

**PROCEEDINGS OF THE
NATIONAL ASSEMBLY**

DEBATES

First Assembly

First Session

SENATE

OFFICIAL REPORT

VOLUME I

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14. Senator Stephen Adebunji Akintoye	Ondo Central
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19. Senator Isaiah Nnamani Ani	Anambra North
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22. Senator F. O. M. Atake	Bendel Delta
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B

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27. Senator Ibrahim Barau	Ikara/Zaria/Birnin Gwari

D

28. Senator Garba Musa Dada	Minna/Kagara
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31. Senator George Asuquo Daniel	Uyo
32. Senator Yusuf Aliyu Daura	Daura/Mani/Kankiya
33. Senator Ibrahim Dimis	Bauchi South
34. Senator Abayomi Adeyosola Durosinmi	Badagry

E

35. Senator Oyibosiya Eberewariye	Rivers V (Degema)
36. Senator Ameh Ebute	Benue South-Central
37. Senator Emeka Patrick Echeruo	Okigwe
38. Senator Francis John Ellah	Rivers II (Ahoada/Ikwerre/Etche)
39. Senator Elijah Ebonine Emezie	Orlu
40. Senator Donald Dick Etiebet	Hot Ekpene

F

41. Senator Ayo Fasanmi	Ondo North
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G

42. Senator Garba Gada Sokoto North
 43. Senator Aliyu Mohammed Gani Kwara North
 44. Senator Adamu Gaya Kano South
 45. Senator Gayus Gilama Numan

H

46. Senator George Baba Hoomkwap Shendam

I

47. Senator Nosike Ikpo Bendel East
 48. Senator Christopher Oladosu Ilori Ife/Ilesha

K

49. Senator Idrisa Kadi Borno North-Central
 50. Senator Bitrus Bzigu Kajal Mubi
 51. Senator Ibrahim Kolo Bida
 52. Senator Garba Kware Sokoto Central

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 54. Senator Mohammed Girgiri Lawan Borno North-West

M

55. Senator Jacob Kure Madaki Kachia/Jemaa/Saminaka
 56. Senator Ja' Afar Jarafu Mangga Borno South
 57. Senator Garba Matta Pankshin/Mangu/Kanam
 58. Senator Abubakar Mogaji Suleja/Formerly Abuja
 59. Senator Abdullah Muazu Kontagora
 60. Senator Hamisu Musa Kano South-West
 61. Senator Haruna Muza Sokoto West

N

62. Senator Cyrus Nwidonane Nunieh Rivers IV (Bonny/Bori)
 63. Senator Offia Nwali Anambra East

O

64. Senator Isa Obaro Kwara South
 65. Senator Onyeabo Obi Anambra West
 66. Senator Jonathan Akinremi Olawole Odebiyi Egbado North-South
 67. Senator Emmanuel Kayode Ogunleye Ondo East
 68. Senator Simeon Mba Ojukwu Unuahia
 69. Senator David Olatunbosun Oke Ondo West
 70. Senator Basil Charles Okwu Anambra Central
 71. Senator Justus Olabode Olu Kwara South-East
 72. Senator Michael Atijosan Emmanuel Onunkun Ondo South
 73. Senator Kunle Oyero Abeokuta/Ifo/Otta

P

74. Senator John Wash Pam Jos

79. Senator Abubakar Sola Saraki Ilorin/Asa
 80. Senator Sikiru Ayodeji Shitta-Bey Lagos
 81. Senator Samuel Olu Sogbein Odeda/Obafemi/Owode
 82. Senator Suemo Chia Benue East

T

83. Senator Joseph Sarwuan Tarka Benue East-Central

U

84. Senator John Osiomele Umolu Bendel North

W

85. Senator Jaja Anucha Wachuku Aba
 86. Senator Obi Wali Rivers I (Port Harcourt)
 87. Senator Joseph Wayas Ogoja
 88. Senator Ibrahim Jalo Waziri Bauchi East ✖
 89. Senator Mahmud Waziri Adamawa

Y

90. Senator Thomas Yepwi Keffi/Nasarawa

Z

91. Senator Ahmed Zakari Kano North-East
 92. Senator Luka Zanya Zing Muri
 93. Senator Amatari Zuofa Rivers III (Brass/Sagbama/Yenogoa)
 94. Senator Hassan Zuru Sokoto North
 95. Senator Sabo Bakin Zuwo Kano Central

THE SENATE

FEDERAL REPUBLIC OF NIGERIA

Present : Senators-elect 95.

Absent : Nil.

Tuesday, 9th October, 1979

The Senate met at 10.00 a.m. pursuant to a proclamation of the 3rd of October, 1979, by His Excellency, the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria as followeth :—

ELECTION OF THE PRESIDENT OF THE SENATE

A PROCLAMATION

(Under the Constitution of the Federal Republic of Nigeria 1979).

Dr Sola Saraki (Ilorin/Asa) : Mr Clerk of the National Assembly, hon. Senators-elect, I rise to nominate Dr Joseph Wayas as the President of this august Senate.

By His Excellency SHEHU USMAN ALIYU SHAGARI, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

Today, in this Senate we are making history. We are all elected here for a purpose. The foremost is that we are here to ameliorate the poor conditions of our people. We are all Nigerians and 95 of us were elected to come to this Senate to make laws that will govern eighty million Nigerians. We are blessed with vast land, we are surrounded by rivers, streams and lakes and yet millions of our people have no water to drink, and again we also import some of our foodstuffs. Today, we are here in this Senate to make the conditions of our people better. In the process of doing this, we have to follow the Constitution which says we should have a President of the Senate from among us. I believe you will support me when I say the man for the job is Dr Joseph Wayas.



SHEHU USMAN ALIYU SHAGARI,
President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria

(Applause).

WHEREAS it is provided in subsection (3) of section 60 of the Constitution of the Federal Republic of Nigeria 1979 that the person elected as President shall have power to issue a proclamation for the holding of the first session of the National Assembly immediately after his being sworn in :

Maybe, some of us have not met him, maybe some of us do not know him. I would like to crave your indulgence to say a few words about the hon. Senator-elect, Dr Joseph Wayas, who I am proposing as our President.

NOW THEREFORE, I, SHEHU USMAN ALIYU SHAGARI, President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, in exercise of the powers conferred upon me by subsection (3) of section 60 aforesaid, and of all other powers enabling me in that behalf, hereby proclaim that the first session of the National Assembly shall hold at 10.00 a.m. on Tuesday, 9th October, 1979 in the Parliament Buildings, Lagos.

Dr Wayas was born in Basang, Obudu, Cross River State on May 21, 1931 to Mr Wayas Akunta from Obudu and Mrs Alice Wayas. Dr Wayas is one of those unfortunate Nigerians who lost their parents at the very early age. His father died when he was seven. You can see that he started in a very hard way because in Nigeria, for one to lose one's father is not an easy thing. From that moment, Dr Wayas took control of his destiny with the blazing hope and belief that God rewards all good efforts.

GIVEN under my hand and the Public Seal of the Federal Republic of Nigeria at Lagos, this 3rd day of October, One thousand nine hundred and seventy-nine.

He began his primary education at the Central School, Sankwala, Obudu, from where he moved to St. Charles School, Obudu. He had his secondary education at the Central Commercial Academy, Enugu and Dennis Memorial Grammar School, Onitsha, Anambra State. He is really a true Nigerian.

Several Senators-elect took their seats.

RETURN OF WRITS

Clerk of the National Assembly : Senators-elect, I have received in accordance with Section 17 of the Federal Electoral Decree the return of writs from the Federal Electoral Commission in respect of the Elections to the Senate which took place on Saturday, 7th July, 1979.

Soon after his secondary education, Dr Wayas joined the Nigerian Railway Corporation as an Accounts Clerk.

Chief Odebiyi; Hon. Senators-elect, it is the Clerk of the National Assembly who should announce the result. What Dr Saraki should do is to announce the number of votes cast in favour of Dr Wayas and Chief Akpata would do the same in respect of Mr Justice Atake.

Clerk of the National Assembly: Order! Order! The last speaker is perfectly correct.

Dr Sola Saraki: Mr Clerk, Sir, hon. Senators-elect, I, Dr Sola Saraki who nominated Dr J. Wayas as the President of the Senate wish to announce that the number of votes cast in his favour is 53.

Chief E. I. O. Akpata (Bendel Central): Mr Clerk, Sir, hon. Senators-elect, I, Chief Emmanuel Idahosa Akpata, Teller for Mr Justice F. O. M. Atake announce as follows: Mr Justice Atake, 42 votes.

Clerk of the National Assembly: Order! Order!

Dr J. Wayas, Senator-elect from the Cross River State has been elected as the President of the Senate. (Applause).

Tellers for Dr Joseph Wayas.

Dr Sola Saraki
Chief N. N. Anah

Tellers for Mr Justice F. O. M. Atake

Chief E. O. Akpata
Alhaji Kadi Idrisa

Thereupon the Clerk of the National Assembly called upon Dr Joseph Wayas to take the Chair, and he was taken out of his seat and conducted to the upper step of the Dais by DR SOLA SARAKI and CHIEF N. N. ANAH.

Thereupon the President, first, alone, standing upon the upper step of the Dais, took and subscribed the Oaths required by law.

MR PRESIDENT sat in the Chair.

Then the Mace (which before lay under the table) was placed upon the Table.

The President: My fellow colleagues, honourable Senators-elect, I wish to thank you for the honour bestowed on me this morning by choosing me as President of the Senate in the Second Republic which was ushered in on the 1st of October, 1979 by the transfer of power from the Military to a democratically elected government. By the grace of God and the will of the people as democratically expressed on the Floor of this honourable Senate, I have the honour to assume office as the first President of the Senate.

Let us remind ourselves that there is a fundamental difference between the Senate of today and that of yesterday, in as much as the Constitution of the Federal Republic of Nigeria 1979 confers considerable powers on the Senate within the context of separation of powers between the executive, the legislature and the judiciary arms of the government. In our new

I am fully aware of the responsibilities conferred on the office of the President of the Senate, and I am conscious and aware of these responsibilities which I humbly accept. Let me assure you this morning that the Senate of the Federal Republic of Nigeria is one house, one family, one people, one destiny. In the exercise of my duty, I shall spare no effort to regard every Senator as one in the same honourable Senate. I, therefore, call upon my fellow colleagues to give me their co-operation in order to make our task of nation building a success.

My fellow colleagues, once again, I thank you for the honour and confidence reposed in me this morning. May God grant us all the wisdom and courage to pull the ship of the nation. Long live the Federal Republic of Nigeria, united, indivisible, indissoluble under one God.

ELECTION OF DEPUTY PRESIDENT

Dr Jaja Wachuku (Aba): Mr President, I rise to propose hon. John Wash Pam as the Deputy President of this hon. Senate.

John Wash Pam was born in 1940. He attended the Vom Primary School and Boys Secondary School, Gindiri from 1956-60. Later, he attended Kings College, Lagos, where he did his Higher School Certificate. He became a Clerical Officer in the Office of the late Prime Minister, Sir Abubakar Tafawa Balewa, of blessed and historic memory, from 1962-63. He later attended Ahmadu Bello University, Zaria from 1963-66 where he graduated B.A. (Hons.) Second Class in International Relations, after which he gathered a number of experiences. He was an Administrative Officer in the Political Division, Secretary to the Military Governor's Office, Kaduna from 1966-67. Then, he joined the Foreign Service and was the Press Secretary in the Office of the High Commission of Nigeria in Freetown from 1968-69. On returning home, he became an Administrative Officer in the Statutory Corporations Service Commission, Lagos. Later he worked in the Ministry of Transport and the Ministry of Mines and Power. Again he changed from bureaucratic services to a different line and joined the Nigerian Industrial Development Bank, Lagos, from 1972-75 where he was the Personnel Manager.

On leaving that Institution, he went home to serve his people and at home, he became a member of the Barakinladi Local Government Council. From the service of his local community, he was called to a greater service when he was elected as one of the Members of the Constituent Assembly that drafted the Constitution which we have been called upon to operate and to be the jealous guardians of that memorable document.

Hon. Senators-elect, it is not strange that his own people, realising his wealth of experience, being a knowledgeable man, felt that he should be selected and elected to represent them at this honourable Senate. So, his party, the Nigeria People's Party, thought him a worthy son to be adopted as a candidate for the Jos Senatorial District and he was so

Dr Jaja Wachuku : And as an hon. Senator-elect, he is very responsible, and he has performed national service by adding to the population of this country and thereby increasing the manpower of this nation.

He has all qualities as a Nigerian in that he speaks Hausa, Birom, English and French. He is an international figure, and as one who had to deal with international relations sometime, I cannot be happier than to be called upon to propose the name of the hon. Senator-elect, Mr John Wash Pam, and to present him to this honourable Senate to be elected as the Deputy President. I hope that, having listened to me and having heard the sterling qualities of the hon. gentleman, this Senate will accept him *nemine contradicente*.

I beg to propose the name of John Wash Pam to be elected as the Deputy President of this honourable Senate.

I beg to move.

Alhaji Mohammed Uba Ahmed (Bauchi South-East): Mr President, Sir, distinguished Senators-elect, I rise to second very strongly the nomination of our distinguished Senator-elect, Mr John Wash Pam.

Alhaji Usman Alto Danbatta (Kano North-Central) : Hon. Senators-elect, I am presenting to you my proposal and this proposal is for the position of the Deputy President of this honourable Senate. The person I am presenting is a freedom fighter, a trade unionist, and an architect in nation-building. He is in the person of Alhaji Sabo Bakin Zuwo, the man of the people. He is a well-known person, and for the benefit of the three or four people here who do not know him, I would like to say more about him.

Alhaji Sabo Bakin Zuwo was born in Kano in 1934. He was educated at the Elementary School of Holy Trinity in Kano. Later, he went to London to study Political Science. I have told you that he is a man of the people. On his return home, his services to the people, his cause to the general public of Nigeria was before long realised by the community among whom he lived. When they considered the difficulties of the masses of Nigerian people in securing where to live, the government of Kano State decided that it would be proper for the man of the people to be brought to a Tribunal which was authorised to organise, arrange and make it possible for people, especially those in the low-income group to secure houses without much difficulties. So, Alhaji Sabo Bakin Zuwo was elected to serve in the Rent Tribunal also.

Later his importance was easily realised and he was selected by the government to serve in what we had in the North as Ideology For Idea Committee. This Committee was to advise government on almost all activities affecting the alleviation of the suffering of the general public.

Later, Alhaji Sabo Bakin Zuwo, as a man of the people, was elected Deputy President of the Nigerian

Government to advise the government on organisation towards co-operative union.

This is what I will say about Alhaji Sabo Bakin Zuwo and I believe Senators-elect will agree with me that we need a man of the people and a man of such qualities to serve as the Deputy President of this Senate.

Professor David O. Oke (Ondo West) : Mr President, Sir, hon. Senators-elect, I rise to second the nomination of this indomitable freedom fighter, a great trade unionist and champion of our common people, Alhaji Sabo Bakin Zuwo as the Deputy President of the Senate.

The President : The Senate will now divide. Those in support of Alhaji Sabo Bakin Zuwo will go to the lobby on my left and those in support of Mr John Wash Pam will move to the lobby on my right.

The Senate Divided.

Mr John Wash Pam : 51 Votes.

Alhaji Sabo B. Zuwo : 43 Votes.

Senators who voted for Mr John Wash Pam as Deputy President of Senate

1. Abdulkarim, Mr M. Muhtari
2. Abogede, Mr Andrew
3. Isa, Mr Obaro
4. Agwai, Mr Muhammed Musa
5. Ahmed, Mr Uba
6. Akan, Mr Victor
7. Ali, Alhaji Abba
8. Ali, Col. A. A.
9. Anah, Chief N. N.
10. Ani, Mr I. N.
11. Anyanwu, Chief Tony
12. Audu, Mr Iliya
13. Chia, Mr Suemo
14. Dada, Col. Garba Musa
15. Dafinone, Mr D. O.
16. Daura, Alhaji Yusuf Aliu
17. Dimis, Mr Ibrahim
18. Ebute, Mr Ameh
19. Echeruo, Mr E. P.
20. Ellah, Mr F. J.
21. Emezie, Dr E.
22. Etiebet, Mr D. D.
23. Gada, Alhaji Garba
24. Hoomkwap, Mr George B.
25. Yepwi, Mr Thomas
26. Kolo, Alhaji Ibrahim
27. Kware, Alhaji Garba
28. Lawan, Alhaji G.
29. Madawaki, Mr Jacob
30. Magaji, Alhaji Abubakar
31. Matta, Mr Garba
32. Mohammed, Mr Gani Aliu
33. Mu'azu, Alhaji A.
34. Muza, Alhaji Haruna
35. Nunieh, Barrister Cyrus
36. Nwali, Dr Offia
37. Obi, Prince Onyeabo

38. Ojukwu, Mr S. M.
39. Okwu, Chief B. C.
40. Pam, Mr John Wash
41. Rufai, Alhaji A. D.
42. Saleh, Alhaji A. Yelwaji
43. Salihu, Alhaji Jibrin
44. Saraki, Dr Sola
45. Tarka, Chief J. S.
46. Wachuku, Dr Jaja
47. Wali, Dr Obi
48. Eberewariye, Dr O.
49. Waziri, Alhaji I. Jalo
50. Zuofa, Mr A.
51. Zuru, Alhaji Hassan

Senators who voted for Alhaji Sabo B. Zuwo as Deputy President of the Senate.

1. Akpata, Chief E. O.
2. Atake, Justice F. O. M.
3. Ikpo, Mr Nosike
4. Umolu, Chief J. O.
5. Bama, Mr Umaru Lawan
6. Kadi, Alhaji Idrisa
7. Manga, Mr Ja'afar
8. Sanda, Mr Bukar
9. Ansa, Mr Joseph O.
10. Daniel, Mr George A.
11. Gilama, Mr Gayus
12. Kajal, Mr Bitrus B.
13. Waziri, Mr Mahmud
14. Zing, Pastor Luka Zanya
15. Bakori, Alhaji Bello
16. Barau, Alhaji Ibrahim
17. Danbatta, Alhaji Usman Alto
18. Gaya, Alhaji Adamu
19. Musa, Alhaji Hamisu
20. Zakari, Alhaji Ahmed
21. Zuwo, Alhaji Sabo B.
22. Adebayo, Mr C. O.

Sitting resumed : 12.35 p.m.

23. Olu, Mr J. O.
24. Abiru, Alhaji
25. Ajayi, Mr Adeyiga
26. Ayantuga, Dr Femi
27. Durosimi, Mr A.
28. Shitta-Bey, Alhaji S. A.
29. Adesanya, Mr A. A.
30. Ladega, Mr D. A.
31. Odebiyi, Chief J. A. O.
32. Oyer, Chief Kunle
33. Sogbein, Chief S.
34. Akintoye, Professor S. A.
35. Fasanmi, Mr Ayo
36. Ogunleye, Mr E. K.
37. Oke, Professor D. O.
38. Onukun, Mr M. A. E.
39. Adegoke, Mr A.
40. Adeoye, Dr C. L.
41. Adesina, Mr O.
42. Adeleke, Chief Ayoola
43. Ilori, Dr C. O.

Tellers for Mr John Wash Pam

Dr Jaja Wachuku
Alhaji Mohammed Uba Ahmed

Tellers for Alhaji Sabo Zuwo

Alhaji Usman Alto Danbatta
Professor David O. Oke

And having been elected Deputy President of the Senate, Mr John Wash Pam was taken out of his seat and conducted to the Clerk's Table by Dr Jaja Wachuku and Alhaji Mohammed Uba Ahmed where he took and subscribed the Oaths required by Law.

Sitting suspended : 11.50 a.m.

OATHS

OATH OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The President : Senators-elect will now take their oaths. The clerk will proceed to administer the oath. After the Senators-elect have subscribed the oath they will sign the book before me. Senators-elect may take their oath in groups of two or more members at a time.

Thereupon the following members took and subscribed the Oaths, or made the Affirmations required by Law.

State	Constituency	Name of Senator
1. ANAMBRA	Anambra South	Anah, Senator N. N.
	Anambra North	Ani, Senator I. N.
	Anambra East	Nwali, Senator Offia
	Anambra West	Obi, Senator Onyeabo
	Anambra Central	Okwu, Senator B. C.
2. BAUCHI	Bauchi South-East	Ahmed, Senator Uba
	Bauchi South	Dimis, Senator Ibrahim

3. BENDEL	..	..	Bendel Central	..	..	..	Akpata, Senator E. O.
			Bendel Delta	..	..	..	Atake, Senator F. O. M.
			Bendel South	..	..	..	Dafinone, Senator D. O.
			Bendel East	..	..	..	Ikpo, Senator Nosike
			Bendel North	..	..	..	Umolu, Senator J. O.
4. BENUE	..	..	Benue North-Central	..	..	..	Abogede, Senator Andrew
			Benue West	..	..	..	Ali, Senator A. A.
			Benue East	..	..	..	Chia, Senator Suemo
			Benue South-Central	..	..	..	Ebute, Senator Ameh
			Benue East-Central	..	..	..	Tarka, Senator J. S.
5. BORNO	..	..	Borno East	..	..	..	Bama, Senator Umaru Lawan
			Borno North-Central	..	..	..	Kadi, Senator Idrisa
			Borno North-West	..	..	..	Lawan, Senator M. G.
			Borno South	..	..	..	Mangga, Senator Ja'afar
6. CROSS RIVER	..	..	Eket	..	..	..	Akan, Senator Victor
			Calabar	..	..	..	Ansa, Senator Joseph O.
			Uyo	..	..	..	Daniel, Senator George A.
			Ikot Ekpene	..	..	..	Etiebet, Senator D. D.
7. GONGOLA	..	..	Wukari	..	..	..	Audu, Senator Iliya
			Numan	..	..	..	Gilama, Senator Gayus
			Mubi	..	..	..	Kajal, Senator Bitrus B.
			Adamawa	..	..	..	Waziri, Senator Mahmud
			Muri	..	..	..	Zanyazing, Senator Luka
8. IMO	..	..	Owerri	..	..	..	Anyanwu, Senator Tony
			Okigwe	..	..	..	Echeruo, Senator E. P.
			Orlu	..	..	..	Emezie, Senator E.
			Umuahia	..	..	..	Ojukwu, Senator S. M.
			Aba	..	..	..	Wachuku, Senator Jaja
9. KADUNA	..	..	Katsina/Dutsinma	..	..	..	Ali, Senator Abba
			Malumfashi/Funtua	..	..	..	Bakori, Senator Bello
			Ikara/Zaria/Birnin Gwari	..	..	..	Barau, Senator Ibrahim
			Daura/Mani/Kankiya	..	..	..	Daura, Senator Yusuf Aliu
			Kachia/Jemaa/Saminaka	..	..	..	Madawaki, Senator Jacob
10. KANO	..	..	Kano North-Central	..	..	..	Danbatta, Senator Usman Alto
			Kano South	..	..	..	Gaya, Senator Adamu
			Kano South-West	..	..	..	Musa, Senator Hadi M.
			Kano North-East	..	..	..	Zakari, Senator Ahmed
			Kano Central	..	..	..	Zuwo, Senator Sabo Bakin
11. KWARA	..	..	Kwara South	..	..	..	Aboniyi, Senator Obaro Isa
			Kwara Central	..	..	..	Adebayo, Senator C. O.
			Kwara North	..	..	..	Mohammed, Senator Gani Aliu
			Kwara South-East	..	..	..	Olu, Senator J. O.
			Ilorin/Asa	..	..	..	Saraki, Senator Sola
12. LAGOS	..	..	Ikorodu	..	..	..	Abiru, Senator Mubashir O.
			Ikeja	..	..	..	Ajayi, Senator Adeyiga
			Epe	..	..	..	Ayantuga, Senator Femi
			Badagry	..	..	..	Durosimi, Senator A.
			Lagos	..	..	..	Shitta-Bey, Senator S. A.
13. NIGER	..	..	Minna/Kagara	..	..	..	Dada, Senator Garba
			Bida	..	..	..	Kolo, Senator Ibrahim
			Suleja, Formerly Abuja	..	..	..	Magaji, Senator Abubakar
			Kontagora	..	..	..	Mu'azu, Senator A.
			Agaie/Lapai	..	..	..	Salihu, Senator Jibrin

State	Constituency	Name of Senator
14. OGUN	Ijebu North/East	Adesanya, Senator A. A.
	Ijebu-Ode/Ijebu Remo	Ladega, Senator D. A.
	Egbado North/South	Odebiyi, Senator J. A. O.
	Abeokuta/Ifo/Otta	Oyero, Senator Kunle
	Odeda/Obafemi/Owode	Sogbein, Senator S.
15. ONDO	Ondo Central	Akintoye, Senator S. A.
	Ondo North	Fasanmi, Senator Ayo
	Ondo East	Ogunleye, Senator E. K.
	Ondo West	Oke, Senator D. O.
	Ondo South	Onukun, Senator M. A. E.
16. OYO	Oyo	Adegoke, Senator A.
	Oshun I	Adeoye, Senator C. L.
	Ibadan	Adesina, Senator O.
	Oshun II	Ayoola, Senator A.
	Ife/Ilesha	Ilori, Senator C. O.
17. PLATEAU	Lafia/Akwanga/Awe	Agwai, Senator Muhammadu Musa
	Shendam	Hoomkwap, Senator George B.
	Keffi/Nasarawa	Yepwi, Senator Thomas
	Pankshin/Mangu/Kanam	Matta, Senator Garba
18. RIVERS	Rivers II (Ahoada/Ikwerre/Etche)	Ellah, Senator F. J.
	Rivers IV (Bonney/Bori)	Nunieh, Senator C.
	Rivers I (Port-Harcourt)	Wali, Senator Obi
	Rivers V (Degema)	Eberewariye, Senator O.
	Rivers III (Brass/Sagbama/Yenogoa)	Zuofa, Senator A.
19. SOKOTO	Sokoto East	Abdulkarim, Senator M. Muhtari
	Sokoto North	Gada, Senator Garba
	Sokoto Central	Kware, Senator Garba
	Sokoto West	Muza, Senator Haruna
	Sokoto North	Zuru, Senator Hassan

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, I beg to move that this hon. Senate be adjourned until tomorrow morning at 10 o'clock.

Thank you.

Senator Jaja Wachuku (Aba) : Mr President, Sir, I beg to oppose. I do so because there was an understanding between myself and Dr Saraki that I would move the Motion for Adjournment but I am surprised that he has gone on to move the Motion for Adjournment himself without consulting me. It is very unfair. If an adjournment is going to be moved there must be an understanding about it.

Senator Jalo Waziri (Bauchi East) : Mr President, with due respect to the last speaker, I would have thought that he would have allowed the Question to be put before he calls for a debate on the issue. It is never done. Thank you.

Senator D. O. Dafinone (Bendel South) : Mr President, I beg to second the Motion for Adjournment.

The President : The question now before this

Accommodation

Senator Sabo Bakin Zuwo (Kano Central) : Mr President, Sir, in view of the Motion on Adjournment, I would like to mention specifically the problem of accommodation of the Members of the Senate. The accommodation given to Members of this Senate is not suitable. I would, therefore, Mr President, appeal to Senators to support me on this question of accommodation which has been given to us and in which we are now living. We are so called Senators and when we arrived we were lodged in a hotel and in a room. I believe that Senators are responsible people, they have large families. This is a permanent job ; it is not like the former Senate. So, Mr President, I would support the Motion for Adjournment on the understanding that you would consider the problem Members are facing particularly on accommodation.

Mr President, I support the Motion on adjournment.

The President : Mr President, I support the Motion on adjournment.

Senator S. A. Shitta-Bey (Lagos) : Mr President, in contributing to the Motion on Adjournment, I would like to suggest that we should know in advance the business for the day. In other words, we are being told to adjourn against tomorrow, I am not opposing, but it is essential that Senators must be sufficiently briefed so that they know what they are coming to do here tomorrow. We are leaving now, and we are coming here tomorrow. We do not know what we are going to do tomorrow. Mr President, I pray and suggest that nobody should be taken by surprise. We should know what we are going to do so that we do our homework.

Thank you.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, while I want to support the last speaker (*Senator Shitta-Bey*). He talked about the non-publishing of the Order Paper. This is essentially not the work of the President of the Senate but the work of the Clerk of the National Assembly. Normally I should think, if the practice is still what it used to be before, that the Clerk of the National Assembly should be responsible for publishing the Order Paper for the day. So, questions such as this should have been directed to the Clerk of the National Assembly and not to the President of the Senate.

Secondly, the reason why I want to speak is to comment on the contribution of Senator Sabo Bakin Zuwo with regards to his problems over accommodation and so on. One very much appreciates his problems and, of course, the problems of fellow Senators, but I think this hour is just too early in the day to begin to talk about this because once we are able to get this Senate constituted, I think we would have to think in terms of the Committees of the various Houses which would be charged with various responsibilities such as accommodation and other services that are relevant and appropriate to a dignified Senate such as this. So, Mr President, I want to support the Motion on Adjournment, and

would be given the responsibilities and relevant duties of discussing our housing problems and so on.

Bride

The President : Senator Fasanmi ?

Senator Ayo Fasanmi (Ondo North) : Mr President, Sir, in contributing to the Motion on Adjournment I think it is only right that we congratulate the new bride for the marriage of this morning and it is our prayer that the marriage should not break up so soon.

Senator N. N. Anah (Anambra South) : Mr President, Sir, in contributing to the Motion on Adjournment I would like to say that there is no marriage, there has been a coming together of two adults who have a primary motive, namely peace and stability. (*Applause*) In further doing so, Sir, I would like to take this opportunity supporting the Motion on Adjournment, to congratulate the President on his election as the President of the Senate, an election which is very commendable and which I know would be acclaimed by the nation and the world.

Thank you, Mr President.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, I beg to move that the Question be now put.

Question that the Question be now put, put and agreed to. Main Question accordingly put and agreed to.

Resolved : That the Senate do now adjourn.

Adjourned accordingly at five minutes past three o'clock.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Wednesday, 10th October, 1979

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

The President : Fellow Senators, I have been advised that there is still one Member to take the oaths. So, that would be the first item this morning. Will the Clerk please administer the Oaths ?

OATHS

OATH OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The following Member took and subscribed the Oaths required by Law :

Mr Sanda Bukar (Borno West).

The President : Order, Order ! I take it that we are all familiar with the use of the microphone in front of us. Senators may not speak until they make a request on the microphone and receive a go-ahead. This is controlled from the Central Box by the technicians. I just thought that I should make this light announcement for the benefit of those who are not quite familiar with the use of the instruments.

Furthermore I would like us to make some Amendments on the Order Paper. Where the word *majority* is used it should be substituted with *NPN* for the time being. May I call on the *NPN* Leader to move the Motion standing in his name ?

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, I would like to raise a point of Order.

Senator F. O. M. Atake (Bendel Delta) : Mr President, I would like to raise a point of Order, too.

The President : Point of Order sustained.

Senator Atake : Mr President, my point of Order is based on the cumulative effect of Orders 19, 20 and 21 of the Standing Orders.

The President : Which is yet to be passed by this Senate.

Senator Atake : They are binding on us by virtue of the provisions—

The President : What are the Order numbers ?

Senator Atake : They are 19, 20 and 21. The Standing Orders are binding upon us by reason of the provisions of the Constitution, Section 270 thereof

Senator Atake : Under Orders 19 and 20 there are provisions where no Motion can be made until and unless notice is given in writing. These other Motions fall into several categories. There are, of course, exceptions where Motions can be moved without notice. The Motions before us do not fall into that category. Then there are Motions which may be moved by giving only one day's notice. The Motions before us do not fall into that category.

It follows therefore that the Motions before us fall into the first category where, at least, five clear day's notice must be given before they are moved, excepting of course, we think in terms of the third Motion which, may not require any notice, and that business can be discussed under Order 51 of the Standing Orders.

It further follows, therefore, Mr President, that I should suggest that we invoke the provisions of Order 21 to regularise and give propriety and decorum to the Motions we propose to move.

Under that Order, Mr President, you may give your consent for notices to be waived and we Senators may give our general assent for those notices to be waived. When that has been done, then we may properly proceed to deal with the Motions here ; but these Motions here have received no notices at all. We cannot proceed to hear them unless, Mr President, you waive the requirement for notices to be given and we give our general assent.

Mr President, I beg to submit the Point of Order for your consideration and ruling.

The President : It seems to me that the hon. Senator Atake, wants to take us a few steps back because, first, we may have to determine what is the position of the Standing Orders in front of us and to decide whether we will go ahead to accept or amend the Standing Orders as they are before we get into business.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to move that the Standing Orders in this particular case be suspended and business transacted.

Senator Olu Sogbein (Odeda/Obafemi/ Owode) : I beg to second.

Senator Atake : Mr President, you still have to give your consent.

The President : I then hereby give my consent.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, I beg to support the Motion by the hon. Senator, Jalo Waziri.

The President : It has been disposed off.

Senator Saraki : I want to formalise it because he may go back and say something else.

NOTICES OF MOTION
Message to the House of
Representatives

That a message be sent to the House of Representatives to inform that body that a quorum of the Senate has assembled and that Senator Joseph Wayas, a Senator from the Cross River State of Nigeria, has been elected President of the Senate of the First National Assembly.

Senator Jalo Waziri (Bauchi East) : I beg to second.

Question put and agreed to.

Resolved : That this House sends a message to the House of Representatives to inform that body that a quorum of the Senate has assembled and that Senator Joseph Wayas, a Senator from the Cross River State of Nigeria has been elected President of the Senate of the First National Assembly.

Message to the President

The President : Item No. 2 on today's Order Paper. May I call on the NPN Leader, hon. Senator Sola Saraki to move.

Senator Saraki : Mr President, Sir, hon. Senators, once again I beg to move the second motion on the Order Paper—

That the Clerk of the National Assembly should notify the President of the Federal Republic of Nigeria that the Senate has elected Dr Joseph Wayas from the Cross River State of Nigeria as the President of the Senate of the First National Assembly.

Senator Jalo Waziri (Bauchi East) : I beg to second.

Question put.

Senator E. K. Ogunleye (Ondo East) : It is my humble submission that there is nothing like the Clerk of the National Assembly as presently constituted. I am reinforced by Section 47 of the Constitution and also Section 269. Section 47 of the Constitution states—

There shall be a Clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly, and the method of appointment of the Clerk and other staff of the National Assembly shall be as prescribed by that Act.

Section 269 states—

Until the National Assembly or a House of Assembly has exercised its powers to initiate legislation in accordance with the provisions of Section 47 or 87 of this Constitution, the Clerk or other staff of a legislative house shall be appointed, as respects each House of the National Assembly by the Federal Civil Service Commission, and as respects a House of Assembly by the State Civil Service Commission.

And subsection 2 of Section 269 states—

In exercising its powers under the provisions of this section, the Federal Civil Service Commission shall consult, as appropriate, the President of the

Now, Mr President, Sir, there is nothing like *Clerk of the National Assembly* now. There is at best something like *Clerk-Designate* in the National Assembly. In fact, until an Act is passed, we cannot have a *Clerk of the National Assembly* under Section 47 of the Constitution. So, to ask the Clerk of the National Assembly to notify the President of the Federal Republic of Nigeria is wrong and misconceived.

Therefore, Mr President, I say there is nothing like the *Clerk of the National Assembly*, but there is something like Clerk-Designate.

Senator A. A. Ali (Benue West) : I think we are just being pedantic. What the hon. Senator is saying is that we will never meet at all. Somebody had to make the arrangements to get us here, to swear in everybody and get the President of the Senate elected. The Constitution is written and we are to work it. We are not to be worked by the words of the Constitution. This man is the Clerk of the Senate, we have been told. The Civil Service that appoints the Clerks does not consult you. If you are saying that we have no *Clerk* then, everything we have been doing is illegal. That is what the hon. Senator wants to tell us.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, like my colleague, the distinguished Senator from Benue West has said, the actions which have taken place in this Senate, like the election of the President of the Senate, *et cetera* are *de-jure* actions. The election of and the swearing-in of the Deputy President of the Senate as well as the swearing in of all the Members of the Senate is a constitutional act which has taken place. Is it being suggested by my colleague on the other side (from whose utterances I understand he is a legal practitioner by profession), that both the election of the President of the Senate and his Deputy are *ultra vires*, and the swearing-in of himself and all the attendant Members of the Senate are illegal and unconstitutional ?

Who convened the meeting of this Senate ? Or is he suggesting that he has read the mind of the President and he has read it in such a way that he knows the President has not been consulted by the Public Service Commission in putting up an officer of the Public Service or an officer under the Federal laws as Clerk of the National Assembly ? If he is a magician or a mind reader then let him tell us. But if he says that the Clerk does not exist, then he should show the example by showing himself the way out of the Senate. Then some of us will follow. We intend to stay here and carry on with the business of the Senate. For as much as we know, there is a legally constituted Senate with its President and Deputy President. I think there is some element of delaying tactics.

Several Senators : Yes ! Yes !

Senator Tarka : We are all responsible citizens. A Senator does not represent a party in this Senate. As a matter of fact, I do not like to see these Party labels in this Senate. A Senator is a Nigerian Senator, his constituency is Nigeria and I cannot understand or see why a Senator, responsible as he is, a legal practitioner for that matter and a man who represents the whole country, a man whose voice represents Nigeria abroad, should come here and play to the gallery and create delaying tactics so that the work of the Senate is hampered.

This Motion which has been moved is just a mandate. It is mandatory upon us to do what traditionally we have set up through the Parliamentary system of government. I would like to appeal to all sides of the Senate that we have not come here to cross swords. We have come here to work for the nation.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think what we have to do to by-pass this problem is to assume that whoever occupies the post of Clerk of the National Assembly, which is an established post, is either acting in that capacity or he has been appointed to that capacity. In that circumstance, I think we should proceed with what we are doing. It is an established post.

Question put and agreed to.

Resolved : That the Clerk of the National Assembly should notify the President of the Federal Republic of Nigeria that the Senate has elected Dr Joseph Wayas from Ogoja, Cross River State of Nigeria as the President of the Senate of the First National Assembly.

COMMITTEE OF SELECTION

The President : Order ! Order ! We are making progress this morning. We now move on to item three on the Order Paper. There is a suggestion that we should make progress by having a Committee of Selection, a Committee on House Services that may reinforce a Motion raised on adjournment yesterday by my friend sitting right in front of me, Senator Sabo Bakin Zuwo. This suggestion also includes the setting up of Rules and Business Committee and this, I believe, would go to settle the problem of my friend who spoke earlier on the Standing Orders.

I will now invite comments from hon. Senators.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, I think it will be necessary to set up a Committee on Housing, because quite a few Senators have problems with their accommodation. So I will suggest that we have a Housing Committee together with the Rules and Business Committee.

Senator J. A. O. Odebiyi : Mr President, Sir, I think what is important is for the Committee of Selection to be selected. Then if there are other Committees into whose bodies we must appoint people, then we will look after that. So what we should do now is to settle the question of the Commit-

Several Members : Yes ! Yes !

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, I think we are getting mixed up a little bit. As my colleague and friend, Senator Odebiyi, has rightly pointed out, we have a Selection Committee which can deal with some of the Select Committees, not all the Committees. I just want to impress this on his mind. It is a Select Committee, and until you have the Selection Committee which deals with Select Committees, you cannot have the other special Committees. I just want to amplify on what he has said. Until that is done, all the other Committees will find difficulties in getting themselves structured.

Senator Saraki : Mr President, Sir, I therefore beg to move—

That the President, the Deputy President, the Majority Leader, the Leaders of UPN, NPP, GNPP and PRP in the Senate and four other Senators be members of the Committee of Selection.

Senator I. Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second, but I do hope that instead of *four others*, we should make it and *five others*.

The President : Senator Saraki, may I have your suggestions again please ?

Senator Saraki : The President of the Senate, Deputy President of the Senate, Leaders of the five Parties in the Senate plus four other Senators from NPN, three from UPN, two from NPP, one from GNPP and one from PRP should form the Committee of Selection.

The President : Senator Waziri, I take it that this is the Motion you are seconding ?

Senator Waziri : Yes, Sir, that is the Motion I am seconding.

Senator Odebiyi : Mr President, Sir, as a matter of fact I should have supported that because we had agreement on that this morning, but when the hon. Senator was first speaking he did not elaborate exactly on our agreement. Now he has done the right thing. I beg to support.

Question put and agree to.

Resolved : That the President, the Deputy President, Leaders of the five Parties in the Senate plus four Members from NPN, three from UPN, two from NPP, one from GNPP and one from PRP be members of the Committee of Selection.

The President : Now we have the next Committee to consider. May I call upon the NPN Leader. You may now speak.

Senator Saraki : On our side the four Members representing the NPN in the Committee of Selection are Senator Amadu Ali ;—

named; Senator Rufai. Thank you.

The President : Yes. Senator Odebiyi, may I have the UPN nominations ?

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, the UPN nomination on the Committee of Selection is as follows : Senator Ayo Fasanmi, Senator Nosike Ikpo, and Senator C. L. Adeoye.

The President : Thank you very much. May I have the NPP nomination from the Leader of the NPP please ?

Senator Jaja Wachuku (Aba) : I beg to give the names of Senator Obi Wali from the Rivers State and Senator Onyeabo Obi as the NPP nominees on the Committee of Selection.

The President : May I have the GNPP nomination from the GNPP Leader please ?

Senator Alhaji Idrisa Kadi (Borno North-Central) : Alhaji Ja'afar Mangga.

The President : May I have the PRP nomination from the PRP Leader.

Senator Ibrahim Barau (Idara/Zaria/Birnin Gwari) : Is this one apart from the Party Leader or is it for the Party Leader alone ?

The President : I suppose that you are familiar with the arrangement that was proposed here and accepted.

Senator Ibrahim Barau : Yes, I am familiar with the arrangement that both the GNPP and the PRP shall have one representative each.

Some Senators : No !

Senator Ibrahim Barau : Alhaji Hamizu Musa.

The President : Thank you very much. Senator Anah may now speak.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I very respectfully rise to oppose the nomination of members of the NPP. Mr President, Sir, it is tragic that this nomination was made arbitrarily without consultation and without the assent of the hon. Senators of the NPP. This nomination is, therefore, most unacceptable and I am respectfully asking the President not to accept the nomination but to refer it back to the NPP for a consensus.

Thank you, Mr President.

The President : Gentlemen, I am not too sure whether I should entertain debate in this hon. Senate on the present contest. I am more inclined to think that the right approach might be to suspend the NPP nomination of NPP and ask them to deliver this later on, before the close of the day.

raised an objection consult with me during break. I do hope that the NPN Leader has no problem at his own end.

Senator Sola Saraki (Ilorin/Asa) : I would like to crave the indulgence of Mr President to make some changes in the names I have submitted. I would like to change Senator Uba Ahmed (Bauchi South-East) who would be replaced by Senator Victor Akan (Eket). I would also like to drop Senator A. D. Rufai (Bauchi Central) who would be replaced by Senator Ubaru Lawan (Borno East).

Senator Alhaji Abba Ali (Kaduna) : Mr President, I rise to object to the NPN nominations because the party has not been consulted on the issue.

Thank you.

The President : Senator Ali, do you have any suggestions to make ?

Senator A. A. Ali (Benue West) : Mr President, I think that the principle of the Committee of Selection is the main item on the Order Paper. It has been passed and accepted and we should allow the leaders of the various parties to submit the names later since we cannot really challenge the names they have brought from their various parties. We cannot sit down on the floor of the Senate to challenge each other. That is not what is on the Order Paper ; what is on the Order Paper has been cleared and party leaders should be given a dateline to submit the names of their members.

The President : I hear people talk of the other Side of the Senate. There is no left or right side of the Senate because in this Senate we are one. I think that it is for purposes of identification that some Senators refer to this or that side of the Senate. I can see some Senators smiling at one end and it seems that they do not have any problems at their end.

I am inclined to think that in the light of the spirit of the Senate, the leaders of the parties should consult with their fellow Senators. They should submit their lists in due course which as Senator Ali has said, is not relevant to the Motion. Senator Adesanya, I hope this fits in with what you wanted to say.

Senator A. A. Adesanya (Ijebu North/East) : Mr President, I think that I am too near the President that I cannot catch his eye. I do not have any further contribution to make as Senator Ali had stated exactly what I wanted to say.

The President : Jaja Wachuku, were you raising hand ?

Senator Jaja Wachuku (Aba) : Mr President, I want to make it clear that the decision on the Committee of Selection was arrived at just before you came into the Senate. On the question of producing the names to the Senate, I was called upon to give the names. The question raised by Senator Anah is therefore rather unfair. I am only grateful to you, Mr President, for the healthy suggestion that the names should come in after the adjournment of this Senate. I think that, thereafter, there will be no difficulty.

The President : I do not think that we need to flog this issue any further. We would now make progress.

Item 4 is next on today's Order Paper.

Senator S. Saraki (Ilorin/Asa) : Mr President, I move that item No. 4 on the Order Paper be suspended until the whole question of leadership is settled.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I very much support the point made by Senator Saraki. This is because in some parties and the NPP for example, the leadership is temporary and has not been confirmed. Because of this temporary nature, Mr President, it will not be judicious on our own part to mention a leadership of the NPP whose confirmation by the Senate would automatically make him permanent, contrary to the will of the Senators of the NPP.

Therefore, Mr President, I am urging, with due respect and deference, that this item be deferred until such a time as the other parties, particularly the NPP would have elected a permanent leader who would be presented to the Senate.

The President : Order ! Order !

Senator Anah : I have finished.

Senator Garba Matta (Pankshin/Mangu/Kanam) : Mr President, I think that it would be creating a precedent if we allowed party domestic affairs to be discussed here.

The President : On the contrary, Senator Matta, I think that it is a healthy situation.

Senator Matta : Mr President, Sir, I will not oppose your view, but I still feel that it is very dangerous because this may be happening to NPP today, but tomorrow it may not be in NPP, it may be elsewhere. If we are going to rule that this should be allowed, Mr President, you would have quite a lot of problems on your hands that you may not be able to cope with.

The President : I agree with you.

Senator Matta : I think it would be better if we rule that this sort of thing should be dealt with at the appropriate place, that is, at the Party caucus or whatever it is, and not on the Floor of the Senate. Thank you very much, Mr President.

Senator Jalo Waziri (Bauchi East) : On a Point of Order, Mr President.

The President : What is the point of Order ?

Senator Jalo Waziri : People are debating this issue which has never been moved and seconded and without Question put. It is out of Order to talk on

The President : I am inclined to sustain your Point of Order. The question must be put. There has been a Motion moved by the hon. Senator Saraki, and seconded by another hon. Senator, Anah.

Question put.

Senator J. S. Tarka (Benue East-Central) : On a Point of Order and information, Mr President.

The President : Point of Order and information, which one do I take ?

Senator Tarka : Point of Order, Sir. May I say that, as a matter of fact, there is no formal Motion before you or before the Senate. Members are debating the Motion put forward by the hon. Senator Saraki, which has not been seconded and in fact I understand from reliable sources that he has withdrawn his Motion. So while there was a *de facto* Motion before you, there is actually no *de jure* Motion before you and, therefore, the debate is invalid.

The President : Do I take it that the hon. Senator, Saraki, has withdrawn his earlier Motion since it is not on the Order Paper ?

An hon. Senator : Yes, he has withdrawn it.

Senator Mahmud Waziri (Adamawa) : Mr President, I beg to oppose the Motion moved by the hon. Senator, Saraki.

The President : I think that we are talking at cross purposes. I thought you had something else to say. The question right now is that there is no Motion. So you cannot even oppose it.

Senator Waziri : Mr President, thank you very much, but what I would like to say is that—

The President : Is it on the subject ?

Senator Waziri : Yes, it is on the subject, Sir.

The President : Are you proposing or opposing ?

Senator Waziri : I am proposing that the discipline shown from this side and the confusion from the other side should be noted.

Thank you. (*Laughter*)

Senator A. D. Rufai (Bauchi Central) : Objection Mr President !

The President : Your objection is sustained !

Senator A. Adegoke (Oyo) : In view of the importance of the Selection Committee, I think that this Senate should adjourn temporarily for about thirty minutes so that the

Senator Solá Saraki (Ilórin/Asa) : Mr President, Sir, hon. Senators, I beg to move—

That a Message be sent to the President of the Federal Republic of Nigeria to acquaint him that a quorum of each House of the National Assembly has been assembled and is ready to receive any communication that he may be pleased to make.

Thank you.

Senator Tarka : May I second the Motion, Sir. With every due respect, I was rather taken aback that, although Senators from the other benches indicated their intention to have a short debate on item four, we seemed to have rushed through it. We started the debate on a very healthy ground, and if we continue on a very healthy ground we shall create an atmosphere of harmony and workability among the various parties, as elder Statesmen.

I would like to second item five. I would also like to have it on record that whilst we respect our President very much, the President of the Senate for that matter, we would like it in future if we could, from all sides of the Senate, be given the opportunity to debate even smaller items than this. This is a major item. I am sorry if it hurts the feelings of the President. I did not want to do it intentionally, but I want to do it with respect and submit that for the future Senators may want full dressed debate on vital issues. I believe I am speaking the minds of all sides of this Senate that we should be given the opportunity to air our views, however minute.

The President : You have been given the opportunity right now Senator Tarka.

Senator Tarka : I have been given the opportunity. I am speaking on behalf of all Sides of the Senate as an elder Statesman.

The President : I take it that you are seconding the Motion.

Senator Tarka : Yes, I am seconding the Motion.
Question put.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, after Senator Tarka has spoken I need hardly had wished to speak again, but I wish to point out that had I spoken before, I do not see how under item one we have to send a letter care the Secretary to the Government. That was the point I was going to raise.

Under item five, we now stopped our middle man. As a matter of fact, the point I was going to raise which I was not allowed to, was that this Senate is part of the Legislature and has direct access to the Executive and that this Senate must not be put in a position where it has to send letters care the Secretary to the Government. How our officials do it to get to the President is not our business but we should not formally say that in addressing the President, the Chief Executive, that we have to go through his Secretary.

Thank you very much.

would like to make some announcement. Before the close of the day, I would like the Committee of Selection to start some work. This means that we would have a special suspension of sitting, or a special break. Can I consult with the hon. Senator Jalo Waziri. Except there is anything in the Rules which stipulates that we cannot suspend proceedings for over an hour, I would like to give the Parties about an hour before we reconvene so that we may have the names and start work with the Committee of Selection.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, whilst I respect your Presidency and your good self, I would like to make a suggestion. I think that if a Member indicates—even tacitly—his intention to withdraw a Motion or a suggestion which he has made on the Floor of the Senate, he should be given ample time or opportunity to say so, so that if it is a defferment then the situation you are seeking to create by giving us a break would arise, and it would save the time of the Senate.

Secondly, I would like to suggest that before we rise we should be in a position to deal with the non-controversial issues on the Order Paper.

That is to say, even though I feel very strongly that the hon. Senator Dr Saraki's intention was to seek a delay to create a situation whereby there would be inter-party consultation so as to create harmony and not discord, within the Senate we should be in a position to deal with that matter immediately and have a defferment in order to meet both situations, so that our colleagues on my far right, ourselves and perhaps to some extent the so-called united block would continue to work in harmony. (*Laughter*)

An hon. Senator : Are you referring to me ?

Senator Tarka : Not you. I am not speaking about you. You did not make a suggestion that you were united, because we saw that yesterday in the voting trends.

I would like to suggest that item five on the Order Paper, to me, does not seem to be controversial and would not warrant a heated debate. So, we may be able to deal with it before the defferment sought by the leader of our side in the Senate. I am not seeking to make a formal Motion, but I am trying to clear the air and to say that this side should not be seen as a divided one. We are united.

The President : I did not intend that the NPN Leader should report item number four to the Senate before the close of the day. I have upheld his decision to defer the item, and I am sure he will come back to us when he is ready. But at the same time I am referring to the Committee of Selection and I still say that before the close of the day I must have the names so that we can begin to make some progress. We will now proceed to item five on the Order Paper. The NPN Leader will now move the Motion.

The President : Any objection to that amendment ?

Several Senators : No.

The President : The amendment is sustained. The amendment is that we should deal directly with the President and not through the Secretary to the Government.

A Senator : What about the amendment to Item No. 2 ?

The President : It follows along the line wherever it is applicable.

Yes, Mr Obi, or are you a Chief, too ? I know you are a Senator. You may speak.

Senator Onyeabo Obi (Anambra West) : Mr President, not knowing how Chiefs are classified, or how much they are worth respectively, I wish to inform the Senate that I am not a Chief.

Mr President, distinguished Senators, I would like to make some further amendments and I would like to give some reasons for them. I am speaking on the same item five. The question has been raised about the means of communication which has been accepted in the amendment, but there are two other points that I would like to bring to the attention of the Senate. The first is that we are only in a position to speak about the Senate, and not about the National Assembly as a whole, which is comprised of two independent separate Houses. We can only speak, from our own information and knowledge, that the Senate is constituted ; we have no way of speaking for the House of Representatives. I would suggest that the Motion should confine itself to the Senate, and when the Clerk receives information from both Houses, he can compile them and forward by whichever is the means of transmission. So, I would suggest that the words *each House of the National Assembly* should be deleted and in its place the words *the Senate*, be inserted. That is my first proposal, Mr President.

The second proposal is that the question of quorum is not really the relevant issue. Quorum is a matter of the day to day sitting of the Senate. There may be a Quorum today and not a quorum tomorrow. So, informing the President that there is a quorum today is not really of much use to the President.

I would suggest that the more relevant message would be that consequent upon the President's proclamation convening the Senate, Senators have assembled and taken their oaths. The Motion should be further amended to take care of these two points.

Thank you, Mr President.

The President : There is a provision here and I hope that Senator Obi is aware of it. This provision states that the President of the Senate is the Chairman of the National Assembly. What this Motion, I believe, seeks to do here is to obtain the Senate's approval which is part of the National Assembly. I am sure that the Chairman of the National Assembly will co-ordinate the Motion from the two houses of the Assembly. It is a purely administrative

Senator Obi, do I take it that you are raising the amendment to substitute National Assembly with the Senate ? Is that the sum total ?

Senator Tarka : Mr President, Sir, I think I am inclined to second the Amendment put forward by Senator Obi. The reason is simple. Under the Constitution as is now composed, although the President of the Senate is the Chairman of the National Assembly, the House of Representatives is a composite body and should be treated as such. There was a precedent in which during the first Republic, Members of the House of Representatives had occasions to disagree with the Senate handling their affairs by transmitting messages to the President on their behalf. When there was a joint session of the Senate and the House of Representatives, the President of the Senate would preside. Such a situation, as is contained in the Order paper, can then apply but where Members are sitting separately, then, we should mind our own business and treat the proceedings of the Senate distinct from those of the House of Representatives. Therefore, I wish to second.

The President : Quite frankly, Senator Obi's Amendment is upheld and we would therefore not need to debate unnecessarily an issue on which there should be no debate. We will insert Senate in place of National Assembly.

Senator Nunieh, you have been eager to say something.

Senator Cyrus Nunieh (Rivers IV (Bonny/Bori) : In place of *majority*, the President said we should put *NPN* I am begging this honourable Senate that I will be reading through section 26 of the Standing Orders because—

The President : Are you raising a point of Order or speaking on an issue that has been disposed of ?

Senator Nunieh : The issue is still on. This is a point of information, Mr President.

The President : Senator Nunieh, are you raising a point of Order or you are speaking on an issue that has been disposed of by this honourable Senate ?

Senator Cyrus Nunieh : I think I would rather say, Mr President, that I am bringing up a relevant issue. It is relevant because item four has been adjourned, therefore, the matter is not closed, Mr President.

The President : You may speak on it when it comes up again.

Senator David Oke (Ondo West-Central) : Mr President, I think the issue raised by Senator Obi has scored a very interesting and useful point. He said the matter of quorum is irrelevant, Mr President, and I quite agree with him.

Senator Adeyiga Ajayi (Ikeja) : Mr President, Sir, I think the point made by my colleague, Senator Obi, is that the Senate should on its own inform the President. I personally believe that it is wrong. The President cannot himself say that the Senate should meet today and the House of Representatives should

which is as follows :

That a message be sent to the President of the Federal Republic of Nigeria to acquaint him that the Senate has been assembled and duly constituted and is ready to receive any communication that he may be pleased to make.

Senator Femi Ayantuga (Epe) : Are you speaking on the same amendment ?

Senator Ayantuga : Yes, I am.

The President : You may speak.

Senator Ayantuga : Mr President, Sir, I am not too sure that the Senate is ready. This morning we have few items on the Order Paper which we have not dealt with or completed. The first is the Committee of Selection, the composition is yet uncertain ; who and who should be there we do not know yet, and here we are saying we are ready to receive him. I think what we should say, as we said earlier and as Senator Prince Obi said, is that we are assembled and duly constituted and the President should come ; not that we are ready, we are not ready.

The President : You want the President to come but you are not ready.

Senator Joseph O. Ansa (Calabar) : Mr President, Sir, I am supporting the original Motion and my reason is that the proclamation which constituted the National Assembly was made by the President, and it did not convene the Senate alone to meet. The proclamation said the National Assembly is meeting on the 9th October. Now that we have met under that proclamation, the two houses are meeting as the National Assembly ; any other process is purely administrative. If we are starting now to request, on our own, that the President should come that we are ready, the President will finish with us and go away, and at another time the House of Representatives will again be ready and will also send for the very same President to come. I think there must be liaison administratively, then we would be in a position to send a message that we are actually assembled and constituted and that we are now ready to receive him. I am not of the opinion that we should send separate messages to the President.

The President : I think I will make a clarification on this point because it appears we are just talking at cross purposes. We had taken an earlier decision to inform the House of Representatives. They will in turn take a decision today to inform the Senate. Now, when you have these two information going across, it meets at a point. The point is where the President who is the Chairman of the National Assembly and the Clerk sit down to sift the information and inform the President. We are doing the same thing, so there is nothing to worry about. We will hear from the House of Representatives when their message arrives to us to say they are ready, just as they will hear from us today telling them we are ready. So there is nothing to worry about.

That a message be sent to the President of the Federal Republic of Nigeria to acquaint him that the Senate has been assembled and duly constituted and is ready to receive any communication that he may be pleased to make.

Question put and agreed to.

Resolved : That a message be sent to the President of the Federal Republic of Nigeria to acquaint him that the Senate has been assembled and duly constituted and is ready to receive any communication that he may be pleased to make.

ADJOURNMENT

Senator J. S. Tarka (Benue East-Central)
Point of Order.

The President : Order number what ?

Senator Tarka : Mr President, Sir, Standing Order number 4 on page 2, sub-paragraph (1) reads as follows : *On Mondays, Tuesdays, Wednesdays and Thursdays the Senate shall meet at 10 a.m. and, unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m. unless a substantive motion has been moved by a member of the Council of Ministers.*

Several Senators : There is no Council of Ministers.

Senator Tarka : I will stop on the first paragraph. I therefore move that the sitting of this Senate be suspended.

The President : The Motion before us is that the Senate stand suspended even though Senator Tarka did not specify when he wants it to reconvene. May I call on Senator Odebiyi who has sent a note here ; are you ready to discuss your Motion on Adjournment at the close of the day or now ?

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I was just going to advise my hon. friend the Senator from Benue that it does not seem as if we have a much longer business to perform here. I would wish we suspend that Standing Order and finish early so that we can go because all the items we have on the Order Paper we have exhausted. What is the point of coming back at 3 o'clock.

Senator Tarka : Mr President, Sir, I have a formal motion duly seconded and I think I am entitled to exercise my right within the Senate and within the Standing Orders. There is a Motion which my Colleague, Senator Odebiyi, acknowledges. There is also the question of the Selection Committee which I understand from reliable source we have to have an inter-party consultation upon. I, therefore, think that what I have said is valid and we shall come back and deal with the matter. We are full-time Members of the Senate, Sir.

Senator Mahmud Waziri (Adamawa) : Mr President, Sir, a few moments ago, Senator Ahmadu Ali suggested that the leaders of five parties should submit the names.

The President : On what subject are you speaking ?

Senator Mahmud Waziri : On the Motion on the floor of the Senate.

The President : Do you withdraw ?

Senator Mahmud Waziri : No, Sir, I am speaking on it.

The President : Yes, you may speak.

Senator Mahmud Waziri : As I have said earlier on, Mr President, the hon. Senator Ali from Benue has suggested, and I believe the whole Senate has agreed, that the leaders of the five parties should submit the relevant names of those who would form the Selection Committee.

Secondly, we have totally exhausted what is on the Order Paper for today. If that is the case, I cannot see any purpose of reconvening this Senate this afternoon.

Senator J. O. Ansa (Calabar) : Point of Order, Sir !

The President : What Order is this ?

Senator Ansa : The Order is on the Motion on Adjournment.

The President : We have not got an Order.

Senator Ansa : Point of information.

The information here is that the hon. President of the Senate has informed this Senate that he would like some of the Committees to be appointed today to start work. If we do not make a short adjournment to enable the Committee members to assemble today it will be difficult for them to start the work which the President has asked them to start. Therefore, a short adjournment is very necessary.

The President : I will put the question to the House, as that is relevant.

Senator Dr Jaja Wachuku (Aba) : Point of Order !

