



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 24th January, 2017

1. The Senate met at 10:34 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session	—	10:37 a.m.
Open Session	—	11:51 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Tuesday, 19th January, 2017.

Question was put and the Votes and Proceedings were approved.

4. **Messages from Mr. President:**

The Senate President announced that he had received two letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) *Re-nomination of Ibrahim Magu Mustapha as Chairman, EFCC:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

17th January, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**RE-NOMINATION OF MR. IBRAHIM MAGU MUSTAPHA AS
EXECUTIVE CHAIRMAN OF THE ECONOMIC AND FINANCIAL
CRIMES COMMISSION (EFCC)**

I write with reference to your letter No.NASS/8S/R101/6 dated 15th December, 2016 wherein you conveyed to me the Resolution of the Senate of the Federal Republic of Nigeria reached on the same Thursday, 15th December, 2016 in respect of my earlier request for the confirmation of the appointment of Mr. Ibrahim Magu Mustapha ("the Nominee") as the Chairman of the Economic and Financial Crimes Commission (EFCC).

I have taken due note of the contents of the aforesaid Resolution as it concerns the Nominee particularly the conclusion of the Distinguished Senate 'not to confirm' the nomination of Mr. Magu due to a Security Report on the nominee issued by the Department of State Services (DSS) and addressed to the Senate vide a letter dated 3rd October, 2016.

Upon receipt of the said Resolution, I took administrative steps within the Executive Arm of Government to ensure the speedy clarification of issues relied upon by the Senate in arriving at its decision. These steps included a request for the response of the Nominee to the allegations contained in the Report out of desire to ensure that the credibility of our anti-corruption campaign is not compromised or called to question.

As the Distinguished Senate will recall, the prosecution of the anti-corruption war in all aspects of the polity is a programme to which my Administration has committed itself since our inauguration on May 29, 2015. In undertaking this campaign, we have been guided by the need for urgency, consolidation and improvement of our present statutory framework for addressing the scourge of corruption in our country as well as taking the benefit of institutional memory and present capacity in taking the campaign forward. Within the above context, you will agree with me that there is a need to maintain the current momentum and capacity of the EFCC since May 29, 2015.

It is in the above context that I therefore request the gracious indulgence of this Distinguished Senate to favourably accept my re-nomination of MR. IBRAHIM MAGU MUSTAPHA for the position of Chairman of the Economic and Financial Crimes Commission, having received adequate clarification considering the matters relied upon by the Senate in arriving at its decision.

Mr. President of the Senate, I make this request for a favourable re-consideration by this Distinguished Chamber against the backdrop of the critical role of the Senate in driving the anti-corruption campaign of the present administration through a proactive legislative agenda and adequate appropriation support for the important work of agencies such as the EFCC. I use this opportunity to reassure Distinguished Senators of my determination to continue to pursue synergy between the Executive and the Legislative Arms in our common mission to bequeath a more prosperous and value-driven country to generations after us.

Please accept, Distinguished Senate President, the assurance of my highest consideration and esteem.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(b) *Re-Resolution of the Senate on the SGF:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

17th January, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**RE: RESOLUTION BY THE SENATE OF THE FEDERAL REPUBLIC OF NIGERIA
CONCERNING THE HUMANITARIAN SITUATION IN THE NORTH-EAST REGION
PARTICULARLY IN RELATION TO THE ALLEGED ROLE OF THE SECRETARY TO THE
GOVERNMENT OF THE FEDERATION (SGF), ENGR. DAVID BABACHIR LAWal IN THE
CONTRACT IMPLEMENTATION REGIME OF THE PRESIDENTIAL INITIATIVE FOR THE
NORTH-EAST (PINE).**

You may recall your letter with reference NASS/8S/R101/5 dated 15th December, 2016 in respect of the Senate's consideration of the report of its Ad-hoc Committee on the 'Mounting Humanitarian Crisis in the North-East' that conveyed the resolution of the Committee as contained in Paragraph 1(viii) therein which reads as follows:

"Engr. Babachir Lawal having contravened the provisions of Part 1 of the Fifth Schedule of the 1999 Constitution (As Amended), had breached his Oath of Office, should resign and be prosecuted by the relevant Authority (S/Res1075/02/16)."

