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PARLIAMENTARY DEBATES

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(FORMED BY ALHAJI THE RT. HON. SIR ABUBAKAR TAFAWA BALEWA, JANUARY 1960)

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SENATE OF THE FEDERATION
OF NIGERIA

Monday, 5th August, 1963

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi) : I wish to make the following Business Statement for this Meeting of the Senate.

To-day, the Senate will take : The Director of Civil Aviation (Transfer of Functions) Bill, Second Reading and the remaining stages ; the Constitution of Northern Nigeria (Amendment) Law, 1963 ; Regulation to approve the Motion on Addis Ababa Charter.

Tomorrow, Tuesday, the Senate will take the Supplementary Appropriation Bill, Second and Third Readings. Then we shall take the Lagos Local Government (Amendment) Bill, Second Reading and the remaining stages.

On Wednesday, 7th August, the Senate will debate the Constitution White Paper. The debate will continue on Thursday the 8th, and on Friday the Senate will take the Mid-West Region (Transition Provision) Bill, Second Reading and the remaining stages, and any other Bill that may come from the Lower House on that day.

ORDERS OF THE DAY

CIVIL AVIATION (TRANSFER OF FUNCTIONS)
BILL

Order for Second Reading read.

The Minister of Transport and Aviation (Hon. R. A. Njoku) : I beg to move,

“That a Bill to provide for the transfer of certain statutory functions of the Director of Civil Aviation to officers of the Ministry of Transport and Aviation ; and for purposes connected therewith, be now read a Second time”.

This is a very simple and straightforward Bill ; it arises from the reorganisation of the Ministry of Transport and Aviation, and the integration of what used to be the Department of Civil Aviation in the Ministry itself. As a result of this reorganisation, the post of Director of Civil Aviation has been abolished,

and the functions formerly performed by the Director have now to be carried out by several officers of the Ministry, namely, the Permanent Secretary, the Secretary for Air, and the Controller of Ground Services.

As Senators are aware, from Clause (1) of this Bill there are two Acts of Parliament which assign special functions to the Director. It becomes therefore necessary that these special functions assigned to the Director under the Safety of Navigation Act and the Civil Aviation (Births, Death and Missing Persons) Act, should now be transferred to the officers taking over the duties of the Director.

This is a very simple and straightforward Bill, and I believe it calls for no further comments.

I beg to move.

Senator E. A. Lagunju : We congratulate the Federal Government on putting before us this important Bill—a Bill to transfer duties formerly performed by the Director of Civil Aviation to some other officers in that particular Ministry. We feel that the Federal Government realises that the post of Director of Civil Aviation has become redundant, or is not longer necessary, and this is a way of saving revenue. We also feel that wherever anything like that occurs in some other Ministries, of some officers becoming redundant, the Federal Government will go all out to transfer such officers to some other places where they will be more useful, and thus save money for some other purposes.

I think this is really a welcome Bill, and, personally, I have no quarrel with it ; provided that the duties are transferred to people who can perform them with equal measure of efficiency. In other words, there will be no question of slackness whatever, and that duties will be properly carried out at the Civil Aviation. If this is implied—no slackness and no adverse effect resulting from the transfer—then, of course, I personally welcome it, for I think it is a way of saving some money for some other specific purposes.

I support the Bill.

Senator Chief Z. C. Obi : It is my opinion that, like the hon. Minister who introduced this Bill, there is nothing controversial in it. I therefore support the Bill.

Senator T. Olamijulo : I think we need not belabour very much the debate on this Bill, because any measure of the Government designed to save money should be supported wholeheartedly; and as such, like those who have already made mention of the necessity of ensuring that those to whom the office is now being assigned hold it efficiently, I think there is nothing to quarrel about it. I therefore feel that we should wholeheartedly support the Bill.

Senator Chief O. A. Fagbenro-Beyioku : I do not think that this is a measure to save money or not to save money, and I should think that we may be misdirecting ourselves if we start to pin it down as a money-saving device. I do agree that the situation which has arisen makes it necessary for some sort of administrative arrangement to be made.

I want to congratulate the Ministry of Transport on the efficiency of the Nigerian Airways since its inauguration. I was privileged to be one of those who attended the inaugural ceremony in London some time in 1958, and who flew back the very first plane. Since then, there has been no incident, and the Nigerian Airways has won the confidence of travellers.

It is on the safety of air navigation that I come in. I know very well that it cannot be ruled out completely that the former Director of Civil Aviation may be a technical officer specialised in air navigation, and now we are taking over the duties of safety-looking after the safety of air navigation. We are taking it over from a technical officer, and we now want to give it to an administrative officer—a Permanent Secretary. I want to be assured that we are doing the correct thing which can continue to sustain the confidence which the Nigerian Airways has won, because we do not remember that any situation or any accident has happened to any of our planes. That is the assurance I want, that in the transferring of these responsibilities, we are really conscious that we are passing over a technical responsibility, not just an administrative responsibility.

Senator A. A. N. Orizu : I do not think that we have much to discuss over this particular Bill, except that I want to support it with a few words.

One refers to my personal congratulations to the Minister of Transport and Aviation, that we from Onitsha are very happy about the aerodrome that is now being seriously

constructed. I also want to say that we will not like it to be only in Onitsha. We will like aerodromes to be established in other places within the country.

Also, while the efficiency of our international aviation is good, I would like to suggest that a bold plan should be made so that Nigerians can fly in our own planes, not only to particular countries in Europe, but to other countries.

I beg to support.

Senator Chief (Mrs) Wuraola Esan : I would like to say that since the inauguration of the Nigeria Airways in 1958, it is still a 'baby' as far as air navigation in the world is concerned.

I am going to support Senator Chief Beyioku that in the transfer of power we should not neglect the safety of the life of the people who use the aeroplanes, because when the Director is removed and his responsibility is transferred to the administration, there will be so many people to administer what a technical man had been doing before, and in this way a bit of confusion might arise.

We have created a good record about air navigation in the world to-day. To travel by a Nigerian plane is to travel in safety. I have done it twice, and I enjoyed the comfort. I do not want us in our desire to save money, to endanger our records and thereby lose more money. If we have the assurance that this transfer will not affect the technical side of the navigation, and that care will be taken as much as it is now being done, we shall be satisfied.

Senator Chief R. A. Umoh : I rise to support the Bill, but I have some remarks to make. In the first place we have had a Director of Civil Aviation when the work in Nigeria, as regards this specialised business, was not as it is at the moment. At the moment we have greater improvements to make and we want to establish more aerodromes in as many places as possible in the whole of Nigeria. The work is becoming more and more expensive and greater efficiency is being demanded all over the Federation, not only in the fields where we are now operating our planes, but also in places where we might like to go in future. Therefore, I feel that we should be very cautious. Whoever or whichever officer is given this work to do should devote his whole time on it, because, as I said, the work is becoming more expensive, and as

we are endeavouring to stand on our feet, the work should be more efficiently performed.

I feel that this is not the proper time for us to transfer the work of the Director of Civil Aviation to an ordinary administrative officer in the Ministry. Nevertheless, as this has already been done, I have to support it, and then I have to caution the Government very strongly that that officer should be trained. The officer should have all the knowledge that the Director himself has, and he should know that the work that lies ahead of him is much greater than the one that the Director had handled previously because, then we were younger and now we are growing. As we are a growing set of people, this work will be growing more than ever before.

Those are my remarks.

Senator Chief T. A. Odutola : I rise to support this Bill. I agree with the views expressed by Senator Chief Beyioku, but knowing the hon. Minister of Transport and Aviation as we all do I am sure that he must have been sure that capable and competent people have been secured before transferring these functions to the office of the Permanent Secretary.

I would like to say that instead of taking these functions from the Director of Civil Aviation and giving them to about three or four people, arrangements should be made whereby we get only one person, as before, who could carry out the business as efficiently as the Director of Civil Aviation was doing.

I support the Bill.

The Minister of Transport and Aviation : May I thank all the Senators who have spoken on this Bill.

I would like to say, first of all, that the main purpose of this Bill is not to save money. It is, in fact, to make for better administration and greater efficiency. As many of the Senators know through their knowledge of business and civil service, the job of a director is largely administrative. When a man is at the head of a department, his job is mainly administrative because, there are specialists in the various sections who do the technical work. So we are taking care of that.

What we are doing is that administrative functions will be performed by the Permanent Secretary and the technical work will be performed by the technical experts in the Civil Aviation Department. For instance, we

have the Department dealing with air safety, air traffic control, and those people will continue to be in charge of that. We are not transferring all these technical functions to the administrative people in the Ministry. What we are doing is to make sure that the best men take responsibilities for the jobs for which they are best suited.

I give that assurance that there will be no lowering of standards. We are very proud of the record of safety which the Nigeria Airways has achieved over the years, and we are quite determined to maintain that record.

There was a mention made about training of pilots. I would say that I had taken that very seriously. In fact, I did that two years ago soon after Civil Aviation became my responsibility—to resuscitate the training scheme for Nigerian pilots. Senators are aware that when we were operating on a West African basis as the West African Airways Corporation, the training of Nigerians as pilots was not seriously undertaken. But we now have a Flying Training School to give *ab initio* training which will ensure that we select people who have maximum aptitude for flying and further training. We then send them to various countries for further training. Two of the Nigerians are now full-fledged Captains who can take charge of the big airliners which ply between here and Europe. We have got two Captains now, and that during this year. All of them have been promoted Captains after undergoing the necessary training and efficiency test in various parts of Europe. Quite a number of the first batch of the local boys for training as pilots are now on their way to gaining the commercial pilot's licences, and the second group had been taken in. It is my intention that we should, in the shortest possible time provide our own pilots.

I have been around the world several times, and I have been to various parts of Asia where people from those countries in India and Pakistan, even Ethiopia in Africa, man their own aeroplanes. That is what we are also trying to do in Nigeria. We are taking up very seriously the training of Nigerians as pilots.

As I said, this Bill is meant to ensure greater efficiency in administration and also to make sure that the proper officers concerned with

[THE MINISTER OF TRANSPORT]
the technical training are given responsibility which was formerly performed by the Director.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported, without Amendment ; read the Third time and passed.

CONSTITUTION OF NORTHERN NIGERIA
(AMENDMENT) LAW, 1963

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : Mr President.
I rise to move :

"That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Northern Nigeria (Amendment) Law, 1963, having effect."

This Motion is, in my opinion, a very short and non-controversial one because what Northern Nigeria is asking us to do to-day is what we did ourselves here last November when we approved the Second Amendment to the Constitution of the Federation by allowing the Director of Public Prosecutions to come under the ultimate authority of the Attorney-General of the Federation.

There are two main points to which Senators' attention ought to be drawn in this Motion. The first point is, if we look at the text of the law we are asked to approve in accordance with the Constitution, Senators will notice that in section 3 (a) thereof, the Northern Nigeria Attorney-General is being empowered to give special, as well as specific directions, to the Director of Public Prosecutions in certain prosecution cases. The second point will be found in section 2 of the Law of Northern Nigeria which removes the exercise of the Attorney-General's discretion from the spheres of the collective responsibility of the Cabinet or the Executive Council of Northern Nigeria.

We made exactly the same arrangements in the Bill which you passed last November. The effect of this is that in matters of prosecutions the Attorney-General of the North, like the Attorney-General of the Federation, will not be subject to Cabinet or Executive Council control in directing whether or not certain prosecutions should be conducted and the whole thing will be decided entirely on his own authority apart from his Cabinet colleagues.

This is one of the ways in which we sought, and I think successfully, to insulate public

prosecutions from the control of the Cabinet or the Executive Council.

