

1917

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 9th March, 2016

The Senate met at 10.55 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Tuesday, 8th March, 2016 before us for approval. We will start consideration from page 541 – 547.

Senator Babakaka Bashir Garbai (Borno Central): Mr. President, I move that the Votes and Proceedings of Tuesday, 8th March, 2016 be approved.

Senator Danjuma La'ah (Kaduna South): Mr. President, I second the Motion that the Votes and Proceedings of Tuesday, 8th March, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 8th March, 2016 be approved.

ANNOUNCEMENTS

Visitors in the Gallery

The President: I wish to acknowledge the presence of Students of Handmaids Girls Secondary School, Sauka Extension, Kuje, Abuja; Titsall Global Schools, Wuse II, Abuja; Oasis International College, Abuja; Lordswill Academy, Gwarinpa, Abuja and Catholic Arch-Diocese of Abuja, Gwagwalada, Abuja who are in the Gallery to observe our Senate Proceedings.

(Students stood for recognition.)

I wish you all a fruitful observation of the Senate Proceedings.

MATTERS OF URGENT IMPORTANCE

Senator Abdulmumin Hassan Zareko's Death

Senator Abdullahi Abubakar Gumel (Jigawa North-West): Mr. President, I come under Order 42 which reads:

1918

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

Mr. President, I discussed it with you and I want to notify this Senate that we lost our Colleague in the Seventh Senate, Senator Abdulmumin Hassan Zareko who represented Jigawa Central.

The President: Distinguished Colleagues, in line with our Standing Rules, Senator Abdullahi Abubakar Gumel came to me and he is coming under Order 42 and 52 to seek the leave of the Senate that we allow him to present this matter for discussion.

Question put and agreed to.

Senator Abdullahi Abubakar Gumel: Mr. President, it is with heavy heart that I convey the news of passing away of our former Colleague in the Seventh Senate, Senator Abdulmumin Hassan Zareko.

Further notes that Senator Abdulmumin Hassan Zareko representing Jigawa Central Senatorial District served in several Committees while in the Senate. He served as the Deputy Chairman, Senate Committee on Federal Character Commission; he also served in various Committees. Though, I was not in the Seventh Senate then so I do not know the other Committees he served. The Distinguished Senator who died was a Colleague, we were in the same political party together and he served as Chairman, Miga Local Government of Jigawa State for two terms before coming to the Senate. He left his political party PDP and joined APC. He contributed tremendously towards national development through Motions and debates on the Floor of the Senate and the Committees he served.

Aware that it is the tradition of this Distinguished Senate to honour our Colleagues that departed;

The Senate accordingly resolved to:

- (1) *Urge the Senate to observe a minute silence in honour of the late Senator Abdulmumin Hassan Zareko.*
- (2) *Urge the Senate to send a delegation to visit Jigawa State to condole the family of the late Senator, the people and government of Jigawa State.*

I so move.

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Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I want to appreciate the mover of the Motion for raising a Motion on the demise of our very good friend, Senator Abdulmumin Hassan Zareko who was a vibrant Senator in the Seventh Senate and he was my Vice Chairman, Senate Committee on States and Local Government. He has two Committees as Vice Chairman, he was very active and I am sure that he was a factor to the stabilisation of the Rivers State House of Assembly crisis.

We went to Port Harcourt, Rivers State with him and he made a tremendous contribution. He was so popular at his home because he was a two term Local Government Chairman. He was elected, re-elected and from there, he became Chairman, Federal Character Commission and later a Senator. We have lost a good friend, very active man, may his soul rest in perfect peace.

The President: Distinguished Colleagues, we move to the Prayers.

- (1) Urge the Senate to observe a minute silence in honour of the late Senator Abdulmumin Hassan Zareko.

Question put and agreed to.

- (2) Urge the Senate to send a delegation to visit Jigawa State to condole with the family of the late Senator, the people and government of Jigawa State.

Question put and agreed to.

(A minute silence was observed in honour of the late Senator Abdulmumin Hassan Zareko).

Resolved: That the Senate do:

- (i) Observe a minute silence in honour of late Distinguished Senator Abdulmumin M. Hassan; and
- (ii) Send a delegation to condole with the family of late Senator, the people and Government of Jigawa State.

Senator Olusola Adeyeye (Osun Central): Mr. President, I rise under Order 42 and this is Matter of Urgent Public Importance. The Order 42 says:

The matter of discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting, I have complied with that, I spoke with you this morning; and the President of the Senate shall refuse to allow the claim unless he is satisfy that the matter is definite and urgent. I believe this matter is very definite and urgent.

As we speak right now, the staffs of the NNPC are on strike. We know already that even if there were no strike, this is a perilous time for our economy; we are just struggling to stay afloat, we cannot afford the strike at this time. The reason for the strike is because the NNPC has been unbundled, broken into parts that are not known to the laws which established the NNPC. The NNPC was established with a definite purpose and a definite structure to carry out that purpose. Throughout the last National Assembly, we worked very hard on the PIB Bill so as to give our petroleum Sector an effective structure. We are still working on that and I do not think any Director of any Parastatals should act outside of the law.

I therefore seek the permission of the Presidency of this Senate and Distinguished Membership that I will raise a motion on this matter tomorrow for our consideration.

The President: Distinguished Colleagues, as part of our Order 42(2), I will seek the leave of our Colleagues that this matter be brought forward the next Legislative Day.

Question put and agreed to.

(With the leave of the Senate, matter deferred to the next Legislative Day.)

PERSONAL EXPLANATION

Senator Bala Ibn Na'allah (Kebbi South): Point of Order Mr. President.

The President: What is your point of Order, Senator Bala?

Senator Bala Ibn Na'allah: Mr President, I am proceeding under Order 43 of our Rules and it says:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward no may debate arise upon the Explanation. The term of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

The President: Go ahead.

Senator Bala Ibn Na'allah: Mr. President, yesterday, you assigned me and my brother Senator Omo-Agege to attend to some protesters outside the Senate; that is, the Civil Liberty Organisation.

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We had the privilege of representing the Senate to address them and they have submitted their complaint about recruitment of 51,000 people in this country, from which 79,000 each was taken for the purpose of recruitment and after the recruitment, none of them has been paid allowance, salary or whatever for the last six to seven months.

With your leave, I will like to present their report before the Senate.

(Report laid and referred to the Committee on Ethics, Privileges, and Public Petitions to report back in two weeks)

PRESENTATION OF BILLS

Senator Mohammed Ali Ndume (Borno South): Mr. President, the first Business of the Day is Presentation of five Bills. You may wish to invite the Clerk of the Senate to read the Short Title of the Bills.

1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016

A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999, CAP.C23 LFN 2004, to make provision for right to Food and Food Security in Nigeria, and for Related Matters, (SB. 188) – presented by Senator Abdullahi Adamu (Nasarawa West); *read the First Time*.

Federal University of Petroleum Resources, Effurun (Establishment etc.) Bill, 2016

A Bill for an Act to Provide for the Establishment of the Federal University of Petroleum Resources, Effurun, and for other Matters Connected Therewith, (SB. 226) – presented by Senator Ovie Omo-Agege (Delta Central); *read the First Time*.

1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010 to provide for independent candidates and the right of Nigerians in Diaspora in elections; and for Related Matters, (SB. 228) – presented by Senator Stella Oduah (Anambra North); *read the First Time*.

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Labour Act (Amendment) Bill, 2016

A Bill for an Act to Amend the Labour Act Cap L1, LFN 2004 by removing the provisions that restrict employment opportunities for women, and for Related Matters, (SB. 229) – presented by Senator Oluremi Tinubu (Lagos Central); *read the First Time*.

1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 233) – presented by Senator Bala Na'allah (Kebbi South); *read the First Time*.

ORDER OF THE DAY

MOTIONS

The need to urgently flush out Boko Haram Insurgents Re-assembling in Taraba State

Senator Ndume Mohammed Ali: Mr. President, the first Order of the day is a Motion standing in the name of Senator Emmanuel Bwacha on the need to urgently flush out Boko Haram insurgents re-assembling in Taraba and halt the on-going silent genocide in the State. You may wish to invite Senator Emmanuel Bwacha to move his Motion.