Following the receipt of your letter, I set up a review team to consider the recommendations from the Senate Committee. I have also conducted further investigation 'based on Engineer Lawal's response to the allegations and issues raised in the Senate's resolution and I have come to the following conclusion that I believe will guide the Senate in the proper review of its interim report and eventual resolution:

- (i) *The report forwarded to the presidency by the Senate which informed the decision that Engr. Babachir Lawal should resign and be prosecuted by the relevant Authority (S/Res/075/02/16) was an interim report, as against a final report which ought to have been presented to the Senate in a Plenary for adoption as a binding and final report before submission to the Presidency given the weight of allegations made in the report;*
- (ii) *The Senate Committee set up to investigate the mounting humanitarian crisis' in the North East comprised of nine members, namely:*
 - a. *Senator Oluremi Tinubu*
 - b. *Senator Muhammed Hassan*
 - c. *Senator Solomon O. Adeola*
 - d. *Senator Ben Murray-Bruce*

- e. Senator Tayo Alasoadura
 - f. Senator Theodore A. Orji
 - g. Senator Yahaya A. Abdullahi
 - h. Senator Malam Ali Wakili, mni
 - i. Senator Isaac M. Alfa
- (iii) The review of the interim report shows that the interim report was only signed by only three (3) out of the nine members, namely:
- a. Senator Solomon O. Adeola
 - b. Senator Yahaya A. Abdullahi
 - c. Senator Isaac M. Alfa
- (iv) The signing of the interim report by three out of nine members of the committee makes it a minority report of the Senate committee and not a committee report being an interim report - thus presenting a challenge for the Presidency to determine the weight to attach to the report as currently presented.
- (v) I have also observed that the Senate Ad-hoc Interim Committee Report and the Votes and Proceedings of the Senate have not, in its own right, established that Engineer Babachir Lawal was ever given an opportunity to appear before the Committee and defend himself.
- (vi) It is also on record that the company linked to him (Rholavision Engineering Limited), was also not invited at any time, before the Committee to defend itself against the allegations which, eventually formed the fulcrum of the Senate's case against the company.

You are invited to note that non-application of principles of fair hearing by the Senate Ad-hoc Committee is a clear contravention of Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and against all principles of rule of law as enunciated in the Nigerian legal system as well as the rules of the National Assembly Committees on handling of public petitions.

Consequently, I am of the view that barring other considerations that may arise as a result of subsequent investigation of Engineer Lawal by the interim Ad-hoc Committee the current report as presented to the Presidency, in its own right, does not meet the principles of fair hearing and compliance with the Senate Rules for conduct of investigations in matters relating to abuse of office by public officers.

In the light of the foregoing, I am not able to approve the recommendation to remove and prosecute Engineer Lawal on the basis of the Senate Ad-hoc Committee Report dated 15th December, 2016.

Please accept, Distinguished Senate President, the continuing assurances of my highest considerations.

Yours Sincerely,
(Signed)
Muhammadu Buhari

5. Announcements:**(a) Northern Senators' Forum:**

The Senate President read a letter from Senator Abdullahi Adamu (*Nasarawa West*) as follows:

**NORTHERN SENATORS FORUM**

24th January, 2017

Your Excellency,
The President of the Senate,

NOTICE OF MEETING

This is to inform the members of the Northern Senators' Forum that there will be a meeting of the members of the forum as follows:

*Date: Wednesday, 25th January, 2017
Venue: Room 231, New Senate Wing
Time: 2pm prompt (Immediately after plenary)*

*Yours faithfully,
(Signed)
Chairman
Senator Abdullahi Adamu*

(b) Ongoing Electoral Reform:

The Senate President read a letter from Senator Abubakar Kyari (*Borno North*) as follows:

**THE SENATE**

FEDERAL REPUBLIC OF NIGERIA

Committee on Independent National Electoral Commission (INEC)

24th January, 2017

*Senator Dr. Olubukola Saraki, CON
The President of the Senate,
Federal Republic of Nigeria,
National Assembly Complex,
Abuja.*

Your Excellency Sir,

ANNOUNCEMENT

This is to inform the Distinguished Senators who may wish to contribute to the ongoing electoral reform to meet with the Senate Committee on Independent National Electoral Commission (INEC) today in Committee Room 224, Senate New Building by 2:00pm prompt.

While counting on your attendance, please accept the assurances of the Committee's highest regards.

