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**Wednesday
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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, 29th April, 2009

The Senate met at 10.20 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators we have the Votes and Proceedings of Tuesday, 28th April, 2009 for approval: Pages 669, 670, 671.

Senator Adefemi Kila (Ekiti Central): Mr. President, I move that the Votes and Proceedings of Tuesday, 28th April, 2009 be approved.

Senator Munirudeen Adekunle Muse (Lagos Central): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 28th April, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 28th April, 2009 be approved.

MESSAGES FROM MR. PRESIDENT

The President: I have the following letters from Mr. President and the first one reads thus:

*Distinguished Senator David Mark,
Dear Brother,*

***Request for Confirmation of the Appointment of
Elder Bolaji Akpan Anani as a Member of the
Revenue Mobilization, Allocation and Fiscal
Commission***

The Revenue Mobilization, Allocation and Fiscal Commission is one of the Federal Executive bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part 1(N) of the Third Schedule of the 1999 Constitution, the Commission shall comprise a Chairman and one member from each State of the Federation and the Federal Capital Territory, Abuja who in the opinion of the

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President, are persons of unquestionable integrity with requisite qualifications and experience.

In this connection, a vacancy has now arisen in the composition, following the expiration of tenure of the former member representing Cross River State in the Revenue Mobilization, Allocation and Fiscal Commission. I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria decided to appoint Elder Bolaji Akpan Anani whose Curriculum Vitae (CV) is attached hereto as a member of the Revenue Mobilization, Allocation and Fiscal Commission for a term of five years.

In accordance with the provision of the Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria, which states that the appointment shall be subject to confirmation by the Senate. I hereby present the nomination of Elder Bolaji Akpan Anani for the kind consideration of the Senate of the Federal Republic of Nigeria.

Yours sincerely,

(Signed)

*Umaru Musa Yar'Adua
President*

The second letter reads:

*Senate of the Federal Republic of Nigeria,
National Assembly Complex,
Abuja.*

Dear Brother,

***Nigerian Communications Commission
2009 Budget Proposal***

I write to forward for the kind consideration and approval of the distinguished Senate of the Federal Republic of Nigeria, the 2009 Budget Proposal of the Nigerian Communications Commission.

While hoping that the budget proposal will receive the usual expeditious consideration and passage by the distinguished Senators, please accept, Mr. Senate President, the assurance of my highest regards.

Yours sincerely,

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(Signed)
Umaru Musa Yar'Adua
President

The letter from Mr. President reads as follows:

Senator David Mark,
Dear Brother,

A Bill to Amend the Transfer of Convicted Offenders Enactment and Enforcement Act Cap. T. 16 Laws of the Federation 2004 and For Other Related Matters

I forward herewith for your kind consideration and passage into law the attached Bill for the amendment of the Transfer of Convicted Offenders Enactment and Enforcement Act, Cap.T16 LFN 2004 and Other Related Matters.

Pursuant to the above, therefore, and in line with the powers vested in the National Assembly, I hereby present the said Bill for the kind consideration of all the distinguished Senate of the Federal Republic of Nigeria.

Please accept, Mr. Senate President, the assurance of my highest consideration.

Yours sincerely,

(Signed)
Umaru Musa Yar'Adua
President

ANNOUNCEMENTS

I have the following announcements. The first one is from Senator Victor Ndoma-Egba (SAN).

Special Mass for Roman Catholic Senators and Other Senior Public Officers

There will be a special mass for Roman Catholic Senators and other senior Public Officers by the Catholic Archbishop of Abuja, Rev. Dr. John Onaiyekan at the Church of Assumption, Asokoro, on Wednesday 29th of April, 2009 at 7.00 p.m. prompt.

All Catholic Senators are enjoined to attend and punctually, too.

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(Signed)
Senator Victor Ndoma-Egba (SAN)
Deputy Senate Leader

Collection of Papers

The Following Senators are to collect papers that related to MDGs for their zones:

- 1 Senator George Anthony Manzo - North/East
- 2 Senator Andrew Babalola - South/West
- 3 Senator Ewa-Henshaw - South/South
- 4 Senator Sylvester Anyanwu - South/East
- 5 Senator Gyang Dalyop Dantong – North/Central
- 6 Senator Bello - North/West

Birthday Wishes to Senator Iyabo Obasanjo-Bello

On behalf of all of us, I wish distinguished Senator Olusola Iyabo Obasanjo-Bello a happy birthday.

PRESENTATION OF BILLS

Animal Health Practitioners (Registration, etc.) Bill, 2009 (HB.19)

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of an Executive Bill standing in my name on the Animal Health Practitioners (Registration, etc.) Bill, 2009.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

Animal Health Practitioners (Registration, etc.) Bill, 2009 – *read the First Time.*

Petroleum Refineries (Licensing, Regulations and Incentives) Bill, 2009 (HB.27)

Mr. President, the second business of the day is the presentation of yet another Executive Bill standing in my name on the Petroleum Refineries (Licensing, Regulations and Incentives) (Executive) Bill, 2009.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

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Petroleum Refineries (Licensing, Regulations and Incentives) Bill, 2009 – *read the First Time*.

Fine (Penalty Units) Bill, 2009 (HB.45)

Mr. President, the third business of the day is the presentation of another Executive Bill standing in my name on the Fine (Penalty Units) Bill, 2009.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

Fine (Penalty Units) Bills, 2009 – *read the First Time*.

Veterinary Surgeons (Amendment) Bill, 2009 (HB.64)

Mr. President, the third business of the day is the presentation of another Executive Bill standing in my name on the Veterinary Surgeons (Amendment) Bill, 2009 – presented by Senator Teslim K. Folarin (Oyo Central); *read the First Time*.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

Veterinary Surgeons (Amendment) Bill, 2009 – *read the First Time*.

ORDERS OF THE DAY

MOTION

Confirmation of the Nomination of Prof. Tunde Adeniran for Ambassadorial Appointment

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 Prof. Tunde Adeniran for Ambassadorial appointment in accordance with Section 171(1)(c) and (4) of the 1999 Constitution of the Federal Republic of Nigeria.

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

I now move that this Senate considers the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Prof. Tunde

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Adeniran for Ambassadorial appointment in accordance with Section 171(1)(c) and (4) of the 1999 Constitution of the Federal Republic of Nigeria.

Senator Adeleke Olorunnimbe Mamowora (Lagos East): Mr. President, I rise to second the Motion as moved by the Leader of the Senate that Mr. President's request in respect of confirmation of appointment of Prof. Tunde Adeniran as an Ambassador be considered.

Question put and agreed to.

The President: It is referred to the Committee on Foreign Affairs and to report back in one week

Resolved: That Mr. President's request in respect of confirmation of appointment of Prof. Tunde Adeniran as an Ambassador be considered and it was accordingly referred to the Committee on Foreign Affairs to be returned within one week

Abandonment of Nigerian Ship and Crew in Captivity in Somalia

Senator Teslim K. Folarin: Mr. President, the second Order of the Day is a Motion standing in the name of Senator Victor Ndoma-Egba (SAN) and two others, on the Abandonment of Ten Nigerian Ship Crew in Captivity in Somalia.

You may now invite Senator Victor Ndoma-Egba to move his Motion.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, this Motion is on notice so, I take it that I have your leave to proceed with it. But by way of short background, you will recall that in the last few months there have been increased cases of piracy around the coast of Somalia. For many people that is a far away event. The purpose of this Motion is to bring to our notice that Nigeria is now directly affected by the acts of piracy and brigandage off the coast of Somalia. My Motion reads thus:

The Senate,

Notes that on or about Tuesday, August 5, 2008, a ten-man all Nigerian crew, sailing back home to Nigeria via the Indian Ocean route, with their vessel freshly purchased and delivered in Dubai, in the United Arab Emirate, were

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intercepted and captured by Somali militants/pirates demanding \$1 million ransom or face summary execution.

Observes that in the eight months of their captivity, nothing substantial has been done to ensure their release by either the ship crew owners, **ESL Integrated Services of 2A Railway Close, D-Line, Port Harcourt, Rivers State** or the Executive arm of Nigerian Government, duly informed of the incident on the 8th of August, 2008. Although the Presidency is said to have set up a Security Committee headed by the National Security Adviser, Major General Sarki Mukhtar (Rtd.) to co-ordinate the release of the ship, nothing tangible has come out of it so far.

Notes that the hostages concerned, whose names are: **Capt. Graham E. Egbegi, Engr. David Akpoguma, Namo Musa, Usman Ochoche Agida, Lucky Edoja, John Nkanu, Effiong Joseph Bassey, Emma Okon Timothy, Okuns Kalikio and Bassey Etim** hail from no fewer than seven States of the Federation, viz, Rivers, Akwa-Ibom, Bayelsa, Cross River, Delta, Benue and Nasarawa States.