Senator Emmanuel Bwacha (Taraba South): Mr. President, this Motion is intended to safeguard lives and properties which our Armed Forces are doing right now and co-incidentally, we lost a General who died in the process of this battle. Before going through this Motion, may I crave the indulgence of Mr. President whether we could observe a minute silence for Gen. Shehu Abdullahi who died gallantly in the process of fighting insurgency in the North East?

The Senate:

Notes that the damage caused by the insurgents in the North East of Nigeria is a pointer to the fact that these terrorists are enemies to humanity, irrespective of ethnic or religious affiliation;

Aware that the Nigerian Army is recording tremendous success in the war against insurgents in the States of Borno, Yobe, Adamawa and hopefully Gombe by flushing out these evil elements (Boko Haram) from the aforementioned State;

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Worried that the insurgents running away from the fire power of the military are relocating to safe haven in Taraba State where a notorious Boko Haram Kingpin, Kabiru Sokoto, who masterminded the bombing of St. Theresa Catholic Church, Madala in Niger State on the Christmas Day of 2011, where 42 people were killed was arrested in Mutum-Biyu, central Taraba, the Headquarters of Gassol LGA of the State in his hideout;

Further worried that the then Military Director of Defence Information, Major General Chris Olukolade intimidated the Press that the suspects arrested in Gidin Dorowa in Wukari LGA of Taraba State confessed to be the members of the dreaded group. He affirmed that they confessed to be involved in terrorism activities in Borno and Yobe States and were posted to Taraba to further their mission under the guise of herdsmen;

Concerned that their foot prints which are characterised by killings, kidnappings and breaking into commercial banks to raise funds for procurement of guns for eventual confrontation with our Armed Forces are being carefully played out in the case in question;

Further concerned that there is a change of tactics by these insurgents, who parade as herdsmen in isolated areas, makes it more difficult for the unsuspecting public to identify them. The Inspector-General of Police (IGP) as reported in the Guardian of 24th February, 2016 confirmed that the herdsmen involved in most of these senseless killings are not the one of the Fulanis we know. These ones go about grazing with AK 47 rifles. The insurgents were caught in the state of Borno with over 300 cows grazing as herdsmen. This is on record.

Deeply worried that these Boko Haram attackers, masquerading as herdsmen have killed over two thousand people (2,000) between December, 2013 to date in the State. The killings, kidnappings and destructions of property by these terrorists are still on-going. In fact, some villages/communities like: Agan, Jibu, Tunare in Wukari LGA; Dogo, Kadaro and Pasorki in Donga LGA; as well as Daguru, Wuryo and Sandirde and a number of other communities and in Gassol LGA are near extinction. The rampaging insurgent has over concentrated their activities in the central and Southern parts of the State; in the North, they are operating in silent;

Further notes that several letters/authority notes, originating from different parts of the country are authorising mass movement of strange and unfriendly herdsmen into Taraba State are been intercepted and this bring us to the question of some elements who are also in government and are directly establishing contact with this elements;

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Observes that the destruction of lives, property, kidnappings and influx of unfriendly herdsmen to the State is a deliberate act of siege by the insurgents and its sponsors to besiege the State. If media reports we see and hear on daily basis are anything to write home about, this scenario in Taraba State is affecting other States as well.

I will like to add here that Taraba State is one of the States in the North where our Great Leader, the Saudana of Sokoto superintendent. If I may borrow from the words the Commander-in-Chief and President of the Federal Republic of Nigeria that subsequent leaders who followed after the Saudana are behaving like children. We must keep this country united, no matter your tribe, religion, so that Nigeria can graduate to the next level of developmental goal.

Accordingly resolves to;

- (i) *Call for condemnation of the killings, kidnappings, destructions of property, farms and farmlands going on in the state by these insurgents so as to establish a base having been overpowered from the word theatre in the North-East.*
- (ii) *Call for investigation into the influx of strange people (Boko Haram) into Taraba state.*
- (iii) *Call on the Security Chiefs to deploy security into Taraba State to stop the killings and flush these insurgents out of the state.*
- (iv) *Call on the Senate to prevail on the Federal Government to include Taraba in the Recovery and Reconstruction Program targeted at other States in the North East who had suffered insurgent attacks.*
- (v) *Urge the Senate to compel the Government to undertake a holistic study of the crisis in Taraba State and rehabilitate the Internally Displaced Persons (IDPs) and supervise their re-integration into their communities.*
- (vi) *Call on the relevant committees of the Senate to visit the affected areas in the State and the Internally Displaced Persons camps, so as to ascertain the gravity of activities of the insurgents and interface with the State Government and Security Agencies in the State towards finding a lasting solution to the activities of these criminal elements.*

I so move.

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Senator Barnabas A. I. Gemade (Benue North East): Mr. President, I second this all important motion on a perennial devilish problem that has bedevilled this country for over a long period of time now. We have seen many motions on this subject-matter and in the past couple of weeks, this is the second one we will be deliberating on in this Hallowed Chamber. It is because this matter is very critical and very serious.

Last week, I raised a holistic motion on this matter in the Seventh Senate which led a four Committee joint team to go to six States of the Federation, and the revelations were absolutely disturbing. We went to a village in Zamfara State where over 250 people were slaughtered in one day by supposedly herdsmen who attacked a farming village and simply wiped out the people. It is very clear that advantage is being taken by criminals in a situation which has been left very fluid without definitive programme of action. We know that certain natural occurrences and difficulties in this country like desertification has really dealt a big blow on certain part of this country, as the arid land continues to grow and farmers who carry cattle around do not see any grass, they keep moving.

When Boko Haram came in, certain criminals began to match the two together for their selfish interest and looking at sedentary farming communities in this country where there is fertile land and good pasture and began to send the criminals to go along with the herdsmen to go and cause trouble in those areas. We suffered this in Benue, where about four or five local governments were completely ravaged; Agatu, Logo, Gwer West, Kwande, Buruku and so on. As I speak today, Agatu is still under siege where people are being massacred every day and Kwande on the border with Taraba which I believe is one of the aspects that prompted the mover of this motion to bring this Motion.

How can we achieve a solution to this matter? It is not enough for us to debate the happenings but as we resolve on the way forward, we must also think about solutions on how we can deal with this issue. First, we must separate criminality from genuine desire to fend a living by the people who are having conflict with one another; to try and separate the sedentary farmers from the pastoral farmers. It is very easy for us to do this.

Other countries that were completely desert lands have transformed their lands into fertile agricultural lands. If you go to Israel today, areas that were mountainous, full of rocks and completely desert have been turned by irrigation into green lands for agriculture. Nigeria has the capacity to do this.

We have been talking about the Great Green Wall to bring a halt to the encroachment of the desert over several years and this matter kept on going year after year and being funded by United Nations programmes and government agencies and some officers of the government just sat there consuming whatever investment that was put in those areas.

I believe that the challenge has come now where State government must really be driven to a point where they must accommodate citizens of their States by helping them to transform their desert lands into arable farms where they can have irrigable lands transformed into pastoral lands for this people to be settled in one place.

Several dams have been built with billions of naira and some of these have also been earmarked around cattle able land where irrigation systems have been put there and nobody cares about what is happening, which is what prompted somebody to bring a motion here on River Basins. These River Basins with multitude of investment capital into them with lot of irrigation facilities available are not being used at all. Most of these dams are located in these states where there is so much desert encroachment.

I believe that in the resolutions today, we have to also come up with directives to the agencies responsible to make sure that they help this nation to separate sedentary farmers from pastoral farmers so that the two can exist in their own various environments and make it possible for them to trade their business without conflict with one another and also decide to deal with the criminality that is associated with the so-called nomadic pastoral walk as we see it today.

I support this Motion wholeheartedly and I agree with most of its resolutions.

