



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8th May, 2018

1. The Senate met at 10:47 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 3rd May, 2018.
Question was put and the Votes and Proceedings were approved.
3. **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) **Confirmation of Appointments:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th March, 2018

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

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

Dear Distinguished Senate President,

Dear Distinguished Senate President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF CHAIRMAN AND
MEMBERS OF THE GOVERNING, BOARD OF THE NIGERIAN DEPOSIT
INSURANCE CORPORATION**

*In compliance with Section 5(4) of the Nigerian Deposit Insurance Corporation Act, 2006.
It is my pleasure to forward to the Distinguished Senate, the underlisted nominees for confirmation
as the, Chairman and Members of the Board of the Nigerian Deposit Insurance Corporation. Their
CVs are attached herewith.*

S/no.	Name	Position	State of Origin
1.	Chief Olabode Akeem Mustapha	Chairman	Ogun (SW)
2.	Alh. Garba Buba	Member	Bauchi
3.	Bello Garba	Member	Sokoto
4.	Brig-Gen. Josef O. J Okoloaqui	Member	Enugu
5.	Mustapha, Adewale Mudashiru	Member	Kwara
6.	Barr. Festus E. Keyamo	Member	Delta
7.	Mr. Adewale W. Adeleke	Member	Ondo

It is my hope that the Distinguished Senate will consider and confirm the nominees in the usual expeditious manner.

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

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(b) Confirmation of Appointment:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th March, 2018

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

Dear Distinguished Senate President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF
ONE (1) RESIDENT ELECTORAL COMMISSIONER FOR THE
INDEPENDENT NATIONAL ELECTORAL COMMISSION**

In accordance with the provision of Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), I write to forward to the Senate, the name of Attahiru Garba Madami, for confirmation as a replacement for Resident Electoral Commissioner representing Niger State, the CV of the nominee is attached herewith.

It would be recalled that the Senate had earlier rejected the initial nominee on the ground that he hails from the same Local Government Area and Senatorial District with a serving National Commissioner.

While thanking the Distinguished Senate immensely in anticipation of the early consideration and confirmation of the appointment, please accept, Mr. Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

4. **Announcements:**(a) **Conference Committee:**

The Senate President named the following Senators as Conferees on National Biotechnology Development Agency (Establishment, etc.) Bill, 2018:

(i)	Senator Robert A. Boroffice	—	Chairman
(ii)	Senator Yusuf A. Yusuf	—	Member
(iii)	Senator Solomon O. Adeola	—	Member
(iv)	Senator Samuel N. Anyanwu	—	Member
(v)	Senator Peter O. Nwaoboshi	—	Member
(vi)	Senator Umaru I. Kurfi	—	Member

(b) **Invitation for Inauguration:**

The Senate President read a letter from Senator Bala Ibn Na'Allah (Kebbi South) as follows:



Senator Bala Ibn Na'Allah

DEPUTY SENATE LEADER

8th May, 2018

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

Sir,

INVITATION FOR COMMITTEE INAUGURATION

This is to inform and invite all Distinguished Senators to the formal inauguration of the Senate Joint Committee on the Invasion of the Senate, scheduled to hold today the 8th May, 2018 at meeting Room 117 Senate Wing at 2:00 pm prompt.

(Signed)

Senator Bala Ibn Na'Allah
Deputy Senate Leader

(c) **Report on the Senate invasion of Wednesday, 18th April, 2018:**

The Senate President announced the receipt of the Report on the invasion of Senate Chamber on Wednesday, 18th April, 2018 from the National Assembly Management.

The Report was accordingly referred to the Committee on Ethics, Privileges and Public Petitions.

(d) **Acknowledgment:**

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

- (i) Staff and Students of I-Scholars International Academy, Gwarinpa, Abuja; and
- (ii) Staff and Students of Amazing Kids Academy, Kubwa, Abuja.

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Binta Masi Garba (*Adamawa North*) drew the attention of the Senate to the last week's bombardment of a mosque in Mubi town, Adamawa State which claimed the lives of over eighty (80) people from her Constituency. She sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

6. Personal Explanation:

Rising on Rule 43, Senator Chukwuka G. Utazi (*Enugu North*) drew the attention of the Senate to the bombing of the country home of Chief John Nwodo, former Minister of the Federal Republic of Nigeria and President-General of the Ohaneze Ndigbo worldwide on Sunday, 29th of April, 2018, which has disturbed and embarrassed the Igbo Nation globally. He observed that Chief John Nwodo is not a politician, only canvass for the progress and unity of Igbo nation. He informed the Senate that the incident has caused worries to him being his representative, and indeed the entire Igbos. He therefore, urged the Inspector-General of Police, Directorate of State Security (DSS); and 82 Division of the Nigerian Army to investigate the matter and come up with adequate recommendations.