The President : Yes, Senator Jaja Wachuku, what Order is it ?

Senator Jaja Wachuku : In Rule 4, page 2, the very one cited by my hon. Friend, I am not sure that he is competent to move the suspension and if I may read :

4. (1) *On Mondays, Tuesdays, Wednesdays, and Thursdays the Senate shall meet at 10 a.m. and, unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m. unless a substantive motion has been moved by a member of the Council of Ministers, "That the Senate do now adjourn" and, if such a motion be moved and if the question thereon has not previously been determined, at 1.15*

I do not think that the hon. Senator has any right to move this particular motion on the floor of this Senate now.

The President : I think we can really go further to challenge the validity of this question.

Senator Wachuku : There is no Council of Ministers at the moment but this can only be done by the President himself.

The President : This is exactly what I mean.

I think the relevant question to put before the Senate is : Do Members agree that the Leaders of the five parties should submit their names as final without necessarily putting them before this Senate ?

All Senators : Yes, yes.

The President : In that case, we may rise for good today after we have finished here.

All Senators : Yes, yes.

The President : Senator Akpata, do you want to speak on the Motion on Adjournment ?

Senator E. I. O. Akpata (Bendel Central) : Yes, I want to speak on the paper I passed to you.

The President : Order ! Order ! I may now accept Motion on Adjournment.

I have here a request from Senator Odebiyi.

Decorum

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think it is a matter for regret that when most of us were coming here yesterday the Police turned our vehicles back at the entrance to the central area of the National Assembly premises. As Members of the highest Legislature in the land, I think, Sir, that we ought to be treated with some kind of decorum. What should have been expected normally would have been for our vehicles to go straight in and drop us and then the drivers could be asked to go and park somewhere else. I think it is most undignifying that we should be treated the way we were treated. So, I would request that the Clerk of the Senate see the appropriate authorities responsible maybe for security to do something about it so that as Senators we can really be treated with the dignity which we rightly deserve.

The President : I am not too sure that somebody had actually moved the Motion for Adjournment.

Senator Odebiyi : It is 1.15 p.m.

The President : Irrespective of the time factor ?

Some Senators : It is automatic.

The President : I see. I stand corrected.

Senator F. O. M. Atake (Bendel Delta) : Some Senators seemed to have forgotten that the Standing Orders have been suspended for the purpose of discussing every matter here. This was the point

Presidential Courtesies

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, the first point I want to raise is that when the President of the Senate is coming in, he should not be allowed to take us by surprise. We should be in a position to give him all the courtesy due to him. So far, the Sergeant-at-Arms just walks in without knocking and no sign whatsoever is given. The President came in almost stealthily that if you were conversing you would not know. I think our President is entitled to every courtesy that we can show him.

The President : Thank you.

Civil Servants

Senator Akpata : Secondly, I have spent nearly all my life in the Civil Service.

A Senator : Are you sure ?

Senator Akpata : Nearly, I said. Therefore, I have the goodwill of Civil Servants at heart. But, in the last thirteen years, a different tradition had been necessary because the Military servants in association with the Civil Servants have had the rule of the land. It is with a feeling of the desecration that I hear and read of Civil Servants making statements in the Press. I grew up in the tradition that Civil Servants are to be seen and not to be heard. Therefore, if a Press man comes, the Civil Servant just listens to him but does not answer. I am saying this because we have just come and we do not want a situation where from lack of understanding we may be at odds with our Civil Servants. The position has changed. Therefore, he who wants to be a servant must know that he has political masters, whether they are younger than himself or older.

Thirteen years is not a small slice. Most of the people in high positions now were hardly Assistant Secretaries as at January 1966. Of course, I was already a Permanent Secretary of many years standing at that time (*Applause*). I mentioned this because I read in the papers yesterday that Senators had started asking for ₦500. The impression that the Newspaper gave was that the first issue the Senators raised was how to collect money. The truth is that the first thing that I saw in my pigeon hole when I came was an undated circular saying and I read :

As the amount of Salary to be paid to the Members is yet to be determined, in order to alleviate the financial difficulty on the part of any Member, the Clerk of the National Assembly has approved the amount ₦500 as Salary Advance to any Member on application which would be recovered en bloc from the first payment of salaries to the Members.

So, those who have applied have applied virtually on an invitation, but the impression that has gone round is that the first action of those people who went round begging for the votes of the people to serve them was trying to claim money.

bring their wives and children here but if you have 181 days in the year excluding Sundays and Saturdays which would give 104 days, there is hardly any time left in the year for you to stay with your family. So, if they do come to see you, you should, at least, be able to house your wife and one or two children who may come to see you. I know, of course, that some of us have a first and second eleven teams of children. (*Laughter*).

So, my advise to my young friends in the Civil Service is that there is a change in circumstance and things have changed. We are willing to help them and we do not want to quarrel with them. But, they must learn once again to be Civil Servants. I am not accusing them of giving this to the Press but there was a case of a reply supposed to have been given by the Clerk of the National Assembly. He is a young man, and I think in deed I have got the impression that he has been hard working but it is not right for him to be the head of the servants of this National Assembly and set the example of talking to the Press. Once he has done this then messengers and others would start talking to the Press, and there will be no end to what they will say about us. If all were true perhaps, I would not mind.

What I have said here should apply to all Civil Servants in this country wherever they may be. We are back to the position we were on 14th January, 1966 when Civil Servants were seen and not heard. I was even a private Secretary at one time though that was very long ago. Therefore, Mr President, I hope that those who have ears to hear what I have said will hear. Thank you.

The President : I also have a request from Senator D. D. Etiebet to speak on the Motion for Adjournment.

Identity Cards

Senator D. D. Etiebet (Ikot Ekpene) : It is true, Mr President, that this Senate had been duly constituted and we have been sworn in. We are now Senators but no more Senators-elect with effect from yesterday when we took the Oath of office, but nevertheless, the Police men as has been mentioned had kept molesting us on the way and even within the building. It is not possible to stick the labels which we have been given on all our cars. Fortunately, some of us may have one car in Lagos now but you have to get two cars to be able to be on the road throughout the week. I am now pressing for a situation where Senators can be identified at sight by the Police at any check point. As we were coming this morning, I was delayed by the Police and asked to turn back. I told him I was a Senator and he asked me, *what Senator ?* (*Laughter*).

This is true, Mr President. I think we should have identify cards as we had when we were in the Constituent Assembly or something to show at a glance.

The President : May I just interject by informing you that arrangements have been made for identity cards but they have requested that we should pay for this and I have refused. Possibly before the week ends, these will be available.

You may now continue.

Senator Etiebet : Unfortunately, Mr President, before this is done, I would request that through the usual medium an arrangement should be made to inform the Police authorities that as soon as we appeal to them that we are Senators, we should be allowed in without any confrontation by them. Our drivers will go out and we will then walk in.

Thank you, Mr President.

Apology

Senator Ayo Fasanmi (Ondo North) : Mr President, Sir, in supporting the statement made by the hon. Senator Akpata in respect of the statement which was alleged to have been made by the Clerk of the National Assembly yesterday, I wish to say that up till now that statement has not been denied ; and if that statement was made it was in extremely bad taste. I think for any Civil Servant, and particularly for the Clerk of the National Assembly, to say that if any Member is interested in taking his position he should wait until the Constitution is amended, if this statement is confirmed to be true, I think this Senate deserves an apology from the Clerk of the National Assembly.

The President : Have you ascertained whether he made the statement ?

Senator Fasanmi : I said if this statement, Sir, is confirmed to be true, and he has not denied the statement up till now.

The President : It does not necessarily follow that because he did not deny it therefore he made it.

Senator Fasanmi : He has to deny it if it is not true.

The President : Things are in the process. I am not interjecting and stopping you unnecessarily. I am really concerned that what we say about our officials that would go into the Hansard should be very carefully weighed before we make the statement. I would rather like to see a situation where, before we speak on a subject matter, we are absolutely certain about it, otherwise it might mean an unnecessary working relationship.

Senator Ayo Fasanmi : I agree with you, Mr President, but equally as well, what our officials say about us that appear in the Press should either be denied or confirmed, because anything that is said that puts this Senate in bad light would not do this Senate any credit. I am therefore saying that if that statement is true, then he should be made to apologise for it, because, as I said earlier on, it is a statement which is in extremely bad taste.

Senator I. Jalo Waziri (Bauchi East) : On a point of order, Mr President.

The President : What is the Order ?

Senator Jalo Waziri : The order is that complaints about the Clerk or our staff should not really be brought to the floor of this Senate. It is for you, Sir, to investigate the matter and communicate with the Senate. As a matter of fact, we should not have brought the Clerk to the floor of the Senate. We should have complained to the President who would look into it in an administrative way. It is not fair to criticise people who cannot defend themselves on this floor. Complaints or criticisms about our staff should go to the President, and through the President to those concerned.

The President : Your order is sustained.

The Senate adjourned without Question put at 1.30 p.m.

Thursday, 11th October, 1979

The Senate met at 10.00 a.m.

PRAYERS

The President in the Chair

I beg to move.

Senator Jalo Waziri (Bauchi East) : I beg to Second.

Question put and agreed to.

Resolved : That the following Senators would be members of the Committee of Selection : The President of the Senate, the Leader of each of the following Parties in the Senate : NPN, UPN, NPP, GNPP, and PRP. Also the following Senators will be added to the Committee : Senator J. O. Ansa of the GNPP ; Senator Hamisu M. Musa of the PRP ; for the NPN : Senator A. Ebute, Senator Abba Ali, Senator Ibrahim Kolo and Senator Zoufa ; for the UPN : Senator Ayo Fasanmi, Senator Nosike Ikpo and Senator C. L. Adeoye ; for the NPP : Senator Obi Wali and Senator B. C. Okwu.

Party Leaders

The President : We now come to item No. 2 on the Order Paper and I would like Senator Saraki to move the Motion.

Senator Saraki : Mr President, Sir, hon. Senators, yesterday we deferred this particular Motion. This has now been adjusted and I would like to move—

That the following Senators be recognised as Senate Party Leaders :

Senator Sola Saraki	..	NPN
Senator J. A. O. Odebiyi		UPN
Senator Jaja Wachuku	..	NPP
Senator Idrisa Kadi	..	GNPP
Senator Ibrahim Barau		PRP

I move, therefore, Mr President, Sir, that those Senators be recognised as Leaders of the five Parties in the Senate.

Thank you.

Senator J. A. Odebiyi (Egbado North-South) : I beg to second.

Question put and agreed to.

Resolved : That the following Senators be recognised as Senate Party Leaders :

Senator Sola Saraki	..	NPN
Senator J. A. O. Odebiyi		UPN
Senator Jaja Wachuku	..	NPP
Senator Idrisa Kadi	..	GNPP
Senator Ibrahim Barau	..	PRP

NOTICES OF MOTION

Committee of Selection

The President : Order ! Order ! We have two Notices of Motion this morning on the Order Paper. May I call on the NPN Leader, Senator Saraki, to move the first Motion.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, I rise to move—

That the following Senators would be members of the Committee of Selection : The President of the Senate, the Leader of each of the following Parties in the Senate : NPN, UPN, NPP, GNPP, and PRP ; also the following Senators will be added to the Committee : Senator J. O. Ansa of the GNPP ; Senator Hamisu M. Musa of the PRP ; for the NPN : Senator Ameh Ebute, Senator Abba Ali, Senator Ibrahim Kolo and Senator A. Zoufa ; for the UPN : Senator Ayo Fasanmi, Senator Nosike Ikpo and Senator C. L. Adeoye ;

Sitting Suspension

Senator Saraki : Mr President, Sir, hon. Senators, I would ask for a short suspension of sitting so that the Committee of Selection can meet and work out the policy on how we are going to organise ourselves as far as the Standing Committees are concerned. If we suspend sitting for one and a half hours or two hours for the Committee to meet, I think they might have something to come and tell us. I believe that hon. Senators will not be annoyed that I am asking for this suspension of sitting. Since we have exhausted the business on the Order Paper this morning, I think it will be nice if the Committee of Selection is given some time to get themselves prepared for the very big task before them.

I, therefore, move that we should suspend sitting for two hours. Thank you.

The President : Shall we suspend sitting till three o'clock ?

A Senator : The Motion has not been seconded.

Senator J. S. Tarka (Benue East-Central) : I beg to second.

The President : Thank you very much, Senator Tarka. Is it the general view of the House that we suspend sitting for two hours ?

Senator Jalo Waziri : Point of Order !

The President : What is the Point of Order ?

Senator Jalo Waziri : I think, according to the Standing Orders, the President can suspend sitting whenever he thinks fit. After you had suspended the sitting, the hon. Senators was still speaking. I do not know whom he was speaking to.

The President : But as it stands, I do not think I have suspended the sitting because the Question was yet to be put.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I was going to suggest that if sitting is going to be suspended, you, Mr President should take into consideration the advisability of hon. Senators having their lunch before we resume. I just wanted to make that observation.

Senator Onyeabo Obi (Anambra-West) : Hon. Senators, I would like to suggest that this honourable Senate considers seriously a longer adjournment until tomorrow. The reason which I wish to advance is that the Committee of Selection has very many functions to perform and this honourable Senates entitled to give them time to do the work properly and bring matters seriously before the Senate. If we resume at three o'clock and we find there are still pieces and ends not properly tidied up, we may find that we are, in fact, doing the job of the Committee of Selection which they should have prepared and brought before us. As it stands, the Order for today has been exhausted and I would say that there is, in fact, no further business left for this

that he considers this honourable Senate being adjourned till tomorrow, so that an Order Paper might come with the recommendations of the Committee of Selection and we have a full day's work ahead.

Thank you very much, Mr President.

Senator Muhtari Abdulkarim (Sokoto East) : Mr President, Sir, I beg to support the suggestion that we adjourn till tomorrow.

Senator Saraki : Mr President, Sir, I would not like us to adjourn till tomorrow because we have two very important Committees that we would like to bring before this honourable Senate. The first is the Rules and Business Committee and the second is the House Services Committee. I think if we can get these two Committees set up, we can get the Rules and Business Committee working on the Standing Orders, so that, at least, we get something done.

As regards the other Committees that Senator Obi mentioned, the work of the Standing Order Committee is very important and it has to be properly done. This, certainly, will take some time. The Rules and Business Committee is so important to us because we would like the Standing Orders to be properly looked into and approved by this Senate, so that we can function properly.

I would like to suggest, Mr President, Sir, that we should resume here at about three o'clock this afternoon so that we can approve the Rules and Business Committee and the House Services Committee. Those two can begin to function while we wait for the report of the Committee of Selection on the other Standing Committees. Thank you.

The President : I have been informed that arrangement for Catering Services are being made in the main Building of the Senate. Senators will not experience any hardship, therefore, if they want to make arrangements for their lunch here. Accordingly this Senate stands suspended till three o'clock.

Sitting suspended : 10.50 a.m.

Sitting resumed : 3.15 p.m.

Message from the President

The President : Order ! Order ! The Senate may now resume sitting. I believe we have a message from the President of the Federal Republic of Nigeria. May I call upon the Clerk of the Senate to read the message.

Clerk of the Senate : Mr President, Sir, I have a letter from the Clerk of the National Assembly addressed to you saying :

I have the honour to transmit herewith a letter

of the Senate and at the same time requests that the Senate should confirm the number and remuneration of his Special Advisers. With kind regards from him.

action for obtaining the National Assembly's resolution on the matter.

S. A. Musa,
Secretary to the Government
of the Federation

The President : Members may want to speak or I would ask the Clerk of the Senate to proceed and read the body of the message from the President. Will the Clerk of the Senate proceed to read the message from the President.

Clerk of the Senate : The letter reads as follows :

Cabinet Office
Lagos

Ref. No. 59495/S.1/4

11th October, 1979

Secretary to the Government
of the Federation
Gidado Idris, Esq., O.O.N.
Clerk,
National Assembly,
Parliament Buildings,
Lagos.

Congratulatory Message/Appointment of Special Advisers

I am directed to refer to your letter NA/MES/1/1 of 10th October, 1979, and to inform you that His Excellency the President extends his hearty congratulations to Senator Dr Joseph Wayas on his election as President of the Senate, and to Mr Edwin Ume Ezeoke on his election as Speaker of the House of Representatives. The President has indicated that his congratulatory message be passed to the National Assembly and through it, to the individuals concerned.

2. The President wishes to establish the following Special Advisers offices for himself and the Vice-President on the remuneration indicated against them :

	₦ per annum
(1) Special Adviser to the President (National Security Affairs)	15,000
(2) Special Adviser to the President (Economic Affairs)	15,000
(3) Special Adviser to the President (Information)	15,000
(4) Special Adviser to the President (Political Affairs)	15,000
(5) Special Adviser to the President (Petroleum and Energy)	15,000
(6) Special Assistant to the President (State Liaison)	14,000
(7) Director of Budget and Special Adviser to the President (Budget Affairs) ..	15,000
(8) Special Adviser to the Vice-President (Political Affairs)	14,000
(9) Special Adviser to the Vice-President (Economic Affairs)	14,000
(10) Special Adviser to the Vice-President (Statutory Boards)	14,000

The President : We have all heard the message from the President. Members may now speak.

Senator Saraki : Mr President, Sir, hon. Senators I rise to move that this request from the President of the Federal Republic of Nigeria be adopted by Resolution. As was stated in the letter from the President signed by the Secretary to the Government of the Federation, Section 139, Sub-Sections 2 and 3 of the Constitution has given the President the power to appoint Special Advisers who will assist him in his duties. You might be wondering why the President has come to us for approval since this has been clearly spelt out in the Constitution, but if you read this particular Section 139, Sub-Section 2 says that the number of such Advisers must be approved by this honourable Senate and now the President has brought before us his wish to appoint ten Advisers, I think, seven for himself and three for the Vice-President.

If you read Section 139 of the Constitution down, Sub-section 2 further says that the remunerations and allowances of these Advisers must be approved by the National Assembly. I, therefore, submit this request to the Senate hoping that hon. Senators will adopt by resolution the following ten advisers with the salaries fixed :

	₦ per annum
(1) Special Adviser to the President (National Security Affairs) ..	15,000
(2) Special Adviser to the President (Economic Affairs)	15,000
(3) Special Adviser to the President (Information)	15,000
(4) Special Adviser to the President (Political Affairs)	15,000
(5) Special Adviser to the President (Petroleum and Energy) ..	15,000
(6) Special Assistant to the President (State Liaison)	14,000
(7) Director of Budget and Special Adviser to the President (Budget Affairs)	15,000
(8) Special Adviser to the Vice-President (Political Affairs) ..	14,000
(9) Special Adviser to the Vice-President (Economic Affairs)	14,000
(10) Special Adviser to the Vice-President (Statutory Boards)	14,000

Senator Jalo Waziri (Bauchi East): I beg to second.

The President: There is a resolution proposed by Senator Saraki sponsoring the President's request. This has been seconded. Members may now wish to speak.

Senator Onyeabo Obi (Anambra West): Point of Order, Sir.

The President: Senator Obi, what is the Order number?

Senator Obi: Mr President, Sir, I refer to Order 18 (1) of the Standing Orders of the Senate which reads as follows—

An order of the day is a Bill or other matter which the Senate has ordered to be taken into consideration on a particular day.

This morning, we had an Order of the day, and when the Senate was being suspended, we were advised that we were being reconvened to receive a report about the Committees. This request is fairly innocuous, if I may say so. But I think we should avoid setting a dangerous precedent.

An hon. Senator: Point of Order!

Senator Obi: I am raising a point of Order.

The President: A counter point of Order on another point of Order cannot be sustained. So, Senator Obi, you may continue.

Senator Obi: The Point of Order is that the Senate has received the message of the President. The proper thing is for the Senate to fix discussion on this message for a date to be put on the Order Paper so that Senators who are not here or who are not prepared for the discussion may have time to consider the matters raised, otherwise when more serious matters like appointment of Ministers are suddenly introduced in the middle of the day, they may be rushed through without proper consideration or attention of the hon. Senators. I suggest that the matter be deferred for a date to be set down on the Order Paper.

Senator J. S. Tarka (Benue East-Central): Mr President, Sir, the Senator from Anambra State, Senator Obi, is in order. The Standing Order which he has cited is very clear on the matter. Sir, when we left this place this afternoon, we sort of blundered, and those of us who sought to arrest the situation unfortunately had gone rusty in our knowledge of the Standing Orders, and we sought in vain to find the correct Order number, because it has become the order of the day for distinguished Senators to request one to cite a particular Order. So, we were handicapped and we could not arrest the situation.

When the Senate is suspended for a particular cause if one needs not come back to the Senate on that particular topic, it has to be listed for another day. I am citing this off-head of course now. But having read during the break or the recess the provisions of the Standing Orders on the suspension of the Senate sitting, I find myself in difficulty not to support the Order number that Senator Obi has cited. This is not a matter of Order, it is a matter of

I, therefore, suggest very strongly that whilst we have every respect for our beloved President, and every respect for the feelings and anxiety of the President of the Senate to carry on with the business of the Senate, one must caution that once one has laid down a law, the law is no respecter of persons or person or even indeed of actions. I will, therefore, advise very seriously that you cannot eat your cake and have it. One must, therefore, follow the precedent of the Standing Order. I stand to be corrected by anybody who can contradict the Standing Order No. 18 (1).

Senator Ibrahim Dimis (Bauchi South): Mr President, Sir, distinguished Senators, Standing Order No. 10 (2) says: "A message from the President to the Senate..."

Several Senators: "Governor-General".

Senator Dimis: Is this not the same Standing Order before me?

Several Senators: No!

Senator Dimis: Then why has it been given to me?

Mr President, is Governor-General not the same as President?

The President: Hon. Senators, let us have some degree of orderliness. I would like some bit of meaningful approach to these things so that we can make some progress this afternoon.

Senator Jalo Waziri (Bauchi East): Mr President, Sir, I do hope that hon. Senators would appreciate that until such a time as we approve the new Standing Orders, the Constitution has stated that we should use these Standing Orders which were used in the former Senate. In view of the likely misunderstanding about the Motion Senator Saraki has moved, I would like to move that notwithstanding the provisions of the Standing Orders, that the business proposed by Senator Saraki be taken.

Several Senators: No!

The President: Could you repeat your Motion again, Senator Waziri?

Senator J. Waziri: The Motion is that notwithstanding the provisions of the Standing Orders the Motion moved by Senator Saraki be taken.

Senator F. O. M. Atake (Bendel Delta): Point of Order, Mr President.

The President: What is your Point of Order?

Senator Atake: My Point of Order is to bring into regularity—

The President: May I just make some corrections here. A Motion has been proposed and seconded and I think that I ought to put it to the Senate before I take the point of Order.

second Motion is a rider and should be put in a reverse manner. The Motion, before I take the point of Order, is that the Standing Order be suspended for this purpose so that we can take the first Motion. Before I take the second Motion may I take the point of Order made by Senator Atake.

Senator Atake : Mr President, Sir, it seems to me that Senator Obi (Anambra West) did refer us to Order 18 of the Standing Orders but it is not the right Order to refer to for the suggestion he put forward. The proper Order is Order 10 referred to by the hon. Senator across the floor. It is Order 10 (2). These Orders are to be used until we make new ones with such modifications as are necessary to bring them into conformity with the provisions of the Constitution.

What this means is simply this : for *A message from the Governor-General*, for *Governor-General* put President. For *A message from the Governor-General presented to the Senate by a Minister* (we should refer to a Leader of one of the Parties) *may be brought up at any time before the commencement or at the close of public business, and shall be considered forthwith or ordered to be considered upon such future day*—that is what Senator Obi intended to say and that is the relevant thing to be considered. Should we consider the Motion forthwith or should we consider it at a future date ? That Motion has been supported by a brother Senator here and we want to put it into its legal place so that we can know exactly the position.

The President : That is a very good and substantial point of Order, and I would like to uphold it. In the circumstances, it would, in fact, appear that Senator Obi did not use the provision of the Standing Order he cited properly and so it is out of place. In other words, it was a mistake and so, the point of Order raised by Senator Obi would not stand. In fact, he has quoted the wrong portion of the Standing Orders. However, in the circumstances, we would therefore take the Motion proposed by Senator Jalo Waziri which has been seconded.

Senator S. A. Shitta-Bey (Lagos) : Mr President, point of Order.

The President : What is the number of your Order ?

Senator Shitta-Bey : Mr President, Sir, I think that we are moving in a dangerous way.

The President : What is the point of Order you are referring to ?

Senator Shitta-Bey : Mr President, Sir, I am referring to the same Standing Order 10 (2) which says

“A message from the Governor-General presented to the Senate by a Minister, may be brought up at any time before the commencement or at the close of public business, and shall be considered forthwith or ordered to be considered upon such future day as the Minister presenting it may appoint.

ment of Special Advisers as we have to comply with the letters and with the rules of the Constitution. There is nothing in our Constitution today which says that the Governor-General as mentioned here shall be substituted for the President or *vice versa*.

I am here representing a Senatorial Constituency.

Mr President, Sir, if I may go further, there is also, the issue of a Minister here which says, *Presented to the Senate by a Minister* under our present Constitution there is no Minister of the Federation at the moment.

A Senator : What a shame !

Senator Shitta-Bey : There is no Minister at the moment and I am saying with due respect that in order to guide us and in order to ensure that there is peace and stability in this country, we should move very carefully. These are Rules given to us to be used temporarily and the intention is to use them with necessary modifications. In using them with necessary modifications, we have to be sure that nobody is taken by surprise.

Mr President, Sir, I am saying that these Rules are not sufficient and are inadequate for us here and I think that we should not go strictly by them. I am not against, and I repeat, I am not against taking this Motion later but I am against one thing and, that is, the continuous suspension of the Standing Orders. In other words, whenever matter is brought up, a Rule is suspended and the matter is taken up at any time.

Mr President, Sir, what I am saying is very clear : in the interest of co-operation I would appeal that this matter be deferred so that we could go home, come back and deal with it. That is the position, Mr President.

The President : Members may sit down. I am not quite clear in my mind what the last speaker meant. The hon. Senator appeared to have suggested that the Standing Orders are out of date and at the same time he also appeared to want us to apply them.

I was just wondering if this is still not a strong point why we must uphold Senator Jalo Waziri's stand that we could set, the particular rule, Order No. 10, which has been cited, aside for the time being I mean we should be very reasonable about this.

Senator Shitta-Bey : Point of Order.

The President : Senator Shitta-Bey I have not asked you to speak.

Senator C. O. Adebayo (Kwara, Central) : Point of information.

The President : Yes, what is the point of information ?

Senator Adebayo : Mr President, Sir, my humble submission is to support the earlier submission of my colleague from Bendel Delta (*Senator Atake*) to the effect that—

The President : Do you have information for supporting him ?

Senator Adebayo : Yes, I have information.

The President : Then give the information.

Senator Adebayo : I refer to Standing Order No. 10 (2) which has the effect that this matter is properly brought up under that section. But, there is this modification : that *it is supposed to be before the commencement or at the close of.*— As at now, we are not at the beginning of today's sitting or at the end of it. If the Order is read clearly it says that it *shall be considered forthwith.* The message from the President, presented to the Senate by a Minister may be brought up at any time before the commencement or at the *close of public business.*

You suspended sitting, Mr President, Sir, earlier on today so that we might look at some specific business. When that is done and we come to the close of it, then this clause would be applicable. Thank you, Sir.

The President : Hon. Senators, before I take further information and sift those information in my little computer up-stairs I may wish to clear a point raised by Senator Shitta-Bey that, in fact, Order No. 10 (2) which refers to Minister and Governor-General and so on, are obsolete. This is because we have not got a new Standing Order. But, I think that you have one in front of you. If not, I can see an hon. Senator near you holding one.

A Senator : That one is a draft.

The President : Should we take this other one that is so archaic to be a draft too ?

Several Senators : No ! No !

The President : Well, there is no law that has established that one you call a draft expect this one of 1961.

A Senator : The Constitution established it.

The President : I know that the Constitution established it.

Senator Isa Obaro (Kwara South) : Point of information.

The President : Yes, Senator Obaro, is it a point of information or Point of Order ?

Senator Obaro : I think it is a point of information. Mr President, Sir, it is a point of information, but before giving the information, I would like to appeal to hon. Senators not to raise too technical points in order to stultify things. But the point of information I want to draw the attention of the Senate to is Section 56 of the Constitution. Section 56 of the Constitution reads : *Subject to the provisions of this Constitution the Senate or the House of Representatives shall have powers to regulate its own procedures.* The words I want to emphasize are, *to regulate its own procedure.*

Now Mr President, we are not bound to reduce into writing what we regulate. In this circumstance, I think the Motion which was moved by Senator Jalo Waziri is proper, and, for this reason, I think

The President : Section what ?

Senator Obaro : Section 270 (4) : *The Standing Orders shall apply in relation to the Legislative House with such modifications as may be necessary to bring them into conformity with the provisions of this Constitution.*

An hon. Senator : Mr President, Sir, I think it is Section 270 (2) (4).

Senator Obaro : I accept your suggestion that it is Section 270 (2) (4). Now, this goes to support my argument that in view of the provisions of Section 56 of the Constitution and Section 270 (2) (4) of the Constitution, this honourable Senate has all the powers in the world to take the substantive Motion moved by Senator Saraki, the NPN Leader. *(Interruptions)*

The President : Order ! Order ! I am sorry about that interruption. I had to attend to some urgent matters. Now, may I ask Senator Chief Odebiyi to speak please.

Senator J. A. O. Odebiyi (Egbado/North/South) : Mr President, Sir, I beg to move that this Resolution be taken tomorrow and I want to give my reasons for saying so. Nobody has anything against this paper.

The President : Senator Odebiyi, may I just interject. It appears to me that we have to dispose of one issue before we go into another.

Senator Odebiyi : Mr President, Sir, there is a Motion before the Senate.

The President : Yes, and I thought you were going to speak on that.

Senator Odebiyi : Mr President, Sir, I want to make a counter Motion against it.

The President : Until this other Motion which has been seconded is disposed of, you cannot speak on anything else. I thought you were going to speak on this particular Motion.

Senator Jaja Wachuku (Aba) : Point of Order, Mr President.

The President : What order number ?

Senator Wachuku : Order 10 (1) to be read in conjunction with Section 270 of the Constitution. Now paragraph 10 (1) says, *The President shall immediately after prayers or as soon as the Senators have taken the Oath of allegiance, read to the Senate any message addressed to the Senate by the Governor-General.*

The President : But we have no Governor-General.

Senator Wachuku : This is under Section 270 (2) (4) of the Constitution. Now, this Senate can make a consequential amendment to suit the Senate, instead of *Governor-General* we can say *President.* This Senate can do that. We do not want

under a debate and the President will not discountenance. I most respectfully ask this Senate to consider the plea of Senators ; to consider the time when this message should be taken.

Not only that, Mr President, surely Senators are entitled to know these special advisers to the President, what qualifications they should have, the type of qualifications, and examine them—

The President : I think you should read the Constitution as regarding the position of appointment of special advisers.

Senator Jaja Wachuku : Money is involved.

The President : Senator Jaja Wachuku, I would advise you to look at the relevant section of the Constitution as regards the appointment of special advisers by the President.

Senator Jaja Wachuku : I have read it. It is under Section 39. What I am saying, with the greatest respect, Mr President, is that we are trying to help the President in his arduous duty. We do not want to be misrepresented. This Senate would not want to be misrepresented. We hold the President in the highest esteem and we would like to treat this first message with utmost respect and dignity that it deserves. To bring it now and try to force it through may result in—

The President : I can assure you that this Senate would not force anything through. (*Applause*)

Senator Jaja Wachuku : I am making a special appeal. I do not see the urgency between now and tomorrow morning. So, I most respectfully and most humbly appeal to the President to ask my good friend from Bauchi East (*Senator Jalo Waziri*) to consider withdrawing that Motion to enable this matter to be treated properly as it should be treated by tomorrow morning.

The President : Senator Jalo Waziri, I think you are indicating that you want to speak.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, in spite of the fact that we realise Government now wants to function as immediately as possible, and since it is the view of many Senators that the Motion be withdrawn, Mr President, with your permission, I beg to withdraw. (*Applause*)

The President : Order ! Order ! Order ! Motion has been withdrawn and it has been accepted.

Motion by leave withdrawn.

The President : Senator Ali, your hand has been up for long ; you may speak.

Senator A. A. Ali (Benue West) : Mr President, Sir, I thank you very much for giving me the opportunity to speak on this Motion. We should remember that he has withdrawn the original amendment. No other one is on now. Now, what I am trying to say, Mr President, is that in as much as I agree with many hon. Senators that this Senate should not be taken for a ride in the future, I would plead

for the right to give the first message from our Executive President should be given the due respect it deserves.

Mr President, Sir, those who talk about tomorrow and tomorrow also know and accept that they have nothing, substantially, against the paper before us. That is what they said. If that is the case, then, Mr President, I do not see why this paper should not be allowed to go through this afternoon. In any case, we have got the backing of the Constitution, of the Federal Republic of Nigeria which has been quoted twice or thrice that Section 270 Subsections 2 and 4 confer upon us the right to use the Standing Orders of the former Senate in the First Federal Republic of Nigeria. In this circumstance, I would insist that the hon. Senator from Ilorin Asa (*Sola Saraki's*) Motion be put.

Several Senators : No ! No !

The President : I am inclined to think that the last speaker (*Senator Ali*) has forgotten the fact that the proposer of the Motion that the Standing Order be suspended, in order to put effect to the original Motion, has withdrawn his Motion. In the circumstances, the original Motion still standing is in the name of the Senator for Ilorin/Asa (*Senator Sola Saraki*). (*Interruptions*)

I would not welcome side interruptions, please. Senator Rufai may now speak.

Senator A. D. Rufai (Bauchi Central) : Mr President, Sir, honestly, I am in support of the Motion but, of course, as my other Colleagues previously said, it is important, even in our own interest, that we should be given adequate time to know, enquire and to investigate all about this. My point here, Mr President, is, I personally have about two questions to ask. I do not know whether I should direct my enquiries to you or to the Leader of the NPN, although I support this Motion strongly, but sincerely, in doing so, I would like to know more about it. I have two good questions to ask. I have two good enquiries to make. For instance, as for these posts, how are they related to the posts of Ministers ? How are they related to the post of Permanent Secretaries ? These are the sort of things we would like to know. We may have some suggestions to make, even to increase the number of these posts.

I assure you, Mr President, as I can see from the mood of this Senate from all Sides, that this Motion will receive the support it deserves. We are going to support it but in fairness to us, I am appealing to you to allow us debate it tomorrow. Let it come into the Order Paper for tomorrow and then we shall continue with it. I assure you we are going to support it.

The President : Senator Ibrahim Kolo, you have been itching to speak. You may now speak.

Senator Ibrahim Kolo (Bida) : Thank you, Mr President. What I wanted to say is not either to support or to oppose.

The President : I would interrupt you, Senator Kolo. Could you just give me a few moments. I appeal to Senators to announce their names and their constituencies before they speak until such a time that I have allocated permanent seats and the officials are familiar with the sitting arrangements and are acquainted with the names of each Senator. You may continue.

Senator Kolo : My name is Alhaji Ibrahim Kolo, Senator for Bida. Mr President, Sir, what surprises me is that it was only yesterday here that we resolved and authorised that a letter be put up to the President that we are ready and that he should come along. Today he has come, and we are saying that we are not ready !

Several Senators : Where is he ? Where is he ? Where is the President ?

Senator Kolo : We say we are not ready. We say till tomorrow. Now, as the Senator who spoke before me pointed out, the question of legal aspect apart, we still are the leaders of the people of Nigeria today. This should not be forgotten. We are not animals, we are human beings. We talk of discipline in our country. It should start from ourselves. Common sense dictates that when a mistake is made, such as in this case, and as Senator Amadu Ali has said, we should have pointed out to the President that we are Senators responsible to ourselves and our country, he should go with this one. We give this one our consent, our attention, our consideration, irrespective of the Standing Orders, irrespective of anything. Then, next time, if such a mistake is repeated, then we would say no, we do not agree, we must toe the party line, and we must toe the line of the Standing Orders. This is common sense anywhere in the world.

My reason is this. Our President in Nigeria today is the most respected President in the world. (Applause). We should, therefore, not by mere saying it, but by action prove to ourselves, that we, ourselves, the leaders of the people, respect ourselves. This is simple.

The President : Senator Ellah may now speak. He has been itching to speak for long.

Senator J. F. Ellah (Rivers II Ahoada/Ikwerre Etche) : Point of Order, Mr President, and I refer to Order No. 10 (2).

The President : I hope you are not flogging the same issue ?

Senator Ellah : No, Mr President, I am not, but I think that we ought to go a little further to understand the full implications of these matters for future guidance. Our argument about whether the Standing Order is applicable or not, I think, would not have been necessary because the provisions in the Constitution are quite clear. These things are acceptable. We use the existing one, *mutatis mutandis* having made the necessary changes. Every reasonable person would understand that we have no Governor-

From there, we then go on to consider another point which was made by an hon. Senator here that this Motion should be brought in at the commencement or at the end of public business, which I think is very valid. If we want to go ahead in spite of that very valid point, we could still do so but it would seem irregular.

Another point is that the Majority Leader, *mutatis mutandis*, is non-existent as far as one can see from the papers that have passed through this Senate. We have a leader of the NPN, and the leaders of the other Parties. Now, if we make that necessary amendment, then, the Motion moved by the hon. Senator Saraki would stand, and as the Standing Order states, this would be dealt with either forthwith or it could be considered at a future time.

Now, having been given this state of affairs, we have no option. Once the NPN leader has suggested that it should be taken forthwith, then we take it forthwith. But we are not compelled to agree or refuse to agree. When you take up a matter, you either confirm it or approve it, or you defer approval. My idea, Mr President, of what has gone on in this Senate today is that most Senators are of the opinion that this Motion be deferred, and I would most respectfully suggest that you now consider whether this is the general view, and if it is, take that as the decision of the Senate. Thank you.

Mr President : I assure you that decisions will be taken here in accordance with the normal way of taking decisions. Senator Adesanya may now speak.

Senator A. A. Adesanya (Ijebu North/East) : Thank you very much, Mr President. I think I will add inches to my height tomorrow. I will be taller. I have been struggling to catch your eye. Mr President, Sir, I agree with the Senator opposite me with the turban, Senator Kolo, that our President in Nigeria should be the most respected President anywhere in the world to any Nigerian.

There is no doubt about that if we are true Nigerians. We have respect for his office, we always have respect for him ; but it looks to me, Sir, that those people who are shouting respect for the President and so on are doing a great disservice and disrespect to the office of the President of this country. It is a foregone conclusion, Mr President, that we have respect for our Executive President.

The President : Order ! Order ! I would appeal to Senators that we should be very constructive and relate our arguments purely to the subject matter in this Senate. You may continue to speak.

Senator Adesanya : I am very grateful, Mr President. I am a builder. I am not a destroyer. I do not destroy houses, I build houses.

Mr President, Sir, my view in respect of this

Senate must be properly treated. Deferring this till tomorrow is not taking anything out of the respect we have for our dear President, the Executive President of Nigeria.

This is a money matter, and as Senator Alhaji Rufai rightly pointed out, many of us want to look at this so that we will be able to contribute to the debate with intelligence, and not just come here to oppose or just to say, *Aye*, only after we have gone out, to see the mistakes. We are accountable to the people of Nigeria, we are not only accountable to the people of our constituencies. We are Senators and Senators for the whole of Nigeria. Therefore, Mr President, any matter that comes before us, no matter from whatever quarter it comes, particularly when it comes to the question of spending the hard earned money of Nigerians, we must have time to look at it. I, therefore, urge it upon Mr President, that this matter be deferred till tomorrow for debate.

The President : You should urge the Mover of the Motion. Senator Umolu, you may speak.

Senator J. O. Umolu (Bendel North) : Thank you, Mr President. We have heard arguments for and against this Motion before the House. The only thing I want to contribute is that a Motion of this nature, the first paper coming from our Executive President as a message to this highest Legislature of the land (there must be a mistake and I am sorry if I have to point this out) should not have been distributed in this Senate this afternoon. It should have been put in the Order Paper for tomorrow and the message distributed to us first thing in the morning. I do not want our speculative newspapers to publish first thing in the morning, *The first message from the President is rejected by the Senate*. It is not. The officials should have known that this is a very important document. This should have appeared as the first item on the Order Paper for tomorrow.

In whatever way you look at this, those who say give us time to study it are not wrong; and if you say defer it till tomorrow, it is not good enough. I am appealing to Senators. After all, it is all based on recommendations. It is a question of posts with salaries attached. Nobody's name is mentioned. We have many more messages to come from the President. With due respect, let us give the President this first respect by accepting this message this afternoon. Thank you, Mr President.

The President : Senator Barrister Nunieh may speak.

Senator Cyrus Nunieh (Bonny/Bori) : Mr President, Sir, I am referring this honourable Senate to Section 270, Subsection 4 of the constitution to which you have been referred, and also to Section 139 of the constitution under which the paper from the President came to this Senate. I would most humbly submit, Sir, that under Section 270, Subsection 4, this Senate has a discretion, recognised by the Constitution that during this transitional period there are yet no rigid Standing Order with which this Senate is bound to comply. Having been admitted by speakers on all Sides that our President deserves

essential to allow this paper to pass. Section 270, Subsection 4, says: *The Standing Orders shall apply in relation to a legislative house with such modifications as may be necessary to bring them into conformity with the provisions of this Constitution*. Section 139 says: *The President may appoint any person as a Special Adviser to assist him in the performance of his functions*. Subsection 2 says: *The number of such Advisers and their remunerations—*

A Senator : No one is questioning it.

Senator Cyrus Nunieh : Having agreed that this paper could come under Section 139, and having admitted that it is proper, because there is nothing yet, as the last speaker said, which would make us not to exercise our judicious discretion to allow it, I think it is right and proper for us to pass this in order to comply with Section 139 of the Constitution.

The President : The PRP leader may now speak.

Senator Ibrahim Barau (Ikara/Zaria/Birnin Gwari) : Mr President, Sir, from the points raised by my Colleagues I see no incomformity with the Motion at all. I remember the President hinted us before we suspended sitting that there would be a message from the President and this is the message. So, this is in conformity with Section 10 of what is today, until we change it, our Standing Orders. However, the issue of Special Advisers, as is contained in this message, is relevant to Section 139 and all its subsections. I would, however, appeal that the issue itself requires careful study because it speaks of Special Advisers. Apart from that, it is only in conformity with this Section for nine out of ten items. Item 6 speaks of Special Assistant to the President to liaise between him and the States and the Constitution has already provided areas of liaison between the President and the States.

We have in the Constitution, provisions for the Council of States. We also have in the Constitution provision for Economic Council. These are areas, Mr President, where our President can liaise effectively with the States.

Again, on special advisers, since provision of Section 56 (2) empowers this House to determine the number of Presidential Advisers and their remuneration, I think this matter, Sir, requires careful study and, therefore, I appeal that we defer this Motion, not because of its incomformity with procedure, but because of the way it came in, until tomorrow.

Senator B. C. Okwu (Anambra Central) : I like to contribute to this debate by drawing attention to the fact that the criticism being levelled against that paper is not a reflection or any act of disrespect for the President. We are merely trying to remind the officials of this House who handle the business of the House, that this House deserves better treatment than we have received by the way this matter has been brought before us. I am sure that His Excellency, the President himself will be very much disappointed if we are merely to rubber stamp this request by giving approval regardless of the manner in which it has been presented before us.

I like to say, Sir, that no one has so far spoken against the proposal. All we are saying is that this matter which I believe was received before the day's business began should have come earlier. Now, should we approve it, I am sure it will not get to the President before tomorrow morning. What is the point in dragging the matter to a breaking point whereby our determination to assert our autonomy may jeopardise the passing of these measures tonight. Therefore, I think many hon. Senators from all Sides of the Senate are agreed on the fact that this measure ought to be deferred till tomorrow morning.

Senator Ameh Ebute (Benue South-Central) :
Point of Order, Mr President.

The President : Yes, what is the point of Order ?

Senator Ebute : I want to draw the attention of the Senate to a point in the Constitution. In supporting the Senators who spoke on this matter, that it should be deferred till tomorrow, I have to draw your attention to the basic section on the paper sent to us. Section 139 authorises the President to appoint Special Advisers to advise him. It does not authorise him to appoint Special Advisers to assist the Vice-President, that is, if we interpret it strictly. In view of that, the Mover of the Motion has to put his house in order so that tomorrow he will be able to show us the provision of the Constitution that authorises the President to appoint Special Advisers for the Vice-President. That is all I want to bring to the attention of the Senate, Mr President.

Senator D. O. Oke (Ondo West) : I think there is one important point that we need to get clear about, but which has just arisen in connection with this Motion ; it could be in connection with any other thing in future, that is the need for us law makers of this nation to be as careful as possible on matters that relate to law even to the letters of the law. One Senator as well as Senator Ibrahim Kolo were raising issues on real common sense and nobody wanted to take up issues against them when they said that we ought to be able to regulate our business and move from one thing to another at our convenience.

However, I think it will be necessary to remember that the reason for making laws is that we do not just shift from one *ad hoc* basis to the next *ad hoc* basis just simply because it is convenient. If we are not careful, we will find that the interpretation of laws that will regulate our business as, for instance, in Section 57 of the Constitution referred to by a Colleague will lead us into chaos if we just move from one minute to the next without any clear guidance.

The Constitution and the Standing Orders are there just like the laws of our land to provide the beam of light for us to see clearly so that even when it is convenient to break the law we refuse to break the law because it will not be good at the end. Therefore, while we hold the President in very great esteem, while we also would like to move swiftly like fish inside water when business is referred

as possible not allowing anybody to ride rough-shod over them. In this case it is only the officials of the Senate who are trying to ride them rough-shod, sometimes it could be somebody else. We have separation of powers which makes us an independent and autonomous arm of the Government. So, why should we allow it to be done rough-shod. If we condone this, when the Clerk and officials are doing it now, how can we insist that the Judiciary or the President has no right to do it later. So, I will submit with great humility, Mr President, that we have to watch this carefully in our own interest and in the interest of our country.

The President : May I assure you, Members of the Senate, that we are not here to do rough-shod job. We are custodians of the nation's laws and there is no time that we in this honourable Senate would act in any way to suggest that we would amend the Rules only to suit us in certain circumstances.

Senator Saraki may now speak.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon Senators, I would like to thank hon. Senators for expressing their views on this Motion, but I would like to assure hon. Senators that I would not bring any Motion before you with the hope to deceive you to do what is wrong.

Mr President, Sir, I would like to say again that I just felt that since we did not have much to do this afternoon, a section of the Standing Orders could be suspended so that we could go on with this Motion. I have now sensed the feelings of the hon. Senators in this Senate, I have seen and felt that their view is that this Motion should be suspended till tomorrow. Therefore, under Standing Order 10 (2), I crave your indulgence, Mr President, to defer my Motion till tomorrow. (*Applause*)

Before I take my seat, Mr President, I would like to say that it is possible that the President or anybody who was not in this Senate this afternoon might misconstrue our action. He might feel that we are being hostile.

Some Senators : No ! No !

Senator Saraki ; I would like to assure the hon. Senators that I would explain the feelings of the House to the President that what you wanted was an opportunity for you to study the paper, and I hope that we are going to work together in a very, very friendly atmosphere.

Once again, I would like to emphasize that I would not bring anything before you just to deceive you ; this I shall never do. (*Applause*)

So, I do not move.

Motion by leave withdrawn.

The President : May I say this for the benefit of the Press. The Motion which was introduced by

tomorrow, and I hope that this would also be on the Order Paper for discussion.

Some Senators : Questions, Sir.

ANNOUNCEMENT

Allocation of seats

The President : Before I allow questions, and I presume that these questions would come under the Motion for Adjournment, I would like to make the following announcement.

In compliance with the Standing Orders, the President of the Senate will make allocation of seats to Senators tomorrow. This means that Senators would choose their permanent seats when they come in the morning. If any Senator is not happy with his present sitting arrangement, he should re-sit in the morning and that would thus become his permanent seat and I will, accordingly, allocate that seat to him. When you sit tomorrow, the Clerk of the Senate will take that as your sitting position and as from Monday, it will become your permanent sitting position.

That is the short announcement.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, with every due respect, we would like to do a little bit of consultation on all benches—I believe I am speaking for all Sides of the House—that the Clerk of the Senate cannot and should not be allowed to allocate seats.

The President : The Clerk was not being allowed to allocate seats, but he will only be carrying out my instructions and the method which I have chosen in allocating the seats is that you will sit down and I will mark the number of the seat against your name. I presume that this will be sorted out with the Leaders of the Parties and there should be no problem about it.

Senator Tarka : I agree with the President's remarks.

Senator S. B. Zuwo (Kano Central) : In supporting the Motion on Adjournment—

The President : Who has proposed the Motion on Adjournment ? Are you proposing it ?

Senator Zuwo : Yes, please.

The President : I do not want to put it to you to move the Motion as it has to be done out of your own free will.

Senator Zuwo : I am supporting it.

The President : Order ! Order ! You may only second the Motion that has been proposed by the NPN Leader calling for the adjournment of the House till 10.00 a.m. tomorrow.

Senator Obaro (Kwara South) : I am seconding the Motion with a very slight amendment.

The President : There should be no amendment, you either second or you make a counter Motion.

The President : May somebody move the Motion on Adjournment ?

Senator Zuwo : Mr President, Sir, whether the matter is to be discussed tomorrow or any other day, my observation on this particular important message is that I will personally like—

The President : What matter ?

Senator Zuwo : The paper from the President.

The President : That paper has been disposed of. So, you may speak on it tomorrow when it is brought up.

Senator Zuwo : Thank you very much.

Senator J. S. Tarka (Benue East-Central) : May I take this opportunity to move that the Senate do now adjourn till tomorrow.

Senator Jalo Waziri (Bauchi East) : I beg to second.

The President : The Motion before us is *That the Senate do stand adjourned till tomorrow*

What time please, N.P.N. Leader ?

Senator Sola Saraki (Ilorin/Asa) : Mr President may I suggest that we meet at 7.00 a.m. tomorrow ?
(*Laughter*)

Mr President, Sir, I support that we adjourn till 10.00 a.m. tomorrow.

Senator I. Jalo Waziri (Bauchi East) : Mr President, the question of time of sitting is not subject to debate because it is there in the Standing Orders. We should always come to start at 10.00 a.m., to rise at 1.00 p.m. and to resume at 3.00 p.m. and sit till 6.00 p.m.

Some Senators : Tomorrow is Friday. (*Interruptions*)

The President : Order ! Order ! The Senator is still on his feet.

Senator I. Jalo Waziri : If you are to follow the Constitution, the old Standing Orders stand until the new Orders have been made. It is your duty to start at 10.00 a.m.

Some Senators : 9.00 a.m.

Senator Jalo Waziri : Are you suspending the Standing Orders now ?

Senator Obaro : It is in respect of time. I am supporting the Motion but 9.00 a.m. should be substituted for 10.00 a.m. because most of us reside along Badagry Road and it takes us about two hours to get here. So, I am suggesting 10.00 a.m.

Question put and agreed to.

Resolved : That the Senate do now adjourn.

The Senate adjourned accordingly at 4.47 p.m.

SENATE OF THE FEDERAL

REPUBLIC OF NIGERIA

Friday, 12th October, 1979

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

PAPERS

Committee of Selection Report

The President : I wish to announce, hon. Senators, that if there are any papers to be laid, they may now be laid on the Table.

Mr John Wash Pam (Jos) : Mr President, Sir, I beg to lay the Report of the Senate Committee of Selection on the Table of the Senate.

The President : You may so do, Deputy President ?

ORDERS OF THE DAY

Message from the President

The President : The first Business on the Order Paper this morning will be a congratulatory letter sent to the President of the Senate by the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces.

It reads :

A. 2

STATE HOUSE
RIBADU ROAD
LAGOS, NIGERIA

11th October, 1979

Ref. No. 59495/S.1/5

Dr Joseph Wayas,
President of the Senate,
Parliament Building,
Lagos

My Dear Joe,

Congratulatory Message

I am pleased to learn from a letter No. NA/MES/1/1 of 10th October, 1979 that both the Senate and the House of Representatives have been properly constituted to commence business. Please accept my hearty congratulations to you, the Speaker of the House of Representatives, the leaders of all the political parties and all the honourable members of the National Assembly for your commendable achievement in that regard.

I very much look forward to meeting with you on Tuesday, 16th October, 1979.

Sincerely yours,

Alhaji Shehu Shagari.

That was the message from the President.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, I am glad, and I think I speak on behalf of Senators all round the Senate Chamber to say that the message received from the President of the Federal Republic of Nigeria is very welcome indeed. It establishes, no doubt and in no uncertain terms, the cordiality which exists as it should between the Senate and the Executive. We are indeed grateful to the President of the Federal Republic of Nigeria not only for the message but for the accord, which we now know exists in that order. We are pleased that this day we have received that message which shows the greatness and the recognition which has duly been established in the mind of and indeed by the act of that letter by the President, our beloved President. We hope that through this message and through your inspiration, we will carry out the business not only of the day, but such businesses that may emanate from the Executive to the Senate and those businesses that are concluded by us will be accorded the kind of attention required from us by the Executive. I, therefore, wish to move a Vote of Thanks for this message.

Senator I. Jalo Waziri (Bauchi East) : I beg to second.

Question put and agreed to.

Resolved : That the Senate expresses its grateful thanks to the President of the Federal Republic of Nigeria for the congratulatory message he sent to the President of the Senate.

Senator A. Adegoke (Oyo) : If I may speak the minds of all Senators, I would be correct to observe that this meeting was supposed to have started at 10 a.m., and I was expecting that the Leader of the NPN, Senator Saraki would have given a word of apology to the House for the lateness in commencement of this meeting. Punctuality, they say, is the soul of business. It would be a shameful thing if the President of this country would be here on Tuesday, 16th of October, 1979 at 10 a.m. and find scanty number of Senators sitting down, on the assumption that probably the meeting would not start at 10 a.m. This is my observation. I really would want us, it is an appeal, to take this matter more seriously.

The President : Senator Saraki of the NPN, you may now speak.

Senator Scia Saraki (Ilorin/Asa) : Mr President, Sir, hon. Members, I would like to appeal to my colleagues to bear with us. Some of us are very new in this business.

Secondly, we have a lot of teething problems and I think it is just proper for us, or for me in particular, to get all these things properly organised. This morning it was true we were to start at 10 a.m. but we have so many papers that we have to sort out.

Thirdly, we had to consult with our colleagues in

come to you to request you to please bear with me for a few more minutes until I was able to sort these papers out.

Senator Jalo Waziri : Point of Order, Mr President. The business of the House has not been concluded. The first business has been disposed of and there is no Motion to speak on. It seems to me that Members want to drag this little point. It is an issue that should have been raised during Motion for Adjournment. At the moment, of course, people are speaking while there is no Motion and no business proposed. It is out of Order.

The President : I am inclined to agree with Senator Jalo Waziri that the Member who raised this point raised it out of Order. So, I sustain your point of Order.

Before we proceed further with today's business, I may call upon the Clerk to read a letter received from the Canadian Senate.

ANNOUNCEMENT

Message from Canadian Senate

The Clerk of the Senate : Hon. Senators we have a letter from the Canadian High Commission in Lagos. It reads thus :

Canadian High Commission

Haut Commissariat du Canada

LAGOS, October 9, 1979

Dear Mr Coker,

We have received the following message from the President of the Senate from the Hon. Renaude Lapointe, Speaker of Canada's Senate, which is holding its first session today following the election of the new government of Prime Minister Joe Clark. I would be grateful if you would forward the message, which marks the first session of your Senate, to its President.

"Dear Sir,

Warmest congratulations and best wishes on the opening of the Nigerian Senate.

*Renaude Lapointe,
Speaker,
The Senate,
Ottawa."*

*Yours sincerely,
(Signed) R. J. Lysyshyn,
Acting High Commissioner*

Mr A. A. Coker,
Clerk of the Senate,
National Assembly,
LAGOS

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, I think it is very kind and thoughtful of the President of the Canadian Senate to write to us and wish us well and I think it would be nice for us to reciprocate. I, therefore, move by resolution that we should reply to show the gesture to the Canadian Senate. Thank you.

Senator Anah (Anambra South) : Mr President, Sir, I wish to second the Motion.

to debate an announcement, nor is traditional to move a Motion on it.

Senator Jalo Waziri (Bauchi East) : May I suggest that we do so on adjournment.

The President : Are you suggesting that the message should be withdrawn at this stage and re-introduced on adjournment ?

Senator Tarka : Mr President, Sir, I am saying that it is never debated. If a point has to be raised on it, it has to be on a Motion of adjournment, but that does not even call for a debate, Sir.

The President : I do not think that we have allowed debate on this. There was a resolution proposed by the NPN leader and seconded, and I intended to put the question.

Senator Tarka : I am afraid if you put the question, Sir, with every due respect, it will call for a debate. It is customary that such messages are taken at the end of the day on adjournment Motion and, even then, they do not call for a debate.

The President : May I, therefore, ask the NPN leader to re-introduce his resolution on adjournment.

Senator E. K. Ogunleye (Ondo East) : Nobody is debating this matter. I think it is a matter of convention and reciprocity that we just treat it with the courtesy it deserves, then take note of the message and accept it. I am sure nobody in this hon. Senate will be saying something to the contrary. If my hon. Friend on the other side, Senator Joseph Tarka, is saying that it is not done, then he can please refer us to the Order Paper so that we can be richer.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, distinguished Senator, I think this question is only a question of procedure. Now, in normal practice, announcement in the Senate is made and noted. If a debate has to follow after the announcement, normally the procedure is that this debate will come on a Motion for Adjournment. I think Senators appreciate that a sister Senate in another foreign country is recognising and sending us a letter of good wishes. I do agree with my colleague on the other Side of the Senate that it needs some kind of respect, reciprocity, and so on. But then this kind of a thing should come on a Motion for Adjournment, and at that Motion, if we so wish, we can request the Clerk of the National Assembly to even reply. But, I do not think at this stage it is right for us to debate it because it is outside the normal norms of debate procedures.

Senator Jalo Waziri : Point of Order ! Order number 9 says :

Unless the Senate otherwise directs, the business of each sitting day shall be transacted in the following order.

I think we started from one, which has been carried out, and that is *Prayers*. You then have *Message from the President*. We are now on Order 9(5) which is *Announcement*. I think the President is in order.

The President : Your point of Order is therefore sustained. We may now proceed.

Order ! Order ! We may continue now from where we stopped—

Message from His Excellency, the President

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, Section 139 of the Constitution provides that the President of the Federation will appoint Special Advisers to advise him in his day to day duties of the nation. The holders of these posts are going to be political appointees, and they are going to be men of experience in their various fields. Now, the President is ready to appoint Advisers in the following areas, having got in his set-up new Ministries—

- One Adviser for National Security Affairs
- One Adviser for Petroleum and Energy
- One Director of Budget and one Special Adviser to deal with Budget Affairs
- One Adviser to look after Information
- 2 Advisers for Economic Affairs
- 2 Advisers for Political Affairs, and
- One to deal with National Assembly in order to liaise between the President and the National Assembly.

In his message, the President was asking for the Advisers a salary of ₦15,000 per annum, an allowance of ₦1,200 per annum with the following fringe benefits—rent free government quarters, free electricity and water supply, one gardener, one night watchman, a cook and also a steward.

Mr President, Sir, hon. Senators, when you look at these figures, you will see that it is a bit too low for the calibre of the people we expect to advise our President in his day to day duties.

Therefore, Mr President, Sir, hon. Senators, I would like to move the Motion that the Senate approves the posts of the Special Advisers to the President, but to defer the salaries and allowances until such a time when this hon. Senate would be in a position to set up a small Committee to look into the scale of salaries not only for the Advisers but also for the President, the Vice-President, the Ministers, the Senators as well as Members of the National Assembly. The figures are so ridiculous and unrealistic especially at this time of our economic position and considering the inflation in the country.

I will give you an example, Mr President, Sir. From what we have gathered, our President is to be paid ₦25,000 and you hon. Senators will be on ₦12,000 per annum as salary. I wonder what you and I will do with ₦12,000 per annum in today's economic inflation in the country.

Therefore, Mr President, Sir, hon. Senators, I move that the posts of the Advisers, ten in all should be approved for the President, excluding the remunerations and allowances until this Senate is in position to set up a small Committee to look into the scale of salaries not only for the President or his Advisers but also for all of us.

Senator D. O. Dafinone (Bendel South) : Mr President, Sir, I beg to second the Motion.

The President : Motion proposed and seconded. I will now put the question.

Question put.

Senator S. A. Akintoye (Ondo Central) : I have a question to raise, and the question relate to Section 139 (2) of the Constitution. That Subsection states that the number of such Advisers, their remunerations and allowances shall be prescribed by law or by a resolution of the National Assembly. I am referring now to the number. We have the request here for ten Advisers. I remember that when the leader of the NPN spoke yesterday, he said that the President was asking for only ten Advisers. I think the Senate would like to be assured that this number being requested for here, is the total number of Advisers that the President is requesting ; or is this a first list ?