Senator Abubakar Kyari (Borno North): Mr. President, I support this Motion but not in its entirety simply because I see a situation where this Motion might lead to stereotyping in the sense that we are all Nigerians and we can freely move around wherever we chose to and wherever we want to. Of course, nobody wants insurgency, violence or lack of peace; however, when a certain group or ethnic tribe, be it Fulani or Kanuri are been tagged as either unfriendly herdsmen or Boko Haram, I believe it portends a big danger on preventing people from moving freely in this country.

What needs to be done is to intensify intelligence gathering to understand who and who is unfriendly and who are there for their legitimate purposes. I support this motion but let us be very careful on the stereotyping issue.

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The President: Distinguished Colleagues, as we will observe, a similar motion to this had come earlier on which we have decided on. Let us just go straight to the prayers.

- (i) *Call for condemnation of the killings, kidnappings, destructions of property, farms and farmlands going on in the State by Boko Haram (insurgents).*

Question put and agreed to.

- (ii) *Call for investigation into the influx of strange people (Boko Haram) into Taraba State.*

Question put and negated.

- (iii) *Call on the security Chiefs to deploy security into Taraba State to stop the killings and flush the insurgents out of the State.*

Question put and agreed to.

- (iv) *Call on the Senate to prevail on the Federal Government to include Taraba in the Recovery and Reconstruction Program targeted at other States in the North East, who had suffered insurgents' attacks.*

Question put and negated.

- (v) *Urge the Senate to compel Federal Government to undertake a holistic study of the crisis in Taraba State and rehabilitate the Internally Displaced Persons (IDPs) and supervise their re-integration into their communities.*

Question put and agreed to.

- (vi) *Call on the relevant committees of the Senate to visit the affected areas in the State and the IDPs' camps, so as to ascertain the gravity of activities of the insurgents and interface with the State government and security agencies in the State towards finding a lasting solution to the activities of the insurgents.*

Question proposed.

Senator George Akume (Benue North West): Mr. President, if you look at the contents of this Motion, we are being informed that this is not restricted to Taraba State alone but that it has spread to other States; Nasarawa, Benue, Plateau, Kebbi, Kano and that is why I believe he is using the word holistic.

He wants a holistic approach and because of that, I would want to amend this Prayer to read thus: *call on the relevant Committees of the Senate to visit the affected States and the IDP Camps.*

Senator Kabiru Ibrahim Gaya (Kano South): I second the amendment made by Senator Akume. When he mentioned all the States, I think it is acceptable because we also have problem in Kano South.

Amendment put and agreed to.

Senator Muhammad Adamu Aliero (Kebbi Central): Mr. President, the amendment I want to propose is that we should commend the Armed Forces of the Federal Republic of Nigeria for the way they are able to curtail the terrorists. Mr. President has promised that by December, 2015 the Boko Haram would have been tamed. To a large extent, he has succeeded in taming the Boko Haram.

The President: Please give us the additional prayer.

Senator Muhammad Adamu Aliero: The additional prayer is that we should commend the President of the Federal Republic of Nigeria for the very able manner in which he tamed the activities of Boko Haram. They have been incapacitated completely, and they are now reduced to bombing soft targets.

Senator Barau I. Jibrin (Kano North): I second the additional prayer as moved by Senator Aliero.

Additional prayer: To commend the President, Federal Republic of Nigeria and the Armed Forces of the Federal Republic of Nigeria for the able manner he tamed the activities of Boko Haram.

Amendment put and agreed to.

Senator Shehu Sani (Kaduna Central): Mr. President, I have seen the stereotype categorisation of Fulanis and Terrorists. So my additional prayer is this: to call on the security agents to stop tagging, categorising or labelling Fulanis Herdsmen as terrorists.

Senator Mallam Ali Wakili (Bauchi South): I second the additional prayers as moved by Senator Shehu Sani that we call on the security agencies to stop tagging the Fulani Herdsmen as terrorists.

Amendment prayer put and negative

Resolved

That the Senate do:

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- (i) Call for condemnation of the killings, kidnappings, destructions of property, farms and farmlands going on in the State by Boko Haram (insurgents).
- (ii) Call on the security Chiefs to deploy security into Taraba State to stop the killings and flush the insurgents out of the State.
- (iii) Urge the Senate to compel Federal Government to undertake a holistic study of the crisis in Taraba State and rehabilitate the Internally Displaced Persons (IDPs) and supervise their re-integration into their communities.
- (iv) Call on the relevant committees of the Senate to visit the affected areas in the State and the IDPs' camps, so as to ascertain the gravity of activities of the insurgents and interface with the State government and security agencies in the State towards finding a lasting solution to the activities of the insurgents
- (v) Commend Mr President Commander-in-Chief of the Armed forces of the Federation and the Armed Forces of the Federal Republic of Nigeria for the gallant way they tamed the activities of the Boko Haram Terrorists

Invasion of Ekiti State House of Assembly by Armed Men of the Directorate of State Security Service (DSS)

Senator Mohammed Ali Ndume: Mr. President, the next Order of the Day is a Motion standing in the name of Senator Biodun Olujimi on the Invasion of Ekiti State House of Assembly by Armed Men of the Directorate of State Security Services (DSS) on Friday, 4th March, 2016. Mr. President, you may wish to invite Senator Biodun Olujimi to move the Motion.

Senator Biodun C. Olujimi (Ekiti South): Mr. President, this Motion is on the Invasion of Ekiti State House of Assembly by Armed Men of the Directorate of State Security Service (DSS) on Friday 4th March, 2016.

The Senate is:

Alarmed that on Friday March 4, 2016, the hallowed chambers of the Ekiti State House of Assembly was invaded by armed men of the Department of State Services (DSS).

Alarmed further that not minding that the various Committees of the House were meeting, more than 10 DSS men who were armed to the teeth invaded the Assembly complex, shooting sporadically into the air, thereby causing panic among members and staff of the House, who had to scamper for safety and were afraid for their lives.

1930

Concerned that at the end of the commotion created by this barbaric act, four members of the House of Assembly could not be found with news filtering during the weekend that Hon. Afolabi Akanni; the member representing Efon Constituency was abducted and taken to Abuja.

Worried that the whereabouts of the other three members is still unknown;

Bothered that the reasons for the invasion and abduction of the members of the Assembly have not been made known till today;

Troubled that this action is not only unconstitutional, illegal, and unlawful but is a plot calculated to harass, intimidate and embarrass the people and government of Ekiti State;

Aware that in September 2015, the Akwa Ibom State Government House was invaded by armed men of the same Department of State Security (DSS) without any formal explanation as to the reason for the invasion;

Aware further that embarking on political vendetta and muzzling of the opposition is dangerous to the survival of democracy in the country;

Observes that Section 2 subsection (3) of the National Security Agencies Act provides that the State Security Services shall be charged with responsibility for:

- a. The prevention and detection within Nigeria of any crime against the internal security of Nigeria;
- b. The protection and preservation of all non-military classified matters concerning the internal security of Nigeria; and
- c. Such other responsibilities affecting internal security within Nigeria as the National Assembly or the President, as the case may be, may deem necessary.

Persuaded that the action of the service is outside the scope of its mandate and the National Assembly as the highest law making body in the country must step in to defend and uphold the Constitution of the Federal Republic of Nigeria (1999) as amended by which they were elected and swore to uphold;

Convinced that the Federal Government rather than embarking on the suppression of its citizens should abide by the rule of law and focus on its primary duty of the security and welfare of its citizens;

Accordingly resolves to:

1931

- i. Condemn in the strongest terms the illegal and unlawful invasion of the Ekiti State House of Assembly by armed men of the Department of State Services (DSS).
- ii. Direct its Committee on National Security and Intelligence to conduct an investigation into the immediate and remote causes of the action DSS and report back to the Senate within 2 weeks.

Mr President, let me add that immediately we heard of this occurrence, I made ten phone calls and sent three text messages to the DG of the DSS. Up till today, I am yet to receive a reply or get a call back.