As I said at the beginning, the object of this exercise is merely for us to approve the law which has already been passed through both Houses of Northern Region Legislature and which the all-party conference recently held in this Chamber a few days ago, also adopted to become a general provision in all the laws of the governments of the Federation.

I beg to move.

Minister of State (Alhaji Nuhu Bamali) :
I beg to second.

Senator Chief O. A. Fagbenro-Beyioku :
I have no quarrel with this Regulation moved by the hon. Attorney-General, but there is a point I would like to get clear. In the supplement to the Order Paper setting down the Constitution of Northern Nigeria which is to be amended Clause 3 section 48 (5) states,—and I quote, the last three lines after the semi colon : "but except at the instance of the Attorney-General the question whether any such directions have been given, or what the directions were, shall not be inquired into by any court".

If the law is that such directions should not be the subject of any litigation in any court of law, I think it will be direct and it could still be acceptable. I should like the Attorney-General to educate the House as to why people should have no right to question such thing. I think there should be Justice and fair play and I wonder under what circumstances is the Attorney-General going to ask the court to decide whether or not he gives the direction. It appears to me that the man who gives the direction is the man who can ask the court to decide as to whether he gives the direction or not and then the law says that the aggrieved or interested persons, that is the members of the community shall have no right to question whether or not the Attorney-General gives the direction.

I would have preferred as a lay man, to see it clearly stated that such directions shall not be questioned in any court of law. That could have been acceptable and it could have been final. I want to be educated on this point.

The Attorney-General and Minister of Justice : That is exactly what the section says, what the Senator had just said. If I may be a little bit helpful, the provision here will be found running through our Constitution. It is usual, whenever a discretionary power is given to a Minister, for the court to say that we cannot go behind the kind of instructions or

discussions that pass between the Chief Law Officer of the Crown and the subordinate officials." It is only right that that must be so.

If, for instance, what the Prime Minister tells a Minister to do, or what the Governor-General's direction is in a particular case to the Prime Minister or to a Minister each of whom has direct responsibility to the Governor-General—is to be subject to debate in this House, the administration of justice will be completely compromised. It is never done anywhere and what is sought here to do is merely to leave the ultimate responsibility with the Attorney-General, so that he is directly responsible to this House as to the Lower House.

In cases where there are disputes or questions from Members he will then get up and accept responsibility. If we allow the thing to be otherwise, whenever a query is raised in this House, the Attorney-General can always hide behind the sort of instructions he gave to his subordinate officials and say "Oh I did not ask him to do that, I am sorry Gentlemen." He will be able to get out of it in that way, but the provision here says that whatever the instructions are, it is not the business of the public: "What we know that this fellow has done is such and such a thing and you are ultimately responsible for his conduct, you must accept responsibility and do not try to shy away from it."

I hope the Senator will accept it in that spirit because the ultimate responsibility of the Attorney-General to the House remains and he can account for his actions here.

Senator T. Olamijulo : I still do not understand certain points. Must the Director of Public Prosecutions go to ask the Attorney-General anything he has to do or get certain directions?

The Attorney-General and Minister of Justice : May I read out again the provision of the law in answer to the question: "The powers conferred on the Director of Public Prosecutions of the Region by this section shall be exercised in accordance with any general or special directions given by the Attorney-General of the Region acting in his discretion."

The President : I hope the Senator is now satisfied.

Senator Chief Z. C. Obi : I rise to support the Motion, but I will like to know why this

Amendment was not brought up at the same time as those for other parts of the Federation were made?

The Attorney-General and Minister of Justice : At the time the Northern Region passed this Bill last April, no one knew that there would be this all-Party Conference or indeed that there would be a Republic in October this year. They were therefore anxious to have the same arrangements as we have approved for the Federation. This Bill has already been passed in April and they have sent it to us in the normal way for ordinary approval. It is up to us now to give them the approval or not.

Senator Salahu Fulani : I am lucky to say a word on this Motion. It seems to me that this Motion is non-controversial, and it has obviously been very explicit. I do not see any reason why we should try to take up more time of the whole House. After all, we have been given ample time to debate this Motion. I think that this Motion is a straightforward one and nobody should quarrel with it.

I commend it to the House.

The President : Order, order. Without attempting unduly to curtail the rights of Senators to express their views, may I remind you that identical words were debated in this House in connection with the Federal Constitution. I just want to remind you, and each of you is entitled to go on.

Senator Chief P. I. Acholonu : Several questions have been put about the introduction of this Amendment, and the answer is correctly understood. Therefore, we all understand that the object of bringing this Motion is a sort of formality, since the Northern Region itself has passed it last April and we, according to the Attorney-General, are becoming a Republic in October. Therefore, it is worthwhile that this Motion should be brought up now for this House to give it its own blessing in order that it may become effective.

I support the Motion.

Senator Alhaji Abubakar Bale : I have not the intention of speaking on this Motion because it is non-controversial. But I am saying this to enlighten the last but one speaker who said that everything in this Motion—phrases, technical words, and so on—has been explained by the hon. Attorney-

[ALHAJI ABUBAKAR BALE]

General. But I want to remind him that he should not forget that anything coming from North to this House is liable to be lengthened. He should remember that. Otherwise, who in this House—

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, that language is highly unparliamentary. People should not come on the Floor of this House to insinuate. I do not think that anybody is discriminating against the North, East or West. I know inflammatory words—

The President : Order, order. I am sure Senator Alhaji Abubakar Bale knows that the usual thing is that whenever this kind of thing comes up, Senators would want to say something. It has come in respect of the Federal Territory, it has now come in respect of the North, and I think it will come in respect of the East and West, but for the fact that there is a Constitutional Conference which is going to take all of it in the amendment, probably later this week.

Senator Alhaji Abubakar Bale : I said this. It is always said in words, but not in action.

I am talking of what I have seen. (*Interruptions*). I am right.

Some Senators : You are wrong.

Senator Alhaji Abubakar Bale : I am wrong in words, I agree, but not in action, otherwise, there is nothing which has not been explained in this Motion. What do people want? If you like, sit down and do not support. Nobody has said any specific thing that will warrant alteration.

The President : Each of you is entitled to speak for forty minutes on any subject, and your brother Senators have to say something. I hold that there is discrimination against the North here.

Whereupon the Minister of State, Senator Alhaji Nuhu Bamali, rose in his place and claimed to move, That the Question be now put.

Question, That the Question be now put, put and agreed to.

Main Question put.

The President : Under the provisions of the Constitution, we need a two-thirds majority to

pass this Amendment to the Constitution. I direct that we go into a division.

The Senate divided.

Ayes 35 ; Noes nil ; Abstention nil.

AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
4	Senator Chief Fagbenro-Beyioku
6	Senator Chukwubike
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
13	Senator Alhaji Abubakar Bale
14	Senator Chief Ndu
15	Senator Chief Olayeye
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
26	Senator Dr Orizu
27	Senator Chief Esangbedo
28	Senator Chief Doherty
29	Senator Hassan Rafin Dadi
30	Senator Chief Nakoku
31	Senator Chief Odutola
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
37	Senator Ogundipe
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health (Senator Dr Majekodunmi)
	Minister of State (Senator Dr E. A. Esin)
	Minister of State (Senator Nuhu Bamalli)

NOES

Nil

ABSTENTIONS

Nil

CHARTER OF ORGANISATION OF AFRICAN UNITY

The Minister of Health (Senator Chief M. A. Majekodunmi): Mr President, Sir, I beg to move that this House approves the ratification by the Nigerian Government of the Charter of the Organisation of African Unity which was signed by the Prime Minister on the 25th of May, 1963, on behalf of Nigeria at the Addis Ababa Summit Conference of Independent African States and laid on the Table of this House as Sessional Paper No. 2 of 1963.

This House has reason to rejoice that this Charter has now been accepted by all the independent African States and I think we can rightly claim that the initiative for bringing about this happy event was taken by Nigeria and by our respected Prime Minister (*Cheers*): It was our Prime Minister who initiated the idea of having a conference of Independent African States in Monrovia, and following the conference which was held in Monrovia there was held in Lagos the conference of Heads of States and Governments of the Inter-African and Malagasy States and the present Charter which was signed in Addis Ababa was based on the Charter of Lagos, the Charter which was signed here in Lagos by the member States of the Inter-African and Malagasy States.

This Charter represents the aspirations of all Africans to achieve unity amongst themselves; it is a concrete expression of the determination of the African States to get together and to forge a common destiny for themselves. We should ask ourselves, why is this yearning for unity? We know that individually the African States are all in different stages of development. They have no weapons with which to defend themselves, their economy is in the embryonic stage, and the standard of living of her people is low as compared with the rest of the world. We know that only in unity can we achieve our desired objective—the desired objectives of preserving our sovereignty, the desired objective of raising the standard of living of our people and these are the yearnings which every free born African in this House has, and this Charter which has been signed on behalf of Nigeria is an expression of those yearnings.

Collectively we can wield tremendous influence throughout the world and collectively we can help those of our fellow Africans who are still in colonial bondage; and the signing of this Charter definitely deals a death blow to colonialism throughout Africa.

Anybody who has studied the Charter will see that all the member States in the Organisation of African Unity are determined to put an end once and for all to the exploitation of all Africans by other races. We are determined to raise our voice to awaken the conscience of the world to the plight of Africans who still suffer from the indignity to which they are subjected as a result of colonialism. It is

by this unity which we have now achieved amongst ourselves and which is embodied in this Charter which has been signed on behalf of Nigeria that we can mobilise world opinion to help those of our brothers who are still not privileged to decide their destiny. We in this country are trying to achieve unity amongst ourselves and we have gone a very long way indeed in bringing about the Nigerian nation and we realise only too well that it is not enough for us to bring about a Nigerian nation. If the Nigerian nation is to wield its influence and to have its proper place in the rest of the world, we must join hands with our fellow Africans along our borders and beyond our borders and that is the reason why we, as the Federal Government of Nigeria, attach such great importance to this Charter which has been signed on our behalf at Addis Ababa.

I have no doubt whatsoever that every African, and every Nigerian in particular, will welcome the action of our Prime Minister in signing on our behalf this Charter and appending our signature. It is for us to demonstrate our confidence in him and in our energetic Foreign Minister who has been his aid in bringing about the unity of Africans by ratifying the Charter which they have signed on our behalf. I have no doubt whatsoever that the Charter will commend itself to the Senate and that the Senate will signify its approval by unanimously endorsing the Charter which has been signed on behalf of this country.

I beg to move.

The Minister of Economic Development (Alhaji Ibrahim Waziri): I beg to second.

Senator Alhaji Abubakar Garba: I rise to support the Motion before the Senate which was ably moved by the Minister of Health. We have cause to thank God that now there is neither the Monrovia nor the Casablanca bloc, but instead, we have the Organisation of African Unity.

By his excellent statesmanship, tolerance, integrity and sincerity of purpose, the Prime Minister, Sir Abubakar, has earned for himself and his country the respect, admiration and commendation of the whole world. He has placed his country in an exalted position amongst the free nations of the world not only as an independent nation but also as an equal partner with either the United Kingdom, our ex-colonial master, or with the United States of America in all international fields.

[SENATOR ABUBAKAR GARBA]

In all the conferences attended by the Nigerian delegates in the field of sports and African culture, Nigeria featured very prominently.

The Prime Minister said, "I am aware that I have committed this country to quite a number of things in the Charter," and added "but I know I was acting within my rights and the willingness of the people". The implications of this Charter to which we have been committed are tremendous and heavy and we, the people of Nigeria, must be ready to make sacrifices financially, morally and even in human resources and accept wholeheartedly the challenge confronting us by signing the Charter of the Organisation of African Unity.