The President : I think that at this stage, I would have liked to ask the NPN leader to tell us that his proposals of today replaces yesterday's proposals, because I think that there are conclusions which I see this morning as regards yesterday's proposals. I take it therefore that the proposals you are submitting today supersedes yesterday's proposals.

Senator Saraki : Yes, Mr President, Sir, I explained yesterday that I appreciated the feelings of the Senators and I was very grateful to them for expressing their opinions and suggestions. I then went back home to do my home work on the strength of their views, and consequently this my paper is now replacing the one of yesterday.

In saying this, I would like to seize the opportunity to reply the hon. Senator from Ondo State. It is true that at the moment we are asking for ten special Advisers, but I would like to assure hon. Senators—

A Senator : At the moment ?

Senator Saraki : Yes, at the moment and I do not think that—

The President : Order ! Order ! I think that, at this very stage, I may say one or two words to erase any misconception. I do not think we should concentrate very much on the use or placing of words. There should be no fever to grip this Senate. What the President is asking for is ten Advisers. If, at any later date there is a request, it will be considered by this Senate.

Some Senators : On its merits.

Senator Saraki : It will be considered by you.

Some Senators : On its merits.

The President : What the President is asking for is ten Advisers. If at any later date there is a request it will be considered by you. You should stop playing

ruer, Mr President. The hon. Senator, Saraki was speaking and I do not think he has concluded his speech.

The President : Your Order even though you did not quote the relevant number is sustained all the same. You may continue Senator Saraki.

Senator Sola Saraki : Mr President, Sir, I would like to thank my colleague, Senator Dr Jaja Wachuku, for coming to my aid. As I was saying, Mr President, Sir, I do not think that one should read beyond the message which was sent to us by our President. At the moment what he is asking us to do is to approve ten special Advisers for him, and I think when the occasion demands, if he wants to come before us for any more request, it will be considered, depending on the circumstances prevailing. Thank you.

The President : It would appear that Senator Odebiyi is now satisfied.

Senator J. A. O. Odebiyi (Egbado North/South): I want my colleagues to speak first before I round up.

The President : So you have given your chance to them ?

Senator Odebiyi : Yes, Mr President. I am giving the chance to them first.

The President : You assume that after their speech there will still be something left for you to talk about.

Senator Femi Ayantuga (Epe) : Mr President, Sir, I will first of all draw the attention of this Senate to Section 139 Subsection 2 of the Constitution.

The President : But I think somebody has talked about that Section of the Constitution.

Senator Ayantuga : He has not said what I want to say.

The President : You may continue.

Senator Ayantuga : That provision says that the National Assembly shall approve the remuneration and allowances for the Special Advisers. The Senate, under Section 43, of the Constitution, is only a part of the National Assembly. The House of Representatives is the other part of the National Assembly. What we decide here would be a decision of the Senate. It would not be that of the National Assembly.

The President : Naturally.

Senator Ayantuga : Therefore, the National Assembly as a body ought to comprise the House of Representatives and the Senate on this subject. That is the first point.

Secondly, when the Leader of the NPN (*Senator Saraki*) spoke—

Only allow relevant speeches. I will not allow any speech that will slow down the progress of this Senate please.

Senator Ayantuga : Mr President, Sir, thank you very much. I sincerely hope that you will allow us to quote the Constitution when occasion demands. The Leader of the NPN (*Senator Saraki*) did say that the Special Advisers would be men who are experts in their fields, and, therefore, the President needs them. We are told that there would be ten Advisers. They are Special Advisers. The Ministers of Government are also advisers to the Government under Section 136. One would normally expect that we should have the list of the Ministers first so as to know what Ministries they occupy and in what areas the President needs some Special Advisers. I was thinking that the framers of the Constitution, in fact, had in mind the idea of technocrats giving special advice to the President on issues like population, economics, energy, *et cetera*.

Yesterday, we had a list of ten men or so-called experts who are supposed to advise the President on matters which would normally be dealt with by the Ministers and the Permanent Secretaries and their aides. I think we ought to consider this very seriously and see whether these so-called advisers have any specialities of their own. We want to ensure that the Special Advisers have, in fact, the specialised knowledge from which to advise our President.

Mr President, Sir, we must make sure that under no circumstances should we encourage wastes and inefficiency. If we have the list of the Ministers first, we could discuss and ratify it, and know when there would still be room for more special advisers, then we could approve of them. After all, Section 139 says that the President *may appoint*. It does not say *shall* appoint. He may appoint if there is need to appoint. If there is no need, then it would not be necessary to appoint them. If we have the list of the Ministers first and consider it, then we may know whether there is need to appoint special advisers.

Therefore, I will suggest that before we go on to approve this list, we should have the names of—

Some Senators : Point of Order. Point of Order.

The President : Point of Order. I will allow the hon. Senator to continue only if he is going to make relevant speeches referring to Section 139, Subsection 2 of the Constitution, otherwise he may not speak any longer. I do not think that this Senate would dictate to the Executive the way he must organise his government (*Applause*). Whichever comes first, Advisers or Ministers, the Executive would send both to this Senate. It is up to you to decide on what to do if the Advisers come first, and what to do when the Ministers come later. I do not think I will allow debates of this nature any longer because we are just wasting our time.

Senator Ayantuga : Thank you, Mr President. I am sure that we can neither dictate to the Executive nor can the Executive dictate to us. We are mutually exclusive of each other. But we should go along together on the basis of the Constitution. The Constitution itself provides first, under Section 136, that we have Ministers who are advisers to the Government. After that, we come to the special Advisers. So I am still on the procedure which the Constitution lays down.

As I was saying, Mr President, Sir,—

Senator Isa Obaro : (Kwara South) : Point of Order !

The President : What is your Order number ?

Senator Obaro : Order No. 26 (2) stipulates :

A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.

Mr President, Sir, I am submitting this Order with reluctance, but I am emphasising the word *reluctance* because it is not my intention to interrupt the hon. Senator who was speaking when I raised this Point of Order. This is because I noticed that he was really going out of the rail. The point is that he mentioned the fact that the Constitution has laid down the procedure. I want to point out that what the Constitution has laid down is not procedure. As regards provision 136 or 139, the Constitution has not stated which one the President should act on first. The fact that 136 comes before 139 does not pre-suppose that the President must act on 136 before he acts on 139.

The President : Your Order is sustained, Senator Obaro. Can we make some progress ?

Senator Obaro : Thank you very much, Sir.

The President : Yes.

A Senator : Senator Femi Ayantuga has not finished.

The President : I thought he had finished.

Senator Femi Ayantuga : I have not finished, Sir.

The President : But will you make your speech relevant ?

Senator Ayantuga : Mr President, Sir, I was speaking on special advisers and relevant factors ought to be brought in. I was not off the rail at all, and I hope that should be noted by the hon. Senator from Kwara South (*Senator Obaro*).

The President : I hope you will understand that you will speak at my discretion, and that you will take the advantage permitted by this Chair to speak.

Senator Ayantuga : Thank you, Mr President. We appointed you President. You are our leader.

The President : I take it that you have now finished.

Senator Ayantuga : Yes. Somebody was raising a Point of Order.

The President : Yes, Jaja Wachuku.

Senator Jaja Wachuku (Aba) : Mr President, Sir, It appears to me that the hon. Senator has read this Order out of context. Standing Order 26 (1) says—

A Senator shall not read his speech, but he may read short extracts from books or papers in support of his argument, and may refresh his memory by reference to notes.

That Order prescribes the type of thing that a Senator should not say. It is necessary to read 26 (1), (2), (3), (4), (5) and (6), before the hon. Senator would be excluded from expressing his view. I would like to bring this to the notice of the President. 26 (1) says :

A Senator shall not read his speech, but he may read short extracts from books or papers in support of his argument.—

The President : What is your point ?

Senator Jaja Wachuku : My point is that even as he is speaking now, he can make certain reference to books.

A Senator : Relevant to that point, of course.

Senator Jaja Wachuku : The question of relevance cannot just be taken because he is saying something that an hon. Senator does not like. The Order goes on again—

A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.

Now, he is discussing the question of Advisers. Then he talked about the Executive responsibilities of the Ministers and he took the whole Executive. He mentioned the relationship between them. They are not irrelevant because they are offices. Mr President, Sir, we are going to be very strict in this Senate.

The President : I thought that the hon. Senator who had information was Senator J. Wachuku.

Senator Jaja Wachuku : I am not on a point of information ; I am speaking on a point of order. Mr President, Sir, Standing Order 26 (c) says :

Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might in the President's opinion prejudice the interests of parties thereto.

Mr President, if Senator Ayantuga had said such a thing, then it would be irrelevant but as he did not say such a thing I believe that he was in order. We cannot just go on like that. It is provided that reference shall not be made to any matter on which a judicial decision is pending in such a way as might in the President's opinion—

A Senator : Point of Order !

The President : How can a Point of Order be

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.

made by the hon. Senator M. Uba Ahmed and wish to refer to Standing Order 4 (2) which says :

On Fridays and Saturdays the Senate shall meet at 9 a.m. and if not previously adjourned shall sit until noon.

I refer again to Standing Order 4 (1) which says :

On Mondays, Tuesdays, Wednesdays, and Thursdays the Senate shall meet at 10 a.m. and, unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m. unless a substantive Motion has been moved by a member of the Council of Ministers,.....

Mr President, Sir, noon is always 12 o'clock, and I am really at a loss to understand what is going on. There are some of us here who had been privileged to watch Parliament in session. I had thought that any Senator who wishes to speak should do so when asked by the President, but what I have never experienced before is this idea of Senators raising their hands like school children (*Laughter*). I think that it would be proper for the old Parliamentarians to direct those of us who are new in this business.

The President : May I make one point. I do not intend to digress from the subject matter, and I only want very brief comments on what exactly we should do.

Senator A. A. Adesanya (Ijebu North/East) : Mr President, Sir, on this particular point, I would suggest that because of those of us who wish to go to the mosque to worship we adjourn at 12 noon today. 12 o'clock is past. We can come back at another time. Religion is a very touchy point and so, those who want to go to the mosque should be allowed to do so.

The President : Your suggestion is ambiguous. Are you suggesting that some of us could remain while the others proceed to the mosque ?

Senator Adesanya : My suggestion is that we should adjourn today so that those who want to go to the mosque to worship may go to the mosque. We should adjourn today and resume on Monday.

Senator A. D. Rufai (Bauchi Central) : Thank you, Mr President. It would appear that the majority of us are interested in our continuing with today's business. I would suggest that today be regarded as a special day, so that we dispose of this important document from the President of the Federal Republic of Nigeria. I think that we would not mind. We, however, would not like a precedent created and this situation must not be allowed to continue.

We are prepared to give in for today, but this must be the end of it. On every other Friday we must adjourn at 12 noon as I personally do not like the present situation. I am a Moslem, and I do not like it, Mr President. So as a compromise, may I suggest that—

Some Senators : No ! No !

If a Senator goes to deal with a matter like that, he will be ruled out of order.

Standing Order 26 (5) also says :

It shall be out of order to use offensive and insulting language about members of the Senate.

Standing Order 26 (6) has this to say :

No Senator shall impute improper motives to any other Senators.

The President : Senator Wachuku, you started very well but I am inclined to think that you are quoting out of context.

Senator Wachuku : Mr. President, Sir, I am trying to correct the hon. Senator who tried to prevent Senator Ayantuga from expressing his opinion because Senator Ayantuga was only trying to present his own case on the subject matter. The Order which the protesting Senator referred to is, in fact, not the Order which should stop Senator Ayantuga from making his speech, which correlates the question of the appointment of Ministers.

With the greatest respect, Mr President, I submit that what Senator Ayantuga was saying is not irrelevant.

The President : Senator Ayantuga, you may sit down. I thought that I should remind hon. Senators that today, the Senate would adjourn at one o'clock. It is, therefore, essential that hon. Senators should have this time factor at the back of their minds when they are contributing to the debate regarding.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, today is Friday and adjournment time is 12 noon.

The President : Are you speaking on a point of information ?

Senator Ahmed : Yes, Sir. According to the time-table of our proceedings, we should assemble at 10 a.m. and adjourn at 12 noon. The most important thing I want to remind the President about is that on Fridays, the adjournment hour is 12 o'clock. I say this because if we adjourn at one o'clock, some of us would miss the Friday Prayer and this is very important to us.

Thank you, Sir.

The President : May I invite hon. Senators' views on this. What exactly do you want to do as regard today's adjournment ?

Senator J. O. Umolu (Bendel North) : I suggest that we carry on with today's business and adjourn at 12.30 p.m.

Senator Rufai : Of course, yes. Why not? May I suggest that we adjourn at 12.30 p.m., in order to dispose of this subject?

The President . I think I have heard your suggestion. May I now give the opportunity to somebody else.

Yes, Senator Mohammed you may speak on the subject.

Senator G. A. Mohammed (Kwara North) : I am really interested in this subject, and I am supporting it whole heartedly. I want the Senate to stay late so that we can finish this topic. I am also suggesting that it would really be uncalled for, for the Senate to delay this message since it may not be the last message about Advisers from the President.

Senator D. D. Etiebet (Ikot Ekpene) : Mr President, Sir, in view of the fact that this Senate started sitting late and not at 9 a.m. as previously scheduled, I will suggest that we spend some more time to consider this matter. Moreover, Mr President, this matter is a carry-over Order No. 18 (1) says—

An Order of the day is a Bill or other matter which the Senate has ordered to be taken into consideration on a particular day. An earlier day cannot be substituted for the day so appointed.

As it was decided yesterday that it would be taken today unfaillingly, today is the day. Any other day cannot be substituted for *today*. An arrangement must be made to dispose of this matter today, and, therefore, Mr President, I will say that what had been on the Order Paper should be disposed of today, otherwise we would be violating Order No. 18 (1).

Senator S. A. Shitta-Bey (Lagos) : Mr President, I think we do not need to waste time on this matter at all. This is a matter that touches on particular appointments which are intended to be made by the President of this country. Today it may be one President, tomorrow it may be another President. So the issue is that of principle. If the motion has been moved and the mover has withdrawn the question of how much they would be paid and the question of fringe benefits, I think there should be no problem in fixing the number (*Applause*). What the Constitution says is that we should fix the number by an Act of the National Assembly.

A Senator : Point of Order.

The President : What is the Order Number?

The Senator : It is on the matter.

The President : Please Senator Shitta-Bey go on with your speech.

Senator Mahmud Waziri (Adamawa) : Point of Order.

The President : What is the Order Number?

Senator Waziri : It is No. 4. Mr President, it is the Order which has been quoted so loud and clear by so many people. With your permission I will read that Order—

Mr President, we are talking about adjournment but it appears to me that the last speaker (*Senator Shitta-Bey*) was taking us back to the President's message. The question is on adjournment, so we should abide by the Standing Order of the Senate. Apart from that, Mr President, this is a question of religion which is very serious.

The President : Order! Order! Order! The hon. Senator may sit down. May I remind the hon. Senator that I have not received a formal Motion on adjournment yet, so you may discuss that when the Motion on adjournment comes up.

Senator Shitta-Bey : Section 139 (2) of the Constitution says—

Senator A. A. Adesanya (Ijebu North/East) : But we are talking about adjournment, Mr President?

The President : I raised the question. Nobody has moved the Motion yet. That is the position. Senator Shitta-Bey you may continue.

Senator Shitta-Bey : Section 139 (2) of the Constitution says—the number of such Advisers and their remuneration and allowances shall be as prescribed by law or by Resolution of the National Assembly. Now we have not prescribed any law and there is no previous Resolution of the National Assembly, but what is important is fixing the number. Senators as matured men can fix the number today. The question is, have we agreed to fix that? (*Interruptions*)

The President : Order! Order! Order!

Senator Shitta-Bey : I know that Senator Odebiyi may speak on this matter. I think what is important is this; when a man is speaking we should be patient. Mr President, what I am suggesting is that we should try to fix the number today, and I think Senator Odebiyi is here to say something.

The President : Senator Odebiyi, are you inclined to suggest something?

Senator Jalo Waziri (Bauchi East) : Mr President, I beg to move that the question be now put.

A Senator : I beg to second. (*Interruptions*)

The President : Will Senators be seated please. I am inclined to think that we will not go away from here today unless we fix the number of Advisers.

Several Senators : Yes! Yes!

A Senator : What is the number, Mr President?

The President : I may remind the Senators that the Proposer of this Motion has told us that he would suggest to the Senate that a Committee be set up to examine the remuneration of the Advisers. I would also remind the Senate that Section 139 (2) of the Constitution gives the President the power to appoint Advisers. That Section has not called for

Senators, and that is that they want to know if this is all the number that would come, or some more would be coming. I think we should not be worried about what happens tomorrow.

If, in your mind, you decide to pick the number of Advisers to be ten and you have given him ten today, you know he is not getting any more tomorrow. It is so simple. I do not think that this Senate will pick the number of Advisers, but will consider the number of Advisers because we cannot pick for him.

Having said that, I am inclined to think that the time has come to interrupt the business of the day. Senator Odebiyi, I think you are itching to speak. You can go ahead.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I just wanted to raise a few question which I want the Senator for Ilorin/Asa (*Senator Saraki*) to answer. I notice that in paragraph two items 6, 7, 8 and 9, what we more or less have here is a transposition of what we had yesterday. One can see through the lines, anyway. The proposal yesterday was to have provided the Vice-President with three Advisers, and by some political and mathematical jugglery that has been changed to mean Special Adviser (Economic Affairs) ₦15,000, Special Adviser (Economic Affairs) ₦14,000.

I think, to me, to make it tidy, what we should do here would be to say Special Adviser (Economic Affairs) ; although now you have already cancelled the question of what salary should be paid, the other one that you want there might be Deputy so as to show exactly that it is meant for another thing. As it is at the moment, there is nothing controversial about this, and I think the sooner we settle this matter the better for us all.

to ask for job description, it is necessary to know exactly what the duties of these Special Advisers are going to be, at least for our own education. Occasionally we might ask them to come here to come and defend what they are doing, because we cannot give money without people really giving service for money given. Therefore, it is very necessary for our own education that we should know exactly what their responsibilities will be.

I think with those remarks, Sir, we ought to proceed and put the Question.

The President : The question is that with the Amendments made to the proposal by NPN Leader, this Senate do approve ten Special Advisers to the President.

Question put and agreed to.

ADJOURNMENT

The President : Order! Order! Order! Will Senators be seated. It is time to interrupt the business of the Senate. Senator Saraki, you may now speak.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, I beg to move that the Senate do now adjourn till Monday at 10 o'clock in the morning.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, I beg to second the Motion for adjournment.

Question put and agreed to.

Resolved : That the Senate do now adjourn.

The Senate adjourned accordingly at 12.30 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Monday, 15th October, 1979

The Senate met at 10.35 a.m.

PRAYERS

(The President in the Chair)

ANNOUNCEMENT

Press Reporting

The President : Honourable Senators, we are starting our work this morning, half an hour late due to the discussions that we had to hold with the various Party Leaders. I am sure that as soon as we settle down, the idea of starting late will be completely eradicated.

Before we take a look at the Order of the Day, I am compelled to make the following observations regarding Press reporting from this Senate. I would like to make an appeal to members of the mass media that they should be more careful in reporting what goes on in this Senate. I am making this appeal, I repeat, that they should exercise a lot of care and caution to report only that which is exact or that which has been decided in this Senate.

ORDERS OF THE DAY

Message from the President

The President : Having said that, we now move straight to the Order of the Day, Message from His Excellency the President. We have deliberated on this message partly on Friday and I may now call on Senator Saraki, the NPN Leader, to conclude what was left over.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, Senators, last Friday we approved ten special advisers for the President. We deferred the salaries and allowances for them because we found that the figure was so low that we felt that nobody that is worth his salt will accept to be a Presidential Adviser on such a salary and work very, very honestly without doing any private practice. I think this Senate would not like to hold the hands of the President by delaying the mechanism for arriving at the figure of the salaries for his advisers. Therefore, I would like to move that a Committee be set up to look into this so that a figure is arrived at.

Last Friday when we discussed the issue here, I did say that the figure for the Ministers was also very low, so was that for the President. I did mention also that it was recommended by the last Military Regime that the salary of the President of the Federal Republic of Nigeria be ₦30,000.00 per annum, his Deputy ₦25,000.00 per annum, and Senators ₦15,000.00 per annum, and you are to be on full time assignment here. I said to you here that I

Mr President, Sir, in order not to waste your time and the time of Senators, I would like to suggest that a Committee be set up to look into this.

But what worries me most this morning, Mr President, Sir, is that I wonder whether it is possible to do this in isolation. I was also wondering whether it was possible for us in this Senate to start fixing salaries for the Ministers, the Deputy Ministers and the President when these have not been brought before this honourable Senate. Therefore, maybe, with your permission and your indulgence, I would like to hear the views of Senators on what we shall do in the circumstance.

The President : I would like to hear the views of Senators. I am very sure that you are very keen in participating in this debate. Senator Anah, you seem to be all charged.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I beg to support this Motion. It is really unfair for us—

Senator S. M. Ojukwu (Umuahia) : On a point of Order, Sir, there is no Motion before this Senate.

The President : What Order?

Senator Ojukwu : The Motion has to be seconded, Mr President. Nobody has seconded it.

The President : I thought he was seconding the Motion.

Senator Anah : I beg to second the Motion.

The President : He has seconded the Motion.

Senator Ojukwu : He cannot second, with respect, because there is no Motion before us.

The President : Now, there is an argument on whether it is a Motion or not. I would have thought that it is a continuation of an existing Motion.

Senator Saraki : Mr President, Sir, I would like to make myself very clear. I said towards the end that before I could continue to move a Motion on this issue I would like to hear the views of my colleagues. I would like to take them into confidence although my honourable colleagues said that they would have no confidence in me if I do not take them into confidence. But I would want to hear their views before I move a Motion on this issue and I would also like to do this at your pleasure, Mr President.

The President : Waziri you may speak.

Senator Mahmud Waziri (Adamawa) : Thank

you Senator Waziri. It seems to me that there is something we have to clear before we speak on the subject. Last week the Senate approved the appointment of ten Special Advisers for the President but deferred the question of remunerations and other allowances. This morning the topic has been tabled before this august Senate. I would like us to direct our minds to the topic, and I would like us to recognise that we are now dealing with this special topic. Before I allow a debate on it I would consider it as a Motion proposed by the NPN Leader and that this Motion should be seconded.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, may I make a suggestion.

The President : I want to have an answer on that before I would proceed further. Senator Jaja Wachuku, are you seconding the Motion ?

Senator Jaja Wachuku (Aba) : Mr President Sir, I rise to second the Motion.

The President : Thank you very much.

Senator Wachuku : Mr President, Sir, consequent upon the resolution of this Senate, I read : *Resolved—That the Senate approves the number of Special Advisers as recommended by his Excellency, the President in his letter No. 59495/S1/4 of 11th October, 1979 and directs that the remuneration and allowances of the Special Advisers be referred to a Special Committee.* Consequent upon Senate Resolution 4 of 1979 which is on page 15 of the Votes and Proceedings of 12th October, what we are required to do now is to set up a Committee because it says there : *directs that the remuneration and allowances of the Special Advisers be referred to a Special Committee.* So it is that Special Committee that should be set up now.

In the course of that, Senators may be in a position to suggest number and then the terms of reference of the Committee. Having regard to the composition of the Senate, I would suggest, Mr President, with the greatest respect, that a Committee of about 15 Senators may be adequate to consider this, but my suggestion is open to amendment. If you agree on the number, then we shall agree on the terms of reference of the Committee that would take into consideration what Senator Saraki has said. The related aspects of the whole problem will come within the terms of reference.

I beg to second.

The President : Yes, Senator Waziri, you may now speak.

Senator Mahmud Waziri (Adamawa) : Mr President, you promised you would call me again, thank you very much. The Senator from Imo, Jaja Wachuku, has done my job already. What I wanted to point out is that we already have a Motion that was carried and supported on Friday, so to raise another Motion again would be a duplication.

morning is to select the names as suggested by Senator Jaja Wachuku. In that case, I would like to say this : it is indeed very important to have outside references, that is, this committee will need to invite experts from outside—experts in salary gradings, *et cetera* to come in and assist the Committee.

Secondly, Sir, Senator Saraki has started already to say that the salaries are too small. ₦15,000 cannot be small in this country. It would be very interesting to see what the average salary of all the Senators of this Senate is. I am sure that if we can use that as a yardstick, it would assist the Committee to speed up its work. Thank you.

The President : Honourable Senators, it appears that we have lost sight of the introduction made by the NPN Leader when he was referring to the formation of a Special Committee arising from last Friday's resolution. I think, in effect, he was asking this Senate to defer the Special Committee for the time being, because there are various chains of reactions that would follow, since the general revision of salaries would also have to be tied up with the estimates and the availability of funds. I think Senators should direct their minds towards these suggestions and they should not be overlooked.

Finally, I may advise the Senate that we should be a little bit careful about this. There is no reason to be in such a hurry. We do not want to give the impression that the first thing we did when we started the Senate was to revise salaries ; we are being watched.

Senator Jalo Waziri can now speak.

Senator Jalo Waziri (Bauchi East) : Thank you, Mr President. In my opinion, there are three ways by which we can go about deliberating on this issue. First we might do it at the Committee of the whole House, that is we resolve ourselves now into a Committee and discuss the matter in detail. Since we have not much business to do today I think this will give us enough to do.

Secondly, we can appoint a special committee to deal with it and report later to the House.

Thirdly, we might even leave it until we have disposed of item No. 2—Report of Committee of Selection—in which one of the Committees deals with finance. This Committee can be given this assignment to do and report to the House.

Mr President, Sir, I would support resolving the Senate into a Committee of the whole House for discussion, at least for the purpose of the message from the President.

The President : Senator Ayo Fasanmi can now speak.

Senator Ayo Fasanmi (Ondo North) : Mr President, Sir, I think you have given a word of caution that the whole world at large should not have the misgiving that the first thing we did on coming to the

[SENATOR FASANMI]

Senate was to fix our salaries, particularly at a time when some of us are saying that the minimum salary to be earned in this country should be ₦200 per month and some people are saying it is not possible. I would want us to be extremely cautious and my suggestion would be that if we are going to consider any salaries for Senators, it must be taken in conjunction with the totality of the salaries of the working class. Otherwise we might be accused of fending for ourselves and therefore, Sir, I would like to suggest that we defer this matter to a later date.

The President : Senator Adesina may now speak.

Senator Olalere Adesina (Ibadan/Ibarapa) : Mr President, Sir, the question of remuneration is a job for experts. There are two ways of looking at this. It is either you fix a job into a salary structure, or you fix a salary structure into a job. What we have so far is a list of Advisers. The job contents of these Advisers are not given to us. I am very sceptical as far as I am concerned about Advisers. If somebody is called an Adviser and you want to fix his salary, until you have the job content of this Adviser and then relate and rank it with the jobs of others who are going to be discussed here, I think you cannot fix his salary in isolation. I think I agree that we cannot in isolation discuss the salaries of these Advisers. I agree with those who have spoken that a committee selected from this Senate be formed to look into this with power to ask experts to come and advise.

Thank you, Mr President.

The President : Senator Uba Ahmed can now speak.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, distinguished Senators, the question before this Senate as we had resolved over the weekend, is that this Senate, should appoint a special Committee to look into the remunerations of not only the special Advisers to the President of this great nation, but also the whole salary structure of the Legislators and other functionaries of the Government of this country. It appears to me that this morning a few of us want to steal the show and play to the gallery. I do not think there is any need for it.

The most important thing, as I said earlier, is for us to now decide. If we are going to have the Committee of the whole Senate let us agree to have the Committee of the whole Senate. If we are going to have a few people to sit and discuss, let us please agree to that. But when we begin to discuss and begin to prejudice the minds of those who will be on that Committee, then we are being unfair both to those who will serve on that Committee as well as to the entirety of those whose matters are going to be looked into.

Therefore, Mr President, I would like us to direct our minds to (a) deciding the terms of reference that we want to give to this Committee, or (b) alternatively, we decide the size of the Committee

million naira a month, that is another matter altogether. It is not something for the Floor of this Senate. The matter before this Senate is that (a) we decide the size of the Committee and (b) the terms of reference of that Committee. I will appeal to my good friends of this Senate to restrict themselves to these two specific terms so that we can dispose of this matter and make progress.

Thank you very much.

The President : Senator David Oke may now speak.

Senator David Oke (Ondo West) : Mr President, Sir, I think I agree it is not necessary to play to the gallery over this issue, but I think also that we need to see the question of the salary for special Advisers in the same context that we see the salaries of at least the Members of the President's Cabinet, of the President himself and of the Legislators.

Somebody did mention the question of job description. We do not know exactly what the special Advisers are going to do. Maybe they will be doing more than the Ministers, and possibly even more than the President himself ; but may be they will be doing much less. Now if we were to proceed out of context just to fix a salary for them—

The President : Order ! Order ! May I ask Senator Oke to make a correction that no special Adviser does more than the President of Nigeria.

Senator Oke : I make that correction accordingly. Now, the real point, Mr President, is that we need to see the salaries of the special Advisers relative to the salaries of all the others, and relative to the work they themselves are going to do ; in which case we will be comparing their work with the work of all the other people.

It is also possible that some problem is being encountered in recruiting people, I do not know. The NPN Leader did not point out what the special problem is, that has brought about this urgency. But it is possible that people do not want to go into something, the remuneration for which they do not know. If this is the case, I think a very simple way out is to do just what we as Members of the National Assembly are doing. We do not know our salaries but we are prepared to do the work. You can pay them whatever you deem fit for the time being, and if it is found improper to fix salaries right at the beginning of our life as a legislature, let us wait for some time before we fix the salaries, and at that time we will regularise matters. If somebody has been earning more than he should properly be earning, the Accountants know how to do their work. If however he has been paid less, they also know how to do their work.

So, Mr President, I would suggest that for the time being, let us set up the special Committee

Jaja Wachuku that it should be composed of a given number, a number specified by this Senate. I would not agree to 15 because we already have a working arrangement whereby the President of the Senate and his Deputy—

Senator Idrisa Kadi (Borno North-Central) :
Point of Order.

The President : What is the Order number?

Senator Idrisa Kadi : It is Order number 6. There should be pay to holders of offices mentioned in the section.

The President : You are quoting the Constitution.

Senator Idrisa Kadi : Yes, that is what I said. If we leave these people in the darkness they would not do it.

The President : Your Order is not sustained, Senator Idrisa.

Senator Idrisa Kadi : As you like it.

Senator Oke : I would have in fact finished by now. What I was saying is that instead of the number 15 that will go on to our working arrangements, whereby the President of the Senate and his Deputy are members of this kind of committee and all the other Members be selected by the component parties in the formula that we agree to, I think, it is 4:3:2:1:1—

The President : Are you suggesting that the President of the Senate should be a member of the Committee?

Senator Oke : I am suggesting that we should have a Special Committee of thirteen composed of the President of Senate and his Deputy and representatives of parties on the basis of 4:3:2:1:1 as we had last week for some other businesses.

Senator A. A. Ali (Benue West) : I think we seem to waste so much time on very simple and straightforward matters in this Senate. Matters should be treated with precision. The Senate's Resolution Number 4 of 1979 made reference to a Special Committee. Senator Jalo Waziri has given us three alternatives. The whole Senate could be constituted into a Special Committee or we have a committee of a number of Senators. I thought this should have been the issue that we should discuss now. Are we going to constitute ourselves into a Committee of the whole Senate, clear the gallery and sit down and discuss as a Committee ; or are we going to pick a Senator according to a formula pre-arranged or a different formula and deal with this matter instead of people talking about ₦200 per month and all those things which are not relevant. Let us agree whether it is a special Committee of the whole Senate or a Committee by a number of Senators.

Thank you very much, Mr President.

Question put and negatived.

Order :

The President : Your Order is not sustained.

Main Question put and agreed to.

Resolved : That this House do appoint a Special Committee to deal with the conclusion left over from Friday.

The President : We may now proceed to discuss the composition of the Committee and then the terms of reference.

Senator J. S. Tarka (Benue East-Central) : I listened attentively to some of the suggestions made on this issue before the closure of debate on the matter. May I suggest, Sir, with seriousness that we should not and would not drag the President of the Senate, his Deputy and the attendant senior Members of the Senate namely, the Party Leaders within the Senate into this controversy debated within the Committee, and, of course, by this may I also suggest that it is improper in the Senate that Senators are labelled like dogs. Members should have no Party tags attached to their benches. We are Nigerian Senators, *Simpliciter*, to represent Nigerians. I would therefore propose to you, Sir—

The President : I am inclined to agree with Senator Tarka. Would you also mix up sitting arrangements ?

You may continue.

Senator Tarka : I would therefore suggest that while this thorny issue is being discussed, we should endeavour to make the Senate a more united and more harmonious place than the mud-slinging up there. Therefore, Sir, Senator Odebiyi, Senator Sola Saraki, Senator Alhaji Barau, Senator Jaja Wachuku and Senator Idrisa Kadi be left out of the Committee, which has been agreed upon. The reason is simply that the presence of your good self, Mr President, the Deputy President and all the attendant prominent Senate Leaders in this Senate, for the Committee of that nature will overawe Senator into submission.

It is an observation. I have a right to make an observation, Mr President. We should therefore give the other Senators, distinguished Senators, the right to say so that when they require guidance we will be able to give them some tacit advice on how we feel about it.

It is not true, Sir, that we shall be accused by the media, and who fears the media ? I understand that there are God-fearing people in this Senate. The man who fears his father has something to hide. I am God-worshipping ; I am not God-fearing. I am God respecting. We will not fear our own Leaders in this Senate, nor those of them that are outside. I think, therefore, Sir, that we should choose from the generality of the Senators those who would serve, not on the question of 13 Senators, because we are in a position now to know how many Senators come from every block, not every party ; every block in the Senate minus the President and his Deputy.

SENATOR TARKA

May I go further to suggest, Sir, that the question of pay, the question of remunerations for the Advisers, is not a question that we should use as a political gimmick, giving lead to what we said to the masses outside during our electioneering campaign. It is true that we would like to see as Senators in this great Senate, the comfort and well-being of all the working class of this country, and this is why all of us from all Sides of the Senate have preached the question of food and shelter.

I would like us to deal with the matters item by item, and the question which is relevant to us today is the question of remuneration of the Advisers—the remuneration of the operatives in the Government including the Legislators. We shall, in due course, when properly settled and when properly settled has a lot of meaning, particularly as hon. Senators have been talking about housing. (*Interruptions*)^t I have not talked about housing because I am comfortably housed as a tenant.

A Senator : In your own house.

Senator Tarka : I have not got a house in Lagos ; you can go and check your books.

The President : Wind up, please.

Senator Tarka : Mr President, you must endeavour to protect me from my friends. Please save me from my friends and I will take care of my enemies !

I wish to conclude by saying that when we set up this Committee, the Committee should not feel shy of its responsibility, because I am sure that all of us are anxious that the Advisers should commence their work immediately. The President may be very wise, which I believe he is, as a teacher and a professional colleague, yet the wisest of men still seeks advice even from his wife or his child as the child may even be a better adviser. So, I would like us to seriously take into consideration the urgency involved in this matter and the other items dealing with remuneration of other public officers.

Senator E. P. Echeruo (Okigwe) : In contributing to this debate, may I say that I agree with the suggestion made by the hon. Senator from Benue East-Central (*Senator J. S. Tarka*) and in that context, I would want to draw the attention of this Senate to Section 139 (2) of the Constitution which states that the National Assembly would determine the remunerations and allowances, while it is the Senate that would approve the number.

I think it might be worthwhile in considering the size of the Committee if we also think it necessary to have a joint Committee because if we do not do that now, it would mean passing it to the House of Representatives and if that House passed a different thing, we would then have to set up another committee, that is, a conference to resolve the difference.

We should then think of the number of the nominees of the two Houses that would make up this Committee. So that a joint-committee could be set up.

The President : Before I allow further debate, I believe the Senator for Okigwe (*Senator Echeruo*) has made a very fundamental point. The point stands that the Committee that would be set up in this House is only part of the whole Committee on the question. The Committee would, therefore, meet with the Committee from the House of Representatives to constitute a Committee of the National Assembly.

Senator Umaru Lawani Bama (Borno East) : Mr President, there is no special Committee. We normally call it a general-purpose committee even if it means that the President of the Senate will be the Chairman. Since we have several committees already, the Housing Committee, Finance Committee, and we have to come down here to salaries which is a very important issue, the salaries of the President and the other members of the National Assembly, I suggest that the President of the Senate should be the Chairman of the Committee.

The President : I must direct the attention of the Senate to what we are now discussing. What I welcome contributions from the Senators on is the composition of the special Committee which you resolve this morning. I may also announce that the President of the Senate and the Deputy President of the Senate need not be members of this Committee.

Senator Idrisa Kadi : Mr President, Sir, in the light of the contribution made by the Senator from Okigwe (*Senator Echeruo*) on the matter that it is a very important issue, I may suggest that the composition of the membership should be ten from the Senate and ten from the House of Representatives.

The President : You cannot speak for the House of Representatives.

Senator Idrisa Kadi : I am suggesting that ten members should be appointed from the Senate because they are going to form part of the Committee.

Senator Adeleke Ayoola (Oshun II) : I will support the setting up of a special committee—

The President : We have already resolved that.

Senator Adeleke Ayoola : I will not agree that the Leaders of each party or block in the Senate should be represented in the committee, because each Party Leader in the Senate takes full responsibility for the actions of the members of that Party. So, the membership of the Parties must reflect the strength of the Parties in the Senate and if the Committee should comprise the Leaders of the Parties, I do not agree with an earlier suggestion that the membership should be drawn from the generality of the members excluding the Leaders of each Party.

I agree that the President of the Senate and his

forming this Committee, and further to support the last speaker, apart from the President and Deputy President of the Senate, it would be better for us to look at the cross section of the members of the Senate, because this is not a matter that would come up again. We are thinking of four years tenure, all being well.

I support the suggestion that one hon. Senator has made that we should look at getting the services of experts outside the Legislature, to look into the matter so that we would be able to get at least average recommendations. This is necessary because we should have recommendations such that two-thirds of workers whether Ministries, Special Advisers or Members of the Legislature may work comfortably. I think we should have a cross section of experiences and stations in life economically. We should not exclude the Leaders. So I am supporting the last speaker.

Senator A. A. Adesanya (Ijebu North-East) : Mr President, Sir, I think we need not drag this for too long and in that case, Sir, I would be suggesting that we appoint a Committee of eleven—NPN four members, UPN three members, NPP two, GNPP one and PRP one.

A Senator : I beg to second.

Question put and agreed to.

Resolved : That this Senate resolves to appoint a Committee of Eleven comprising NPN 4, UPN 3, NPP 2, GNPP 1 and PRP 1.

The President : I would now leave the nomination of this Committee to be submitted by the Party Leaders to the Clerk of the Senate very soon.

An hon. Senator : May I ask a question Sir ? Why do you not name the Chairman of the Committee ?

The President : The Committee shall appoint its Chairman, who shall be named by the President.

Senator A. Adegoke (Oyo) : I thought that before we took to this Executive Presidential system, there were some Committees appointed to look into the whole structure of the Presidential System of Government and I thought that some people—

The President : We do not appoint a Committee to look at the structure of Presidential Government.

Senator Adegoke : I thought that some people might have been to America because it is the American system that we are now operating, a system different from the one that we had in the First Republic. I thought that those people would not be so ignorant that they would not have got some guidelines on the American process and salary structures. So, if we are going to appoint a Committee we should be careful and, at the same time, we should have those experts co-opted into that Committee. That is what I am trying to say. I hope the President will take care of that, because we are not here just to clamour for salaries or for our own benefits.

have their remuneration, though they are developed countries, they are still paid for work done. The same thing applies to us here, but we should be guided by the salary structure obtainable in the United States. When we are building our own salary structure here, we should at least take theirs into consideration though we are just a developing country. We could slash down their rates in order to see that we are remunerated according to our means and that those who get employed into the service are well remunerated in that category.

The President : Hon. Senator Adegoke, I may suggest that you submit your recommendations to the Committee.

Order ! Order ! The attention of the Senate must now be directed to the terms of reference of the Committee.

Senator Victor Akan (Eket) : Mr President, Sir, I want to support the earlier suggestion made by—

Senator Jaja Wachuku (Aba) : There is a stranger here.

The President : There is a stranger ?

Hon. Senator Adesanya, you may see me in the Chambers. Will the lady leave the Floor of the Senate ?

Senator Adesanya : The lady is not my employee. She is an employee of the National Assembly, and something was sent to me from the Desk Reporter. She is not my typist, she is not my secretary, she is not in any way related to me in any business whatsoever. She is an official of the Senate.

The President : I see, but you may go to a corner to do your business. (*Laughter*)

Senator Adesanya : Mr President, Sir—

The President : I have no intention of infringing on the rights of hon. Senators but I think it should be noted that when our actions tend to disrupt the business of this Senate, I have a duty to call Senators to order.

Senator Adesanya : It is a pity, Sir, that the hon. Senator from Aba (*Senator Jaja Wachuku*) quickly spied a stranger, specially when that stranger was a fair lady !

The President : Are you saying he was crying wolf when there was no wolf in sight ?

Senator Adesanya : Certainly.

Senator Victor Akan : Thank you Mr President, I want to say that when we consider the question of terms of reference for this Committee, I think we should bear in mind that the job content of say a Minister, under the present administration, will not be very different from that of a Federal Commissioner in the last regime. What I am trying to say, Sir, is that we must take into account the existing salary structure in the entire country. The danger does exist, Mr President, that if you consider just Members of the National Assembly, one could attract—

The President : I am not too sure we are talking of the National Assembly yet. I am inclined to think that the Committee's first task is to discuss the Advisers.

THE PRESIDENT

Are you saying in effect that you want the whole structure to be reviewed?

Several Senators : Yes !

The President : How can you review the whole structure if it is not placed before you ?

Senator Victor Akan : When you say we should now go and consider the terms of reference of the Committee of eleven members, I thought you mean that this Senate should define terms of reference for the people we have discussed all along.

The NPN Leader (*Senator Saraki*) mentioned in his speech that the salaries of the President, the Vice-President, the Members of the Senate, Members of the House of Representatives and Ministers, looked rather low.

One may have one's opinion on the matter but, Sir, I want to support what Senator Jaja Wachuku said, that we must take a lot of other things into consideration.

I want to suggest that we should consider the salaries of the President, the Vice-President and other government functionaries, but we must also. Mr President, Sir, relate these to the existing salaries in the entire country. One thing we must agree upon is whether the Senate—(*Interruptions*)

Mr President, Sir, you said we should go on and consider the terms of reference for this Committee. This is what I am trying to get us to define, and my advice is that we should define these to reflect the entire Legislature, and also we should not lose sight of the fact that there are salary earners in other sectors of the economy of this country. So I think our terms of reference must be worded so that it does not appear that we are catering for ourselves and ourselves only.

The President : Why not make a suggestion ? You have not come up with one.

Senator Victor Akan : Mr President, Sir, my suggestion is that we should consider these government functionaries and we should also take into account the existing salaries in other spheres. One is not forgetting the fact that some people are saying that in about four or five States we are soon to witness people earning two hundred naira per month minimum. Some people are saying that some States will soon come up with that. Mr President, my suggestion is that we should take all these into account when we are defining our terms of reference.

The President : Order ! Order ! Will Senators be seated, please. We should not move away from an early suggestion by the NPN Leader. I have also mentioned that we should direct our minds to the fact that one action taken on one sector of the economy has a chain of reactions in other directions, and secondly that this Senate has, so far, not received any request placed before it on the whole question

I gather from this advice that we will exercise caution when we come to give terms of reference to the Committee we have just set up. I will like Senators to direct their attention here.

Senator Haruna Muza (Sokoto West) : Mr President, Sir, the Members of this honourable Senate were elected as far back as 7th July, 1979. That is approximately four months ago. We have started business after fighting a bitter election. There is no degree of urgency in deciding this matter.

On the terms of reference which you have been saying we should be careful about, shall we be so careful that we eat nothing? (*Laughter*). We cannot be so careful. We cannot be so careful when already we are taking advances even before we know what we are going to be paid. I have never seen a place where a new employee is first of all given an advance. The intention of this advance is that the man should not starve himself. You expect that man to be credit worthy and yet be indebted from the beginning. This is not good right from the beginning.

Fellow Senators, this is a very serious situation. If it is one kobo you are going to give the Senators, decide and give it to them, rather than waste a lot of time discussing the matter. Whatever amount you are going to pay them, be courageous and bold enough to tell them. This is our country. The people who elected us are our own people. We live in the same house, in the same bedroom. We are the same. We are indivisible. Whatever we have is theirs. And whatever they have is ours.

Senator D. O. Dafinone (Bendel South) : Mr President, Sir, in contributing to the discussion on the terms of reference of this Special Committee, I wish to sound one note of warning among those of us who are Colleagues, that we must not, in our deliberations, set in motion a chain of reactions which we cannot control. We have been talking here about the salaries of the President, Vice-President and other members of this Senate, and some Senators have even referred to salaries in the private sector. It is pertinent to place on record here that the issue of salaries, and those of us who have participated in previous exercises in the past know, may not be a six-month's affair. In the meantime, this government must function and if it does not function we will be derogating from our own responsibilities as Senators to this country.

The President : You have participated in similar exercises before?

Senator Dafinone : Yes, Mr President, I have participated in similar exercises before.

The President : The Senate may use the benefit of your experience then.

Senator Dafinone : If we are looking at wages

Civil Service and the private sector. How do you harmonise all these? Has this Senate got the machinery to implement what they are saying they are going to enforce this morning?

I will say, with all due respect, that in the meantime, before we discuss the terms of reference, we should approve the salaries of the Special Advisers so that the Government can function. Thank you very much.

The President : Senator Akpata, you may speak to the Senate.

Senator E. I. O. Akpata (Bendel Central) : Mr President, hon. Senators, we have got ourselves into a very difficult position indeed. One paper was sent to us, a message from His Excellency the President, and I thought we did the right thing by setting aside the question of emoluments. The people have not been appointed. Senators and Members of the House of Representatives indeed have been elected, and have had to wait for three months without work, but now we have started work yet our emoluments have not been determined. I, therefore, personally would have seen no urgency in fixing the emoluments of the Advisers.

However, having resolved that we should fix these emoluments, I would suggest that the terms of reference should be a simple one, and that we should fix such emoluments not in exact numerical terms but in relation to other posts which later may be fixed.

In other words, if we equate it with the post of a Minister or with that of a Senator, as the case may be, then we say so; and if they are going to get a token sum to start with, if they are as hungry as some of us have been in the last few days, (*Laughter*) (well I have shed some weight), (*Laughter*) then we will do that.

But what I am saying, Sir, is that we must be careful that we do not arbitrarily choose a figure which, when we have found out the number of Ministers that will come, the number of gardeners and cooks that may have to be paid for, and we look into our kitty and find that there is not too much left, we start a pruning exercise. That is all, Sir.

The President : Senator Muhammed Uba Ahmed.

Senator Muhammed Uba Ahmed (Bauchi South-East) : Mr President Sir—

Senator S. A. Akintoye (Ondo Central) : Point of Order!

The President : What is your point of Order?

Senator Akintoye : Standing Order Number 26(11) *Except when the Senate be in committee no Senator shall speak more than once on any proposition before the Senate except—*

The President : Can you read that Order again?

Senator Akintoye : I have read it, Sir. May I continue where I stopped.

The President : Read Order 26 (11).

in committee no Senator shall speak more than once on any proposition before the Senate except in explanation if the Senator addressing the Senate chooses to give way or to a point of order or, in the case of the mover of a substantive motion or of an order of the day, in reply, but any Senator may second a motion or amendment without prejudice to his right to speak at a later period of the debate if he does so formally by saying "I beg to second".

May I say, Sir, in spite of the very difficult language in that Standing Order, what it does say is that no member of the Senate shall speak twice on a proposition before the Senate unless he has an explanation to make on something that he has said before. That is all.

The President : I quite sympathise with you. I thought I studied that Order very well and that is why I asked you to read it. I am inclined to think that we are now dealing with a different aspect of that Motion which now calls for suggestions on the terms of reference, and the Senator who was speaking, has been itching for long to speak, but I did not give him a chance; as well as other Senators from this side, whom I will also call upon shortly to speak. So bear with the Senate. Senator Ahmed may continue. But please be brief.

Senator Ahmed : Thank you very much, Mr President. My main purpose of standing is not to make a speech but to give an advice as to one of the terms of reference in order to save us—

The President : Suggest terms of reference.

Senator Ahmed : I suggest, Sir, but can I read with your kind permission *"That the Committee should examine the work, structure and contents of the relevant offices under consideration as relates to the existing salary structure in the country and make necessary recommendation to this Senate for its consideration as term Number One.*

Senator Tunji Adebayo (Kwara Central) : I was going to contribute—

The President : I am sorry to interrupt you. That should be taken as number one suggestion. Can we have additional suggestions?

Senator Adebayo : My suggestion is a take off from your very cautious advice to this Senate following on the original submission of the Leader of the NPN when he requested that he be advised by his colleagues in the Senate over a reconsideration of an earlier decision which this Senate made last week with regard to the fixing of salary.

Your word of caution, Mr President, was to the effect that what was not before us might not be wisely considered. Therefore, I am inclined to support an earlier suggestion that the only thing before us now is the fixing of salaries for Advisers, and that we should restrict ourselves purely to that.

Furthermore, Sir, if we want to consider anything else we may give the Leader of the NPN a chance to bring something more comprehensive or maybe

[SENATOR ADEBAYO]

your good self, in consultation with the President ; so that we can deal with other issues that are related, pending solution. I beg to submit, Sir.

Senator C. L. Adeoye (Oshun I) : Thank you, Mr President. I want to support what the last speaker has said. I think, if we go by what the President said, the job is very easy here. I agree that we should bear in mind the salaries of other ministries and appointments. But if you are fixing the salary of any expert adviser, it is a very simple job to do. I do not think it has anything to do with the salary of a Minister or the Head of State for that matter, because you are buying his expertise. It is his knowledge that you are buying. Once they know the quality of the person to be appointed, you just have to pay for it.

When the Railway was not doing well in England, Dr Beeching had to be employed. He dictated the terms to them and he was earning at that time even more than the Prime Minister—£25,000. He said : *Look, if you want to use my knowledge, you either pay £25,000 cash without allowance or I stay with the Imperial Chemical Industries (ICI).* These people are expert advisers. I do not think we have any problem as far as the salaries of Senators or Ministers or even our respected Head of State is concerned. It has nothing to do with it. If we want to buy their expertise, if we want to buy the knowledge, we should be ready to pay for it. This is why I said I agree with the President of the Senate that we should confine ourselves to this job and pay for what we want.

Senator Ameh Ebute (Benue South-Central) : Point of Order.

The President : What is the number of your Order ?

Senator Ebute : Order No. 35 says :

The President in the Senate and the Chairman in any committee shall be responsible for the observance of the rules of order in the Senate and committee respectively, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion made after notice.

It is my humble submission, Mr President, Sir, that the Senate has taken a decision on the matter which these Senators are now opening. The Senate has taken a decision by appointing an eleven-man Committee to look into the salary structure of the ten Special Advisers, the President, the Vice-President and the Legislators of the two Houses. So we cannot, under this Order, re-open that matter. The only thing that we are discussing now is the terms of reference of the Committee.

In my view, I think it would be taking us backward to open the matter as to whether the Senators or the

The President : I am inclined to sympathise with you by sustaining your Order, but I fail to understand that the two last speakers were not in fact contributing to the terms of reference. I am more inclined to think that they were making their suggestions as to the terms of reference.

Senator A. Abogede (Benue North-Central) : Point of Order, Mr President.

The President : Order number what ?

Senator Abogede : Order No. 26 (9) says : *A Senator desiring to speak shall rise in his place and, if called upon, shall address his observations to the President or the Chairman.*

The President : Your Order is sustained.

Senator Abogede : What I am trying to say, Mr President, is that you are encouraging people intending to speak to just put up their hands and then some of us do not know that they intend to speak. If we are to abide by this Order—

The President : I do not think you should drive your point any further. The Order is sustained. Members of the Senate be advised that Order No. 26 (9) shall be very strictly enforced henceforth.

Senator D. A. Ladega (Ijebu-Ode/Ijebu Remo) : Mr President, Sir, I beg leave to suggest the following terms of reference, and may I have your permission just to read the rough note I have here.

The President : Please do so.

Senator Ladega : The Committee we have appointed is to review the job contents, to determine and to recommend to this Senate the salary structure and allowances of the following government functionaries: The President and his Advisers, the Vice-President, the Ministers and the Members of the National Assembly. The Committee shall have power to enlist the services of experts in assisting them to come to the right conclusions.

An hon. Senator : What of Governors ?

Senator Ladega : The Governors have their own Legislatures.

The President : Did I understand you saying that any Governor in this Federation lives in his own different world ?

Senator Ladega : We might say this, Sir, that under the Constitution, we cannot—

The President : The Constitution of the Federal Republic of Nigeria of which this Senate is the custodian ?

Senator Ladega : Like other Houses. I think the States have their own powers to determine their own salaries.

The President : I hope the hon. Senator will assist the Senate by not making the matter complicated.

Senator Ladega : No, I am not complicating the matter. That is why I have suggested...

of the members of the public. I want to allay their fears that it is the government, that is the President and his Cabinet, that have the power to set up machinery for reviewing the salaries of the civil servants, so we need not be bothered about that. Once we fix our own salary structure, and we have the power to do so under the Constitution, then Government will take care of the salary structure of the civil servants.

I may add that in doing this we are not oblivious of the fate of the civil servants, so that they may not think that we are selfish here. That is all I have to say, Sir.

The President : Order ! Order ! Order ! This Senate may now make progress on this issue. The issue before the Senate is that, arising from the President's message to this august Senate requesting for the appointment of ten Advisers, and following the subsequent approval, a special Committee has been set up by this Senate to examine the salaries and remunerations of these Advisers in compliance with Section 139 (2) of the Constitution.

These are the terms of reference of the Committee. Any suggested amendments ?

Senator C. O. Ilori (Ife/Ilesha) : Mr President, Sir, I just want to draw our attention to an earlier Motion that the Committee be a Joint-Committee. I hope that we have not lost sight of this fact.

The President : The Senator should speak relevantly because we have taken a decision on this matter. Let us make progress please. We have agreed that this Committee should be a Committee of the National Assembly.

Senator Ilori : Is it an eleven-man Committee which does not include Members of the House of the Representatives ? Could it be considered—

The President : I take it that the hon. Senator was not present in this Senate when we did say that the eleven-man Committee would be a Committee of the National Assembly.

Senator Ilori : Exactly, Mr President. What I am saying, Sir, is that we have agreed that there should be a Joint-Committee and by that I mean a Committee made up of—

The President : There is no question of agreement : that is the position of things and I suggest that we make progress.

Senator Ilori : Mr President, Sir, are we now saying that the eleven-man Committee would be a Committee to look at this problem that is at issue, or are we still going to ask the House of Representatives to send their own Members to join this Committee ? I hope that we are not losing sight of that fact before we proceed. We have reached a stage whereby we are discussing the terms of reference. What I am saying is that I am only drawing our attention to an earlier Motion that it should be a Joint-Committee.

Senator S. A. Akintoye (Ondo Central) : Mr President Sir, I wish to make an amendment.

Senator Akintoye : Mr President, Sir, may I just make a little introductory remark before I make my proposed amendment. It is my humble opinion that we cannot determine the remuneration of these advisers in isolation of other people in the system. I think that to attempt to do that—

The President : Let the Committee tell us that. Let us not do the work of the Committee.

Senator Akintoye : Mr President, Sir, this Senate has the right to take a decision on the matter. After all, we have the right under section 78 of the Constitution to do so. Section 78 of the Constitution empowers the National Assembly to determine the remunerations of all persons employed in the political system from the President down to his Advisers. The impression we are being given, Mr President, Sir, is that we are being compelled to take a particular decision rather than a decision that this House would like to take.

The decision that this House would like to take is a decision which would make it possible for us to determine the remunerations due, not only to the Advisers to the President, but due to all persons employed by the Federal Government at the Centre in the new political system. By that, we would mean the political appointees.

Senator Amadu Ali (Benue West) : Point of Order, Mr President.

The President : Senator Ali is on a point of Order ; when there is point of Order I do respect it.

Senator Amadu Ali : Mr President, Sir, I refer to Order 26 (2). Mr President, Sir, the last speaker (*Senator Akintoye*) was not confining himself to the topic of the debate. The terms of reference emanate as I said earlier, from Senate Resolution No. 4 of 1979 which Resolution passed 10 Presidential Advisers. It is their remuneration that has given rise to the debate of this morning and not the salary review of all structure of the Government of this country. I believe that the terms of reference we are giving our special Committee is primarily to produce the salary structure of the Advisers that we have approved. That they give us a reference point to other salaries or perhaps to other political appointments is not really the main mission that they are to fulfil. The mission that they are to fulfil—

The President : These appointments have not been placed before us yet.

Senator Ali : What is placed before us are Advisers and we have approved of them. For goodness sake, let us not keep expounding theories.

The President : Order ! Order ! This issue has been disposed of.

Senator Akintoye : Mr President, Sir, I want to propose an amendment.

The President : I have given you a chance and you do not interrupt the President when he is speaking. We are referring to the terms of reference arising from a conclusion of a decision this Senate has already taken. These are the terms of reference for

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which a Committee has been set up. At any time that other needs arise, this Senate would be free to examine those terms of reference and take a decision thereupon.

Senator A. Durosimi (Badagry) : Point of information, Mr President.

The President : Is the point of information on this subject ?

Senator Durosimi : Yes, Sir.

The President : The matter is closed and we have to make progress this morning. Order ! Order ! There is a second item on today's Order paper which is the report from the Committee of Selection.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President Sir, what is the decision on this matter ?

The President : The decision is that following the conclusion on the decision made on Friday approving 10 Special Advisers for the President of the Federal Republic of Nigeria, that a special Committee be set up to examine and recommend the salaries and allowances of these Advisers.

Senator S. A. Shitta-Bay (Lagos) : Mr President Sir, is it a new Motion ?

The President : And this in compliance with Section 139(2) of the Constitution. You have already passed the Motion setting up the Committee and that Committee's terms of reference arise from your resolution So, what other Motion do you want ?

Senator Akintoye : Are the terms of reference a new Motion ?

The President : I have maintained, hon. Senators, that your terms of reference must be related to the decision you have taken. If you like, you may bring a substantive Motion calling for a general salary revision and I would allow you to table it before the Senate. What, however, you cannot do is to bring it under this particular discussion.

Senator Ayo Fasanmi (Ondo North) : Point of information, Mr President.

The President : This subject has been closed.

Senator Fasanmi : There is no conclusion yet, Mr President.

The President : There is a conclusion, but what is your point of information ?

Senator Fasanmi : Mr President, Sir, the House of Representatives has not approved of that list ; we do not know what their decision would be and if we say that the number is ten and they say five, what are we going to do ?

The President : Why can we not confine ourselves to the Senate ? If there is a conflict between a decision of the Senate and that of the House of Representatives, it shall be resolved.

Order ! Order ! We are in a very democratic society. I think that before we close up this issue, I should make the position clear once more. I have said this before that this Senate would not Steam-roll any issue. If any Senator has a substantive motion to bring on any issue in this Senate, he would be welcome. It appears to me that Senators are very anxious to review generally the question—or to fix salaries and wages not only for Advisers. I would say that this should come under a separate substantive motion so that we will deal purely with the issue before us and not getting them mixed up. This is all that the President of the Senate is trying to do. He is not trying to stop anybody, and it appears to me that if we cannot fix a specific term of reference for the committee we have set up, we will ask that this be done first thing tomorrow morning and let the Senate approve this or reject it. Is that generally accepted by this Senate ?

Several Senators : Yes.

The President : All right. We have peace now. May we now move to the second item of the day and that is the report of the Committee of Selection ?

Sola Saraki ?

COMMITTEE OF SELECTION REPORT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, last week, in this Senate, we agreed to set up a Committee of Selection and this was done. On the same Friday, the Vice-President of this Senate laid the Report on the Table of the Senate. I believe each and everyone of us has got a copy of this Report ?

Several Senators : Yes.

Senator Saraki : I, therefore, beg to move Mr President, Sir, that the report be accepted.

Thank you.

The President : The Question is that the Report on the Committee of Selection which was laid before this Senate on Friday by the Deputy President of the Senate be accepted. Yes, Senator Obi.

Senator Onyeabo Obi (Anambra West) : I would like to address the Senate as a Senator of the Federal Republic of Nigeria. Mr President, Sir, distinguished Senators, I would like to make one or two observations on the Report. The first point I would like to make, Sir, is that the Rules and Business Committee, so-called should be re-designated the Standing Orders Committee in accordance with Order 52 (1) of our Standing Orders of the Senate

set out in Order 52, Rule one of the Standing Orders of the Senate.

The President : May I interrupt you, please. You are suggesting that the Business Committee should be renamed or should actually take the functions of the Standing Orders Committee. I am not quite clear.

Senator Obi : Mr President, Sir, the Standing Committees of this Senate are specific in the Standing Orders of the Senate now on force. I understand that the Committee of Selection is setting up these Standing Committees as provided for in the Standing Orders and is recommending additional Committees. The four Standing Committees mentioned in our Rules are, apart from the Committee of Selection, the Standing Orders Committee, the Senate Committee and the Public Petitions Committee.