If the Senate does not stand up to this, we will degenerate into the days of the *gesta pore*; those days when the DSS and the EFCC were used to remove Governors and Deputy Governors and the National Assembly to invoke that extreme clause of emergency. We must handle this straight away; we must stand up for our junior ones in the state so that one day, someone does not come into this hallowed Chamber to arrest some of us.

Senator Isiaka Adeleke (Osun West): While I do not condone the alleged invasion of the hallowed Chambers of the Ekiti State House of the Assembly, the Motion shows that the situation has been portrayed as political since we have concluded that the invasion is as a result of political vendetta. What of if there is a report of the Security to warrant the alleged invasion? What if they were threats to State security? I would have allowed the relevant Committee to do its work and for us not to jump into conclusion. Later if they submit their report then we can take a decision on it.

Senator Enyinnaya Harcourt Abaribe (Abia South): I wish to second this Motion and also note that we have taken something of this nature in the 6th Assembly and we resolved in this Chamber that we cannot also condone the breaking of the laws that actually give us our powers that we are using today and that is the Legislative Houses, Powers and Privileges Act. It was a law passed in 1953 and is still subsisting up till date.

Permit me to read some relevant sections of that law.

Section 14, subsection (1) of the Legislative Houses, Powers and Privileges Act says thus.

No stranger in respect of a Legislative House shall be entitled to enter or remain within the Chamber or precinct of that Legislative House without the authority of the President or Speaker as the case maybe.

1932

At the beginning in terms of interpretation; precinct of the Legislative House is defined to mean the Offices of a Legislative House and the Gallery and places provided for the use or accommodation of strangers, members of the public, representatives of the press and include while a Legislative House is sitting and subject to any exception made by direction of the President or Vice President of the Senate, Speaker or Deputy Speaker of the Vice of House of Representatives or of the House of Assembly of a State, the entire building in which the Chamber of the House is situated and any fore court, yard, garden, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the House.

What it means is that before anybody will come to a Legislative House, there must be first, permission sought from the presiding officer. In the case of Ekiti State, they were in their meetings; there is no indication that there was a permission sought and permission given to DSS to come into a Chamber to arrest somebody. In that case, they have broken the law.

Section 15 of this same Act says:

Any person being a stranger enters the Chamber or precinct without permission duly granted by the authority of the President or the Speaker is guilty of an offence and shall be liable to conviction to a fine of fifty naira or to imprisonment for three months or to both such fines and imprisonments.

In other words, if it is established that some people entered a legislative House, this law makes it very clear that Legislative House is both the ones at the Federal and the ones at the State, which means if any security agent wants anybody, all they need to do is to go by virtue of this law and tell the Presiding Officer to please ask such a person to come and see them.

The second part of my presentation Mr. President today in supporting this Motion is that we must also ask a question and that question is; who is in charge of security in a Legislative House? We have never answered that question because that question continues to re-occur for each and every one of us here. I want to make it abundantly clear, the people that are in charge of security within our precinct is the Sargent-at-Arms which means that we must take a look again at the laws establishing the Sergeant-at-Arms within Legislative Houses so that an outside Agency will not take over the functions of the Sergeant-at-Arms. Sometimes, about a year or so ago, we also had an incident in which the Police invaded the National Assembly seeking the Speaker of the House of Representatives; it happened here and somehow, we just glossed it over.

1933

I do not want us to gloss this over because the next step maybe Mr. President, maybe me because I talk too much against APC, they would now say look for him. Okay, if it is not me, it may be you because maybe you may have fallen foul in some way but the point is this, we must take a stand according to the laws of this land and that law is the Legislative Houses Privileges Act

Senator Mohammed Ali Ndume: Mr. President, this Motion is coming at a critical time, it is coming when this Senate is supposed to stand out to be Senate. This Motion or the event, unfortunate one, is coming at the time that we should clearly stand by the truth and the truth is that in a democracy, there are three Arms of Government, the Judiciary, the Legislature and the Presidency.

The right and privileges of each Arm of Government is clearly defined and that of the National Assembly has been specified in the Legislative Houses Privileges Act as he said. Therefore, what happened was wrong and we really need to say it like that but what goes round comes round. What you did in Rivers State and in this National Assembly here; there are so many of them. Even in this Chamber, we tried to raise the issue that this thing, one day, it would come to you. At least, we have allowed you to talk and even to support you to say what happened was not right, but you started it and now it has come round to you.

Anyway, we would try as much as possible because we are government of change, if something is wrong, we would say it is wrong. What happened was not right even though it happened to the right people. Therefore, we have to as this Senate tell whoever is involved that this thing was wrong and we have to correct it so that it does not happen again because we are going to be the ones that would be here; so, we would not allow this thing to happen to us.

Senator Bala Ibn Na'allah: Mr. President, it is a popular saying that if you dodge away from your responsibilities, you cannot escape the consequences. As far as this Motion is concerned, it would be nice and politically expedient to advise the Senate to take judicial notice of the fact that 'Ekiti State' has always been a subject of discourse as far as running outside the envelop of the law is concern with due respect.

Here we are with a State where thugs were organised, a Presiding Judge was beaten allegedly (*interruption*). It was widely reported and it is a matter of common knowledge to everyone that during an election, some machinery were taken from certain States disguised as State Security Service (SSS) to assist in conducting election.

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Mr. President, all that I am saying is that we must tread cautiously for any information that is coming from there without taking decision. Therefore, if the Motion is to the effect that let a Committee go and investigate whether what was alleged to have happened actually happened, I am for it but for us to come to the conclusion that it has actually happened and then to lay political mileage for it is what is objectionable and I am of the opinion that the Senate cannot take decision.

The President: Distinguished Colleagues, let us go to the Prayers.

1. *Condemn* in the strongest terms the illegal and unlawful invasion of the Ekiti State House of Assembly by armed men of the Department of State Services (DSS).

Question put and negatived

2. *Direct* its Committee on National Security and Intelligence to conduct an investigation into the immediate and remote causes of the action of the DSS and report back to the Senate with two (2) weeks.

Question put and agreed to

Resolved: That the Senate do direct its Committee on National Security and intelligence to conduct an investigation into the immediate and remote causes of the action of the DSS and report to the Senate within 2 weeks

The President: Distinguished Colleagues, this is a very serious matter, but the principle which has been raised is that before we jump to conclusion, we should find out exactly what happened. In going forward, the Committee on national Security and Intelligence should investigate this matter and come back within two weeks with a very clear detailed Report of exactly what happened. If it is true, then, it is a very serious and unwelcome development. We hope for the interest of our democracy, it is not true, but as a Senate at this stage, we would wait and let the people submit their Report.

Senator Dino Melaye (Kogi West): Mr. President, I raised point of Constitutional Order, I draw inspiration this afternoon from Section 36 of the Constitution and Section 42. There was an added Prayer to the Motion earlier raised by Senator Emmanuel Bwacha, where Senator Shehu Sani made an additional Prayer. I raised the point of Constitutional Order, I am going to raise the reason why I raised this order and read the relevant Section. I said point of Constitutional Order, I quoted where I am reading from and I expect some patience to listen to what I am saying.

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Section 36 of the Constitution of Federal Republic of Nigeria 1999 as amended specifically talks about discrimination against ethnicity, sex or tribe. Section 42 (1) says: *A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by any reason only that he is such a person:-*

be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject; or

The President: Senator Dino Melaye, what is this in relation to what is being discussed?

Senator Dino Melaye: Mr. President, the Kanuri's, the Fulani community by that Prayer.

The President: Which Prayer? Senator Dino Melaye, as you know, in line with our Rules, Rule 53 (6) is very clear and I am sure you know about Rule 53(6): *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

The Prayer said call on security agents to stop targeting Fulani herdsmen as terrorists, the security agents as an agency are not targeting Fulani's as terrorists, and the Prayer came. If you want us to reflect on it come as a Motion again according our laws and we take it as a Motion; that is what our rules says. What you should do if you feel so strongly about it, bring it as a Motion tomorrow and we take it in line with our Rules; that is the way it is done. I have to rule you out of order.