We must, first of all, form a united front at home if we are to play a leading and commendable role in the emancipation of the African continent. Let us work as a team, let us work as the representatives of one Nigeria, forgetting all tribal prejudices, then, and only then, can we be well equipped, well armed, to embark on making the whole of Africa happy and prosperous.

I beg to support.

Senator Chief O. A. Fagbenro-Beyioku : This Motion moved by the Minister of Health, presenting the Charter of the Organisation of African Unity, is something which gives the whole of Nigeria a great joy. I agree with the hon. Minister of Health that the credit goes to that illustrious son of Nigeria, the Rt. hon. Sir Abubakar Tafawa Balewa. With his level headedness and his keen sense of tolerance, he has been able to lead Africa to where Africa is to-day. Of all the Nigerians alive, I have every reason to believe, and I am convinced, that one of those who do not believe in any form of tribal or racial segregation is the Rt. hon. Sir Abubakar Tafawa Balewa. Those of us who have travelled outside Nigeria know how much our Prime Minister is respected and how much his name is revered in every circle. (*Hear, hear*).

This is but a beginning, it is but a means to an end and not the end itself and, if the Organisation of African Unity is to succeed, Nigeria has a great part to play. I agree with my very good friend, Senator Alhaji Abubakar Garba, that we have to start at home. Then, we have got to forget about those things which divide us

and concentrate more on those things which unite us. Events which are happening at home may be very distasteful and, unless they are put into proper shape, we might be losing our position in the front of the queue.

As far as international events are concerned, it was this Addis Ababa Charter that inspired the African nations in Geneva to be able to take a stand against South Africa; we were inspired by our people coming together; I am sure, it was this Addis Ababa Charter which also inspired the African Nations into coming together to be able to take a stand against Portugal at the recent International Conference on Education in Geneva. And this Addis Ababa Charter can still inspire us to higher and more noble ideals.

I do observe that in this Charter—perhaps as a trade union leader I should have liked it to be specifically expressed that one of the main objectives would be to eradicate completely all forms of poverty. It may be within one of these specialised agencies—

A Senator : Education.

Senator Chief Fagbenro-Beyioku : I think I am addressing the President, and I am entitled to your protection, Sir.

I think attention should have been focussed on labour and put in the language we can understand. I have read through the Charter. People may say that these things are within a certain clause, but when we start to analyse it, they may say quite easily that that is not what they mean. I want to see where these rights are guaranteed. I think, from the labour point of view, these things should be specific.

We have also in the Charter the specialised commissions. I should have liked to see a commission on labour and industry. There are specialised commissions for education, health scientific, technical and research commissions. I agree that there are provisions for labour, but when we began to view labour as a specialised thing by itself, it is highly and more specialised than any of these things put together.

The success of any programme depends more on labour, either administrative labour, technical labour, specialised labour, menial labour or manual labour. It is never late, because this is just the beginning, and right now there are several commissions being organised. At the moment, a conference on the establishment

of an African Development Bank is going on in Khartoum. I would like Nigeria to be able to take the lead in the matter to organise a labour conference in which all African countries will participate with a view to discussing labour as it affects Africa as such. I am sure, and I know too well, that our hon. Prime Minister is somebody who is very much interested in labour.

A Senator : Is he a labour leader ?

Senator Chief Fagbenro-Beyioku : He is the Prime Minister and head of Government, but still he is greatly interested in labour. I am in position to say. The Prime Minister is interested in labour because he knows that without labour his assignments cannot be completely achieved. He takes a very keen interest in labour, and I know that when these matters are put across to him, he will like to say something about them.

When we achieved our independence, people thought that we were not proving ourselves to be what we should be ; people thought that we were dragging things too much ; people thought that we were allowing some other African nations to steal the show from us. That time was our formative stage and we were just trying to find our ground so as to keep our feet well on the ground. Immediately we kept our feet well on the ground we have been able to do what Africa expects us to do. Now, the stage is set and I have every reason to believe that our own Foreign Minister, hon. Jaja Wachuku, is a man of great will. He is a man who says, "I do" and he does, and he is a man who has actually represented us in the best way. With our most revered Prime Minister, hon. Jaja Wachuku and the two Ministers of State in the Ministry of Foreign Affairs and Commonwealth Relations acting on our behalf, I am sure we are safe.

I want to take this opportunity to pay respect to one of us, Senator Alhaji Nuhu Bamali. As a Minister of State in the Foreign Ministry, we have read much about his connections with other African countries ; we have read about his missions to other African nations ; we have read of his successes and how he has kept the banner flying, not only in Nigeria as such, but within this Senate too. We would wish Alhaji Nuhu Bamali to continue as long as there is a Foreign Ministry. In the Foreign Ministry too, we have entrenched our Dr Esin, so that this Senate is playing a glorious part not only

in the affairs of Nigeria, but in the affairs of Africa. I do hope that we shall continue to live up to expectations.

I support the Motion.

Senator Chief Z. C. Obi : May I say that this moment is one for which we have waited very anxiously. When the Addis Ababa Conference came to an end and we began to hear that other countries in Africa have started to ratify this Charter, we became very anxious and asked what our Government was doing.

I must say that there is no nook and corner of Nigeria where our Prime Minister has not earned mutual respect and confidence. In signing this Charter for us, I think he has all of us behind him. I congratulate him on making the contribution that Nigeria has made in Addis Ababa. I would like also to pay tribute to hon. Jaja Wachuku, the Foreign Minister of Nigeria, for the efficiency of his Ministry and for all the contributions that they made in the course of the Addis Ababa Conference.

I would also like this House to extend its congratulations to other States in Africa which have also worked in the same way as Nigeria : that in unity we stand and divided we fall.

I therefore support the ratification of this Charter.

Senator S. Eytayo : I would like to support the expressions of gratitude that have been made by Senators who have spoken before me. In fact, one cannot say too much about our worthy Prime Minister—his God-fearing attitude, his capabilities, his insight into the problems confronting Nigeria in particular and Africa as a whole. In general, I think we must thank God for having a man of his type as the Prime Minister of Nigeria. It has been said by others too that we must thank God for Jaja Wachuku. He is a distinguished son of Nigeria. And we must also thank God for other Ministers who are helping these people. I think there is nothing that we can do in order to show our appreciation of these efforts of our noble and distinguished sons of Nigeria other than to give our wholehearted support to the ratification of this Charter. Therefore, I move that we all do give our support to the ratification of the Charter of the Organisation of Africa Unity.

Senator H. O. Abaagu : We are grateful to have somebody at the head of the Nigeria Government in the person of Sir Abubakar Tafawa Balewa. We are also very grateful to have other Ministers, especially the Ministers who represent Nigeria at certain international conferences. I have been watching with keen interest the performances of these Ministers, especially the one who was instrumental to the expulsion of Portugal from the International Labour Organisation, and the other Minister who was also instrumental to the expulsion of Portugal again from the International Conference on Education. These Ministers draw their inspiration from the Prime Minister.

The Prime Minister said that he committed us. I think it is high time we accepted the challenge. By this I am suggesting that any implication in this Charter should be accepted by us. We know that we should be prepared to approve any sums of money voted to support saving those African countries which are still under colonial administration. We should again be prepared to send even manpower if it comes to the question of exchanging blows because, when two rights clash, if the whites in South Africa, Portugal in Angola, Mozambique and other territories have their rights on African territories and Africans themselves have their rights, it means that the two rights are clashing, and the decisive factor is force. Therefore, I would say that we should be prepared to send manpower to these people, if it is necessary. For this reason, Mr President, we should now tell our ex-colonial masters—British Government—that in three attempts they have been letting us down. Each time that we asked for help in saving international bodies or organisations, we did not get the co-operation of the British Government and, of course, that of their brothers—the United States of America, Australia, Canada and so on, and, in fact, most of the countries in the Commonwealth. We always get co-operation from the Soviet Government which, in fact, is a government unknown to us, but now it is becoming very friendly with Nigeria. A friend in need is a friend indeed. I am beginning to think that the Soviet Government is closer to Nigeria than the British Government and the United States and the other governments who pretend to be very friendly to Nigeria before.

I should suggest in this wise that the Nigerian Government should send a big thank you to those governments who have been voting solidly with us at any time we needed their co-operation, especially when we tabled a motion for the expulsion of Portugal from the I.L.O. and the Soviet Government, the Asian countries and Latin America and other governments co-operated with us.

We need not belabour the point. This Charter is welcome and well planned. There is sense in it, and we praise the people who sat together and formulated the Charter. We therefore accept it and give it our blessing, and support it wholeheartedly.

Senator Chief (Mrs) Wuraola A. Esan : It is with the greatest pleasure, on behalf of the women of this country, that I have to support the ratification of this Charter.

Women work really hard towards unity, but I do not know whether men support women at all levels. We are for unity every time, and for this reason, may I say a big thank you to the Government of the Federation and to all those who made it possible for a plan for the unity of African countries to be worked out at this time.

The women of this country also like to express their appreciation to the Prime Minister for upholding the dignity of Nigeria. I cannot say here all that can be said about the able way in which our Prime Minister has been conducting the affairs of the state. His level headedness and advanced thought and plan towards the unity of Africa deserve the praise not only of the people of Nigeria, but also of the people of other African countries.

Women in Nigeria would like to see that they are closely linked together. Those of us who have had the privilege of a little travel abroad can see how the unity of African women can greatly uphold the unity of Africa as a continent. Whenever we go abroad to attend conferences, it has always been a pity that we are never so many as to uphold the dignity of Nigeria because, whenever it comes to voting on major points, we always find out that we are too small in number to be in the position where we would like Nigeria to occupy.

I think it is now necessary to change the idea which our forefathers had of the education of women. The women of this country should be able to command the respect they deserve wherever they go, and for this reason, I do not see why Nigerian women should not be sent to future conferences in greater numbers than at present, in order to command greater respect from other countries of Africa.

A Senator : So children will not go to school again !

Senator Chief (Mrs) Esan : Well, children going to school will be taken care of. When I said women, I had many women in mind. There are those who have no children to take care of now, and they are capable of going abroad. There are those who are old, and if they are allowed to go, that will prove that we have dignity among our old people too.

A Senator : When they come back they look younger !

Senator Chief (Mrs) Esan : It is the duty of the men of Nigeria to see that their women retain their fine appearances, even at the age of 90. Until they do that, I think they are neglecting their duty as men capable of building up a nation.

Well, it is good to have unity among African countries, but, as someone mentioned previously, we should take care of unity at home. It is our wish, our desire, and our prayer, that there should be unity in Nigeria. It is a great country, and we have been proving to everybody, not only African countries but also countries and nations of the world, that we are able to be the leader of African culture. We are now doing it creditably, but if we want to show to others how to run their own homes in peace and unity, we must have peace and unity to show as an example, because action speaks louder than words. Telling the peoples of the world that we are great is not sufficient, if we cannot ask them to see this greatness for themselves. We must at the same time make sure that when they do come to see things for themselves, they will find out that we are doing our best for the unity of all ethnic groups in this country.

I am happy that our able Prime Minister is the one to do this job. He is so level-headed that he looks at both sides of every story before

taking any action. With a man like that, supported by all the able Ministers, including all our Foreign Ministers (the chief and the subordinates), we hope that we shall be able to build up a peaceful co-existence within the African countries.

As I said before women have more power to build up unity than men. This can be seen from the fact that when Nigerian women go abroad for a world conference, or a small international conference, they sit together with all the nations of the world (the oppressed and the oppressors). We have never ejected anybody from our circle. This shows that we work harder for unity. It does not matter even if the oppressed get up and say all sorts of things against the country or government of the oppressors. We never quarrel.