The President : What about the Public Accounts Committee ?

Senator Obi : And the Public Accounts Committee set up by the Constitution. It is not set up by this Standing Order.

Senator J. S. Tarka (Benue East-Central) : The Public Accounts Committee is not set up by the Constitution. What the Senator is referring to in the new set up is called the Select Committee on finance.

Senator Obi : But I would like to refer the Senator for Benue East-Central (*Senator Tarka*) to Section 79 (3) of the Constitution of the Federal Republic of Nigeria 1979. Section 79 Sub-section 3 of the Constitution reads as follows : *The Auditor-General shall submit his reports to each House of the National Assembly, and each House shall cause the reports to be considered by a Committee of the House of the National Assembly responsible for public accounts.* That is Public Accounts Committee as provided for.

Senator Tarka : That is the name of the Committee, Sir. The Select Committee on Finance is responsible for public accounts.

Senator Prince Obi : Well, it is a matter of semantics, I suppose, but I still maintain, Mr President, that the four Standing Committees set up by the Standing Orders are those of the Committee of Selection, the Standing Orders Committee, the House Committee and Public Petitions Committee. These are the four mentioned in the Standing Orders and the functions of Rules and Business Committee are functions which are set out for the Standing Orders Committee. I would suggest that the Committee of Selection has no power to set up a Rules and Business Committee when the Standing Orders which are binding on this Senate until amended or suspended provide for the establishments of the Standing Orders Committee. That is my first point, Mr President.

Senator Obi: The composition and, in fact, the Chairmanship of the Standing Orders Committee is provided for under the same Order and Rule number and that the President of the Senate is mandatorily the Chairman of the Standing Orders Committee, and that in his absence the Deputy President of the Senate will take the Chair of the Committee.

I mention this point as I observe that in the Membership of the Rules and Business Committee a Senator, distinguished as he is, has been named as the Chairman but I think that the Rules provide that the President of the Senate shall preside over the Committee.

I would also like to mention that in Order 52 (3) which deals with quorum of the Standing Orders Committee, the President of the Senate or his Deputy are included in the quorum for meetings of the Standing Orders Committee. The point which I have made, Sir, is that the President of the Senate and the Deputy President are mandatory Members of the Standing Orders Committee and that the President is mandatory Chairman of the Committee.

Indeed, the other House has set up such a Committee with the Speaker as the Chairman of the Standing Orders Committee.

Going to the recommendations, Mr President, I would like to make a suggestion that one Committee is missing from the list of the Committees recommended and that is a Committee which I suggest should oversee relations between the Federal Government and the State Governments and inter-State Government relations. In the list of Special Advisers which the President sent to this Senate there was a mention of a Special Adviser on State liaison. I think that brings to the fore the importance of the relationship between the Federal Government and the State Governments and between State Governments themselves and that this Senate ought to be concerned with that relationship. I, therefore, suggest that a Committee be set up to oversee the relations between the Federal Government and the State Governments and between the State Governments themselves.

Finally, Sir, I would like to point out that the Committee which is mentioned as Judiciary and Public Service Committee, the Public Service should be renamed Public Services so that it is not confined, as we know the term, to the Civil Service so that the Committee can deal with all organs of the Public Services and not confined strictly to the Civil Service.

Mr President, Sir, these are my suggestions. Thank you.

The President : Thank you very much for that valuable contribution Senator Obi. Arising out of your contribution, do I understand that, in effect, you are calling for a separate Committee to be known as a Standing Orders Committee as distinct from the Business Committee because my understanding of the Rules and Business Committee here

[THE PRESIDENT]

was that the Business Committee actually handles the distribution of the various Bills that come through the Senate; this is quite distinct from the Standing Orders Committee.

Senator Obi : Mr President, Sir, I would accept that explanation in which case what I would say is that there should be a Standing Orders Committee as provided for in the Standing Orders, and that the composition as specified and as distinct from a Committee that would deal with the business of the House. In which case, further, Sir, I would suggest that the Committee to deal with the Business of the House ought to include the Party Leaders because the distribution of the Business in the House is important, properly and primarily for the Leaders of the Five Parties in the Senate and the Officials of the Senate.

The President : Gentlemen, before we continue to give general comments on the Committee of Selection's Report I would like to invite your comments to be directed first to the suggestions raised by Senator Obi on the question of Standing Orders Committee as distinct from the Business Committee of the Senate.

Senator Ademola Adegoke (Oyo North/South) : Mr President, Sir, I quite agree with the suggestion of Senator Obi in the sense that the Standing Orders that we are now using is no doubt obsolete, and there has been a draft placed before all the Senators in the past one and half weeks which definitely would need ratification so that we can go directly into this type of situation. Therefore, in supporting his suggestions I would suggest that the Committee already appointed to take care of the Rules and Business should stand as the Standing Orders Committee, then the other Committee to be set up would be in charge of the Rules and Business of the Senate and that would include all the Party Leaders. So that is my suggestion. Now, if we can put it in a Motion, I suggest that Senator Prince Obi put it into a Motion while I would second it.

The President : Senator Ebute can now speak.

Senator Ameh Ebute (Benue South/Central) : Mr President, I beg, Sir, to disagree with the last two Speakers on the issue of the nomenclature of Committees. My humble submission is that the powers of the Senate to constitute Committees are governed by Section 58 of the Constitution. Under that Section this Senate is free to set up any number of Committees. It is also my humble submission that the Constitution itself overrides or prevails over these Standing Orders. Under Section 58 of the Constitution, *the Senate may appoint a number of its members for such special or general purposes as in its opinion would be better regulated and managed by means of such a Committee, and may by resolution, regulation or otherwise as it thinks fit, delegate any function exercisable by it to any such Committee.*

It is my humble submission that we are not bound by the number of Committees enumerated in the

After all, Section 270 of the Constitution has also given this Senate the power to adopt the Standing Orders, making the necessary modification as is possible.

So, my final submission is that we have powers under Section 270 (4) to make as many modifications as we can. By constituting Rules and Business Committee, we have used our powers under this Section to amend the names of the Special Committees. So, I do not think we are bound by the Standing Orders.

The President : Sogbein can now speak.

Senator S. Sogbein (Odeda/Obafemi/Owode) : Mr President, Sir, I think our trouble in relating the old Standing Orders under the Westminster System to this Presidential System is that we have been used to the other one. I think at the outset when it was mooted that we were having the Presidential system, our Clerks were sent to America to study and they brought us a lot of Papers on Committees. I think what is called Standing Order is what we call Business and Rules Committee and to say that it should be replaced by a Standing Orders Committee would not be appropriate. They have provided a lot of Papers as guidelines which were put into our pigeon holes and I think the Committee of Selection followed what they gave us. I think they are experts in this thing and if we take time to read those papers, we would understand better.

The President : Thank you for that information. Senator Anah can now speak.

Senator N. N. Anah (Anambra South) : Mr President, Sir, in supporting the point raised by Senator Prince Obi, I would like to say that—

The President : Are you disagreeing with the last speaker ?

Senator Anah : I am disagreeing with him because his view seems to conflict with Senator Obi's suggestions.

The President : If I may now interrupt you, you may sit down and I will call you again.

The issue before us is a matter of semantics. That is how I understand it. The issue is that we want to call our Rules and Business Committee, Standing Orders Committee. But if we restrict the name to Standing Orders Committee, we have to do something about the Business Committee, so that the Westminster system of Committee arrangement may be called Standing Orders Committee. But the system we are now involved in deals also with business. I think the last but one speaker was in order when he said that this was a new arrangement arising out of the experts who have been out to America to see how these things function. What I think we should direct our minds to is the composition of this Committee.

in the existing Standing Order. We now have to determine whether that aspect of the Standing Order should be modified to suit our own purpose in Nigeria, in which case Senator Ebute has drawn our attention to the provisions in the Constitution that we can in fact do that. With all these arguments, I think that we can make progress and direct our contribution to the issue involved, to taking decisions so that these Committees can go into action today. There is a very important Committee here which I would like to see start business today, this is the House Committee. This Committee will deal with the accommodation of Senators, offices of the Senate, and what have you. I think if we waste our time arguing the semantics, we may not get down to really doing the work.

Chief Anah, you may now continue.

Senator Anah : On this direction, Mr President, I will say that under Section 58 as quoted by a brother Senator we can form all sorts of Committees. Mr President, we may have to take into account one vital consideration, namely, whether it is important to have a Business Committee separately. If it is not important to have a Business Committee, we can call our Committee any name—Rules and Business Committee. If we choose to call it Rules and Business Committee, we have to try to comply as much as possible with Standing Order No. 52, that is by including the President and the Deputy President as members of this Rules and Business Committee. These are the contributions which I would like to make in this regard, Mr President.

Thank you.

Senator Jaja Wachuku (Aba) : Mr President, Sir, with the greatest respect, I think I would suggest that this House should consider seriously accepting the amendment by Senator Onyeabo Obi for the following reasons.

The President : I thought you were a Member of the Select Committee.

Senator Jaja Wachuku : Mr President should remember that this very point was raised by me—

The President : You are raising it indirectly the second time.

Senator Jaja Wachuku : Well, I am free. This is about the Standing Order. The majority of us accepted the points raised in the Senate. As a member of the Senate I am entitled to assist the Senate to do the correct thing. Section 270 (1) of the Constitution says : *the provision of this session should have effect until the National Assembly or House of Assembly exercises the power conferred upon it by Section 66 or 95 of this Constitution as appropriate. Section 56 of this Constitution says as follows : Subject to the provision of this Constitution, the Senate or the House of Representatives shall have power to regulate its own procedure including the procedure for summoning a recess of the House.* Then 95 has this to say—

Senator Jaja Wachuku : I am leading to the argument so that the House should follow me.

The President : I hope that the hon. Member will remember that we do have laymen in this Senate.

Senator Jaja Wachuku : That is why I am trying to do this so as to draw your attention to the mastery of the Constitution and the rule. *Subject to the provision of this Constitution the House of Assembly shall have power to regulate its own procedure including the procedure of summoning a recess of the House.* I referred to Section 270 (1) when you said that this refers to the State. Now what I am saying is that in this Senate we have to consider Section 270 (2). That is where we are involved. *The Standing Order in the Senate established under the former Constitution shall apply in relation to the proceedings in the Senate established under this Constitution. Shall,* should apply now, until we exercise our rights as provided in Section 58. This is where the Select Committee comes into play. This old rule would apply until the House exercises its rights to make rules and regulations.

In the Select Committee is the body, but it is entrenched under rule 52 to appoint the body to make the necessary changes consonant with our new changed status, the different system we are adopting now. It is this that the hon. Senator is saying that until this rule has been made, we still retain this name and designation. Then we would have linked up the business rules. In fact, we are changing the names. In effect, he is saying that the Select Committee cannot do that until the Committee which is appointed by the Select Committee has reported. If it reports and we go by the name Business and Rules Committee, then we make the necessary changes. In effect he is saying that the Committee has made the change. The Select Committee has the power to make that change. In other words, it is a suggestion.

Senator O. Adesina (Ibadan) : I do not agree with my brother Senator the hon. Senator Jaja Wachuku who left out subsection 4. So, he is quoting out of context. He should have cited subsection 4 to subsection 2 of Section 270. *The Standing Order shall apply in relation to a legislative House with such modification as may be necessary to bring them into conformity with the provision of this Constitution.* We can modify as we go along in order to bring it in correlation with the provision of the Constitution.

Senator Jaja Wachuku : *The Standing Order shall apply in relation to a legislative house with such modification that may be necessary to bring them into conformity with the provision of this Constitution.*

The President : Point of information.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, the Constitution in Section 58 says : *The Senate or the House of Representatives may appoint a Committee of its members for such special or general purpose as in their opinion, would be better regulated*

and managed by means of such a Committee and may by resolution, regulation or otherwise as it thinks fit delegate any functions exercisable by it to any such Committee. In order words, the Constitution takes precedence over the whole Standing Orders.

The President : That is quoting from the Constitution section 58. It is sustained. On the subject matter, what is the information ?

Senator E. P. Echeruo (Okigwe) : Relying on the same section 58 of the Constitution, while I agree with the last speaker (*Senator Jalo Waziri*) that we are well in order, I want to suggest that we can avoid all these controversies if we have also the Standing Orders Committee functioning whose duty would be to review the Standing Orders so that we solve this problem once and for all. We are still adopting the recommendation made by the Select Committee so that as soon as they finish with reviewing the Standing Orders their Committee will phase out and we would have a Rules and Business Committee that would take on those functions.

In making this suggestion we would then have to re-consider the position of the Rules and Business Committee because of necessity and because of the nature of this Committee it has to include the President of the Senate, his Deputy and the Leaders of the various Parties. In fact, in the United States' Senate the power of referring Bills to it is the exclusive privilege of the President of the Senate. So, I beg to make this suggestion.

The President : The question now is that we should regard the recommendations of the Select Committee and the Rules and Business Committee as a Standing Committee for the time being to determine the Standing Order of this august Senate. Thereafter, we may then constitute a proper Rules and Business Committee. Is that general suggestion acceptable to this House ?

Senator Ja'afar Manga (Borno South) : I think it is going to be proper. This book of Standing Orders was written twenty years back. Any reference book or regulation is subject to review from time to time and we have come to the new Constitution. This Constitution is based on the Presidential System, while this Standing Orders were written under the Parliamentary System. So we have to treat them separately.

If there is anything of interest to us in this old Standing Order that we may wish to incorporate in the new system, we have to discuss it. But for the purpose of this issue of the Committees I would strongly suggest that the Business and Rules Committee should stand in the place of the Standing Orders Committee.

The President : Is that generally acceptable to the Senate ?

Several Senators : Yes.

The President : Do I need to put the question again ?

Several Senators : No ! No !

The President : I may now choose to put the names suggested on this Committee before the House. Does the Senate accept the recommendation of the Committee of Selection on the names as contained in its report as members to constitute the Rules and Business Committee of this Senate ?

Senator D. O. Oke (Ondo West) : The second name from the bottom of the list should read Kajal.

The President : I hope the Committee's Secretary will take note of that.

Senator S. M. Ojukwu (Umuahia) : Mr President, I am Simeon M. Ojukwu and not a chief.

Senator Adeyiga Ajayi (Ikeja) : Mr President, in the light of the importance of the Rules and Business Committee and the explanation given by the President, I would like to suggest that the composition be enlarged to include the President and his Deputy and the Leaders of the Parties.

The President : A suggestion has been made that the President of the Senate, his Deputy and the Leaders of the Parties in the Senate should constitute that Committee. So, I will now put the question.

Question put and negatived.

Senator N. N. Anah (Anambra South) : Mr President, I would like to amend what the previous speaker had proposed and to suggest that the President and his Deputy be included as members of the Rules and Business Committee so as to accord with Rule—

Senator S. A. Shitta-Bey (Lagos) : Point of Order!

The President : Order! Order! Senator Anah is on his feet speaking on an amendment and we should listen to him.

Senator Shitta-Bey : Point of Order!

The President : I would allow you to speak if you can quote the relevant order.

Senator Shitta-Bey : I will give it to you later, Sir. May I say that the issue has been debated, the question has been put and a decision has been taken and the answer is no. What is the hon. Senator amending again? He is amending a non-existent issue. So, this is my point.

It is Order 26.

The President : The Order is sustained.

Question put and agreed to.

Resolved : That the following Senators should be Members of the Rules and Business Committee :

Senator Ibrahim Jalo Waziri	..	Chairman
Senator Isa Obaro	.. ..	Member
Senator Jibrin Salihu	.. ..	Member
Senator D. D. Etiebet	.. ..	Member
Senator E. K. Ogunleye	.. ..	Member
Senator L. Adesina	.. ..	Member
Senator A. A. Adesanya	.. ..	Member
Senator Simeon M. Ojukwu	.. ..	Member
Senator Onyeabo Obi	.. ..	Member

mended by the Committee of Selection is the House Committee. I would like to remind the Senate that this is a joint Committee of the Senate and the House of Representatives. I would also like to mention that the Speaker and I have had a discussion over this issue and it was agreed that the members of the Committee from the Senate should liaise with the members of the same Committee from the House of Representatives and they should get down to work. I would also like to add that Senators may submit suggestions to the Committee for consideration.

I will now call for a few comments, if any, otherwise, let us approve of the names of the members.

Senator Chief E. I. O. Akpata (Bendel Central) : Officially, I am E. I. O. but I am known to friends as Olu. So, on official papers, the endearment should be out.

The President : Correction noted.

Senator C. O. Adebayo (Kwara Central) : In line with Senator Akpata, my name is C. O. Adebayo officially.

The President : Correction taken.

Senator Victor Akan (Eket) : My name has been wrongly spelt. This should be corrected please.

The President : Correction noted.

Senator M. G. Lawan (Borno North-West) : The fourth name on the list should read M. G. Lawan.

The President : Any further correction or amendment ?

In the absence of any further correction or amendment, I will now put the question.

Question put and agreed to.

Resolved : That the following Senators should be Members of the House Committee :

Senator N. N. Anah	..	Chairman
Senator M. A. Gani	..	Member
Senator Andrew Abogede	..	Member
Senator M. G. Lawan	..	Member
Senator V. Akan	..	Member
Senator E. I. O. Akpata	..	Member
Senator S. Shitta-Bey	..	Member
Senator C. O. Adebayo	..	Member
Senator George B. Hoomkwap	..	Member
Senator Umaru Lawan Bama	..	Member
Senator Alto Usman Dambatta	..	Member

Senator Ayo Fasanmi (Ondo North) : Mr President, the Standing Order says that the number of members to be appointed, their terms of reference and quorum shall be fixed by the House appointing it. In the Standing Order the quorum is given as four but we are now having as many as thirteen. So, I think it is only relevant that the House should decide the terms of reference and what the quorum will be.

Senator Ayo Fasanmi : I was going to say one-quarter of two thirds.

The President : You want to get us into a controversy. What is one-quarter of two-thirds of nineteen ?

Senator J. A. O. Odebiyi (Egbado North/South) : May I take it as a special permission to debate this ?

The President : If you file any special request, it shall be considered in the light of this.

Senator N. N. Anah (Anambra South) : Point of Order. Order No. 4 (i)—

On Mondays, Tuesdays, Wednesdays, and Thursdays the Senate shall meet at 10 a.m. and unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m.

The President : It is being considered, Senator Anah. Now, let us get down to this question of quorum.

Shall we then accept that eight is the number to form the quorum ?

Question put and agreed to.

The President : Just before I allow a Motion for the Senate to rise, I will draw your attention to the fact that the conclusion of this Committee of Selection Report is the suggestion for the number of Standing Committees to be formed. I would like Senators to look at this very carefully so that next time we could take a decision on them.

Senator Sola Saraki : Mr President, Sir, I beg to move that the House do now suspend sitting till 3 o'clock.

The President : Order ! Order ! It is time to interrupt the business of the Senate now. The sitting of this honourable Senate do stand suspended till 3 o'clock.

Sitting suspended : 1.10 p.m.

Sitting resumed : 3.30 p.m.

The President : Order ! Order ! Just before we rose for the break, I think we got to the stage where the Senate would consider the Standing Committees of this honourable Senate.

Senator Saraki : Mr President, Sir, honourable Senators, when the Committee of Selection met on Thursday, 11th October, 1979, they considered the number of the Standing Committees, and it was agreed that the following Committees should be set up :

- The Agricultural and Natural Resources Committee,
- Appropriation and Finance Committee,
- Defence Committee,
- Foreign Relations Committee,
- Trade and Industries Committee,
- Petroleum and Energy Committee,
- Labour and Internal Affairs Committee,
- Federal Capital Committee,

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Transport and Aviation Committee,
Housing, Urban Development and Local
Government Committee,
Communications Committee,
Education, Science and Technology Committee,
Public Works Committee,
Judiciary and Public Service Committee,
Health and Public Services Committee,
Health and Social Welfare Committee,
Banking and Currency Committee, and
Water and Mineral Resources Committee.

In all, there are 18 Standing Committees for this honourable Senate. I, therefore, move, Mr President, Sir, that these Committees should be adopted as the Standing Committees of this honourable Senate. Thank you.

Senator Jalo Waziri : Sir, I beg to second.

The President : The Question before the honourable Senate is that the Standing Committees as mentioned by the NPN Leader form the Standing Committees of the Senate. Senators may now speak.

Senator Femi Ayantuga (Epe) : I would like to propose that we have, at least, two more committees added to this list. My two suggestions are : Economic Policy Committee and Governmental Actions Committee. You will find in the Constitution of the Federal Republic of Nigeria, on Fundamental Objectives and Directive Principles of State Policy, Section 16, you have Economic Objectives, and it is proper that this Senate should have a Committee which will place under constant review the Economic Policies of this Government. I am, therefore, suggesting that there should be a separate Economic Policy Committee of the Senate.

As far as the other Committee is concerned, Governmental Action Committee, it probably has a monitoring role in that we appoint the Ministers, we are the Supreme Legislature, we are the appointing Authority ; the President recommends to us and we approve the appointment. If we do not approve, then they are not Ministers. Mr President, Sir, in that wise, we have to ensure that the Executive does carry out our laws and our decisions. It is much better for us to monitor and supervise what they do every time rather than following eventually, if there are mistakes, the provisions laid down in Section 82 of the Constitution, when we then have to investigate what we think is wrong if they commit some major offence. It is much more expensive and very unpleasant to have enquiries conducted than to have a Committee of this nature which will have some salutary effect on Governmental Agencies.

Mr President, Sir, I am proposing that these two Committees be added to the list compiled by the Committee of Selection.

The President : How do you handle this, is it a

The President : I think that it is very fundamental that I should put it to the Senate whether they intend to amend the substantive Motion or not. There is an Amendment to a substantive Motion ; if it is not seconded, I may drop it.

Senator O. Adesina : I second it with amendment.

The President : You second an amendment with a further amendment. Where do we end then?

Senator J. O. Umolu (Bendel North) : It is just a matter of semantics. Instead of *Government Action*, I will say *Committee of Governmental Affairs* because the word *Action* has an overt undertone.

The President : Well, I do not want to prejudice the feelings of Senators in this honourable Senate. But I am inclined to think that traditionally this falls within the Committee already set up here except that, talking about semantics, we choose to call it a different name. Then we find out that one of these committees will either be very weak or you will be duplicating your action.

For the purpose of those who may wonder which Committee is this, I am referring to the Judiciary and Public Service Committee. This Committee takes care of this aspect. Senators who are very keen in this specialist area may find their names in that committee.

I think I will save you the problem of putting the Question.

Senator Femi Ayantuga : I have moved the Motion, Mr President.

The President : Your Motion is an Amendment.

Senator J. S. Tarka (Benue East-Central) : I have accepted the Amendment, Mr President.

The President : If you have accepted the Amendment, it is all right. Have you seconded the suggestion that this is already contained in an existing Committee ? I wanted you to contribute to the debate. You should have a free will to contribute.

Senator Ayantuga : Mr President, Sir, if it is intended that the Public Service Committee will take care of what I said, I would drop the second Committee.

The President : Thank you very much. I think you could actually, when you are determining the terms of reference of that Committee, make your suggestions.

Senator Ayantuga : The first one still stands, Sir.

The President : I have about five Senators standing now. Somebody might remind you of your Standing Orders which is that I cannot have four or five Senators standing at the same time. Then my eye is more likely to catch Senator Offia Nwali.

Senator Offia Nwali (Anambra East) : Thank you very much, Mr President. I wish to know if it

also mention that they are not static. They could vary from time to time.

Senator Offia Nwali : My question is related to the fact that we may make a more logical decision if we know the specific Ministries the next Government is going to have before finalising on the number of Committees.

Thank you very much, Mr President.

Senator Obi Wali (Rivers I Port Harcourt) : I want to comment on the suggestion made on the Committee of Selection now that we are debating the matter. Senators could make further suggestions about the Committees which they think appropriate before we find a final solution and resolved on the number of Committees which this Senate may wish to have. In that regard, Sir, going back to what my colleague, Senator Onyebabo Obi said today, and in view of the urgency which the President's message seems to attach to State liaison, I am suggesting the setting up of a further Committee which could be termed Federal and Inter-State Liaison Committee in addition to all the Committees we have here in the paper before the Senate.

Thank you, Sir.

The President : We should consider this very carefully, and we should also find out that all the Committees suggested here are inter-woven in their various functions. That is a suggestion that I think should be looked at.

Senator Bitrus B. Kajal (Mubi) : Thank you very much, Mr President. I am really happy for being allowed to speak after days of standing and not being allowed to say my mind. The contribution that I have is this, that in fact the Senator from Epe, Lagos State (*Dr Femi Ayantuga*) seems to have withdrawn his proposal for Governmental Affairs Committee. I think that the other Committee that he suggested could be left. That is the Committee on Economic Policy. I say so, Mr President, Sir, because all other Committees are—there are some Committees that really touch on the Economic aspects of our work but then, may be we need co-ordination and we need to really look at things other than appropriation of housing and Urban Development in considering our Economic Policy. Therefore if we really want a Committee that will be advising us as to the Economic viability and direction we ought to have a Committee on Economic Policy.

Therefore, Mr President, I very much would like to appeal to the Senate to consider this as an important point, the question of having a Committee on Economic Policy. So, I am begging to support Senator Ayantuga's suggestion that we have an Economic Committee.

Thank you, Sir.

Senator Victor Akan (Eket) : Mr President, Sir, I want to make two suggestions. One is that the Committee on Housing, Urban Development and Local Government should be broken down. I would

that Local Government is very important in the system of Government we are now operating. So, the Committee should be Housing and Urban Development and another Committee for Local Government.

Secondly, Sir, I want to suggest that we have a Committee on human resources. When I look through this list of Committees I cannot really see where we can fit in things like art and humanities. I cannot see where we can fit things like equal employment opportunities into.

The President : What about labour?

Senator Akan : Sir, I do not think one can really fit that under that heading.

The President : These are just lists of Committees. I think if I may help you here, hon. Senators could contribute to determine the job content of every Committee. That will make our work much easier.

Senator Akan : All right, Mr President, Sir, I am willing to concede that, provided one is sure that the Committee of Selection will, in fact, create sub-Committees to deal with these specific items, like human rights, which I do not know where they can be fitted.

The President : What of Judiciary Committee?

Senator Akan : All right, Mr President, Sir, provided one has assurance that—

The President : The terms of reference of each Committee will be set by this Senate. So, you will give us the assurance that you will put down the terms as you so require.

Senator Akan : That would be all right, Mr President, if we shall create a Committee of the whole House for that purpose.

Thank you, Sir.

The President : Before I recognise 'other Senator I might have some information to give which will assist us. The information is that as at the moment we have constraints in the form of facilities that will be available for the Committees' work.

On my left is a building that is going up which is designed to cope with only X number of Committee Rooms. So, when we are planning these Committees as of today, we should take into consideration the facilities that are available today. If, of course, circumstances change and facilities improve. As I said earlier, we can always modify these Committees. They are not static. It seems, therefore, that if we have ideas regarding job contents we could look along these Committees and see if they could fit into any particular one. Where, of course, they do not fit in, each case would be considered on its own merit. I only give this information so that hon. Senators can be acquainted with the situation in terms of facilities.

Senator Jalo Waziri (Bauchi East) : Point of explanation, if you have concluded, Mr President

The President : I thought I promised Chief Akpata, but if you are raising a point of explanation I will let you explain.

Senator Jalo Waziri : Mr President, Sir, I was just going to say in addition to your explanation for which we thank you very much, that we have no sufficient facilities. We have seventeen Committees plus a Committee of the whole Senate to share among ninety-five Members. I wonder what form of Committees you may want to form if you want to increase them from eighteen to another number. I do not think it will fit in. The only thing is, if you have any subject to add, we can look at the appropriate Committee as the President has explained. We should refer it to them instead of creating Committees for creating sake. I think eighteen Committees are enough for ninety-five Senators.

The President : Chief Akpata may speak.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, Senators, I think that we need to address our minds to the Presidential System when we are thinking of these Committees. The Committees as we knew them—as they were when Ministers could address the Senate or the House of Representatives, they were Members of the House of Representatives and could be Members of the Senate and could vote are different from the Committees under this dispensation.

Now we are going to have Ministers who can only come if we ask for explanation, and I think it may well be that in certain circumstances these explanations will be made to the appropriate Committees. Therefore, it is my view that no finality can be reached now until we know the number of Ministries and the subjects which these Ministries would be allocated. Now I am not without experience in these matters—not from the legislative angle—but as a civil servant to those who made the law.

Now in the United States of America, there is the Health and Social Welfare or Health Education and Welfare. In this country it is almost invariably the case rather, that Labour and Social Welfare associated, and sometimes Health stands alone. Now we have to watch out that each Committee ; if it is going to carry out the functions of two Ministries it will be all well and good. If it has to account for fractions of a Ministry, we may well find that we require mathematicians or indeed we may require judicial interpretations (*Laughter*) people to whom sometimes mathematics is a strange subject. I do not want at this time to make a Motion but to say that we must keep our minds open and that the things here could be changed depending on what turns up in the end. It may also be—

The President : May I interject very briefly with some information. The President has issued a list of Ministries and this can be obtained. That will be no problem.

Senator Akpata : What I was going to say is

knows of the Committees we intend to set up, when he begins to allocate subject matters to these Ministries, he may very well consider our own thoughts on these subjects. I say this because in the long run or, in fact, even the short run his Ministers will come to us and I do not think that a state of confusion would be a very wise thing.

Let us take for example, there is a tendency in this country to have Agriculture and Natural Resources together ; although they do not include resources such as gold and other things. There are other 'resources' which may be included privately, not too openly. (*Laughter*) In the French system they have Forest and Water Resources so that fishing, not sea fishing, the rivers and forest tend to go together because you have to protect our water heads with the resources of your rivers being protected by having forest around, and we may very well have to consider the situation whether the British system which we inherited is better than the French. At this stage I do not want to be taken in by my profession.

The President : What is your profession ?

Senator Akpata : I am a Forester by profession. All these others I picked on the roadside ! (*Laughter*) Therefore, I will appeal to Senators that if we start with what we have and provided we keep our minds open we should be able to make adjustments as and when necessary. Thank you very much.

The President : Senator Etiebet.

Senator D. D. Etiebet (Ikot Ekpene) : Mr President, Sir, I have looked through the list of the Committees that were spelt out, and I have gone through Section 140 of the Constitution too but I have not come across a body that will be competent to discuss the issue of boundary adjustment in this country.

Mr President, Sir, the problem of boundary adjustment affects every part of this country especially the Cross River State and the Imo State. I am sure that if my Imo State counterparts are here, they would readily agree with me.

The President : The Senator from Imo State is sitting next to you. (*Laughter*)

Senator Etiebet : Mr President, as at this point in time that I am speaking, the governments of these two States are faced with burning and thorny problems relating to boundary adjustment. If there is no institution within Section 140 of the Constitution and the Senate of this country has no committee to discuss boundary adjustment matters, even when the problems of new States arise, I do not know where else one could go for assistance.

The President : I would like to remind the hon. Senator that he is in the Upper House.

Senator Etiebet : That affords us greater opportunity to create a situation whereby issues touching on concerning boundary matters

deal with the creation of new States and the problems of boundary adjustment be set up and referred to as : New States and Boundary Adjustments Committee. I admit that some Senators may object to this but a look at Section 140 of the Constitution would reveal that none of these matters comes within the ambit of that provision. If, at any time we hear that our brothers and sisters are fighting, it is this Senate that would be called upon to solve the problem.

Secondly, Mr President, Local Government is regarded as the third tier of government in this country ; you have the Local Government, the State Government and the Federal Government. Local Government should not be mixed up with Housing and Urban Development. Mr President, Sir, Local Government should have a separate committee so that matters which touch and concern Local Government, when brought into this honourable Senate, could be easily taken by that committee. These are my suggestions, Mr President and thank you.

The President : I think that hon. Senators should still bear in mind the constraints we have regarding the availability of facilities for the operation of the Committees. At the rate we are going, we might even have fifty committees. May I acknowledge the last speaker's fears on boundary adjustment. I would, however, remind him that this is already existing in the Constitution and that wherever the needs arise and this Senate finds it necessary to have a committee, it will set up an *Ad Hoc* Committee. I do not think that we ourselves would want to encourage boundary disputes in perpetuity and so, we should make progress.

Senator Ibrahim Barau (Ikara/Zarai/Birnin Gwari) : Mr President, I rise to oppose a Motion standing before this Senate and already seconded that there should be in addition to the seventeen Standing Committees, an Economic Policy Committee. The seventeen committees touch on every aspect of our economy, and what is more, this senate is a legislative house which does not perform executive functions. Executive functions are distinct as provided in the Constitution and if we proceed to establish an Economic Policy Committee apart from what we have—

The President : Order ! Order ! Order ! I am sorry to interrupt Senator Barau but I would call him back. I wonder whether we do understand that when we talk about a policy, that it must be backed with executive action. We should bear this in mind when we are calling for an Economic Policy Committee. There are seventeen of them listed here, economic policy is dealt with by each of these committees. So, I am not very clear in my mind and I say this in order to help Senators in case they have points to make on the need for an economic policy committee, to do so and convince the Senate on the need for it.

Senator Ibrahim Barau : Mr President, this has to do with the question of Fundamental Objectives and Directive Principles which is still an

custodian of the Constitution, but if we start to assume the roles of the Executive we might find ourselves out of step. I feel that in addition to the point raised by the President, that item number ten on the seventeen committees also takes care, not only of local government, but any boundary dispute. This is because the minute area of jurisdiction in this country is so far limited to local government and it is also contained in item ten, number ten.

The President : I would have liked to recognise the Senator over there but he is too close to the last speaker.

Senator Mahmud Waziri (Adamawa) : Thank you very much, Mr President. First of all, I think that I must thank members of the Selection Committee for a job well done. Secondly, I would like to raise the question of government operations.

The President : Do you mean government corporations ?

Senator Mahmud Waziri : I mean government operations ; we need to monitor government operations in future and so far, I cannot see any of the committees listed set out to do this.

Mr President, the words, natural resources, are too wide and they should be deleted and replaced with the word, forestry.

On Defence matters, we are thinking as if we are out to defend something. Let us not forget that our objective is to look after the interests of our Armed Services and in that regard, I would respectfully suggest that we delete the word, defence, and say, Armed Services.

Again, I have noticed that the government of the day has listed about twenty-two Ministries with various terminologies. In that regard, I would suggest that the word, trade, be deleted and the word, commerce, put in its place. This takes me on the Ministry of Labour and Internal Affairs. I would like to see that Ministry named the Ministry of Labour and Public Welfare because the words, Internal Affairs, sound too much like the Nigerian Security Organisation.

The President : I am afraid, if I may correct the Senator, that is not the meaning or intention of this Committee. Internal Affairs is internal security.

Senator Mahmud Waziri : So, that is a bit of Public Welfare.

The President : Do you want to substitute internal security for public welfare ?

Senator Mahmud Waziri : Yes, Mr President. Finally, I would like to remind us that we have 17 Committees already, but let us not forget that we are going to have sub-Committees also and these sub-Committees would like to have facilities to sit and assist the main Standing Committees. So, we should bear in mind the number of sub-Committees that would be created.

Senator Isa Obaro (Kwara South) : Mr President, I only want to take this opportunity to appeal to the Senators that so much time has been spent on this matter, particularly after the President has appealed to us that in as much as we would want these number of Committees increased, as of now lack of infrastructure is against it.

Another Senator has raised the point that the number of Senators in the Senate as of now would not make for efficiency if you spread 95 Senators into 17 Committees, excluding the special Committees. I think that the demand on the individual Senator would be too much and incidentally even this number is not immutable. As time goes on, if the demand arises it would be increased ; and if the demand arises, it might even be reduced. So, I think we have spent enough time on this and we should proceed.

As a matter of interest, I have had the opportunity of reading some of these American books and I have not come across a single instance where this word, *honourable Senator* has been used. I think a Senator is a Senator and he should not be described as honourable. (*Interruptions*) This terminology *honourable* is associated with the Members of the Lower House, Members of the House of Representatives, not the Senators. Once you are a Senator you are a Senator and that is all. So, Mr President I think we should—

The President : How does that connect the Committees' arrangement? (*Laughter*) Will Members be relevant to the debate?

Senator Obaro : I thought it would be relevant. That is my contribution.

The President : Senator Obaro, I would like to get the substance of your contribution. Is it based on the argument on the word *honourable* or on what? I thought you were making some valuable contribution to the debate, but I lost track of it somewhere along the line.

Senator Obaro : The theme of my contribution is that we should leave the number as it is, because the number of Senators which we would distribute would be too thin to make for efficiency, and again lack infrastructure which Mr President pointed out would be against us. The question of the use of the word *honourable* is a side issue.

Senator S. Bakin Zuwo (Kano Central) : Mr President, Sir—

The President : Yes you have the Floor and you are protected.

Senator Zuwo : Mr President, I want to speak on this question of Committees. It appears to me that we do not recognise our political leaders who produced these documents for us in order to minimise the difficulties in this Senate. We are making unnecessary observations and unnecessary omissions in this Senate. I would rather advise my colleagues to exercise patience to agree with the decisions of our Political leaders who brought this

The President : Order ! Order ! I would allow two more debates on this particular subject. Yes, Senator Nunieh you can speak.

Senator Cyrus Nunieh (Rivers IV Bonny-Bori) : Mr President, I have taken note of the point of the fact that we should try to limit ourselves because of the limited resources, but in view of that I would suggest that for item No. 8, that is Federal Capital Committee, we should have Federal Capital and Inter-States Affairs Committee. If you look at the preamble of our Constitution, you will see that the whole aim is to ensure the unity of this country. As we are developing, the States will be growing with their autonomy, and we should be able to have an eye on what is happening in the different States. So, I am suggesting that, after the building of this Federal Capital, there would be nothing to talk about again. So, let us, therefore enlarge that Committee.

The President : After the building of the Federal Capital, the Committee could disappear.

Senator Cyrus Nunieh : No.

The President : That is a logical argument.

Senator Cyrus Nunieh : What I am saying is that—

The President : You have not told me what your Inter-State Committee has to do.

Senator Cyrus Nunieh : It is to see to the communication between all the States.

The President : I know we have Bendel Line, which used to be Mid-West Line that does inter-States connection.

Senator Cyrus Nunieh : I think Mr President is jovially not taking it seriously.

The President : Very seriously. What do you think I am doing here ?

Senator Cyrus Nunieh : I think we should have an Inter-States Affairs Committee and this operates even in United States. They have such Committees.

Senator Adeyiga Ajayi (Ikeja) : Mr President, I am inclined to the suggestion that we should either leave the Committees as they are or reduce them completely. We have about twenty already.

The President : Which one do you want ?

Senator Ajayi : I would like the Federal Capital Committee.

The President : I mean which of the two suggestions—to leave them as they are or to reduce them ?

Senator Ajayi : I would like them to be reduced to sixteen.

The President : Mathematically, that is correct.

A Senator : It is two-thirds !

Senator Ajayi : Mr President, speaking seriously Sir, I think—

The President : We are speaking very seriously here, very seriously indeed.

Senator Ajayi : Mr President you were asking me the difference between 16 and 17 which is one.

The President : I can say that that was a good mathematical answer.

Senator Ajayi : It is a question of fact, Sir.

The President : You may continue.

Senator Ajayi : I suggest with all seriousness that the Federal Capital Committee be merged with the Committee on Public Works.

The President : Now, I have so many colleagues standing up, including even the leader of a political party. Order ! Order ! May we now be seated. Senator Ajayi, have you finished. If not, you may wind up.

Senator Ajayi : That is my suggestion, Sir, that the two Committees be merged.

Senator J. A. O. Odebiyi (Egbado North/South) : I think we have already spent a lot of time in considering the work of the Selection Committee. As quite a number of Senators have pointed out, as and when occasions demand them more Committees on an *ad hoc* basis can be established. And as Senator Jalo Waziri did mention, there are only 95 Senators. Apart from other Standing Committees, 17 have also been added. This, of course, does not mean that we have reached the final figure. The need may arise in future for more Committees to be established to meet peculiar circumstances which may arise.

Mr President, I will suggest that we content ourselves with those we have on this list and as occasions demand, we may consider having more.

Question put and agreed to.

Resolved : That the following 17 Committees should be the Standing Committees of the Senate :

Agriculture and Natural Resources Committee
Appropriation and Finance Committee
Defence Committee
Foreign Relations Committee
Trade and Industries Committee
Petroleum and Energy Committee
Labour and Internal Affairs Committee
Federal Capital Committee
Transport and Aviation Committee
Housing, Urban Development and Local Government Committee
Communications Committee
Education, Science and Technology Committee
Public Works Committee
Judiciary and Public Service Committee

Banking and Currency Committee
Water and Mineral Resources Committee.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, honourable Senators, I beg to move that this Senate stands adjourned till 10 o'clock tomorrow.

Senator I. Jalo Waziri (Bauchi East) : I beg to second.

The President : The Motion before this Senate is that we stand adjourned till 10 o'clock tomorrow. I have before me, on the Motion for Adjournment two requests. One is from Senator Victor Akan and the other is from Senator Abiru. May I call on Senator Victor Akan to speak on the Motion for Adjournment.

Zimbabwe

Senator Victor Akan (Eket) : Mr President, Sir, I thank you very much. In supporting the Motion for Adjournment, Sir, I would like to draw the attention of Senators to events that are taking place in other parts of this continent. Mr President, Sir, I am referring to Zimbabwe. Sir, I was very pleased to read the statement made by the President of the Federal Republic of Nigeria, Alhaji Shehu Shagari, last week about the activities of the British Government in that country. Whatever happens in that part of Africa, is bound to affect this country. When you consider the nearness of Zimbabwe and Angola, it is impossible for us not to be interested.

Mr President, Sir, the conference that is going on at the moment in respect of that part of Africa is very unsatisfactory. Sanctions against the Government in Salisbury come up for renewal next month.

When last week, the Government party of that country, the Tory Party, held their conference, all sorts of insults, abuses and hard words were used against the Patriotic Front. I have got here, Sir, the proposal by the British Government—the Constitution they are proposing for that country.

The President : Order ! Order ! Order ! I may remind Senators that whenever you speak on Motion for Adjournment which is not usually a Motion to be supported, you are very brief. In this case, I would allow Senators a maximum of five minutes.

Senator Akan : Mr President, I thank you very much. What I am trying to invite the Senators here to do is to please join me in urging the Government of this country to warn the British Government against lifting sanctions against Zimbabwe-Rhodesia, and also to ask them, notwithstanding that they have not arrived at a definite conclusion in the discussion going on at the moment, that arrangements be made towards transferring power in that country as suggested by the Patriotic Front.

We tell the world that we are a leading country in this continent. Mr President, my main concern is that members of the Tory Party may have their

[SENATOR AKAN]
way and get Government to lift sanctions against Zimbabwe. Mr President, I am sure that I am speaking for this Senate when I say that even their friends will find it difficult to defend their action. Therefore, I strongly suggest, Sir, that we make our views known to the British Government that to do that will not be in the interest of friendship that exists between that country and this country.

Mr President, I support the Motion for Adjournment. Thank you, Sir.

The President : Senator Abiru may now speak.

Draft Standing Orders

Senator Abiru (Ikorodu) : Mr President, Sir, honourable Senators, in supporting the Motion for Adjournment, it is my intention to refer to certain specific provisions in our Standing Orders which happen to be fundamental issues as far as the dignity of the Members of this honourable Senate is concerned. I know, for certain, Mr President, that this is a matter for the Rules and Business Committee, but I believe that it is a matter which I can competently comment on ; at least the Committee should take cognisance of these points when we come to approve the draft that is now before this honourable Senate. They must take these relative provisions into consideration.

I refer to two provisions of the Standing Orders, one deals with petition by Senators on behalf of public incorporated bodies, and the other aspect deals with the power of the President in disciplining Senators within this Senate. It is not my intention to bring out a proposal to derogate from the power of the President, but the first provision has to do with presentation of petition, that is Order 11 rule 5 sub-rule (a). What this particular rule reads, Mr President, is this starting from rule 5 before we come to 5 (a) : *No petition shall be presented to the House (or the Senate) unless it shall have been endorsed by the Clerk as being in accordance with the following rules.* The rule I complain of is rule (a). We have subsequent to rule (a), rule (b), (c), (d), (e), (f), which are simply procedural but, Mr President, rule (a), would appear to be seriously omnibus.

The President : What does rule (a) say ?

Senator Abiru : I would read that in a moment, Mr President. *Every petition must be properly addressed to the Senate, respectful, decorous and temperate in its language, and must conclude with a prayer setting forth the general object of the petitioner.* Mr President, it would appear on the surface of it that this particular provision may not be quarrelled with, but it invests in the Clerk of the Senate with such discretion that he has not to refer this to the President before ever he guillotines any petition that is sent down across

The President : I am sorry to interrupt you, but I am inclined to think that provision of Order would be *ultra vires* and in the circumstances, suggestions of this nature could be made to the Rules Committee in order to modify it. I welcome your Motion on adjournment, please continue.

Senator Abiru : Mr President, I was thinking that in view of the provision of the Constitution, that we delegate this power to the Committee and the Committee can only carry out what we have delegated and recommend back to the Senate. The Committee of this House has the power only to delegate and the Committee has got the power to report back to the Senate.

The next point which I seem to quarrel with is the provision which sends out a Senator on suspension by the President. Mr President, we are all responsible citizen, this is the highest Legislature of this land ; no Senator of this Senate would ever opt for any confrontation with the President but where it comes to it ; that I would read, I am referring to Order 36 under rule 1 and it reads : *The President or the Chairman, after having called the attention of the Senate, or of the Committee, to the conduct of a Senator, who persists, in irrelevance or tedious repetition either of his own arguments, or of the arguments used by other Senators in debate, may direct him to discontinue his speech.* That is so far so good but, Mr President, it goes further to say—

The President : Order! Order! I think you are going too far deep into a draft Standing Order. I welcome contribution on Motions for adjournment but I am sure you would agree with me that the Senate is sitting impatiently to go through the whole draft. You are raising a very important issue which I consider vital. I would suggest that those issues be raised with the Rules Committee. The last thing I have is from Senator Bakin Zuwo. May I remind you that you need to be brief.

Canada and South Africa

Senator Sabo Bakin Zuwo (Kano Central) : Mr President, in supporting the Motion for adjournment I would like to review a certain matter which had already been discussed in this Senate when the Canadian Senate sent a congratulatory message to us. I remember in 1975 when the Olympic games were taking place in Montreal, Canada, they allowed the South African Olympic contingent to participate in the International games in their country. I was not given an opportunity on that day to contribute on this item. Mr President, I also condemn the action of Barclays Bank who operate in South Africa and is also allowed to operate in Nigeria. We do not have to condemn the British Government alone for their attitude towards Zimbabwe, we should also condemn the Canadian Government and also the Barclays Bank for operating in Nigeria with their Headquarters in South Africa.

that we can go back to perform our religious obligation. Thank you.

Joint Session

The President : Order ! Order ! May I remind the Senators that tomorrow morning at 10 o'clock, His Excellency the President, Federal Republic of Nigeria, Commander-in-Chief of the Armed Forces will be the august visitor of the National Assembly. The National Assembly at the moment sits in the House of Representatives. There would be a Joint Session in the morning tomorrow. Programmes have been worked out, but the Senate shall resume sitting at 10 o'clock prompt in the morning. I would like to remind Senators to endeavour not to get in the way of the traffic or allow the traffic to get in their way.

Senator Waziri, you may speak.

Senator I. Jalo Waziri (Bauchi East) : Mr President, if I may say a word, perhaps, it would be better if we first assemble in the Senate and leave in a quorum with the leader of the NPN leading and we move to the House. According to the tradition, it is perhaps better to send a message to the Speaker of the House telling him that we wish to come to his House and he replies, yes, you may come in, then we would walk into the House bearing in mind that he is very likely to leave vacant seats for Senators preferably in the front benches.

Also when the President comes in to address the National Assembly the Sergeant-at-Arms will knock at the door and the Speaker of the House will answer the call and announce that the President and Commander-in-Chief of the Armed Forces wishes to come in. The President of the Senate who is the President of the National Assembly will say "Is it the wish of the House that the President comes in"? The House will say, yes. Then the Sergeant-at-Arms goes and speaks to the President and Commander-in-Chief of the Armed Forces that he may now come in. Then a procession of—

The President : I am sure you are not referring us to the Parliamentary system because we have been undergoing some rehearsal this afternoon in the new system.

Senator Jalo Waziri : This is exactly what I am referring you to. Notwithstanding that you wish to do it in the new way I suppose what I said will help you perhaps in designing your own way as you wish it to be, but that is the procedure. A procession of the President should consist of the President of the Senate, the Speaker of the House of Representatives, the Judges—

A Senator : No.

Senator Waziri : Well, this is a new procedure.

version, I agree that the Senate should assemble tomorrow in its Chambers before it goes or leaves in procession to the other House. In this regard, the Senate will assemble at 9.45 a.m. in the morning. The Leaders of the Political Parties in the Senate led by the NPN Leader, the UPN Leader, the NPP Leader, the PRP Leader and the GNPP Leader—I have not called them in the order of protocol, I merely named them after the NPN Leader—will receive the President outside the National Assembly Hall and will conduct the President or usher him into the National Assembly. The President will walk straight to a stand from where he will deliver his speech and soon after he has delivered his speech, he will also be escorted out of the Assembly Hall by the Leaders of the five parties. I think this is the information as it would concern us for tomorrow morning. Thereafter, we shall re-assemble here and continue our business of the day.

I will also remind the Senate that two important Committees have been set up—the Rules and Business Committee and the Committee of the House Service. Tomorrow they should proceed with their work especially in the case of the Committee for House Service so that they can handle the office and accommodation problems of Members.

Yes, Senator Saraki.

Senator Sola Saraki (Ilorin/Asa) : Mr President, I would like to move tomorrow when we come back here that the hon. Senators be given the opportunity to debate the speech of the President because I am sure that in his speech, he will outline what will be the policy of his government. I would like to move tomorrow that opportunity be given to Senators to debate the speech.

The President : This, I have been told, is not in accordance with this system. That is an old Parliamentary System. There will be five speakers when the President leaves the National Assembly tomorrow—three from the Senate and two from the House of Representatives who will reply to his speech and that is how it would be.

A Senator : Who are the three ?

The President : Well, the five leaders will obviously come up with the three names.

In the absence of any other information and announcement, this House do stand adjourned till tomorrow morning.

Question put and agreed to.

Resolved : That the Senate do now adjourn.

The Senate adjourned accordingly at 5.00 p.m.

SENATE OF THE FEDERAL REPUBLIC
OF NIGERIA

Tuesday, 16th October, 1979

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

JOINT SESSION

The President : Fellow hon. Senators, we may now join the hon. Members of the House of Representatives in the National Hall for the Joint Session of the National Assembly this morning. May we rise.

Sitting suspended : 10.03 a.m.

National Assembly assembled : 10.10 a.m.

VISIT OF HIS EXCELLENCY,
THE PRESIDENT AND COMMANDER-
IN-CHIEF OF THE ARMED FORCES
OF THE FEDERATION

(The President of the Senate in the Chair)

The President of the Senate : Senators and Members of the House of Representatives, the NPN Leader in the Senate (*Senator Sola Saraki*) may now speak.

NOTICES OF MOTION

Senator Sola Saraki : Mr President, Sir, Mr Speaker, hon. Members of the National Assembly, I rise to move—

That the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation in exercise of his right under Section 63 (1) of the Constitution be admitted to attend and address the Joint Session of the National Assembly on Tuesday, 16th October, 1979 at 10.30 a.m.

Thank you very much, Mr President.

Senator Jalo Waziri : Mr President, Sir, I beg to second.

Question put and agreed to.

Resolved : That the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation in exercise of his right under Section 63 (1) of the Constitution be admitted to attend and address the Joint Session of the National Assembly on Tuesday, 16th October, 1979 at 10.30 a.m.

At 10.15 a.m. His Excellency, the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation entered the Chamber.

ADDRESS BY HIS EXCELLENCY, THE
PRESIDENT AND COMMANDER-IN-CHIEF OF
THE ARMED FORCES OF THE FEDERATION

*Mr President of the Senate,
Mr Speaker of the House of Representatives,
Honourable Members of the National Assembly,*

Permit me to use this platform to pay tribute to this Great Nation and its people who today are witnessing another step in the return of the country to a rule of democratic process. After nearly 14 years of military rule, the Administration of the country has once again reverted to the elected representatives of the people. Elected representatives of all sections of our great country are once again gathered together to find peaceful and lasting solutions to the multifarious problems confronting us as a people. At last the will of the people has prevailed. I congratulate you all, Honourable Members of this august Assembly, on your victory at the polls.

I salute you Mr President of the Senate, I salute you Mr Speaker of the House of Representatives, I salute you House Leaders, Committee Chairmen and your Deputies.

As leaders in your own right, and as men and women of honour and integrity, you will be looked upon to demonstrate the much-expected selfless, humble and dedicated leadership. Your activities and utterances will be keenly watched by the public. You owe it to yourselves, but much more to our dear country therefore to rise up to the occasion and fulfil the yearnings and aspirations of the millions of Nigerians for the alleviation of their sufferings.

It is pertinent to recall that our first efforts at democracy and self-government were abruptly arrested in the mid-60's largely as a result of the incongenial atmosphere engendered by the uncompromising stance adopted by the political parties of the first Republic. Thus, opportunities were lost for our people to interact and learn to accommodate different points of view for the betterment of the country. We must not allow that episode to repeat itself. The new system that we have adopted presents us with yet another opportunity to achieve national integration which is a prerequisite for the building of a strong and virile nation.

Since our ultimate objective is to provide for the welfare of all Nigerians, we must subjugate our political and other differences to the unrelenting pursuit of peace, unity and progress of our motherland. To this end, the Nation expects that the three arms of the government—the Executive, the Legislature and the Judiciary—to work in harmony.

Let me assure you, Honourable Members that, as the President of this great Nation, I shall uphold the provisions of the Constitution in their entirety.

I feel confident that you will accord me your willing support and co-operation so that in love and harmony,

We must appreciate the fact that the absence of parliamentary processes and participatory administration in this country for nearly 14 years, has driven our people into a near state of political apathy, lethargy and indifference. Our people must be aroused from their slumber. We must re-awaken in them the sense of patriotism and nationalism. They must be given a new direction and dedication to the laudable cause of the survival of our great country as an indivisible geo-political entity. To this end, my Administration shall with vigour carry out a purposeful programme of public enlightenment and mass education.

I call on the mass media to assume a new role, devoid of bitterness. They must willingly mobilise all their resources for this onerous task of building a new Nigerian Society. I sincerely hope that they will accept this challenge and discharge their sacred responsibility as the Fourth Estate of the Realm. For my part, I will ensure that nothing is done to erode the freedom and independence of the Press.

Let me repeat that we shall run an open Government. From time to time, I shall apprise you and the nation of our major policies and programmes.

Agriculture, Housing and Education remain high on the priority list of my Administration. We are determined to restore Agriculture to its pre-eminent position in the national economy. We must be able to feed ourselves with lots to spare for export. Fortunately, in this country, we need not starve. Substantial and adequate sections of our land still remain fertile, virgin and arable. Commercial production of food and raw materials is our goal. Our farmers will be encouraged and given incentives to till the land. The Government will immediately review the agricultural credit guarantee scheme with a view to improving the flow of funds into the hands of the small scale farmers. Joint ventures with foreign partners in the field of large scale Agriculture will be encouraged and assisted. Emphasis will be placed on modern techniques of farming, storage, distribution and processing. My Administration will encourage the local manufacture of light farming tools and machinery. We shall vigorously tackle the problem of desert encroachment. To combat the menace of draught, we will strengthen the existing programmes for conserving water for irrigation and human and animal consumption. We shall give equal attention to the dangers posed by soil erosion.

The problems posed by the acute shortage of living accommodation will be tackled realistically. My Government will propose legislation to enable us to :

(i) establish rural housing co-operatives and supported by a Rural Housing Fund ; and

(ii) harness our resources towards the urgent construction of many more housing units.

A bill will be sent to you shortly to amend the National Science and Technology Agency to reflect the new emphasis the government place on the rapid development of technology in the country.

ing support for the earliest achievement of a free, universal, comprehensive, sound and relevant education made available to every child and adult up to the limit of his talents. Our concern is for qualitative, functional education with a sound moral content. So much remains to be done. The expansion of educational infrastructure at all levels as well as improvement of the quality, quantity and conditions of service of teachers will receive our immediate attention. Also we are giving the most urgent attention to the creation of an open university system to cater for those members of our society who cannot attend a full-time university course.

It is important to re-affirm that besides the issues of education, housing and agriculture there are other pressing areas of responsibility requiring our most urgent attention.

Our communication system needs to be considerably expanded and improved upon. Development cannot take place unless there are good net-works of roads, tele-communication system and effective delivery of mails.

We plan to continue to expand and improve the Rail and Air services. We plan to improve our inland waterways system and other form of water transportation.

Directly related to these problems is the need to expand and improve our utility services such as electricity, water supply and sewage system.

We intend to devote our attention also to some of our large industrial projects. I have in mind our iron and steel projects, the petro-chemical and fertilizer projects, the processing of our natural gas, the establishment of our pulp and paper industry and a host of basic engineering projects. The Petroleum Industry will receive our early and well deserved attention to maximise its benefit to the nation. To this end, a Bill will soon be sent to the National Assembly to effect necessary amendments in the existing legislation in order to bring about necessary structural changes in the industry. I believe these measures will accelerate the growth of our economy.

Our aim is to build a strong, self-reliant and virile economy and for this, we need a favourable economic environment. To this end, my Administration will review present economic policies with a view to encouraging foreign as well as domestic investment in the country. Equally important is the need to create a healthy labour climate within which our economy can grow and prosper. The issues of wages, car loans, labour independence and restoration of free collective bargaining are already receiving the serious attention of my Administration.

Special Committees will be established to review the existing policies on wage freeze, car loans and the problems of daily paid workers.

It is also important to restore work ethics and the dignity of labour in our society. I call on all trade unions to rededicate themselves to the important task of developing better attitude to work. Discipline on the job must be demanded in both the private and public sectors.

A healthy economy must stem from a healthy working force. My Administration while working for a programme of free medical services, will emphasize the need for preventive medicine. We shall intensify efforts to eradicate malaria and other endemic diseases.

I have given long and serious thought to the problems of Revenue Allocation. My Administration will soon set up a Commission to look into this matter and to recommend a new and equitable formula for the allocation of revenue among the three tiers of government—Federal State and Local Government.

There is no doubt that the Commission's success will, as in all inter-governmental relations, depend largely on genuine co-operation at all levels between the Federal and State Governments.

The safety and security of life and property in our society today give cause for concern. We must combat armed robbery, and other forms of violence in this country. My Administration will improve Police Services by providing better equipment and conditions of service to policemen. We will also look into the social and other causes of these maladies with a view to providing real and lasting solution.

The security and safety of our borders and indeed of the State itself is the first charge of our Armed Forces. My Administration will intensify the efforts of our predecessors to create an efficient contented, mobile, well-trained and well-equipped Force capable of defending our territory against all external threat. In addition we shall see to it that the training of our Armed Forces is versatile enough to enable us use their training and experience in emergencies.

In foreign policy, Africa still remains our primary interest. We renew our pledge of support to ECOWAS, the O.A.U. and the Liberation Movements in Africa. Let it be known that our commitment to the total liberation of our brothers in Zimbabwe, Namibia and South Africa remains unshaken. We also desire to maintain peace and close ties with our immediate neighbours. And we shall work relentlessly to uphold the dignity of the black race. We renew our pledge of support for the United Nations and world peace.

The search for lasting solutions to our problems calls for our joint efforts. My Administration welcomes well-meaning advice and suggestions from all quarters. Mr President of the Senate, Mr Speaker of the House of Representatives and the Honourable Members of this august Assembly, when I assumed office, I offered my hand of co-operation to other political parties, and I have signified my intention to include Nigerians of other parties in the Government. However, this must not be misunderstood as a call for an All Party Government.

I take this opportunity to remind you that arising from the sacred oath of office to which you are sworn, your primary responsibility and loyalty, individually

Certainly, given its quality of representation, and with good will on all sides, all the ingredients for greatness abound in this august Assembly of mature men and women of ideas and consequence. You are Nigerians of dignity and integrity representing various fields of human endeavour and capable of making Nigeria truly great.

Our problems are many and varied. But, they are not insurmountable if we can sink our differences and work like a team with everyone willingly contributing his quota in order to satisfy the legitimate hopes and aspirations of our people. The task of nation-building is the collective responsibility of all and posterity will not forgive us if we should betray the sacred trust conferred on us by the people.

This is your Government, freely elected through the Supreme will of the people. And, to ensure a speedy realisation of a great, peaceful and united nation which will serve as an inspiration to all black people throughout the world, our proper role should be that of co-operation and not confrontation. It is therefore your duty, indeed your sacred responsibility to ensure that our national unity and stability are not sacrificed on the altar of ego or fleeting political gains or expediency.