By leave of the Senate, Chairman, Committee on Police Affairs was mandated to engage the Nigeria Police and report to the Senate.

7. Personal Explanation:

Rising on Rule 43, Senator Tijjani Y. Kaura (*Zamfara North*) drew the attention of the Senate to the continuous kidnappings in Kaura-Namoda, Birnin Magaji, Zurmi and Shinkafi Local Governments of Zamfara State on daily basis in his Senatorial District. He stated that about eight (8) people were kidnapped at Birnin Magaji and Shinkafi Local Government Areas recently. He urged the Security Agencies to intervene and protect Nigerians in Zamfara State.

The Senate urged the Nigerian Police to do the needful to stop the insecurity across the country.

8. Presentation of Bills:

- (i) Revenue Mobilization, Allocation and Fiscal Commission Act (Amendment) Bill, 2018 (HB.542) — *Read the First Time.*
- (ii) Nigerian Institute of Mining and Geosciences Jos, Bill, 2018 (HB. 770) — *Read the First Time.*
- (iii) Ajaokuta Steel Company Completion Fund Bill, 2018 (HB. 1371) — *Read the First Time.*
- (iv) Public Enterprises (Privatization and Commercialization) Act (Amendment) Bill, 2018 (HB.1372) — *Read the First Time.*
- (v) Federal Polytechnic Ekowe, Bayelsa State (Establishment, etc.) Bill, 2018 (SB. 674) — *Read the First Time.*

9. Motions:

(a) Need to address the low level of literacy amongst drivers in Nigeria:

Motion made: That the Senate notes that a vast majority of drivers employed to drive in official capacity either in public or private sector in Nigeria do not possess the necessary qualification to consider them employable. For most of them, a primary school certificate is their highest level of qualification. It is appalling to note that to some of these drivers, the basic skill of reading and writing is a serious challenge;

further notes that the situation mentioned above have caused untold hardships on our roads as the alarming rate of road accidents can be attributed largely to the recklessness and low level of literacy. These drivers have little or no knowledge of semiotic signs that guide the use of roads;

worried that for some drivers, it is even a challenge to identify the various vehicle particulars assigned to their vehicle. This has given rise to forgery and fake documentation of car particulars such as insurance etc. as most drivers are assigned the task of obtaining and renewing these documents as and when due;

further notes that the high rate of road accidents caused by motor cycles popularly known as okada is not news any longer. The use of okada has become such a menace that some cities in the country have gone ahead to place a ban on this means of transportation because it has created a lot of problems. It is appalling to note that these okada riders on closer scrutiny are children, some less than 18 years of age with very little or no education on the navigation and understanding of road signs and its application; and

aware that even though employers would normally ask for the basic qualification for employment of drivers, however, due diligence is rarely carried out to ensure that they have obtained these qualifications. The thoroughness and details applied in assessing a staff for employment for a higher level of office is usually absent when employment is made for positions of this nature.

Accordingly resolves to:

- (i) mandate the Committee on Land Transport to summon the Government Establishments and other Stakeholders responsible for safety on our roads to ensure that Drivers employed in any capacity must possess the necessary qualification in addition to being able to read, write, communicate effectively in English language;
- (ii) make driving schools mandatory and establish same in every state with short term courses for every prospective driver; and
- (iii) ensure the enforcement of age limit for persons desiring to obtain driver's license in the country (*Senator Umaru 1. Kurfi — Katsina Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committee on Land Transport to summon the Government Establishments and other Stakeholders responsible for safety on our roads to ensure that Drivers employed in any capacity must possess the necessary qualification in addition to being able to read, write, communicate effectively in English language.

Amendment Proposed:

Immediately after the word "language" in line 4, insert the words "and licensee must be tested and pass road interpretation" (*Senator Barnabas A. I. Gemade — Benue North-East*).

Question that the amendment be made, put and agreed to.

Proposed Resolution(ii):

Question: That the Senate do make driving schools mandatory and establish same in every state with short term courses for every prospective driver — *Negated*.

Proposed Resolution(iii):

Question: That the Senate do ensure the enforcement of age limit for persons desiring to obtain driver's license in the country — *Negated*.