A Senator : So you sit side by side with South Africa !

Senator Chief (Mrs) Esan : In this World Congress which we attended, everyone was there—black South African, white South African, Latin American, and, in fact, everybody—and we were about 2,400 women of different nationalities and creeds in the conference. We gave opportunities for people to say whatever they wanted to say. They used to say it, and still there was no quarrel. I am telling this Senate that if we must foster unity among African countries, our governments must send more women abroad and not only men should represent this country.

A Senator : Would this attitude not lead to international marriages as well ?

Senator Chief (Mrs) Esan : I asked that women be sent abroad for conferences, and I should make it clear that I never asked that our girls should be sent. There is a little bit of difference in that. If we want to encourage international marriages, we could get the young boys here and the young girls in other places to do that. Of course, if we do that as well, we shall be more united, but what I am saying is very serious. I do not see any need for any Senator to turn my contributions in this debate into humour. It is not a joking matter. Whenever we have to attend conferences, let more women be represented. It has been noted that women are always few in number, and, as a result, cannot put Nigeria in a very

[SENATOR CHIEF (MRS) ESAN]

responsible position whenever it comes to voting. It is necessary at times to lobby a great deal before putting any of our delegates into any committee. Therefore, if women delegates are increased, other delegates from other countries will be quite ready to support us.

One of our Senators, Senator Chief Beyioku, has always seen to it that whenever there is a conference anywhere, he will like to be one of the delegates. Therefore, everytime I rise to speak, he is the one who sets eyes at me and wants to stop me.

A Senator : On a point of order, I think the Senator should work hard so that more women would be interested in politics.

The President : That is not a point of order.

Senator Chief (Mrs) Esan : He is talking about what he does not know. We only want peaceful politics; we do not want "belly" politics—that is the difference between the politics of the men and that of the women. Besides, all the politicians in the Lower House and in the Regions, as well as those who are politicians but go under the cloak of statesmen, are under the women of this country. Therefore, without us, you men, will not be here; we are interested in you and, therefore, we are interested in politics.

I would like to say again thank you to our Prime Minister for the able way in which he has given Nigeria so glorious a name. We should also not forget to say thank you to our Foreign Minister, hon. Jaja Wachuku. He is a forthright man and he is always a fighter. This time he has fought, and fought well too, and it was really a noble fight.

We must, however, not stop here because there is still much more to be added to this Charter, and much to be deleted as soon as the arrangements are finalised. But we must congratulate ourselves on having made a start, and it is a very good start.

Senator Dr A. A. N. Orizu : I would like Senators to realise that much as we have humour in discussing this question of the Charter of the Organisation of African Unity, I like to mention that it is a very serious matter in this era. It is a great history being made in the world.

I also would like Senators to understand that in the past we had many Continents lonely, like the United States of America, Central and North America and the South American countries, when they got their independence. Even within America itself, it was difficult for them to co-operate under one roof; and when they came under one roof, we remember the famous Monroe Doctrine from which they tried to exclude other countries from within their borders in an aggressive manner. And when George Washington became the first President, his inaugural address indicated what was called isolationism, that is, he advised the American people to withdraw from any other country and have nothing to do with them. The American people lived under this isolationism for many decades.

In Europe we remember the Napoleonic wars. One of the essential reasons why Napoleon wanted to fight other European countries was to bring about the amalgam of all European countries. Quite apart from Napoleon (although we have a very bad idea of Hitler), Hitler also tried this question of uniting all Europe. Again, they were fought by the Europeans themselves. These countries are supposed to be more civilised and more advanced than ourselves.

And you remember the Asiatic countries, when they got their independence: Japan got hers long ago; China was never under anybody. But the fact that to-day we are trying to give approval to a Charter of thirty-one countries (you can go back to the Charter and see how many countries there are in Africa; Europe has not got that much; they have not got that in South America, not even in Asia for that matter) means that within a very short time we who are supposed to be uncivilised, have now become the moral leader of the world. And that moral leadership comes from a continent that is also besieged with different races or, if I may say so, different tribes.

We talk about Nigeria not being united, and preach as if we are preaching unity to ourselves. I disagree, Mr President. I think, in terms of our own backgrounds and origins; in terms of our traditions and customs embedded in us long ago by our forefathers, Nigeria is a country of unity. I think that those who are our founding fathers (which we are part of now) have shown a great deal of tolerance. In fact, there is a great deal of tolerance among the

Northerners, among the Easterners and among the Westerners. I have not seen a Nigerian who is not tolerant. We generally agitate because of an inevitable reaction coming out of our cultural background. We cannot blame ourselves for being Hausas, or Yorubas or Ibos; we cannot blame ourselves for that.

The time it took us to unite is so short, so pressing, so dramatic, that we ought to congratulate ourselves. Let us not think that if there were no differences at all we could call ourselves human beings. For that reason, I come back to my main point, that considering what had happened in other continents when they became independent, and considering what is happening in Africa to-day, we are in a great era.

I would say that it is not only the Prime Minister, the Ministers who are also within the realm, nor the Foreign Minister that we should congratulate; we also have to think about our Governor-General in this case. I think that his own moral personality, his integrity and his Pan-Africanism which he preached for many years had a great impact upon this whole situation. I think that we also have to congratulate ourselves.

When one Senator spoke, he made it clear that the Prime Minister was banking on us when he was committing the country. When Woodrow Wilson committed America in the Hall of Mirrors in Paris in 1919, and went back to America, one Cabbot Lodge and others from Massachusetts came to the Congress and killed that man's whole organisation, and he died of epilepsy. But now we are praising our man because we, ourselves, are internationalists. Therefore, when we praise our Prime Minister and the Foreign Minister, let Nigerians congratulate Nigeria. I am not going to speak too much over this matter, because I see no need for it; as a matter of real fact, I have not spoken too much on it.

Now, the question is that this is not enough, but it is too good for the time being. We have to congratulate those Africans who originally backed out of this particular Group and are now coming together. What we have to do is only one thing—we have to raise our voice very high indeed, and praise our Foreign Minister and our Prime Minister; and when doing so, let us emphasise the names of hon. Nuhu Bamali and hon. Esin, the Senators, for they brought the full fatherly moral upon the whole thing.

I beg to support.

The President : I think this is a convenient moment for break; the Senate stands adjourned till twelve noon.

Sitting suspended : 11.40 a.m.

Sitting resumed : 12 noon.

Senator A. E. Ukattah : It is a matter for national pride that the leadership which the world expected Nigeria to take among the rest of Africa has now been initiated by the production of this Charter. The Charter is a most valuable document which shows the maturity of the African races. It is significant that an Organisation of African Unity has been born with aims and objectives designed to teach the confused human race the art of co-existence in a world in which the knowledge of science tends to destroy the existence of humanity. In particular, I give my congratulations to the Nigerian Government and the Nigerians themselves, and in general I give my congratulations to the leaders of the African countries.

The purpose and principles of the Charter are quite clear. It holds a firm promise of a united effort for the political emancipation of those of our brothers and sisters still in bondage. I have in mind the Africans who are now groaning under the yoke of apartheid in South Africa and those who are now weighed down by political shackles in the Portuguese territory of Angola. They are now to rest assured that their political redemption is a matter of time.

I would like to touch on two points. The first point is on Articles XVIII and XXII. They made mention of regulations. I hope that when these regulations are drawn up, we members of the Senate will have the opportunity of knowing what they are.

The second point is on Articles XXVI and XXVII. Here reference was made to the general secretariat which is going to be maintained by the Organisation. There, an administrative Secretary-General will be employed and he will manage the secretariat, and under him will be a team of subordinate workers. My appeal is that when this secretariat is set up and when these people are being employed, every effort should be made to give Nigerians an opportunity of employment in such an international organisation. The need for our people to be in the secretariat cannot be over-

[SENATOR UKATTAH]

emphasised. This is a point which I would advise the Government to give very serious attention. Thus, if we want anything properly done and we have a man on the spot, the Government will find that most helpful. My appeal is that suitably qualified Nigerians should be given an opportunity of serving in that international organisation, because it will be of immense benefit to Nigeria as a whole.

I beg to support.

Senator H. N. Udoh : This is a very fine opportunity for this Senate here assembled to bless this Charter of the Organisation of African Unity, and thereby mention those of our sons and daughters who contributed to its production. What the Holy Bible says cannot be refuted : "*United we stand, divided we fall*". It was the idea of unity, which might have been brought up by an individual person or country or people, that was responsible for the production of this paper, and I feel that Nigerians were authoritative and firm in this affair, for many Nigerians discovered this amongst themselves in their various villages, towns and regions. When those whom God has given to us by narrowing our way out of darkness, pleading, wasting time, starving themselves that we should be independent were tackling their problems. Many obstacles were presented before them and even among ourselves—the Ibo man says that the worst enemy of man is the man himself—some say that we are not ripe to be responsible for our own affairs. This statement was made in various corners. Those who were expected to lead us aright, to be our forerunners, were bought over and made to say that we were not ripe. When will we be ripe? Our promoters asked. There were some nations or towns or tribes in those dark days who were responsible for their own affairs, and they presented themselves worthy of a people at that time.

Our history in Nigeria will not be complete if we omit our present Governor-General and the Prime Minister who does not listen to gossips. If you want to maintain unity, forget gossips, because the human mind is too fickle, it can easily be bought with even a word well put. The Premiers of the Regions also must be thanked. As a Senator has said here, we must congratulate ourselves too, for without our support, they would do but very little, or nothing at all.

If one is to express one's feelings over this particular paper, this Charter of the Organisation of African Unity—Africans uniting—the expatriates brought it upon us by their policy of divide and rule. They told the Northerner, "Leave the Southerner, he is a wicked man, do not mind him". They went to the Yoruba man and said, "If you see an Ibo man, he eats human beings!"

A Senator : I do not think it is wise for the Senator speaking to go into tribalism.

Senator Udoh : I am sorry, but I hope my people understand me. Thereby, we all were kept asunder. Nobody went near his brother. Nobody tried to find out the qualities in his brother. Beautiful things often have queer homes. Our leaders—with due deference to our President sitting down there, I have known him well, and up to date, he is still the same and has not changed.

Some Senators : Except that he is older.

Senator Udoh : He is still strong. It is our pleasure, although some African States do not feel satisfied if that particular point comes into their mind and they seem to say, "How can Nigeria rule us, how can Nigeria lead us?" Time will tell, and if we, as we have been doing, support our leaders—give them both moral, financial and other supports—we shall be sure to achieve our goal. In making progress, we should not listen behind. There are some people still working against our progress, but since they did not succeed yesterday, all that they are doing to-day has no effect.

Personally, it is only a question of expressing one's pleasure and happiness in that we are emerging every day with progress. We assure the people at the helm of affairs, who represent us outside Nigeria and in other parts of the world that we are behind them, and that if any ill reflection comes out of what, they do, we are responsible.

Our able and strong Prime Minister said that he signed this document on our behalf. This is an opportunity for us to say that we do support him.

I support the Motion.

Senator T. Olamijulo : We have to thank God that we are spared to see African unity. Our people in all ranks have contributed to it.

Apart from that, we have to thank God again that we share a lion's portion in the achievement of this unity.

But as people have been making mention here and there, of course, Rome was not built in a day, yet progress must be made according to plan. We have started rightly and have been doing very well. Much remains to be done, and that is that "Charity begins at home".

