



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 24th April, 2007

1. The Senate met at 10:55 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 21st March, 2007 and approved same.
By unanimous consent, the Votes and Proceedings were approved.
3. **Message from Mr. President:**
The Senate President announced that he had received a letter from the President, Federal Republic of Nigeria which he read as follows:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

18 April, 2007

*Senator Ken Nnamani,
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three-Arms Zone,
Asokoro - Abuja.*

Dear President of the Senate

RE: IMPOSITION OF STATE OF EMERGENCY IN EKITI STATE

I refer to my letter dated October 19, 2006 intimating the Distinguished Senate and the Honourable House of Representatives of the Federal Republic of Nigeria of the declaration of State of Emergency in Ekiti State following a clearly great threat to the security of the country and unity of that State. In the same letter, I stated details of events in the State and the need to take hard decisions of a State of emergency without which safety and protection of lives and property would have been jeopardized in the State.

May I also refer the Distinguished Senate and the Honourable House to the respective rules and proceedings of October 26, 2006 which conveyed the approval and understanding of the action taken for which the people of Ekiti State were grateful. I have visited Ekiti State three times since then and have seen on the ground how greatly the action taken by us had impacted positively on the State.

I have received regular report from the Administrator and comments from leaders in Ekiti State to the effect that the position of State of Emergency was an act of mercy which had prevented bloodshed and had brought the situation in the State to near normalcy.

From all indications and my assessment of situation on ground as well as the report of Ekiti State Administrator on the violence and mayhem which has erupted since the elections of last Saturday, 14 April, 2007, and appeals from all quarters, there is need to impose a State of Emergency in Ekiti State until the end of the life of this Administration when a new elected government will take over in Ekiti State.

Therefore, by virtue of Section 305 of the Constitution of the Federal Republic of Nigeria 1999, I declare a State of Emergency in Ekiti State with effect from today, 18 April 2007. This declaration has been published in a Federal Gazette as of today.

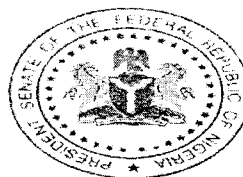
This decision would, without doubt, enhance the security as well as protect the stability and corporate existence of Ekiti State and our nation.

I thank you for your understanding and appreciation of the reasons why the State of Emergency has to be imposed in Ekiti State.

Yours Sincerely

Signed:
OLUSEGUN OBASANJO.

4. Remarks by the Senate President:



The President,
Senate of the Federal Republic of Nigeria

TEXT OF REMARKS BY SENATOR KEN NNAMANI,
PRESIDENT, SENATE OF THE FEDERAL REPUBLIC OF
NIGERIA, DELIVERED AT THE SENATE CHAMBER ON
THE RESUMPTION OF PLENARY OF THE SENATE ON
TUESDAY, APRIL 24, 2007

**“NEITHER BLACKMAIL NOR INTIMIDATION WILL STOP
THE MARCH TO LEGISLATIVE INDEPENDENCE”**

Distinguished colleagues, it is my delight and honour to welcome every one of you to plenary after a short recess. I am sure that in spite of our many important engagements during the election we looked forward to this time again when we assemble in this hallowed chamber to do our duties to Nigeria. We are back to business in this chamber because duty calls and we cannot shirk our responsibilities as Senators of the Federal Republic of Nigeria.

The Charge of Treasonable Felony for Following Constitutional Due Process:

My distinguished colleagues, I want to officially report that some aides of Mr. President have accused me of treasonable felony for requesting the reconvening of the Senate to handle emergency constitutional matters. The Minister for Information and Communication, Mr. Frank Nweke stated that I am reconvening the Senate in order to establish an Interim National Government to be headed by the Senate President.

Mr. Nweke also questioned why the Senate should reconvene at this time. Other Presidential Aides have joined in truculent attack against me for reconvening the Senate.