*Sincerely,
(Signed)
Senator Abubakar Kyari
Chairman, Senate Committee on INEC*

(c) **Invitation:**

The Senate President read a letter from Senator Ben Murray-Bruce (*Bayelsa East*) as follows:



SENATOR BEN MURRAY-BRUCE, OON

BAYELSA EAST SENATORIAL DISTRICT
CHAIRMAN SENATE COMMITTEE ON PRIVATIZATION
FEDERAL REPUBLIC OF NIGERIA

18th January, 2017

His Excellency
Distinguished Senator (Dr.) Bukola Saraki, CON
President of the Senate
National Assembly Complex
Abuja.

Dear Senate President,

ANNOUNCEMENT TO BE MADE AT THE HALLOWED CHAMBER

I, SENATOR BEN MURRAY-BRUCE, seek your approval to have an announcement made on the floor of the Senate.

RE: AN INVITATION TO MY DISTINGUISHED COLLEAGUES IN THE SENATE, THE CLERK NATIONAL ASSEMBLY, AND THE CLERK OF THE SENATE, TO ATTEND THE SILVERBIRD MAN OF THE YEAR.

Kindly accept the assurances of my highest esteem.

(Signed)

SEN. BEN MURRAY-BRUCE, OON
Bayelsa East Senatorial District

(d) **All Progressives Party (APC) Senate Caucus:**

The Senate President read a letter from Senator Abubakar Olubukola Saraki (*Kwara Central*) as follows:



ANNOUNCEMENT

NOTICE OF APC CAUCUS MEETING

There will be a meeting of the Senate APC Caucus on Wednesday, 25th January, 2017 after Plenary in Hearing Room 1.

All APC Senators are expected to be in attendance, please.

(Signed)

PRESIDENT OF THE SENATE
(24th January, 2017)

(e) Ad hoc Committee:

The Senate President named the following Senators as Members of the *Ad hoc* Committee on State of the Humanitarian Relief Efforts in the North-East:

(i)	Senator David Umaru	—	Chairman
(ii)	Senator Enyinnaya H. Abaribe	—	Member
(iii)	Senator Yusuf A. Yusuf	—	Member
(iv)	Senator Matthew A. Urhoghide	—	Member
(v)	Senator Barau I. Jibrin	—	Member
(vi)	Senator Buhari Abdulfatai	—	Member
(vii)	Senator Atai A. Aidoko	—	Member

(f) Acknowledgement:

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Staff and Students of Arwa Basic Schools, Zone 4, Wuse, Abuja; and
- (ii) Members of the National Association of Katsina State Students, Katsina, Katsina State.

6 Petition:

Rising on Rule 41, Senator Hope O. Uzodinma (*Imo West*) drew the attention of the Senate to a petition from his constituent, Nwaodor M. U. (Mrs), against Joint Admission and Matriculation Board (JAMB) and Federal University of Technology, Owerri over admission injustice. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

7. Personal Explanation:

Rising on Rule 43, Senator Shehu Sani (*Kaduna North*) drew the attention of the Senate to the Executive Communication from Mr. President, Commander-in-Chief of the Armed Forces of the Federation letter read by the Senate President in respect of the Interim Report of the Senate *Ad hoc* Committee on Mounting Humanitarian Crisis in the North-East which indicts the Secretary to the Government of the Federation (SGF), Engr. Babachir D. Lawal. He debunked the issues raised in the letter and described it as a funeral to the Anti-graft war by Mr. President, Commander-in-Chief of the Armed Forces of the Federation. He further described that contrary to the insinuation in the letter, the *Ad hoc* Committee had invited the SGF and a Permanent Secretary in his Office, Mr. Aminu Nabegu (Permanent Secretary, SSO) acknowledged receipt vide a letter dated 6th December, 2016. This is in addition to a placed paid advert in some Nigerian National Dailies on December, 2nd 2016. The SGF was represented at the Committee's sitting by an officer with volumes of documents and was placed on Oaths that he will adequately represent the SGF. Similarly, he pointed out that the Interim Report was signed by Seven out of Nine Members of the *Ad hoc* Committee.

The Senate directed the Ad hoc Committee on Mounting Humanitarian Crisis in the North-East to as a matter of urgency present the comprehensive report for consideration.

8. Personal Explanation:

Rising on Rule 43, Senator Dino Melaye (*Kogi West*) drew the attention of the Senate to the recent provocative videos and pictures paraded in cyber-space and social media, one of which was an old picture of human dead bodies from genocide in Rwanda alleging it to be a picture of the recent killing in Southern Kaduna. He explained that the abuse of the cyber-space and freedom of expression guaranteed by the 1999 Constitution of the Federal Republic of Nigeria (as amended) to fan the ember of hatred among religious and ethnic divide should be condemned by this Senate.