Previous speakers have remarked that it is worthwhile thinking along the lines of the unity of Africa. What was our trouble in the past in trying to be independent? We had a lot of advantages. Of course, we were not self-supporting, yet we received our education and civilization from our over-lords. Yet we were not satisfied to go on serving them without a voice of our own. Now that we have got our liberty and are able to speak for ourselves, are Africans going to be under themselves as slaves? That is what we should ask? We should not feel satisfied that we have done all that is expected of us. We must see to it that others who are still under European tutelage are free. That is not all. We should see to it as well that those of us that can govern ourselves are friendly to ourselves. We should not replace European tutelage with African tutelage.

The President : You should be under somebody's tutelage. The one we do not want is foreign tutelage.

Senator Olamijulo : But at the same time, we should be able to govern ourselves rightly and not wrongly. I say so because we are not united within, yet we are claiming to unite outside. I do not think that this is the right step. We are not united here and there.

Some Senators : We are united.

Senator Olamijulo : I do not think we are. We are deceiving ourselves by saying that Nigeria is entirely united within. The same thing is applicable to Ghana, because we cannot say that Ghana is united within. We should not deceive ourselves. We are not united within. The Southerners cannot move freely in the North.

Senator Chukwubike : On a point of order, the Senator is suggesting that Nigeria is not united, but we enjoy unity in this country.

Senator Salahu Fulani : I protest very strongly against the statement that Southerners are not allowed to move freely in the North. It is not true.

Senator Chief R. A. Umoh : He is really irrelevant.

The President : I think he is irrelevant. The whole of this thing is international and African in setting and not domestic.

Senator Olamijulo : The only thing that I want to emphasise is that "Charity begins at home".

The President : The majority of Senators have informed you that there is unity in Nigeria. Will you proceed with your debate.

Senator Olamijulo : I still hold that we should from one country to another unite, not only in word, but also in deed. I do not think that we are united with Ghana, because quite lots of things are happening which are not very good. For example, trade among ourselves is not of the right type. I do not think we can rightly say that we are united broadly and sincerely, and, as such, I feel that if we are to proclaim that we should preach that other African should no longer come under European tutelage, we should see that Africans themselves are friendly with themselves.

With these few remarks, I beg to support.

Senator Chief T. A. Odotola : I rise to support this Motion, and in doing so, I would like to associate myself with some of the views expressed by Senator Dr Orizu, that we the people of this country should congratulate ourselves in the position that we find ourselves to-day. First of all, we should congratulate ourselves on having a person like our Prime Minister as the head of government, and also congratulate ourselves on the position we are holding in the African continent.

About five years ago, or a little earlier, nobody would believe if it was said that in five or six years to come, Nigeria would become what she is to-day. As a matter of fact, nobody would believe that Nigeria would be in the position to lead the African continent. Whatever this continent may become in future, I think Nigeria's name has been put in the forefront by our representatives, and we should be thankful to them. It is not sufficient to

[SENATOR CHIEF ODUTOLA]

make a name; it is very easy to make one. One can make a name by accident and one can make a name by labouring for it; but it is much more difficult to keep the name. We have been put in the forefront to-day, and I want to appeal to our leaders very strongly to continue to work hard so as to keep the name that we have already made for this country.

Talking about African unity or unity in Nigeria, I think I share a different view from those who said that we are not united ourselves. I think, to a great extent, we are united. Somebody said that it is difficult for people to go to the North. I would not share that view at all. I myself earn my livelihood from the three Regions. To-day, I have my business in Kano well established, in the heart of the Northern Region, and I get as much as I can from the Western Region, which is my own province, and from the Eastern Region as well. When I require land for my buildings, I get as much as I can from the Western Region, and the same thing in the East, so that if anybody should say that we are not united or that people from this part of the country cannot go to the North or to the East, I do not share that view. I think that we are united in a way; we only need to improve upon what we have done.

As Senator Dr Orizu has said, Nigeria is not a small country, and to get to the stage we are now within only three years is something marvellous. How long was it when the North came to the South to work with the Southerners? I think the first time was in 1947, if I remember quite well which is just only yesterday; and if from 1947 up to date we have made as much progress as we have made to-day, I think we should thank ourselves and thank God. *(Cheers)*.

As I said, there is no doubt that there is room for improvement, and I think that with the spirit with which our leaders carry out their duties, there is no doubt that this improvement will be forthcoming. I think this matter has only come to us as a formality because even if we Senators here should say that we are not in agreement, we are just talking nonsense, because almost everybody in the street has already signified his agreement, so that in saying it, we are only saying what the people of the country have said.

I therefore support the Motion.

Senator Hassan Rafindadi: The Charter of the Organisation of African Unity is, I think, the most important document in this decade, as it would enable all independent African states to consolidate their newly won independence. The cardinal objective of this great Charter is the unity of all African states. It is in this unity that the whole strength of the participating states lies. It is also this unity that will enable them to marshal all their resources—human and material—for the advancement of their own people, the general progress of Africa, and the progress of all the participating countries in particular.

On examining the Charter, four points at once emerge:

1. The solidarity and brotherhood of all Africans;
2. The unreserved condemnation of interference in the internal affairs of brother states, including all forms of subversive activities and political assassination;
3. The affirmation of our policy of non-alignment with any power bloc; and
4. Fighting against all forms of neo-colonialism.

These four cardinal points are the principles binding the grand Charter which enable all African states to face their common problems with reality and determination. Such problems as under-development and decolonisation of the remaining dependent states should be more realistically tackled. The voice of African unity will henceforth be exercised with more influential impact on all the world.

Tribute must be paid to all African Heads of State for agreeing to come together and, in particular, our greatly revered Prime Minister with his team of experts which made this conference a success.

With these few remarks, I beg to support.

Senator E. A. Lagunju: Like most of the other Senators who have spoken before me I rise to support the ratification of the Charter of the Organisation of African Unity. A lot has been said in praise of our able Prime Minister, but no amount of praise can be too much for this great national and international figure. Somebody who goes about his duties in a dignified, quiet, unassuming manner and somebody who because of his cool-headedness

and forthright approach to most of the national and international problems, has been able to work with team spirit and with the exposition of the idea of collective responsibility. We all realise that all our Ministers and all our leaders deserve praise for this worthy document. Similarly, I associate myself with those who have expressed our gratitude to the Governor-General, because we know, in any case, we regard him as the voice behind the Congress, in that he must have played a prominent role in bringing about the unification of all the African countries.

I am rather surprised to see some people rising to mention that this document is not all embracing. To my mind, there is nothing that can be more comprehensive (and I am very sorry our able labour leader is not here).

It is my intention to point out Article II—Purposes. May I quote Section 1 (b)—

“to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa ;”

Wherever we put the words “better life” I do not know what else we mean, rather than to bring about better occupations, better commercial status, better housing and other things we can think of. I think it is not the purpose of this Charter to enumerate point for point, because later on there will be committees, there will be commissions and some other set of organisations to elaborate upon every point enumerated here. And I hope our labour leader will rest assured that a lot has been done, and we all appreciate that this is really comprehensive. It contains a lot. The most important thing is, of course, for our Government to see what they can do to bring about the implementation, just as some other governments of African states are doing now to bring pressure to bear on South Africa. Whatever our own Government can do, they should do it, because we realise that the United Nations is not prepared to bring any sanction to bear on that country. And, of course, I am sure those who have spoken will realise that it is a matter for regret that for economic reasons, Britain will not be prepared to do more than what she is doing at present. It is left to us as a country, an independent country for that matter, to do what we can, and I do not think that we rely on the foodstuffs and other things coming from South Africa for our living. With due deference to the late Mazi Mbonu Ojike, we should boycott all the boycottables ;

especially all articles and things from South Africa should be boycotted in this country. We should do whatever we can do as a country, since all the other African states are prepared to work hand in hand with us. This Charter is worth supporting and, as Senator Chief Odutola has said, every member of the community appreciates very much the efforts of our Ministers in bringing about the unity of all the African countries.

Another gratifying aspect of the whole thing is that all countries are equal. In other words, there is no question of the big powers and the small powers. In Africa, Egypt is equal to Togo and Togo is equal to Nigeria : they have equal rights in so far as this Charter is concerned.

A Senator : Gambia.

Senator Lagunju : And Gambia too. This is really a very nice aspect of the Charter. Our words of commendation go to those who have worked hard to bring about the writing or the production of this Charter.

I beg to support.

Senator A. Nwoke : The hon. Minister who moved this Motion simply wants us to ratify the Charter of the Organisation of African Unity. I have nothing new to say except to give my own sanction to the ratification. Anybody who is opposed to this ratification simply opposes the adage that “unity is strength”.

There are certain topics that are very difficult to debate. I remember, round about 1938, during my first visit to the Federal capital to attend a Pharmacy course, I had the privilege of attending a debate organised by a certain club at Yaba. The topic was “That excessive use of *Aso Ebi* is bad”. I was at sea myself how somebody on the con side could debate and convince me that something which has become excessive is not bad. Also, if we take a careful glance over this Charter we are asked to ratify, we are simply asked not to oppose that “unity is strength”. That is why I have to signify my assent. It is very proper and, of course, I have to join my fellows Senators to shower congratulations on our worthy Prime Minister and his lieutenants, principally the Minister of Foreign Affairs and Commonwealth Relations, hon. Jaja Wachuku, and the other two Ministers of State who are, by our own good luck, members of the Senate.

There is one Article in that Charter that I

[SENATOR NWOKE]

would like to draw the attention of the Senate to, and that is Article XIX Commission of Mediation, Conciliation and Arbitration. In this particular Article, it is required to lay proper conditions which will control the settlement of disputes between members of this group of African nations. I would like to sound a note of warning here. In these days of great subversion, within and without, we should take very great care to see that much attention is paid to this particular Article XIX. If, this is done and this Article is respected, the Organisation will not, like a pack of cards, break down.

It was quite a pleasure, if not a pride, to see how the Monrovia and the Casablanca powers came into unity. There was little hope that this could be achieved, but it was achieved. By respecting one another's opinion in the way they have done, and respecting the particulars that will be embodied in this particular Article that I have referred to, there will be no fear that we will maintain this great Charter which really is the remodelling of Africa.

As I said at the beginning of my speech, I subscribe to the ratification of this Charter.

Senator M. B. Chukwubike : I would say that on the 25th May, 1963, the African Continent was born anew in Addis Ababa. The agreement reached by the leaders of African states demonstrated the burning desire for unity among African states. It was no longer that Nigeria wanted unity or Ghana or Guinea, but all the African states wanted it.

During the last Budget Session, many Members here spoke strongly against disunity in Africa and at the same time appealed to the Prime Minister to see to it that the Addis Ababa Conference would bring unity in Africa. This he has accomplished, and we have every cause to congratulate him. I therefore join other previous speakers who showered praises on him.

I must say that the Charter of African Unity is handy and, at the same time, the seed of disunity and hatred by outside influence shall not take root but will melt in the pot. Some of our African leaders, as we all know, were, quite recently, not in speaking terms, but now good relationship is creeping in gradually. Our leaders here in Nigeria, headed by Sir Abubakar, are tolerant, and their method

of approach is superb. They respect the sovereignty of even the smallest state in Africa, and they regard the leaders of other states as their equals. This, added to other qualities of our leaders, contributed much to the success of the Conference.

I must say that the names of the present African Heads of States should remain immortal. They have achieved much for Africa. I am, therefore, suggesting that wherever the headquarter of this Organisation may be, something memorable in their name should be raised there.

The battle of unity is won, and as many speakers here have said, much still remains to be done. This hard won unity should be guarded jealously. While I congratulate our Prime Minister once more, I call on him to undertake the tour of other independent African states, for this will bring more understanding amongst the peoples of the continent. We should also invite the other leaders to visit us.