Let all those who have claim to leadership roles exercise the greatest restraint. Those who sow the wind must reap the whirlwind. Let us approach our deliberations with dignity and decorum. More than anything else, there is need for tolerance, understanding and trust. Inflammatory speeches and indulgence in polemics must not be allowed to becloud the real issues before you.

May I end expressing the hope that you and I will show enough dedication and vigour to distill from our experiences strong programmes of national action that will bring about mutual understanding and tolerance.

I wish you fruitful deliberations.

Thank you and God bless. (Applause)

(Standing Ovation as His Excellency, the President of the Federal Republic of Nigeria retires from the Chamber.)

The President of the Senate : The National Assembly will now continue with its business.

Senator Sola Saraki, the NPN Leader may speak.

Motion of Thanks

Senator Sola Saraki (Ilorin/Asa) : Mr President of the Senate, Mr Speaker of the House of Representatives, hon. Members of the National Assembly, I feel greatly honoured to rise and reply to the address by His Excellency, Alhaji Shehu Usman Shagari, President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces, to us—the honourable Members of this august National Assembly. I have listened very attentively to the address and it seems to me that all the President said will meet with our accord but we need to re-dedicate

programme of his administration and one of these is Police. Mr President, Sir, Police and security problems today are so serious, disheartening, complex and colossal that unless these problems are tackled very vigorously, life and property shall continue to be very unsafe for us. In order to have a prosperous country, we need peace and stability, and among the primary responsibilities of a nation is maintenance of law and order in its sphere of authority.

Therefore, hon. Members, let us put our heads together, let us join hands and transform Nigeria into a country of hope and glory. We have just been told that a Commission on Revenue Allocation will soon be set up. It is my fervent hope that this Commission shall go a long way in its deliberations to relieve the tension over this issue of Allocation of Revenue. This is one of the issues which increase our area of friction, but, hon. Members, we must work together irrespective of our political parties to build a united, prosperous and very strong nation. We must not allow sentiments to swerve us away from the path of reasoning and tolerance.

Hon. Members, it is my very strong belief that no society can live without an ideal or clear understanding of the principles that guide its organisation. Nigerians want to know by what principles they are going to be governed and towards what future they are heading. We have now to admit our difficulties, and let us throw away our prejudices but strive for a free and fraternal society; a society of unity and freedom of choice adapted to our geographical and our national characteristics—a society of freedom and progress. Mr President, Sir, hon. Members, these must be our objectives and they must be achieved. Even though the path to our goal may be rough and rugged, I am fully convinced that with mutual understanding, we shall succeed.

I, therefore, urge you, hon. Members, to let us join hands together and make Nigeria a country that all of us shall be proud of. We have millions of Nigerians as we are here this morning who have no hope of taking their breakfast and we were voted to this National Assembly to deliberate on the way this country could be transformed to a place that all of us would be proud of.

I, therefore, move that we should send our thanks to our President for coming to address us.

Thank you. (*Applause*)

The President : Senator Alhaji Jalo Waziri may speak.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, hon. Members of the National Assembly, I rise to second the Motion on the vote of thanks for the speech of our President.

The speech that has just been delivered to us was a dynamic and inspiring one and if we keep to it, it will no doubt lead this country to its goal. It is our part, hon. Members to rally round and support the President and his Government in his pursuit of this

sentiments. We should work together in the spirit of give and take for the realisation of our goal and in the interest of our nation. Let us eschew bitterness. Let us work together as a team and honour our oath to carry this country to an enviable state not only in Africa, but also in the world over. (*Applause*)

Hon. Members of the National Assembly, I would like to take this opportunity to pay tribute to the Armed Forces for the care they had taken of this country, the effort they had made to make the country one, the effort they made to unite the country, the magnanimity they displayed in handing over to the civilians and allow us to form a government for the people. I would like also to take this opportunity to thank the general public for accepting the challenge and working peacefully towards that end. (*Applause*)

We do not envisage any disagreement among us ; we have pledged to work together. Let us not be carried away by sentiment. Let us all work and pray for the nation as a whole. May God help us.

I beg to second.

The President : Senator Odebiyi may speak.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President of the Senate, Mr Speaker of the House of Representatives, Members of the National Assembly, in supporting the Motion of thanks for the able speech made by the President of the Republic, I, on behalf of the Unity Party of Nigeria, endorse the view that there is need for us to work together for the prosperity of our great country and its well being. (*Applause*)

The elections are now over and we have all arrived at this day. That Alhaji Shehu Shagari is the first Executive President of the Federal Republic of Nigeria after the Army has voluntarily opted to hand over power to a Civilian Administration after 13 years of military rule is epoch-making and therefore he is making history, and that, in all its ramifications.

A few weeks back he was a party activist. From today and since he was sworn in, he has become the first Nigerian Citizen and the Father of the Nation. (*Applause*)

A good father in our Nigerian History and Culture treats all his children with affection. Even where he has favourites, in order to hold the family together, he does not show it. In words and action he gives equality of opportunity to all his children. From all indications and from what he has read to us this morning in his latest speech, he will be a good father.

Mr President, Sir, Mr Speaker, one is rather disturbed that whereas our President is talking peace, some of the front-line activists within his Party, even after he has been sworn in, are talking war. (*Interruptions*)

Several hon. Members : Fire ! Fire !

Some hon. Members : No ! No !

Senator Odebiyi : I suppose the temptation of being at the corridors of power is very great for most of them. It will, therefore, be the President's responsibility to remind them constantly the under-mentioned relevant point in his Oath of office which I now quote :

"That I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria ; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria ; That in all circumstances, I will do right to all manner of people according to law, without fear or favour, affection or ill-will."

Mr President, Sir, it follows therefore that if our President takes to heart the above Oath of office, which I know he does, he cannot but feel embarrassed when spokesmen of his Party speak and act at cross-purposes to the Oath of his high office. Maybe their sudden exposure to the source of political power is so dazzling as to have an unbalancing effect on them. For it has been said by men of old that power corrupts, absolute power corrupts absolutely.

We all know, Mr President, Sir, that in order to avoid implications of this old saying, the fathers of the Nigerian Constitution have given us a Constitution based on the principle of separation of powers. The temptation is there if the President so wishes to erode the functions of the Legislature, but knowing much as I do, he will not. But I will, therefore, beg him to prevent his Party functionaries from taking the dangerous steps of eroding the Constitutional rights of the Legislature particularly those of the Senate.

Several Members : No! No!

Some Members : Fire! Fire!

Senator Odebiyi : One hopes that some recent events will not set the pattern for the future. I refer specifically to the postponing of the opening of the National Assembly for reasons which are not self-evident. I refer also to the current efforts to form a broad-based government for the Federal Republic ; in that effort some parties are being seriously canvassed for co-operation whereas some others are being actively hedged out while appearances are put up to suggest that they are welcome in the government.

Mr President, Sir, on a personal note, I have been acquainted with the President for more than twenty years in my capacity as a Regional Minister in the Western Region charged with Establishment Matters in the Ministry of Finance and during that period I developed a great respect for his judgment and probity of character. 'Twenty years' have passed since then and that period is a short but long span in the life of man. May I, therefore, hope that His Excellency will continue to justify that impression of mine then in this his new office.

not only to his Maker but also be judged at the bar of world history, for "Solomon" said "Call no man happy until he is dead".

Mr President, Sir, I beg to support. (*Applause*)

The President : Order! Order! The hon. Senator for Aba (*Senator Jaja Wachuku*) may speak.

Senator Jaja Wachuku (Aba) : The President of the Senate, Mr Speaker, hon. Members of the National Assembly, it is with humility and great responsibility that I stand here to support the Motion of Thanks to the President of the Federal Republic of Nigeria for the speech which he has most ably delivered to this Assembly. (*Applause*)

Today is not the day for polemics. We have our respective Houses. The President has given us food for thought. This is a moment for reflection on the words that have been delivered here, so, I am not going to make a long speech. We have been reminded that we have been called upon to build a virile, strong, and just nation. For my part and the party I have the privilege to lead in the Senate, I want to say that as long as the President lives and acts in accordance with the words contained in this most memorable speech he can be assured of the support of my co-Senators. (*Applause*) But if he deviates from the charted course, naturally, we shall be constructive, firm, honest and just, having regard to the future of this country and those we represent. (*Applause*)

We regard this country as a priceless jewel in the Black African crown. Therefore, whatever we do, and in all our utterances as long as we have this at the back of our minds and we try to do what is best for this country no one should regard it as not conforming to the desired end. We are a heterogeneous composition. Nigeria is a nation of nations, sometimes regarded as tribes. There are major nationalities in this country with various attributes and qualities which we have to distil as representatives to form a composite amalgam. It is when that is done that we can satisfy ourselves that we have built a nation (*Applause*). We are on the path of nation-building. From the remark which the President has made this morning about Revenue Allocation, if he succeeds in getting that done and there is a fair and equitable distribution of amenities to all tribes of this country without creating imbalance one way or the other, he can be assured that the party I represent will always give him that co-operation that he needs in his most arduous task. (*Applause*)

Nigeria is not an easy country to govern. Anybody who has been in the government of this country knows that we have various problems. All the President needs is the prayer and the support of the people of this country. I have known him for a number of years. He has a simple way of life but he

mislead. (Applause). He also told us we are to work for the people who elected us. Therefore all our actions in this House are centered on these people, always thinking of what we can take back to them. So, this will be our attitude which we have in passing all those Bills that we believe are going to be of interest to this country. Any Bill which we believe is not going to be of interest to this country will meet with difficulty here.

So, hon. Members, with this very short speech, I thank you all for allowing me to contribute this morning to the Motion for acceptance of the President's Speech. Thank you very much.

The President: The hon. Member for Malumfashi (*Alhaji Malumfashi*) may speak now.

Alhaji Datti Malumfashi (Malumfashi): Mr President of the Senate, Mr Speaker of the House of Representatives, hon. Members of the National Assembly, I rise to support the Motion thanking the President of this great nation for delivering his Speech so well to the House this morning.

In doing so, I would like to observe that in outlining some of the programmes which the President's Administration intends to carry out, effort has been made to include the programmes and manifestoes of all the political parties of this country. (Applause)

I note particularly his mention of agriculture and housing which everybody knows are the prime areas of his own Party. There is mention too of a self-reliant and independent economy including qualitative education which is my own priority, as well as Free Education at all levels which is a priority of a well-known Party in this country.

Above all, the President spoke of foreign investment in the economy matched with Nigerian participation. This is one of the programmes of the GNPP. Frankly speaking, this is an effort which should be followed in good spirit by other Parties in this country.

Having said this, I should now point out some areas where we hope the President will look into. These are inflation and rural development.

I know emphasis has been placed on arable farming, irrigation and so on.

Finally, with these few words, I support the Motion thanking His Excellency, the President, Alhaji Shehu Aliu Musa Shagari, for his Speech. (Applause)

Senator Ibrahim Jalo Waziri (Bauchi East): Mr President, Sir, I beg to move that the Question be now put, that an humble Address be presented to His Excellency, the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation thanking him for his Address to the National Assembly.

Question put and agreed to.

As I said earlier on, this is not the time for a lengthy speech (*Laughter*). When I used to belong to this House as a Member of the House of Representatives, not National Assembly, I was entitled to thirty minutes for my speech (*Laughter*). At the Upper House which is the Senate, you are entitled to one hour and I think that is due to the numerical strength of that House. According to the Standing Orders, if you are supporting a Motion the President would not allow you to speak for more than forty minutes. Since I am supporting a Motion now, I have not exceeded my forty minutes. (*Laughter*)

Mr President, Sir, I wholeheartedly support this Speech which has been delivered to this honourable House. (Applause)

The President: Order! Order! The hon. Member for Tangale-Waja South, (*Mr Kaltungo*) may now speak.

Mr Yinusa Kaltungo (Tangale-Waja South): The President of the Senate, Mr Speaker, hon. Members of the National Assembly, I take the Floor to join other hon. Members who have spoken before me on the Speech delivered by the President of our country. I am not going to take a long time but I hope you will allow me two minutes to support them on this Speech.

The speech of the President carries so many hopes and aspirations for everybody in this country except for the person who is not willing to accept the realities of life. Everybody is included in his Speech so that every citizen of this country can actually participate in the development of our nation socially, economically and politically. (Applause)

There are high hopes in this Speech for the working class of this country and I believe, as the President said that he is going to pursue them with all vigour. The poor farmers are going to be catered for as a result of the gigantic green revolution which his government has embarked upon. The poor peasants are going to be taken care of. The intellectuals, scholars, students, young and old are all going to be catered for according to the speech of Mr President. (Applause)

Therefore, hon. Members, in supporting the Speech and in supporting my previous Speakers here, I would like to assure the President that we in the House of Representatives are practising what some people call politics without bitterness. We have been working together very friendly in this House. In fact, I can assure you that no Member here thinks that he belongs to this Political Party or that.

Resolved : That an humble Address be presented to His Excellency, the President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation thanking him for his Address to the National Assembly.

National Assembly suspended : 11.20 a.m.

The Senate reassembled : 11.25 a.m.

(The President in the Chair).

Sitting resumed : 11.30 a.m.

The President : The Senate will now resume sitting. Before any other business of the day I want to apologise on behalf of the National Assembly to Members of the PRP and the GNPP for not having the opportunity to speak on the Motion of Thanks for the speech of the President and Commander-in-Chief of the Armed Forces Federal Republic of Nigeria. I want to assure them that this was not an oversight, but was due to the lack of time that was allowable in the National Hall to continue the debate on the President's speech. I want to assure them that this occasion may not recur, as next time we will make sure that they have their turn, if not possibly first.

Senator Idrisa Kadi (Borno North-Central) : It is painful really, because I feel that only the GNPP was not represented in that occasion. However, I am now very glad that the apology has been tendered to us and I accept the apology, Sir.

Thank you, Sir.

The President : Thank you very much.

Senator Usman Alto Dambatta (Kano North-Central) : We are happy that the President has found it necessary to make the remark. I want to assure the President on behalf of the PRP that we do not feel quite offended, because a Member, and a leading Member at that, of the House of Representatives has spoken on our behalf.

Mr President, Sir, before I finish, I would like to draw the attention of the Senate to the fact that, as Senators of this high legislative body, going into the House of Representatives for such an occasion, I think it is only right and good to thank the House of Representatives for allowing us to use their House for this short occasion. I think the Senators will as well consider this and perhaps agree to it.

Thank you very much.

The President : The PRP Senator, speaking on the Motion, made a suggestion, but before that will generate some debate I will like to remind the Senate that once we have a combined sitting of the Senate and the House of Representatives, that Chamber becomes the National Assembly. The Senate, therefore, is not a tenant in that Chamber. In that regard, I think that we ought to understand the position in the scheme of things.

Senator E. I. O. Akpata (Bendel Central) : I hate coming late I did not feel happy and I was a little embarrassed to find the President of the Senate seated. I should have thought, Sir that, to save us such embarrassment, when we were coming you probably would have retired to your Chamber, let us be seated and then you come in. To find you already seated and one comes in, it looks as if one is late. There is an instinctive measure of embarrassment in such a situation. This is my personal feeling, and possibly there may be others who felt quite like that.

Senator O. Eberewariye (Rivers V. Degema) : To add to the Motion of Thanks for the message from the President, I have observed the lack of fanfare in the conduct of the affairs of the two Houses. I will expect, at least, a sort of African character to be introduced into the opening and closing of the joint session. One African character I would like to bring in is probably the talking drum. We are so rich in our culture. If foreign countries probably have even one quarter of our culture, I am sure they must have really brought in something to add to the fanfare of the opening and closing of this joint session. So, I would like Senators to think about something African to introduce into the fanfare of the two Houses.

The President : I may remind Senators that we are not re-opening the debate on the speech of the President. We have already closed the National Assembly.

Senator Eberewariye : It is an observation.

The President : I would like this observation to be raised under proper circumstances.

ADJOURNMENT

The President : May I call on the NPN Leader to propose the Motion for Adjournment.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, honourable Senators, I beg to move that this Senate do now stand adjourned till tomorrow at 10 o'clock in the morning.

Senator J. S. Tarka (Benue East-Central) : I beg to second, Sir.

Respect for Senators

Senator Jaja Wachuku (Aba) : Mr President, Sir, I want to call the attention of this Senate to the way and manner in which we moved from this Senate to the other House. It was in a disorderly manner. There was scrambling among Senators. We would like, when we move out from here, to agree on the order in which we should go. It should be with dignity and respect. This morning the result was that when the hon. Senators got to the other House, we had no seats.

Mr President, Sir, I want to point out that it is most undignifying for Senators to go from here to the other House and find that there is no seating

who were going to speak would have been put in a particular place so that they would be able to catch the eye of the President. This has happened this morning and I sincerely hope it will not happen again. We would like the Clerk of the National Assembly and the Officials to make sure that when Senators get to a joint meeting like that, they get there in comfort and with dignity and respect.

The other thing I want to point out, Mr President, Sir, is that when I was coming this morning, I had an unfortunate experience. I came in here at about seven o'clock. When I was trying to get to the gate, I was stopped by the Police. The vehicle had to be diverted. When I told them that I was a Senator and one of the Party leaders, at least, my car should have been allowed to get in here and drop me and park somewhere else. The officer reluctantly allowed the car to get in.

Surely, if the President is coming to the National Assembly, I can understand security arrangement, but it should be made in such a way as to make Senators and Members know that they should come early enough. Suppose it is raining, what happens? They will stop us there, and then we will be thoroughly drenched before we come to the House? We shall then look shabby and in a most disrespectful manner. If the President arrived and saw us like that, drenched with rain, I think he would be the most unhappy man. So, I would like the Clerk of the Senate to take note of this, and make sure that whenever there is such a meeting, we should be treated with the respect that we deserve and not just pushed around like that. These are the two points I want to make this morning.

The President : Yes, Senator Nosike Ikpo.

Circulation of President's Address

Senator Nosike Ikpo (Bendel East) : The observation I would like to make is whether it is possible to have the text of the President's address circulated to the Senators. Mr President, the address contains a wide range of the programme of the President's Administration, and I do not think all of us who were in the National Hall this morning were able to memorise all that the President said in his address.

I think also that it may be necessary, like a speech from the throne, or from the mood of the address covering National issues, for the President's address to be debated in this Senate. I would like to request the President of this Senate to set four days aside for Senators to discuss the various issues and the various points raised in the President's address to the National Assembly. I say this because I listened very carefully to his address, and I noted that he outlined the major programmes of his party which obviously has been adopted by his Administration. Certainly, he contested election on a party platform, and that party has a programme. Having won the

As I was saying, Sir, I think it is wise for us to have the opportunity of examining those programmes. It is not only our business here to make laws, it is our business also to help in highlighting and articulating certain programmes which may be helpful to the administration in the formulation of its programmes. Thank you, Mr President.

The President : Before I lose thought, I think I should make a brief comment on the last two speakers. The first one is that, while I appreciate the difficulties which Senators experienced this morning in coming here, I experienced similar difficulties too. I want to assure Senators that this is a new system we have just started, and everything is being done to make sure that things run smoothly.

Whilst I say that, I want this recorded that the Officials, the Clerks of the National Assembly and of the Senate, and other Officials are doing their jobs satisfactorily. I do not think that the experience of this morning in the National Assembly is one for which they alone should carry any blame. I think it is an experience which we all shared, and which we have to improve upon when we have the next meeting in the National Assembly.

I may also touch very briefly on the last speaker, but only to remind him that we now operate a new system, a new Presidential System, for which the President of the Federal Republic of Nigeria is expected to bring Bills to this Senate for debate and approval. Any major speech in which programme or programmes are outlined in the present circumstances will be regarded as speeches. But they become a matter of serious concern of this Senate when they are brought before us for approval.

Senator Oke, you may speak.

Senator D. O. Oke (Ondo West) : Mr President, Sir, I have two rather minor points to make but I think that they are well worth making.

The first is that I hold the view that if it were possible, when the President of the Federal Republic of Nigeria would be addressing us or any other august visitor that we had the speech in advance. It might be possible for the principal speakers who would respond, to be intimated with the contents of the speech either by getting a summary or a copy of the speech. This would make responses in such a formal setting directly related and briefly made. This morning, it was quite good but I am sure that things might have been much easier for those responding if they had had a fore-knowledge of the content of what they would respond to. That is my first point.

My second point here, I would like to have corrections because I might be wrong. It seems to me that we moved a Motion of thanks in the National Assembly without remembering to put it before the House. I guess that we would have approved it by

acclamation but I do not remember that we did that. Perhaps, we did and I was not sufficiently attentive but I guess that we forgot to.

The President : Senator Kolo, you may speak.

Meetings of Senate

Senator Ibrahim Kolo (Bida) : Mr President, Sir, I have not got anything lengthy to say but, in support of the motion for adjournment, I would wish to point out that this Senate be kept a bit busier. At present, that is all we have on today's Order Paper and from here we would all go home and sleep.

The President : May I correct you there. There are a number of committee meetings going on and I am told that you are a member of one of these committees and you may be working till midnight.

Senator Ibrahim Kolo : But again, I do not want to spend an additional minute in Lagos unless it is absolutely necessary.

The President : The Constitution provides that the Senate shall meet for a minimum of one hundred and eighty-one days.

Senator Ibrahim Kolo : But I do not want to spend an additional minute on top of that.

The President : Senator Kolo, do you have any particular reason for saying so ?

Senator Ibrahim Kolo : I have my reasons. With due respect to the Governor of Lagos State, I do not think that he has been hospitable to us enough. We have cars but we do not have accommodation and we are housed so far away from the town but he does not seem to—

Senator S. A. Shitta-Bey (Lagos) : Point of Order. I refer to Order 62, Mr President. Mr President, I am inclined to say, Sir, that the government of Lagos State should not be involved in the question of members' welfare at the moment.

The President : That is not a point of order and so, your Order is not sustained. You may sit down. You are protected Senator Kolo, please continue.

A Senator : On the same Point of Order, Mr President.

The President : Your Order is not sustained.

Senator J. S. Tarka (Benue East-Central) : Mr President, my Point of Order refer to Order 36. I think, Sir, that it is in bad taste to impute motives and to attack the Head of a Government who is not represented here.

Senator Ibrahim Kolo : Please forgive me as I do not mean to attack him. Before I made my comments, I said *with due respect to him*. He has been very hospitable to the Legislators who have come to

ensure that our Order Papers instead of consisting of two lines, should contain several lines, several paragraphs, and this would make us work very hard. At the moment, the House of Representatives has established all its Committees and that House is ahead of us and is making more progress.

The President : I am not too sure about that.

Senator Ibrahim Kolo : I am sure, Sir.

The President : Senator Ojukwu, you may speak.

SENATORS AND NEW SYSTEM

Senator S. M. Ojukwu (Umuahia) : Mr President, Sir, I think that the President of this Senate, like Senator Akpata from Bendel Central had said, should be accorded the highest respect. I observed, as we were coming in, that the President entered the Chambers before hon. Senators. I am thinking that some new arrangements should be made whereby we would be seated before the President of the Senate comes in.

Mr President, Sir, we are operating a new system which is quite new to us and no hon. Senator here would claim to be an expert. I had thought that some experts were sent abroad to a country whose system we are adopting to see how certain matters are dealt with in practice. I had also thought that when practical situations arise between the new and the old systems, they would assist the Senate so that we can command the respect we deserve. There are visitors in the gallery who are watching what we are doing and the way we are dealing with issues. So, we should not be made to look ridiculous before them especially if there are among these visitors those from whose country we have adopted the new system.

Senator I. Jalo Waziri (Bauchi East) : Point of information, Mr President. Hon. Senators seem to make the point that Mr President was here before them. Well, I would like to explain to them that Mr President should not be one minute late. It is up to hon. Senators to see that they are here before Mr President. He should be here on time which he is doing at the moment, I believe, and it is hon. Senators' duty to see that they are here before Mr President.

Hon. Senators should not be late in coming to the Chamber because the President is late, and they should be seated so that Mr President would come and find them in. That is the procedure. But, if and when Mr President is not able to come in time, his deputy is here and he would take the Chair until Mr President comes. That is the procedure.

The President : I am inclined to think that hon. Senators are concerned about the order in which we returned to this Chamber after the meeting in the

[THE PRESIDENT]

Senator Obi may speak.

Arrangement for Joint Session

Senator Onyeabo Obi (Anambra West) : Mr President, Sir, you have already covered the point about the arrangements this morning and expressed the hope that for the next joint-session better arrangements would be made. I think that it is probably necessary to specify what better arrangements some of us have in mind.

The President : Would you make your suggestion to the Clerk ? It should not be a subject of debate in the Senate Chamber.

Senator Obi : Mr President, I accept that, except that the matter has been introduced, but I would put forward my feelings on the subject. I would like to say that officially, apart from the Senators, there is a President who is accorded his position and also the Vice-President. The Vice-President was sitting among visitors this morning, and I think that that is not correct and Senators have a duty to make sure that the officers of State are given the proper protocol which are attendant thereupon. Mr President, Sir, I would like to suggest that—

Senator A. A. Ali (Benue West) : Point of information, Mr President.

The President : Point of information sustained.

Senator Amadu Ali : The President of the Federal Republic of Nigeria himself, today, this morning, was a visitor to the National Assembly.

Senator C. O. Adebayo (Kwara Central) : Mr President, Sir, in relation to what Senator Ali has said the President is, of course, a visitor. He is not a Member of the National Assembly. There is a difference between a Member who is attending as a Member and somebody who is attending as an august visitor of the House. The position of the President and those of the President of the country and those of the President and the Deputy President of the Senate are different.

Senator Obi : In the future, Mr President, Sir, if we can not get simultaneous copies of the President's address we hope that on our return to the Senate Chambers, copies would be made available to us in our seats or in our peign holes because outside now, even the Press are getting copies of this speech and Senators are getting what is in the text. We are only waiting for tomorrow's newspapers to read the text of an address which was delivered to the National Assembly. Thank you.

The President : I would make a brief comment. Senator Obi, I hope you understand that the Senate has no control over the State House. I can assure you that administrative machinery is in motion to give copies of the President's Speech to Senators of this Senate.

Senator Ibrahim Dimis is itching to speak.

Lagos Traffic Edict

Senator Ibrahim Dimis (Bauchi South) : Thank you, very much Mr President. In supporting the Motion for adjournment I would like to associate myself with the view that distinguished visitors—under the Constitution of the Federal Republic of Nigeria, Section 277 (3) says : *In this Constitution, references to a person holding an office shall include references to a person acting in such office.* I move that this Senate be prayed to appeal to the Governor of Lagos State, Alhaji Lateef Jakande, under this Constitutional provision, to grant privileges which has already been granted to Diplomats, CVU buses, Ambulances, excluding them from the traffic edict, to Members of the National Assembly, and that they should be included in this category of people to enable them perform their duties in the National Assembly and to continue doing so undisturbed.

Mr President, we respect a new young blood who has a lot to do and we would like to be in very good hands and we are sure he is capable of doing that. He is a very nice man, I know him personally, and I do not think if this Senate should approve he would turn it down. With due respect, I would like to appeal to this Senate to send a message to the Governor to allow the cars of Members of the National Assembly to be on the road without restrictions. This is a situation hon. Senators are not used to. They should be left to learn to live in Lagos or otherwise Mr President, I would equally move that if this is not possible we should move to Abuja before December 1979 because there is no need to come here and waste our time.

The President : Senator Victor Akan may speak.

ZIMBABWE

Senator Victor Akan (Eket) : Mr President, Sir, in supporting the Motion for adjournment I would like to say that I was delighted when the President of this country mentioned the subject that I raised yesterday, and that is the subject of Zimbabwe. I asked this Senate yesterday to note that sanctions against that country comes up for renewal next month and that a particular section of the British Press and a particular section of the governing party, that is the Tory Party, is doing everything possible to ensure that sanctions against Zimbabwe-Rhodesia are lifted. Mr President, I want to thank the President of this Federation for stating his support for the struggles of our people in that part of Africa. Mr President, I support the Motion.

Than you.

The President : Senator Shitta-Bey may speak.

Senator S. A. Shitta-Bey (Lagos) : Mr President, Sir, I would like to associate myself with the views expressed by my friend Senator Akan. I think he expressed a similar view yesterday and incidentally the matter also arose from the speech of the President today. Mr President, I must say, with due respect, that we can not close our eyes to the happenings in the world particularly happenings within Africa. The constitutional talks on Zimbabwe have been going on

for some weeks and crucial issues were raised. The Patriotic Front was bent, because I followed the issue very closely, on maintaining one thing, and I can put it generally, and that is, the dignity of man. This stand has been supported by Nigeria all along and I believe that this country led in one thing. We led the other African countries in raising money; I happened to be a member of the Fund Raising Committee at that time. Mr President, Sir, we should do everything possible to ensure that Britain does not lift sanctions on Zimbabwe. (*Applause*)

What is happening now is that Abel Muzorewa is lobbying and lobbying seriously, lobbying top Conservative Members of Parliament to ensure that they can get support for his views, and I believe this is an attempt to get what they think they should get behind closed doors.

Senator Ayo Fasanmi (Ondo North): Mr President, honourable Senators, I said earlier on that we should find days to discuss the speech of His Excellency, the President. Piecemeal discussions of the address will not be meaningful. May I suggest that we should make progress.

The President : Order ! Order !

I would welcome substantive Motion to discuss the Zimbabwe situation. Such a Motion should be filed and it will be listed in the Order Paper of the Day and we shall discuss it.

Senator Shitta-Bey : While I am happy about the ruling on the issue, in fact that would give most of us a lot of chance to discuss the matter, I would like to say this on what my Brother Senator Ibrahim Dimis said about Lagos State. Those of us who are from the State must say we are sorry about this; but that notwithstanding, that is the law of the State. I agree that Senators are entitled to some privileges. They are entitled to move freely without being molested, without being arrested, particularly when they are going to do the business for the country. Some of us will do our best to communicate your minds to the Governor of Lagos State. (*Interruptions*)

The President : Actually, I thought he was a spokesman for Lagos State. You are protected, Senator Shitta-Bey.

Senator Shitta-Bey : The third leg relates to the speech by the President of the Federal Republic of Nigeria. Mr President, Sir, if we will be allowed to debate the speech, I shall be inclined to make my contributions. But if the ruling at the moment is that it shall not be debated, I would like to refer to the President's Statement earlier that we are operating a new Constitution; and if we are operating a new Constitution, there are established practices in countries operating similar Constitutions, particularly countries from which we imported certain practices, and we must be in a position to make use of the

practices of those countries as far as they relate to our present Constitution.

So, Mr President, Sir, if it is the practice there, because we will check between now and tomorrow, if it is the practice that speeches like this are debated there, then I am asking the President to grant us the indulgence to reopen the matter.

That is my point, Sir.

Bad Lifts at Members Flats

Senator Adeleke Ayoola (Oshun II): Mr President, Sir, first, I would like to suggest that in future if His Excellency, the President of the Federal Republic of Nigeria is coming to address the National Assembly, if there is nothing wrong in the Constitution, advance copies of his address should be sent to us. I say this because, of the five Leaders of the Parties who replied to His Excellency's address, I think only that of the NPN leader relate to what the President said.

The President : I assure honourable Senator Ayoola Adeleke that the President's speech was probably typed this morning. So, he has no opportunity of seeing it, if that is what you insinuate.

Senator Adeleke Ayoola : I know that this Senate does not control the State House. But we may make suggestions to them on this.

Secondly, I would like to speak on security and safety of honourable Members in the National Assembly flats. It appears on two occasions now, incidents happened when some honourable Members were trapped in the lift, and there were no Engineers or Attendants around and they were under suffocation. This, I say, is a danger to their lives. This has happened twice when about eight Members were trapped in the lift, and other Members, for up to twenty minutes, were running around but there was nobody to be found, neither Engineers nor Attendants were around to attend to the lift. I think that the lift that is catering for almost 600 Members of the National Assembly should be run on shift basis for 24 hours, and an Attendant or Engineer who knows about the operation of this lift should be around all the time. This is exactly what I want. There must be security and safety of Members at the National Assembly flats.

Order of Precedence

Senator Andrew Abogede (Bende North-Central): Mr President, Sir, I have some points to make. I want, if the Senators will really not be annoyed, to call your attention to Nigerian Constitution 1979 Section 49 (2)—

At any joint sitting of the Senate and the House of Representatives, the President of the Senate shall preside, and in his absence the Speaker of the House of Representatives shall preside.

What happened this morning, if others will be in the same school of thought of mine, is that they were co-Presidents there. Even from the speeches of the various people, they were addressed as President of the Senate; and the Speaker of the House of Representatives, which did not really follow the Constitution if we are referring to the National Assembly.

[SENATOR ABOGEDE]

This is the point I want to make clear, and secondly too, Sir, if the President of the Senate will permit me, I would refer him to Section 26 (9) and (10) of the Standing Orders. As I have said in this Senate, we are here as mature people and people who are representing millions of Nigerians, and our actions here should be watched. Hence, any bit of the sections of our Standing Orders, or anything that will guide us in this Senate should be well taken care of. I made a point here yesterday about this very matter. It is said here in the Standing Orders just quoted :

A Senator desiring to speak shall rise in his place and, if called upon, shall address his observations to the President or the Chairman.

If two or more Senators rise at the same time, the President or the Chairman shall call on the Senator who first catches his eyes.

Many hon. Senators, even when the President calls names still keep on standing. That is why I am saying this. What we should try to do is to see that we follow exactly the procedure laid down by our law makers. What I am trying to say here, Sir, is that in the Nigerian society, whatever affected someone, he would try to get a literary interpretation of it to set him off. This is not what we would want to happen. We should all be prepared to face the consequences of the law we make. That is what it should be.

What I am trying to say here, Mr President, is that I only want the people, our brothers and sisters, that we come here to represent to take us into confidence. If you can read some of the *Evening Times* publications, or some of the newspapers in Lagos, we would probably find that they call us all sorts of names, that we, the Legislators, have come to Lagos, to struggle for our own personal well-being. They

would say that, that information was written at the front page of the paper. If we are really to face the realities of our time, we should, as Legislators, be prepared to live even in huts, so long as all Nigerians are prepared to live under such a condition.

I see no reason why a Member should say—*A well furnished parlour ; a well furnished bedroom for a people of our calibre ?* It would appear to me that we are quarreling over nothing. All these are contained in the daily papers. If this is really so, it is not really good. These comments do not portray us in good light.

The other day, Senator Akpata, made a comment that each Senator was invited to take an advance of ₦500 to sustain him for the time being which we were duly to pay back. Again, the newspapers reported that we were here struggling to get money. So, with all these comments, and wild allegations, I think that at least for the benefit of the people that elected us, even if the Nigerian press have no respect for us, they should respect those behind us. In our different constituencies or Senatorial Districts, we have people equally, or more, knowledgeable than these so-called pressmen ; people of quality, sometimes of better quality than the pressmen. So they should not overlook that we are in this Senate and as such they should not continue to pour words of abuse on us. With these few remarks, Mr President. I beg to support.

The President : Order ! Order ! It is time to interrupt the business of the House. The Motion before us is that this House do stand adjourned till tomorrow at 10 o'clock in the morning.

Question put and agreed to.

Resolved : That the Senate do now adjourn.

The Senate adjourned accordingly at 12.25 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Wednesday, 17th October, 1979

The Senate met at 11.05 a.m.

PRAYERS

(The President in the Chair)

PAPERS

The President : Order ! Order ! I am informed that there is a report to be laid on the Table before the Senate this morning. It is the Report of the Public Accounts Committee which was prepared by the previous Government—the Government that left the scene about eighteen days ago. I may now invite the Deputy President of the Senate to lay the Report before the Senate.

The Deputy President : Mr President, Sir, I beg to lay on the Table of this honourable Senate the first Report of the Public Accounts Committee for 1979 Session together with the Proceedings of the Committee and the Minutes of Evidence.

NOTICES OF MOTION

Nomination of Ministers

The President : The Senate may now proceed with the Order of the Day.

Senator Sola Saraki may speak.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, honourable Senators, I would like to refer this Senate to the Constitution of the Federal Republic of Nigeria, section 135. This section says that there shall be offices of Ministers of the Government of the Federation, and these shall be established by the President. Section 135 (2) lays down the conditions of appointment into these offices shall be made by the President and it goes further to tell us that after the nomination by the President, this august Senate must confirm the appointments of the persons to these offices. Still on Section 135, Subsection 3, Mr President, can I read ?

The President : You may read.

Senator Sola Saraki : Section 135 (3) says, *Any appointment under Subsection 2 of this section by the President shall be in conformity with the provisions of Section 14 (3) of this Constitution.* Section 14 (3) says, *The composition of the Government of the Federation or any of its agencies and the conduct of its affairs must reflect the Federal character of this country.*

On Monday, we received a list of names for the offices of Ministers from the President. The list is in two categories, there is the first category of Ministers with Portfolio (Cabinet Rank) and the second one is the category of Ministers without Portfolio (Non-Cabinet Rank).

Mr President, Sir, if you look at Section 61(b) of the Constitution it says that before you can be qualified to be appointed a Minister you must be qualified to contest election into the House of Representatives, and to be qualified to be a member of the House of Representatives you must be twenty-one years of age and above ; you must be a person of a sound mind and you must have paid your tax.

The President : Did you say tax ?

Senator Sola Saraki : Yes, tax.

The President : What tax ?

Senator Sola Saraki : Income tax.

The President : Is that in the Constitution or in the Electoral Regulations ?

Senator Sola Saraki : It is in the Electoral Regulations but the Constitution says you must be qualified to contest election into the House of Representatives.

The President : I am not doubting that aspect but I am just trying to ensure that this Senate directs its mind properly to what are the constitutional provisions and what the Electoral Regulations are, as they are distinct.

You may continue.

Senator Saraki : Having said this, I would like to present to this Senate the names sent to us by the President for the offices of Ministers.

Therefore, Mr President, I would like to move that the list of proposed Ministers sent to us by the President should be considered and accepted so that the President can form his Cabinet and the Ministers can assume duties to allow the Government fulfil its promises to the nation.

Thank you.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, it is a matter for regret that as the highest Legislature in our country we have not yet addressed ourselves squarely on our responsibilities as defined by the Nigerian Constitution.

Secondly, the President of the Republic must have had very ample time to consider his list of Ministers, which for the first time is being presented to us today. Like responsible citizens that we all are, we cannot do justice to this list without our agreement on certain fundamental issues connected with the debate on the acceptability or otherwise of the people proposed in this list as Ministers.

What, may I ask, are our responsibilities to this country as prescribed and defined in the Nigerian Constitution ? Under Section 135 (1), the President has constitutional responsibility to establish such offices as Ministers of the Government of the Federation. That is his responsibility, and his alone, but in Subsection (2) of the same section, whatever appointment is made shall be subject to confirmation by the Senate. Subsection (3) deals with the mode of appointment which is the need to reflect the diversity of the country by making the appointment representative of each State.

[SENATOR ODEBIYI]

The honourable Senator, Chief Saraki did mention that under section—

The President : I am not sure that he is a Chief yet.

Senator Odebiyi : He is the Chief of the Talakawas in Ilorin.

A Senator : He is a Minister !

Senator Saraki : Mr President, Sir, I am under attack.

The President : I do not think that you are under attack yet.

Senator Odebiyi : I have honoured the last speaker in such glowing terms that he ought to be happy, that as a wealthy man he is the Chief of the Talakawas ! (Laughter)

Under section 14 (3) of the Constitution, as he rightly pointed out, *The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.*

Subsection 4 of the same section 135 stipulates that, *Where a member of the National Assembly or of a House of Assembly is appointed as Minister of the Government of the Federation, he shall be deemed to have resigned his membership of the National Assembly or of the House of Assembly on his taking the oath of office as Minister*, whereas subsection 5 deals with qualifications for appointment. Subsection 6 of Section 135 is the crux of the matter.

While, for instance, we filibuster and use dilator tactics, which we are above in this honourable, Senate, and the President's list is not approved within 21 working days, the appointments shall be deemed to have been made. We are told that at the end of this week the Senate will go for about three weeks' recess, which in effect means that if the list is considered today we cannot even do justice to it. If we start debate on the list today until Friday, we shall not be able to finish it because, as I shall prove later, we shall require far more details than have been given us on this piece of paper.

Mr President, Sir, in other words, the Senate should spend, at least, a week or two and, at most, 21 days to debate the merits or demerits of those proposed in the list.

The President : Are you suggesting that if the Senate extended its sitting time, you would still need that amount of time ?

Senator Odebiyi : I do not know. I am making my point, if only you would wait, Sir.

The President : I would wait very much, but I would also like you to consider that the Senate could extend its sitting time.

Senator Odebiyi : I shall come to that later. Mr President, the right to screen the list is a constitutional right, and as the fathers of the nation, we must exercise it judiciously. So far so good. But even in exercising our right, and in order to exercise it judiciously, there are certain fundamental issues which all of us who are here must agree to as being the test which any member who is going to be appointed a Minister must pass through.

Firstly, whoever is to be appointed must be qualified to stand for election into the House of Representatives, as contained in the Constitution.

Senator Saraki : Point of order.

The President : What is the order number.

Senator Saraki : Order number 26 says, *A Senator shall not read his speech, but he may read short extracts from books or papers in support of his argument, and may refresh his memory by reference to notes.*

The President : I am not sure that Senator Odebiyi was reading his speech, so your order is not sustained.

Senator Odebiyi : Thank you very much, Mr President. We are used to this. We have been in this type of game for almost 30 years. A senator has to refresh his memory with the facts at his disposal.

Whoever is to be appointed must be qualified to stand for election into the House of Representatives. He must, fulfil for instance, the provisions in sections 61 (1) (b), 62 (b) (c) (d) (e) (f) and subsection 62 (2). Under the Electoral Decree, Sir, he must have paid three years' tax and be given Tax Clearance Certificate.

Senator Mahmud Waziri (Adamawa) : Point of information.

Mr President, Sir, the Electoral Decree has expired on the 30th of September. In that case, the so-called qualifications should not apply until the National Assembly enacts a new Electoral Law because there is nowhere all these qualifications he has stated can be found.

The President : May I interrupt Senator Odebiyi. What Senator Waziri is saying now is that the Electoral Decree is now obsolete. I now require some expert advice on this.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I wish to—

The President : Senator Anah, I thought I would have to grant you the Floor before you could address the Senate.

Senator Anah : Thank you, very much. Mr President, Sir, I agree—

The President : I still have not granted you the Floor.

Senator Anah : I am sorry, Sir.

The President : Are you giving further information on Senator Waziri's information ?

Senator Anah : Yes, Sir.

The President : Then you may speak.

Senator Anah : Mr President, Sir, I agree entirely with Senator Waziri's information. The Electoral Decree is a child of the Statute and in that Decree, it is specifically provided how long the Decree would last and it is provided there that the Decree would last up to 30th September, 1979.

So, Mr President, I agree with him that the issue of payment of Tax, *as and when due*, is no more part of the law, since the Electoral Decree is no longer applying.

The President : I would like to be guided by this honourable Senate. Are we saying that the provision for the payment of tax will not apply to the applicants for the posts of Ministers ?

Senator Jalo Waziri (Bauchi East) : Mr President, honourable Senators, Senator Odebiyi is referring us to a section of the Constitution, and for all purposes, until this section is amended, he is relevant, and these Rules must apply, until such time that the Constitution is amended by additions, substractions or deletions of this section of the Constitution. *(Applause)*

The President : There are two contradictory views on this. Let us clarify the position before Senator Odebiyi can proceed.

Senator Jaja Wachuku (Aba) : Mr President, Sir, with the coming into effect of the Constitution under which this Senate is set up, we are now governed by Sections 61 and 62 of the Constitution and Subsection 62 (f) is not contained in the Electoral Decree. The four months' qualification is out. If there is anything in the Electoral Decree which is in conflict with the provisions of the Constitution, then that goes under, and the provision of the Constitution prevails. That is the law. In this particular respect, we should limit ourselves to that part of the Constitution which says *he is a person employed in the public service of the Federation of any State* and we stop there.

The question of Tax does not come in at all in any part of the Constitution. It is not part of the Constitution ; as long as that is not one of the disqualifications, that will not be relevant to this issue. There are other factors.

Senator A. Durosimi (Badagry) : On point of information, Mr President, under section 271 (a) of the Constitution is a provision that—*subject to the provision of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make such Law.*

I think, Sir, any Law that had been enacted by the previous Government is still a Law under this subsection. Therefore, the question of Tax is still a Law and it is still part of the Electoral Law. *(Interruption)*

The President : Order ! Order ! Members may take their seats. I think we should now make progress, else we may continue to give information on top of information, and another type of information on another and eventually we digress from the principal point. I am inclined to put Senator Odebiyi's suggestion to the Senate that he may continue with his address and, I believe, it is the wish of the Senate that he may continue.

Senator A. A. Ali (Benue West) : Some of us wish to help in this matter.

The President : You want to help Senator Odebiyi in his address ? Senator Amadu Ali, I think you will have the Floor at some future time. Senator Odebiyi may have the Floor.

Senator Odebiyi : Mr President, Sir, I have just mentioned one of the qualifications. There are many more qualifications. Surely, whoever is going to be appointed Minister must be competent, must have moral probity, must be well educated, must be humble, must be above board, must be a public servant and not a public master. There are other tests, Sir, which we intend to apply when considering the President's list, and it would be necessary for us to have their *curriculum vitae*. In this case it will be *curricula vitarum* because we want the *curriculum vitae* of every one of them.

We would like to know the details about the work they had done before, about their experience, about places where they have worked and to assess their general competence. As a matter of fact, Sir, at a later stage we would need where we have doubts in our minds, to bring them to the Floor of the Senate and question them. *(Applause)* We want to set the pattern for the selection of the Ministers for all time and, therefore, any mistake we make now will amount to setting a dangerous precedent which can never be corrected.

In the light of that, Sir, I would say that this list is not comprehensive and, therefore, the Executive should do more home work on it, and present us with more details so that we can be better placed to assess the qualifications and competence of those who are proposed to be his Ministers.

Mr President, I would beg therefore that they should withdraw this list and bring another list.

The President : Yes, Senator Abudulkarim.

Senator M. M. Abudulkarim (Sokoto East) : Mr President, Sir, hon. Senators of this august Assembly, in contributing to this debate, I would like to suggest that there should be a small Committee which would sit down and get the details of each of these people who are presented here for approval. This proposed Committee will work out all the details. Thank you, very much, Mr President.

A Senator : I beg to second, Mr President.

The President : I heard a quick voice seconding. May I just clarify that point, that there is a Motion on the Floor and that Senators are contributing to the Motion. The Senator who just jumped up and seconded has just come in. We will come to that. It is a Motion to be put and right now, Senators are contributing to the debate.

Senator Jaja Wachuku, you may now speak.

Senator Jaja Wachuku (Aba) : Mr President, Sir, I am grateful for the opportunity to comment on this. A Motion that this list be accepted has been seconded and opinions have been expressed. I respectfully wish to say that I support the view expressed by the Senator from Egbado North (*Chief Odebiyi*).

The President : He expressed several views. Which one are you supporting ?

Senator Jaja Wachuku : I am supporting the final view expressed by him which I think is the view of this Senate.

The President : I am not too sure yet.

Senator Jaja Wachuku : We collected the reaction by observation. Even though we have not collected the voices—that is for the President—but by observation and some experience, we know that majority of this Senate will support the view that this list is bald. It has no hairs on it at all. There is no annexure, no attachment, nothing: no explanatory note, no memorandum, nothing. And we are being asked, a most responsible Senate like this to take the list even though we have not got the photographs and the history of these people—

The President : I am inclined to think that the Senator is going to the extreme. I can understand if you are looking for the photographs of the female applicants ! (*Laughter*)

Senator Jaja Wachuku : I have not reached any female yet. I have been commenting on the list. I do not know whether there is a female there. That is what I am saying, that there is nothing to tell us whether they are human beings or not ! (*Laughter*)

The President : Again, you move to the extreme, Senator Jaja Wachuku, because I can see *Mrs* and *Mr* here.

Senator Jaja Wachuku ; I see two *Mrs* (*Laughter*)

The President : At least we can differentiate them.

Senator Jaja Wachuku : Now jokes apart, Mr President, our task here is a very arduous one, and if there is no sense of humour, we will suffer from hypertension.

The proposer of the Motion has referred us to Section 135 of the Constitution. In that section, we have 135 (1), (2), (3) and the proviso. If you read them carefully you would see that you have a very serious responsibility.

Now, I think it is necessary to read them. Section 135 (1) reads : *There shall be such offices of Ministers of the Government of the Federation as may be established by the President.*

There is no dispute about that.

Subsection 2 reads : *Any appointment to the Office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.*

The President cannot make the appointment unless the nominations are confirmed. How can the Senate confirm such nominations without any information. It would be impossible.

The President : May I interrupt you there, Senator Jaja Wachuku. I will call you back. I think this point has been raised earlier by Senator Odebiyi. I am inclined to think that surely the massive information that ought to accompany each candidate could, not appear on the Order paper. Therefore, there is a possibility that such information are stored somewhere, where this Senate could call for them. Senator Saraki, you have the information I guess ?

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, they submitted the list with some of the particulars. They are not complete, I must admit. It hink some of the—

The President : When you say they are not complete are the information received not complete as per total candidates or in some specific cases only ?

Senator Sola Saraki : For example, in the list we may have a candidate's tax clearance without his *curriculum vitae*. Some, however, have the *curricula vitae* and the tax clearance. We have requested for those that we have not got, but we have not received them.

The President : Senator Jaja Wachuku, you may now continue.

Senator Jaja Wachuku : With the greatest respect, I want to point out that since Senator Saraki is the proposer of the Motion, the normal procedure is that when Senators speak, he takes note of all the comments and then he may wish to reply, having regard to the points that have been raised so as to balance the equation in the Senate to enable Senators make up their minds, if the need comes, for a decision to be taken.

The President : The President also has the right to clear a point he is not certain of as the debate proceeds.

Senator Jaja Wachuku : Mr President, I agree but if for instance what has happened continues to go on like that, it prolongs debates and somebody

who is not seasoned enough will be thrown off gear. The Reporters and those who record this thing will be recording in a sort of jumbled state.

The President : I agree with you, but not the eminence of Jaja Wachuku.

Senator Jaja Wachuku : Well, Mr President, thank you, very much. Now, having made the point on section 135 (2) which has been confirmed by Senator Dr Saraki, I say subsection 3 of that section 135 even goes further to say that—

Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14 (3) of this Constitution :

Provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such State.

Section 14 (1) says : *The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.*

Section 14 (3) says—*The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies.*

Now, Mr President, if we look at that and also at the list of Ministers with cabinet rank, there are 19 states and we have 14 there. I do not want to go to the details of that.

Senator Ibrahim Dimis (Bauchi South) : Point of information.

The President : Yes, go on.

Senator Dimis : I think the list before us is not the final list. Therefore, distinguished Senators should not say that we have to wait until the complete list has come before us. Whatever the President sends to us as time goes on is what we shall work on. Even if we say that we shall stay here until the President has finished, then I do not know where we are going.

Secondly, Mr President, this thing has been done in Lagos and in Ibadan and Commissioners have been sworn in. Why should we come here to be dragging matters. It appears that there is a tactics to render this exercise fruitless. The President has been here; he has sent the list of his Ministers and he has been waiting to get his Ministers appointed. People have been crying one way or the other for either personal requirements or political affiliation—

Several hon. Senators : No! No! No!

The President : Order! Order! May Senators sit down. I am inclined to say that Senator Jaja Wachuku should wind up.

Senator Jaja Wachuku : Under the standing Orders I am entitled to at least forty minutes.

Mr President, Sir, section 135 (2) reads :

Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.

This is the list we have. There is nothing to tell us that this is a preliminary list. There is nothing to suggest that there is another list coming. With the greatest respect, Mr President, we want this first exercise—

A Senator : I want the Order number which permits forty minutes.

Senator O. Adesina (Ibadan) : The point of order which Dr Jaja Wachuku was referring to is Order 32 (1) which reads thus :

Subject to paragraph (2) of this order no Senator shall be entitled to address the Senate or a Committee of the whole Senate for more than forty minutes on any subject. So, he is entitled to forty minutes.

The President : Senator Jaja Wachuku, you may wind up.

Senator Jaja Wachuku : Mr President, Sir, I want to say that if we read the section along with subsections (5) and (6) of that section 135 we find that whoever would be Minister, must have the qualification of a Senator or a Member of the House of Representatives.

Sections 61 and 62 specify the qualifications and the disqualifications respectively. There is no memorandum to show that so, and so satisfy this requirement and the details to enable us to do our own home work. It has to be noted if we are following the pattern elsewhere, where a similar situation operates, that Senate can call for external evidence. There is nothing like that here.

To cut the matter short. Mr President, Sir, I think we want to help the President of the Federation. We want to help him. This is the first act and it must not be toyed with. Some people may think that by just rushing things you are helping him. You are not helping him because it would affect his judgment.

We want him to be enabled to get those who will help him to collect all the materials and put them before the Senate. The Senate will then examine them dispassionately and then make a selection that will merit appointment.

When the President appoints his Ministers they will be people who will command the respect, love and loyalty of Senators and the populace of this country. We do not want to put people here, and when you go out later you would see people writing all sorts of things about Ministers. This is a new method, it is not like the Parliamentary System where the Prime Minister selects Ministers from the Members of the House, present them and everybody knows everybody else. The Ministers are not Members of any of the Houses of the National Assembly

[SENATOR WACHUKU]

and they can be brought here any day before this Senate to answer questions about their portfolios or on anything else.

So, with greatest respect, Mr President, Sir, I humbly implore the mover of this Motion to withdraw it and send it back to the appropriate quarters to enable proper home work to be done. A good exercise warrants this very first act, so that when others come we do justice to them and be fair to all concerned. I do not think anybody intends to do the President any harm in one way or another. We are trying to help, and I implore hon. Senators to let us, with one voice, one mind and a simple act of faith, help the President to do the job which he is determined to do for this country.

Thank you, Mr President.

Senator Ibrahim Kolo (Bida): Thank you, Mr President. I repeat, Mr President, you see, we have been sent to this Senate to represent what you people very much like to call the grassroot. This Senate, confirming the appointments of Ministers proposed by His Excellency the President, is not the something as the Public Service Commission confirming the employment of applicants for a job. This is a political appointment, and we in this very hon. Senate as I have always said, should be guided by commonsense rather than try politically to give impression to the world and ourselves that a particular political party is inefficient. This approach is a delaying tactic. This is a confusionist's tactic. Now, the law says anybody who will be appointed as a Minister in the Federal Republic of Nigeria should have been qualified to contest a seat in the House of Representatives.

Senator J. A. O. Odebiyi: Point of Order!

The President: What is the point of Order?

Senator Odebiyi: The Order is Standing Order 26 (6):

No Senator shall impute improper motives to any other Senators.

The President: I do not think that the hon. Senator was imputing improper motives.

Senator Odebiyi: What he was trying to say was to show that one other party is inefficient. That is not right. We are here to do our duty.

The President: Well, we are not here as competitors between one political party and the other. We are here as hon. Senators. I do not still think that the hon. Senator was imputing motives. Senator Kolo, you may continue.

Senator Ibrahim Kolo: Thank you very much. You see, as my hon. brother Senator has said earlier on, in the States they have got Cabinets already functioning. We are the leaders in this country,

and the President of the Federal Republic of Nigeria is anxious to have a Cabinet to enable him start work. We are all Nigerians; we know each other very well. If from this list there is a rogue, we know that that person is a rogue. If he is a proper man we know that he is a proper man. But the fact that his name is here is merely political. It would be better for you to hold the bull by the horn, rather than going round like that.

Mr President, Sir, if we follow the list and there is somebody in any body's opinion who is not qualified, let him stand up and say Mr 'X' is not qualified because of such and such a reason, and then let us have the qualified ones appointed.

The President: I agree with you. I think we would come to that very soon.

Senator Ibrahim Kolo: Why not? We are wasting time, and I have not come to Lagos to waste time.

The President: Order! Order! I am inclined to think that we would come to some suggestions very soon. One that I have taken note of is, in fact, the contribution made by an hon. Senator earlier on, at about the setting up of a Committee. But I think, at the same time that I would like to appeal to hon. Senators that we must not give the impression that this is a subject one or two persons will speak on and that would be all. We may move on straight into action. I think we should allow hon. Senators to express their views.

Senator Amadu Ali (Benue West): Mr President, Sir, I am extremely grateful to be given the opportunity to speak on this Motion. Mr President, Sir, the list before us is totally inadequate.

The President: What do you mean by it is inadequate? At this stage I must say that before me is a continuation of the Order Paper. I have to say this at this stage because an hon. Senator had earlier on said there was still more names not listed. I should call upon the Clerk to distribute this list. Will that take care of the inadequacy?

Senator Amadu Ali: No, Mr President, I thank you for the information you have given this hon. Senate on this topic. What I am saying, Mr President, Sir, is that the list of Ministers presented before this august Senate, does not show whether these people are Nigerians, whether they have performed any service to the public or to the private sector or whether they are even of the age to be elected into any of the Houses.

In other words, what I am saying is that a summary of their *curriculum vitae* or *curricula vitarum*, would have been highly helpful in even passing half or three-quarters of this list. In addition to that, Mr President—

The President: We have been told that there is some information of that nature.

Senator Amadu Ali: It should be given to us, we have not got it. What this senate is discussing on this Motion is the fact that the list, besides not

containing the curriculum *vitae* of these people we are also as a Senate supposed to work out the *modus operandi* of how we are going to scrutinise the candidates. We quite agree that the Electoral Decree was jettisoned on the 30th of September, 1979 ; but in conformity with what the Constitution has for us, it connotes that we have to work out a mode by which we shall scrutinise these people and tax returns is an essential element of this, Mr President.

In view of this, Mr President, I think that the Majority Leader is quite aware that the time is up for him to withdraw his Motion.

The President : The honourable Senator standing had said that I was not looking at his side of the Senate but I thought that the last speaker had covered everything that he wanted to say. Senator Akpata, you have been wanting to speak and you can now do so.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, yesterday, we had the privilege of the President of this great nation addressing us as Members of the National Assembly. The President himself used very fine words, felicitous words. Now, what we do here would be the acid test of his declaration that *Let me assure you, honourable Members, that as President of this great nation, I shall uphold the provisions of the Constitution in their entirety.* The President said this. He took a solemn oath in public before the people of Nigeria. People saw him take the oath, in villages and in hamlets where there are television sets, in our cities and in our homes. It was a good thing indeed, that he reaffirmed the oath he took before the citizens of this country and before Almighty God. We too, on our part, are under oath ; we promised and we swore most solemnly that we would uphold the Constitution.

You do not write a Constitution in vain. This is a written Constitution. I hear now and again that why do we press the point, this is political, this is that. Once you have a written Constitution, as soon as you, the law-makers, start granting yourselves exemptions, then, there is no point your making laws and expecting the ordinary man in the street to obey your laws. The Constitution is the fundamental law of this country. There should be no exemption and if there is, it will not be from us, the highest body of law-makers in this country. If we do that, we would be behaving like some of my friends who have just departed who would drive on the left side of the road when they expect the ordinary citizens to drive on the right.

The President : You are speaking and imputing motives and I think this is the stage where I should come in. You said that this Senate does not intend to bend the rule, the point being flogged by the honourable Senator is therefore, not necessary.

Senator Akpata : Mr President, Sir, I am very careful about the words I choose to use. I have at no time imputed motives that we want to break the law. What I did say, is that we should try never to break

the law, and that if we did, we would be setting a bad example. I must repeat again, that I was extremely careful in the words I choose. I say so because we cannot afford here, to impute motives, improper motives ; we cannot afford here, to let our country down.

Now, why have we made these provisions in our laws? We have done so because we have become rather notorious the way we shout ourselves, about corruption and about nepotism. In spite of prophets who preach discipline we are noted for indiscipline. This is why these provisions have been made, not only because we want to ape the American system, but because we want to be certain that the people who have to govern us under the President, that the President's men are imbued with the same high motives as the President himself. To deny the President this, is to deny the country the standard of rectitude every tax payer, every man, woman and child is entitled to expect.

Now, Sir, this list which we have received, this supplementary list, one wished one had got earlier.

The President : I said that it is not a supplementary list but a continuation.

Senator Akpata : Indeed, Sir, when I went to school S-U-P-P-L-E-M-E-N-T-A-R-Y is supplementary.

The President : But I assure you that it is not a supplementary list.

Senator Akpata : Mr President, Sir, I accept your assurance.

The President : That is an error which is accepted.

Senator Akpata : Mr President, Sir, I accept your assurance. If I may go on, Sir, lists kept in the file of my good friend, the leader of the NPN are confidential, secret lists. Until the lists reach each and every Senator here, they are virtually non-existent. I mean those names and we hope, in time we would have them.

The President : Which names?

Senator Akpata : The honourable Leader of the NPN has with him, some of the relevant papers which I hope in time he will show to us. I have no doubt in my mind, that he did not deliberately keep these papers because he himself, in introducing this Motion, did say that all the papers were not complete and were inadequate.

Finally or nearly finally, I implore this Senate, Mr President, that we must not reach a situation in which we allow our own people, those who have voted for us, those who cannot yet vote, those too old to go to vote, to have to repeat in the words of Psalm 123 : "Deal kindly with us O Lord—

The President : Is that the name of a person or a book? You are quoting a Psalm.

