be conducted by the Committee on Foreign Affairs but the Committee on Internal Affairs or the Committee on National Security and Intelligence because this has to do with the security of our nation.

My Amendment is that the Committees on Police Affairs, National Security and Intelligence and Internal Affairs should be saddled with this responsibility because the last time it happened in the North-East, I led the team and we brought a very thorough Report to the Senate.

The Deputy President: Senator Nkechi Nwaogu, can we now take your roll call. Are you ready?

Senator Nkechi Nwaogu: Mr. President, we need to look at that Order very well because when it says, *a role call should be called* and it stipulated 15 minutes for that, it is envisaged that all activities on the Floor of the Senate stops until that 15 minutes.

The Deputy President: Who is envisaging that? Is it you, this Rule or the Presiding Officer? Can you read it again? The Rule do not say we

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should stop and it is my job here to interpret the Rules. If you want, we take the roll call, meanwhile, from our register, we have 40 Senators in the Chamber. So, if you still want the role call, we will do it.

Senator Nkechi Nwaogu: Mr. President, let us carry on.

The Deputy President: Do you wish to withdraw your Motion?

Senator Nkechi Nwaogu: Yes.

Motion by leave of the Senate withdrawn

The Deputy President: Can we take further Amendments?

Senator Joseph Iorshagher Akaagerger (Benue North-East): My Amendment is that all the four Prayers should be encapsulated into one which is further investigation. I also add that. *The Minister of Defence takes every appropriate step to forestall further acts of brigandage.*

The Deputy President: I am sorry, that is further Prayer and not further Amendment. We would take the additional Prayer at the appropriate time.

Senator Ayogu Eze (Enugu North): My Amendment will include in addition to the Foreign Affairs already named, the Committee on Defence, the Committee on Interior and the Committee on National Security and Intelligence because it involves these four crucial Committees. That is the Amendment I want to propose.

The Deputy President: Can we now take the Prayers?

Senator George Anthony Manzo (Taraba North): Mr. President, Point of Order?

The Deputy President: Order what?

Senator George Anthony Manzo: It is Order 98(28) which reads: *There shall be a Committee to be known as Committee on Foreign Affairs appointed at the commencement of the life of the Senate. The jurisdiction of the Committee shall include:*

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(a) *relations of the Federal Republic of Nigeria with foreign nations generally;*

This Motion has to do with a relationship between Nigeria and the Republic of Benin. So, I want to submit that, it is the Committee on Foreign Affairs that should look into this and not any other Committee of the Senate.

The Deputy President: Senator Umar Argungu, I asked you a question.

Senator Umar Abubakar Argungu: I am satisfied but I disagree with what Senator Anthony Manzo said that it is purely Foreign Affairs matter. It is not so because there is incursion, therefore, there is also a security matter there.

The Deputy President: Senator Anthony Manzo, meanwhile, we have not taken a decision that it is only the Foreign Affairs Committee or that we are excluding the Committee, your Motion is premature, so I rule you out of Order.

May I ask Senator Argungu if he is prepared to withdraw the rest of the Prayers and substitute them with the suggestions of Senator Kanti Bello and his brother from Katsina?

Senator Umar Abubakar Argungu: As long as that is the wish of the Senate.

The Deputy President: All right, let me read what I have here as the amended Prayers to encapsulate the rest of your Prayers. *That the Senate do direct its Committee on Security, Intelligence Internal Affairs and Foreign Affairs to conduct a thorough investigation on the matter and report to the Senate within two weeks.*

Question put and agreed to.

Let us believe that what we have passed is a substitute to Prayer (i) then we can take the rest and take a decision. Prayer (ii) says: *Implore the National Emergency Management Agency to come to the urgent aid of the thousands of displaced victims of this recent attack at Tungar-Kungi with necessary relief and resettlement package.*

Question put and agreed to.

Now Prayer (iii) says: *Direct the National Boundary Commission to urgently set the process*

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in motion to resolve the areas of friction on the Nigeria/Benin boarder

Question put and negatived.

iv. *Urge the Federal Government to close all Nigeria/Benin Republic borders pending the resolution of the crisis.*

Question put and negatived.

v. *Call on the Federal Government to as a matter of urgency see to the setting-up of Police Barracks at those villages near the border to deter such cross-border aggression.*

Question proposed

Senator Joseph Iorshagher Akaagerger): Mr. President, yesterday, it was Chad and I remembered I fought in that theatre as a soldier then when they did this kind of incursion on Nigeria's territories in 1982. The other day, it was another country. We have just ceded Bakassi to Cameroon. Nigeria must always take decisive step in order to prevent further acts of brigandage against Nigeria's territory. I, therefore, suggest an Amendment to Prayer 5 to say: *Call on the Federal Government, as a matter of urgency, to draft soldiers to that place to prevent further acts of brigandage and retain Nigeria's territorial integrity.*

Senator Uche Chukwumerije: Mr. President, permit me to fully support the last Speaker. This is a point that I have been trying to make that. In fact, instead of the way we are going Prayer 1 should be taken more seriously. I do not see anything wrong with Senate investigation going along *pari passu* with Federal Government investigation and action.