It is gratifying that the Charter of this Organisation made provision to free the remaining states in Africa. This should receive immediate attention.

Senator Dr the hon. E. A. Esin : With your permission, I would like to thank Senators on behalf of the Government for all the good things that they have said about Sir Abubakar Tafawa Balewa, the Minister of Foreign Affairs and the Cabinet as a whole.

This Charter is of the utmost importance in the history of Africa, as Dr Orizu has pointed out. There are two main commitments which we made in it and to which I would like to direct your mind. The first is unity. In the past it was not possible for this continent to unite because of lots of things. There were no communications, no roads, no telephones, no aeroplanes and that was rendered all the more impossible by the European nations. It is true that they met sometime in Berlin, and with their scalpels divided up Africa among themselves for their own economic benefits. I must draw your attention to the fact that at this material time, they have not put aside their interests in Africa. The European Economic Community and the provision for associate membership are means of continued enslavement of Africa, economically. You have read in the papers that the erstwhile French territories are now associate

members of this European Economic Community, so that the means of disturbing unity in Africa through economic process is still there. I am sure that with the leadership of Nigeria which is very tolerant, very understanding and sympathetic towards big or small nations of Africa, we hope to fight against this exploitation, because he who pays the piper calls the tune, as we are told. These countries are not as free as Nigeria and in all our behaviour and in all our acts towards them, we must be very careful not to offend them or to put our raw finger on the sensitive spots in their economy.

Now, our famous Minister of Foreign Affairs is now in Senegal as you know, and if you have read the papers this morning, you must have noticed that he is going to move a certain Motion, to set aside and forget about all other organisations like Casablanca Group or Monrovia Group in order that the European nations will not again use the less economically viable nations to disturb the peace and unity in Africa. Therefore, we should keep in our minds the word 'unity' that we have realised in this Charter. It is for all of us to work honestly and earnestly to see that it is in fact realised. That is one point.

Another point to which I would like to call your attention, which may bring peace or war in Africa, is the decolonisation clause. You know what that means. That means money, that means thinking, propaganda, approaching other nations, as is being done in the United Nations just now, and you have read the attitude of certain nations like the United States of America, Britain and France—the erstwhile nations who, apart from America, exploited this vast continent for almost a century due to our ready acceptance of other people in our midst. Our ancestors did not discriminate against them, did not suspect them because they thought they were very good people coming to help them. But what happened? They turned round and enslaved us for almost a century. There are other African countries that we know of, like Angola, Mozambique and the odious South Africa where our people are living. Accidentally, a country like Portugal would like to make Angola part of Metropolitan Portugal, and one cannot, unless one has a European brain, think of how an African nation could become a European nation except by obtuse way of thinking.

We ourselves have, therefore, come together and have agreed that these our people must be freed from enslavement. This is a very major step in the right direction, but Senators will agree with me that the achieving of these ends will not be an easy matter.

South Africa's earnings for decades have been in the hands of other nations. If one reads Dr Louw's pronouncement, one will find that he said he was going to expose those nations which threaten to place sanctions on South Africa, because some of them held about 80 *per cent* of the industrial investment in South Africa. The diamonds which are dug from down the bottom of the earth belong to these nations. South Africans have nothing from them. The gold belongs to these other nations, and these other nations know that if South Africa to-day is ruled by Africans, these things will be theirs. Therefore, it is not an easy matter, and we want to focus our minds on these matters so that if it even becomes necessary for us to march on South Africa, we should know exactly what we are in for. It is for us, therefore, to organise ourselves, to take time, and in this effort, we should not be in any hurry at all. As the Organisation will use money, men and material, we should prepare for the day that will come, because we are sure that South Africa will never allow our people to go free. They are like the old terror which must be destroyed if we are to secure independence for our people.

These are the few words to which I would like to call the attention of Senators. I would also congratulate them on the way and manner in which they debate in this House. It shows how well mature they are and how the Government should from time to time rely on them. If the Government has any problem which it cannot solve, I am sure if the Federal Government brings it to this House, it will be solved. Therefore, as the fathers of the nation, the Government will always look forward to them. Wherever the Government goes, it is for this Senate to point it out critically but constructively. If the Government does something which is good in the view of Senators, it is for them to pat the Government on the back. The Government is a servant, and if a good servant does something good, he will do more if the master appreciates what he has done. We are grateful indeed for all what Senators have said.

[SENATOR DR ESIN]

With these few remarks, Mr President, I would ask you now to put the Question.

Question, That the Question be now put, put and agreed to.

Main Question put and agreed to.

Resolved : That this House approves the ratification by the Nigerian Government of the Charter of the Organisation of African Unity which was signed by the Prime Minister on the 25th of May, 1963, on behalf of Nigeria, at the Addis Ababa Summit Conference of Independent African States, and laid on the Table of this House as Sessional Paper No. 2 of 1963.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(MINISTER OF STATE—SENATOR DR THE HON. E. A. ESIN).

TRIBUTE TO THE PRESIDENT

Senator Alhaji Abubakar Bale : Mr President, Sir, I want to say to you personally that I owe you a debt of congratulations which I was unable to express during the real incident. This was at the time when the Mid-West Plebiscite was carried out. It coincided with certain events, and I was then unable to send you my telegram of congratulations on the part you have taken along with your colleagues to make that Plebiscite successful. But it is not a surprise. I say it is not a surprise because that is what any Nigerian, especially Members of this House, expects from you as a leader in this House, the Senate of the Federation of Nigeria. Wherever you are, your words must be taken, considered and looked into in as high a way as possible. Wherever you are, everybody will expect that whatever action is taken will be taken successfully. To anybody in Nigeria who heard your name mentioned when the counting of the Plebiscite was on, would no doubt know that inasmuch as you were there, we should have every confidence in the whole thing and hope that the thing would come to a successful end.

I congratulate you with the whole of my heart, and I have now expressed the reason why you did not get my telegram as you should have done.

Senator Chief T. A. Doherty : I would like to make mention of a Bill, the Lagos Town Council Bill.

Senator T. Olamijulo : On a point of order, Mr President, can we speak about Mid-West before any other subject is introduced ?

The President : Senators should understand that this is a moment of Adjournment. A Senator can say anything he likes. There is no sequence about it.

Senator Chief Doherty : The Bill is supposed to come for debate tomorrow—(Senator Alhaji Abubakar Bale left the Chamber.)

The President : Order ! May I call on Senator Abubakar Bale. I think he might like to give me the opportunity to say "thank you" for the sentiments expressed. I was going to wait until everybody had said something about what they wanted to say on those different things, but having said it now, let me say it so that you can go.

I thank you very much for the sentiments expressed. We hope to be able to do that more when probably the Bill comes before this House.

LAGOS LOCAL GOVERNMENT (AMENDMENT) BILL

DEFERMENT OF CONSIDERATION

Senator Chief Doherty : My point is that the Lagos Town Council Bill be not brought up tomorrow so as to give the people of Lagos a chance of sorting out their feelings about this Bill. The Bill is aimed at controlling, to some extent, the powers of the Lagos Town Council. The Lagos Town Council is not established under the Constitution of the Federation, and the members are elected members.

The President : The Senator knows that I shall be the last person to try and interrupt him, but he is out of order because he is now speaking in anticipation of a matter that is coming before the House. The correct time to speak is when the Bill comes for reading the Second time and then he can move an Amendment, or a deferment, or anything like that.

Senator Chief Doherty : But it will be late, or it may be out of order !

The President : Obviously, you are out of order. You are speaking in anticipation of a matter that is coming.

Senator Chief Doherty : This Bill is coming tomorrow—

Senator Dr A. A. N. Orizu : On a point of order, I hope Senator Chief Doherty understands the implications of the President telling him that he is out of order? I do not know whether he knows what that means.

Senator Chief Doherty : Well, Senator Dr Orizu is not the President of the Senate. It is for the President to tell me that.

Senator Chief Z. C. Obi : I would like Chief Doherty to desist from his attempt to speak on a Bill, against which I am raising a point of order too. I think we are not children as not to understand what he has in mind about the Bill. The Bill, I feel, will be introduced to this House, and so long as it has been detailed as one of those things that will come up tomorrow, I think he wants to bias our minds against it. I would, therefore, beg through our President that he defers anything on the Bill till tomorrow.

The President : I have given a hint in as much a respectable tone as I can. I now rule Senator Doherty out of order.

Senator Dr A. A. N. Orizu : I just like to make a statement on the question which Senator Abubakar Bale made when he was leaving concerning the issue of the Mid-West. In that respect, I think, what we do not grasp is the essence of what they call in English "Historicity"—something that will make a perpetual history. When we are here in the Senate I always insist that this Senate is a wonderful big House to have to protest. That was why, last time, I remember I protested against the way and manner Senators were being represented in the country. Quite often people do not know the rôle of Senators; the Senators themselves do not even know their rights, because, as I said then, in all parts of the Federation (as will be seen from the Constitution well enough) after the Governor-General comes the members of the Senate, before the Speaker of the House of Representatives comes up; or when there is a

joint Parliament the House becomes the Senate; and yet outside Nigeria, if a Senator is anywhere, any other person is above him, and people do not even protest. Even in the Regions, Senators do not know that strictly on point of protocol they are above Regional Ministers.

It is for that reason that I say that the President of the Senate to-day has shown that when he was asked to enter into the shoes of a great man, the greatest of all Africans of to-day, that he was fit for that post by showing that even before then he had achieved enough, and had a residue of achievements that was going to be a re-birth of a new state in a nation. It takes somebody something that is behind the scene to produce. The greats are not of the common run, and for that reason, I think that this House ought to make it clear to the country that we are very proud of this our President, and that we are happy that nobody is now trying to oppose him, because if anybody tries to oppose him, he is opposing the Senate (not officially though). But I say he ought to know—I am not one of those who believe in hiding something from a man until he dies. It is only jealousy that makes people not to tell a hero that he is a hero when he is living. Tell him, for he would know and do more.

Therefore, our President, we are praising you that you have done a heroic deed, and you have now become one of the items of historicity in the nation of Nigeria. Your father and your mother and yourself and the date on which you were born are what should be remembered in the annals of the history of Nigeria.

The President : Under the Standing Orders, we must go now. Any other thing on the Mid-West can be brought on Friday under the Bill.

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at two minutes past one o'clock until 10 o'clock tomorrow, 6th August, 1963.

SENATE OF THE FEDERATION OF
NIGERIA

Tuesday, 6th August, 1963

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

OATHS

Oath of Allegiance was administered to the following new Member—

Hon. Usumanu Maitambari (Minister of State)

ORDERS OF THE DAY

SUPPLEMENTARY APPROPRIATION (1963-64)
BILL

Order for Second Reading read.

Minister of State (Chief the hon. H. Omo-Osagie): I have it in command from His Excellency, the Governor-General, to move,

That a Bill entitled "A Bill for an Act to authorise an issue out of the Consolidated Revenue Fund of £268,450 for the purpose of replacing advances from the Contingencies Fund and of making further provision for the service of the year ending on the 31st day of March, 1964; and to appropriate that amount for the purposes specified in this Act", be read a Second time.