Senator Akpata : A song Sir ; I am refreshing my memory, Sir.

A Senator : He is quoting the Bible.

The President : If you are quoting the Bible, then say so.

Senator Akpata : "Deal kindly with me O Lord, deal kindly ; for we have suffered enough insults. Too long have we had to suffer the insults of the wealthy, the scorn of proud men".

The President : I would have thought that the extracts which should be quoted in this Senate should always be the Constitution or the Standing Orders.

Several Senators : No!

The President : As much as I have respect for the Bible and the Koran, I would always like us to restrict our quotes to the Constitution and the Standing Orders.

Several Senators : No ! No !

The President : Except in exceptional circumstances where we are quoting authority in a book to supplement the evidence we are advancing.

Senator Akpata : Mr President, Sir, while I respect your opinion, I confess that I am a lover, of fine words and phrases, and wherever I find them, until it is possible to expel me for quoting Shakespeare or quoting Trevilian or any of our historians, and Karl Marx indeed, I love to quote them. In my young days I myself used to be very close to the communist when I thought if they shared I would take from other people, but if they shared now I might lose some. (*Laughter*)

Well, Mr President, there has been some distractions, but on a more serious matter before this, I spoke to a few friends. This innocent piece of paper, where no doubt some mistakes have been made, should not be treated in such a way that the good feelings in this Senate should be lost. Let us be careful that we do not, I repeat, that we do not speak in such a way that instead of uniting our people, indeed our peoples, because this is a multinational State, we divide them. You do not have unity by causing division, you have unity by first believing that the opinion expressed by any Senator of this Senate is honestly held. At best, you can say it is mistaken but to attribute, to impute impure motives, that, of course, would be dangerous, that would be bad for the country. (*Applause*)

The President : Professor Oke may speak.

Thank you. (*Applause*)

Senator D. O. Oke (Ondo West) : Mr President, Sir, there are a few things I would like to say in relation to the paper introduced by the NPN Leader on the ministerial list. People have given good reasons why this paper is inadequate, and the Ochaga-Atta of Igalla, Senator Ali, C.O.N., said earlier that inadequacy does not simply mean not adding up to 19 States. What we have got right now is a supplementary list. I insist it is supplementary, not only is it so called, it is arranged like that. It is a supplementary list that adds up to 19 now, but in fact the various things that are needed for a wise judgment—

The President : I may interrupt you ; I have made a correction and I would like that correction to stand, that the second page is not a supplementary list but a continuation. Let us cross out the word supplementary.

Senator Oke : I would refer to it as second page, therefore, Sir.

The President : Yes.

Senator Oke : But I still observe that Anambra comes on the next page when in fact it would have come as number one on the first page if it was not supplementary.

The President : Never bother about the arrangement. (*Laughter*)

Senator Isa Obaro (Kwara South) : Point of information.

The President : What is the information Senator Obaro ?

Senator Isa Obaro : No. 7 (a) is titled supplementary.

The President : I have repeated over and over, and I have asked Senators to cross out the word supplementary. Let us do that first, cross it out, so that you do not refer to it again.

Senator Isa Obaro : Mr President, Sir, I think the point at issue is supplementary list and then you said it is not a supplementary list.

The President : I have repeated over and over that I authorise what goes on the Order Paper. That is an error. It is an error in typing, so cross out the word *supplementary*. May we stop flogging this issue. Senator Oke, you may now continue, please.

Senator Oke : The list indeed does add up to 19, but as I was saying we still do not have enough to make us reach the wisest judgment on who should be our Ministers. I am glad our elderly people, not very far from Dr Saraki, and in fact Dr Saraki himself too, seem to feel that in fact things are lacking. The NPN Leader said earlier that some facts that we require are not here before us. The fact that the list now comes to 20, to a higher number, still does not make us much wiser than before.

We would be taking the various things that people have suggested earlier this morning, and I do not want to repeat them, but I want to suggest that if this be withdrawn, as I think it should be, then one of the things we may reasonably ask for is something to enable us to fulfil the spirit of section 135 (1) of the Constitution. Section 135 (1) says as follows : *There shall be such offices of Ministers of the Government of the Federation as may be established by the President.*

We have no doubt that the President has indeed established such offices for Ministers. It would be very, very useful to know them. It is true that newspaper accounts have been given of new Ministries, but in fact we do know that newspaper accounts are sometimes pronounced wrong by

officials and we want something authoritative that represents our Ministries. When we know them, we may at one point be asking the NPN Leader or whoever can help us who belongs to any of the Ministries so that we would also know whether we are having a round peg in a round hole.

One or two of our colleagues said this morning that people are probably thinking that there is insufficient efficiency or inefficiency somewhere. This is not true at all. The truth is that we are all in this thing. If we approve a list of Ministers and that list fails, we ourselves may even start seeing the failure here when we bring Ministers before us to testify. If we approve someone who then comes later to be a thorough disappointment, we shall regret it. Even if the world is not telling us, we ourselves should have the conscience to ask *why did we approve this?* We should not approve until we know about these people and until we know their background.

It is not enough to develop fortress mentality and say let us be on the defensive. We all have open minds, and it would become clearer more and more to this Senate within the next four years that, in fact, we are all in government. We do not have a Government Party there, although the President does belong to a party and that is acknowledged. But, we are all in government, and the failure or success of government is our responsibility. I would not, for one moment, want to give up the right to ask questions about what is going to make for the success of government, only later on to sit up and say *Oh! God I wish I had spoken at the right time when people were accusing us of having an inefficient government and somebody was shaking us down to our foundations.* So I think we really need to know a lot more.

The wisest thing is to withdraw this. In a place where I have sat on a much junior Senate, the Senate of a University, we have a very, very decent way out of an impasse of this nature. When somebody has brought information that is not sufficient, we very carefully tell him that we cannot go further until we have more information and the thing is gracefully withdrawn with suggestions as to how the thing can be fuller the next time it comes. We do not come here to waste our time. It will be good if the NPN Leader will kindly withdraw this.

Nobody, however, is losing face, because it is all our responsibility, not his alone. He should withdraw this, and take our suggestions, when we come back next time, he may find that the thing is much faster.

Finally, Sir, a colleague of ours suggested that we may remit this to a Committee. The wisdom of that is hardly controvertible. But then you will find that if we remit it to a committee today, twenty-one days is our maximum, suppose the Committee does not have all the facts to act on our behalf, and the twenty-one days are gone, we shall find that we have simply thrown away the chance of scrutinising this.

Therefore I will say, with due respect, and as wise as that suggestion is, that we set it aside for the time being, and wait until all the facts are in and come back and take this paper in full.

The President : Senator Chia, I would allow you to speak because I felt guilty that at no time had I ever allowed you to speak on the Floor of this Senate.

Senator Suemo Chia (Benue East): Thank you very much, Mr President. We have been called upon today by the President of the Federal Republic of Nigeria to perform a very important duty and that is the duty of confirming the appointment of the names he has proposed to us as Ministers. We have to take a number of things into consideration before we confirm these names. We have to think of the image of this honourable and august Senate. We have to think of the image of the country as a whole before we confirm his nominations. What will happen if we give a blank endorsement of the names he has proposed to us, and later on we will come to discover that we have endorsed names or endorsed people that should not and ought not be appointed as Ministers of the Federal Republic of Nigeria? Shall we not lose face with Members of the public?

So, Mr President, in contributing to this Motion, I would suggest that a Committee of just about three people or more be appointed to go through the papers that the NPN Leader has in his possession and tomorrow tell us which of the names put forward by the President have satisfied the constitutional provisions, that is, whether they had paid in their three years tax and also take into consideration other relevant provisions that the Constitution stipulates. They will then report back to us tomorrow, and that will enable us take decisions on those of them who have passed the test, and then suspend decisions on those about whom we lack information. This is my suggestion and I think it is cogent enough, Sir, Thank you.

The President : I would allow you to speak too. I will come back to you, the PRP Leader. You did not catch my eyes quick enough.

Senator Ibrahim Barau (Ikara/Zaria/Birnin Gwari): Thank you very much, Mr President. I would like us to minimise the work of those who will be assigned the duty of compiling information for us. I think, in this regard, it will be necessary to confirm whether the Electoral Decree is still valid. If it is not valid then it will not be necessary for them to compile items like tax receipts and all these unnecessary things.

You will appreciate, Mr President, that some of these candidates may not easily be available to supply these pieces of information. In this regard, I think a copy of the Electoral Decree is necessary to confirm this issue. If on the other hand, the Electoral Decree still holds, then it is a matter of superimposing it on the Constitution, and deleting those items that contradicts the Constitution, and then we can make progress on that.

[SENATOR BARAU]

On the other point, Mr President, is that I agree completely with Senator Jaja Wachuku.

The President : You agree with him because he is sitting close to you.

Senator Barau : I would have agreed with him just the same if we were sitting miles apart and I heard what he said. He did say that it would be unfair; and in fact it would not be in the interest of the President if we rush this issue and beladden the President (he did not say cockroches) with Ministers that will be an embarrassment to him. I feel that we too want to make his work lighter. We want to have efficient Ministers who will carry out his programmes, and in doing that we certainly cannot close our eyes and approve a list that we do not know anything about.

I am also accepting the view of Senator Oke that it is not expedient to set up a Committee of a few people to sort out these things because when eventually they bring their report to this Senate, the whole debate would go back to square one. It might just as well be necessary to bring all the documents and make them available to all Senators. When we debate this issue it will be from a position of authority, that you have detailed documents in front of you and you can always refer to them.

Besides, Mr President, there may be black spots on some of these people known to some of us here. These spots may not be known to the President. They may not be known to any of the Senators that are being proposed to form the Committee.

So, I think to be able to dispose of this matter neatly, it is necessary that all Senators in this Senate receive complete information about each of the proposed candidates.

Besides that, Mr President, I also agree with the view that since it is very likely that we would be having a break soon, it would be very risky to start considering this issue, and it is not also likely that we could postpone the break because this touches on a matter of faith. I think the break is being proposed because of our brothers who are moslems and who are to perform their religious obligation.

Mr President, to go to this question of Electoral Decree, we have to go back to this because we have impending bye-elections and unless we have this matter straightened out, we might run into problems. We have heard of some Members of State Assemblies and Members of the National Assembly resigning their memberships. In that event, it means that bye-elections are coming up. Will these bye-elections be conducted in accordance with the Constitution which came into effect on the 1st of October, 1979 ?

The President : That is unquestionable.

Senator Barau : Well, if this is going to be in accordance with the Constitution, then, I do not know whether that is actually fair to those of us who have gone through the rigour of satisfying the Electoral Decree. I think it is something that we have to get clear before we proceed.

Mr President, Sir, with this view, I hope Senators will consider the matter.

Thank you very much.

The President : Senator Bama Umaru Lawan you may now speak.

Senator Bama Umaru Lawan (Borno East) : Mr President, Sir, I rise to support the view expressed by Senator Odebiyi particularly in the area where he asked Senator Sola Saraki, NPN leader, to withdraw his Motion due to want of sufficient information. I would like to add that the Senate has the duty to approve or confirm the list of Ministers, and also the duty to listen to public petitions and complaints. I see no reason why we should not expect the general public to put up petitions where they feel it is worth doing so.

In addition to the dearth of information, I think it is quite possible we have petitions against certain names. Mr President, Sir, I think we would not be in a position as at now to deliberate effectively without this information. Furthermore, I would like to add that from the statement made by the Professor by my right that we are all in government, Mr President, Sir, we are not in government. We are in the Legislature. It is the list of the Ministers whom we confirm that will go into government.

The President : Alhaji Magaji may speak.

Senator Abubakar Magaji (Suleja, formerly Abuja) : Definitely, Mr President, a lot has been said in this Senate about the appointment of Ministers. This is a matter that must receive a very good attention. People who are honest have spoken in an honest way and we must have to be honest. It is crystal clear that Ministers to be appointed must be knowledgeable in the work they are going to perform, and we cannot confirm this without having their qualifications and experience. These people too, apart from qualifications and experience are conscious of what they are. We know, Sir, that some of us might have known them personally and therefore, taken it for granted that these people are good. But then, there are other men who have got some observations to make about these people and tomorrow it is the Senators that are going to be attacked.

I am speaking my own mind. I do not know anybody. But the right thing must be done with fairness and justice. If really we want to have a good reputation in this country, people must respect us wherever we go as Senators. We are insisting that the qualifications of these people and also their experience and good reputation must be attached and brought to the Senate for thorough examination. If we deliberate on these people, and we do not find them to be good, then, there is no need. We are not rubber stamp Senators. That is the simple thing I have to tell the Senate.

The President : Senator Obi Wali may speak.

Senator Obi Wali (Rivers I, Port Harcourt) : Thank you very much, Mr President. I do not think that I have a lengthy contribution. The only remark I want to make is that this administration called civilian

government or civil rule, is completely different from a Military Organisation. I think there is no point coming here to make points that should normally be taken for granted. I do not see that we can continue to run the Senate with two sheets of paper. This issue arose the other day when we had a letter written to an official of this Senate placed before us as a document of this Senate. It received considerable criticism and eventually we found a way out.

The only point I want to make Mr President, Sir, is that the home work and the background work required to make the work of the Senate and that of the Executive easy is that we must, right from the very first beginning, insist that all these works must be introduced to this Senate through you and knowing you as I do—you have been used to running many complex organisations successfully—I hope you will insist right from the beginning that the necessary home work should be done so that we do not come here spending hours on what actually look like fruitless or futile exercises.

I think the summary has been made that there is no prejudice against this paper but frankly, if people are equating this Senate to what has been happening to some of the Houses of Assembly in Nigeria, it is quite a mistake and I think one should be embarrassed for anybody to bring that kind of equation to this Senate. I think this Senate is of a much higher calibre.

Mr President, I would advise that in the spirit of this congenial discussion that the paper be withdrawn so that actual home work, necessary and befitting the dignity of this Senate for consideration, should be done. Thank you very much.

The President : Senator Chief Adesanya may now speak.

Senator A. A. Adesanya (Ijebu North/East) : I am not yet a chief, Mr President.

Mr President, Sir, permit me to join the band-wagon of those people who have said that the Motion should be withdrawn. Sir, Section 135 (2) of the Constitution throws on us a very heavy duty and we will be failing in our duty if we do not perform this function efficiently. Our duty is to confirm the nominations of the President ; you cannot confirm any nomination without scrutiny and to scrutinise, you must have all the facts available to you.

I have no doubt in my mind, Mr President, Sir, that all the hon. Senators here would like to see Ministers who are of transparent honesty ; Ministers who are hard-working ; and how do we know whether a Minister is of transparent honesty without having the facts about him ? I have no doubt in my mind that the President of this country must have looked into the conduct of each of these Ministers minutely before choosing them. He would have possibly sought the help of not only the Interpol but also that of the Security Organisations to look into the past

and the present, the future is in the laps of the gods, of each of the proposed Ministers. So, the past and the present of each of them must be looked into carefully.

Before we can confirm, I would suggest that the President should be asked to supply us with the information required such as : the full names of the Ministers, the educational qualification and the marital status.

The President : Suppose he is a bachelor ?

Senator Adesanya : If he is a bachelor, we will know and maybe the portfolio to be assigned to such a bachelor Minister will not be the Ministry of Social Services. *(Laughter)*

Mr President, his occupation before he is nominated to be a Minister should be known. We must also know about his job experience, his previous political appointments, if any, and other appointments.

Mr President, not only that, we must also know the tax he has paid whether it is in the Constitution or not that he should pay tax, because this may be one of the criteria by which we shall determine whether this sort of man will be good as a Minister or not.

The President : Are you saying that you cannot appoint a student who is over twenty-one years of age ?

Senator Adesanya : Mr President, Sir, there is no avoidance of payment of tax by a student because he is a student, he has no income but someone who has been in employment before then ought to tell us whether he has paid his tax or not.

Not only that, information should be supplied about each of the Ministers—has he ever been probed by any sort of enquiry ? If the answer is yes, what is the result of such enquiry ? Has he ever been convicted on any criminal offence which has some fraudulent element in it ? If so, it must be stated and the people to do this are the men of the Security Organisations and the Police.

The President : This is very contradictory to what you have said earlier that you are sure that the President would have done this.

Senator Adesanya : If he has done this, then he should supply us with the information. The Security Organisations are within the reach of the President and it is just for him to say he intends to nominate such and such persons as Ministers, and he would like their records to be looked into—what they had done before and whether they have been probed.

The President : At the rate we are going, we will not have these Ministers by the time the four-year term runs out.

Some Senators : No !

Senator Adesanya : I have no doubt in my mind that we have many Nigerians of sterling qualities within the NPN and the NPP from whom you can appoint Ministers. We do not need to take three years, three months or even three days if you seek the help of the Security Organisations. We also ought to know if the proposed Ministers have interest in any company or companies handling contracts for the Government at this moment. This is something we ought to know. We also ought to know from such a proposed Minister if he has any bank account overseas. If he might have had it before, has he closed it? We ought to know. These are the sources of kick-back and if we do not know this and the Senate ratifies such an appointment—

Senator : Do you have one overseas?

Senator Adesanya : The bank account I have is in Nigeria and I only thank God that it is not in the red. I am neither rich nor poor.

Mr President, Sir, I am of the opinion, and I think it should be the stand of this hon. Senate, that any Minister that we shall approve here must pass through all these tests. If there is any of them that cannot do this we should not ratify the nomination. Therefore, in sending this list back these are the information that should be supplied to us to enable us confirm these appointments.

The President : Senator Uba Ahmed may speak.

Senator S. A. Shitta-Bey (Lagos) : Point of information! The point is that this issue is so important that I pray the President to give us time to debate it.

The President : I may acquaint you with what I am doing. The President has not gagged anybody from speaking. I have allowed those who had the chance to speak freely and it may also interest you to know that I have got a list of people who have spoken before me so that these people do not have the second chance before others have their chances. So, you do not have to worry.

Senator Uba Ahmed may speak.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Thank you very much, Mr President.

Mr President, Sir, distinguished Senators, I know that this issue about the appointment of the Ministers to run the affairs of this great nation is a very, very important issue which entails heavy responsibility; it demands thoroughness and it demands exhaustive study of what we are going into because whatever mistake that is made by the Executive in the name of these Ministers we shall be a party to. If we are going to be a party to the actions and omissions of these Ministers, then it is also our responsibility to satisfy ourselves within human limits that whatever decision we take here is the best that anybody else who is ever trusted by the eighty million people of this country would have taken.

Now, I realise that the President of this country is anxious and also is in a hurry to form his Cabinet, but I do not think that in exercising his rights as provided for him under Section 135 (2) of this Constitution, we should rush this honourable Senate into taking decisions that could be extremely detrimental to the greatness and to the progress, stability, unity and peaceful co-existence of the people of this country. (*Applause*)

Now in taking this point into consideration we have to look back to history; we have to know why the first Republic failed. The first Republic failed because we entrusted the heavy responsibilities of the affairs of this great nation in the hands of people who mismanaged it.

A Senator : Good talk.

Senator Ahmed : It so happened because probably during the appointment of those people, there was no Senate such as this, there was no constitutional provision such as we have got today, that puts certain responsible citizens of this country to be watch dogs over the appointments of people to high offices. Therefore, the provisions of Section 135 (2) of this Constitution is only aimed at—and I am happy to say that I have the privilege to be one of those who fought and got the insertion of this section into the Constitution of this country, when I was in the Constituent Assembly—constituting this senate into a virile and a responsible watch dog of the people of this country and the nation which we represent. So Mr President—

The President : Order! Order! it is time to interrupt the business of the Senate. The Senator may continue his debate when the Senate resumes after 3 o'clock.

Sitting suspended : 1 p.m.

Sitting resumed : 3.15 p.m.

The President : Senator Uba Ahmed you may now continue your speech, but I hope that you know that you have only a few minutes or seconds left to conclude.

Senator Ahmed : Mr President, according to Standing Order No. 32, I have forty minutes to speak, Sir.

The President : What is the Order number?

Senator Ahmed : It is Order No. 32 Sir. (*Laughter*) With your permission can I read the relevant section, Sir?

The President : You can do so please.

Senator Ahmed : Order No. 32 says: *Subject to paragraph (2) of this order no Senator shall be entitled to address the Senate or a committee of the whole Senate for more than forty minutes on any subject.*

Mr President, Sir, I submit that I was hardly on my feet when you called this Senate to rise.

The President : Your interpretation of that Standing Order is not the same with mine. My interpretation is that you cannot exceed forty

minutes but it does not say you must speak for a minimum of X-minutes, so I should determine how long you have been on your feet and when you should stop. And I am saying that you have to wind up now.

Senator Ahmed : Well, I believe that you are very understanding and I also believe that—(Laughter)

Well, Mr President, I started tracing the history of this country with regards to public judgment in terms of persons qualifying for public offices to run the affairs of this country. During that speech I reminded this Senate that strategic and tactical mistakes were made and that had cost this country a military coup, a civil war, blood shed, lost of property, and lost of everything, and even lack of faith and sympathy for the general masses of this country.

Sir, we had a Military Regime and the Military failed in 1975 because of the excuse given by the coup executors on 29th July, of the same year that Mr Yakubu Gowon was being inaccessible and his decisions and his programmes were not representative or he did not carry—

Senator Garba Matta (Pankshin/Mangu/Kanam)
Point of Order.

The President : If Senator would raise points of order they should always make sure that they are in position to refer to the Order number they are raising so that they would not hold up the work of the Senate.

Senator Matta : Yes, I have the Order number here, Mr President.

The President : What is the Order number?

Senator Matta : The Order number is 26 (2). If I may read, Mr President : *A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.*

I observed, Mr President, that the Senator is being irrelevant because he is introducing subjects not relevant to our discussion.

The President : I would uphold your point of Order. Yes, Senator Ahmed, you may continue but be relevant to the discussion.

Senator Ahmed : Mr President, I had to refer the history and the relevance of that history as at that time is very important to us today. We have use history, we have to think of the present to project the future, and so, I am not accusing whoever it was, I am only saying what happened before.

What I am saying is that we need broader consultation, we need healthier consultation when it comes to matters of heavy responsibility. In this sense, I can also quote instances of things that have happened in other parts of the world that led to breakdown of governments or embarrassment to governments because sufficient consultation did not take place before decisions were taken. The case of Richard Nixon of U.S. is very recent not to be forgotten and, therefore, Sir, if sufficient consultation and discussions have been made on the names being

presented to us this afternoon, a lot of embarrassment would have been saved both our respected President, the members of this august Senate, this great nation and the electorate that brought us here.

Sir, if I, and all the honourable Senators had to go into all the rigours to prove our probity and to prove that we are qualified to be here, to represent this nation in this Senate, in the same way a man holding the office, and the responsibility of a Minister of State, should not be allowed to get that appointment without going through lesser rigorous examination and appraisal.

Mr President, Sir, anybody qualifying for a ministerial post has got to satisfy the constitutional provision of Sections 61 and 62 (1) (2) which the Members of the two Houses had to satisfy in order to be here. Mr President, there are other provisions in Section 14 of the Constitution of this country that also need to be satisfied.

We can only know if these people satisfy these conditions after, and only after, we have got their *curriculum vitae* or what previous speakers called *curricula vitarum*.

So, Mr President, Sir, we are not asking too much of the government. We are not asking too much of the Secretary to the Government. We are not asking too much of the Clerk of the National Assembly, we want him to present to us in the proper manner, and in a dignified form befitting the status of this Senate, these information that we have asked for. (Applause)

We will only appear to be unreasonable if, after getting satisfactory information about these people we turn them down. When we do that, the nation will not forgive us. We, of all people, more than any other group of persons, are more interested to see a stable Government, a respectable Government, and an acceptable Government by the Senators here, that the electorates and the generality of the people of this country will accept and respect. All I am trying to say, in the words of the President himself, who gave us this recognition, is that we are men of integrity, we are men who represent various fields of discipline. He said that we are men who are respected in our various fields, and men who are respected from our various localities. Therefore we are men of honour. We are not unreasonable people.

Because the President has accepted these facts about us he should, therefore, and the Government should therefore, accept the fact that we should not be taken for granted. Whatever is brought here has to be such a thing that everybody should know about. We would like to know that whatever decision we take, we are taking in the general interest and for the general good of this country, no matter who is being favoured or disfavoured. Therefore, we are not being unreasonable. We are only being responsible if we ask that this Motion be withdrawn so that it can be re-introduced when proper and sufficient documentation could be attached to this list that is being brought to us.

[SENATOR AHMED]

Hon. Senators, I believe you will agree with me, and I am sure we have already had previous speakers who have also agreed with me. Therefore, Mr President, Sir, I appeal to all of us to agree and to accept—

The President : You have had fifteen minutes already.

Senator Ahmed : In any case, Mr President, Sir, I have come to the tail end of my speech. I have made the points that I want to make. I could go on for two hours if I have the privilege and the time to do so but I have to accept the ruling from the Chair and I also have to respect the patience of honourable Senators in this Senate. Thank you.

The President : Senator Kunle Oyero, we have not heard you since this session started. You may have the floor now.

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : Thank you very, much. As a matter of fact, I have changed my seat twice, still I did not catch the eye of the President.

Mr President, Sir, honourable Senators, we have come to a momentous occasion in the history of this Senate. This is the first time that an Assembly of men will be given an opportunity to have a say about who should be Ministers and therefore, Sir, I think history will not forgive us if we gloss over that duty.

The section of the Constitution which many Senators have already quoted, Section 135 (2) makes it obligatory for this Senate to confirm the appointments suggested by the President. The President himself, certainly, will not forgive us if, having the opportunity to give him the benefit of our opinion, we shirk that responsibility. As an honourable Senator said a few minutes ago, the President was a politician, and he was a standard bearer of a political party; so it is not impossible that there will be all sorts of pressures from everywhere, and he will be very glad if an Assembly of ninety-five wise men were able to look again at his suggestions, and as a matter of fact, if some of the doubtful cases he was not sure about are thrown out, he will be very glad. He will say, *Ah, they have relieved me of this responsibility.* (Applause)

So, Sir, there are a few points I want us to look at. The Senators who have said that we need more time are certainly not saying more than they should say. We do not want to embarrass ourselves. I want to be able to get out of this place and defend any list that we pass; but if we do not examine the various candidates, candidates I will call them because they are not Ministers until we confirm them, if we do not look critically at these candidates, and if necessary, investigate some of them, call them before the Bar of the Senate, and really subject them to questions about their probity, their honesty and their past performance in this community, when we get out, it will be difficult for us to hold up our heads when people who have not the opportunity and the privilege that we have ask us questions.

The leader of the NPN, Senator Sola Saraki, when introducing the Motion earlier, said that there were some documents attached but he had not thought it fit to give us the benefit to see those documents. I must say, Sir, that the particulars

about each candidate cannot be made a secret document at all. All Members of the Senate are entitled to have a look at them.

The President : On a point of interruption please, Senator Sola Saraki, do you intend to make secret any document in your possession? If so, I would like you to say this before the Senate. If not, why have you not circulated them?

Senator Sola Saraki (Ilorin/Asa) : No, Mr President, Sir, I have not got any documents with me that are secret. The documents I have are the particulars of the candidates submitted to this Senate by the President. Those that I have here are my own copies. The Clerk of the Senate has all the papers and they are ready to be given to Senators. I thought when I am given the floor to reply to the Senators, then I will mention to them how they could get the papers. The papers are ready. They are not secret. They are not anything you cannot see. They are all tax receipts and documents of particulars about each of the candidates. So, they are available.

The President : Point of interruption! Before you continue, Senator Kunle Oyero, I may have to put the question before the Senate. The question is, is it the wish of this Senate that the particulars of those nominated candidates should be supplied before this honourable Senate?

Senator D. O. Dafinone (Bendel South) : What type of particulars, Mr President? We do not want to be carried away.

The President : The particulars we are referring to, for the avoidance of doubt, are *curricula vitae* and other attachments and evidence of tax exemptions or payments.

Several Senators : Yes.

The President : Those particulars will then be supplied to Senators when they are ready.

Senator Saraki (Ilorin/Asa) : Mr President, Sir, with your permission I would like this to be clarified. The particulars that we could supply are those that are available here and those that are going to be helpful to this Senate. I would like to say that the ones I think I should supply are the tax clearance and the *curriculum vitae* of each candidate. It will be useless, if a candidate only submits tax clearance and does not submit his *curriculum vitae*. It is of no use to anybody here. So, I would like to submit, Mr President, with your permission, that we should ask the Clerk to put in the pigeon hole of each and every one of us tax receipts and *curriculum vitae* of each candidate.

The President : May I come in there to seek one or two clarifications from the Senate. I consider this issue very vital and serious, and feel that it must be handled with dispatch. I do not see anything wrong with those papers being distributed to members here, as we have done in some other cases. Do Senators have objections to those papers being brought before them now?

Several Senators : No.

The President : They do not have to be put in the pigeon holes. They could be distributed now.

Senator Saraki : On point of information, Mr President, we have to make photo copies for 95 members here and this is being done, but they are not ready to be distributed now. The copies are being done in the Clerk's Office. I believe before we close for the day the papers will be ready to be given to Senators.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think we ought to do this thing properly. What I would suggest is that the honourable Senator Saraki, should withdraw what he has now, and then re-present to us those whose *curriculum vitae* and other particulars are ready, because we will be caught under the relevant portion of section 135 if we take it as a package deal. This is the problem.

The President : We are coming to determine that aspect. Senator Kunle Oyero you may now continue.

Senator Oyero : Mr President, Sir, there are one or two Senators who said that certain thing were done in the States with some dispatch. I agree with the Senator who stated that we cannot equate the quality of this Senate with the quality of a State Assembly.

Secondly, Sir, a State is a much smaller place than the whole country. The whole country is the constituency of the President, whereas those Ministers were confined within a State and it is likely that members in a State would, by and large, know themselves by reputation and all. Here, we are from all corners of Nigeria and we are required to approve Ministers from as far away as the Cross River. I would not say from Obudu. (*Laughter*)

The President : Say it loud. You will not say from Obudu? I assure you there is no Obudu man contesting in the whole list. (*Laughter*)

Senator J. S. Tarka (Benue East-Central) : On point of information, Mr President. The approval in the States become easier especially where you have 100.1 per cent—(*Laughter*)

The President : You are not suggesting rigging here, I hope, because you cannot have 100.1 per cent unless you rig. (*Laughter*)

Senator Oyero : If I may continue, Mr President, it is not for us to say because it took a shorter time in a State therefore it should also take a short time here, certainly not. And the fact that a person does his work slipshodly does not mean that he is right or that everybody else should copy him. In any event, two wrongs do not always make a right.

Then, Sir, I go to those who suggest a committee. I certainly will oppose any committee because that is abdicating our responsibility. The Committee members will not be in a better position than we are here, because they are faced with the difficulties of

knowing all persons who are candidates from all over Nigeria. But with all of us here, every State is represented here. Even if I do not know a candidate from another State, some of the representatives from that State will be able to tell us what they know about him. That is why it is better that a large body like this should do it.

Again, I do not want this body to constitute itself into a committee of the whole Senate, because if we do then we shall exclude the press. You do not know what may happen tomorrow. They would say well, it was because they wanted to hide something that was why they cleared the gallery. The Ministers are supposed to serve the whole of Nigeria, and every Nigerian is entitled to know who is to be his Minister.

If I may mention, Mr President, unfortunately I do not remember the man's name. It was this same President Carter who was faced with an embarrassing situation some three years ago. He nominated the President of his Bank as Minister. The Senate passed it but when the row started outside, I am sure the President was embarrassed and the Senate too was embarrassed just because they overlooked some points. We do not want to get into that stage. Nobody here is against anybody. All of us want to be sure. When I go outside this country, I want to say so and so is my Minister, but when you go to a place and you cannot say categorically that I am proud of this man as my Minister, I think it would not be in the interest of this country.

Next Sir, some members have said that we would be caught by the 21 days provision. I do not think so, Mr President. The section, Sir, says—

The President : Are you challenging the validity of that section of the Constitution?

Senator Oyero : No, it is the interpretation that I am talking about.

The President : What section are you talking about?

Senator Oyero : It is section 135 (6) Mr President and it reads :

An appointment to any of the offices aforesaid shall be deemed to have been made where no return has been received from the Senate within 21 working days of the receipt of nomination by the Senate.

That is to say silence means consent. If we do not keep silent, once we tell the President that we are not approving this particular man, the 21 days provision is off. Even if it takes two months, if we query him and he says he has papers in America or papers somewhere to convince us, nobody would say under that section that once it is 21 days, the nominated person becomes a Minister. Certainly not.

Mr President I want to wind up by saying that it is my suggestion that the Leader of the NPN should graciously withdraw this list in the interest of this nation and in the interest of the Senate. When he is fully ready, if it is two hours or ten days, he should submit the list again, prepare another Motion and support his application with relevant papers as ruled by the President. Thank you, Mr President.

The President : Senator Anah, I was looking for you when Senator Muhammed Uba Ahmed finished speaking, but you were not there. Do you think that I should be generous to allow you another chance ?

Senator N. N. Anah (Anambra South) Please, Sir.

The President : I think it is only fair gentlemen.

Senator Anah : Thank you very much, Sir. I thank the President for giving me the Floor on this very important and crucial matter. I am sure this is a matter which touches the entire membership of the Senate. It is also a matter which, I am sure, all sides of this Senate should take very seriously and avoid playing politics with it. It is also a matter in which, if we do not reach an immediate agreement with the President, he will not feel at all that it is a matter of confrontation. It is true that according to the Constitution which we have been referred to, section 135, the President has the power to make appointments, and the Senate has the power to approve the appointments.

In any event, all the views which we are expressing in this Senate do not amount to any confrontation at all, because I am quite sure that every well-meaning Nigerian who is craving for peace and stability in this country is not prepared for any confrontation at all. I am quite sure that the President himself, after reading through our arguments, will appreciate the fact that he has vigilant and critical Senators.

Mr President, Sir, I would like to refer the Senate to Section 14 Subsection 3 of the Constitution which, with your kind permission, Sir, I would like to read. It says—

The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.

Mr President, Sir, in trying to comply with this section of the Constitution, it becomes very clear that we have to be given some time to study and find out the various ethnic groups where these Ministers come from, so as to ensure that there is no predominance of persons from a few States or from a few ethnic or other sectional groups in the Government of the Federation of Nigeria. This is not a matter which can be glossed through. It is not a matter which can be studied in a matter of one hour or in a matter of one day. It needs a critical study and it needs some time to get through this important provision of the Constitution.

Mr President, Sir, I would also like to refer the Senate to Section 135 Subsection 3 of the Constitution which, with your kind permission ; I shall read : *Any appointment under Subsection (2) of this section by the President shall be in conformity with the provisions of Section 14 (3) of this Constitution : Provided that in giving effect to the provisions aforesaid*

the President shall appoint at least one Minister from each State, who shall be an indigene of such State. This is very important. We have got a list of Ministers both from the first Order paper and the next Order Paper which have been passed round to us. But looking at the two Order Papers, it would be impossible for us to say whether those names we see there represent each of the States, or whether they are in fact for indigenes of those States. This again is a matter which—

The President : Are you saying that there are no 19 States listed on the Order Paper and that there are no 19 names relating to every State ?

Senator Anah : Mr President I am not saying that there are no 19 names or 19 States but the point is this—

The President : Are you able to identify what name come from what ethnic group in Nigeria ?

Senator Anah : Precisely, that is what I am saying.

The President : I think that is an impossible task.

Senator Anah : Mr President, Sir, that is why I say it needs time for a critical study either by a small committee or by the Committee of the whole Senate to invite—

The President : May I interrupt the Senator ?

Senator Anah : Thank you, Sir.

The President : I think I would welcome criticism of the content of the Motion, but I think it should be relevant. I could give you an example of some four States in Nigeria which have one common name. So, the fact that you have that name placed on the Order Paper, you cannot say if it is coming from Oyo, Ogun, or somewhere else.

Senator Anah : Thank you, Mr President, I think we are saying the same thing.

A Senator : Point of information. I want to point out that all those States do not have one common name. They have four different names.

The President : They could all start with *Olu, Olu, Olu.* (Laughter) You may continue Senator Anah.

Senator Anah : Thank you, very much. If I may take one example, you have number 20, *Plateau, Mr George Baba Hoomkwap.* I am not able to say whether he really comes from Plateau or from Lagos or from any other State. So, it needs really either a Committee of the whole Senate or a smaller Committee which will invite those proposed Ministers to find out exactly whether or not they are indigenes of the States which they represent.

Mr President, Sir, I am giving those examples to emphasise the fact that we really need some time to study these matters very critically in order to be in a position to make a responsible approval, because, as somebody has said the Senators are the fathers of the nation.

In fact they are. They are Statesmen and as Statesmen, we should not rush matters so much. I know that the nation is in a hurry, but I am sure really that the nation can afford to wait for sometime to enable the Senate examine these nominations very critically; and, what is more, Mr President, it is important and it really accords with our own work here that a Minister of State who is to be appointed or whose office is to be approved must go through a mill. After this, if he comes out successfully, the nation will get the assurance that the people who have been approved to take charge of the affairs of this nation are in fact people of honesty, people of integrity, people in whom we can repose the fate of this great nation.

Consequently, Mr President, I do support that we need some time to examine this very important matter critically.

Finally before I resume my seat, I would like to address this honourable Senate on Section 135, Subsection 6 of the Nigeria Constitution which says:

An appointment to any of the offices aforesaid shall be deemed to have been made where no return has been received from the Senate within 21 working days of the receipt of nomination by the Senate.

I am strongly of the view that we must not be knocked out technically and in order not to be so knocked out, we must send a report back to the President. The report which I am suggesting, with due respect, is that we should send back the list to the President so as to be given some time to organise ourselves and then come up with something that is nice. (*Interruptions*) I may have to withdraw this. I am sorry Mr President, we are all organised. I withdraw that statement. What I am saying is that we really need some time. We shall send a report back to the President. At a more opportune time we shall send the final report to the President when we have considered the list.

These are my contributions, Mr President, Sir, which I would like to make in this debate. Therefore, I support that we are not going to consider the list now. Thank you, Mr President.

Senator Abdullah Mu'azu (Kontagora) : I wish to express my sincere gratitude to all my hon. Brother Senators, and I hope you will please agree with my sincere advice to this honourable Senate. All I want to say is that we all here are very important people before we came to this hon. Senate. This honour is granted to us all by the Almighty God and we will have to handle this honourable and noble opportunity afforded to us all, and act in accordance with the dignity of honourable Senators. We are not small boys, we are supposed to act as desired of honourable Senators. We have had very intensive debate. It is not at all right for us to continue to do so.

My view is this, that the whole of Nigeria is fully represented and all areas of Nigeria, have honourable Senators in this Senate. To defeat this submission of our President in this Senate is really unfair. If some Senators here are suspecting the roles played by some people in this list, they have the

right to raise objections, when the time of reference comes in regard to that particular person from any particular area. I advise this honourable Senate to think about this paper because we know the people who are very clean as regards their record. Let us pass them. We all know our people, and I am particularly sure that every honourable Senator knows the people in his area and he can say something about them. As a matter of fact, we have to minimise this strong debate that is wasting our time.

Of course, time is against us particularly in regard to our religious obligation. We have to minimise our difficulties and concentrate on the task before us. This debate is rather wasting our time. We have come here without performing anything, and it is very bad indeed of us. I strongly advise our honourable Senators to please do everything possible to end this debate. That would be better than wasting our time, using intensive speeches that are not beneficial to this Senate. Please if you cannot accept my ideas, would you please adopt an honourable Senator's idea who suggested that we appoint a Committee to make it easy for us to resolve this matter. I think that is a very wise suggestion.

If the Senate fails to come to a resolution which is acceptable, I think it would be better to form a Committee. We have got experts in all aspects of life here. We have got Professors, technical people. We can choose from among these people and they will look into those areas which are in dispute in particular. We are not against anybody, and so, I think we should try and resolve this difficulty and do something which will benefit the whole nation instead of wasting our time. In support of this, Mr President, I hope we can make progress.

The President : I assure the honourable Senator that we have been making progress, and this Senate will continue to make progress.

Several Senators rose—

The President : Order! Order! Hon. Senators may now sit. I certainly have not got his name on my list and I might have made an error.

Senator S.A. Shitta-Bey (Lagos) : Mr President, Sir, this is my first time of speaking today. I have not spoken and I have been itching all along to speak.

The President : Have you stood up today?

Senator Shitta-Bey : Several time, Sir, but I have not been called upon.

The President : Have you said something today? (*Interruptions*)

Senator Shitta-Bey : Hon. Senators, we are mature people; I spoke on a point of order which anybody can speak on.

The President : Senator Shitta-Bey, you may, therefore, address the Senate.

Senator Shitta-Bey : I am grateful to you, Sir, Mr President, Sir, I am saying with due respect, that this issue is a very important one. The President of the

[SENATOR SHITTA-BEY]

country is the President of all of us. What is the purpose of this provision in this new Constitution? Mr President, Sir, I am of the view that its purpose is to assist the President in order to make sure that suitable Ministers are appointed. I put it mildly, but the position is clear. Section 135 (1) says: *There shall be such offices of ministers of Government of the Federation as may be established by the President.* Section 135 (2) also says: *Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.*

Mr President, Sir, in discussing this issue, particularly when this is the first time that this thing is coming before the Senate, we must be guided by general principles. We must be very careful because apart from the question of the Ministers coming before us, other appointments such as Ambassadors, Chairmanships, Memberships of Council of State, Federal Public Service Commission and Corporations, would also come before us. There must be a standard, but I have just made reference to all these before I enumerate what I have in mind.

This Constitution, appears to be shaped or tailored after the American Constitution. We are considering a provision of our Constitution which has a sister in the American Constitution.

There is, a provision like that in the American Constitution. What is the approach there, what is the practice there? If we are adopting something fresh, shall we not be guided by certain principles?

Mr President, Sir, on this issue, I have something here which I would state or read to the Senate, showing the practice over there. We can adopt it with modifications but we are entitled to know it, so that we could be guided by it. May I please read from the *Senate Manual of the United States of America*.

The President: That reference you are making, Senator Shitta-Bey, is eating deep into your time.

Senator Shitta-Bey: I appreciate that, Sir, I have marked it out but it appears that somebody has tampered with it. The position is very clear, the matter is for us and I just want to guide the Senate. It is stated on page 65 of this book as follows and it is for us to take it or reject it.

When nominations shall be made by the President of the United States to the Senate they shall, unless otherwise ordered, be referred to appropriate Committees and the final question of every nomination shall, with the Senate advice and consent to this nomination which question shall not be put on the same day on which the nomination is received, nor on the day on which it might be reported by a committee unless by unanimous consent.

Mr President, Sir, I would like to say something about this. The practice over there has been to refer the matter to a Committee but here today, we have proceeded generally. I am not saying that we should go into committee, but there is a provision which says that the matter should not be taken on the

same day that it is brought before the Senate. That provision is there for hon. Senators to find out more about the intended Ministers, for hon. Senators to use our power of investigation within the Constitution to ask questions.

In fact, the moment these things are put before us and members of the Press are around, the next day it would be in the Newspapers. Nigerians are a very articulate people and they would begin to write and tell us about what they know about individuals.

Senator Cyrus Nunieh (Rivers IV (Bonny/Bori): Point of information, Sir.

The President: What is your point of information?

Senator Cyrus Nunieh: My information is that the learned Senator who was speaking, was referring to an American authority and I humbly submit that he can only do so when we have no procedure to follow and that under Section 135 (2) of our Constitution, there is nothing to say that it should be referred to a committee or that any period be put. That provision says: *Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.* Subsection 3 of this section also says: *Any appointment under Subsection (2) of this section by the President shall be in conformity with the provisions of Section 14 (3) of this Constitution.*

I am saying, Sir, that the reference he had made to the American situation is not operative under our own Constitution. This is because we have already said that the facts presented to this Senate are not complete on the papers presented to us; we are agreed that they did not constitute sufficient evidence for approval. If these facts were complete, there would be no need for us to follow the American authority.

The President: I do not consider that the relevant section of the Constitution as quoted by the last speaker, is in keeping with the points Senator Shitta-Bey has raised, and I have not seen it in that light. I think that Senator Shitta-Bey was supporting the consent of a Committee looking at the nominations which suggestion has been made by a number of Senators this morning, and I intend to put the question on that issue at a later period.

Senator Shitta-Bey: As I said earlier, Mr President, I have a duty to perform and that is why I am here to guide my colleagues as to the practice in other places. What has happened today is that we have proceeded in the full Session to debate this matter. In fact, in this book I have cited from, there are already existing Committees. As of now, we have not got existing Committees and that is why we can not strictly adhere to that and my citation talks about already established Committees for this purpose. I am only saying this because of these and future appointments but since we have proceeded on this basis, we can continue and ask for these particulars. My point, however, is that this matter should not be taken today.

If I may go further, Sir, I would like to refer to another book titled *The Constitution of United States of America* and this is because we have to guide ourselves if we are to do the work well.

Mr President, Sir, I would like to refer to page 527 of this book headed *Stages of appointment process : Nominations*. With your kind permission I would like to read. The Constitution appears to distinguish the three stages of appointments by the President for the advice and consent of the Senate. The first is the nomination of the candidate by the President alone, the second is the assent of the Senate to the candidate's appointment and the third is the final appointment, that is, the commissioning of the appointee by the President. It is on the Senate approval that I am going to make some points.

The fact that the power of nomination belongs to the President prevents the Senate from attaching conditions to its approval of an appointment such as it may do to its approval of a treaty. In the words of an early opinion of the Attorney-General, the Senate cannot originate an appointment, its constitutional action is confined to the simple affirmation or rejection the President's nominations and such nominations fail whenever it rejects them. In other words, Mr President, our supremacy of rejection must be maintained. The Senate—(Interruption) Mr President, May I continue ?

Senator Andrew Abogede (Benue North-Central) : Point of information.

The President : Senator Abogede, are you giving information or point of Order ?

Senator Abogede : Point of information. Mr President, I want to say that this little book our Constitution, supercedes that voluminous book that he has read. Even if he brought many books from America, they would not supercede this one. So, we would be very grateful if some of our colleagues in this Senate would really address themselves to the Nigerian way of life and should not take us to America and to Russia and next to Spain. (Laughter)

Mr President, I am really grateful to you for allowing me to give this point of information. Mr President, I think it would be nice if you would take note of those who are speaking today so that you would debar them from speaking on this Motion the next day so that those of us who have not spoken would be able to contribute. I hope this would be borne in mind, Mr President. (Applause)

The President : Point of Order. Alhaji Jalo Waziri, has a point of Order.

Senator Jalo Waziri (Bauchi East) : Order 26 (6). Mr President, the hon. Senator is sweating and labouring under the impression that this business must be concluded here and now or today, and he is trying to put the blame on the introducer of the Motion that the business is going to be concluded.

Perhaps, to save his time and the time of the Senate, I would like him not to impute the idea to this Motion.

The President : I am inclined to sustain that Order. Alhaji Rufai you have got information to give or are you going to speak on the Motion ?

Senator A. D. Rufai (Bauchi Central) : I want to speak on the Motion.

The President : Well, Senator Shitta-Bey has not finished speaking.

Senator C. O. Adebayo (Kwara Central) : Point of information.

The President : What is the point of information ?

Senator Adebayo : My information goes to support our elder colleagues submission earlier on and it is in reference to Subsection 6 of Section 135 of the Constitution which has been quoted and referred to many times today, and which allows us plenty of time to consider, and does not limit us as to procedure of consideration of whatever list the President may give to us. Mr President, you have been considerate to allow us to discuss this matter in great detail. The leader of the NPN did say earlier on, when he came in today, that he would have things to say when you would give him a chance to respond to most of what has been said. Mr President, I am inclined to believe that with regards to—

The Deputy President : Order ! Order. Senator Adebayo, would you sit down please. I would allow you to continue later.

Gentlemen, we have all agreed that this is an all important issue and I intend to give as many Senators the opportunity to speak on this all important subject for as long as possible. I would not say I know everybody who has spoken here today, but I would ask that Senators who have not spoken should get up and do so. Those who have spoken should not get up unless it is on a point of Order or a point of information. Order ! Order ! I would ask Senator Adebayo to continue with the point of information.

Senator Adebayo : I am speaking under a point of information, and I was reminding the President of the promise of the leader of the NPN whose Motion we were initially debating that while the President has been kind enough as to have reaffirmed his preparedness to allow us full debate on this subject, because it is very crucial to the life of every Nigerian, it is my opinion that we have heard so much and there has been very little contradictions from what people have been saying. By and large, there seems to be agreement on the need to discuss and examine in detail what has been brought forward but the only divergency is as to whether it should be by the Committee of the whole Senate or a Select Committee. I may use this opportunity to move, Mr President, that the leader of the NPN be given a chance to respond to this and let us know which way he is inclined.

Several Senators : No ! No !

The Deputy President : As I have said before we want to discuss this subject very exhaustively and I would ask Senator Shitta-Bey to continue.

Senator Shitta-Bey : As I said Sir, and I would like to say this with due respect, we cannot approbate and reprobate. We cannot borrow certain things from the American system and put them in our Constitution and then try to reject the practice over there on the same issue. I think it is wrong. (*Interruption*) Mr President, may I continue.

Senator N. N. Anah (Anambra South) : Point of vital information, Sir.

The Deputy President : You may then sit down, Senator Shitta-Bey.

Senator N. N. Anah (Anambra South) : Point of vital information, Mr President, Sir, I would like to call the attention of the honourable Senator to Section 1, Subsections 1 to 3 of our Constitution, which with your kind permission, say : *This Constitution is Supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.*

(ii) *The Federal Republic of Nigeria shall not be governed nor shall any persons or group of persons take control of the Government of Nigeria or any part thereof except of course it is in accordance with the provisions of this Constitution.*

(iii) *If any other Law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other Law shall have to the extent of the inconsistency be void.* So, the American Law he is quoting to us is void because it is inconsistent with the provisions of the Constitution of Nigeria. That is the information.

Senator Shitta-Bey : I think we are not children, Mr President, let me make my point.

The Deputy President : I think we are getting rather too many of these points of information.

Senator Shitta-Bey : I had better finish my speech. If they want to give any information, they can come and give it. (*Interruption*) They are distracting my attention.

The Deputy President : This is the last one I will allow.

Senator Anah : Mr President, Sir, the point raised by Senator Shitta-Bey as a matter of practice are merely persuasive. He is not saying that the provisions of the Constitution should be set aside. Buttressing his argument he can gather facts from anywhere to be able to convince this Senate as is in the Court where it is done. That is why he has been intelligent enough to go and envisage so as to be able to approach this Senate in a way that he can be seen as a true Senator. As in the courts, Mr President, Sir, Senator Shitta-Bey's points are merely persuasive and have nothing to do with the Constitution. This Senate cannot sustain an information against his point not to quote the American Constitution which we are practising.

The Deputy President : Order ! Order ! I would allow you to speak, Senator Ali, if it is a point of Order. What is the point of Order, please ?

Senator Amadu Ali (Benue West) : It is Order 26 (2). The Order 26 (2) says that you should not start quoting *ex tempo* things that are not relevant. A Senator shall confine his observation to the subject under discussion. Mr President, Sir, the fact here is that we have no business with the American Constitution. For my friend here to say that we are practising American Constitution, is a disrespect for this country, and he should be made to withdraw that statement. We are practising the Nigerian Constitution adopted on the 1st of October, 1979. That we borrowed a few leaves from the American Constitution does not mean that we are practising the American Constitution. I hate to hear that I am practising the American Constitution. Mr President, Sir, in that regard I would say that Senator Shitta-Bey's voluminous books are totally irrelevant to the discussions here.

The Deputy President : As far as I am concerned we are not operating the American Constitution here. As far as I can see, what Senator Shitta-Bey is trying to do is to give, perhaps, ideas of what happens in countries that operate similar Constitution. So, Senator Shitta-Bey, you may wish to continue.

Senator Shitta-Bey : I am grateful, Mr President. I forgive them for their ignorance. Mr President, I have just referred to page 257 of the American Constitution. I would like to wind up this way. On the same page it says here that the Senate may suggest conditions and limitation to the President. In other words, Mr President, I want to lump this up with the question of 21 days so that it can be clear.

I would like to say one thing, Sir. The substantive provisions of the Constitution shall prevail at all material times. Nobody is quarrelling with that. The issue is that of procedure, that of practice, and I think that Senator Anah and my Brother Senator *Ali must go*, cannot easily distinguish between procedure and practice. If I can now quote Section 135 (6) it says :

Any appointment to any of the offices aforesaid shall be deemed to have been made when no return has been received from the Senate within 21 working days of the receipt of the nomination by the Senate.

Today, as far as we are concerned is the day of the receipt of the nomination. It talks about where no return has been received. If for example the Senate, in line with the practice in the US which I have just cited, suggests conditions and limitations to the President, we are in Order. That is a return within the Constitution of the Federal Republic of Nigeria. Mr President, Sir, I am saying that we should suggest our conditions and limitations here today to the President and direct that these be made as a return to the President. There I would like to stop.

The Deputy President : Who has not spoken today ? I would ask Senator Rufai to speak.

Senator A. D. Rufai (Bauchi Central): Thank you, very much, Mr President. A lot has been said against the Motion proposed by Senator Saraki for submitting the list which was given him by the President, because the list has not been accompanied by the relevant documents. As far as I am concerned, I will not differ from the views expressed by my colleagues in expressing their serious concern over the list not being accompanied by the necessary information.

One thing we should observe is that the President has been sworn 17 days ago. The whole people in the country are watching us and listening to us. The world over are watching us, and even today in the Voice of America it was said that Shagari has not been able to form a government up till now.

I believe many will apportion the blame to the Executive, to the President, but of course a great number also will apportion the blame to us. We cannot escape being blamed if we just shift the thing and say we should wait until after some time.

So my own suggestion is, since we have been informed that the particulars of some of the candidates are available, when we get the particulars of those candidates, we should study them, examine them and see if we can confirm either one, two, three, four or any number, and then if we do this the country or the world over will trust our sincerity. Otherwise, if we do not do that we shall not escape being blamed for aggravating the delay. Since it has already been delayed, we should not be blamed for also delaying the already delayed thing. If we are able to approve one or two or any number, then we ask the President to give us more particulars of the rest. Then of course we have done our duty and our sincerity will be trusted. This is my suggestion, Mr President.

The Deputy President: Senator Echeruo, you may now speak.

Senator E. P. Echeruo (Okigwe): Thank you, Mr President, I think most of the points one would want to raise on this issue have been made, but it would be quite necessary to comment on the last contribution because I think it is very relevant. I would want to tie it up also to the contribution ably made by Senator Alhaji Shitta-Bey in terms of defining the criteria on which we would base our judgment. If we address our minds to this particular point of determining the criteria, then, we shall look into the papers which the NPN Leader informed us he has in his custody, and see how many of the candidates presented to us satisfy or possess papers that satisfy the conditions we have laid down, and any such number would then be considered. We should have a definite principle on which we base our judgment. Some Senators are complaining about time, but I do not think that time factor is as relevant as the point being made here, because this country can afford to wait for another week and get competent, dedicated and proven Ministers than to rush through, save about two or three days, and blame ourselves for the next four years. I think we should address our minds to

determining the criteria, and if we check through the relevant portions of the Constitution, I think we can—

Senator A. Zuofa (Rivers III (Brass/Sagbama/Yenogoa)): Point of Order.

The Deputy President: What Order?

Senator Zuofa: What I am saying is that the Constitution has specified the criteria in Section 51 (2).

The Deputy President: Senator Echeruo, you may continue.

Senator Echeruo: Thank you, Mr President, for your protection. I think the Constitution gives us the guide lines; some earlier speakers have mentioned some relevant factors we have to take into consideration. Not only should we want the *Curriculum vitae* of each individual, we should also find out what State he comes from, his previous records and his previous business associations.

I think here we might even recall a recent happening in Ghana where the individual proposed for the Ministry of Defence was turned down. In that connection also there was a suggestion earlier that the documents of candidates should be examined on the Floor of the Senate. Please, I disagree entirely with that. If somebody is nominated to the high office of a Minister of this country, he should be protected from public gaze till he has been approved. We must protect him by all means until he has been approved. But once he has been approved, he becomes a public officer, then he should be in the public gaze.

We may be saying things that are very unpalatable about the individuals, turning up the skeletons in the cupboards, but we do not want this for public consumption or for the mass media. We should honestly examine them and there should be a committee of the whole Senate where the press and the observers are cleared from the Gallery, so that we can honestly and sincerely address our minds to the issue.

Again, we may consider having a Select Committee to look into this initially because if we want some data like tax receipts and the rest of them, I do not think it would be necessary to circulate 95 copies of each person's tax receipts. A small committee can vet these statistical figures and bring up to us those who have conformed with those provisions. Then we shall call them here to the Committee of the whole Senate, question them individually and satisfy ourselves as to their probity, past records or whatever it is.

Matters concerning whether they are Nigerian nationals, whether they have paid their taxes, whether they are twenty-one years or more and such other facts which can easily be determined can then be handled by the Committee of Selection before they are brought here. That is what I want to contribute, Mr President.

The Deputy President : Before I call on the next speaker, I would want to make an observation here following what Senator Echeruo has just said. The procedure is, if you have gone this far debating a subject like this one, you do not throw it back on to a Committee. If you will throw it to a Committee, you will do it from the beginning. This is just by the way. Senator Saba Bakin Zuwo you may now speak.

Senator Saba Bakin Zuwo (Kano Central) : Mr President, Sir, I would like to contribute to this particular item which is very very important—the approval of the appointment of Ministers by this Senate. My honourable colleague, Senator Rufai, has said that the world over are talking about President Shagari not forming a government. I disagree with this entirely. We practise democracy in Nigeria and I do not think that there should be any pressure from any quarter that can lead us to signing a death warrant. Mr President, Sir, this is a very important matter. I am of the opinion that it is not an easy matter to ask us to submit documentary evidence about somebody we are not satisfied with, or whom we feel is not competent to be in the government. We cannot be in possession of such documentary evidence now because we are seeing the names proposed for the first time. So until we go back home and collect such documents—

The Deputy President : There is a point of information.

Senator A. D. Rufai (Bauchi Central) : Mr President, Sir, I do not know whether the honourable Colleague was sleeping when I made my speech. What I said was that we should work on the documents which are now available, which we were informed would be available to us either this evening or tomorrow. We cannot simply start on the job without the documents. I, myself, said I cannot differ from my honourable Colleagues who have expressed their own concern about not having the documents.

The Deputy President : As far as documents are concerned, this is up to the Senate. Later, if the NPN Leader—I think he has some information in that regard—

Senator Alhaji Rufai : The impression given to us is that these documents are going to be available this evening or tomorrow morning. This is what we were told. We were told that they were being typed in the Clerk's office. My suggestion is, if you get them tomorrow, let us examine the ones we can be able to pass. That is all.

The Deputy President : I would ask Senator Saba Bakin Zuwo to finish with his address and if the Leader of the NPN has any information in this regard, he would tell the honourable Senate.

Senator Saba Bakin Zuwo : Finally, my observation on this particular fundamental issue is this. I think the NPN Leader is not doing the homework within their circle, to have a full consultation with his comrades before coming to this Senate.

We also have the various political party Leaders who have compromised sometimes on certain fundamental issues. I think, to minimise the difficulty, we can fix another date to enable the NPN Leader submit all the relevant documents on this matter to be discussed. I do not see any useful purpose in trying to manoeuvre or to allow this Motion to be passed just because somebody in this Senate has promised to make someone a Minister. Even if someone has promised to make somebody a Minister, I do not think this Senate can easily pass it here.

I think the majority of the people in this Senate will agree with me that this Motion should be withdrawn by the NPN Leader and we should then fix a date for it to be tabled and all the relevant documents should be submitted so that we can easily discuss the matter. Mr President, I would suggest that the NPN Leader withdraws this particular item on the Order Paper.

The Deputy President : There is a point of information here. I will call the other Senators after that.

Yes, Senator Ibrahim Dimis.

Senator Alhaji Ibrahim Dimis (Bauchi South) : Mr President, distinguished Senators, I rise to say that there is nobody in this Senate, as far as we know, who has promised to make anybody a Minister but what we have here is a list which we want to see considered notwithstanding—(Interruptions).

Some Senators : That is not a point of information.

The Deputy President : Thank you, Senator Dimis for that bit, but I do not think that is strictly a point of information.

I will now call on Senator Kajal to speak.

Senator Bitrus B. Kajal (Mubi) : Mr President, I think the view of the Senate is unanimous on one thing, and that is that it is at this time premature really to take decision on the Motion before us and I support that view. I do so, Mr President, because the President of the Federal Republic of Nigeria had ample time to prepare his team. We have just got this paper today, and we cannot be satisfying the Constitution if we should rush this thing through. The President was elected since August, but he has just submitted this paper to us. If I may say this, the President has been working with people for over one year, and he must have known the team that he wants to be with him. We do not know these people. It is certainly important for us to know them in order to be able to question them, and to make sure that they satisfy our own conditions.