Every Senator knows or should know the various processes by which I can reconvene the Senate. Every Senator knows that in reconvening this Senate I have fulfilled the requirements of the constitution and our Standing Rules. For the benefit of Nigerians and those presidential aides who do not seek out clarification on what they do not know, let me narrate briefly the process of reconvening this Senate. On 18th April, President Obasanjo declared a state of emergency in Ekiti State. He informed this Senate through a letter dated 18th April, 2007 and addressed to me as Senate President. He also sent me the official gazette of the declaration. By Section 305(6)(b) of the constitution, the Senate must ratify the declaration of a state of emergency within ten days of such declaration. Section 135(b) of the Senate Standing Rules mandates the Senate President upon receiving the letter from Mr. President and the official gazette to ask the Clerk of Senate to reconvene Senate within three working days when Senate is not in session. Distinguished colleagues, I received the letter from Mr. President on April 18 and on the same day I instructed the Clerk to advertise the reconvening of the Senate, according to our rules. Wherein is this grand plot to induce Senators to establish an Interim National Government? What a mischief!

Distinguished colleagues, I do not bother to respond to hirelings whose conception of public service is to sling insults on high-ranking public officials who excel in discharging their official duties. I am only worried that the spectre of treason could be raised at this period of transition when commonsense requires tolerance and disciplined magnanimity from every public official. I am worried that on the eve of a major presidential election, the head of the legislative branch of government is being set up by presidential spokespersons for treason trial for expressing a dissenting view about an election which Mr. President himself has described flawed in some aspects. I am sorely troubled that in a constitutional democracy like Nigeria with guarantee of free expression I am being threatened with treason trial because I exercised the right of a citizen to express his or her mind. This type of dictatorial tactic is not employed in modern societies. It is only in Apartheid South Africa where Nelson Mandela was sentenced to life imprisonment for defending the dignity of 'black South Africa can fair speech attract the charge of treason.

I am not afraid of trial for treason. If treason be the response to fair criticism of something as important as elections, then I am ready and willing to go to jail. It is better to go to jail than to allow staff of the executive branch of government to dictate to the Senate when to reconvene. Until our tenure ends on June 3, 2007, this Senate will protect its independence. We will remain masters of our procedure. We will continue to follow due process in making laws and overseeing executive programs.

Nigeria has a history of truncation of democracy. Nigeria has a history of gross abuse of power. Our mission as members of the 5th Senate of the Third Republic is to begin to create a new history- a history of steadfast defence of constitutional due process, a history of an independent legislature that truly represents the people, a history of a Senate that cannot be made another department of the federal executive.

My distinguished colleagues, as Senate President, I will continue to insist on due process until June 3, 2007 or whenever you express the desire that I should step down. I will remain at your service and will follow our rules and respect our conventions. We are the Senate of the Federal Republic of Nigeria, the highest legislative body in Nigeria. We should not allow extraneous matters from poorly educated presidential aides to distract our legislative activities.

Soon our time will be up but we still have serious work to do for the Nigerian people. Let us proceed with serious business.

Thank you,

Signed:

*Senator Ken Nnamani, GCON
President,
Senate of the Federal Republic of Nigeria*

5. Proclamation of State of Emergency in Ekiti State:

Relying on Rule 136, the Senate President requested the Senate to resolve into a Closed Session in order to brief the Senate on the circumstances of the proclamation of State of Emergency in Ekiti State.

Closed Session

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11: 30 a. m.

Open Session — 1.20 p.m.

The Senate President reported that the Senate in Closed Session debated the letter of proclamation of State of Emergency in Ekiti State and also made available to Senators other documents relevant to the proclamation.