Resolved:

That the Senate do mandate the Committee on Land Transport to summon the Government Establishments and other Stakeholders responsible for safety on our roads to ensure that Drivers employed in any capacity must possess the necessary qualification in addition to being able to read, write, communicate effectively in English language, and licensee must be tested and pass road interpretations (S/Res/239/03/18).

(b) ***Need to check Intrusive-and-Unsolicited Adverts by Telecom Companies and Service Providers:***

Motion made: That the Senate recalls with sense of nostalgia, the euphoria that attended the commencement of the Global System for Mobile communications, GSM, 17 years ago in Nigeria;

mindful of the continued deterioration of GSM services in the country;

regrets that though the service providers have been reaping huge revenues from their investments, Nigerians have not enjoyed commensurate quality of services;

worried about increased incidence of dropped calls, unaccounted "disappearance" of airtime from devices, weak signals across networks and false report of unavailable call destinations;

concerned about the issue of frequent unsolicited calls, product and programme promos, as well as instances of tricking Nigerians to subscribe to riddles and jokes, indiscriminate religious contents and caller tunes that sometimes offend subscribers' sensibilities;

dissatisfied that even with the setting up of the "Do-Not-Disturb, (DND) opt-out application, as demanded by the Nigerian Communications Commission, NCC, the GSM operators have not done enough to educate the public on its availability and workings; and

observes that with high tariffs and an estimated 150 million subscribers in the country, the four (4) leading operators within the industry, namely MTN, (53.4million, or 39%); Airtel, (38.3 million, or 26%); Globacom, (38.2 million, or 26%); and 9Mobile, (16.8%, or 12%), the companies are yet to fully integrate themselves into the larger Nigerian economy, in ways that could provide opportunities for Nigerians to benefit from their operations.

Accordingly resolves to:

- (i) mandate the Committee on Communications to invite the four (4) leading GSM operators; MTN, Airtel, Globacom, 9Mobile; the Nigerian Communications Commissions, NCC, representatives of the Nigerian Consumer Protection Council, and the Association of Advertising Practitioners of Nigeria, AAPN, to seek ways of addressing the situation; and
- (ii) urge the Nigerian Communications Commission, (NCC) to ensure that any person, or entity found to have abused regulatory guidelines, is sanctioned, in accordance with the extant rules and regulations (*Senator Yahaya A. Abdullahi — Kebbi North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committee on Communications to invite the four (4) leading GSM operators; MTN, Airtel, Globacom, 9Mobile; the Nigerian Communications Commissions, NCC, representatives of the Nigerian Consumer Protection Council, and the Association of Advertising Practitioners of Nigeria, AAPN, to seek ways of addressing the situation — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Nigerian Communications Commission, (NCC) to ensure that any person, or entity found to have abused regulatory guidelines, is sanctioned, in accordance with the extant rules and regulations — *Agreed to.*

Resolved:

That the Senate:

- (i) mandate the Committee on Communications to invite the four (4) leading Global System for Mobile (GSM) operators; MTN, Airtel, Globacom, 9Mobile; the Nigerian Communications Commission, NCC, representatives of the Nigerian Consumer Protection Council, and the Association of Advertising Practitioners of Nigeria, AAPN, to seek ways of addressing the situation; and
 - (ii) urge the Nigerian Communications Commission (NCC) to ensure that any person, or entity found to have abused regulatory guidelines, is sanctioned, in accordance with the extant rules and regulations (S/Res/240/03/18).
- (c) ***Urgent call for the Speedy Resuscitation of the Osara/Ekuku Dams in Kogi Central Senatorial District:***

Consideration of Motion deferred to another Legislative Day.

- (d) ***Urgent need to review the proposed Excise Tariff Increment in order to save Local Distillers of Beverages from looming extinction:***

Motion made: That the Senate is aware that the Federal Government through the Honourable Minister of Finance, recently rolled out a proposal for the upward review of excise duty on locally produced beverages;

cognizant that the current excise duty paid by the locally produced beverages sector stands at 20% percent across board but under the approved excise duty tariff hike by the Federal Government, it is fixed at 67percent; a more than 300% increase;

notes that the beverages industry which is one of the oldest surviving sectors presently employs about 250,000 Nigerians both directly with an investment portfolio exceeding N420 billion is under real threat of extinction due to the proposed astronomical tariff hike;

observes that the proposed tariff hike as recently approved by the Federal Government was computed without consultation and or involvement of members of the beverages sector and indeed all the relevant stakeholders within the industry - called Distillers and Beverages Association of Nigeria (DIBAN), a sub-sectoral group of MAN;