Further notes that the family members of the ten Nigerians held captive in Somalia were able to establish contact with the ship owners, Messrs ESL Integrated Services, on Friday, the 8th of August, 2008, to confirm the incident. On the second day of contact with ship owners, these families got in touch with the company Chairman, **Mr. George Onokpite**, in his base in Malaysia. On that day, Mr. Onokpite promised to do all in his power to ensure their release in a fortnight but that was untrue. Eight months after the incident, nothing has been done; all the company now says is that it does not possess the financial capacity to meet the militants' ransom demand.

Concerned that although the beleaguered crew members are all still alive, they have had to contend with bouts of brutality, starvation, contaminated drinking water and poor health conditions climaxed by the case of one of the crew members who once relapsed into a partial stroke in the absence of medication. THISDay's report of April 19th 2009 on this subject reveals that the pirates have now moved the Nigerian ship to a place called Punctland in Somalia; the base from where they now operate.

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I have a copy of the newspaper here and with your kind permission, at the end of this presentation; I will like to lay the newspaper on the Table.

Aware that the world appreciates every step taken by countries to discourage piracy, militancy or terrorism, the governments of France, Spain, Ukraine, US and China, and indeed, yesterday we saw on the CNN the Yemeni Government at one point or the other intervened when their citizens were affected by the ongoing operations along the Somali coast line. In this case, the Federal Government of Nigeria like other countries of the world should not rest on its oars until this issue is finally resolved.

Accordingly resolves to:

1. **Invite** the Chairman/Chief Executive of ESL Integrated Services Ltd, Mr. George Onokpite to appear before the Senate to explain the circumstances resulting in the abandonment of the crew in Somalia;
2. **Urge** the Federal Government of Nigeria to intensify its efforts at resolving the impasse.

I so move.

Senator Bob D. Effiong (Akwa-Ibom North-East): Mr. President, I rise to second this Motion ably moved by my most distinguished Brother, Senator Victor Ndoma-Egba.

In seconding this Motion, as a co-sponsor, I align myself with all the submissions made by the Learned SAN, distinguished Senator Victor Ndoma-Egba.

I do not really know the foreign policy position of this country. The Ministry of Foreign Affairs has not done anything since this incident happened. At least, we have not heard from the Ministry. Just recently, there was an incident of an American ship; all Americans were informed, the matter was brought to public domain and before you knew it, every effort was made by American Government to get the victims released and taken back to America. Is it that we do not have Air Force or Navy? What do we have?

Even at the diplomatic circle, nothing has been done. Those Nigerians are wallowing in detention

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with consequential hazards and nothing has been done. If they are nothing, they are Nigerians and they belong to this country. Even after death they will still be named after this country. I believe that this is the time this distinguish Senate should stand up in unison and urge the Federal Government to do something positive to bring back those Nigerians in captivity to their families.

Not only should the Chairman of the company be invited by the Senate, the Minister of Foreign Affairs also owe us an explanation as to what he is doing diplomatically to ensure that those people are released and brought back to this country.

I second this Motion.

Senator Abubakar D. Sodangi (Nasarawa West): Mr. Senate President, I rise with all sense of humility to support this Motion brought by distinguished Senator Ndoma-Egba, (SAN). The Motion as contained in the body itself is self explanatory and it is a matter of concern, not only to the Senators but also to every well meaning Nigerian that our own citizens are now languishing and their lives are seriously in danger in the Indian Ocean, in the Costal Region of Somali.

It is most unfortunate that our Military are presently in Somali trying to bring peace, stability, and to restore democratic dividends in that country but the pirates of Somali are not mindful of that. Theirs is to arrest every ship that is passing through the Indian Ocean, humiliate the people and demand colossal sums of money in millions of Dollar. It is most unfortunate.

As the Mover of the Motion said and seconded by Senator B. Effiong, it has happened with other countries such as America, Ukraine, *et cetera*. As soon as that happened, the country of United States of America and others are always up and doing to see that their citizens and, indeed, the ships are released. Most unfortunately, in our own case, yes, an attempt has been made somehow by the Federal Government, a Committee has been set up but nobody has had anything after that. As Senator Effiong has said, our Foreign Affairs Minister should say something. He should not only say something, he should be seeing doing something towards getting those people released.

All our Security Agencies should be involved. It is not going to take us months or years to travel

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to Somali. If we can go to Somali peacefully and position our Military personnel there, there is no reason why we should not as a matter of urgency, also post our military personnel there to rescue those unfortunate Nigerians.

Especially Sir, if you look at the inhuman situation and circumstances they found themselves such as starvation – no food and other necessities of life. Imagine the hazard involved. They are being kept as prisoners. I urge my Colleagues as a matter of necessity, to approve this Motion even though I have one or two Amendments which I will make when we come to the Prayers. This is a humanitarian Motion which all of us here should support. Once again, I urge my Colleagues to support the Motion. It is what we ought to do and I commend Senator Ndoma-Egba for bringing it.

As I speak with you, one of the detainees is from Nasarawa State. It is very unfortunate that as a State Government, we do not have all the powers to affect their release. If we have, we would do that. It is the Federal Government that could combine efforts with all other stakeholders to see that those innocent Nigerians are rescued.

Lastly, the Managing Director of the company involved must be brought before the National Assembly to explain why he is being lackadaisical towards this very important national calamity that befell us through his company. Thank you very much for the opportunity.

Senator Patrick E. Osakwe (Delta North): Mr. President, I support this Motion in its entirety. First and foremost, we should ask ourselves, what is piracy and who is a pirate? Piracy is the act of stealing on the sea. A pirate is an armed robber, stealing in the sea. It is just like you have the armed robbers on the roads. There is no way any good government or any citizen of a country can support the act of piracy.

I want o say here that it has happened to people. It is just like until somebody's mother dies, nobody appreciates what it is to lose a mother. Those people being held come from families. With the extended family system in this country, you can imagine the number of families that are in complete agony because of the continued keeping of those people in captivity.

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It is also said in this Motion that a Committee was set up. I would have expected that the Chairman of that Committee ought to have been invited as well to tell this Senate what his Committee has been doing since it was set up. This is because the main purpose of setting up his Committee was to effect the release of those held in captivity.

It is also important that we invite the Minister of Foreign Affairs but I think the Chairman of the Committee, Major-Gen. Mukhtar owes this Senate an explanation. We need to know what his Committee has been doing since it was set up.

I feel that time has come when Nigeria has to rise to defend its citizens. Look at what happened in the United States of America when a U.S. ship was held it was a national matter. They showed the families of the captives. They even showed the constituents of the captives on the CNN. Time has come when this country will take a matter like this very seriously because we are a sovereign state and the safety and security of our citizens, is very important. The Government of Nigeria has been a bit docile in this respect. They should rise to the occasion. Apart from the cost of a brand new ship, *(Interruptions)*

As I was saying before I was interrupted, time has come when this Government should rise to the occasion and defend its citizens. This is because apart from the cost of this brand new ship, lives are involved. Nigerians are involved. This is a time when the country will have to show that we are not just large in number, or big in quantity, we should also bite. The only way we can show this is to find a way to rescue our citizens at all costs. That is the only we can show that we are a great nation. A great nation is not only known because of wealth, it is also shown that you are great by the act which you perform, the things you do to show other countries that you are a great nation. We must find a way to rescue these people. If it is through negotiation or any means, but all I am saying is that time has come when Nigeria is to rise to the occasion and get these people released at all costs.

I support this Motion and I want to add that the Chairman of the Committee, that is the Chief Security Adviser to Mr. President, owe this Senate an explanation. He should be invited to come and explain to this Senate what his Committee has been doing.

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Senator Bode Olajumoke (Ondo North): Mr. President, I rise to express gratitude to the Mover and sponsor of this Motion. Let me say that I am a bit perturbed that this Motion is coming today from the date of the incidence, we are talking about 5th August, 2008 and we are talking in present sentence but the event happened almost a year ago. We have Nigerians in captivity. I am not excited by the States they come from, more importantly to me is that they are Nigerians. As one of the Senators mentioned earlier on, we have seen examples how other great nations relate to their citizens. I wonder what would be the feeling of those Nigerian citizens languishing in captivity for the past eight months or so? We all stand culpable in this matter, including the media. I want to claim that I am also part of it because I am reading of this for the first time and this is why I am expressing gratitude to the movers of this Motion. It is belated in the day for us to be talking about Nigerians languishing somewhere.

I absolutely agree that not only the Chairman of that company but also the Minister of Foreign Affairs, as well as the Chairman of that Security Committee, the National Security Adviser should also be invited. They must come and give explanations as to why they have been silent over this matter and why there has not been much publicity about it. *THISDAY Newspaper* release came on April 19th, 2009. Why is it that the media are not interested in this kind of things affecting our citizens?

I fully support this Motion. When we come to the Prayers, I would also like to contribute.