PRESENTATION OF REPORTS

Senator Ali Ndume: Mr. President, Distinguished Colleagues, the next Order of the Day is the presentation of the Report on the Committee on Special Duties in respect of a Motion on the Establishment of the Presidential Intervention Committee on the rehabilitation of the North East Zone. Mr. President, you may wish to invite Distinguished Senator Abdul-Aziz Murtala Nyako, the Chairman of the Committee to move the Motion.

Senator Abdul-Aziz Murtala Nyako (Adamawa Central): Mr. President, I rise to move the Motion that the Senate receive the Report of the Committee on Special Duties in respect of the Motion and the Establishment of the Presidential Intervention Committee on the rehabilitation of the North East.

Senator Joshua Lidani (Gombe South): Mr. President, I rise to support the Motion moved by Distinguished Senator Abdul-Aziz Murtala Nyako.

Question put and agreed to.

(Report laid on Table)

Senator Ali Ndume: Mr. President, the next business of the day is the presentation of Report on the Committee on petroleum Resources (Downstream) in respect of a Motion on the current fuel scarcity around the country. Mr. President, you may wish to invite Distinguished Senator Barau Jibrin, Chairman of the Committee to move the Motion for the Senate to receive the Report.

Senator Barau I. Jibrin (Kano North): Mr. President, I stand to move that the Senate do receive the Report of the Committee on Petroleum (Down Stream) in respect of the Motion on the fuel scarcity around the country and the need to urgently resolve the crisis.

Senator Muhammad Hassan (Yobe South): Mr. President, I second the Motion as moved by Senator Barau Jibrin.

Question put and agreed to.

(Report laid on Table)

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Mutual Legal Assistance in Criminal Matters Act 2016.

Senator Ali Ndume: Mr. President, the next business of the day is the Second reading of an Executive Bill standing in my name on the Mutual Legal Assistance in Criminal Matters Act 2016. Mr. President, Distinguished Colleagues, you would recall that the Bill was read the first time in this Chamber on Tuesday, 16th February, 2016. Mr. President, with your permission, I move that the Bill be read the Second Time.

The President: You may proceed.

Permit me to lead the debate on this very important Bill designed to make comprehensive provision to facilitate the exchange of mutual assistance in criminal matters between Nigeria and other foreign States. This is an Executive Bill and was read the First Time in this Chamber on Tuesday 16th February 2016.

With the advent of globalization and advancement in communication technology, criminal activities across national borders have continued to grow in momentum, throwing up issues of territorial jurisdiction which in many ways constitute bottlenecks and a source of great challenge in the successful prosecution of these crimes particularly where elements of the offence are committed to traceable to more than one jurisdiction.

To surmount the difficulty of prosecuting across border crimes, the common practice is for States to co-operate informally through their respective law enforcement agencies on the basis of reciprocity or alternative/resort to bilateral or multilateral treaties on *Mutual Legal Assistance* that obligate state parties to provide such assistance. However, it is noted that though many countries are able to provide a broad range of mutual legal assistance to other countries even in the absence of a treaty, most domestic laws of countries tend to create obstacles to such law enforcement cooperation. It is on this basis that mutual legal assistance legislation for every country becomes desirable and expedients.

In Nigeria today, the legislation on the subject matter is the mutual assistance in criminal matters within the Commonwealth (Enactment and Enforcement) Act, Cap M24 Laws of the Federation of Nigeria 2004. The Act has limited application to Commonwealth countries and does not serve the wider needs of Nigeria for mutual cooperation and collaboration globally in the area of criminal matters. In fact, due to the limitations in the above Act, Nigeria has entered into bilateral agreements with other countries outside the Commonwealth for the purpose of mutual legal assistance in criminal matters.

The Bill thus seeks to facilitate the provision and obtaining by Nigeria of international assistance in crime matter including the provision and obtaining of evidence and things, the making of arrangements for person to give evidence or assist in criminal investigations, the recovery, forfeiture of confiscation of property in respect of offence, the restraining of dealing in property or freezing of assets that may be recovered, forfeited or confiscated in respect of offences, the execution of requests for search and seizure, the location and identification of witnesses and suspects, the service of documents and related matters.

The Bill has 89 clauses divided into 10 parts. The salient features and key provisions of the bill are:

Part 1 - This part sets out the objective, scope and application of the Bill. Importantly, it provides for the designation by the President of foreign states and Organizations to which the provisions of the act apply.

Part 2 - The Attorney- General of the Federation is designated under this part as the *Central Authority* responsible for the making receiving and transmitting of requests for assistance. The Attorney-General is also responsible for negotiating and agreeing on terms and conditions relating to requests for assistance and ensuring compliance with the terms and conditions of the requests.

Part 3 - Sets out the specific provisions relating to requests for assistance by Nigeria to a foreign State and includes provisions for requests for attendance in Nigeria of a person, immunities and Privileges to be accorded to the persons that accedes to a request by Nigeria, assistance in locating or identifying persons and the service of processes.

Part 4 - Provides for the reciprocal request by foreign States to Nigeria for assistance in criminal Matters and provides for responsibilities for expenses incurred for providing assistance, refusal of assistances, exceptions to political offences and request for evidence gathering for criminal proceedings. It also contains provisions for the transmission of evidence outside Nigeria to allow for the production of anything for use in the prosecution of criminal matters in foreign State as well as attendance of witnesses in a foreign state. Additionally, under this part, provision is made for requests for the enforcement of foreign forfeiture order.

Part 5 - Provides for the interception of telecommunications and postal items and surveillance, including electronic surveillance, preservation of computer data and admissibility of evidence contained in intercepted communications.

Part 6 - Makes provision for requests by foreign States for the forfeiture and confiscation of property derived from unlawful activities believed to be in Nigeria. It also makes provisions for freezing, seizure and confiscation of proceeds of crimes, reciprocal sharing of confiscated property and disposal or release of property.

Part 7 – Empowers the Central Authority of a Foreign State to request for assistance to obtain an exhibit admitted in evidence in a proceeding before a court in Nigeria as well as making of a *Loan Order* for the use and return of exhibits outside Nigeria.

Part 8 – Makes provision for the admissibility in Nigeria of evidence obtained outside Nigeria, authentication of documents, requirement of notification for the admissibility of foreign documents and items, proof of service abroad and confidentiality and limitation on use of information and evidence.

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Part 9 - Provides for special cooperation with a foreign state in areas such as covert investigation, joint investigation, consultation with foreign States and voluntary assistance.

Part 10 - Empowers the Attorney-General to make such regulations as are necessary or expedient to give full effect to or for carrying out the provisions of this Bill.

This Bill is part of the action plan of government to prosecute criminal activities within and outside the nation's border as well as fulfil its commitment to the international community especially the financial Action Task Force (FATF) and the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) to enact some identified critical laws to tackle criminal activities globally.

In coming out with this Bill, the Federal Ministry of Justice collaborated with various stakeholders and development partners to ensure that the contents of the Bill are in conformity with global best practices and meets the country's domestic needs. Furthermore, the Bill has been subjected to scrutiny of the Presidential Committee on Financial Action Task Force comprising the Federal Ministries of Justice, Trade and Industry, relevant regulatory institutions, law enforcement, security, and intelligence agencies.

Globalization and advancement in communications technology has continued to facilitate the free movement of criminals from one jurisdiction to another making it imperative for a legislation to promote cooperation for the effective prosecution of offenders across borders.

There is no doubt that the Bill will facilitate and sustain the effective prosecution of cross border crimes and will in no small measure assist in the reduction or elimination of offences with cross border dimension including terrorism and terrorist financing, money laundering, war crimes, human trafficking, economic and financial crimes, drug trafficking, smuggling and oil theft.

I therefore urge my distinguished colleagues to support this very important Bill to go through the second reading and passage into law.