Senators will recall that when the Modernization Budget was introduced during the last Budget Session, my hon. Colleague told Parliament that it was his intention to restrict expenditure under each of the Heads of the Estimates from Head 22—Cabinet Office—to Head 63—Public Service Commission—inclusive, to a level five *per cent* below the amounts reflected in the Estimates. In view of this decision, it was not the intention to present Supplementary Estimates before the House during the present sitting of Parliament since a Supplementary Estimate within four months of the decision to cut down appropriations by five *per cent* will tend to defeat the very purpose which necessitated the firm decision on economy. But since the last Budget meeting, it was necessary for me to authorize additional provision for certain urgent and inescapable expenditure. The present Bill, in part, seeks covering authority for the urgent and inescapable expenditure which has been specifically authorized by me from the Con-

tingencies Fund in accordance with the provisions of the Finance (Control and Management) Act. This law requires that all such releases from the Contingencies Fund must be reported to Parliament at its next ensuing meeting and that the Contingencies Fund should be reimbursed with the total sum so authorized by me. The items of expenditure for which Supplementary provision was made from the Contingencies Fund are listed under Head 101 of the Supplementary Estimates now before you, and in each case I was satisfied that the expenditure was very urgent and inescapable and that my refusal to authorize it would have been contrary to public interest.

Apart from reimbursing the Contingencies Fund, the Supplementary Appropriation Bill seeks parliamentary approval for additional expenditure on seven Heads of the Estimates, totalling £198,450. In each of these seven Heads, I am satisfied that no savings can be found from amounts already appropriated by Parliament.

Although the details of the Sub-heads to which provision is required are shown in the Supplementary Estimates, it is necessary for me to explain further a few of the items.

Senators will recall that on the 2nd of April, the Rt. hon. Prime Minister made a statement on the Floor of Parliament that an eminent Nigerian, Dr Pius Okigbo, who was formerly Economic Adviser to the Government of the Eastern Region, has been appointed as Nigeria's Ambassador to the European Economic Community. Dr Okigbo's assignment included the negotiation of an agreement with the European Economic Community as an alternative to association under Part 4 of the Treaty of Rome. In order to fulfil that assignment, it was necessary for certain studies to be carried out. The total cost of these studies, including the running costs of his office in the Nigerian Embassy in Brussels, was £20,000. In the words of the Rt. hon. Prime Minister, the appointment of an ambassador to the European Economic Community then "reflects our interest in examining the best possible form of relationship for the promotion of our trade with the Community", and Senators will agree that any expenditure so incurred is worth while and is in the best interest of the economy of this country.

Senators will also recall that during the International Geophysical Year in 1957-58—a period during which countries all over the

world carried out extensive programmes of observation into a wide range of geophysical phenomena at a time when disturbance in the sun was at its maximum—Nigerian scientists played a very important role in obtaining scientific data which led to solving some of the outstanding problems of ionospheric structure, of movements in the high atmosphere and of magnetic storms. The Federal Government then, in order to assist our scientists to play this very important role, contributed the sum of £8,000. A new international co-operative effort, similar to the International Geophysical Year, is now being organised for the period 1964-65, when the disturbances in the sun will be at a minimum. Scientists all over the world will carry out very extensive investigations during this period. It is of great importance that Nigerian scientists, active in the geophysical science, should take part in this new International Scientific Co-operation which is one of the major international scientific programmes since our Independence. A sum of £16,200 is, therefore, shown under Head 36—Ministry of Education—to cover Federal Government's assistance in this scientific venture. Senators will be delighted to know that a Nigerian professor at the University of Ibadan was elected to represent the Continent of Africa in the International Committee, and that Ibadan was chosen as the venue for a training course in Africa, where all the ten African countries participating in the programmes will train their observers. While on this, it is necessary to draw Senators' attention to the very important role Nigerians are playing in scientific fields. We are particularly happy that in this age of science and technology, Nigeria is playing its little part well.

It is now certain that the first ever World Championship Title Fight to be staged in Africa will take place at the Liberty Stadium in Ibadan on the 10th of August. Senators will fully agree that this Championship Fight will, to a very great extent, publicise Nigeria abroad. Although there were a number of criticisms on the Government's interest in this fight, there is no doubt whatsoever of the enhanced prestige which it will bring to this country. It was necessary for the Federal Government, in consonance with the Regional Governments, to agree to underwrite the expenses in connection with this fight to the tune of £100,000.

The tickets so far printed and on sale to the public are well over the £100,000 mark, and

there is little or no doubt that a greater percentage of these tickets will be sold. I am certain that the total cost of this fight which will be ultimately met from Federal funds will not, in any way, approach the £100,000. But for accounting purposes, and to satisfy certain provisions in the Finance Law, it is necessary to request Parliament to appropriate the total amount underwritten by Government. I will not be surprised if the net expenditure on this appropriation of £100,000 will be nil, and I appeal to Senators as many of them as there are to buy tickets, ten guineas and so on, so that we will be able to reduce the expenditure on the Federal loan.

The next provision which requires mentioning is the £35,000 under Head 62—Parliament. Senators are already aware that it was necessary to revise their consolidated travelling allowance at the beginning of this financial year. It appears that the additional sum required to augment the provision of £53,300 already appropriated in the annual estimates will be £35,000.

It is still my firm conviction that for a successful completion of our present gigantic economic programme, there should be a definite restraint on expenditure, especially on our recurrent services. The presentation of this Supplementary Appropriation Bill does not in any way indicate a change in this policy. I am still considering further ways of bringing the need for economy at all stages and at all levels of public expenditure home to every individual concerned with authorising expenditure of public monies, and I hope that not very long, it will be possible to bring a change in the attitude of mind of all concerned with expenditure of public funds.

I beg to move.

Minister of State (Senator Dr the hon. E. A. Esin): I beg to second.

Senator E. A. Lagunju: I rise to speak about this Supplementary Appropriation (1963-64) Bill. Even in a small community, or in a household we all realise that times without number it becomes necessary to make provision for supplementary expenditure likewise, in a young nation like this, we realise that it is not always very easy to budget for a whole session, and even when the budget is drawn up the need arises for supplementary expenditure.

[SENATOR LAGUNJU]

From my point of view, and as a matter of policy and principle, I think the Minister of Finance should be commended for what he has been doing to get money here and there to implement our Six-Year Development Programme. It is indeed a noble effort which is praiseworthy. In the first place, I commend the able Minister for his activities.

Increases are justified in most of the items we see on page 3 of the Revised Supplementary Expenditure. For instance, I am sure that all Senators will agree with me that the increase under the Minister of Education is perfectly justifiable, because, even if we are very young, we should participate in scientific researches, because we learn to do by doing. We do not have to wait until we are great before we begin to participate. This is the right time, particularly when it is science for peace and not for war. I think this is a move in the right direction.

With most of the other items, too, personally I think the increases are justifiable. My only quarrel is this question of £100,000. When we heard of it on the wireless some time ago, we were given the notion that it would be just £65,000, or something like that; now it has risen to £100,000. I think we must be very stringent in our expenses. The Minister has pointed out the need for saving here and there to implement our schemes. Personally, this, of course, is one's own subjective evaluation; it is a personal opinion.

I do realise that a sort of tourist trade will be set up because some people will come to watch this Dick Tiger fight from some distant places. Some money may come back to the country in a way, but, all the same, personally, I do not like this question of seeing these two human beasts fighting. Are we going back to the days of the gladiators, when stages were being set for two people to fight to death with swords; when people would be put in the centre like animals and one would kill the other? Look at Davey Moore and 'Homicide' Ilori. There were many others who boxed to death in the ring. I think this is a moral issue, and I do not very much support the idea. We gain in other fields, even in the field of football.

A Senator : But people die on the football field.

Senator Lagunju : Yes, but that will be purely accidental; it will not be through the

intention of the other fellow kicking the ball against him. Death on the football field is purely accidental and that is a different matter. I am thinking of the intentional implication. Therefore, the question of intention or motive behind the whole thing does not arise.

Chief Omo-Osagie : I want to remind the House that it is the same thing which happens when one dies on the ring or on the football field that happens when one goes into his room and dies.

Senator Lagunju : I am happy, Mr President, that the Senators have signified their support for my statement.

As I said, I have no quarrel.

I would like to take this time to appeal to the Minister of Mines and Power to see to the regular supplies of electricity for this big city. They may say that the source of power is limited and that the city is growing daily, but I think that the Ministry of Mines and Power is committed in a way. Once extensions are made, they should also make provisions for adequate supply of electricity. It is a matter for regret to get blackouts here and there every night. I hope we are not encouraging night marauders because, when the light goes out, they know that it is a regular occurrence and then, of course, anything can happen in the night.

A Senator : But there was moonlight !

Senator Lagunju : Yes, it is true there was moonlight, but moonlight is not a substitute for electricity. We pay for goods and services and we deserve to be served.

With these few remarks, I beg to support.

Senator A. E. Ukattah : I have not got much to say. I just want to say a few words. I know that this is not the appropriate time to examine the accounts of every department, but I want to make a brief remark about the Police. I see that the sum of £26,400 is being sought as additional expenditure for the Police Force. I am not against this, but I want to say that if the Police Force want the Government to give money out to build houses for them, so that they may be able to carry out their duties, then they should be able to help in raising revenue.

For a year now at Umuahia, people have not been able to renew gun licences, and the fee charged for a licence is £1. When people

ask for renewal forms, they are told that there are no forms. Even now none are available. For every gun licence renewed the fee charged is £1, and Senators can imagine the amount of money that would be lost by Government for over a year now by the Police refusal to attend to the people. The Police now want £26,400 when they have not been able to collect only £1 from the public.

The point that I want to make is that whoever is responsible, whether it is the Inspector-General or one of his subordinates, for providing licence forms should provide them promptly, because it is not the people who go there to renew their licences who will suffer—they have nothing to lose; they can keep their guns in their houses without renewing the licence—but it is the money that should accrue to the Government that is being thrown away. That is where I am concerned. I hope the Minister of State in the Ministry of Finance will bring this to the notice of the Inspector-General of Police, that we want licence forms to be given out to people promptly. There should be no question of wasting time on what should be done.

I would like to be a little local in outlook on this second point. For nearly a year now, some Police quarters at Umuahia were destroyed by a very serious storm. Since then, many constables have been quartered outside the barracks. Apart from the administrative difficulties that may arise, one finds that most of the constables are difficult to control, because they live outside the barracks. Not only that, quite a large sum of money is being spent on rent for the policemen. The money that is spent on rent should go into providing new quarters for them. Most of the buildings were destroyed because they were the old type built with mud blocks many years ago. They have been destroyed by storm and opportunity has thus been given for modern buildings—flats—to be put up, the type the Police have here in Lagos. The out-stations are not meant for old and bad things.

The third point is that sometime in April, I requested that some women constables should be posted to Umuahia.

A Senator : Why ?

Senator Ukattah : Because I like them ! A few days before my arrival here, I saw one of them at a dangerous point along one of the busiest streets, controlling traffic. I was very

happy, but I was told that only two of them were sent. We want more of them there. This will also satisfy Senator (Mrs) Wuraola Esan, the only woman Senator here. We want women to be every where. I hope they will not be confined to the Police Force : there should be women engineers and pilots too.

My last point is that I welcome the additional sum of £26,400 being sought for the Police. It is only fair that as we criticise the Police adversely, we must also praise them when they are efficient. We have quite a good number of the officers and constables who are really very good and doing very good and commendable job. At Umuahia there is one expatriate senior Police Officer by name Mr Lamb who is doing very useful work. Some of us feel that expatriate officers serving now in the country are not working conscientiously. I will say that this man is an example of those of them remaining in the country who are still working very conscientiously. Senators who come from the same area with me will agree that this man is doing very good job. Ever since this gentleman came, we have constables on beat now posted along the busy streets and roads, and at various points controlling traffic. It was never so before. Also, we now have armed night marauders, gamblers and burglars chased out of their hideouts and rounded up. These are what this gentleman is doing, and we must give him credit for them. We must encourage him. I think he is one of the expatriate officers working very conscientiously, and I have every reason to be proud of him.