What has happened to Nigeria since 1960 is that we have been at the pot of the untidy consequences of decolonisation of Africa. We have lost Bakassi and before that we lost Western Cameroon because of this kind of thing. The neighbouring countries see us as a toothless bulldog and I very much believe that Nigeria should move soldiers to the points where there are conflicts and for once assert that Nigeria is a sovereign nation.

Senator John Nazip Shagaya (Plateau South): Mr. President, the Amendment here is that, if you look into our Statute Books, for those of you who

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are Lawyers, you will find out that the Customs and Immigration also have some limited responsibilities of checking and/or reporting of border incursions and it is for that reason that the Federal Government in 1987 procured planes by given the Customs and the Immigration additional mandate of border control and that was the reason for them being given arms and ammunitions.

The Police have limited responsibilities for our internal borders only, whereas Customs and Immigration have both internal and external responsibilities since they collaborate with their Colleagues. I am, therefore, suggesting that Customs and Immigration be added in Prayer 5 and not the Police because the Police has no responsibility for external relationship.

The Deputy President: Senator Akaagerger, can you put together the Amendment suggested with the additional inputs from Senators Uche Chukwumerije and John Shagaya?

Senator George Anthony Manzo (Taraba North): Mr. President, I want to refer us to Section 19 of the 1999 Constitution. The information I want to pass is that *ab initio* Nigeria's foreign policy stand is peaceful so the Resolutions we pass must be reflecting this peaceful stand. Section 19 of the Constitution says: *The foreign policy objectives shall be promotion and protection of the national interest; promotion of Africa integration and support for Africa unity.*

In all the things we are doing, Nigeria being a big brother in Africa must, though not sacrificing the lives and security of our citizens, approach these issues with maturity and some level of conciliation as it were. This is a very simple matter that could be resolved between two brotherly countries. That is my opinion. The language of our Resolution should be such that reflects our foreign policy objective.

The Deputy President: Senator Akaagerger, are you ready with the proposed Amendments? If you are ready, please read it.

Senator Joseph Iorshagher Akaagerger: It goes like this: *Call on the Federal Government to, as a matter of urgency, take immediate and faster steps to assert the sovereign rights of Nigeria*

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Amendment put and agreed to.

Resolved: That the Senate:

- I. *That the Senate do direct its Committee on Security, Intelligence Internal Affairs and Foreign Affairs to conduct a thorough investigation on the matter and report to the Senate within two weeks.*
- II. *Implore the National Emergency Management Agency to come to the urgent aid of the thousands of displaced victims of this recent attack at Tungar-Kungi with necessary relief and resettlement package.*
- III. *Call on the Federal Government to, as a matter of urgency, take immediate and faster steps to assert the sovereign rights of Nigeria*

Senator Teslim Kolawole Folarin: Mr. President, to allow our distinguished Colleagues attend to urgent Committee works, particularly the Ad-hoc Committee on Food Security, I want to move that we suspend all other Items on the Order Paper.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the Senate stand down all other Items on the Order Paper.

ANNOUNCEMENT

Visit of the Students of the Department of Public Administration Gombe State University, Gombe State

The Deputy President: Before I put the Question, I wish to acknowledge the presence of students of the Department of Public Administration, Gombe State University, Gombe State, who are in the Gallery to observe the Senate proceedings. *(The Visitors stood for recognition. You are most welcome.*

Question put and agreed to.

Resolved: That the remaining Items on the Order be stood down.

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ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, I wish to move that this Senate do adjourn till Tuesday, 28th April, 2009, by 10 a.m. prompt

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do adjourn till Tuesday, 28th April, 2009, by 10 a.m. prompt.

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Question put and agreed to.

Resolved: That the Senate do adjourn till Tuesday, 28th April, 2009, at 10. a.m. prompt.

The Senate accordingly adjourned at 11.40 a.m.