Senator Emmanuel Bwacha (Taraba South): Mr. President, we are clearly told that this is an Executive Bill. Let me appreciate the Leader of the Senate Senator Ali Ndume for putting this Bill as a priority Bill among the Executive Bills we had received and I am sure there are many of them coming. That the Bill is coming at a time the war against corruption is gathering momentum or being accepted both internationally and nationally; nothing could have been better than this Bill to give the war against corruption legitimacy and legal teeth to bite. This is very good for our country and we must learn to do things properly.

On this one, I align myself with the Government of the day on war against corruption. This is a beautiful Bill, that everything done should be done within the ambit of the law so that it will not be taken outside the borders of the law and the Parliament owes it a responsibility to contribute to this battle against corruption. This is where we will come in as a Parliament; it is noble, it is apt and should be welcome by those who want Nigeria to attain a new image internationally so that our democracy can be seen to have attained the required height and integrity.

I support this Bill and I call on my Colleagues to do same.

Senator Ibn Bala Na'allah: Mr. President, let me first of all applaud the position taken by distinguished Senator Bwacha. It used to be the legal position that trans-border crimes must rely on the complexities of what we refer to as Public International Law and it became increasingly difficult to determine the law to be applied.

Questions have always been asked in Judicial Parlance, is it the less *lexitos* or the less *domicile*. For example, if somebody decides that he will steal money in Nigeria and launder this money and buy a house in Dubai and keep a bank account in Switzerland; the complexities are so much that it becomes very difficult to bring that kind of person to justice within the reasonable time that it is expected. Then an avenue was sought to simplify this issue and to simplify it, the Financial Action Task Force decided that countries can come together through mutual assistance and agree that instead of employing what we referred to as less *lexitos* or less *domicile*, let us agree collectively to fight trans-border crime.

With that agreement, let us equally take a step further to say that if that particular person who stole money from Nigeria and decides to buy a house in Dubai and put some accounts in Switzerland is to be brought to justice in Nigeria; Nigeria can sit and rely on its proceedings and apply to Dubai to get forfeiture of that house in Dubai and get legal assistance to sell the house, get additional legal assistance to repatriate the money back to Nigeria; so is it with the account in Switzerland.

This Bill, apart from meeting the international requirement for Nigeria to belong to the Committee of those who intend to fight trans-border crime, it will equally simplify the effort of the Government in trying to fight the war on corruption which it has taken seriously.

I therefore urge my Colleagues that this is a very straight forward Bill and it is only taking our commitment as a nation to our international development partners in the fight against trans-border crime which includes terrorism, drug trafficking and all the major crimes that have been listed in the Financial Action Task Force. This is a very straightforward matter that does not require too much debate which my Colleagues can allow that the Bill be passed through Second Reading.

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Senator Joseph Utazi Chukwuka (Enugu North): Mr. President, this Bill coming from the Executive is one of the most important Bills that have come to the National Assembly after the EFCC Bill that came 2003 and 2004. This is very important in the sense that all the shuttle diplomacies this President has done and the past ones in the recovery of looted funds scattered in several countries all over the world that we could not have been able to receive.

I want to tell you that I just returned from a meeting I attended in France with my Colleagues in the House of Representatives that was conveyed at OECD Headquarters in Paris by Financial Action Task Force. Part of the issues why Nigeria has not been a member of that Committee and benefitting therefrom all we want from the recovery of our looted funds outside the country is because we are not a member. This Body which we represented, we told them that Nigeria is coming and we want to get things done.

The Financial Action Task Force is also coming to this country by July this year to check whether Nigeria is prepared to become a member. As we are talking now, it is only South Africa in the African continent that is a member of the Financial Action Task Force. Therefore, all the efforts made by Mr. President in moving from one country to another cannot yield any result without this Bill that is here.

I am using this opportunity to ask Mr. President and distinguished Senators that this Bill should not last more than one month in both Chambers because it is very important. We need to get this Bill passed urgently so that we will prepare our House for the visit to this country by July.

I lend my support to the issues canvassed by the Leader of the Senate because he understands the importance and the urgency of this Bill.

The President: Distinguished Colleagues, this is a straight forward Bill and I will put the question?

Question put and agreed to.

Bill read a Second time and referred to the Committees on Foreign Affairs, Judiciary and Anti-Corruption to report back in two weeks.

The President: Distinguished Colleagues, I want to thank the Leader and more importantly, the President for bringing this Bill. This Bill is key in order to ensure that we bring confidence in the international community. It is clear that Mutual Legal Assistance Bill is important in fighting terrorism and other types of crime like money laundering corruption. We need to treat this Bill as urgently as possible.

A Bill for an Act to amend the Nigerian Sovereign Investment Authority Establishment Act (2011)

Order for Second Reading.

Senator Mohammed Ali Ndume: Mr. President, the second Order of the Day is the Second Reading of the Sovereign Wealth Fund Act 2010 (Amendment) Bill, 2016.

You will recall that the Bill was read the First Time in this Chamber on Wednesday 30th September, 2015. You may wish to invite distinguished Senator Rose Oko to move the Motion for the Bill to be read the Second Time.

Senator Rose Okoji Oko (Cross River North): Mr. President, I rise to move that a Bill for an Act to amend the Nigerian Sovereign Investment Authority Establishment Act (2011) to align it with the 1999 Constitution of the Federal Republic of Nigeria to restore the Sovereignty of Naira as a National Currency, ensure transparency of its funding and entrench parliamentary accountability and for other related matters connected therewith be read a Second Time.

Please, permit me to read the lead debate for the Second Reading of this Bill.

This Bill seeks to amend the Nigeria Sovereign Investment Authority (Establishment etc.) Act 2011, to bring it in line with the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended) by ensuring greater transparency in the transactions of the authority a clearer source its funding and subject it to periodic accountability to the National Assembly.

We have refined the Bill to focus on the core areas of protecting the integrity of the powers of the National Assembly to control public funds, of ensuring clearer funding for the Sovereign Wealth Fund, and of subjecting it to periodic accountability to the National Assembly.

A Sovereign Wealth Fund (SWF) for a nation is desirable as one cannot overemphasize the need for a future savings for the citizens of a nation. However, what is critical in the Sovereign Wealth Fund is the manner in which it is managed to achieve desired results.

Globally, a few examples of some of the leading Sovereign Wealth Funds clearly indicate transparency in their transactions, funding and parliamentary Oversight. For example, as the world's leading Sovereign Wealth Fund, the Norwegian Government Pension Fund-Global has been transparently and successfully managed over the years with a strong supervisory role of the Parliament.

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Although managed by the Norges Bank Investment Management (NBIM), a part of Norwegian Central Bank on behalf of the Ministry of Finance, the Ministry reports annually to the Norwegian parliament on the management of the fund.

The practice is similar in Australia, as the government revenue including the Future Fund (SWF) is usually tabled at the Parliament by the Minister.

Similarly, in Canada, the Standing Committee of the Legislative Assembly on the Alberta Heritage Savings Trust Fund (a Sovereign Wealth Fund) reviews and approves the Annual Reports on the funds operations and reports to the Legislative Assembly on whether the mission of the fund is being fulfilled. Furthermore, in most African countries such as Ghana, Angola, Algeria, Botswana, Gabon and Mauritius, resources to the Sovereign Wealth Funds are also clearly appropriated by Parliament.

Let me emphasize here that parliamentary control over Sovereign Wealth Fund engenders accountability and transparency- the hallmark of the Santiago Principles. The Santiago principles are a set of Generally Accepted Practices and Principles (GAPP) agreed upon by sovereign wealth managers globally as minimum basis for efficient and effective management of SWFs. These include, amongst others, accountability and prudence as well as transparency.

Although Section 37 of the Principal Act provides that yearly report should be sent to the National Assembly and a host of other Bodies including the State Houses of Assembly. It is submitted that mere submission of yearly report to the National Assembly without more, cannot cure the need for appropriation of the finances of the Authority as obtains in most climes that have recorded tremendous successes in the management of their SWFs.