worried that if this proposed hike is not reviewed, one of the consequences will be the potential loss of at least 250,000 jobs as manufacturers within this sub-sector will be left with no option than to massively layoff workers. That the direct and indirect job losses arising from the proposed tariff hike would further worsen the deteriorating unemployment situation in the country with the attendant social consequences;

further worried that the contemplated/planned tariff review of excise duty on locally produced beverages will kill the fledgling industry which is presently fragile and may wreak incalculable damage on our economy: it will also lead to increase in smuggling activities, huge capital flight across borders to more investor friendly countries; with the attendant danger of increase in restiveness amongst the citizenry under enormous socio-economic pressure;

observes that the negative impact of the proposed tariff hike on our economy which is emerging from recession and the expected huge job losses, if this policy is sustained, will further destroy, degrade and imperil the chances of our economy for full recovery;

sadden that according to the report released by the National Bureau of Statistics (NBS), Nigerian 2016 unemployment report for the fourth Quarter Q4 showed that 3.67 million Nigerians became jobless, with the number of unemployed Nigerians rising from 7.51 million at the beginning of October 2015 to 11.19 million at the end of September, 2016; and

further saddened that according to the National Bureau of Statistics, between January and September 2017, 4.08 million Nigerians became unemployed, up from 11.92 million in the first quarter of the year to 13.58 million and 15.19 million in the second and third quarters respectively.

Accordingly resolves to:

- (i) urge the Senate to initiate a Stakeholders Public Hearing by referring the motion to the relevant Committee for an unfettered discourse between the Federal Government and the relevant Stakeholders in the beverages industry with a view to reaching a full understanding of the issues in order to assist government to take the best action in the overall interest of Nigerians affected by this policy; and
- (ii) appeal to the Federal Government to suspend the proposed tariff hike until the issues are exhaustively dealt with and all the gray areas cleared with all the Stakeholders brought on board in the best interest of Nigeria and our economy (*Senator Benjamin C. Uwajumogu — Imo North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Senate to initiate a Stakeholders Public Hearing by referring the motion to the relevant Committee for an unfettered discourse between the Federal Government and the relevant Stakeholders in the beverages industry with a view to reaching a full understanding of the issues in order to assist government to take the best action in the overall interest of Nigerians affected by this policy — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do appeal to the Federal Government to suspend the proposed tariff hike until the issues are exhaustively dealt with and all the gray areas cleared with all the Stakeholders brought on board in the best interest of Nigeria and our economy — *Negated.*

Resolved:

That the Senate do urge the Senate to initiate a Stakeholders Public Hearing by referring the motion to the relevant Committee for an unfettered discourse between the Federal Government and the relevant Stakeholders in the beverages industry with a view to reaching a full understanding of the issues in order to assist government to take the best action in the overall interest of Nigerians affected by this policy (S/Res/241/03/18).

(e) *Proliferation of Dangerous Firearms in Nigeria:*

Motion made: That the Senate notes that tribal, communal, religious, and other sectarian clashes; including the farmers/herdsmen crises are now more devastating due to wrongful and easy acquisition of firearms in violation of due process of such acquisition as laid down by the enabling laws and regulations, and this ugly trend has contributed to the colossal loss of lives and wanton destruction of property of Nigerian citizens;

aware that this is attributable to the inability to control the proliferation of firearms into this country; as well as negligence from the departments of government entrusted with the responsibility to control how individuals, corporate entities can acquire and maintain firearms in Nigeria, but particularly the free access by hoodlums to acquire firearms easily;

disturbed that both online, electronic and print media carry chilling reports confirming the proliferation of firearms in Nigeria. To mention a negligible instance, The Sahara Reporters revealed that the Inspector-General of Police, on the 24th February, 2018, ordered a nation-wide mop up of illegal firearms to sanitize the country. The Punch Newspapers on March, 11 2018 also reported a similar story. On the Vanguard Newspapers of 7th March, 2018, it was reported that the Commissioner of Police, Jigawa State had ordered all indigenes to surrender firearms to embrace peace. In the same vein, the Premium Times Newspaper of 27th March, 2018, reported that the Police Commissioner for Zamfara State had given directives to all citizens in that State to drop their firearms in the interest of peace. There was a similar report, part of which could be seen in the Authority Newspapers of 11th April, 2018, where the Inspector-General of Police ordered his officers and men to harvest arms in Bauchi, Imo, Delta, Edo, Rivers, Zamfara, Yobe, Kano, Kaduna States and others;