Senator Elder Ayim Ude (Ebonyi South): Mr. President, it is this kind of incident that reminds us that our claim to be giant of Africa sometimes comes to question. Last week in this hallowed Chamber, we were talking about a smaller African country invading a part of this country in the North and sacking a whole village, yet we are supposed to be giant of Africa.

Also not too long ago, we conceded a part of our country to another African country and we are supposed to be giant of Africa. It is even doubtful if we have the capability to attempt to do what America did to save her own nationals. So, I recommend that we invite Chief of the Defence Staff, the Chairman of this Committee that has been

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mentioned here and the Minister of Foreign Affairs to address this issue before the Senate.

It is painful to hear that Nigerian nationals are subjected to this kind of ordeal for eight months and we are just hearing about it now. These top three government officials should tell us what happened and why we should not get our nationals released without further delay.

Senator Emmanuel Paulker (Bayelsa Central): Mr. President, I rise to support this Motion. The primary aim of any government is to protect her citizens. That implies that even if a single citizen of this country is kept in captivity for the duration we are talking about, government is supposed to rise up to its obligation. But here is a situation where we are talking about ten citizens of this country cutting across from the South to the North and they are being subjected to inhuman treatment in far away Somalia for the past eight months. We set up a Committee for which one can give a tap on the back of government but government should go beyond that. We saw the greatness of America when within a week they reacted when such a thing happened to them and they attempted to free her citizens. In a situation where we are even protecting the lives and properties of the citizens of Somalia in their country, they took our citizens in captivity. Our Government should rise to her responsibility.

One would not lose the sight that this thing is perpetrated by criminals and not by the government of Somalia, all the same we should make an attempt to free our citizens through diplomacy.

The Foreign Affairs Minister mentioned that our own concept of relating with other nations is through citizen diplomacy. If we are to practice citizen diplomacy, it should be now while our citizens are suffering in far away Somalia. One could imagine the sufferings of their families here in Nigeria because they may be the breadwinners of these families. So, the earlier government reacts, the better for all of us.

I, therefore, join my Colleagues that have spoken before me to say that government should rise up to its responsibility to free these Nigerians that have been kept in captivity.

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Senator Mujitaba Mohammed Mallam (Jigawa South-West): Mr. President, I want to express my support to this very important Motion moved by the Moses in the Senate, Senator Victor Ndoma-Egba. In doing so, I want to say that the menace of piracy is increasingly becoming an issue of serious global importance. That particular section of Somalia coast is one of the busiest international shipping routes.

Obviously, there is need for a unified global response to the issue of piracy in international waters. That brings to fore the concept of security which is evidently changing from that of one state based security to global security. Even though in the international environment, according to the doctrine of sovereignty of state in international law, all states are equal, but when it comes to the issue of military power, economic power, states actually differ. This is a direct challenge to the major active players of the international system, more especially, the developed countries to realise that without security in other sister sovereign states of the world, global security would remain an elusion.

The issue of tackling the menace of piracy has generated a lot of debate in the world, especially on the modalities or responses to the issue of piracy. While some schools of thought are advocating the payment of ransom to the terrorists, others are urging for an all-out military action against these terrorist groups. While others are calling for an engagement with those terrorists in such a way that would bring about stability, democracy and progress in Somalia, which is a failed state; whatever is the case, it is my belief that this Motion is timely and there is need for Nigerian Government to engage other international states and multi-national agencies with a view to seeing how we can secure the eventual release of our citizens.

Senator Ikechukwu John Obiorah (Anambra South): Mr. President, I support the Motion, even though I regret that this has to come to the Floor of the Senate because of the security implications. If we are mapping out a strategy to launch a rescue operation, perhaps the debate of this Motion on the Floor today might jeopardise that. If we are engaging in negotiation to pay ransom, perhaps, the debate of this Motion today on this Floor will jeopardise that operation because the ransom might be higher than would have been expected. But,

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what can we do? This is a matter that took place as far as 8th August, 2008, almost one year the Nigerians are there totally abandoned as if they do not come from a country.

A distinguished Senator in this Chamber has asked that question. What is the worth of a Nigerian life? The Government has to answer that question because we tend to give the impression that the life of a Nigerian is worthless. The Federal Government and those of us in government who have been entrusted with the protection of lives and properties of our citizens would look side-ways nonchalantly because we are totally uncommitted and leave our citizens to their own devices to protect themselves and to deal with their own affairs.

That negates the contract between the citizens and the government, for the citizen has submitted his rights and privileges to the government for protection. The government assumes that and protects; that is the essence of sovereignty and that is what the politicians mean when they say that the country is a sovereign nation. It means that the country has assumed responsibility for the protection of the lives, rights and properties of its citizens. The question is, can Nigeria say that it looks out for its citizens and protect them?

America is a developed nation, so we may not necessarily compare our facilities with theirs, but look at the commitment. All through the time, the Government was there planning until they struck and took the whole world by surprise and rescued one single American citizen. They sent an Armada. In fact, they let American Fleet to the ocean for just one man. We have ten Nigerians in captivity and nobody is asking any question. The Government is not saying anything. In fact, Nigerians are asking when would they see a quarter point of one of the 7-Point Agenda. That is the question Nigerians asking. We are poor; we are totally unprotected and the government seems as if it does not exist. We exist and we have to make government to be accountable to the lives and properties of Nigerian citizens.

I am ashamed that so many years after the Organisation of Africa Unity was born and later it transmuted into African Union, what do we have? We cannot come together as a Continent to solve this problem. How can we get investments when Africans are out there hijacking and pirating our ships? How can we solve the poverty problem

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which is endemic in our Continent? What impression do we give? Unless we lead, others cannot follow because Nigeria is supposed to be the giant of Africa; but we are not showing any leadership. We are totally nonchalant regarding the lives and properties of Nigerian citizens. We have to get government to account. It is not just to invite this one person. We have to ask the Federal Government; the Secretary to the Government of the Federation; the National Security Adviser and, in fact, every person who is immediately or remotely connected with this enterprise to come and tell us what they have done. Nigerians are worth something; our lives are worth something and the Government as obligation to protect the lives and properties of our citizens. This obligation must be kept.

The President: Before we go any further, is anyone in the Committees that have anything to do with this type of incident got any information to give to us? I am referring to the Committees on National Security and Intelligence; Defence; Foreign Affairs and even Internal Security. Are the Committees not aware of this incident?

Senator Anthony Manzo (Taraba North): Mr. President, let me commend the Deputy Leader of the Senate and his co-Sponsors for coming up with this very important Motion. The principles underlying what we are talking about really has to do with the value we place on our citizens even within the country. That is the same value that other countries would give to our citizens.

In this country, either by act of omission or commission, we do not value Nigerian lives. At the risk of running down my great country which I would not, a lot of institutions that should see to it that information about incident like this gets to the right place are not working well. In the Motion we talked about the involvement of the National Security Adviser, but security even within the country is supposed to be integrated involving various agencies and even those of us in government.

Part of the problem is that security is not restricted to a particular country. Even in this country, security is not restricted to one local government area or to one state. What affects one part of the country affects another. That brings to mind the important point raised by my Colleague, Senator Mujtaba, on the concept of global security.

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We have to work together with our friends and partners across the length and breadth of the world to fight the menace of piracy.

Countries have been known to go to war because of the life of one citizen. In the case that involved an American citizen, the President of that country was willing to order the use of force to free one person. Israel is an example of another country that went to war with their neighbours because one or two of their soldiers were kidnapped. We have to be willing and ready in this country to stand up for the lives and interests of Nigerians. It is not enough to be talking about the concept of leadership in Africa if we do not value our people.

A sad reality is that we have engaged ourselves in all sorts of phrases. Now, it is citizen diplomacy, before it was either road side or area boys diplomacy. One of the things we ought to do is to protect the lives of Nigerians wherever they may be. I advise that the solution to this impasse is to be diplomatic rather than the suggestions made by some of my eminent Colleagues, for the use of military force to free the people.

Senator Enyinnaya H. Abaribe (Abia South) Mr. President, it is very sad that where we are today is not where we ought to be. The sad reality today concerning this matter is actually that we do not have the capacity to project force. Usually, those countries that have the capacity to project force are those that you can ask to go and mount a rescue operation. I would suggest that inasmuch as we feel so bad about this that we should engage in very vigorous diplomacy to be able to get those hostages released.

Another part of this that is so bad is that now Nigerians are no longer safe within Nigeria or outside Nigeria. In my State people are being held hostage locally by kidnappers. Somebody from my State will be in a ship outside and he is being held hostage outside Nigeria; no matter where you are, you are no longer safe.

This is a matter for the Federal Government. We have seen from one of the Prayers that we should be able to bring the Chairman of the company that owns the ship. We have gone beyond this point. An individual, a private citizen, who have done investment that concerns Nigeria which unfortunately now has international dimension by being held in a failed State like Somalia, has to

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have the protection and the support of the country that he is a citizen. Rather than talk about those people that own the ship or what they are doing, we really ought to talk about the Government of Nigeria and what it is doing concerning this situation.