The second point that I would like to mention, Mr President, is that we are here making history. When the American Constitution was promulgated in 1782, they had a lot of problems just as we are having now, and they had to touch here and there, seek views of other people before coming up with conventions which have now establish the way that certain things are done. I think we should similarly

think along these lines. We should, for example, consider it important to call on anybody who is going to take position in Nigeria to come before this Senate and show appearance, no matter how clean he is. This is important because in future, we may have to call upon him to come and give evidence. We are given the power under Sections 82 and 83 of the Constitution to call on anybody and to investigate anybody. So, without first of all calling the people whom we are going to put in positions of trust to come before us and show them that we are really the Senate that can investigate them if they do not work in accordance with the provisions of the work in accordance with the provisions of the Constitution which I may say we have all sworn to abide by, then, we will not be exercising our own powers.

Thirdly, we have another area where we can get information. Certainly, under Section 83 (1) (a) of the Constitution which says we have *the right to procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and to examine all persons and witnesses whose evidence may be material or relevant to the subject-matter.*

We have the power to call on the Security Services, that is, the NSO or any other relevant body, to provide us with information that may be necessary in clearing a particular candidate for a job. As of now, we do not have a Committee that may do the job. Maybe if we had started our work earlier, we would have got Committees to deal with various subject matters. Since we do not have such a Committee now, it will be necessary for us to determine how in fact we will arrive at a position where we will need information on a particular person from the Security Services so as to give us the opportunity to examine him and see whether he in fact fulfils the conditions of becoming a Minister in Nigeria. These are important matters. So, I am suggesting that besides deferring the matter right now, we should start to think about ways of going about examining the people that we want to appoint to positions.

Thank you, Sir.

The Deputy President: I now call on Senator Akintoye.

Senator S. A. Akintoye (Ondo Central): Mr President, we have a duty in this Senate as the Senate of the Federal Republic of Nigeria to assist the President to set up his Government expeditiously and to start to dish out the good things of life to our people. No responsible citizen of this country will come into the Senate and begin to say things or verbalise conditions that will make it impossible for this to be so.

On the other hand, Mr President, I think it is very well now agreed, even by those who did not so agree in the morning, that the Senate also has a duty of ensuring that its own functions under the Constitution are adequately performed to the satisfaction of its constituency, namely, the people of Nigeria.

The Constitution provides, in essence, three steps to be taken for the appointment of a Minister by the President of Nigeria.

The first step is that the President would start to nominate a particular person. There are over eighty million Nigerians and the President must find his own means of spotting and nominating some of these people. The second step is that when the names have been brought before the Senate, the Senate shall approve them. The third step is that when the Senate has approved the names, the President can then carry on with the final appointment of these particular persons. Mr President, Sir, I do not think it is really controvertible that the act of approval implies the act of scrutiny, and I do not think that there is any Senator here—no matter what Political Party he may belong to—who does not now become persuaded that it is important in the interest of this country and in the defence of the integrity of the name of the Senate itself, that we should scrutinize the persons who have been nominated by the President for the posts of Ministers under the Constitution of Nigeria.

Now, the question then is not whether we should scrutinize or not. I think everybody now agrees that we should scrutinize. The question then is what procedure we should adopt and what are the things we should be asking for. A Colleague of mine earlier on this morning suggested that we should probably be asking for the *curriculum vitae*. I would suggest that we should set down fundamental principles of procedure for the future. The immediate problem is to examine the persons who have now been nominated, and to approve or to disapprove of some of them so that the Government of Nigeria can start off.

I would say that the best thing for this Senate to do is to set down a series of minimum conditions that this Senate would demand—things we know could be met in not too distant future. In the not too distant, a future we can examine these people upon the basis of those principles and guidelines and then approve them. But it would also be necessary that we set up a Committee to advise us later, upon how to set down rules that future Senate of this country would make use of as to be able to scrutinize and approve Ministers for the President of Nigeria. So, may I suggest that we demand from each person who has been nominated by the President a *curriculum vitae* along the following lines. I am suggesting that these be put to the Senate as a means of limiting debates on this matter:

Full Names :

The State of Origin of the Nominee :

Educational qualification of the Nominee :

Occupation of the Nominee :

The Job experience of the Nominee ; (This should be split into two)—

(a) Previous political appointments :

(b) Other appointments ;

Tax paid—1976-77, 1977-78 and 1978-79. We must demand that the receipt and tax clearance certificate be attached.

[SENATOR AKINTOYE]

We should ask the Nominee to answer the following questions :

Has he ever been probed by any Inquiry ? If his answer is yes, he should state the particulars and the findings of such Inquiries. We should also ask him to answer the question as to whether he had ever been convicted of any criminal offence. If his answer is yes, he should give us particulars. We should also demand whether he is interested in any company at the moment handling any government or quasi-government contract. If the answer is yes, he must give us particulars. Has he any Bank Account outside Nigeria ? If the answer is yes, he should also give us particulars. He should give us all these answers preferably on oath so that we can know where we stand. If we can get this sort of information accompanying the papers of each nominee, then I think, we will have enough material to proceed upon scrutinizing each of them. I think this is very important but we must also remember that this Senate has a right. If it is not satisfied by the answers given to these questions, the right to call the particular person to question before the Senate should be applied. We must also reserve for ourselves the right to call for information from any external body or organisation or any agency in order to satisfy ourselves about a particular person. These are the basic minima that I think this Senate should settle for in the case of the present exercise.

A Senator : Point of order.

The Deputy President : Just hold on. There is another Point of order. I am aware of all these.

Senator Akintoye : Mr President, I think it will be necessary for us to set a Committee to lay down a guide-line that will be pursued by the Senate in future for scrutiny and approval of Ministers for the President of Nigeria.

May I conclude by saying that, frankly, I am very happy at the way things have gone in this Senate today. It is my own assessment that in the course of the debates over this issue, this Senate has achieved some maturity. It is true that we were elected to the Senate from different parts of Nigeria under the auspices of different Political Parties, and there have been tendencies until now for us to give vent to opinions that tend only to support this or that Political Party. May I say that in the course of this debate today people have come to realise the very significant position the Senate holds in the Constitution of Nigeria and all of us, whether one belongs to the NPN or the UPN, the NPP, the GNPP or the PRP—

A Senator : Or the UPP !

Senator Akintoye : I meant the NPP. I am sorry, Mr President, no insult was intended.

We have all come round today gradually to realise that we owe very important responsibilities to this country and that we are answerable for a great deal of things that we are saddled with under the Constitution. May I finally say that a lot of people have said that the State Houses of Assembly have already approved the lists of their Commissioners.

That is true, but the point is that the President is entitled to nominate candidates for appointment as Ministers and the Senate is saddled with the responsibility of scrutinising and approving them. And if it does happen that we just do a slipshod job here and we approve a man who is later found to be a rogue, even before we approve of him, then it is not the President who would be guilty but the Senate which had the chance of looking at the man but refused to do so. I do not believe that we, sitting here representing all the constituencies of Nigeria, would like to bear full responsibilities for the future.

Thank you very much, Mr President.

The Deputy President : I know there are two points of order. The first one is from Senator Nunieh.

Senator Cyrus Nunieh (Rivers IV (Bonny/Bori)) : We, as Senators, are here to operate under the Constitution.

I am, therefore, calling attention of Senators to provisions of the Constitution which deal with the qualification of Ministers.

Section 135 Subsection (5) reads as follows :

No person shall be appointed as a Minister of the Government of the Federation unless he is qualified for election as a member of the House of Representatives.

Now, if we look at Section 61 and 62 of the Constitution we shall find that the qualifications for a person who is to be a Member of the House of Representatives are stipulated.

61. *Subject to the provisions of Section 62 of this Constitution—*

(a) a person shall be qualified for election as a member of the Senate if he is a citizen of Nigeria and has attained the age of 30 years.

(b) a person shall be qualified for election as a member of the House of Representatives if he is a citizen of Nigeria and has attained the age of 21 years.

Then it goes on to Section 62.

62. (1) *No person shall be qualified for election to the Senate or the House of Representatives if—*

(a) he has voluntarily acquired the citizenship of a country other than Nigeria or except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country.

Now, what I am saying with reference to what the last speaker said, is that in this Senate it is part of our duty to look into the integrity and the credibility of whoever we are going to appoint as a Minister as far as the law goes. In the first instance, this is what is required. The idea of asking a person so many of the things you are suggesting is not fair. However, if any information is known in effect, what I am saying is that if any fact which is discreditable about a Member is known—nothing stops anybody from bringing such fact out for his disqualification. But if

we lay down a new requirement, then we are, in fact, putting an ordeal which will stifle the Executive because we really need to have a working Government. (*Interruptions*) We do not intend—

The Deputy President : Order! Order! I think the Senator—

Senator Tyrus Nunieh : The point I am making, Sir, is that as far as the Constitution goes, this is the provision but we have the discretion to request for further facts.

Senator Ayo Fasanmi (Ondo North) : Mr President, I just want to add something.

The President : I have one more speaker to take on that Side. So, if you want to make a contribution, I will ask you to speak.

Senator Ayo Fasanmi : I want to speak, Sir.

The President : You may go on.

Senator Jaja Wachuku (Aba) : On a point of order, Sir. There has been chaos in this Senate and I want to refer to Standing Order 34 which has been violated all along. It says :

Whenever the President or the Chairman rises during a debate, any Senator then speaking or offering to speak must sit down, and the Senate or the Committee shall be silent so that the President or the Chairman may be heard without interruption.

Again, there is another provision which says that whenever the President calls Order! Order! whoever may be standing must sit down but, as at now, whenever the President says Order! Order! people still stand up. This is wrong.

The Deputy President : Thank you, Senator Wachuku. This is a timely warning. I think that is in order. Unless there is another point of order, Senator Fasanmi may continue with his speech.

Senator Andrew Abogede (Benue North-Central) : On a point of order, Mr President. Order Number 34 says something which has been ignored in this Senate—*When the President or the Chairman rises*—But since we have come here and we have started business, I observe that if the President wants to speak he will always be on his seat and say Order! Order! I want to know where that section which says that when the President says Order! Order! everybody must sit down is. That is what I want to know.

The Deputy President : As far as I am concerned, Order 34 does not require the President to rise whenever he wants to speak. All it is saying is that during a debate the President may rise. So, I think they are two different things.

Senator Ahmed (Bauchi South-East) : On a point of order Mr President.

The Deputy President : What order, Senator Uba?

Senator Ahmed : Order 26 (11).

The Deputy President : About Senators not speaking twice on the same subject?

Senator Ahmed : Yes, Sir.

The Deputy President : That much I know. As far as I know, my list here does not show that Senator Ayo Fasanmi has spoken on this subject before.

Senator Ahmed : What of the President's list?

The Deputy President : The list I am having here is the President's list.

Senator Ahmed : Is it a continuous list? (*Laughter*)

The Deputy President : Senator Ayo Fasanmi may continue with his speech.

Senator Fasanmi : I think it is recognised by all sections of this Senate that our President is a man of transparent honesty and all we have been trying to do since morning is to make sure that this honourable gentleman is not surrounded by men of questionable character and doubtful integrity. (*Applause*)

As my good friend, Senator Professor Akintoye mentioned, the type of spirit that has pervaded our discussion this afternoon is indeed encouraging and I am sure my hon. Friend, the Senator from Niger, Senator Kolo, who developed an intransigent attitude to start with, must now be convinced that we are all speaking with one and the same voice. Senator Akintoye mentioned some minimum requirements which must be met by anybody who wants to become a Minister. I just want to add one more requirement and I am sure the Clerk of the Senate will take note of this. This is that we must ask the candidate whether he or she belongs to any secret society within the context of the Constitution. Or does he or she belong to any society, the membership of which is incompatible with the office to which he or she is aspiring to hold? We must ask him or her this question. (*Applause*)

Senator D. D. Dafinone (Bendel South) : Point of order, Mr President. I have a point of information.

The Deputy President : As a matter of fact has Senator Fasanmi finished?

Senator Fasanmi : No, Sir.

Senator Dafinone : Mr President, Sir, I wonder whether the hon. Senator on the other Side is aware that under this Constitution we are guaranteed freedom of association, freedom of movement (*Interruptions*). Let me finish. Although you are referring to secret Societies, we want to know whether this is relevant for purposes of inclusion in a candidate's *curriculum vitae*.

The Deputy President : That is not a point of information. (*Interruptions*) Order! Order! Professor Fasanmi, you may continue.

Senator Fasanmi : Thank you very much, Mr President. I have finished.

Senator A. Ayoola (Oshun II) : Mr President, Sir, I just want to remind the Senate that although we are guaranteed freedom of association, freedom of movement and freedom of religion, there is also a recent Government Decree forbidding public officers from belonging to secret societies.

A Senator : What about you ?

Senator Ayoola : We are Senators. I am not saying that we should belong to secret societies though, but Ministers who are public officers should not belong to secret societies.

The Deputy President : One more point of information. Yes, Senator Ojukwu.

Senator S. M. Ojukwu (Umuahia) : In the Fifth Schedule Part I, paragraph 10 says: *A public officer shall not be a member of, belong to, or take part in any society the membership of which is incompatible with the functions or dignity of his office.* So, Senator Ayoola who has just spoken is quite right.

The Deputy President : Thank you. Yes, you can go on Senator Fasanmi.

Senator Fasanmi : Secondly, Mr President, Sir, even though the constitution guarantees the right to privacy of the citizen, this right is not absolute and some of us would probably like to know something about the private life of anybody who wants to be a Minister in so far as it involves public morality. This is another condition which I think anybody who wants to be a Minister has to fulfil. We would want, on this Side of the Senate, that the conditions which were stipulated by senator Banji Akintoye should be written down and should be followed to the letter. When the time comes, whoever is going to be a Minister will come before this Senate if need be and we will ask some relevant questions. I have looked through this list, I do not want to pre-judge anything but we can assure the Senate that there are some names on this list which, if we subject the list to public scrutiny, they will not pass as Ministers of State. We have asked one question. Why are we in a hurry ? It has taken his Excellency, the President, at least two weeks to compile this list. When we were coming into this House we submitted our own names to FEDECO and it took them three weeks before they came up with a report. I would humbly submit that we should defer decision on this matter until after the recess. That will give Members ample opportunity to go through the list, look through their *curricular vitae* and whatever decision we take will be accountable to the bar of history. So, Mr President, Sir, I would humbly ask that this matter be deferred until after the recess.

Some Senators : No.

The Deputy President : Order ! Order !

Senator Fasanmi : Mr President, Sir, as soon as possible the documents we want should be made available to us. It is in the interest of this country that we should be given these particulars so as to be able to determine the people who are going to serve as Ministers. But if this list can be brought today as we have asked for them, and if this Senate convenes tomorrow we might be able to consider them. The leader of NPN does not seem to have done his duty and one can understand his problem. When the man who should be serving a period of political apprenticeship suddenly finds himself the leader of a party he must have this problem. *(Interruptions)*

Senator Muhtari Abdulkarim (Sokoto East) : Point of Order Mr President.

The Deputy President : What Order ?

Senator Abdulkarim : Order 26 (2) and (6). May I read, Sir.

A Senator : He is withdrawing.

The Deputy President : Are you withdrawing Senator Fasanmi because personally I think that statement was not in good taste.

Senator Fasanmi : Well, Mr President, it is withdrawn. I am only trying to be my brother's keeper and I thought I would be able to help him to do his duty. Talking seriously, if the leader of NPN is able to bring the particulars which we requested for before tomorrow morning then this Senate may be able to consider them. But if it is not possible and we are having an adjournment, then the only alternative for us is to have a deferment until after the recess. But as I said earlier on, Sir, if he can bring these papers before tomorrow morning then the House may be able to consider them. Thank you, Mr President.

Senator Garba Matta (Pankshin/Mangu/Kanam) : Point of information, Mr President.

The Deputy President : Yes, Senator Matta.

Senator Matta : Mr President, Sir, I think it is not true to say if we do not confirm any or all of the President's nominations today or tomorrow that the country will be without Government ; that is not true. The information is that there are Permanent Secretaries who are Advisers just as the Minister would be to the President. That is the first information.

The Second information, Mr President, is this. I want to refer to Section 62 of the Constitution which refers to the disqualification of Members of the House of Representatives. In effect, it refers to the disqualification of Ministers. I want to add Section 62 (e) which I notice was not mentioned by the Senator who enumerated the points we should be asking for. Section 62 (e) reads : *If the candidate is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria.* We should be asking for that as well.

There is also a point which was not included. This is Section 62 (f) which is a tricky point which Members, with all due respect, seem to be overlooking. It is that this would-be Minister should not be at this time a person employed in the Public Service of the Federation or any State. This point is rather tricky so I think this should be added as well. Mr President, these are the information I wish to add.

The Deputy President : Just an observation. I stand to be corrected. I am not sure there is a bankruptcy law in Nigeria.

Senator Matta : Mr President, Sir, I seem to remember there was a decree passed by the Supreme Military Council even though it was not incorporated in the Electoral Decree that anybody who was declared bankrupt was not qualified to contest the past elections. So this Decree seems to have been somehow mislaid I guess. That is the point of information I wish to raise, Mr President.

Deputy President : Thank you.

Let us finish with the information please. Senator Waziri.

Senator Mahmud Waziri (Adamawa) : The last Senator who gave us the information seemed to have overlooked Section 136 (2) of the Constitution whereby the President is required to hold regular meetings with the Vice-President and all the Ministers of the Government of the Federation for the purposes of—

(a) determining the general direction of domestic and foreign policies of the Government of the Federation ;

(b) co-ordinating the activities of the President, the Vice-President and the Ministers of the Government of the Federation in the discharge of their executive responsibilities ; and

(c) advising the President generally in the discharge of his executive functions other than those functions with respect to which he is required by this Constitution to seek the advice or act on the recommendation of any other person or body.

So, if that is the case, Mr President, Sir, it appears that it would amount to abuse of the provisions of this Section of the Constitution if the President continues to do without Ministers. Thank you.

The Deputy President : Any other point of information.

Professor Obi Wali may speak.

Senator Obi Wali (Rivers I (Port Harcourt) : The information I have is that if the person was a candidate in the recent election what percentage did he score ? (Applause)

A Senator : What the last speaker has said cannot hold because we are here guarded and guided by the provisions of Section 62 Subsection (2) of the Constitution which lays down the disqualifications of people who can be Ministers. Anything outside that is an attempt to override the Constitution.

Several Senators : No!

The Deputy President : Yes, Senator Obaro.

Senator Isa Obaro (Kwara South) : Mr President Sir, I am happy that at last I have been given the opportunity to make my humble contribution to this very interesting debate. How I wish the substantive holder of this office was around because I have been denied the opportunity of speaking since morning. Mr President, I have very little contribution to make now, because most of the previous speakers have really exhausted the very vital issues.

I will want to take this opportunity to express my pleasure that Senators are very alive to their responsibilities. (Applause) I also want to express my pleasure that, for the first time, and so soon after the inauguration of this Senate, there is a test of the constitutional provisions of separation of powers, and that the Senate has been firm, and truly firm without ill-will, in its responsibilities. I do hope that we will continue in this form because I think it will augur well for the success of this Second Republic. (Applause)

Mr President, Sir, I am making these remarks because the First Republic failed, not because the Constitution was not good, but because the implementation of it was not properly handled. It was not because even the men who handled the implementation were not so qualified, but because they were not just honest and alive to their responsibilities. (Applause)

Mr President, Sir, I did not have the opportunity of participating in the CDC or the Constituent Assembly, but when this book came out finally as our Constitution and we have provisions of separation of powers, I was extremely happy, and I was praying that I do hope that they would be properly exercised for the success of the Constitution.

Mr President, Sir, I want to say that the attitude of the Senate to the list we have this morning has nothing to do whatsoever with the person or the office of the President. (Applause) I want to say further, Sir, that the failure to submit sufficient information about the candidates contained on the list for Ministerial appointments is also not the fault of the NPN Leader.

Mr President, Sir, I would want to lay the blame on the Administration because—

A Senator : They are new, you cannot blame them.

Senator Obaro : The particulars are there. They have the Constitution at their disposal. They know that in submitting this list to the Senate, when the Senate is expected to confirm or otherwise the Presidential List, it is not just by share names. Mr President, Sir, if we approve this list and I go outside, and I am asked of the age of even one of the Ministers I would not know. Such an elementary information as regards the age of the applicant is not contained. So, without taking much of the time of the Senate I want to wind up by saying that I do hope that we would continue in this spirit (Applause) and that

[SENATOR OBARO]

the discussion this morning cut across party lines, and I think this is the true spirit of the practice in the Senate.

Finally, Sir, I do hope that we would have the particulars furnished tomorrow and that between tomorrow and Friday we would be able to consider this list and make proper recommendation to the President. (Applause)

The Deputy President : I will take two more here, unless there is a point of information of course.

Senator N. N. Anah (Anambra South) : I would like to offer a point of information to my Brother Senator Matta on Section 62, Sub-section (1) (e) which says that nobody is qualified for election if he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria ;

My point of information here is that having got this list, anybody relying under this section must get a certified true copy of the judgment adjudging any of the persons who has appeared on this list a bankrupt, because under our bankruptcy law, there must be proceedings to adjudge somebody a bankrupt. Thank you.

Senator D. O. Dafinone (Bendel South) : I am happy that the removal of political party identity labels from the back of my colleagues has made them to have a more constructive approach to the debate of today.

There are two views currently held on the Motion, but what I want to subscribe to is the Statutory provision laid down in the Constitution. I am referring to Section 135(2) : *The Right of the President to Appoint*. Equally under that section the right of the Senate to approve. Nobody doubts any of this respective authority. What is at issue is the failure of the Executive to provide us with a fuller and better information. I have carefully listened to my honourable Brother Senators and while I do subscribe to the views I have expatiated upon, I believe that some hon. Senators are trying to flay fellow Nigerians because they are going to be Ministers, a duty or responsibility not provided for in the Statute.

If we look carefully at Section 135 (5) the only duty imposed upon Ministers is that they should fulfil the same duties as if they were standing for election into the House of Representatives or the Senate, apart from the conditions laid down in Sections 61 and 62. So, if we look at it some honourable Senators have propounded that a Minister has got to declare whether he has been heard or condemned by a public tribunal. I am looking at one relevant factor. In the United States of America there was the era of Macarthy who as a Senator was really an inquisitor. I do hope that we are not bringing into the affairs of this hon. Senate a Macarthy that will witchhunt every member of this Senate and every member of the Executive, a privilege of being appointed a Minister. If that day comes we shall be destroying ourselves.

Senator E. P. Echeruo (Okigwe) : Point of information.

Mr President, Sir, I am referring to Section 82 of the Constitution. I am informing this hon. Senate that we are acting within the Constitution. We are not holding any inquisition. Section 82 (b) says :

The conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for—executing or administering laws enacted by the National Assembly, and disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

and under Section 83 (a) it says :

To procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and to examine all persons as witnesses whose evidence may be material or relevant to the subject-matter.

Senator C. Numieh (Bonny/Bori) : Point of information. The last speaker is not in order because Section 82 says : *Subject to the provision of this Constitution*. In other words where the specific rules have been laid down ; Section 82 is clear on this matter.

Senator A. Zuofa (Brass/Sagbama/Yenogoa) : Point of Order. Order number 26 (2), it says :

A Senator must confine his observations to the subject under discussions, and may not introduce matter irrelevant thereto.

You will see that Section 82 of the Constitution to which reference has been made applies to the subjects of the heading : *Powers and Control over Public Funds*, and that one, is in regard to investigation. We are not investigating anybody. We are now looking at the persons who are appointed Ministers.

Senator J. A. O. Odebiyi (Egbado North/South) : The last honourable Senator who spoke referred to Section 82, and he is using side notes to be part of the Constitution. Side notes are not part of the Constitution and they cannot be quoted as such.

The President : That is true.

Senator Dafinone : Mr President, Sir, I say that the point at issue in this case is the failure of the Executive to provide us with fuller and better information in the manner prescribed under Section 135 (5) of the Constitution. I would not be prepared to impose on fellow Nigerians under pretences of delay or for any other cause, with all due apologies to those who may hold contrary views, by a process which will not allow us to have through our deliberation, a confirmation of each of the Ministers over or within a short period. If some of the suggestions already expounded from the Floor were to be taken, it will appear that we did not stand a chance as a Senate of confirming some of those Ministers within a period of three months, and it will not augur well for this Senate.

It would not augur well in this Senate. I would say that what is on trial today is the integrity of this Senate. The decision we take will mark the

path of honour upon which this Senate will be judged over its entire life of its four-year term of office.

So, what I would stress is that the requirements prescribed by Statute which we have asked the Executive to provide should be provided in the manner we have so prescribed. As soon as this information is made available, we should proceed to take the Ministers one after the other so that they would go through the crucible of the Senate to allow the administration to proceed with the act of forming a government. Thank you very much, Mr President.

The Deputy President : Order ! Order ! I do not intend to encourage this point of information thing, because as a matter of fact, there is nothing like that in the Standing Orders. I would call on one more Senator here to speak and that would be Senator Thomas.

Senator Yepwi Thomas (Keffi) : Mr President, Sir, I thank you very much indeed for giving me the chance to say something this evening. If I may recall, since we started business in this Senate, on the 2nd of October, 1979, I have not had the chance of speaking to this Senate until today. So, Mr President, I am very glad.

While I do not object to the opinions of my colleagues here on the question of returning the list of these Ministers brought to us for approval, I have a different bit of opinion. What I have in my mind is that the names of these Ministers should be called one by one and State by State. We would finally check through to see whether they are bad eggs or good eggs. If they are bad eggs, we would throw them out and tell the President that these are the bad eggs we have discovered and we do not need them. If they happen to be good eggs and of good character, we would tell the President so, saying that this is the list of the good eggs we have produced. We would therefore, call on the President to give us complete information about these names we have so outlined. I am sure that if the President did that, the list would be approved and there would be no more delay.

I thank you Mr President for giving me this opportunity. This is just the beginning and I am going to talk more.

The Deputy President : Order ! Order ! It is time to interrupt the business of the Senate.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, I have on my list all the candidates submitted to us by the President. I have eleven candidates whose papers are complete and who are of cabinet rank, and four candidates, whose papers are complete but are of non-cabinet rank. Before honourable Senators leave the premises of this building, they should be able to collect the documents of these candidates.

Therefore, I would like to move the Motion for adjournment until tomorrow at 10 a.m.

Senator Jalo Waziri (Bauchi East) : Sir, I beg to second.

The Deputy President : On the motion for adjournment, I have Senator A. D. Rufai.

Appeal to Senators

Senator A. D. Rufai (Bauchi Central) : In supporting the Motion for adjournment, I would like to take this opportunity to say that I am very happy to hear that we have got the particulars of eleven candidates for ministerial appointments, and four ministerial appointments of non-cabinet rank. I would like to appeal to my colleagues that because we shall collect these particulars this evening, we shall have enough time to study them and come back tomorrow with any opinions we may wish to express. I do not think that it would tell well of us if tomorrow again we raise objections saying that we would require additional two to three more days. We would, if we did that, be suspected of employing delaying tactics. For that reason, I am appealing that tomorrow, on resumption, we should examine what is placed before us.

Several Senators : We shall.

Senator Rufai : Mr President, I would like to take this opportunity to appeal to Senators that they should please, in future, as much as possible, refrain from quoting from the Bible or from other religious books. It will not help us. We had the bitter experience of this and Senator Adesanya is aware of that. We should refrain from such quotations. We had the bitter experience of this sensitive issue during proceedings of the Constituent Assembly and so, we should refrain from such quotations from religious books. It will not help us.

The Deputy President : Order ! Order ! Senator Rufai, I hope that you have finished because you are speaking on a Motion for Adjournment. Senator Kunle Oyero, you may speak.

Senators Welfare

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : Mr President, I wish to say that it does not look as if those who are responsible for our welfare really think much of this Senate. The whole of today and even yesterday, one noticed that there is no water in these premises. That makes the toilet really embarrassing to go to. What is surprising is, when you go to the other House, there is water. In two adjoining buildings, if they can provide water in the other House, I do not see why they cannot make a similar provision here.

The second point, Sir, is that although the other Chamber is larger than this Senate, you find that it is more comfortable to stay there and work than in this place. This is because the air-conditioning, especially in this Chamber is not satisfactory.

[SENATOR OYERO]

A little down the corridor is still even better than this Chamber and I hope, Sir, that before the House Committee gets to work the officials would look into these two problems.

Hajj Operations

Senator Sabo Bakin Zuwo (Kano Central): Mr President, Sir, in supporting the Motion for Adjournment I would like to appeal to my hon. Senators to consider the position of pilgrimage, that is, Hajj operation. Although I do not want to discuss a religious matter, what I intend to do is to discuss the question of hardship created by the former administration as regards hajj operations in this country by their increasing the hajj fares from Nigeria to Mecca and also by reducing the allowance being given to each pilgrim to Mecca. I would appeal to this Senate to reconsider that Decree which had been introduced by the former administration and which is affecting more or less half the population of this country in this respect. The hajj operation is very important to certain sections of the Community particularly the Moslems. I have no objection to someone who is going to Rome or Jerusalem being given one thousand naira as allowance. The hajj operation should also be handed over to a private company, not the government because the government is creating hardships for people who are going to Mecca.

Secondly, the former administration promulgated a Decree which prohibited the importation of rice into this country. Although they have done this with good intention but after the promulgation of the Decree the price of rice which formerly was sold at twenty-six naira for a bag is now being sold at fifty-six naira. Mr President, I am reliably informed that highly influential businessmen had conspired with some government officials to prohibit the importation of rice to create hardship for the people of this country. We cannot restrict the importation of any commodity if we do not have that essential commodity in the country. Mr President, I hope the government would look into this matter and solve our problem. (Applause)

The President: Order! Order! I am not aware that the Senate has closed yet. Senator Dafinone, I do not think you have the Floor to speak.

Senator D. O. Dafinone (Bendel South): Mr President; I have a point of information.

The President: No, I think I would call you if I need one.

Senator Dafinone: Mr President, we are happy that the rice was being imported for the peoples' redemption, hence we are happy about it. (Laughter)

The President: I do not know what is peoples' redemption, not in this Senate. Senator Ladega, I see you are itching to speak. You may speak.

Food Items

Senator D. A. Ladega (Ijebu-Ode/Ijebu Remo): Mr President, in contributing to the Motion for Adjournment, may I draw the attention of the President and the Christian Senators of this Senate to the fact that every morning when the opening prayer is being read by the President, many Christians omit to take off their caps even including the President. (Laughter)

The President: The Senator is assuming that I am a Christian.

Senator Ladega: Yes, assuming that the President is a Christian I should like all the Christians to note that whenever we rise for prayer we should take off our hats. Now, the last point I would like to take on—

The President: Order, Order, did I hear noted or did I hear objection or what did I hear?

Several Senators: Noted.

Senator Ladega: The other point I want to make is in support of my friend the last speaker (Senator Zuwo) on rice, but this is not on rice, this is on frozen chicken. I used to buy frozen chicken for only two naira but today you cannot get it for even six or seven naira. So, the hardship which the banning of this frozen chicken has created is so biting that it is the talk of the town and many of our constituents have asked us to look into this matter. It is hoped that the members of the bourgeois party would very kindly request His Excellency the President who is also the President of their party to lift the ban. Thank you very much, Sir.

The President: Order! Order! Senator Obi would like to speak on the Motion for Adjournment.

Senator Onyeabo Obi (Anambra West): Mr President, I hope the President saw the handing-over note which was left by his able Deputy which shows that on resumption tomorrow 10 o'clock the Senators on the NPP benches, starting from Senator Obi by leave of the Senate, would like to speak on the Motion that has been deferred till tomorrow.

The President: Are you suggesting that you are teaching the President what to do?

Senator Obi: No, Sir, I was talking about the handing-over notes. The Deputy President was following a pattern and the debate was interrupted when the pattern was moving from the NPN benches. So, we would like to be protected, Sir, in the change of order.

Senator Mohammed Uba Ahmed (Bauchi South-East): Point of Order.

The President: What is the point of Order?

Senator Ahmed: Order number 4 (1). May I read, Sir? It reads as follows: *On Mondays, Tuesdays, Wednesdays, and Thursdays the Senate shall meet at 10 a.m. and unless previously adjourned shall sit until 6 p.m.* (Applause).

The President : On that score I can equally say that the Senate did not meet at 10 a.m. ; it met later. So your Order is not sustained for the time being.

Senator Obi, you can proceed.

Senator Obi : I want to thank the President and the officials of the Federal Ministry of Works for the prompt action being taken to repair and re-open the Lagos/Benin road which incidentally is causing a lot of inconvenience to Senators in this Senate who cannot bring their cars along to Lagos.

In the same vein I would like to take this opportunity to bring to the attention of the President and the Federal Ministry of Works that the good work cannot be completed until they clear other bottle-necks up the road. I would like to mention the portion going from the Niger Bridge head, the Asaba end, going into the various States which this road is sinking—

The President : Order ! Order !

And it being after six o'clock, the President adjourned the Senate without Question put at 6.07 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Thursday, 18th October, 1979
The Senate met at 12.25 p.m.

PRAYERS

(The President on the Chair)

The President : Order ! I think, first of all, I ought to apologise to Senators that we are starting very late today. This was because I had been informed earlier that the Parties were working, trying to harmonise things behind the scene to make the task of the Senate much easier and lighter. I hope that with that atmosphere prevailing we would have saved a lot of time and we would be able to settle down to do the business much faster than we would have if we had started at 10 o'clock as usual. I must apologise on behalf of the Senate. We should now get down to business.

ORDER OF THE DAY

MINISTERS OF FEDERAL GOVERNMENT
ADJOURNED DEBATE OF QUESTION
(17TH OCTOBER)

Question again proposed, that in accordance with Section 135 (2) of the Constitution of the Federal Republic of Nigeria, the Senate is hereby requested to confirm the nomination, by His Excellency, the President, of the following persons as Ministers of the Government of the Federation :

MINISTERS WITH CABINET RANK

- | | | |
|-----------------|----|--|
| 1. Bauchi | .. | M. Mohammed Ibrahim Hassan |
| 2. Borno | .. | M. Adamu Ciroma |
| 3. Benue | .. | Mr Isaac Shaahu
Mr Paul Unongo |
| 4. Gongola | .. | Professor Iya Abubakar |
| 5. Kaduna | .. | Alhaji Umaru Dikko
Professor Ishaya Audu |
| 6. Kano | .. | Alhaji Bello Maitama Yusuf |
| 7. Kwara | .. | Alhaji Akanbi Oniyangi |
| 8. Niger | .. | Alhaji Ndagi Mamudu |
| 9. Ogun | .. | Mrs Adenike Egun Oyagbola |
| 10. Ondo | .. | Mr Samuel Adebisi Ogedengbe |
| 11. Oyo | .. | Chief Richard O. Akinjide |
| 12. Plateau | .. | Mr John Jatau Kadiya
Mr Gorge Baba Hoomkwap |
| 13. Rivers | .. | Mr Victor Masi |
| 14. Sokoto | .. | Alhaji Ibrahim Gusau |
| 15. Anambra | .. | Mr D. C. Ugwu
Mr Chimezie Ikeazor |
| 16. Cross River | .. | Professor Sunday Mathew Essang |
| 17. Bendel | .. | Mr Israel Amadi Emina |
| 18. Imo | .. | Dr Sylvester Ugoh
Dr I. I. Maduikwe |
| 19. Lagos | .. | Dr Wahab Olaseinde Dosunmu |

MINISTERS WITH NON-CABINET RANK

- | | | |
|-----------------|----|-----------------------------|
| 1. Bauchi | .. | Alhaji Ahmed Musa |
| 2. Bendel | .. | Chief P. Bolokor |
| 3. Borno | .. | Alhaji Asheikh Jarma |
| 4. Gongola | .. | Alhaji Ali Baba |
| 5. Kaduna | .. | M. Iro Abubakar Dan-Musa |
| 6. Kano | .. | Alhaji Bilyamin Usman |
| 7. Lagos | .. | Mr Ademola Thomas |
| 8. Ogun | .. | Chief Olu Awotesu |
| 9. Oyo | .. | Chief Mrs J. Akinrinade |
| 10. Sokoto | .. | Alhaji Ahmudu Nahuce |
| 11. Cross River | .. | Chief E. Okoi-Obuli |
| 12. Kwara | .. | Mallam Mamman Ali Makele |
| 13. Ondo | .. | Mr Cladius Agboola Bamgboye |
| 14. Rivers | .. | Dr Jakiri Igbani |

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, hon. Senators, yesterday I moved the Motion which was debated till 6 o'clock that the list of the Ministers sent to us by the President of the Federal Republic of Nigeria should be approved, so that he can form his Cabinet and get on with his duties. The Motion was debated until we adjourned to this morning. I would like to join you, Sir, to apologise to my Colleagues that we could not start at 10 o'clock as we agreed yesterday.

During the debate yesterday we found out that most of the documents of the candidates sent to us by the President were not ready. But today I am able to present to you about seventeen of them whose papers are complete. While we are considering the list, I would mention the names of those whose papers are ready. Mr President, Sir, I would like to assure the Senate that they are men and ladies of honour and they are capable of performing the duties and responsibilities of Ministers and I wish the Senate would support me to vote or to approve the list as we have them on the Order Paper.

Therefore, Mr President, Sir, I would like to suggest that if the list is to be considered very efficiently, I think it will be necessary to have a small group to form a Committee that would go through the list and the papers one by one so that before we leave this Senate we shall be able to produce and approve the list for our President in order that he can carry on with his duties. Therefore, I suggest that we set up an *Ad Hoc* Committee to look into this list. The alternative to this, Mr President, will be a Committee of the Whole Senate, but we have to clear the Gallery so that there will not be tall stories all over the country by the time we finish. I, therefore, move that we continue to debate the list before us.

Thank you.

Senator A. A. Adesanya (Ijebu North) : Point of Order, Sir.

The President : What is the Order number ?

Senator Adesanya : It is Order 26 (4).
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. Yesterday, Sir, the question of a Committee or Committee of the Whole

[Senator Adesanya]
Senate was decided by this Senate, and it decided, Sir, that the list of Ministers would be considered by the Senate in Session, not in Committee and, therefore, Sir—

The President : Who decided that ?

Senator Adesanya : It was decided here. (Interruption)

The President : Order ! Order ! Your order is not upheld. This morning, Senators, we are going to start business. We spent a whole day yesterday debating, giving opportunity to every Senator to speak. Because of time factor and Senators wanting to go home, we rose at past 6. I was quite prepared that we continue to 2 or 3 a.m., but Senators being anxious to go, we could not continue. I can understand that if you leave in Badagry and you arrive there at a certain time you would not get food for the day. Apart from the fact that it was quite risky, we had to rise.

In all seriousness, we should get down to business and where possible minimise unnecessary delays. I know that yesterday there were several suggestions on the best method to handle this issue, but there was no conclusion as to how best to handle it. May I remind you that under normal circumstances, the appointment of Ministers under the system we now operate should go through a Committee. You can either put it through the Judiciary and Appointment Committee, as is done in the United States, or you can appoint a Special Committee, and this Senate has the power to appoint a Special Committee to look into this matter in detail. That does not mean that the Committee takes a decision on behalf of the Senate. The Committee will only look into details and produce a report which shall be tabled before this House in each individual case or as the Committee may see fit. This Committee will not be a Committee of one Party. It is a Committee of the Whole, that is, all those who have Membership in this Senate.

So, I think that we should get down to seriousness and be prepared to deal with this matter. I gave my pledge yesterday and I still continue to say that there is no question of stream rolling any particular issue, and that there should be no question whatsoever in our minds that any particular case might be swept under the carpet or there would be rigging. I assure this Senate that there is no question of rigging but this issue should be looked into realistically and constructively and I would welcome brief comments from Senators on it.

Senator Sola Saraki : On a point of order, Mr President, Order Number 59, Section 2, which reads,

A report or special report, together with any minutes of the proceedings of a select committee, shall be brought up by the chairman or other member deputed by the committee and shall be ordered to lie upon the Table and be printed without question put. Any Senator may move that it be referred to a committee of the whole Senate.

And that is what I have done.

The President : I am inclined to think that what you have done is in line with the provision of the Standing Orders. Yes, Senator Adesanya, you may now speak.

Senator Adesanya (Ijebu North-East) : Mr President, on a point of order—Order No. 26, Section 4. Yesterday, Sir, your deputy ruled that the question of Committee would not arise, because this thing had been debated in the Senate here for so long and that it was too late in the day to bring in the question of going into Committee. That was when Mr President rose yesterday and his deputy was presiding.

A Senator : It was an observation and not a ruling.

The President : We are going to make progress this morning. Mr Deputy President of the Senate, would you enlighten the Senate on what actually happened on that issue ?

The Deputy President : Mr President, Sir, there was a Senator on this Side of the Senate who was suggesting that the whole thing should be brought down to a Committee level, and I made a remark, it was purely an observation, to the effect that since the debate had gone that far, it was not normal practice to go into Committee.

Thank you.

The President : In other words, there was no ruling, you made a remark. Senator Jalo Waziri, you may now speak.

Senator Jalo Waziri (Bauchi East) : As a matter of fact, the Deputy President made only a remark or a suggestion but he did not make a ruling on this issue, and I do not think he should have, because at any stage of a debate a Committee can be appointed to look into any matter. It is perfectly in order to appoint such a Committee, and he was, I think, making that remark in order to save the time of the Senate, if I understood it correctly.

The President : Senator Akpata, you may now speak.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, this matter we are discussing is so important that if at the tail end, we now ask the Nigerian people to be absent during our discussion, no one will blame them if the story gets twisted. Anyone who wants to be a Minister and a public servant should be ready for his affairs to be examined in public. That is my information, Sir.

The President : I think I will make the position quite clear that I am not, and this Senate is not, suggesting that the screening should be done in camera. Even in the United States where we import the system, Members are welcome to attend the Committee. What we are saying is that the task of this Senate would be made much easier if a few of us are selected into a Committee to examine the contents of the President's request for the appointment of Ministers.

Senator Hamisu Musa (Kano South-West): Mr President, Sir, my suggestion in respect of this fundamental issue is to select 19 Members of the Senate particularly each person from each State because this is a very important issue, so that if we need any information in respect of any candidate we shall easily get the information from the State of origin. In order to minimise all our difficulties, we have discussed a lot yesterday. I suggest that 19 people, one from each State, and may be the Chairman and the Deputy Chairman, will participate.

The President : Senator Echeruo may now speak.

Senator E. P. Echeruo (Okigwe) : Thank you, Mr President. I think the matter should be taken over by the whole Senate. My reason for that is that this should not be discussed in the plenary session. Being in the Committee, for this purpose, is aimed at scrutinising anybody being put up for ministerial appointment and that could only be done if we resolve to be in Committee of the Senate to review the matter. I do not think it is good to have only 19 people to consider this. If this Committee finishes the deliberation, we may come here and re-open the process. I suggest this Senate resolve itself into Committee of the Whole Senate, the Gallery cleared, and we make progress.

I do not see the necessity of our appointing a Committee to go and screen the list in isolation. I feel the Committee of the Whole Senate should be formed to consider the names one by one. None of us here has got any knowledge of the candidates. My suggestion, therefore, is that the Committee of the Whole Senate should handle this issue. Let the Committee of the Whole Senate start now. If we can treat one or two of them, then the country will know that we have started and done something. I am sure the Committee cannot finish today.

The President : Order ! Order ! Order ! Chief Odebiyi, what is your comment ?

Senator Odebiyi (Egbado North/South) : No comment, Mr President.

The President : All right, can I put this to the Senate now ?

Several Senators : Yes, do.

The President : Senator Atake, you are raising a constitutional point. You may speak.

Senator Atake (Bendel Delta) : The question of the Committee we have in mind is provided for in Section 58 of the Constitution—the first subsection, that is about the Committee we now have in mind, says :

The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise as it thinks fit, delegate any functions exercisable by it to any such committee.

That is the type of Committee we now have in mind. If you look at this Committee, you will come to consider the provision of Subsection 4 again which says :

Nothing in this section shall be construed as authorising such House to delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Constitution, but the committee may be authorised to make recommendations to the House on any such matter.

Thank you.

The President : Senator Rufai, you may speak.

Senator A. D. Rufai (Bauchi North) : The decision of the Senate will bind us. When it comes to recommendation, Mr President, we may find that we are discussing the matter all over again. I suggest that we take the bull by the horn.

The President : The issue before the Senate is that we should either have a Committee of the Whole Senate or appoint a Special Committee.

Several Senators : Yes ! Yes ! Yes !

The President : Members in the Public and Press Gallery may now withdraw.

Gallery cleared.

The President : Order! Order! Dr Sola Saraki, the NPN Leader may speak.

Senator Jaja Wachuku (Aba) : Point of Order!

The President : Sola Saraki is raising an Order too.

Senator Jaja Wachuku : The Mace is not on the table.

The President : I made a pronouncement that the Senate would go into committee but it has not yet gone into committee. When the Senate goes into committee, I shall not be sitting where I am now. *(Interruptions)*

Senator Jaja Wachuku : But the Mace is under the table.

The President : Oh! I see what you mean. Dr Sola Saraki, what is the point of Order?

Senator Saraki (Ilorin/Asa) : Mr President, I would like to move a Motion that Order 4 be suspended. The Order says that *On Mondays, Tuesdays, Wednesdays and Thursdays, the Senate shall meet at 10 a.m. and, unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m. unless a substantive Motion has been moved by member of the Council of Ministers, "That the Senate do now adjourn" and, if such a Motion be moved and if the question thereon has not previously been determined, at 1.15 p.m. the President shall adjourn the Senate without question put.* I would like to move that this Order 4 (1) be suspended and to bring in Order 61

[SENATOR SARAKI]

which says that *A question, the object or effect of which may be to suspend any Standing Order of the Senate, shall be proposed only with the consent of the President, either after notice given or after the expression of the general assent of the Senate.* I am moving this so that the Senate can continue to carry on the business on our hand.

Mr President, I beg to move.

A Senator : I beg to second.

The President : The question is that we suspend Order 4.

Question put and agreed to.

Resolved : That Order 4 be suspended.

Some Senators : Division ! Division !

The President : The Senate will now resolve itself into a committee.

Senator A. A. Adesanya (Ijebu North-East) : Point of Order.

The President : Senator Adesanya, what Order is it ?

Senator Adesanya : Order 4 (1). *On Mondays, Tuesdays, Wednesdays, and Thursdays the Senate shall meet at 10 a.m. and, unless previously adjourned, shall sit until 6 p.m. provided that at 1 p.m. the President shall suspend the sitting until 3 p.m. unless a substantive motion has been moved—*Mr President, Sir, the time is after one o'clock. So, the Motion is out of place. If he wants this Order to be suspended, he ought to have moved it before one o'clock. At one o'clock, it is obligatory, it is mandatory that—

The President : I am inclined to accept and consider your feelings but let us remember that we started under an hour ago.

Some Senators : It was his fault.

The President : I am prepared to allow the Senate to divide if the Senators want it but let us consider that we are here to make progress. I thought that when we decided to go into committee, we wanted to settle down to do some serious work and I have equally asked the Clerk of the Senate to ensure that arrangements are made for food to be served so that if at any time we decide to have a break of thirty minutes or so, food will be available round the corner. These arrangements are being made now, but if you insist that we must follow the Order or that we should divide and wait till 3 o'clock, I will put it before the Senate. I thought that we can be reasonable and stop any unnecessary delay. (*Interruptions*)

Yes, Senator Dr J. S. Tarka.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, we sympathise with the leading Senators who are the leaders of the parties from all Sides of the Senate. We sympathise with the heavy work which they have. We are willing to assist but not at the cost of the infringement on the Standing Orders and the rights of the Senate. If we were given previous notice and if adequate consultation had been made, we would not have even had a division as it stands now. So, I suggest seriously that

unless we want a division, and I know where I am going to vote in that division, let us apply the rules as they stand. Next time we can correct the situation. (*Applause*)

Senator I. Jalo Waziri (Bauchi East) : Mr President, Sir, in supporting this Motion, I would first of all like to point out the procedure of the Senate. We are not in the committee stage yet, and the hon. President is still sitting on the Chair. So, I suppose that unless the Mace is placed on the table, we will be in the committee which gives Mr President a seat in the committee too. Right now, the Mace is not on the table and Mr President is not on the Committee Seat. It is either that Mr President goes to the committee seat or the Mace comes back to the Senate. The position now is that we are in the Senate for the time being, and I would like Mr President to tell the Deputy Sergeant-at-Arms to immediately take the Mace from the Committee Stage back to the Senate stage until such a time when we move to the committee.

With regards to our Motion, I believe that hon. Senators will not be throwing us from one division to another. We are not divided ; we are one ; it is one State for one Nigeria. So, a minor issue such as whether we should stay a little bit longer should not cause division and cost us even the time we would have used to finish our discussion. So, I appeal to all sides of the Senate to bear with the Leader of the NPN. This is a circumstance when the co-operation of everybody is required, and this would not make any difference in our decisions but it will not be for the convenience of the Senate.

I, therefore, would appeal to all Senators to support our extra time on this issue as moved by Senator Sola Saraki.

Senator D. O. Oke (Ondo West) : Mr President, it seems to me that what people were taking exception to was the impression being given that the Standing Orders could be easily over-ridden, and I think that in that case, it is usually better to allow the Senators' will go through. But, the President has also supplied an information which we did not have earlier, and I would just plead that we do not throw the baby out with the bath water. If it is possible to serve lunch around here instead of 3 o'clock we could resume earlier. If that is acceptable, I will suggest two o'clock. We have got quite a lot of business and we really mean to be serious about that business and as much of it that is ready we want to dispose of before our recess. So, I would plead with the Senate to please reconsider this and let us suspend sitting for lunch and return at 2 o'clock or 2.30 p.m.

The President : I want to raise a point of information on Professor Oke's speech. The fact is that lunch has to be arranged. So, if we break now, the lunch is not ready and this is why I feel that if we proceed till the time when the lunch is ready, we can get something to eat and maybe at 2 o'clock or 2.30 we can break for lunch and come back.

Senator Adebayo (Kwara Central) : Point of information.

The President : What is your information ?

Senator Adebayo : My information is very brief. I thought the problem could have been solved if the Senate was not sitting formally as we had earlier on agreed on the Committee of the Whole Senate and the Lobby has been cleared. If the President stepped down and the Mace went down we would be in Committee, and the Senate would not be meeting against the Standing Orders. I stand to be corrected by those who have had more experience. So, if the Mace stood down, as it is, and the President steps down to a lower Chair, the Committee would be meeting and we would not be doing anything illegal.

So, Mr President, I move that the Senate do now constitute itself into a Committee of the Whole Senate.

Senator Ibrahim Jalo Waziri (Bauchi East) : I beg to second.

Question put and agreed to.

Resolved : That the Senate do now constitute itself into a Committee of the Whole Senate.

The Senate accordingly constituted itself into a Committee of the Whole at 1.17 p.m.

(The President resumed the Chair : 7.15 p.m.)

Committee report Progress—to sit again, Tomorrow.

The President : Order! Order! Order! Today, we considered, in Committee, the names submitted by the President of the Federal Republic of Nigeria of persons he wants to appoint as Ministers of this Republic. Among the names we considered and passed or confirmed are :

Alhaji Mohammed Ibrahim Hassan
Mallam Adamu Ciroma
Mr Isaac Shaahu
Professor Iya Abubakar
Alhaji Akanbi Oniyangi
Alhaji Ndagi Mamudu
Mr John Jatau Kadiya
Alhaji Ibrahim Gusau

Dr Wahab Olaseinde Dosunmu
Alhaji Asheikh Jarma
Alhaji Ali Baba, and
Alhaji Ahmadu Nahuce.

The following persons were considered but were not interviewed by the Senate Committee and, therefore, the Senate has not confirmed their appointments :

Alhaji Umaru Dikko
Chief Richard O. Akinjide, and
Alhaji Ahmed Musa.

Dr Paul Unongo appeared before the Committee, he was considered, but his appointment was rejected. This, therefore, brings to conclusion the total list that was dealt with today.

Twelve out of forty-three persons were confirmed.

Dr Saraki, will you please tell us what to do with the rest?

Senator Sola Saraki (Ilorin/Asa) : Mr President, I move that the Senate do accept the Report.

Senator J. S. Tarka (Benue East-Central) : I beg to second.

The President : The Question is that the Senate do accept the Report of the Senate Committee.

Question put and agreed to.

Resolved : That the Senate do accept the Report.

The President : Order! Order! Senator Saraki, you may speak.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, honourable Senators, I move that the remaining candidates be considered tomorrow and, therefore, the Senate should adjourn till tomorrow at 10 a.m.

Question put and agreed to.

Resolved : That the Senate do now adjourn.

The Senate adjourned accordingly at 7.40 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Friday, 19th October, 1979

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

The President : Order ! Order ! Order ! Senator Sola Saraki, the NPN Leader, may speak.

PRESENTATION OF BILL

DISSOLUTION OF THE NATIONAL
SCIENCE AND TECHNOLOGY
DEVELOPMENT AGENCY BILL

A Bill to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, Assets and Liabilities to the Minister of Science and Technology and for purposes connected therewith ; read the First time, to be read a Second time—*this day, Friday, 19th October.*

Order for Second Reading Read

Senator Sola Saraki (Ilorin/Asa) : Mr President, honourable Senators, I rise to present to this Senate and move—

That a Bill for an Act to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, assets and liabilities to the Minister of Science and Technology and for purposes connected therewith be read a Second time.

Mr President, Sir, I think it is very, very timely to present the Bill before this Senate because the Ministry titled, *Federal Ministry of Science and Technology*, has been established by the President of the Federal Republic of Nigeria, and hitherto the National Science and Technology Development Agency was under the former Chief of Staff, and unless this honourable Senate gives its approval it would be very difficult to take over all the assets and functions of this Agency. More importantly, Mr President, Sir, very soon our President will appoint a Minister to be in charge of Science and Technology and unless this Ministry is established there will be nothing for the Minister to do. Therefore, I present this Bill before this august Senate for its consideration.

Thank you, Mr President.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second.

The President : There is a Bill which has been presented before this august Senate, establishing the Ministry of Science and Technology transferring

all the assets and liabilities of the National Science and Technology Development Agency to the proposed Ministry. Members may choose to speak on the Bill.

Senator J. A. O. Odebiyi (Egbado North/South) : What Senator Sola Saraki has done is the first reading and that settles that.

The President : Are you saying that this is the first reading and it settles it ?

Senator Odebiyi : Yes.

The President : The Bill will now be referred to the Committee.

Senator Jalo Waziri : The Bill has to be read the first time and then the second time. It is on its movement that the Bill be read a second time, that is seconded, and we have a debate on it before we go to Committee stage.

The President : Senator Obaro, you may speak.

Senator Isa Obaro (Kwara South) : Mr President, Sir, I think this Bill has come slightly too early because I must confess that it does not appear that we are fully prepared to receive it. I have made this observation bearing in mind that there are three stages under the present Presidential System that a Bill must pass through before it is passed or rejected. There is the first reading, and immediately thereafter it is referred to the appropriate Committee. If my memory serves me right I am not quite sure that we have established the appropriate Committee for this particular Bill. And if we have done this, after its first reading, the Bill will go immediately to that Committee and from the Committee it comes back to the Senate.

Senator Odebiyi : Mr President, Sir, when a mover of a Bill presents a Bill to the House, by introducing the Bill itself that means first reading. Then as and when appropriate, he will decide what day to bring in the second reading. After the second reading we will debate it. We will debate the principles of the Bill. At the end of the second reading, it will be committed to a Committee of the whole House, for clause by clause observation on the Bill. When that has been finished with it will be brought to the whole Senate and that will be the third reading. It is then that it has passed in the Senate. That is the procedure, Sir.

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : I move that we keep to the Standing Orders, Sir.

The President : I do not quite get you. I thought that you said Order number 39.

Senator Oyero : They are set out in Orders 39-43. All I am suggesting to the Senate is that we just keep to the Orders. The particular stage which has been moved now is Order 39 rule 4.

Senator Lere Adesina (Ibadan) : Point of Order.

The President : What is your Order number ?

Senator Adesina : It is Order 40 and it is exactly the stage at which we are now. We have heard the first reading, and *the Senator in charge of the Bill shall be appointed to take the next stage : provided that the day named for second reading of a Bill introduced by an Unofficial Senator shall not be less than five days after that on which the Bill has been read for the first time.* That is the appropriate section.

The President : Senator Obi, you may now speak.

Senator Onyeabo Obi (Anambra West) : Mr President, Sir, I think we must distinguish between the Standing Orders in a Parliamentary System and what happens in a Presidential System. I would like, Mr President, for information to refer, just for our guidance, to the United States Congress Handbook for 1979 which says how a Bill moves.

The President : Please, read it.

Senator Obi : It says, Sir ; *Here is how a Bill generally—*

Senator Odebiyi : It is not relevant. Until a new set of Standing Orders is approved for the Senate, we shall follow this old one. It is as simple as that. That is the law.

The President : Order ! Order ! Order ! When I said that Senator Obi could read, I did not mean that we could substitute whatever he is reading with our Standing Orders. I only would like to be informed by the pamphlet he was reading from any way. Please, let us make progress. Senator Abogede please.

Senator Andrew Abogede (Benue North-Central) : Point of Order, Sir.

The President : What is your Order ?

Senator Abogede : My Order is on point of clarification. What I am trying to say is that we have a lot this morning and if somebody is trying to take us back to the United States Congress, etc. we will be wasting our time. You, yourself, know when we left here yesterday. I feel we should be specific. This is what I am trying to say.

The President : Is it the wish of the Senate that we should hear Senator Obi ?

Several Senators : Yes !

The President : Senator Obi, you may continue.

Senator Obi : Mr President, Sir, the heading is *How A Bill Moves.*

Here is how a bill generally moves after a Member of Congress introduces it in either the House or Senate.

The parliamentarian and leadership of whichever body receives the bill refers it to a committee where the

chairman or chairwoman and staff determine what sub-committee—if any—is to receive it. If a bill is going to die, it usually dies at the committee or sub-committee level.

The sub-committee provides the forum where the bill is likely to receive its most thorough consideration and witnesses may testify for and against it. Included among the witnesses if the bill affects a Federal agency will be officials of that agency. If a majority of the sub-committee approves, the bill goes back to the full committee where it again must be approved by majority vote before it goes to the House or Senate floor and House bills must have been cleared at the Rules Committee where debate time limits often are established. Amendments may have been offered by the sub-committee or full committee and, with certain exceptions, may again be offered on the floor.

If the House or Senate passes the Bill it is then moved to the other chamber where it is referred to a committee. If a majority of the committee approves, it goes to the floor. Amendments generally may be offered in committee or on the floor. Approval on the floor means both the House and Senate have separately cleared the bill and conferees from each chamber then they are selected to work out any necessary compromise of differences between the House and Senate on the bill and write a conference report. Final passage comes when the House and Senate approve the conference report.

The bill then is sent to the White House for Presidential sanction. If the President signs, it becomes law.

The President : You may stop there, Senator Obi.

I hope that Senators have heard that, and I would like to remind Senators that no committee kills a bill. No bill is killed at the committee stage. We may make progress.

Alhaji Jalo Waziri please.

Senator Jalo Waziri (Bauchi East) : Since the President has ruled that we are not following the American pattern—

The President : I did not say that. I said that the main distinction from what I have heard from Senator Obi is that in this Constitution, you cannot kill a bill in committee stage. It is clear in the Nigerian Constitution.

Yes, Senator Dr Jaja Wachuku.

Senator Jaja Wachuku (Aba) : Well, since the Constitution says until we make a new rule—

The President : When there is a conflict between the Standing Orders and the Constitution, the Constitution prevails.

[SENATOR SARAOKI]

before we take the Bill, I move that the Second Reading of the Bill should be done this afternoon. I move also that the Senate, at its rising today, should adjourn till 12th November, 1979.

The President : That is a separate Motion.

Senator Saraki : Yes.

The President : You do not put the two together. They are two different things. What you are saying is that the Second Reading of the Bill will be done later in the day and then you will move the Second item on the Order Paper, which is the adjournment of the Senate. Is that supported? (*Interruptions*)

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, a Motion has been moved and seconded and carried that the Bill is to be read the second time.

Now, we are at the stage of debating the Bill the second time. The NPN Leader has moved that the debate on the Second Reading of this Bill be deferred until the afternoon and there has been no Seconder.

I rise to oppose that the debate on this Bill be postponed. I think that while the Second Reading of this uncontroversial Bill has been moved and seconded, I do not think it is proper for us to postpone this Second Reading till the afternoon. We have a lot of business to consider in the afternoon as well, and we are expected to rise today according to his second motion. I think the best thing is to debate the Bill, carry it through and continue with any other business before we rise.

A Senator : I rise to second.

The President : Do we have any difficulty in knowing exactly what Senator Jalo Waziri's proposal means?

Several Senators : Yes!

The President : He is saying that this Bill should be read forthwith, that is, the second time.

Question put and agreed to.

Resolved : That the Bill be now read a second time.

Senator Jalo Waziri : I move that the question be now put.

Senator J. S. Tarka (Benue East-Central) : I beg to second.

Senator J. O. Umolu (Bendel North) : There is before the Senate on the Order Paper just the title but where is the Bill?

The President : Copies of the Bill have been distributed.

Senator Umolu : I am sorry, Mr President.