worried that despite the killings in Benue, Kaduna, Kogi, Zamfara and other parts of Nigeria, (which occurred within a spate of a short period of February to April 2018), and of course, the Boko Haram mayhem in the North-East, coupled with the daily nationally spread cases of sophisticated killings, deadly clashes, armed robberies, kidnappings, cattle rustling and other heinous crimes, where hitherto unavailable firearms were used, meaningful effort is not embarked upon by the government to curtail the proliferation of firearms in Nigeria. The situation has worsened to the extent that some opinion leaders are calling on Nigerians to stand up and protect themselves. These prodding at self-defence, if not checked through action by the government, would certainly get to the extent that firearm would be secured by every household either in the name of protection or for some other purposes. From the observation of the United States experience, such a scenario will not augur well for this country;

worried further that the spate of unrest due to illegal proliferation of firearms has negatively impacted on economic and agricultural activities to the extent that due to fear of attacks, many law abiding citizens fear going to the market as well as attend to their farms (this is Noma Haram; and very soon, we shall have Kasuwa Haram). The loss in the economy occasioned by this problem is better imagined. A closer look at the fallout of the incessant attacks by firearm bearing criminals would reveal the unprecedented devastation to our economy and agriculture. The well-known cattle and the peaceful herdsmen in parts of Zamfara, Kaduna and other areas are no longer there. Many of the guinea corn, millet, rice and yam producing areas of Borno, Yobe, Zamfara, Kaduna, and Benue now lie waste due to the murderous activities of gangs carrying illegally acquired firearms;

alarmed that if this situation is allowed to further deteriorate, unprecedented famine and diminishing economic output, as seen in nations plagued by war and crises will pervade Nigeria. As the most populous country on the African continent, the nation's GDP would certainly be affected adversely;

regrets that the various departments of government entrusted with the responsibility of checking and regulating the influx of firearms in Nigeria have failed woefully in the discharge of this all important duty. The combined effect of sections 3 and 4 of the Firearms Act respectively, restricts the possession of firearms among persons. Section 3 of the Firearms Act specifically mentioned that no person should possess the category of firearms as seen with these heartless persons, unless that person is granted a license by the President. Section 4 of the Act gave the Inspector-General of Police the power to issue license for people with less lethal firearms. But one does not need to ask whether all the firearm bearing elements, ranging from kidnappers, armed robbers, armed herdsmen, cattle rustlers, cultists etc. all, got their license from these appropriate quarters, because the answer is an emphatic no. Then the question goes to the effect that why the proliferation?; and

notes further that by virtue of section 24 of the Customs and Excise Management Act, the Nigeria Customs could be directed to prohibit the importation of any specified goods. Section 8 of the Act gives Customs the power of police officers in the discharge of their duties. By implication, it is also the responsibility of the Customs to ensure that no single firearm comes into the country without due authorization. By its establishment Act, the Department of State Services is likewise empowered to detect and prevent any crime within Nigeria. What is obtainable on the whole is that the colossal system collapse of these organizations to live up to the minimum level of expectation in this regard is most glaring.

Accordingly resolves to:

- (i) invite the Inspector-General of Police, the Director-General, Department of State Services, Comptroller-General of Customs, and the Chief of Army Staff for discussion on the way out of this unfortunate situation;
- (ii) mandate the Committee on Intelligence and National Security to conduct a thorough investigation with a view to unravelling the remote and immediate causes of the proliferation of firearms in the country as well as proffer a lasting solution to the problem; and
- (iii) urge the Federal Government to hold a special security summit with the view to unravelling the debacle and better handling of careless proliferation of weapons in our society (*Senator Suleiman O. Hunkuyi — Kaduna North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do invite the Inspector-General of Police, the Director-General, Department of State Services, Comptroller-General of Customs, and the Chief of Army Staff for discussion on the way out of this unfortunate situation.

Amendment Proposed:

Leave out Proposed Resolution (i) and *insert* the following instead thereof: "That the Senate do invite the Chief of Defence Staff; Service Chiefs; Inspector-General of Police; National Security Adviser; Director-General, Department of State Services; Comptroller-General of Nigeria Customs Service; and Comptroller-General of Nigeria Immigration Service for discussion on the Proliferation of Dangerous Firearms in Nigeria" (*Senator Ahmad I. Lawan — Yobe North*).

Question that the amendment be made, put and agreed to.