It is also unfortunate as Senator Obiorah pointed out, that there may be certain security implications concerning this matter, but we cannot on the basis of either breaking some type of security rule not discourse the faith of Nigerians on the Floor of the Senate. I suggest that as much as possible, the Security Agencies involved and the Ministry of Foreign Affairs should actually be brought to tell us what they have done about this matter considering that this is eight months down the line. Eight months of captivity for anybody in a State like Somalia without any provision for welfare will probably lead to their death if we are not very careful.

I support this Motion and urge my Colleagues to support it in its entirety.

The President: I know that Senator Obiorah talked about security, but I do not think we are going to discuss anything that will jeopardise the country's security because we are not solving the problem here.

Senator John Shagaya (Plateau South): Mr. President, first, I want to congratulate the mover of this Motion, the Deputy Senate Leader; and to also condemn the unfortunate incident that has taken place. However, I want to add quickly that maybe, one of the reasons for the delay in negotiation would have been the wrong step taken by Government to make the National Security Adviser, in the first place, the Chairman of this very important Committee. I would have thought that the Ministry of External Affairs through our Ambassadors within the Horn of Africa and our Representative at the African Union would have been part of the team that should have started the negotiation.

I said that because piracy, especially on international waters that involves negotiation, the only Agency that is equipped to that is the Ministry of Foreign Affairs. There may be need for Government to quickly review that position because doing otherwise, our Ambassadors within the zone, the Foreign Ministry will think that there

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are more information in the hands of the National Security Adviser that they do not know about.

Secondly, I join those who have suggested that our Nigerian Militarily are not trained or equipped enough to intervene especially in long distances in terms of reacting to the very situation we are discussing. To the best of my knowledge, we are well trained in escalated war, internal security resolutions and, of course, conflict resolutions; but not the act of relieving hostages. We do not have such Special Forces.

That then quickly brings me to the neglect of the Nigerian Governments past and presents to the Nigerian Armed Forces both in budgetary affairs and provision of equipment that could assist our military to join forces with others to operate under the condition that we are discussing.

I believe that if the Ministry of External Affairs were brought in, they first of all would have gone into negotiation with the host country and the immediate countries within the Horn of Africa. I also do believe that the African Union Headquarters would have come up with very strong condemnation of the particular act. I also do know that if those countries immediate to the environment are involved, the sources of logistics of the pirates would have been cut off and once that is done, they of course, would not have survived. *(Interruptions)*

The President: Sorry, Senator Shagaya, we should not delve into some of this because my real suggestion here would be that we get the National Security Adviser to come and brief us and in that Closed Session we can do more, please.

Senator John Nanzip Shagaya: Mr. President, I was only discussing the principles of involvement and the formation of Committees when we are faced with national crisis. What one is saying is the right team, the right office, the right organisation that should be used at any given time. I take the suggestion.

The other point raised is to get hold of the Chief Executive of this Company. I do know that if the Chief Executive of the Company has discussed this, he would have given some lead and in conjunction with the particular type of equipment; that is the ship that he is using. Those are the kind of information that would lead us to suggesting,

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advising or giving such information to our neighbouring friendly nations to be able to assist us.

So, I strongly believe that while we are waiting for the Committee and National Security Adviser to work, it is not too late for our government to quickly put in motion a team of Ambassadors to begin to discuss with the countries within the Horn of Africa with Africa Union and, of course, Member Nations of the African Union.

I want to quickly conclude that our Nigerian Armed Forces do not have the capabilities of intervening in this kind of mission as has been suggested by some of our Colleagues.

Senator Audu Idris Umar (Gombe Central): Mr. President, let me start by joining my Colleagues in commending the mover of this Motion, distinguished Senator Victor Ndoma-Egba (SAN).

Sovereignty belongs to the people of Nigeria from whom government through the Constitution drives its powers, legitimacy and authority. Indeed, the security and welfare of the people of this country shall be the primary purpose of government so says the Constitution of the Federal Republic of Nigeria in Section 14.

I am worried on the seeming nonchalance and silence of the Executive arm of Government on this issue. I am worried because an incident of this nature that occurred in August last year has not been squarely and timeously addressed. This, however, leads me to ask certain questions in view of the fact that the Federal Government has set up a Security Committee as to whether the incident has some elements of illegality. I asked this question because of the seeming nonchalance of the government. Is there anything really to suggest that it is not a pure act of militancy? Or is it not a pure act of piracy? Is there any element of illegality in the conduct of these crew members? Or is there any element of illegality on the side of the owner of the ship? These are very important questions that must be addressed. For us to actually address these questions, we need to invite the relevant government agencies, particularly the Security Committee that was set up by the President to look at this issue.

I want to deviate a little from the Prayer in the Motion that we should bring the Chairman of the

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Company to this hallowed Chamber to answer certain questions. This issue should be handled better by a Joint-Committee of this distinguished Senate.

Certain allusions and suggestions were made by distinguished Colleagues that we should go the military way in trying to secure the release of these citizens of this country from Somalia. I want to say that I defer with that opinion because as Senator John Shagaya has rightly said, we will ask the question whether we have the military capability to actually adopt the American style. These are things that we do not have to say on the Floor of this Senate, however, we have to sound words of caution. We should further re-inforce the need for us to be diplomatic in approaching this matter. I wish to refer us and to be guided by the principles of the Constitution, particularly under Section 19 which is on the Fundamental Objectives and Directive Principles of State Policy and with your permission, I read Section 19(d).

The foreign policy objectives shall be –

(d) respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication.

I, therefore, want to emphasise that we have to be very diplomatic. First, we have to invite all the relevant agencies and functionaries of government that are involved in the activities of these Committee set up by Mr. President to find out from them the true position of things as far as this issue is concerned and then we explore diplomatic means of securing the release of these citizens from either the militants or the government of Somalia because I have a very serious concern and worry on the seeming silence and laxity on the part of government. Therefore, I am very skeptical really whether this is a purely militant or pirates act or there are elements of illegality somewhere in which we have to get to the route of the matter.

The President: I think we should go to the Prayers.

The Senate accordingly resolves to:

- (i) **Invite** the Chairman/Chief Executive of ESL Integrated Services Limited, Mr. George

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Onokpita to appear before the Senate to explain the circumstances resulting in the abandonment of the crew in Somalia.

Senator Adeleke Olorunnimbe Mamowora (Lagos East): Mr. President, I have an Amendment. As much as I agree with the Motion itself but in terms of the Resolution, I would want to suggest that the Senate mandates the Committee on National Security to liaise with relevant authorities with a view to ensuring the resolution of the crisis. This is because I have a feeling that it would be difficult for us at the Committee of the Whole House to do a follow up thereafter. I do not see this being an issue of once for all interaction. There are so many agencies, so many authorities involved in this issue and to ensure a follow up, it is better addressed by a Committee of the Senate. That is why I am suggesting the Committee on National Security.

The President: Are you talking for the Committee to dialogue with the Chief Executive of ESL or all the other Agencies involved. There are other Agencies involved such as Foreign Affairs; National Security and all that. But would it not be proper for the Committee of the Whole to get a complete overall briefing on what the situation is?

The follow-up can come later on, but that of the Chief Executive that is completely out of it. We do not need him here because he would not tell us anything.

I got the point you are making which is that you want the Committee to talk to the ESL Chairman because in the Senate here National Security and Intelligence is involved, so also are Foreign Affairs, Defence and Internal Affairs. So, those Committees may talk to the ESL but as Senate we need to know a little more about what has been done up to this point in time, In fact, let us get the whole picture about the matter.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, my first Amendment is that we should ask our Committees on Foreign Affairs and Security and Intelligence to find out from the Chairman/Chief Executive of ESL Integrated Service Limited and then report back to us.

The second Amendment is that at the Committee of the Whole, we should invite the

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National Security Adviser, the Minister of Foreign Affairs and, indeed, the Minister of Interior to come and brief the Senate. These are the top Chief Security Agents that have been monitoring on behalf of the Federal Government. If they come here, at the Committee of the Whole they would be able to disclose to us how far they have gone. These are my Amendments.

The President: But, not in an Open Session.

Senator Abubakar Danso Sodangi: No.

The President: All right, in a Closed Session.

Senator Anyim Ude: Mr. President, just to remind you that not too long ago we tried to discourage inviting all these Agencies to appear before the Committee of the Whole. We said it would be better for them to appear before the relevant Committees. Even that day we tried to refer to how it is done in America. I do not think we need to invite all these people before the Committee of the Whole. Let them talk with our relevant Committees where they can get all the facts they need and report back to us.