Senator F. O. M. Atake (Bendel Delta) : In these matters of procedure and the rest of it, it will be appropriate if those of us who are conversant with the procedures be allowed to talk instead of everybody talking at the same time. The Bill has been moved for a second reading. Let the Bill be read a second time in the traditional manner. Once the Bill has been read a second time in the traditional manner, we form a Committee. Once the Bill has been read, it has got to be committed to a Committee of the whole Senate. That is the manner. I have got twenty years experience in procedures.

Senator Jalo Waziri : Point of correction. The Bill has to be read a second time before committing it to the Committee.

Senator Jaja Wachuku (Aba) : There is no Bill before this honourable Senate. We have a White Paper, a *Gazette*. There is no Bill. The Clerk of Senate has to distribute copies of the Bill by himself. We do not want to be misled. My good friend, the hon. Senator Jalo Waziri knows what I am talking about. There is no Bill before this Senate. There must be a Bill, copies of which should be distributed by the Clerk of the Senate.

The President : I think if you open up page two, you will see the Bill.

Senator Jaja Wachuku : There is no Bill before the Senate, Mr President, Sir, may I read what I have here? It is an extraordinary *Gazette* It reads :

*Federal Republic of Nigeria Official Gazette
No. 52 Lagos—17th October, 1979, Vol. 66. Govern-
ment Notice No. 1149. The following is published as
Supplement to this Gazette :—*

*Bill entitled the Provision for the Dissolution of
the National Science and Technology Development
Agency and the Transfer of its Functions, Staff,
Assets and Liabilities to the Minister of Science and
Technology and for purposes connected therewith. . . .
C1 printed and published by the Federal Ministry of
Information, Printing Division, Lagos, Nigeria.
1402/1079/17,000.*

Mr President, Sir, the Bill has got to be printed, given by the Clerk of the Senate and distributed in single leaf. That is the Bill. We are not going to allow ourselves to be misled. We should not make a fool of this Senate. The Clerk has not distributed a Bill.

The President : What do you have in C.1?

Senator Jaja Wachuku : What is an attachment to the Government Notice. This is the Government Notice to everybody in the country.

The President : Order! Order! Honourable Senators may sit and may only speak when I ask them to do so.

Senator Jalo Waziri : Point of explanation.

The President : Point of explanation! Maybe that will help hon. Jaja Wachuku.

Senator Jalo Waziri : The hon. Senator and my colleague, Dr Jaja Wachuku is only emphasising the detailed issue of Senate practice which does not come under the law. He knows very well that he is emphasising a very minor point. The fact is that the *Gazette* has been presented to the hon. Senators, it has been taken in under Notice of Presentation of Public Bill, and it was accepted by the Senate since a Notice has been given and you accepted the Notice. You have passed through a motion, and once it is considered, it automatically becomes a Bill. I do not know why he is emphasising this minor detail. Mr President, Sir, the honourable Senator is technically wasting the time of this Senate and I think we should proceed.

The President : I am inclined to agree with you.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, in my own right as a Senator and a friend of all sides of this Senate, I would like us to assist ourselves and assist you in your work, rather than try to frustrate the proceedings of the Senate. We all know, Sir, that there are technicalities involved in a Bill like this. There is no need making excuses that, from the very beginning, there was a flaw which has been technically corrected by hon. Senator Saraki. Right now, before us is a Bill technically qualified for debate from stage to stage up to Committee stage. The Leader of the UPN in the Senate, Senator Odebiyi did assist in putting the correct procedure before this Senate and all of us did accept it.

The President : So did Senator Atake.

Senator Tarka : So did Senator Atake ; they put the correct procedures before us which must now be followed by the Senate so that we can make progress. In order to do this, Sir, I would like to move that the *Gazette* which has been distributed by way of notice is technically and physically before us, a notice of the Bill as on the Order Paper as Item No. 1. The *Gazette*, therefore, which is titled a Bill should be regarded as an attachment to the Order Paper and therefore, qualifies for continued debates by all sides of the Senate.

The President : Is that the wish of the House?

Several Senators : Yes.

The President : The proposal is that the Bill be read the second time. Yes, Senator Odebiyi?

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, from the contents of the Bill, it appears that what is being proposed here is to transfer the functions of the different agencies of government which deal with science and technology to the Ministry of Science and Technology.

There is a mistake, of course, which we will correct at the Committee Stage where it is being suggested that the functions would be transferred to the Minister. It should not be the Minister, it should be the Ministry. Of course, this is only consequential on the fact that when there was a military administration, what they needed was an agency to deal with this. They wanted to bring together, all the research institutes in the country so that they would be better able to perform their

functions in a very good atmosphere. Now that we have a civilian administration and we are going to have Ministries charged with various responsibilities, it is only proper that the functions of agencies which have been performing these functions before, be transferred to a new Ministry of Science and Technology. In the circumstance, Mr President, I beg to support the Bill.

Senator F. O. M. Atake (Bendel Delta) : Mr President, Sir, I propose that the Bill be committed to the Committee Stage.

The President : The question is that the Bill be committed to the Committee of the Senate.

Question put and agreed to.

Bill read a second time, and immediately considered in Committee.

DISSOLUTION OF THE NATIONAL SCIENCE AND TECHNOLOGY DEVELOPMENT AGENCY BILL :

CONSIDERED IN THE COMMITTEE OF THE WHOLE SENATE

The Chairman : Order ! Order ! The Senate is now in Committee. Yes, Senator Kunle Oyero.

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : Mr Chairman, I want to speak on clause 1 of the Bill.

Senator J. O. Umolu (Bendel North) : Mr Chairman, the title too is part of the Bill and we should deal with that first before Clause 1.

Mr Chairman, may I therefore suggest that we need a bit of party whip on that side so that we can make some progress.

Senator Oyero : Mr Chairman, it has been said before and I think this is the proper stage to correct the heading. The heading should read : *An act to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its Functions, Staff, Assets and Liabilities to the Ministry of Science and Technology and for purposes connected therewith.* How can you transfer the agency to the Minister? It should be to the Ministry.

Mr Chairman : Order ! Order ! I do not regard this as a technical point because from my experience too, you could have a situation where certain powers are given to the Minister and not the Ministry. You do have some exceptional cases, and I think the proposer of the Bill intended that this power should be passed to the Minister.

Senator Oyero : I have objection on Clause 1 as it stands.

The Chairman : Senator Jaja Wachuku, what has happened to Clause 1? The title has been accepted. Order! Order! May I now read the title of the Bill and I would put it to you for acceptance.

Senator Jaja Wachuku (Aba) : Mr Chairman, Sir, are you referring this Motion to whom? Anything that you have not removed here would stand approved.

The Chairman : The Motion has already been moved and passed by the Senate unless you want us to repeat the same thing again in the Committee stage. So, what is your problem?

Senator Jaja Wachuku : This is what is before the Senate. Are we going to pass everything here?

The Chairman : If you have any query to raise, you may raise it at the appropriate time but at the time being, let us proceed with the Bill. The title of the Bill is : An Act—

Senator Jaja Wachuku : Mr Chairman, who is piloting this Bill?

An hon. Senator : The Chairman.

Senator Jaja Wachuku : Surely, the Chairman cannot pilot the Bill and at the same time serve as Chairman.

Senator D. O. Oke (Ondo West) : Mr Chairman, on the question of the title and just before you finally put it before the Senate, my own impression is that if it is the Minister rather than the Ministry of Science and Technology that was involved, then, there was no need for the Bill in the first place, since the President has the right at any time to assign anything he likes to his Minister. I have a feeling that this is a Printer's mistake but, if however, it is not, then really this thing should not be before us at all.

Senator Amadu Ali (Benue West) : Thank you, Mr Chairman. I think it is essential that some of us who are newcomers to these Houses, learn the procedure. I think what Senator Wachuku was saying is relevant in certain aspects. He asked for who was piloting the Bill.

The Chairman : Are you in doubt ?

Senator Amadu Ali : From the other Side of the Senate, I am told it is the Chairman but others say it is the Leader of the NPN. We want to know who is piloting the Bill and how it is piloted. As far as we are concerned, we are on the ship, we want to know the pilot.

The Chairman : I do not think that is any point at all. The Bill has been introduced at the first and second stages by a Senator here and he would go ahead with the third reading of the Bill, I can assure you. For the purpose of certainty, you may wish to know that Senator Sola Saraki the NPN Leader, is piloting the Bill.

Senator Amadu Ali : He should be reading it out from the first to the third reading.

Senator S. Sogbein (Odeda/Obafemi/Owode) : Mr Chairman, if it is a Bill and we get to Committee stage, our Chairman now would be going clause by clause. I have been in this thing since 1956 and I have been a Minister. After going through the Bill Clause, by Clause you will pass it on to the Leader of the NPN.

The Chairman : I think that some people are just determined to cause confusion (*Interruptions*). Order ! Order !

We are now in Committee stage. We have accepted the heading of the Bill as it stands. The question is a technical one, because in fact, you are saying that if

it is a Minister, then, the President has the powers to assign it to him, but I am not too certain on that.

Senator Gani Aliu Mohammed (Kwara North) : On a point of information, Mr Chairman. Even if the President has the powers to authorise that a change of the Military Government's enactment should be made, whether he assigns it to a Minister or not, this Senate would still have to approve that this change should be made—dissolving the former Board of Management and allowing for this Authority to continue.

The Chairman : I think we accept that correction.

A Senator : Mr Chairman, it is a question of transferring of power from a corporate body to another corporate body, so it should be *Ministry and not Minister*.

The Chairman : You should have opened your mind to hear what he said and I think that you had better take care of this. Let us make progress. The title of the Bill is :

A Bill to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, Assets and Liabilities to the Minister of Science and Technology and for purposes connected therewith.

I now wish to put the Question.

Question put and agree to.

A Senator : Mr Chairman, Sir, I wish to say something on this matter.

Mr Chairman : You cannot because the Question has been put and agreed to.

A Senator : I want to warn against this.

Mr Chairman : You are not permitted to speak and you may sit.

Senator D. O. Dafinone (Bendel South) : Mr Chairman, Sir, I would like to say something before we proceed. The Minister is not a body in perpetual succession, it is the Ministry. Let us get our bearings straight. It is the Ministry that is in perpetual succession. The Minister comes and goes but here it is the Ministry that remains.

The Chairman : So also can a Ministry come and go. A Ministry can be merged with other Ministries.

Senator Dafinone : A Ministry is established by statute but the Minister is a person.

The Chairman : Another counter Bill can be brought to alter this at any time.

Senator Dafinone : But a Ministry is a body by statute.

The Chairman : That is a matter of opinion ; the majority of the senators have said that it should be left to the Minister and we should not flog this issue.

Senator F. O. M. Atake (Bendel Delta) : Mr Chairman, Sir, if any amendment is necessary to the title of the Bill, it shall be made at the conclusion

of the proceedings detailed above. That is, after the clause by clause consideration, after the schedule has been concluded, and after the preamble, if any, has been concluded. At the conclusion of proceedings, the Chairman shall put the question but not now.

The Chairman : We do not need to debate that ; an error has been detected and we agree to it. May we now go to Clause 1 of the Bill.

**Clause 1—(POWER OF MINISTER TO ESTABLISH
RESEARCH INSTITUTES)**

Senator Offia Nwali (Anambra East) : Mr Chairman, Sir, on Clause 1, 2(b), dealing with the matter or matters on which the Institute is to conduct research, I wish to say, Mr Chairman, that this Bill should give us an opportunity to deal with the problem of Science and Technology in this Senate, especially as this is an area where we have not had much success in this country.

I think the issue has to do with the differentiation between what might be called basic research and problem-oriented research. It will be necessary to dwell on the problems that are extant in this country which have to be dealt with. We cannot afford yet to have people spending time doing what might be called basic research when we have so many problems that should be tackled. If we deal with that it emphasises the fact that the proposal should detail.

The Chairman : Order ! Order ! May I just say this to assist those who want to speak on the Bill, and to make an appeal that we must make progress this morning. In this connection, I would appeal that a Senator speaking on a Clause should take the whole Clause altogether. If you are speaking on Clause 1, make sure that you cover Clause 1 completely, and we will then move to another Clause.

I may also suggest that I will allow only a certain number of speakers on a Clause and they will not speak on that same Clause again but they can speak on other Clauses. So, if you have any point you want to raise regarding a Clause you may choose to discuss this with a friend who is speaking on that Clause. In that way, we will be able to make progress.

You may continue, Senator Nwali.

Senator Nwali : Thank you, Mr Chairman. The point I want to make is on Clause 1 which is on the subject matter of research, and I am saying that at this stage we should not set up institutes to do basic research but that we should sort out the problems that are extant in this country, and set up institutes by name to deal with those problems and give them the time limit within which they would have solved those problems or switch them to other jobs instead of having a whole lot of institutes where people spend time and we do not get any results.

Thank you.

A Senator : Point of Order.

The Deputy Chairman : We are speaking on the Bill. Is the Order relevant to the Bill ?

A Senator : Yes, it is.

The Deputy Chairman : What Order is it ?

A Senator : It is Order 45 (1) and it says *The principle of a bill shall not be discussed in the committee, but only its details* 45 (2). *The Chairman of the committee shall call the number of each clause in succession or the first and last numbers of a group of clauses and, if no amendment be offered thereto or when all proposed amendments shall have been disposed of, shall proceed to put the question "That the clause (or the clause as amended) stand part of the bill"*. There is no need for any Senator to begin to make general discussions but he may suggest amendment. There should be no speeches.

Senator E. K. Ogunleye (Ondo East) : I would like to amend Clause 1 by removing the phrase *with the approval of the President*. The consent I will like to substitute here is that of the Senate. Alternatively, no consent is required ; if the Act is made purposely for a Minister and since the Ministry is for that Minister, no approval should be required by anybody. If it is an order, then he can do it on its own merit, but if it is for the Minister, the Minister does not require the approval of the President. Otherwise, he would be his agent as far as this Bill is concerned, but this is a Bill to be made specifically for a Minister and this is why the correction made by Senator Kunle Oyero was relevant in this case. If we are insisting that it should be to the Minister of Technology, the discretion should be left to the Minister alone without any approval. That is my contribution.

Senator Sola Saraki (Ilorin/Asa) : Mr Chairman, clause 1 is very, very clear to everybody, so I move that clause 1 should stand part of the Bill.

Senator I. Jalo Waziri (Bauchi East) : I beg to second.

The Deputy Chairman : We had agreed previously that we would give time to just one or two people to speak on each Clause.

Senator J. A. O. Odebiyi (Egbado North-South) : Mr Chairman, I want to make a fundamental amendment and I am quite sure that after I must have made it the NPN Leader will agree with me.

Senator Oke : There are two vital amendments that are necessary.

The Deputy Chairman : There has been a Motion which has been seconded. So, let me put the Question.

Senator J. S. Tarka (Benue-East Central) : Mr Chairman I think it is very important that you put the Question.

The Deputy Chairman : It is very clear to me that once a Motion has been moved and seconded, then I have to put the Question.

Question put.

The Deputy Chairman : Senator Odebiyi may speak.

Senator Odebiyi : Mr Chairman, Sir, the amendment I want to make to that Clause 1 is very, very vital and fundamental. At the moment there

[SENATOR ODEBIYI]

are a large number of Research Institutes in the country costing millions and millions of naira.

A Senator : We want more.

Senator Odebiyi : And we want more.

For instance, there is a new Nuclear Research Institute in the country which very soon will be costing us a lot of money, and I do believe that it is very vital that the National Assembly must have a say in the number of Research Institutes that we should have in this country because of their cost. In view of the fact that most of these Institutes are going to be very expensive and in view of the fact that the National Assembly would provide the money, it is we (National Assembly) who ought to give consent to the President to give approval to the Minister to have more Research Institutes.

Therefore that Clause 1 should be amended to read thus :

The Minister may with the approval of the President and consent of the National Assembly, by Order published in the Gazette, establish research institutes and the provisions of Schedule 1 to this Act shall apply in relation to any institute so established.

Since we shall be controlling the funds for this purpose, I think this is very vital.

The Chairman : Senator Tarka, you may speak.

Senator Tarka : Senator Odebiyi, under normal circumstances, has made a very useful contribution. What I am actually concerned with which made me to interrupt is the fact that we have a system where you have the Executive distinct from the National Assembly. When the Executive gives consent to the formation of a corporate body we are left with only one choice, and the choice is the appropriation of the attendant funds which is statutory to the Constitution of this country and has to be brought to the Senate for consideration, but the formation of that corporate body is the constitutional duty of the Executive. Having done our exercise today, and I anticipate we are going to approve this Bill, when we do approve the Bill then the rest is left to the President until we reach the stage of expenditure and attendant approval.

The Chairman : Is that acceptable to you now ?

Senator Odebiyi : Yes.

The Chairman : I may now put the question.

Question put and agreed to.

Clause 1—(POWER OF MINISTER TO ESTABLISH RESEARCH INSTITUTE)—ordered to stand part of the Bill.

The Chairman : We then move to Clause 2. Are you speaking on Clause 2 ?

Senator F. O. M. Atake (Bendel Delta) : No: For your own guidance, Sir, and for the guidance of everybody, when a Senator proposes an Amendment to a Bill let him put it down in writing. That is what is normally done. You put it down in writing so that we can consider it.

The Chairman : Thank you very much, we would consider it. The Committee now moves to Clause 2. Senator Ani, you may speak.

Clause 2—(DISSOLUTION OF AGENCY ; REPEALS AND SAVINGS ; TRANSFER OF ASSETS AND LIABILITIES, ETC.)

Senator I. N. Ani (Anambra North) : The Chairman, I have an Amendment to Clause 2 (e).

The Chairman : You may submit your Amendment in writing.

Senator Ani : However, if I wish may I speak on the general principles of the amendment ?

The Chairman : Yes, you may speak.

Senator Ani : I think that the scope of this Bill is too narrow. This is the first time we are establishing a Ministry of Science and Technology and I think that technology involves the transfer of manufacturing processes and so on and, therefore, the sub-clauses (a), (b), (c), (d), (e) especially (e) envisages things of research in technology only in terms of Universities and so on ; so I think that—

The Chairman : Are you speaking on Clause 2 ?

Senator Ani : It is clause 2 (e).

The Chairman : 2 (e), we have not seen that.

Senator Ani : I thought that we have passed Clause 1, Subsection (1).

The Chairman : We have finished with Clause 1.

Senator Ani : But it has Subsections (1) and (2), Sir.

The Chairman : Of Clause 1 ?

Senator Ani : Yes, Sir.

The Chairman : It has been passed. Senator Wali, you may choose to speak but on Clause 2.

Senator Obi Wali Rivers I (Phalga) : Mr Chairman, that is just what I want to do, Sir. Since the emphasis is on passing the Bill rather than the contents of the Bill, why do we not just pass the Bill and say so (*Applause*). Science and Technology, let us not deceive ourselves, is at the heart of the development of this country. So, let us pass the Bill because the emphasis today is on passing the Bill and we would say so in the Minutes of the Senate. Thank you very much, Sir.

Senator Nosike Ikpo (Bendel East) : Point of information, Sir.

The Chairman : What is the point of information ?

Senator Ikpo : We have passed Item 1, Clause 1 of the Bill which has restricted the power of the National Assembly to participate in the establishment of Institutes that deal with an exclusive matter of legislation like the Senate. Look at our Constitution at Page 98.

Senator I. Jalo Waziri (Bauchi East) : Point of Order.

The Chairman : Point of Order.

Senator Waziri : Such observation that the honourable Senator is making is not proper at Committee stage. If he has a general observation such as he has now, it should be at the Third Reading.

The Chairman : You should make your observation at the Third Reading.

Senator J. S. Tarka (Benue East-Central) : Mr Chairman, Sir, may I suggest that since honourable Senators on the other benches have agreed that the Bill is a non-contentious Bill, we may now proceed with the Bill up to Clause 3.

The Chairman : I may now have to put the question on Clause 2 since we have done so in Clause 1.

Question put and agreed to.

Clause 2—(DISSOLUTION OF AGENCY ; REPEALS AND SAVINGS ; TRANSFER OF ASSETS AND LIABILITIES, TC.)—ordered to stand part of the Bill.

Clauses 3-4—ordered to stand part of the Bill.

First Schedule agreed to.

Second Schedule agreed to.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time—(SENATOR SOLA SARAKI).

The President : Senator Prof. Oke, you may speak.

Senator D. O. Oke (Ondo West) : Mr Chairman, I have an unreliable information that the Committee's work at that stage was very shoddily done and I therefore move that the Report be rejected.

The President : A counter Motion is that the Report of the Bill in committee stage be rejected. Chief J. S. Tarka, you may speak.

Senator J. S. Tarka : Mr President, Sir, I do not see any circumstance where a Senator votes along with a Bill and turns round to vote against his action. There is collective responsibility in this Senate. There is no party attachment and that is why all the tags have been removed and I believe that honourable Senators from all sides of the Senate do agree that we went through all the stages as required by law and the proceedings of this Senate. I wish to appeal to honourable Senators that while they feel strongly on debating this non-controversial issue, they should also remember that the business of the Senate is so versed that we have to complete certain things within a given time so as to move on to the next session of the Senate with a clean slate. I, therefore, appeal that we accept the situation as we find it, and I move that we do now accept in totality what was passed.

Senator Sola Saraki : Point of Order, Mr President, it is now three minutes to twelve. I would like to move that Section 4 of the Standing Orders be suspended so that we can continue with the business of the day.

The President : The question before the House is that Section 4 of the Standing Order be suspended herewith.

Question put and agreed to.

The President : Senator Odebiyi, you may now speak on the Third Reading of the Bill.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir,—(Interruption)

Senator Jaja Wachuku (Aba) : One Motion.

The President : I have not asked you to speak, Jaja Wachuku. I accept your information, but that does not mean that I have asked you to speak.

I take it that Senator Odebiyi is speaking on a counter Motion. There is a Motion before this House that the Third Reading of the Bill should be taken and there is a counter Motion to that. Are you speaking for or against?

You may speak Dr Jaja Wachuku.

Senator Wachuku : Mr President, as I said before that—

The President : I hope you are not repeating what we have heard.

Senator Wachuku : I am entitled to speak on the Bill.

The President : You may speak.

Senator Jaja Wachuku : I am on a Motion. That is what I am saying. My honourable friend, Senator Chief Tarka brought a Motion that the *Gazette* be accepted as Bill.

The President : You would agree that I am very generous to allow you to re-open that issue.

Senator Jaja Wachuku : The motion is that the whole process was shoddy.

The President : Are you too versed in every stage?

Senator Jaja Wachuku : I voted all along.

The President : You are a minority.

Senator Jaja Wachuku : I was a minority, that is true. I am speaking on what I voted for.

The President : You may continue.

Senator Jaja Wachuku : Thank you, Mr President. This was considered. Even if we are to take that without considering the Bill on the front page, and we take the rest part of the Bill, we will notice, Mr President, that we have not removed (C L) ; we have not removed the supplement to the *Official Gazette* Extra-ordinary No. 52, Volume 66 of 17th December, 1975 *per se*. It is now part of the Bill and we have not removed the Bill which will, in due course, be presented to the National Assembly for enactment and for the general information of the public. This is still part of the Bill. All these are here, and if we are going to do justice to this it means that this is what has not been removed and it should stand part of the Bill.

With the greatest respect, I wish to turn to the front page. We have to remove all these to know exactly what the Bill is. That is the principle behind it when public notice is given. The Bill as it should stand is printed separately and is given to the Clerk,

[SENATOR WACHUKU]

95 copies plus an extra one for the President and the Deputy and the Clerk for their file. That is what is laid before the House. So all these things, for the purpose of gazette, are eliminated in the Bill before the House. That was what we were trying to point out at the early stage.

The honourable Senator Tarka did not allow us to get the truth and this is the first Bill we are considering and if we are untidy about it, it would present this Senate as irresponsible. That is why all along I voted against it. With the greatest respect, Mr President, I feel that having regard to this, this Senate should reject this Bill and let them re-introduce it in a proper form so that the Clerk will know what to do and the Senators will know the correct thing to do, and so that we can move smoothly.

The President : Point of Order. Senator Atake may speak.

Senator F. O. N. Atake (Bendel Delta) : Senator Jaja Wachuku is completely out of order. At this stage the Bill has been moved and seconded to the committee that it be read the third time. Any other brother Senator who wishes to speak can do one thing only. This is what Professor Oke has done. That is to move that the Bill be re-introduced. He did nothing more. When a Bill is here for the first time, there are only few things that can be done ; minor amendments which do not go into the material substance of the Bill and that can only be done with your permission, Mr President. If a brother Senator feels strongly about the Bill, all he can do is to say that the Bill be recommitted back to the Committee of the Senate. It is going there immediately unless we choose to defer it to another date. If you say we should go back to the Senate, say so. If you say we should go back to Committee, we should go back. We do not want long speeches.

Senator Tarka : I respect the distinguished Justice's views. Once we have passed a Bill and it is reported at the Third Reading of the Committee and thereby it is committed into law, all that you can do is to bring in future a private Member's Bill.

May I say, Sir, that we are here to help the work of this country according to the Oath we took. We have passed this Bill and I explained while we were dealing with the Bill in the manner we did and Senators sympathised with this issue. The mere fact that the distinguished Senator Jaja Wachuku said no, no, no, does not mean that he disagrees with the Bill. He disagrees with the matter, but he took part in passing the Bill. I sympathise with him. He is my senior in age. We have passed the Committee stage and we have reported back to the Senate. Shall we, therefore, complete the work of the Senate so that we can adjourn and go on to the next stage of the work ?

The President : Senator Mohammed Uba Ahmed.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, I would want all of us in this honourable Senate to treat this Senate as an honourable place for this country. At various stages of the discussion on this Bill in the Committee stage, I was not myself, very happy nor did I approve

of the way the whole thing was handled. This however, is not the reason for us to subject the whole dignity of this Senate to ridicule. If all along, during the Committee stage of the discussion on this Bill we had gone ahead and the majority of us in that committee had approved it and this progress is now being reported to the full Senate, we should please understand and give this Senate the respect it deserves.

In the interest of this country, this particular Bill we are trying to pass is a very important and significant one. It is at the very basis of the growth and development of this country, because there is no development that can take place without resort to scientific and technological knowledge. You can only get this information by research. We all agreed in principle that this is very important. We went into the Bill, and we examined it at various stages and as I said earlier, I did not, myself, accept or approve of the way the whole thing was handled at the committee stage. But gentlemen, we should not then bother at this stage because we want to show our resentment and make a ridicule of ourselves. So, I am appealing to my colleague Senator Oke to please accept my pleas and let us pass this Bill and make progress. Thank you very much.

Senator B. C. Okwu (Anambra Central) : Point of Order.

The President : What Order ?

Senator Okwu : Order 46 says :

When a Bill has been reported from a committee of the whole senate it shall be ordered to be read the third time forthwith or on such future day as the Senator in-charge of the bill shall appoint :

Provided that if a Senator gives notice of his intention to move the re-committal of the Bill in accordance with the next following paragraphs of this Order, a Bill may not be read the third time until such a time as the motion for re-committal has been disposed of.

Mr President, I decided to draw your attention to this merely to underscore the points and invalidate the contention that a Bill on request by the Mover be read the third time is read the third time. Automatically, Senators are entitled to ask for recommitment if only to protest against what they feel to be wrong in the manner in which the debate had been conducted. I am not asking for recommitment but I want you, Sir, to appreciate the fact that Senators have a way of reacting when they are not allowed to exercise their legitimate right. (Applause)

The President : If the president was not aware of that, I would not allow Senators to speak after the Bill was introduced for the Third Reading. So, the president is quite aware of that.

Senator Odebiyi.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, since Senator Uba Ahmed himself agreed that the method adopted in rushing through the Committee stage of the Bill was anything but gracious, I feel, Sir, that the Senators should note

that for the future, we shall comply with the provision of the Standing Orders and allow Senators the opportunity to speak on the Bill as long as they want to. That is why we are here. If anybody is filibustering, we can tell him that he has already exhausted his time and should not be given the opportunity to speak any further. I think, Sir, in the circumstance, to save time Senator Oke may wish to withdraw his counter Motion.

The President : Is that the wish of Senator Oke ?

Senator D. O. Oke (Ondo West) : Yes, Sir.

The President : Thank you very much indeed. Senator Sola Saraki you may now reintroduce the Third Reading of the Bill to become Law.

Several Senators : It has been seconded.

The President : Oh ! I see. The question now is that this Bill becomes Law.

Senator Odebiyi : It cannot become Law until it has been passed by the other House.

The President : The question is that this Bill be read the Third Time by this Senate and passed.

Question put and agreed to.

Bill read the Third Time and passed.

Senator Jalo Waziri (Bauchi East) : No, no. The reason why I am opposing the question is that I suppose the introducer of the Bill was to make the Amendment which I doubt he can do but in spite of this, I think he can be heard.

The President : I do not get the last speaker. What is your point ?

Senator J. S. Tarka (Benue East-Central) : He said that the originator of the Bill wants to introduce an amendment. It is too late in the day. The Bill has been reported in all stages, read the Third Time and passed into Law.

The President : The Bill has been read the Third Time and passed. Senator Sola Saraki, you may speak on the next item, that is, item number two on the Order Paper.

NOTICES OF MOTION

Adjournment of Senate

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, Senators, I move : That the Senate at its rising this day do adjourn till 12th November, 1979.

Senator J. S. Tarka : Mr President, Sir, I beg to second.

The President : The Motion before this Senate is that the Senate do adjourn at the close of the day and the Motion has been seconded.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I rise to support this Motion in view of the fact that—

Senator Tarka (Benue East-Central) : Point of Order.

The President : What is your Order number ?

Senator Tarka : Mr President, Sir, Standing Orders 4 and 61. May I explain why I interrupted the distinguished Senator. The reason is simply that the action taken implies to the layman, and will be carried as such that we have suspended today's work. The proceedings should not be suspended, notwithstanding the Motion for adjournment, till 10 o'clock on the 12th November, 1979. According to what the Leader of the NPN read to us earlier, which he did not specify this is the true position of the Senate, to suspend sitting till 3 o'clock and continue from 3 o'clock to 6 o'clock and from 9 o'clock to twelve mid-night.

The President : I am inclined to make a comment on that. When he put his proposal to me, I turned it down on the grounds that he had proposed a Motion to suspend the Standing Orders in which case this Senate should adjourn at twelve. He stood up and made a proposal which was accepted and with that we proceeded with the business of this Senate. He could not, therefore, put another second proposal. We are now proceeding with business of this Senate.

Senator Tarka : Thank you very much Sir, I was just keeping the record straight.

The President : Senator Anah may continue.

Senator Anah : Mr President, Sir, in support of the—

Senator Jalo Waziri : Point of Order. I suppose that although the Motion he raised which was accepted says—at the close of the day, according to the Standing Orders, the close of the day means 12 o'clock.

The President : If he was suspending Standing Order 4 which specifically states that on Fridays, we should close at 12 o'clock, it means automatically that he was asking for a period beyond that time.

Let me just clear a point. I am aware that on Fridays, a good number of our Senators may have to go and pray. At the appropriate time, we would have a small break which is outside the scope of the Order. We shall have a break to have a bite and come back just as we did yesterday.

Senator Jalo Waziri : When is the close of the day ?

The President : It is when you finish. Senator Anah may continue.

Senator Anah : I think some of my good and honourable Friends do not want me to speak. In supporting this Motion, Mr President, Sir, I will like to say that—

Senator J. A. O. Odebiyi (Egbado/North/South) : Point of Order, Sir, It is not Motion for Adjournment yet. At the appropriate time, the Leader of the NPN would rise up and say *I beg to move that the Senate do now adjourn*. It is only then that you can put any point you want to make on Motion for Adjournment. The one that he brought was a notice in relation to the fact that we should adjourn at the end of today till 12th November.

Senator Anah : Yes. I am aware of this. I am supporting that we should adjourn and reassemble on the 12th November. I am aware that we are going

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to reassemble today. It is a simple Motion which he had made, and I am entitled to either speak in favour or against it.

As I was saying, Mr President, I would have personally moved that Motion because when we came here, we really got to see things which we did not bargain for, such as the housing conditions, inadequate transport facilities; and we have been working under a very terrible strain. But, we have to do that as a sacrifice to the nation. I am quite sure that most of us cannot bear these strains any longer particularly myself and, therefore, it becomes really necessary that we must have a break to readjust ourselves and see whether some of these conditions will be improved.

My honourable Friend on the other side of the Senate, Senator Shitta-Bey promised us, for instance, that he was going to speak to the Governor of Lagos State to allow us to have the privileges granted to the CVU cars in order to be able to move about, and carry out our national duties. But up till now Mr President, Sir, no report has come from Senator Shitta-Bey and the Senators find it difficult to come here. In the morning, there are no adequate buses to convey Senators and Members from our village to this place. Even those who are able to bring their vehicles are not able to travel in them. Some of us from Anambra and other States are not able to bring our vehicles to Lagos because the roads are impassable.

Really, these are terrible conditions which I think weighs very much on Senators. I happen to know this as the Chairman of the Housing Committee appointed to look after the comfort of Senators. Senators are not comfortable with what they have seen. Therefore, Mr President, without taking much of the time of the Senate, I beg to support that we have to adjourn till 12th November, 1979. Thank you, Sir.

The President : Thank you very much. May I call on Senator Shitta-Bey to speak on some points you raised in the course of your speech.

Senator S. A. Shitta-Bey (Lagos) : Before I say something about what Senator Anah said, I would like to say that I am not opposing any Motion for adjournment till 12th November. I must say that the Senate must be seen to be behaving very highly responsibly. In other words, we must be responsible in our deeds. We took some decisions here. The Constitution of this country empowers us to do one thing, that is to say that immediately upon the resit by the Senate, and the President's nomination of Ministers, we shall send what we call returns to him, and if no return is received by the President, within twenty-one days, those Ministers shall be deemed to have been appointed.

Now, Mr President, I said, and I repeat that I am not opposing any Motion for adjournment, but we must and that is a *must*, we must before we go home, make a return in respect of every nomination either approved, rejected, deferred or subject to conditions. This must be specific otherwise we would have been debating and wasting our time.

I now move on to answer my Friend, Senator Anah. I promised earlier on that—

The President : Have you got the approval? (*Laughter*). Say it in a straight-forward language!

Senator Shitta-Bey : Thank you, Mr President, I am not used to answering questions that way. I am sorry, but with due respect, I think I had a chat with the President on this matter.

The President : I am anxious to know that the chat is all right.

Senator Shitta-Bey : Mr President, Sir, while we are busy here, the Governor of Lagos State is very busy also over there. I have arranged to see him at the week-end and then discuss the matter thoroughly with him. Thereafter, I shall report back to this Senate. We have been very busy. We can all see that from Monday to Friday, nobody has had time for himself. So I appeal to honourable Senators to be very patient in this matter. We are brothers and we will threaten ourselves as brothers. Thank you very much.

The President : I will take it that—I will add a rider that Senator Shitta-Bey will not let us down.

Senator Onyeabo Obi (Anambra West) : Thank you very much, Mr President. I have no objection as such to the adjournment of this Senate as has been proposed, but I would just like to put on record that we are not adjourning because we are dissatisfied with our welfare and comfort. That seems to be the only reason on record so far. The Mover of the Motion did not give any reasons for the Motion for adjournment and I would like the reasons to be given to avoid misrepresentation by people outside the Senate. If there is no reason given and one reason is given elsewhere, members of the public and the entire populace would be inclined to believe that only reason given by anybody else.

The second point is that the Motion should have been moved after we have exhausted the Order Paper for today because it is only at the conclusion of this business that we can know whether we can safely and responsibly adjourn today till 12th November, or whether it may be necessary to reconvene tomorrow to reconsider or to decide what we shall do in the circumstances.

I would like to appeal to the NPN Leader, without prejudice to the Motion or the merits or good intentions of the Motion, to withdraw his Motion until the conclusion of the Order Paper for today so that when Senators decide to rise, they would have taken decisions on all the business on the Order Paper. Thank you, Mr President.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, I accept Senator Obi's explanations.

The President : I agree with the view that we defer item number two on the Order Paper to be the last item for the day. We now go on to item number three on the Order Paper.

Motion by leave deferred.

Joint Committee

Senator Sola Saraki : Mr President, honourable Senators, we have been here now for well over a week and all the political party leaders of the UPN, NPP, PRP, GNPP, have not got office accommodation. They are entitled to have Secretaries and other amenities to facilitate their duties in this Senate but these they are unable to get because we have not settled down properly. Each Leader is supposed to have an office. Also, the accommodation here is very small and very inadequate and therefore I think it is time now that we get ourselves settled down.

To sum up, I would like to move—

That in accordance with Section 47 of the Constitution (Staff of the National Assembly) a Joint Committee to be known as National Assembly Service Committee be set up to propose a Bill for an Act to establish the National Assembly Service Commission which will deal with the method of appointment of the Clerk and other staff of the National Assembly as well as remuneration and conditions of service of all such staff. The Committee shall be composed of the President of the Senate, the Speaker of the House of Representatives, the Deputy President of the Senate, the Deputy Speaker of the House of Representatives, the 5 Party Leaders of the Senate and the 5 Party Leaders of the House of Representatives.

The President : The question is that under item number three of today's business of the Senate, the Senate do establish a Committee which will be known as a Joint Committee of the National Assembly to look into the appointments and the establishment of certain statutory bodies within the National Assembly, namely, the National Assembly Service Commission and to look into the National Assembly's functions generally. I may now invite Senators to speak on the Motion.

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : Mr President, Sir, the Motion moved by the NPN leader, Senator Saraki is a worth-while one because it is desirable, as he stated, that the various leaders have their offices so that the work of the Senate can go on smoothly. On the other hand, Sir, it is my submission that Section 47 of the Constitution does not support the Motion because it does look as if he is putting the cart before the horse. (*Interruptions*)

He quoted that in accordance with Section 47 of the Constitution and I read, Sir :

There shall be a Clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly, and the method of appointment of the Clerk and other staff of the National Assembly shall be as prescribed by that Act.

So, Sir, it is my submission that first and foremost there should be an Act. It is that Act that should give rise to the suggestion being made by the NPN Leader.

Senator Saraki : Mr President, Sir, my colleague, Senator Kunle Oyero, maybe, is a bit confused this morning! (*Laughter*)

The President : Are you suggesting that he woke upon the wrong side of the bed? I would not impute such a motive on a fellow Senator.

Senator Saraki : I am not saying that, Mr President.

The President : I think Senator Kunle Oyero will pardon that.

Senator Kunle Oyero : Yes, Mr President, except that the name is Kunle Oyero.

The President : I think we like the name Kunle so much.

Senator Oyero : I thought the NPN Leader was saying that I got up from his own bed!

Senator Saraki : Mr President, Sir, what I am proposing here is that it is this National Assembly Service Committee that will propose or prepare a Bill to set up conditions of service. I am not saying that now the Clerk has not been appointed but it is this Joint Committee of the Senate and the House of Representatives that will propose a Bill to be brought before the honourable Senate to be passed. It is this Committee that will lay down or propose conditions of service and the method of appointment. This is what we are saying. Section 47 is very, very clear.

The President : I guess that Senator Kunle Oyero has recovered since ?

Senator Oyero : He has not made adequate explanation, Sir, because it is not the place of a Committee to go and prepare a Bill.

The President : Senator Akpata, you may speak.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, we had proposed a number of Committees here before and I think there were supposed to be suggestions of people to serve on such Committees.

The President : This is quite different, you know.

Senator Akpata : If you let me continue, Sir, with your permission.

The President : Please go ahead.

Senator Akpata : I would have thought that if we knew that, then we would know if none of these Committees could usefully perform the task which we are now giving to a special Committee. We might end up that at every term we start creating special Committees and find out that we only have other Committees just in it. If we know the other Committees that we have, then we will know whether indeed it is impossible for one of those Committees to appropriately deal with this matter. In any case, for over a week now we heard that we had set up so many Committees. We do not know their membership, we do not know if they are meeting, we know nothing at all, and now we hear of a new special committee.

The President : I do not think this is a Committee. Senator Oke may speak.

The President: I think it reads *the President and other Functionaries of the Executive and Judiciary be empowered to propose salaries and other fringe benefits of the functionaries—*

Senator Ojukwu: That is what I suggest should be *Members*. The Heading is *Emoluments of Senators*.

The President: Yes, I see what you mean. Senator Dr Saraki, do you accept the amendment that on the second line, the last word *Functionaries* should be *Members* or you add the word *Members*?

Senator Sola Saraki (Ilorin/Asa): I accept the amendment, Mr President.

The President: All right, the amendment is accepted. Yes, Senator Bitrus Kajal.

Senator Bitrus B. Kajal (Mubi): Mr President, Sir, this is an important Committee. It is important because we are going to follow a new Constitution. The Constitution, Sir, separates powers and this Committee will determine what, in fact, the benefits of the Senators would be, vis-a-vis what the President and the Executive arm will have. It is, therefore, very important because, based on what we have to work with, we will get the result.

I say so, Sir, because under the Presidential systems it would not be only ourselves in the Senate that will determine the Bill. We need to have Advisers. We hardly have time to study the Bills. If what we had today, for example, will be repeated in the case of more complicated Bills, then, certainly we will as well be out of the National Assembly and let the Presidency and the Executive run the Government. So, it would be important, Sir, that when looking at the remuneration and fringe benefits, that conditions be made such that the Senators as well as Members have Advisers.

In America for example, a Senator who is just a floor Member and not a Chairman of a Committee is entitled to 50 people who work for him—four of them are of permanent secretary grade. These are his Advisers. These are people who in fact make sure that he goes through a Bill properly.

The President: We may achieve that in a hundred years.

Senator Bitrus Kajal: Well, Mr President, we need to start, Sir. A Senator who is a chairman of a Committee can have up to a hundred, depending on money, and I do not mean money to be given to us, I mean money provided for our officers. A Senator is entitled to half a million dollars. We do not need such an amount because certainly we cannot afford it. But, Sir, it is important to put in some sort of technical ability, to put in some technical knowledge and we may not have that knowledge on the Floor of the Senate. Our Advisers will have. This is one thing I will like us to consider.

The Second point is this. It is sad that the Military did not think it fit that we should have offices. I thought that when the Tafawa Balewa Square was being expanded, Members of the National Assembly were being provided with offices. I think it is right for a Government to have commercial ventures but

I think also, Sir, that legislators for the country as a whole, need to have places where in fact they can look at the Bills properly and where they can work. So, I would request the Committee to be set up to consider ways of getting offices. Maybe we will have to drive out the commercial ventures. That is a possibility.

The President: Is the honourable Senator not talking out of context?

Senator Bitrus Kajal: I do not think so, Sir.

The President: As far as the Motion is concerned we already have a House Committee and if I am correct, I think they have a report to make. It is their responsibility to look into the welfare of Senators. This Motion, as I understand it, is dealing with remunerations to comply with Section 78 (4) of the Constitution. The hon. Senator may speak along this line so that we can make some progress. However, I will put the question shortly. Have you finished, Senator Kajal?

Senator Kajal: I have not, Sir.

The President: You may continue.

Senator Kajal: Sir, I think that all aspects of fringe benefits that would enhance the work of this Senate should be considered when dealing with remunerations. I say so, because in the United States of America, for example, the remunerations of Senators are determined by the salary structure of the country. Senators are paid the highest amount paid to civil servants. Fifty-seven thousand Dollars for example, is the limit and because Senators determine laws on payments to civil servants, they should pay themselves higher than the highest paid civil servant.

However, other fringe benefits that could go to enhance our position should be given to us, and I would implore whoever is going to be a Member of the Committee dealing with this subject, to consider that we do not need to get the highest salaries, but we do need benefits that would assist us in the work of this Senate. Thank you.

The President: Order! Order! We have to seek clarification on what this Senate wants before we talk about nominations or the names of persons to serve on the Committee. There has been a suggestion that the *Ad Hoc* Committee set up to deal with the question of salaries and remunerations for Special Advisers be expanded. Is that the wish of the Senate?

Several Senators: Yes!

A Senator: The Committee should have powers to co-opt.

The President: I would come to that. I am not too sure of the composition of that Committee. Have they got a Chairman? We now wish to name that Committee as the *Ad Hoc* Committee appointed by the Senate to look into the question of salaries and remunerations as contained in Section 78 (4) of the Constitution. I have the prerogative to name the Chairman of that Committee and I will name him. I want Senators to suggest the limit and composition of that Committee.

A Senator : It is supposed to be a Joint-Committee.

The President : Ten Members each from the two Houses. Is it the wish of the Senate that ten be the number?

Several Senators : Eleven Members from each House.

The President : Senator Obaro, are you here?

Senator Isa Obaro (Kwara South) : I thought, Mr President—

The President : I thought that the majority's view was eleven. We do not need to enlarge that number. I will now name the Chairman of that Committee as Senator Jalo Waziri (Bauchi East).

Is it the wish of the Senate that this Committee be formed with Senator Jalo Waziri as the Chairman?

Question put and agreed to.

Resolved : That the Joint Select Committee on Remuneration of the President and other functionaries of the Executive and Judiciary be empowered to propose salaries and other fringe benefits of the Members of the National Assembly along with those of the other functionaries listed in Section 78 of the Constitution. The Committee shall be composed of eleven Members from each of the two Houses of the National Assembly.

The President : I have been advised by the Leader of the NPN that he has a substantive Motion to make. I say so because this is not on the Order Paper but I have given him the permission to introduce it.

Tour of United States and Canada

Senator Sola Saraki (Ilorin/Asa) : Mr President, hon. Senators, today in Nigeria, we have adopted a Constitution that is very similar to that of the United States of America. In Nigeria, over seventy per cent of educated Nigerians were trained or studied in Britain. Some of us did our training in England, some in Scotland while others received their education in Ireland. To many Nigerians travelling abroad, if they did not pass through London they would not feel that they were yet in Europe.

The President : May I ask Senator Saraki to be brief and straight to the point.

Senator Saraki : Mr President, Sir, I thought that I should make some preamble so that when I am proposing my Motion, it would be easily understood.

Today in this Senate or in the National Assembly, our Standing Orders are still based on the British system. That is why some of us Senators are very new to the system. For my part, I am a medical practitioner.

Senator J. A. O. Odebiyi (Egbado North/South) : When last did you use a stethoscope?

Senator Saraki : Mr President, I need your protection

The President : You are protected.

Senator Saraki : Thank you, Sir. I hope that we are now learning very fast. It is all right reading about the system in America or Canada, that is, the system and procedure in the American Congress or in Canada. I, however, think that if one is able to watch proceedings in those places, it would go a long way to hasten the work of our Legislature.

Therefore, I would like to move that this august Senate should approve that a number of Senators undertake a tour of the United States and Canada to watch proceedings in the White House and in Canada. This is to enable them to see in practice how these people run their Legislatures.

The President : Did I hear you say the *White House*? We have no business with the White House, we want a Black House.

Senator Saraki : I mean the Congress.

Several Senators : He should have said the Capitol.

Senator Saraki : Be that as it may, what I am saying is that a few Senators from this Senate be given the opportunity to go to the United States of America and Canada to watch proceedings in their Senate and if you like in their House of Representatives.

I would now move that the President of the Senate, the Deputy President of the Senate and the five Political Party Leaders in the Senate, accompanied by the Clerk of the Senate and a Secretary, two Senators from the NPN; two Senators from the Unity Party of Nigeria, one from the Great Nigeria Peoples Party, one from the Nigerian Peoples Party and one from the Peoples Redemption Party should go to the United States of America and Canada to watch proceedings there. I now move.

A Senator : I beg to second.

The President : The Motion before the Senate is that in the course of our break lasting three weeks while there are Senators who would perform the Hajj, we might take advantage of this break to go and understudy the system which we are about to operate.

Senator D. O. Oke (Ondo West) : Are we just about to operate or we are already operating it?

The President : Thank you, Professor. That is why it is advantageous to have people like you in this Senate. It is for that purpose that the proposal has been made. May I just put a word of advice before you speak on it. The advice I want to give is that while I appreciate the point made by the Mover of the Motion, I would suggest that the number of this first entourage should not be unwieldy. Later on, it would be worthwhile for the Chairman of all the Committees of the Senate to go as a second group to see the work of the United States' Senate in Committees since they would come to operate this system. I say this because up till this time, not all the Committees of the Senate have been formed. So, the rationale behind the number that would accompany the President should be relative to the experience required

[THE PRESIDENT]

for the efficient performance of this Senate. On that score, I will now call for comments from Senators.

Senator J. S. Tarka may speak.

Senator J. S. Tarka (Benue East-Central) : May I say, Sir, that while one agrees wholly that despite the fact that some of us had been in the other House before, this is a different system and we are operating a system in which all of us without exception are serving apprenticeship as Senators in a Presidential system of Government. Therefore, it is desirable that members of the Senate from various blocs of this Senate do have the advantage of seeing the performance of the mature and old system to which we are akin now. I am sure that even the generality of the public will agree that this is not a wasteful venture and to perform effectively, we need to know what we are doing.

This morning, Senators complained that we rushed through a number of Bills and I understand from my Friend on my right that the correct word for that is gerrymander. We did not intend to rush through any situation, but because we are new to the system, we are serving an apprenticeship and we can learn from master carpenters who have performed this system for years. So, I will like to suggest a small addition to the list which may be regarded by others as a long list. The Chairman of the Rules and Business Committee may be useful on this Overseas venture and I, therefore, wish to seize the opportunity of seconding this Motion to put an addition to the list which we had.

May I also say that at a certain stage, we should avoid making the situation top heavy. In other words, we should afford other Senators, who have no designation within the Senate but are Senators like me, the opportunity of seeing this system at work. I have seen the system, but I would like my colleagues from other side who have no Chairmanship of Committees or who do not belong to the Presidency of the Senate to also have the opportunity of seeing this system.

I beg to support.

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, there is a lot of sense in the Motion before this House but what I want to redefine here is the suggestion put forward by my colleague from Benue East-Central (*Senator J. S. Tarka*). I think we should devise a plan to spread over a period of time so that every Senator here in groups of ten or five will be able to visit these countries where this system has been in practice. From now up till the next nine months, every Senator should have the opportunity of going to watch and learn for himself. That will ensure efficiency and improvement of performance in this Senate.

So, Mr President, Sir, this is the amendment that I am proposing for the consideration of the Leader of the NPN in the Senate.

Senator E. P. Echeruo (Okigwe) : Mr President, Sir, I support the Motion proposed by the Leader of the NPN. I, however, do not subscribe to the suggestion that they should proceed during this break period and I have my reasons. This is the first time

that Senators, of this great nation will be leaving our shores for another country, and they are going there to learn. I do not think that we should hurry over it ; I think we should give advance notice to the people we are going to, and clear with them that it is all right so that our people can receive the best attention possible.

I am making this suggestion because I have had the privilege of being invited to watch the United States' Senate in progress, and I can assure you that if you do not have any previous arrangement and you just go to the gallery of the United States Senate, you will come back no wiser. In fact, you would think this is a child's play because the work has been soaked in through the years of use that you do not even know what is going on until it is explained to you. This is why I am insisting that we should clear with them so that they can detail people who will, if necessary, have short courses for our people to explain the system before we observe it. I think we must carry ourselves with utmost dignity because that is what the Senate of the Federation of Nigeria deserves.

So, in supporting the Motion, Mr President, Sir, I will suggest that we should make arrangements and proceed as soon as it is convenient not necessarily within the break which we shall soon have. Thank you very much.

The Deputy President : Senator Mangga, you may speak.

Senator Ja'afar Mangga (Bornu South) : Mr President, Sir, while this idea is welcome, I wish to make some observations on the entire plan. The idea of going to the United States of America to see what is going on there in conjunction with the system we are practising here is acceptable and is welcome but the diversion to Canada still leaves more room. For what reason do we go there ? Since 1960 we have been practising the system now being practised in Canada.

A Senator : No.

Senator Mangga : The whole system in Canada is still a parliamentary system. If you do not know what comparative politics is, that is just too bad. The ideal presidential system we are copying is only practised in the United States. In African countries, there are presidential systems but these systems are morally called the presidentialism of African system. If you go to Canada and have the idea and go to the United States of America and have the idea, it would not be of any use.

Therefore, as a teacher or as any other person, get one thing first. Let us get ourselves associated and conversant with that of the United States first to minimise expense and time. More or less, the time that would have been taken to go to Canada could be utilised at the United States Congress. This is what I intend to advise.

The Deputy President : Well, Ottawa and Washington D.C. are in the same continent any way, and I think for diplomatic reasons, it would be a good idea not to go to just one country because you might make them think otherwise and I would say it is fit and proper. What is even more, when we started here it was the Senate in Ottawa that sent us some message of congratulation. So, even if for reasons of courtesy

alone, I think there is a point in going to Canada. Anyway, that is by the way. Senator Fasanmi, you may speak.

Senator Ayo Fasanmi (Ondo North): In addition to the suggestion that has been made I think what we need very much and particularly during this period of break is series of seminars because some of us, even those who are supposed to know, do not know the basic and elementary procedures of the presidential system of government. As a short term measure, I think it would be very good if we could set aside a few days before the recess ends so that Senators can go and take part in these seminars. So, much as I am not opposing the idea, I think we really need some seminars so that every member of the Senate and every member of the House of Representatives would be able to take part.

The Deputy President : That could be additional. Senator Mahmud Waziri.

Senator Mahmud Waziri (Adamawa) : Mr President, Sir, I beg to oppose the Motion before this Senate. (*Applause*) It is indeed very sad that, with so much to do in the country to ensure that the administration and the system of legislation that we want to adopt here is well established, we just want to start in a wrong way by spending public funds unnecessarily. (*Applause*). When this Constitution was being written by the members of the Constituent Assembly, I believe none of them went to the United States in order to write the Constitution. So, when it comes to making laws in accordance with the Constitution, we do not need to go to the United States to do so.

May I ask, when the United States Constitution was promulgated, did the members go to the United Kingdom Parliament in order to know how to operate their own Constitution or how to run their own Congress? The answer is definitely, no. Now, we are in 1979, it is indeed a shame that Senators of this august Senate of wise and eldersmen of Nigeria would not want to do their homework properly and well but would want to go and be copy cats and nothing more.

Mr President, Sir, I am begging this Senate for goodness sake that for the next three months let us sit down at home to devise ways and means of having everything Nigerian. Please let us start building our customs, let us make our mistakes, let us use our brains, and see to it that we here run this Assembly in our own way, the way we like it and the way our people like it. I do not believe that having such a large group to go to the United States would make any difference to the proceedings of this Senate. The minimum thing I could think of perhaps, is that by next year after the budget, we could ask that maybe the President of the Senate and the Speaker of the House of Representatives should go to the United States in order to study the procedures.

The President : No ! No !

Senator Waziri : I am talking about the minimum which I would recommend to study the methods.

The President : That is not necessary. If you are against it you are against it.

Senator Waziri : Mr President, Sir, I am on the Floor.

The President : You are protected.

Senator Waziri : Thank you very much. Mr President, Sir, I want us to reject this Motion right away. The Leader of the NPN has a lot of work to do. We have a lot of Bills to consider when we resume on the 12th of November. So, I cannot see him the President of the Senate, the top level Senators of this Senate and the administrators of the National Assembly leaving this country for two weeks. I wonder when we come back what we are going to do. Mr President, with due respect, I beg to move that the Motion be rejected.

Senator J. S. Tarka (Benue East-Central) : Point of information.

The President : Point of information.

Senator Tarka : Mr President, Sir, I notice that the distinguished Senator from Adamawa, Gongola State, who is one of the most itinerant Nigerian citizen is wearing a hand woven Adamawa cloth otherwise known as *Brocade*. (*Laughter*)

The President : Mr Justice Atake.

Senator F. O. M. Atake (Bendel Delta) : Mr President, Senators all, in rising to support the opposition offered by the last speaker, I would say just a few things. Firstly, the Constitution has been drawn up for us ; secondly there has been before us Standing Orders which the Constitution says we should use, and thirdly, some very good fellows have very industriously drawn up what they consider is a modification necessary to be engrafted on these bye-laws of ours. Those of us who have taken any time and who have had any business to do with the drawing up of bye-laws of councils even of other societies, will agree that the job done by those who drew up this thing deserves a lot of commendation.

Senator E. I. O. Akpata (Bendel Central) : We have not examined it.

Senator Atake : You have not, I have.

Senator Akpata : I have but we have not.

Senator Atake : You have but I have.

Senator Akpata : But we have not.

Senator Amadu Ali : (Benue West) : Point of Order.

The President : What is your Order number ?

Senator Amadu Ali : Order 26 (2). What he is saying is not relevant to the point we are discussing.

Senator Atake : I am advancing an argument. What I am saying, Mr President, Sir, is that if we take the time to study our Constitution and our bye-laws, a legal framework has been established within which we can do our work in this Senate properly without having to expend money on transporting twenty-four people from here to the United States in batches of even one or two.

The President : Are they twenty-four?

Senator Atake : What was said when you were away was that we should be going in groups. When those mentioned have gone, then others would

[SENATOR ANAH]

If I am allowed on a Motion for Adjournment, I would move that the Report of the Senate House Committee of the 17th October, 1979 and the Report of the 19th October, 1979 be accepted by this Senate.

A Senator : I beg to second.

The President : I am not clear what your Motion is ; that you want the report accepted now ?

Senator Anah : Yes.

The President : The question is that the Report of the Senate House Committee meetings on the 17th and 19th October which has been laid before this Senate be hereby accepted.

Question put and agreed to.

Resolved : That the Report of the Senate House Committee be accepted.

The President : You will agree with me that I have received a few other Motions on Motion for Adjournment. I am sure that we are all tired, so I would allow Senator Anah to speak because he is the Chairman of the Senate House Committee and I am sure that his report which is for the welfare of this Senate should not have been left while we adjourn. In the circumstances, I will suggest, I will appeal to Senators, that we do now—

Senator Abraham A. Adesanya (Ijebu North-East) : Mr President, there is a matter of utmost importance and urgency. The matter is that we have not made a return to this thing and I therefore move that a return be made to His Excellency, the President, that the following people have been confirmed—

The President : Are you disputing the names that I read out ?

Senator Adesanya : No, I am not disputing the names but I am moving formally, Sir, that a return be made. I am not disputing them at all. We should then state those that are confirmed, those that are rejected and those that are returned for more information. We must make a formal Motion for a return, Mr President, or else all the time we have been spending here would have been wasted.

A Senator : I beg to second.

The President : I have not heard the Motion yet and you are seconding it !

Senator Adesanya : Mr President, Sir, I hereby move that a return be made to the request of His Excellency, the President of the Federal Republic of Nigeria in respect of his request for the confirmation of his nomination of the following people as Ministers: Mohammed Ibrahim Hassan, confirmed.

The President : Are you playing the role of the President of the Senate ?

Senator Adesanya : No.

The President : Are you reporting the progress of the Senate ?

Senator Adesanya : Mr President, my Motion is to state those that are confirmed, those that are rejected, and those that are to be represented, then it can be discussed. If the President wants it I can pass it then he can read those that are confirmed. We cannot just leave it blank, Mr President, Sir.

The President : Are you speaking on Motion for Adjournment ?

Senator Adesanya : Yes, that before the Motion for Adjournment is taken that a return be made to the request of His Excellency, the President.

The President : Order ! Order ! Senators may sit. There is an announcement to be made. I have just been informed by the Clerk that having accepted the report of the Senate House Committee, Senators may now call at the Sergeant-at-Arms' office to collect forms for diplomatic passports. (*Applause*)

Now, coming back to Senator Adesanya, I have made a report of the progress of the Senate. Earlier here we have spoken on what we meant by the various categories. I think it would be very unfair of this Senate for the President to be taken for a ride.

Several hon. Senators : We are not doing that.

The President : I repeat, it is clear here and the Verbatim Reporters are taking notes, that we have all agreed on the people we have passed as Ministers and we have said that those we do not pass are either unconfirmed or rejected, and I think that it is very unnecessary that a Senator should stand up and re-introduce the Report of the Senate. I think that the sentiment that has been existing in this Senate should be allowed to prevail.

Senator Adesanya : Mr President, Sir, I think—

The President : I have not asked you to speak, Senator Adesanya. Odebiyi may speak.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, the last speaker did not want to upset you at all. We wanted to make assurance doubly sure that we should make returns to His Excellency the President so that through a lapse on our own part—

The President : It is either you accept the returns I have made or you reject them, but you have accepted them, so why must we start all over again.

Senator Adesanya : We expected the President to make the returns.

The President : But you have not said that, you went through the list.

Senator Adesanya : That is what I am saying.

The President : Thank you very much.

Senator J. O. Umolu (Bendel North) : I move that the Question be put, Mr President.

The President : What question ?

Senator Umolu : That the Senate do now adjourn.

The President : The Question is that the Senate do now adjourn until 12th November at 10 o'clock in the morning.

Question put and agreed to.

Resolved : That the Senate do now adjourn until 12th November at 10 o'clock.

The Senate adjourned accordingly at 11.00 p.m.

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SENATE

OFFICIAL REPORT

FIRST ASSEMBLY, FIRST SESSION

9th-19th October, 1979

EXPLANATIONS OF ABBREVIATIONS

Bills : Read First, Second or Third time = 1R, 2R, 3R
Com = Committee

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