Proposed Resolution(ii):

Question: That the Senate do mandate the Committee on Intelligence and National Security to conduct a thorough investigation with a view to unravelling the remote and immediate causes of the proliferation of firearms in the country as well as proffer a lasting solution to the problem — *Negated*.

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government to hold a special security summit with the view to unravelling the debacle and better handling of careless proliferation of weapons in our society — *Negated*.

Resolved:

That the Senate do invite the Chief of Defence Staff; Service Chiefs; Inspector-General of Police; National Security Adviser; Director-General, Department of State Services; Comptroller-General of Nigeria Customs Service; and Comptroller-General of Nigeria Immigration Service for discussion on the Proliferation of Dangerous Firearms in Nigeria (S/Res/242/03/18).

(f) ***The need to investigate the status of the Bilateral Cooperation Agreement between Nigeria and the Gambia and alleged ill Treatment of Nigerian Judicial Officers seconded to the Gambia under the agreement:***

Motion made: That the Senate notes with dismay alleged ill treatment of judges of Nigerian origin serving in the Gambian legal sector comprising the judiciary and the Ministry of justice of the Gambia;

aware that there is a long standing Bilateral Cooperation Agreement between Nigeria and the Gambia under which Nigeria as the donor country is required to provide suitably qualified personnel to fill cadre posts in the public service of the Gambia, the receiving Government;

also aware that other Nigerian lawyers have also taken advantage of this Bilateral Agreement to apply and secure contract employment with the Ministry of Justice of the Gambia as well as the Judiciary of the Gambia;

notes that since 1965 when this Bilateral Agreement was first signed and subsequently renewed in 1980, Nigeria in keeping with her obligations under this Agreement has made great sacrifices to support the Government and people of the Gambia by providing her citizens to serve in the legal sector, health, education, and other sectors of the Gambian economy;

concerned that recently some of the Nigerian Judges and other legal personnel who served in the Gambian Judiciary and Ministry of Justice have been complaining of ill treatment, hatred and xenophobic treatment including the following -

- refusal to provide working facilities to enable them discharge their official functions effectively, and underpayment of salaries and in some cases refusal to pay same as and when due;
- refusal to provide accommodation to Judicial officers seconded to the Gambia from Nigeria, eviction of some with members of their families from their rented or hotel accommodation without alternative accommodation provided;
- Arbitrary removal or dismissal from office without reasonable cause and without recourse to neither the bilateral agreement nor the Gambian Judicial Service Commission;
- Deliberate and unfair exclusion of Nigerian judicial officers seconded to the Gambia from foreign training programs;
- Constant harassment, threat of deportation and regular issuance of short notices to Nigerian judicial officers to leave the Gambia for delivering judgments against their government; and
- Official intimidation, taunting and labeling Nigerian judicial officers seconded to the Gambia as "incompetent" or "mercenaries" who are working against the interest of the Gambia etc.;

particularly notes with dismay, alleged ill treatment of one Mr. Richard N. Chenge who while serving under the Bilateral Cooperation Agreement as the Director of Public Prosecution (DPP), was declared *persona non grata* and ordered to leave the Gambia within 72 hours;

concerned that these allegations cast doubts on the commitment of the Gambian Government to genuinely reciprocate the sacrifices of Nigeria and the Gambian Government's ability to ensure/guarantee the welfare of Nigerian personnel serving in the Gambia under the Agreement;

further concerned that the complaints of the affected judicial officers are yet to receive the deserved attention by appropriate Nigerian authorities several months after written complaints have been forwarded to appropriate quarters; and

convinced that there is an urgent need to draw the attention of the Federal Government and its relevant authorities to this unfortunate development.

Accordingly resolves to:

- (i) mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate the status of the Bilateral Cooperation Agreement Between Nigeria and the Gambia, and make appropriate recommendations;
- (ii) mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate allegation of ill treatment and other xenophobic attacks on Nigerian judges and other legal personnel serving in the Gambia, and make appropriate recommendations;
- (iii) urge the Federal Government to urgently address all cases of xenophobic treatment allegedly suffered by Nigerian nationals in the Gambia and any other African country where similar Agreement exists; and
- (iv) urge the Federal Government to suspend forthwith, the Secondment of Nigerian judicial officers to the legal sector of the Gambia comprising the Judiciary and the Ministry of Justice until the complaints regarding the violation of the Bilateral Cooperation Agreement between the two countries are fully investigated and addressed (*Senator David Umaru — Niger East*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate the status of the Bilateral Cooperation Agreement Between Nigeria and the Gambia, and make appropriate recommendations — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate allegation of ill treatment and other xenophobic attacks on Nigerian judges and other legal personnel serving in the Gambia, and make appropriate recommendations — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government to urgently address all cases of xenophobic treatment allegedly suffered by Nigerian nationals in the Gambia and any other African country where similar Agreement exists.