The President: I know we said that but my only problem is if in this particular case we can stick rigidly to that. The first Amendment is that the Chairman/Chief Executive of ESL should be invited to discuss with the National Security and Intelligence, Foreign Affairs and Defence Committees.

Amendment put agreed to.

Prayer (i) as amended put and agreed to.

Prayer (ii) is for the Senate in a Closed Session to invite the National Security Adviser, the Minister of Foreign Affairs and the Minister of Interior to brief the Senate on this very serious impasse.

Question put and agreed to.

Senator Munirudeen Adekunle Muse (Lagos Central): Mr. President, I want to bring this additional Prayer based on the question you put across in the course of the debate to which nobody here could answer it in affirmative. In other words, the whole Senate is kept in the dark about this issue.

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So, the Amendment, I want to bring in is for the Senate to direct the Senate Committee on National Security and Intelligence to demand for intelligence briefing on a regular basis so that the Senate of the Federal Republic of Nigeria is not kept in the dark on such important national issue in future.

The President: If they get it, would they give it to you?

Senator Munirudeen Adekunle Muse: They appear not to know because what we discuss here is what we get in the newspapers the following day so, it is necessary we demand for it.

The President: With all due respect, that is a difficult Prayer for them to begin to give us intelligence Report. I think it is not likely to fly.

Senator Munirudeen Adekunle Muse: Sir, I believe the whole thing that has been discussed here today is a surprise to everybody. The Government can inform the Leadership of this Senate on a matter of this nature. If the Senate Leadership feels like letting the whole body know, they will tell us. But to allow a matter like this for the National Assembly itself not to know; it is not a good thing.

We have read a lot of reports like this from America and other nations. Even Nigerian born British people who are arrested by the militants, it was worldwide information. I am not saying that everything should be brought to us by the National Security and Intelligence in this country.

The President: I accept the point you are making but you know we do not control the media. The private media organisations can come up with anything and nobody would have stopped them. CNN, for instance, is not controlled by the American Government. CNN brings all these things to our knowledge. We got media organisations here who can do that for us, but if they do not do it, we cannot order them to do it. That is the point. Is there any other additional Prayer? (*No response*)

All right, can we ask them to come and brief us sometime next week in a Closed Session, just to update us on what the whole situation is?

Several distinguished Senators: Yes.

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The President: That is all right.

Resolved: That the Senate accordingly –

1. Invite the Chairman/Chief Executive ESL should be invited to discuss with the National Security and Intelligence; Foreign Affairs; and Defence Committees.
2. In a Closed Session to invite the National Security Adviser, the Minister of Foreign Affairs and the Minister of Interior to brief the Senate on this very serious impasse.

CONSIDERATION OF BILL

National Assembly Service Commission Act (Amendment) Bill, 2009

A Bill for an Act to Repeal the National Assembly Service Commission Act, 2000 and to Enact the National Assembly Service Act, 2009 and for Other Matters Connected Therewith, 2009 (SB.82)

Senator Teslim K. Folarin: Mr. President, the third Order of the Day is the Second Reading of the National Assembly Service Commission Act (Amendment) Bill, 2009. You will recall that this is an Executive Bill which was read for the first time in this hallowed Chamber on Wednesday, 15th October, 2008.

With your very kind permission, I wish to move that I be allowed to present my lead debate.

The President: You may go ahead.

Senator Teslim Folarin: Once again, I thank you Mr. President, and my highly respected Colleagues for the privilege to lead the debate on the general principles on a Bill for an Act to Repeal the National Assembly Service Commission Act, 2000 and Enact the National Assembly Service Commission Act and for Other Matters Connected Therewith, 2009.

This Bill was read the First Time on the 15th day of October, 2008. This Bill seeks to repeal the National Assembly Service Commission Act 2000 and to enact the National Assembly Service Commission Act 2009. This Bill has become very necessary due to the inherent deficiencies in the

present Act. The thrust of this Bill is, among other things to:

1. Restructure the National Assembly Service to create more opportunities for career progression and reduce stagnation at the upper grade levels;
2. Establish clear-cut lines of progression among the different cadres in the service to enhance professionalism;
3. Enhance a process of adequate consultation before certain appointments are made; and
4. Reduce areas of duplications of roles and functions where they overlap because presently, it would appear there is no Scheme of Service.

This Bill is a bold attempt to correct some of the observed anomalies presently existing in the National Assembly Service. It is aimed at enthroning a proper process of adequate consultation in the appointment of certain officers, especially in the Clerks Cadre. The critical roles of the Clerks to the workings of the Parliament demand that they must be persons who are already well-grounded and experienced in parliamentary practice and procedure. The fact that they collaborate closely with the Presiding Officers play a critical role in their appointments.

A Clerk has a special role that calls for considerable experience of the functions of the Parliament. In addition to supervising the services, his chief role is to advise the Presiding Officer with regard to parliamentary practice and the interpretation of the rules of procedure. The highly specialised nature of such duties means that he must enjoy the confidence not only of the Presiding Officer but also of the House as a whole. In this regard, the Presiding Officer should have some influence in the choice of the Clerk. This is the case in many Parliaments.

The restructuring of the National Assembly Service will create vacancies especially at the management level of the structure of the Service and ensure that there is career progression both vertically and horizontally. This would successfully eliminate the problem of congestion at the upper grade levels. Staff stagnating on particular grade

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level due to lack of promotion occasioned by lack of vacancies to ascend will be addressed.

It is also aimed at repositioning the Commission for greater efficiency and capacity to cope with the challenges of our time, especially with the changing democratic order. Persons nominated as Commission Members must have adequate and proven working experience in the Public Service and most especially in workings of Parliament. The National Assembly stands to gain immensely from the passage of this Bill as it will facilitate professionalism, efficiency and morale in the National Assembly Service.

I urge you all to support this Bill and refer it to the relevant Committee for further scrutiny and report back to the Senate accordingly.

I thank you for listening.

Senator Adeleke Olorunnimbe Momowora:
Mr. Senate President, I rise to second and support this Bill before us particularly, with respect to the lead debate which the Leader of the Senate has just provided.

You will recall that the Legislature is the least developed arm of government in this country and the reasons are obvious, particularly, as a result of the military interventions. We have not really been where we should be, and you discover that each time we get out of the military; it is the Executive that would foist, as it were, the staff of the Legislature on the Legislature based on Executive enounces and on what they know how to do best but not based on what the Parliament stands for.

Of course, the Constitution is there that has empowered us to constitute the Service Commission. Therefore, what we are doing is proper, it is appropriate and it is in order. Again, we have the powers as a lawmaking institution to make new laws to amend the existing ones and, of course, repeal, if need be.

The society is a dynamic one; it is not static. We need to take cognisance of the realities of the day; we need to take cognisance of the experiences of the past and we need to take cognisance of the happenings within our environment to move forward. The Leader has mentioned the issues of stagnation, lack of experience and excitement while on the job. These are some of the issues that this

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Bill attempts to correct.

A situation where, particularly, the position of the Clerk of a Parliament, somebody who has no experience and exposure is just brought, somebody who does not know the practices and procedures, the conventions and all that, is not the best for any Parliament. These are some of the things this Bill is trying to correct.

I will be happy and I am sure your good self will be happy as well that this is happening in yours and our own time. At the level of the Senate, which is the highest legislative body in this country, we need to set the standard and the pace.

It is on that note, I want to support this Bill and also urge my Colleagues to support it; not just support it but to also give it accelerated passage.

Senator Uche Chukwumerije (Abia North):
Mr. President, I rise to support this Motion. The first objective of the Motion namely; to enhance the process of adequate consultations before certain appointments are made, appears to me as the key towards what this Bill seeks to attain.

In the whole of this country, not just in the Senate, there is a very sad disconnect between operations on the one hand and administration on the other hand. By operations, I am referring to quality of services of personnel to the ability to attain set goals and to the ability to add value to the corporate efficiency of an organisation. In other words, operations are targeted at productivity and growth. Administration on the other hand, seems to be targeted at stagnation, stability and security. You are dealing most of the time with enumerations, salaries and all that, and as much as there is no official report or query that you are dead, or not in the office or whatever, it is assumed that you are very competent and your promotions run. These are two different worlds and reflexes, demanded by both.

In a place like the Parliament, this kind of disconnect can be very dysfunctional to the efficiency of the organisation. As the previous speakers have said, Parliament is a world that requires skills. No one can underrate the fact that the interplay between parliamentary practice, interpretation of the rules and the relevance of conventions, is something that demands and tasks the ingenuity and experience of any official. I,

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therefore, support this Bill because I think that it is hitting at the heart of our problem here in the Senate. It is very necessary that the Leadership of the Senate should have a very big input and a quicker one, too, on the choice and recruitment of personnel with regard to the management of its affairs. In other words, any disconnect between operations and administration must be corrected with regard to the Senate and the National Assembly in general.