6. **Motion:**

Proclamation of State of Emergency in Ekiti State:

Motion made and Question Proposed: That whereas there is a clear and present danger of an actual breakdown of public order and public safety in Ekiti State of Nigeria which require extraordinary measures to avert such danger;

WHEREAS there is a clear and present danger of the looming crisis in Ekiti State which, if left unchecked, could degenerate, leading to massive loss of lives and property and create serious humanitarian calamity within and outside the State;

WHEREAS extraordinary measures are required to restore peace, security and order in Ekiti State;

WHEREAS this matter is of serious concern to the Senate and the generality of Nigerians; and

WHEREAS the President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria has published and transmitted copies of the Official Gazette of the Government of the Federation containing the Proclamation including the details of the Emergency to the President of the Senate, in accordance with Section 305 of the Constitution of the Federal Republic of Nigeria;

Be it resolved:

That this Distinguished Senate do hereby invoke the powers conferred on it by Section 305 (2) and (6b) of the Constitution of the Federal Republic of Nigeria and do approve the Proclamation of State of Emergency in Ekiti State of Nigeria by the President, Commander in Chief of the Armed Forces of the Federal Republic of Nigeria (*Senate Majority Leader*).

Question put and the Senate divided.

AYES	—	47
NOES	—	28
ABSTENTION	—	2
ABSENT	—	<u>28</u>
		<u>105</u>
DECEASED	—	3
PRESIDING OFFICER	—	<u>1</u>
		<u>109</u>

Having failed to meet the mandatory two-thirds majority of all the Members of the Senate approving the Proclamation as required by Section 305(6)(b) of the Constitution of the Federal Republic of Nigeria 1999, Question by Roll Call Vote Negatived.

Proclamation of Emergency accordingly rejected.

AYES

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| 1. Senator Eze Darlington Ajoku | 2. Senator Zik Sunday Ambuno |
| 3. Senator Jibril Mohammed Aminu | 4. Senator Clement Kolawole Awoyelu |
| 5. Senator John Azuta-Mbata | 6. Senator Isaiah Chawai Balat |
| 7. Senator Mahmud Kanti Bello | 8. Senator David Cobbina Brigidi |
| 9. Senator Mohammed Sanusi Daggash | 10. Senator Umaru Dahiru |
| 11. Senator John Magiel Danboyi | 12. Senator Daisy U. Ehanire-Danjuma |

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| 13. Senator Oladapo Hosea Ehinlanwo | 14. Senator Itak Bob Ekarika |
| 15. Senator Ike Ekweremadu | 16. Senator Bassey Ewa-Henshaw |
| 17. Senator Teslim Kolawole Folarin | 18. Senator Hayatu Bello Gwarzo |
| 19. Senator Robert Bonuola Koleosho | 20. Senator Abubakar Maikafi |
| 21. Senator James Ebiowuo Manager | 22. Senator Nasiru Ibrahim Mantu |
| 23. Senator David Mark | 24. Senator Ibiapoye S. Martyns-Yellowe |
| 25. Senator Victor Ndoma-Egba | 26. Senator Geokur Cosmas Niagwan |
| 27. Senator Musiliu O. Obanikoro | 28. Senator Jonathan Tunde Ogbeha |
| 29. Senator Gbenga Ogunniya | 30. Senator Fidelis Chukwuemeka Okoro |
| 31. Senator Emmanuel O. Okpede | 32. Senator Akinlabi Olasunkanmi |
| 33. Senator Bode Olowoporoku | 34. Senator Iyiola Omisore |
| 35. Senator Fred Injinia Orti | 36. Senator Oserheimen A. Osunbor |
| 37. Senator Victor Kassim Isa Oyofe | 38. Senator Abubakar Danso Sodangi |
| 39. Senator Rufus Inatimi Spiff | 40. Senator Dalhatu S. Tafida |
| 41. Senator Ugochukwu Betram Uba | 43. Senator Julius Ali Ucha |
| 44. Senator Udoma Udo Udoma | 45. Senator Nicholas Yahaya Ugbane |
| 46. Senator Tawar Umbi Wada | 47. Senator Lawan Jalo Zarami |