Amendment Proposed:

Immediately after the word “Gambia” in line 2, *insert* the words “South Africa” (*Senator James E. Manager — Delta South*).

Question that the amendment be made, put and agreed to.

Proposed Resolution(iv):

Question: That the Senate do urge the Federal Government to suspend forthwith, the Secondment of Nigerian judicial officers to the legal sector of the Gambia comprising the judiciary and the Ministry of Justice until the complaints regarding the violation of the Bilateral Cooperation Agreement between the two countries are fully investigated and addressed — *Negatived.*

Resolved:

That the Senate do

- (i) mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate the status of the Bilateral Cooperation Agreement Between Nigeria and The Gambia, and make appropriate recommendations;
- (ii) mandate the Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to investigate allegation of ill treatment and other xenophobic attacks on Nigerian judges and other legal personnel serving in the Gambia, and make appropriate recommendations; and
- (iii) urge the Federal Government to urgently address all cases of xenophobic treatment allegedly suffered by Nigerian nationals in the Gambia, South Africa and any other African country where similar Agreement exists (S/Res/243/03/18).

10. Committee on Finance:

Report on the Stamp Duties Act CAP S8 LFN 2004 (Amendment) Bill, 2018 (HB. 889):

Motion made: That the Senate do consider the Report of the Committee on Finance on the Stamp Duties Act CAP S8 LFN 2004 (Amendment) Bill, 2018 (*Senator Yahaya A. Abdullahi — Kebbi North*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE STAMP DUTIES AND PROCEEDS ACT, CAP S8, LAWS OF THE FEDERATION OF NIGERIA 2004, TO ENSURE COMPLIANCE WITH CURRENT REALITIES AND FOR RELATED MATTERS, 2018.

Clause 1: Amendment of CAP. S8 LFN, 2004:

The Stamp Duties Act (in this bill referred to as the Principal Act) is hereby amended as set out hereunder:

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Amendment of Section 2 of the Principal Act:

Section 2 of the Principal Act is hereby amended in line 22 by changing the definition of "Stamp" and the addition of the definition of words "Proceeds" and "Stamping Protocol"

"Stamp" means a postage adhesive or printed or impressed or engraved or electronic (image, pattern, code or reference) on any written, printed or electronically generated on receipt, document, instrument, memorandum, transaction, notification, surface, object by means of a dye or ink or electronically generated format with face value or specified value.

"Proceeds" means revenue or income generated from the sale of adhesive postage Stamp or electronically generated Stamps or Point of Sale (POS) machine generated Stamps or income from the operations or business activities of the Nigerian Postal Service.

"Stamping Protocol" means the entire process of implementing and enforcing the denoting of documents, instruments, forms, deeds, agreement, receipts and relevant written documents with an adhesive postage stamp or electronic or internet generated stamps as well as the act of cancelling out same by signing across using a stamp impression or seal to cancel same.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Amendment of Section 5 of the Principal Act:

Section 5 of the Principal Act is amended by substituting the word "may" for "shall" in section 5(2) to read as follows:

- 5(2) Where the duty may be denoted by adhesive stamps, Postage Stamps shall be used for the purpose.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Amendment of Section 89 of the Principal Act:
Section 89 of the Principal Act is amended as follows:

Provision as to denotation of Physical and Electronic Receipts, Documents and Instruments with postage stamp.

- (1) For the purposes of this Act, all income from the denotation of receipt, document or instrument with postage stamp shall be known as Stamp Proceeds.
- (2) For the purposes of this Act, the expression "receipt" includes any written, printed or electronic note or, memorandum, transaction or notification whereby any money amounting to Three Thousand Naira or upwards, or any bill of exchange or promissory note for the money amounting to Three Thousand Naira or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of Three Thousand Naira or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person,
- (3) For the purposes of this Act, the expression "document" includes any written, printed or electronic note, memorandum, or piece of matter that provides information or evidence or memorialized representation of thought or drafts or agreement or proofs or copied or statement or application that serves as an official record between two parties or more,