Senator Bonaventure Osita Izunaso (Imo West): Mr. President, let me begin by saying that I align myself with the repeal of the National Assembly Service Commission Act. You will recall that this National Assembly Service Commission Act was promulgated in 2000 just barely one year after the new National Assembly started. The reason is that we needed to have a proper platform for the National Assembly to take off. But nine years after, one would discover that we have now gotten to a stage where certain aspects, if not every aspect of that particular Act has to be amended. That is what has given rise to this repeal Bill we have today.

I support this repeal Bill in the sense that it would usher in a new National Assembly Service Commission that will be in tune with modern realities all over the world. Often times since 1999 till date you will discover that once there is a vacancy in the Office of the Clerk of the Senate or the Clerk of the House of Representatives it is usually a very long process to replace such officer because the strategy and the system for replacing such an officer is not properly streamlined. Most times they tend to bring somebody from another aspect of the Civil Service to come in here to do a professional job such as the Clerk of the Senate or Clerk of the House of Representatives. I support this amendment in the sense that it would help to usher in proper professionalism in certain aspects of the job.

Thirdly, time has come for us to have more Legislative Aides in the sense that today what a Senator enjoys as Legislative Aide is far beyond the assignment given to him. But I am sure with this kind of Amendment that we are proposing today we would be able to increase the number of Legislative Aides that a Senator would have and that of the House of Representatives. When you go to the ministries you will discover that a Minister has a chain of bureaucrats working under him beginning

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from the Permanent Secretary to the Directors and all the rest of them. But a Senator that articulates the laws that would govern this country would hardly have professional staff to advise him on certain intricate matters concerning our fatherland. So, I believe that this Bill will now seek to increase the number of Legislative Aides that Senators and Members of the House of Representatives will have.

The National Assembly Service Commission Act is not something we are going to bother ourselves with because with the repeal we are also going to promote federal character in further appointments and recruitments. It is not enough for Senators and, indeed, the Senate to begin to probe into other establishments who are not falling in line with the federal character. The National Assembly Service Commission should live by example in terms of implementing the federal character structure of this country. That is why I believe that time has come for us to search and to look inwards. What we are doing today is to restructure our own internal mechanism of how we do things in order to be more effective, more productive, more results oriented and to be more aligned with global realities.

With these points, I believe that my Colleagues will certainly support the repeal of the National Assembly Service Commission Act to something that would be more elegant.

Senator James Ebiowou Manager (Delta South): President, I rise to join my Colleagues to support this very important Amendment Bill. As stated very clearly in the lead debate, we have a National Assembly Service Commission Act that was passed into Law by the National Assembly in 2000. According to Senator Izunaso, the Parliament was barely one year old when that particularly Act was passed and because we have gotten the experience, we have come to know that there are new realities, and new developments for which it has become necessary for us to have that particular Act amended.

Therefore, I stand to support this Amendment Bill, particularly when it is talking about an Act that would create opportunities for career progression and also reduce stagnation in the Service.

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The National Assembly must be seen to be a very distinct arm of government; although we are all working together. Distinct in so many ramifications particularly the Public Services in the National Assembly that services this august Assembly. It is important for us to also have appointments into very key positions by way of promotion from one particular level to another; not just by consultation but with the consent of the Leadership of the National Assembly. This is very important. It is not just by consultation but with the consent of the people who are here so that we know exactly who will be Clerk to the National Assembly. Anybody who wants to become the Clerk to the National Assembly or the Clerk of the Senate must be somebody who has gotten the necessary experience.

It is just like when we talk about Senators with cognate experience. It is not just something that you gain overnight. It is something that you must be here for about four years before you can be said to be a ranking Senator. It is the same thing with the staff. Those who are here listening and servicing this august Assembly every day are also gaining experience. It is like going to a university. Somebody who is just going into the university for the first time cannot say that he has gotten that knowledge and experience of somebody who is about to leave the university after spending five or six years as the case may be. Therefore, we must as a matter of Law and that is what this particular Amendment Act serves to do, that they cannot super-impose somebody on us from the main Public Services. They must be people who have been part of this system because it is a learning process. Everybody will agree that what we do here is highly technical.

The Journalists who cover this place are more experienced than the Journalists who are not here. The cameramen who are here everyday also understand some Parliamentary rules better than a Professor of Jurisprudence or a Professor of Political Science. It is something that is built on experience. Therefore, in appointing a person to the category of Clerk is not something that must be done with consultation because it would be abused. It must be done in consultation and with the consent of the National Assembly.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, it is fitting that this Amendment is being discussed when you are

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presiding because you have been a witness to this Act from the day it was passed. It was passed in the year 2000 when you were in this Senate and you were here before the Act was passed. So, it was passed at a time, as my Colleagues have said, when the National Assembly was still very new but you have personally seen the Act in operation and I am sure that you have also witnessed its short comings. I believe that after nine years, it is about time we begin to take stock of the pitfalls and shortcomings in the Act.

While supporting all the Amendments, I would like to start with the issue of tenure for Members of the National Assembly Service Commission. Members of that Commission were nominated by the Leadership of the National Assembly and I want to believe that if they must owe any loyalty to their appointors they should not have any advantage over those who appointed them. So, if the tenure of their appointors is four years and theirs is five years they already have an advantage because they believe that they will survive those who appointed them, therefore, their loyalty would be questionable at some point. I think that at the very worst, their tenure should conform to the tenure of those who appointed them.

Secondly, the National Assembly is essentially a political institution and the bureaucracy of the National Assembly must be seen to be aiding the political objectives of the National Assembly. We are here based on promises and commitments made to Nigerians and it is those promises and commitments that will form the parameters by which we are judged at the end of the day.

The implication of this is that the bureaucracy of the National Assembly should be subservient to the political objectives of the National Assembly. So, it is our own political objectives that should drive our bureaucracy. It should not be the other way round but what we have today is a National Assembly with political objectives on one side, and the bureaucracy is moving in the opposite direction.

I want to believe that one of the implications of this Amendment is to bring the bureaucracy of the National Assembly to truly service the National Assembly as it seeks to realise its political objectives. That is why it is important that the political leadership of the National Assembly determines who the Clerk should be. The Clerk should not be imposed on the political leadership of

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the National Assembly. In fact, the political leadership should have the final say as to who the Clerk to the National Assembly or Clerk of each of the Houses of the National Assembly is or are. So, I want to believe that this Amendment Bill is timely.

Lastly, our core function is legislative. So, the people who should service us the most are our bureaucrats of the legislative cadre but what do we see, if we look at the nominal roll of the National Assembly today, you will see so many of the legislative cadres stagnating at a certain point and those in the support services are the ones who are being promoted over and above those in the legislative cadre that serve the core functions of this Parliament. So, one of the things we should be looking at as we proceed with this Amendment is to open the way for the legislative cadre because they are the core staff of this Assembly without first, the Parliamentarians, that is, the Senators and Members of the House of Representatives and secondly the legislative class in the bureaucracy who have this Parliament. So, I think this Parliament exists, first and foremost, for the Parliamentarians and then the legislative cadre before every other person else. So, it is a bit incongruous to find those in the support services progressing much faster and farther than those of the legislative cadre.

I want to believe that these proposed Amendments are very timely and we should support them so that we can streamline the functions of this Parliament and bring this Parliament to the best practices of every other Parliament in the globe today. I support all the Amendments.

Senator Justina Nkechi Nwaogu (.Abia Central): Mr. President, I rise to associate myself with the Amendments as listed in the Amendment of the National Assembly Service Commission Act for the following reasons.

So much already has been talked about the issue that necessitated this Amendment and they are quite apt as we speak. According to the last speaker, we have always noticed since we came to the National Assembly that there is a disconnect between the National Assembly Service Commission and the people they have come to serve. Most times, you would begin to wonder where is this correlation or where is this service delivery and where is the linkage? I am happy that

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the issue of appointment, especially, at the directorate level, has mainly been shown in this amendment.

Like we have seen in other Parliaments of the world, especially, where democracy is practiced, that he who pays the piper dictates the tune. The National Assembly Service Commission is supposed to be a Commission that is supposed to offer quality service delivery to enhance parliamentary work in any Parliament but where the synergy is missing, definitely, their input will be missing in the scheme of work in the Parliament.

Another area that has been captured in this Amendment is what has been said on the issue of the legislative staff. I do hope that this Amendment will be given the speedy passage as it requires so that we can begin at this moment to enjoy and benefit from this synergy we have talked about.

The National Assembly Service Commission should be totally accountable to the parliamentarians. In the Executive arm, for instance, no other arm goes to tell them who to employ, where to employ them and where their accountability would go to. It behoves on both Chambers to ensure that this nine year old Act which is already overdue for Amendment is giving a speedy passage and all the Amendments thereof approved. I so support.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, I stand to wholly support this Bill, very important Bill for that matter. Everybody knows that one character of democracy in any country today is the legislative arm; so whatsoever we can do to strengthen our nascent democracy will start from how we administer the National Assembly hence the need for this Bill to strengthen the administration of the National Assembly especially the National Assembly Service Commission. Why this is very important is because ours is a nascent democracy and we are growing democratically. The law existing now is outdated and antiquated. It is not meeting up the challenges ahead of us.