Indeed, after the initial seed fund, funding to the Authority has been arbitrarily done. For instance, in November 2015, the National Economic Council unilaterally injected \$250 Million Dollars to the Authority. This runs contrary to the intendment of Sections 80 and 81 of 1999 Constitution (as amended), with regard to the powers of the National Assembly to control public funds.

It is observed that in the 2016 Appropriation Bill as in previous Appropriation Acts, no specific provision is made for generational savings and additions to stabilization fund which is usually done through the SWF. The potential trend of low oil price in the nearest future makes it even more mandatory for Nigeria to save for the rainy day. It is now very urgent that the nation must decide on a specific amount that must be appropriated as savings into the SWF rather than leaving it to the vagaries of oil price volatility.

In other words, whether there be excess on oil benchmark or not, the National Assembly should decide what to appropriate to the SWF as to other agencies of government.

This amendment intends therefore, to assuage any such form of unpredictability in the source of funding the Authority, and provides a more practicable means which is by appropriation without recourse to residual funds or Excess Crude Account which in any case is termed illegal.

In view of the foregoing, I urge you to support and pass this Bill to bring it in line with the provisions of the 1999 Constitution (as amended) that empowers us control over public funds. This will ensure greater transparency in the transactions of the Authority, providing clear source of funding to the Authority and entrench parliamentary oversight and control.

Moreover, this Bill has no further financial implication on the government; I therefore ask my distinguished Colleagues to please support this Bill and pass it for the Second Reading.

I thank you.

Senator John Owan Enoh (Cross River Central):
Mr. President, I rise to support the Second Reading of the Nigerian Sovereign Investment Authority Establishment Act (2011).

I recall that some years back, the passage of this Bill into law represented one bold attempt to respond to a lot of the issues that were surrounding the excess crude account. I think that validly, after this became an Act, most of what was referred to as the Excess Crude Account was now divided into about three different accounts as driven by this Act; the Stabilization Accounts, the Infrastructure Development Fund and the Future Generation Fund. These are the various three accounts that were established by part of the Nigerian Sovereign Investment Authority. I think that since thereafter, the two issues that came out of this bit to amend namely: the need for example for a Parliament or a legislature to play a more strategic and important role in terms of what is happening in terms of this fund has become more and more imperative.

Although, the existing Act talks about yearly report to the National Assembly, I cannot remember any particular year in the past that this kind of report has been laid. I need to also emphasis the fact that setting up of this Sovereign Investment Authority Establishment Act compared to other countries is actually coming late. So, if we set it up as late as we have and for the purposes of accountability and transparency, I think that the legislature should play a more dominant and important role.

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The second issue for emphasis here has to do with the fact that because the proceeds to these three funds established by this Act are tied directly to the excess crude funds that arise out of our daily sales of crude oil. What it means is that any particular year where there is no any difference for example between the benchmark price of crude at the market price, no money goes to any of these funds. I think that because of the critical nature of these three funds, it will also be important that just like this amendment seeks to achieve, that the National Assembly working with the Executive find some other ways of providing funding for these three funds in spite of what happens with the oil price of crude. It is only in doing so that we can continue to grow the fund. This is because the need to continue to save for these three different funds whether Future Generation Fund for our children that are yet unborn for example, the challenge of infrastructure and even in terms of stabilisation; the fact that no matter how we look at it, when we do the budget, there will be occasions that some fund will need to be coming from the stabilisation fund which is an up shoot of this Sovereign Investment Authority Establishment Act. It is very critical and as much as possible; we have to find some other ways of sustaining daily or yearly proceeds into these three funds. I so support.

Senator Ike Ekweremadu (Enugu West): Mr. President, I rise to say that I am in all agreement with the spirit of this particular Bill which is essentially to encourage savings not only for us as members of this generation but for those who will come after us. This is what is called in America 'generational equity'. We cannot consume all the earnings of our natural and national resources because those who will come after us are also entitled to the same.

That is why countries like Norway, they save all their oil earnings not only for their future, but also to ensure that their economy and their currency is stabilized. The same thing applies to China, they have been saving a lot of money, today they have over \$500 billion in their reserve and that means that those Chinese who will be born 20 – 40 years will still continue to maintain the same lifestyle as those who are today being born in China.

Regrettably, our leaders in the past especially in formulating our laws did not consider this in making sure that there is no legal impediment in this savings. The problems we have had over the Sovereign Wealth Fund and its management which is today a subject of litigation at Supreme Court is section 162 of our Constitution. I would like to read Section 162 (1) and (3) with the permission of the Senate President.

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Section 162 (1) *The Federation shall maintain a special account to be called the Federation Account into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.*

Section 162 (3) *Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manners as maybe prescribed by the National Assembly.*

So the government at the State and local government have argued variously that because of the provision of Section 162 (3) that there is nothing that should be saved except if the Federal government wants to save the portion of the Federal government; they can go ahead. Otherwise, all that is contained in the Federation Account should be shared among the three levels of government. This has been the major inhibition to our saving.

My advice therefore is that while we are looking at the provisions of this Bill, we must also be conscious of the fact in order to remove this legal hurdle, that in the next constitutional amendment, we need to amend section 162 (3) to ensure that Federal government, State government and the local government will give the Federal government the authority to save money from the Federation Account before the distribution so that we will not eat our tomorrow today and begin even to borrow from our future. It is important we begin to think about our future. For us as legislative House, our contribution to that generational equity for investment for our future will be to amend this law so that we will be able to give government the power and the legal authority to save money not only for the present generation but also for the future. I support the Bill.

Senator Barau I. Jibrin: Mr. President, the importance of a robust and formidable Sovereign Wealth Fund for any country cannot be over-emphasised. The importance has been canvassed and emphasised by the speakers before me. We can see what is happening in United Arab Emirates where that country has about over \$1 trillion in its Sovereign Fund Account which is the largest in the whole world.

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But before the Deputy Senate President Senator Ike Ekweremadu spoke, I had the course to talk to the Chairman Banking that there is a legal impediment here and it is exactly captured by the Distinguished Deputy Senate President. Anything we do here on this Bill will amount to illegality, we will need to go back and amend our Constitution before we achieve what we want to achieve on this Bill. We cannot do anything because it is openly captured in the Constitution that any money that comes into the coffers of the Nigerian government is for the three tiers of government. So we must amend the constitution before this Bill can ever fly.

Senator Bala Ibn Na'allah: Mr. President, the position of the law here is that while it appears unclear by the rules of interpretation of the constitution, it is even clearer than it appears. The reason is simple, we must admit that there is inappropriate use of words under subsection (3), when it says: *in a manner and on such terms*. Terms and Manners are distinct and distinguishable. To make it simpler, even Section 162 (3) and to space the existence or makes provision for what Senator Oko is canvassing on this Bill. I agree with the argument of my learned brother, the Deputy Senate President that there is what appears to be a restriction under this provision.

Technically, our problem is, are we construing the provision of Section 162 (3) or are we interpreting it? General provisions of the Constitution admit more of construction than interpretation and the reason is simple, what the Constitution does is to provide the framework of governance.

Therefore, each of the provisions of the Constitution in determining what the necessary intendment is, you have to go outside that to look at what was the intention of the framers of our Constitution. Will it be a valid argument to say that they were so naïve, with due respect, to think that Nigeria does not deserve what distinguished Senator Rose Oko is canvassing under her Bill? And the answer is no. So, in order to be on the safe side, I will adopt the argument of my learned brother in respect of this matter and urge that simultaneously, we alter this provision to conform to what distinguished Senator Oko is asking. That will be my submission.

The President: Let me also give some background information because I was the Chairman of the Governor's Forum when this issue came up and the intention at that time was simultaneously as this law was being passed, the Constitution was to be amended. Even, part of the negotiation then between the States and Federal Government was introduction of the Infrastructural Fund because a lot of States felt that the Sovereign Wealth Fund left as stabilization and generation might not even meet some of the States. So, a lot of negotiations were done then to appease the States to agree to work with the Federal Government in doing this.