The Senate appeal to Nigerians to be religiously tolerant, while the Security Agencies should stop the abuse of Cyber-space.

9. Personal Explanation:

Rising on Rule 43, Senator Mao A. Ohuabunwa (*Abia North*) drew the attention of the Senate to the recent killings of eleven innocent people in Port Harcourt by some security agents. He explained that the killings of innocent Nigerians by security agencies has now become a pattern in Nigeria particularly in the South-Eastern part of the country. He urged the Committee on National Security and Intelligence to look into the matter.

10. Committee on Customs and Excise:

Report on the Nigerian Customs Service Management Act (Repeal and Re-enactment) Bill, 2017 (SB. 247):

Motion made: That the Senate do receive the Report of the Committee on Customs and Excise on the Nigerian Customs Service Management Act (Repeal and Re-enactment) Bill, 2017 (*Senator Hope O. Uzodinma — Imo West*).

Question put and agreed to.

Report Laid.

11. Committee on Ethics, Privileges and Public Petitions:

Reports on the following Petitions:

Motion made: That the Senate do receive the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Petition from Chinedu Obi Esq. on behalf of Tony Onuorah against the Nigeria Customs Service (NCS) and the Nigeria Ports Authority (NPA) over Tony Onuorah's missing Container at Tin-Can Island;
- b. Petition from Owoeye Bosede Funmilola against the West African Examination Council (WAEC) for alleged non-issuance of her Senior School Examination Certificate; and
- c. Petition from Usman Umar against the Nigerian Army for alleged wrongful dismissal from the Army (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report Laid.

12. Executive Communication:

Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, on the confirmation of the nomination of Mr. Aghatise Erediauwa for re-appointment as Executive Director Nigerian Deposit Insurance Corporation (NDIC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Banking, Insurance and Other Financial Institutions to report within two (2) weeks.

13. 2017 Appropriation Bill, 2017:

Motion made: That a Bill for an Act to authorize the issue from the Consolidated Revenue Fund of the Federation the total sum of ₦7,298,507,709,937 (Seven Trillion, Two Hundred and Ninety-Eight Billion, Five Hundred and Seven Million, Seven Hundred and Nine Thousand, Nine Hundred and Thirty Seven Naira) only, of which ₦419,020,648,000 (Four Hundred and Nineteen Billion, and Twenty Million, Six Hundred and Forty-Eight Thousand Naira) only is for Statutory Transfers, ₦1,663,885,430,499 (One Trillion, Six Hundred and Sixty-Three Billion, Eight Hundred and Eighty-Five Million, Four Hundred and Thirty Thousand, Four Hundred and Ninety-Nine Naira) only is for Debt Service, ₦177,460,296,707 (One Hundred and Seventy-Seven Billion, Four Hundred and Sixty Million, Two Hundred and Ninety-Six Thousand, Seven Hundred

and Seven Naira) only is for Sinking Fund for maturing bonds, ₦2,979,151,756,196 (Two Trillion, Nine Hundred and Seventy-Nine Billion, One Hundred and Fifty-One Million, Seven Hundred and Fifty-Six Thousand, One Hundred and Ninety-Six Naira) only is for Recurrent (Non-Debt) Expenditure while the sum of ₦2,058,989,578,536 (Two Trillion, and Fifty-Eight Billion, Nine Hundred and Eighty-Nine Million, Five Hundred and Seventy-Eight Thousand, Five Hundred and Thirty-Six Naira) only is for contribution to the Development Fund for Capital Expenditure (exclusive of capital expenditure in Statutory Transfers) for the year ending on the 31st day of December, 2017 be read the Second Time (*1st Allotted Day*) (*Senate Leader*).

Debate:

The following Senators made contributions:

- (i) Senator Ahmad I. Lawan
- (ii) Senator Enyinnaya H. Abaribe
- (iii) Senator Ike Ekweremadu
- (iv) Senator Barnabas A. I. Gemade
- (v) Senator Rose O. Oko
- (vi) Senator Joshua M. Lidani
- (vii) Senator Suleiman A. Adokwe
- (viii) Senator Chukwuka G. Utazi
- (ix) Senator Fatimat O. Raji-Rasaki

Further consideration of Bill deferred to the next Legislative Day.

14. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 25th January, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:57 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.