There is no way we can have a National Assembly Service Commission that is somehow moribund. At times it borders me when I look at the workforce here, it is like there is no principle, no discipline and no mechanism to correct what is happening here. There is a lot of ghost workers and

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over bloated workforce. You see a lot of new faces doing nothing but roaming around in the National Assembly. There is need for us to have a strong system to take care of this.

When it comes to employment and appointment especially at the higher cadres, regarding most importantly the position of the Clerk of the Senate or that of the House of Representatives and even the positions of the Deputy Clerk of both Houses. There is need to ensure efficiency and effectiveness by ensuring that anybody taking that position must somebody who is highly experienced in the act of Legislature. There is no way you can bring somebody to come and sit here because most of the time I see the Senate President trying to find out one or two things from the Clerk. The Clerk is responsible for helping the Presiding Officer to interpret the Parliamentary procedures and the Rules because he must have been there for a long time in order to supply such services. When it comes to appointment of that nature there is need for consultation and, in fact, consent of the Presiding Officer in order to strengthen what we are doing here.

I stand to support this Motion in its entirety because there is need for us to look at the Bill, give it a new breed of life in order to perform our functions and carry out our patriotic responsibilities to the good people of Nigeria.

Thank you for giving me this opportunity. I do not want to say a lot on that because it is a very important step that we are trying to take in order to strengthen the democracy of this country.

Senator Felix Kolawole Bajomo (Ogun West): Mr. President, I stand to support this very important Bill. The quality of governance is strictly premised on the rule of law and due process. So, it should be not only in the Executive or the Judiciary but also in the Legislature. There is no where else better than in the Legislature where due process should be more enhanced. The custodians of such rule of law and due process is through the Presiding Officers to the top functional appointees at the Senate. If in enthroning the right people we are not following the process that will enhance diligence and quality, I do not see how the National Assembly can function professionally.

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The interpretation of diligence, ability and capability is nothing short of professionalism. Professionalism should not necessarily be at the helm of the certificate you are able to produce but the cognate experience that you have. If somebody is going to work for you, it is an abnormality for a Presiding Officer not to be well consulted in the choice of such appointment. That is why I consider this Bill a very bold attempt to correct the anomalies of the past.

It has been mentioned that it is very fitting that this change is coming about now particularly during the time our Senate President was a custodian of what the old order is and what the new order should be. Even the non-ranking Senators are very much aware of the importance of this particular change. It is in our interest to ensure speedy process and approval of this Bill.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I am happy about this Bill to a certain level because I know for certain that increasing the number of departments and giving opportunities to expand the National Assembly Service Commission by expanding the departments is a good thing. But I am a little bit worried because if we go to Section 153 of the Constitution; it is unfortunate that when they prepared the Constitution they did not include the National Assembly Service Commission as they did for other Commissions such as the Code of Conduct Bureau; the Federal Character Commission, the Federal Civil Service Commission, *et cetera*. But I want to believe that at the end of the day, the National Assembly Service Commission should be having seminar type of status like those Commissions that are enshrined in the Constitution.

Today, we are fortunate to have a Presiding Officer who is an experienced soldier; experienced politician and a person I have every confidence in that he will do justice at any time. But I am worried that we are making a law that is supposed to stand the test of time. If I refer this distinguished body to Section 158 of our Constitution, it states clearly the independence of these types of bodies. The Constitution says in Section 158(1) that:

In exercising its power to make appointments or to exercise disciplinary control over persons, the Code of Conduct Bureau, the National Judicial Council, the Federal Civil Service Commission, the Federal

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Judicial Service Commission, the Revenue Mobilisation, Allocation and Fiscal Commission, the Federal Character Commission, and the Independent National Electoral Commission shall not be subject to the direction or control of any other authority or person.

This is a constitutional matter because in my view, this particular body is supposed to be similar body at the end of the day like these bodies that are enshrined in the Constitution. Senator Adeleke Mamowora, if you can remember for the records, when the last time we were reviewing the Constitution this particular National Assembly Service Commission was among those bodies that we were supposed to incorporate in the Amendment. If that is the case and at the end of the day, if they are having similar status then, I expect that they should be treated similarly as enshrined in the Constitution.

I am appealing that when we refer this Bill to our Committee they should take this into consideration. This is my honest view.

The President: I think the point you are trying to make is that since the Body is going to serve us, we should be careful, so that we do not abuse the authority that we give in the course of making the law. If you read Section 51 of the 1999 Constitution, it says: *There shall be a Clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly and the method of appointment of the Clerk and other staff of the National Assembly shall be as prescribed by that Act.* So, we really do not have a choice. The same Constitution has said that that is what we should do.

Senator M. Kanti Bello: The same Constitution established these other Bodies.

The President: Those Bodies are specified and this one is also specified. The analogy that you gave is that you cannot just bring in any other Body into that because it is specific as it says: *these Bodies*

Senator Adeleke Mamowora: Mr. President, you should rule him out of Order. *(Laughter)*

The President: No, he did not come by Point of Order but by Point of Explanation.

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Senator Isiaka A. Adeleke (Osun West): Mr. President, the point I was going to make is in reference to Section 51 of the Constitution in addition to all other reasons adduced in the body of the Bill asking that the 2000 National Assembly Service Commission Act be repealed and another one re-enacted for 2009. Such as the aspect of professionalism, consultation and to have a scheme of service and to cap it all, the highly specialised nature of the Clerk of the Senate, means that he must enjoy the confidence of not only the Presiding Officer but also that of the House as a whole. Since you have mentioned the Constitution, I hereby support wholeheartedly, the re-enactment of this Act.

Senator Anyim Ude (Ebonyi South): Mr. President, when I looked at page 2 of the Lead Debate, paragraph 4 where it says: *Presently, it would appear that there is no Scheme of Service.* I got worried. In any establishment like the one we are discussing, there are four documents that are inevitable for them to function effectively. One, is the enabling Law which is what we are discussing now. The next is a Scheme of Service that should spell out the organs of that establishment, the different directorates and the qualifications that people should attain before they are appointed onto it

Third, is the Condition of Service that should talk about discipline. Finally, there must be a Financial Regulation. It happens that after nine years, we should be repealing this Act to make sure that these documents are made available for them to function effectively.

It is a standard practice either in the Civil Service Commission, Police Service Commission or any such Commissions that have Chairmen for them to consult at a higher level before certain appointments are made. Therefore, if anybody is appointing a Clerk in the National Assembly and he thinks he can do it alone at their own level, he will be breaching the standard procedure. There is no way that the leadership of the National Assembly cannot be consulted as such levels of appointment. You would not be talking about those below that but definitely at this level he must be involved.

I beg to disagree with the Learned SAN when he talked about the Commissioners in the National Assembly Service Commission going out at the same time as the Senators are going out. It is not proper. There must be a kind of overlap for

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continuity and that strengthens the Service. Whether it is five or six years, it would be wrong to make them go out at the same time, there would be a chaos. These are my own contributions.

Senator A. D. Sodangi (Nasarawa West): Mr. Present, I align myself entirely with the spirit behind the repeal of this Act. Like it is enshrined in Section 4 of the Constitution that we should enact laws for good governance and the rest of them, for Ministries and Departments of Government. This is our own legal instrument. As has been said by previous speakers, yes, we were hardly given the legal instrument from the Executive, we have worked with it and have seen the *lacuna* and the constraints and have agreed that it is time for us to revisit the Act and I believe this is the exact time for us to do that.

As has been said, we have observed that the Office of the Clerk in particular, which I believe is very germane and important in this circumstance must be appointed or whatever, in consultation with the Presiding Officer. As it happens in the Judiciary, there is no way you will appoint the Chief Registrar of the Court and the Chief Judge of that court will not know who is coming to work with him. That I agree. But as lawmakers, we should at all times avoid making laws for interim measures, just to serve for a particular period of time or persons, with due respect, in whatever we are doing we should avoid that.

I agree that there must be experience, there must be somebody to guide the Presiding Officer whether in the Senate or in the House of Representatives, because in guiding him he is equally guiding the whole Senate. So, we cannot bring any person that does not have the rudimentary experience of Chamber workings. That I agree. But in the past, a former Director of Finance was brought to us and he worked for some years before he retired. Whether he worked well with the Presiding Officer or not, I am not in the position to say, but I knew the constraints.

So, I entirely agree with the spirit behind the argument that when such appointment is going to be made the Presiding Officer should know the person. From the general pool Messrs A, B, C or D should be brought to you to select. That would be a very good procedure.