As we have observed, it was passed but since then, we have not been lucky in doing the Constitutional amendment. It just came again. This time around, distinguished Colleagues, we must ensure that the Constitution amendment exercise that we will embark on after the Budget really gets to conclusion.

Apart from that, the Bill is pretty straight forward, so, I will want to put the Question.

Question put and agreed to.

Bill read a Second Time and referred to the Committee on Finance and to report back in four (4) weeks.

A Bill for an Act to Establish the Constituencies Development Catalyst Fund Bill, 2016

Order for Second Reading.

Senator Bala Ibn Na'allah: Mr President, the third Order of the Day is the Second Reading of the Constituencies Development Catalyst Fund Bill, 2016.

You will recall that the Bill was read the First Time in this Chambers on Thursday, 26th November, 2015.

You may wish to invite distinguished Senator Abdulfatai Buhari to move the Motion for the Bill to be read the Second Time.

Senator Buhari Abdulfatai (Oyo North): Mr President, it gives me great joy to stand before you my Colleagues to lead the debate on the general principles of the Bill for an Act to provide a legal framework of an existing Constituency Projects Fund in Nigeria. It provides a databank of projects, allocation and orderly disbursement of funds to Constituencies, reports from Constituencies and for other related matters.

This Bill seeks to foster the creation of constituency Project to ensure a minimum presence of government in every constituency by having some grassroots project sited in each during the budgeting process. The need to entrench full participation, best practices and probity towards the use of Constituency funds are based to the success of grassroots projects. It is however worrisome that despite the huge funds allocated to Constituency projects, but very little is achieved due to fraudulent moves by some contractors in collaboration with unpatriotic civil servants and politicians.

Constituency project is the most important projects for an average Nigeria as many Nigerians live in rural areas. As representative of the people; our people may not ask us the number of the Bills you have passed or sponsored or Motions moved but are eager to know or see the roads, boreholes, hospitals or other developmental activities.

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As far as our Constituents are concerned, the constituency project is being executed by the Federal Government in 360 Constituencies and 109 Senatorial Districts.

Constituency projects were initiated by the Federal Government to foster a good relationship between the Executive and Legislature. This usually comes to the National Assembly as an Executive Act Special Intervention Fund to assist in providing basic infrastructures project to the various Constituencies across the country.

It provides that legislators shall identify projects that they wish to be sited in their Constituencies for inclusions in the budget, with a financial ceiling for the budgetary provisions for such projects in each constituency. Effective constituency project must work towards infrastructural development, healthcare and education provision (modern colleges, school laboratories and classrooms, libraries and workshops), and poverty reduction through creation of self-sustained and skill acquisition programmes for the people at grassroots. Others included reduction of illiteracy levels by establishing bursary kitty for the bright but poorer students.

The Constituencies Development Catalyst Fund has its primary objective of addressing development at the grassroots levels by dedicating a minimum of 2.5 *per cent* of the Government ordinary revenue to grassroots development.

A Constituency Development Catalyst Fund Committee shall ensure that projects will be implemented by the Ministries, Departments and Agencies under the monitoring eyes of the project Management Committee expected to liaise with relevant government departmental heads for technical inputs. The Constituency Development Catalyst Fund (CDFC) will do project supervision, monitoring and Evaluation.

The need to entrench full participation, best practices and probity towards the use of constituency funds are bases to the successes of grassroots project. It is however worrisome that huge funds are allocated to constituency projects, but very little is achieved due to fraudulent moves by some contractors in collaboration with unpatriotic Civil Servants and politicians. The Bill provides for Financial Management and Accountability roles intended:-

- To ensure timely and efficient disbursement of the fund to every Constituency;
- To ensure efficient management of the fund;
- To receive and discuss annual reports and returns from the Constituencies; and

- To ensure the compilation of proper records, returns and reports from the Constituencies

Monitoring and Evaluation roles:

- Receive and address complains and disputes and take any appropriate action
- To perform such other duties as the Minister, with the concurrence of the Constituencies Fund Committee, may deem necessary from time to time for proper management of the Fund.
- Constituencies Development Funding is not new in Africa. Other African Countries established their Constituency development fund through Acts of Parliament as we are doing today.
- Ghana established her National Government Constituencies Development Fund Board by an Act in 2015;
- Zambia established her Constituency Development Fund by an Act in 1995;
- Tanzania established her Constituencies Development Fund by an Act in 2009;
- Kenya established her Constituencies Development Fund by an Act in 2003;

I urge you all to support the speedy passage of this important Bill for the infrastructural development of our Constituencies for national development. This Bill is providing a legal framework for an existing Constituency Project Fund hence this Bill has no financial implication on government.

Most Nigerians today believe that our Constituency Projects' fund is in the hands of the National Assembly members because most of them are not well informed. It is a practice that is existing but not backed by law. We are even trying to do software where the Senate President and Deputy Senate President would be in the office and be able to monitor a Constituency Project, for example, in Abia North. At the beginning of the year, you will have all the data of what a particular Senator is doing for his Constituency. Either we are here or we are not here, four years or eight years after we have left, at the stroke of your Computer or iPad, you will be able to know that during certain times, these are the Constituency Projects that was done by this particular Senator.

Thank you very much. I urge everyone to support this Bill.

Senator Ike Ekweremadu: Mr. President, I would like to commend our Colleague for his thoughtfulness in trying to ensure that there is legal framework for providing for our Constituents. Regrettably there are some few errors we need to tidy up.

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The first is that there is supposed to be under our Rules a Financial Compendium accompanying this particular Bill which is not attached. At least, I have not seen it.

The second is that the Constituency projects in the National Assembly is on-going and have not suffered any impediment on account of legal frame work. Democracy itself is not an event, it is a process and so, as the process proceeds, we will be able to galvanise a lot of culture tradition. Therefore, we do not have to legislate on every aspect of our national lives.

The beauty of democracy is that it is so big that even traditions itself will form part of the whole attitude of democracy. Prior to 1999, there was nothing like Constituency project. It started as a way of ensuring that every aspect of Nigeria develops evenly using the input of their representatives. Initially, it had a lot of issues until 2007 when the National Assembly had a discussion and agreed with the Executive under the leadership of the then President that National Assembly at each budgetary period should be able to make an input of equivalent of a hundred billion across the country using their elected representatives from the House of Representatives and the Senate. In that way, if there are areas that are forgotten in the budgetary process, they will be affected by those small projects.

Prior to that, what we have is that some places will benefit and others will not benefit. The essence of representative governance is that the representatives of the people now making input in the budget to this tune of a hundred billion and that is what it is today called Constituency Project and since then we have never had any issue. The implementation is always sometimes dependent on the volume of supplementing of the general budget not that it has been excluded in any way. I do not think necessarily that we need to make any legislation to deal with this matter. It is now part of the culture of our democratic practice. This is my view on this Bill.

The President: Senator Buhari, in line with order 77 (3) on a fact that there must be a Compendium; it is not attached to this. You might go back and bring that Compendium and then we take it at that time. That I will advise as the best way forward.

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Senator Buhari Abdulfatai: Mr. President, I appreciate the observation of the Deputy Senate President. I will go back and prepare the little financial implication that is involved.

The President: You are speaking as an experienced Parliamentarian.

Suspension of all other Items on the Order Paper

Senator Bala Ibn Na'allah: Mr. President, I move that all other items on the Order Paper be stood down to the next Legislative Day.

Senator Emmanuel Bwacha: I second the Motion that all other items on the Order Paper be stood down to the next Legislative Day.

Question put and agreed to.

(With the leave of the Senate, all other items on the Order Paper stood down to the next Legislative Day).

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr. President, having concluded today's Proceedings on the Order Paper, I hereby move that the Senate do adjourn till Thursday, 10th March, 2016 at 10.00 a.m. prompt.

Senator Emmanuel Bwacha: Mr. President, I second the Motion that the Senate do adjourn till tomorrow, Thursday, 10th March, 2016 at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: The Senate do stand adjourned till Thursday, 10th March, 2016 at 10:00 a.m. prompt.

The Senate accordingly adjourned at 1.19 p.m.