- (4) For the purposes of this Act, the expression "instrument" includes any written, printed or electronic matter formally attributed to its author, records and formally expresses a legally enforceable act, process, or contract or obligation, or right, and therefore evidences that act, process, or agreement, or document with value, or can be traded, or contractual right to deliver or receive cash of any money or asset amounting Three Thousand Naira or upwards is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand; of the amount of Three Thousand Naira or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person
- (5) The denotation upon receipt, document or instrument shall be made with physical or electronic postage stamp which is to be cancelled by the person by whom the receipt is given before it is delivered. Every person who, being required by law to cancel as herein provided, neglects or refuses duly and effectively to do so in the manner aforesaid, shall be guilty of an offence and liable on conviction to a fine of One Hundred Thousand Naira.
- (6) The denotation upon receipt, document or instrument shall be made with a postage stamp in the same currency of the value of receipt, document and instrument that is liable to stamp proceeds.
- (7) For the purpose of this Act, all postage stamps including adhesive postage stamps and electronic stamps or any stamp that can be used for postal purpose shall be within the meaning of the Nigerian Postal Service Act which shall also include all postage stamps approved by the Nigeria Postal Service.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Section 90 of the Principal Act is amended as follows:
Certain forms of receipts, documents and instruments do not require denotation.

Neither the name of a banker (whether accompanied by words of receipt or not) written in the ordinary course of his business as a banker upon a bill of exchange or promissory note duly stamped, nor the name of a payee written upon a draft or order, if payable to order, shall constitute a receipt, document or instrument that require denotation.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Amendment of Section 91 of the Principal Act:
 Section 91 of the Principal Act is amended follows:

- (1) A receipt, document or instrument given without being stamped may be stamped with a postage stamp on the following terms:-

- (a) within 28 days after it has been given, on a penalty of One-Thousand-Naira postage stamp;
 - (b) after 28 days, but within 56 days, on penalty of Five-Thousand-Naira postage stamp, and shall not in any other case be stamped with an impressed stamp.
- (2) Where in any legal proceedings or before any arbitrator or referee, a receipt, document or instrument is inadmissible by reason of it not being duly stamped, the officer presiding over the court, the arbitrator or referee may, having regard to the illiteracy and ignorance of the party tendering the receipt, document or instrument in evidence, admit the receipt upon payment of a penalty of One Hundred Thousand Naira and the officer presiding over the court, the arbitrator or referee, as the case may be, shall note the payment of the penalty upon the face of the receipt so admitted and a receipt shall be given for the same.
- (3) A receipt, document or instrument so admitted in evidence shall not be deemed to be duly stamped but shall be available for the purposes of the suit in which it is tendered in evidence and for that purpose only.
- (4) Where a person has been permitted under this subsection to tender a receipt, document or instrument not duly stamped upon payment of the penalty of One Hundred Thousand Naira, such person may recover the said sum of One Hundred Thousand Naira from the person whose duty it was to stamp the receipt at the time when it was first issued.
- (5) Nothing contained in this section shall relieve any person from any other penalty incurred by him in relation to such receipt, document or instrument.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to:

Clause 7: Amendment of Section 92 of the Principal Act:
Section 92 of the Principal Act is amended as follows:

Penalty for offences in reference to receipts, document and instruments

92. If any person-

- (a) gives a receipt, document or instrument liable to stamp proceeds and not duly stamped; or
- (b) in any case where a receipt, document or instrument would be liable to stamp proceeds, refuses to give a receipt, document and instrument duly stamped; or
- (c) upon a payment or transaction to the amount of Three Thousand Naira or upwards, gives a receipt, document or instrument for a sum not amounting to Three Thousand Naira, or separates or divides the value of the amount paid or transaction with the intent to evade the denotation of receipt, document and instrument, such a person shall be guilty of an offence and liable on conviction to a fine of One Hundred Thousand Naira per receipt, document or instrument.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Amendment of Schedule:

Schedule to section 83 of the Principal Act is amended by removing items (3) and (4) on the exemption list and allow other numbered items rearranged in ascending order.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Citation:

This Bill may be cited as Stamp Duties Act, (Amendment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Yahaya A. Abdullahi — Kebbi North*) — Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Finance on the Stamp Duties Act CAP S8 LFN 2004 (Amendment) Bill, 2018 and approved as follows:

Clauses 1- 9

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As Recommended

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Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11.

Committee on Trade and Investment:

Report on the Companies and Allied Matters Act CAP C20 LFN 2004 (Repeal and Re-enactment) Bill, 2018 (SB. 355):

Consideration of Report deferred to another Legislative Day.

12. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 9th May, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:12 p.m.

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