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What I observe in the Bill is that even though it is trying to create more rooms for Directorates, for example, if we should go by the proposal, we are going to have eleven Directorates. Though they say, the more the merrier, I am sure when it gets to whichever Committee, it should not be pruned down so as not to create room for stagnation. The worst thing a Civil Servant hates is to be in, maybe, on Grade Level 12 for five years. I believe there will be frustration. But if a room is created for you to progress so be it and if that is the only duty we should do for the Civil Servants working with us whether in the Chamber or wherever they are in the National Assembly, that will be welcome by all of us and nobody would say no. That is one of the spirits behind this Amendment Bill.

Therefore, I welcome it and we should let it go. At the end of the day, I know justice would be made and they will be happy. Some of them sitting down there writing and recording are listening to us. We have been making laws for other ministries why not make law for the progress of our own Chamber Staff and every other person.

The only thing I want to register as a caveat is on what my Learned SAN, Senator Ndoma-Egba talked about the Commissioners going the same time as the Presiding Officers that appointed them. That should not be proper. The principal Act says that the Commissioners should be appointed for five years. I am elected; I am not a Presiding Officer and I was in the lower Chamber for four years. They should not go with their appointors. They should stay and enjoy that five years. At the end of the day, other Presiding Officers would come and appoint other Commissioners. That was the view of distinguished Senator Anyim Ude which I share with him.

I share the spirit behind the Bill. I want to repeat that, yes, the law we are trying to amend is not to serve an interim but a permanent measure, which all our staff whether they are in the Chamber or not, or they are in the Clerk's or Deputy Clerk's Office wherever they are would be happy that we have done justice to the system and to the law that would guide our *modus operandi*.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, I support this Bill but there are certain issues that really need to be verified. These issues arose from the contributions from the Floor.

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The essence of having a Public or Civil Service is to be neutral. In neutrality you are always loyal to the system and not loyal to an individual. But from the contributions of the last speaker and other speakers before now, the trend is moving towards a situation where a Presiding Officer should determine whom he works with. I believe that is very wrong for the simple reason that those who sit here are supposed to be so neutral and transcend Sessions and Parliaments so that we can build experience. We can neither talk of experience while we subject people to specific time nor can we say that people are loyal to a system when it is being advocated that the Presiding Officer should influence their appointments. We should really be very clear about this.

Secondly, on the issue of tenure, Section 1(6) of the existing Bill clearly provides for five years tenure renewable for another term which will make for a span of ten years. The life of our Legislature, be it in the House of Representatives or the Senate is four years and it is very important that really we should not subjugate the life of membership of the Commission to the life of the system because we will end up having new people theoretically coming with each new Senate and that is wrong. What is in the old Bill, which I have not seen any move to amend it because it is not one of those that is being amended? What is here is the right thing. We should have a five-year term so that a Commissioner moves after ten years. By then he would have had experience of working with, at least, two Senates plus and that is the issue.

On the issue of the appointment of the Clerk to the National Assembly which is really the thrust of this appointment. In the Civil Service, the President appoints the Permanent Secretaries and even the Head of Service. But they are still subject to the terms of records and discipline and the rules of the Federal Civil Service. We are not creating anything new. Workers of this Commission are strictly speaking, not Civil Servants; they are servants of the Parliament but at the same time they should not be different.

In respect of this, I do agree that the Head of the National Assembly should have an input into the appointment of the Clerk to the National Assembly. Leaving it strictly speaking, to the Commission will be at variance with what obtains in the Civil Service. The idea is not to create a situation that is totally different; particularly

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because within the provision of this law people can move from the Parliamentary Service to Civil Service.

Maybe, when this Bill goes to the Committee some of us that have Civil Service background may go there and make submissions so that what comes out should be something that is consistent with what we have.

My final contribution is about my senior Colleague, Senator Kanti Bello raising a Constitutional issue. I am happy with way it was answered. The Constitution is very clear. What we are discussing is an offshoot of the provision of the Constitution, which says that the appointment of the Clerk to the National Assembly and others should be in accordance with an Act of the National Assembly and what we are discussing is that particular Act. He should please appreciate these points.

Senator Umaru Dahiru (Sokoto South): Mr. President, the National Assembly by virtue of the provision of Sections 4 and 88(2) (a) of the Constitution has every power to make laws particularly if there is any defect that is detected. It has powers to make laws with respect to any matter within its legislative competence and correct any defects in existing laws. In the event we discover that the current National Assembly Service Commission Act of 2000 is defective, we can, by virtue of Section 88(2)(a) as I mentioned go ahead to amend it. Nonetheless, I would like to make certain observations.

The power of the Commission is defined by the Act of 2000 and what is being attempted now is probably to enhance it or to go further in enriching the Commission. I find that a little bit lacking.

What we are attempting to do is to create certain sub divisions in the Act without necessarily marrying the positions in terms of progression. In order words, I find that in the Act we have so many appointments. We have created Directors-General in the areas of budgeting, Legal Services, Library, Management Services, Finance and Accounts. I do not know the intention, but if the intention is to terminate the officers there, probably we shall create the enabling environment by indicating that in the event you are in the Department of Budget and Planning, for example, budgeting, you can only attempt to rise to that level of being a Director-

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General (Budget and Planning) Department. Likewise in other departments as I mentioned be it, Legal Services, Library Services and Management.

By creating the posts and just remaining silent on them and with the Clerk being the overall boss, I do not know what these departments may likely aspire to become in the long run. Are we trying to say that one can remain permanently in that position and would not be moved while vacancy exists somewhere? Certainly, we need to do more on that.

Under the Second Schedule, we try to create more positions without necessarily marrying our own intention. Probably, I think that what we are attempting to do is to provide a forum whereby in the event you become a Deputy Director, for example, in an international organisation, where do you aim to go from there? Are you going to remain there? That is another question. So, in the Second Schedule, the positions that are being created we need to go deeper and find out what we are trying to do.

The Clerk is the overall boss of the staff of the National Assembly. We have not gone far enough. I believe the appointments from GL.01 to 07 are probably done by the Permanent Secretaries of respective ministries. I feel that in the Act we shall give him that enabling power. This Bill is silent on this. The new Act we are trying to enact should have such kind of responsibility. Appointments of this nature should be done by the Clerk to the National Assembly.

The President: Senator Umaru Dahiru that is not the general principle. You are discussing the Bill itself.

Senator Umaru Dahiru: In other words, when it comes to the issue of taking the Clauses we should be mindful of that position. But still I feel that if we are to go by virtue of the Second Schedule to which we want to make fundamental Amendment, we should go far beyond this.

Of course, the offices that are being created by Clause 9 of the proposed Amendment Bill, should be defined so that we know actually what we intend to do with those positions. We should not just create a position and leave it like that. We must know that every staff here wants to attain the maximum position in the National Assembly, but

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we have to know whether your career would terminate in the Department in which you find yourselves and you would not aspire to be a Clerk or otherwise. That is my little observations.

The President: I want to thank everybody for the contributions. I think those who have had experience before, it is possible that people are not even aware of the existence of that Commission at all. There is a need for them to connect properly with every Member here, not just the Leadership of the National Assembly. I think this review in addition to just bringing them to connect with people they work with, it is also to create an incentive for them to be able to rise to the pinnacle of their own professions.

I personally believe in specialisation and it would be ridiculous if you just get somebody who is a finance person in the ministry and post him here to make him the Clerk of the Senate. The truth of the matter is that he would be lost. There is no running away from that. Those who are here do know that it takes quite a while for them to even adjust to begin to know the way to go about things that we do within the National Assembly and for that reason, I think that this is a necessary review.

I want to thank you for your contributions, unless there is any other violent objection or opinion otherwise, I would then put the Question for the Bill to be read a Second Time.

Question put and agreed to.

The Bill is hereby referred to the Committee on Establishment and Public Service to report back within two weeks.

Bill accordingly read the Second Time and referred to the Senate Committee on Establishment and Public Service to report back within two weeks.

Chartered Institute of Fraud Examiners Bill, 2008

A Bill for an Act to Establish the Chartered Institute of Fraud Examiners and for Matters Connected Therewith, 2008 (SB.108)

Senator Teslim Folarin: Mr. President, I want to move that we stand down the last item on the Order Paper till another legislative day.

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Senator Olorunnimbe Mamowora: Mr. Senate President, in the absence of the sponsor of the last item on the Order Paper, I hereby second the Motion as moved by the Senate Leader that we stand down the last item till another legislative day.

Question put and agreed to.

By the leave of the Senate, the last item on the Order Paper stood down till another legislative day.

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow, Thursday, 30th April, 2009 at 10.00 a.m. prompt.

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Senator Olorunnimbe Mamowora: Mr. President, I rise to second the Motion as moved by the Senate Leader that the Senate do adjourn till tomorrow, Thursday, 30th April, 2009 at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till tomorrow, Thursday, 30th April, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.07 p.m.