NOES

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| 1. Senator Timothy Aku Adudu | 2. Senator Emmanuel Azu Agboti |
| 3. Senator Abiola Ajimobi | 4. Senator Ibikunle Amosun |
| 5. Senator Veronica Iyabo Anisulowo | 6. Senator Yushau Mohammed Anka |
| 7. Senator Muktar Mohammed Aruwa | 8. Senator John Kojo Brambaifa |
| 9. Senator Farouk Bello Bunza | 10. Senator Usman Saleh Danboyi |
| 11. Senator Saidu Mohammed Dansadau | 12. Senator Dalha Ahmed Dan-zomo |
| 13. Senator Omar Abubakar Hambagda | 14. Senator Rufai Sani Hanga |
| 15. Senator Abdulazeez A. Ibrahim | 16. Senator Abu Ibrahim |
| 17. Senator Mohammed Ibrahim | 18. Senator Sani A. Kamba |
| 19. Senator James Olagunju Kolawole | 20. Senator Adeleke O. Mamora |
| 21. Senator Abubakar Sa'ad Mohammed | 22. Senator Ben Obi |
| 23. Senator Mohammed S. Ohiare | 24. Senator Titus O. Olupitan |
| 25. Senator Daniel Iyorkegh Saror | 26. Senator Lawal Shuaibu |
| 27. Senator Usman K. Umar | 28. Senator Adolf Wabara |

ABSTENTION

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| 1. Senator Olatokunbo O. Ogunbanjo | 2. Senator Umaru Ibrahim Tsauri |
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ABSENT

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| 1. Senator Iya Abubakar | 2. Senator Bala Adamu |
| 3. Senator Chris Adighije | 4. Senator Tokunbo Afikuyomi |
| 5. Senator Mohammed Ahmed | 6. Senator Mohammed Abba Aji |
| 7. Senator Simeon Sule Ajibola | 8. Senator Shehu Usman Albishir |
| 9. Senator Mamman Bello Ali | 10. Senator Nuhu Aliyu |
| 11. Senator Ifeanyi Godwin Araraume | 12. Senator Effiong D. Bob |
| 13. Senator Uche Chukwumerije | 14. Senator Joy Ifeyinwa Emodi |

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| 15. Senator Haruna Garba | 16. Senator Idris Ibrahim Kuta |
| 17. Senator Lee Ledogo Maeba | 18. Senator Isa Maina |
| 19. Senator Isa Mohammed | 20. Senator Gregory Ngaji |
| 21. Senator Christopher C. Nshii | 22. Senator Francis A. Nzeribe |
| 23. Senator Felix Kola Ogunwale | 24. Senator Patrick E. Osakwe |
| 25. Senator Gbemisola R. Saraki-Fowora | 26. Senator Baba Tela |
| 27. Senator Bello Maitama Yusuf | 28. Senator Jonathan S. Zwingina |

7. **Motion:**

Vote of Confidence on the President of the Senate:

Motion made and Question Proposed: That whereas the Senate President have been the subject of all sorts of attacks in the newspapers, television and the rest;

Whereas, one or two of our colleagues here went to the press to say all sorts of things about the Senate President;

Whereas it may be difficult to get a replacement even if something was to happen to the Senate President and the Senate have to elect another Senate President;

Whereas some of us who are going to leave the Senate at the end of this Senate would feel proud that we had been led by a Senate President, such as Senator Ken Nnamani and what he has done for us.

Be it Resolved:

That the Senate do pass a Vote of confidence on the President of the Senate, Senator Ken Nnamani for a good job well done (*Senate Majority Leader*).

Debate:

Question put and agreed to, nemine contradicente.

Resolved:

That the Senate do pass a Vote of confidence on the President of the Senate, Senator Ken Nnamani for a good job well done (*S/Res/016/07*).

8. **Adjournment:**

Motion made and Question proposed: That the Senate do adjourn till Wednesday, 2nd May, 2007 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 1.58 p.m.

Ken Nnamani, GCON
President of the Senate