I beg to support.

Senator Chief P. C. Ndu : In supporting the Second Reading of the Supplementary Appropriation Bill, may I take this opportunity to congratulate the Minister of State in the Ministry of Finance, Chief H. Omo-Osagie. It is indeed very difficult for one to know exactly or to forecast what can happen in the next twelve months, so I do not quarrel with the additional amount of money which Government seeks to augment the Budget.

I would like to be a little bit local, because somehow my people in Enugu Province are worried about how they are being laid off. These miners are being laid off every time. I think it will be appropriate, if the Government cannot find a good market for coal, to start industries that will absorb some of these coal miners before they are laid off.

Senator Dr A. A. N. Orizu : On a point of order, I am wondering whether it is appropriate to allow the Senator to discuss items that are not listed in the Supplementary Appropriation Bill.

The President : The point of order is well taken. I thought the Senator would just mention it slightly and jump over. If the Senator dwells on the Coal Corporation, he will be out of order. Will the Senator confine his speech to the heads in the Supplementary Appropriation Bill.

Senator Chief Ndu : I asked for permission and the permission was granted.

The President : I will not give a Senator the permission to break the Standing Orders. In any case, you have made your point.

Senator Chief Ndu : There is one other point that is agitating my mind seriously. I remember paying a visit to a friend and as I was talking there, a lady came in and said, "This is one of the law makers. Here is the man who made your father to stop work". I was completely embarrassed. This sort of thing makes one to be annoyed. One of them even asked whether I do not speak in the House at all. He said I should have spoken about these poor people who are being laid off, and asked if I only go to Parliament to warm my seat. The Government should do something for these people.

The President : I thought I ruled that the Senator was out of order and that he should not dwell on that. The trouble is that some of the Senators do not want to do their work well. Senators are entitled to file Motions. To-day is Tuesday, Senators are entitled to file Motions on any subject under the sun, but they do not. The Senator sits down and wants to put a subject where it does not belong. The Senator can file a Motion on the Coal Mines and he will have forty minutes in which to talk about the Coal Mines. Please proceed with another topic.

Senator Chief Ndu : Thank you, Mr President.

Coming to the question of £100,000, it is of course a large sum of money, but we are not quite sure that enough tickets will be sold to cover that amount. Nigeria is a young country

but, as this tournament is going to help to publicise this country, we must be slow in spending.

With these few remarks, I beg to support.

Senator Chief O. A. Fagbenro-Beyioku : I feel that we have to give credit to the Minister of Finance for this fine job, particularly for bringing this extra amount spent before Parliament with the least delay. I think it is highly commendable. I do not think there is any point which is actually controversial in the list of the expenditure. In fact, if we are to spend a million pounds on the Dick Tiger-Gene Fullmer contest, I think it is to the greatest advantage to this country in that direction. There are several things that build up a nation. A nation cannot just hide in a little corner, then have a little home, light a little candle and just project that candle through a little hole, and want the world to know that that nation exists. Nobody will know that that nation exists. Rather than that, a nation, as Christ of the Bible says, when you light your candle you do not put it under the bushel, but you put it on the table. Therefore, I feel that the £100,000 is worth everything. Whether the £100,000 is completely recovered or not, the goodwill which Nigeria will have won will be worth more than £100,000. For that reason, I felt that every Senator was coming here to commend the Government for that. That is not something that we ought to criticise the Government for.

There is one thing which makes me feel happy and on which I would like to speak and that is the Social Centre for the Nigeria Students in London. That is something which is highly desirable. Those of us who have been off and on to London know what our boys suffer. There are some African countries, newly emergent African countries, like Ghana, Guinea and some other places who have already built their centres. Their boys only go there for recreation, get together, know themselves, exchange views about problems at home and know what is really going on at home. I am happy that provision has now been made for our own Centre in London. Even though we must practise economy, I do not think the additional amount of less than £6,000 is enough. I want that place, but I do not want it to be a toyish place, and we should not do it the way we do some of our things. London is the heart of the world, and if we want to leave any

impression which is worth anything, we must not make our own centre to be a third-class or a third-rate one. But if we say, "It is going to be for students; get some chairs at 2s; get some tables at 1s; it is only for students; and then just get some beds 2 x 3, it is for students; we must not give them latest ideas about themselves," that will be bad, because people going there will see Nigeria.

When this Centre is completed, we must make sure that all Reports of proceedings of Parliament are sent there. Our boys in Europe do not know what is going on at home, because they are not supplied with the necessary information. Thank God now we are going to have a Centre. It should be the responsibility of our Government to ensure that these boys are supplied with every *Hansard*, every Bill, every paper having to do with Parliament, so that when they come home they should have developed some ideas about what is going on at home and then, instead of talking in the destructive way that they talk about their country at the moment, they will have to talk with some degree of respect.

I do observe also that under the Statement of Development Fund Virement Warrants, we are saving some money. Quite all right. Then I refer to the expenditure on the Navy where we have to buy this "Ogoja", I think some £30,000. I only want to appeal to the Government to make sure that the total amount spent on "Ogoja" will be an amount well spent. I got to know that the other time we bought some secondhand Frigates like the "Calabar" and the "Sister Craft", I do not think that they served this country at all, because they were dead horses which were whipped into some sort of life and immediately the saddles were placed on them and they were ridden, they went back on their knees and fell dead. Therefore, in buying this new "Ogoja", I want the country to be satisfied. It is no use looking for economy and saying that we want to save money. At times when one buys the cheapest thing, it proves to be the most expensive thing because, by the time it comes to the question of running and maintenance costs, it is going to throw the country into a regular waste of money. I do not know anything about it, but I would like us to be properly advised before we actually finalise this thing.

The other point that I want to comment on is the grant to the Nigerian Football Association. I think that is another welcome expenditure also. After all, it is just like talking about boxing. There are several ways of putting Nigeria in the picture. Of late, those of us who at one time or the other were footballers are not very proud of the performances of our boys in the football game. But I think, with £30,000 to spend and to use on the building up of the game, those responsible must have to think more of Nigeria now and make sure that each time Nigeria has to play any international match nothing but the best will be expected. At the moment, we become very much afraid any time our team is going out. Those of us who are interested our minds are not at rest. When you listen to Radio the news is that Nigeria is beaten 5-Nil, Nigeria is beaten 7-Nil. Every little thing has its own significance. In this case I appeal to the hon. Minister of Labour, as the Minister in charge of Sports, and the Cabinet for that matter, to see that the football game is properly developed.

Now, there is a sorry situation which I would like to mention here. I am concerned also because I was a scout, and I was a Group Leader, with apology to Mr President who himself was, and is still, a scout. The incident which happened connected with the World Jamboree where our boys are participating. It is a very sorry one where we lost some 20 scouts as a result of a crash. The scout world is a world of brotherhood. I think, for that matter, this nation has actually expressed its sympathy. I think our own Chief Scout has actually expressed his sympathy, and we of the Parliament must have to associate ourselves with that sympathy duly expressed. Otherwise, we feel proud that our boys are taking part in the World Jamboree and we feel proud also, according to the report of the hon. Minister of Information who has just come back from camp, that our boys are winning the confidence of the people and making people to realise that Nigeria stands among the best of all the nations of the world.

I support the Supplementary Appropriation Bill.

Senator Chief (Mrs) Wuraola A. Esan : I am very happy this morning. (*Interruptions.*) May I seek the protection of the President as some Senators will not allow me to talk again.

The President : She is protected.

Senator Chief (Mrs) Esan : During the course of the debate this morning, I have found out that this Senate is no longer the rubber stamp that it was considered to be before.

One Senator, in the course of his debate, mentioned something about sending Women Police to his area, and that the Government, realising that women could add beauty to ability and make both attractive, sent women there. That is why I am happy again this morning.

The other reason is that a Centre is going to be built for students in London. As Chief Beyioku has said, it is very unsightly to find our students occupying a very much lower social status than that of other newly emerging African nations when it comes to the question of hostel for students. We are now being considered as one of the leaders of African countries, and we must, therefore, project the personality of Nigeria abroad. This Centre is going to be one major project that will do a lot of good to the publicity of Nigeria.

I think that the Federal Government's support for the next boxing tournament is not a good way to publicise this country. This is my own opinion. Nigeria is now considered by all countries in the world as a peaceful, friendly nation, and to say that unless we bring fighting to our doors, we shall not be known or properly publicised in the world, is to say things which are alien to our own culture and tradition. Nobody coming to Nigeria will fail to notice immediately how friendly, hospitable, kind, and peaceful we are here. And then the most warlike of the Senators has told us that we cannot project the personality of Nigeria unless by beating one another !

The President : I did not know there was a warlike Senator !

Senator Chief (Mrs) Esan : He knows himself.

Well, I would like to give a bit of advice with regard to the Centre. Besides having to send parliamentary reports to this Centre, it should not be used as a campaigning centre where politics would occupy the major attention of our students. It should be a co-ordination office for all the students in Europe or elsewhere

in the world, and statements or information getting into this Centre should be very accurate and up-to-date, so that our students all over Europe and the United States would go there and know much about what is happening in Nigeria.

When we were in Russia not long ago, we were surprised to hear what our students were saying there. It was not their fault. There was a real lack of information about this country in that part of the world.

A Senator : They are communists !

Senator Chief (Mrs) Esan : They are not communists, and they are not communist inclined. They have the interest of their own country at heart. They do not know what is happening, and the little they hear is what they enlarge upon. Our presence there was a lot of publicity because, they were able to get the true colour of what was happening in Nigeria.

A Senator : So you were doing politics there !

Senator Chief (Mrs) Esan : We did not go there to project politics. We went there to tell them simple facts of what was happening and their own duty towards solving the problem we have in Nigeria because they, too, are responsible for bringing peace and unity to Nigeria, and we were able to do that very well indeed. The students there must have had a little bit of wrangling among themselves, but before we left they were more friendly towards each other than ever. Wherefore ; I want this Centre to be up-to-date by way of giving information.

Under this Head, I would like to say that I am very unhappy at the sort of publication or information which gets out of Nigeria to people overseas. I think the Ministry of Information should be reorganised and more information or news about the development and progress of Nigeria should go outside. When we got to some parts of the Russian territory, we were being considered Ghanaians, because they have much more knowledge about Ghana than they have about Nigeria. Well, we are supposed to have a non-alignment policy, and when other people know that we are progressive and that we are going on well, when they know that we have money with which to develop our country, when they know that we have mineral resources and wealth, and that we lack only the technical aid and know-how, then they will come to us.

Those people do not know about us. When they see us abroad they think that we are either catering for help, or wanting money, or wanting education, and they just give us scholarship in the way we do not like at all. It is not their fault. They want to help, but they must know where we stand. We are not to go to the world as beggars. We have to go in a dignified manner. I am sorry that nobody from the Ministry of Information is here to-day, but I think they will read all what I have said.

Now, I am happy about the training of scientific people in Ibadan. I am also happy that the training is going to be held in Ibadan, because that is my home, and I want great things for the capital city of the Western Region.

Chief the hon. H. Omo-Osagie : What about the capital city of the Mid-West ?

Senator Chief (Mrs) Esan : We are all from Ibadan, one way or the other, including all the people from Benin.

On the increased establishment of our embassies abroad, I think it is time to review our embassies abroad. It is not anything that calls upon us suddenly, and there is no need for us to spread our wings too far. There are nations much stronger, financially, than we are who have fewer embassies than we have now. It is the duty of the Government to reconsider this subject and to cut our coat according to our size. Another thing that I would like to say is that women generally love money and I, particularly, want more money, and I would love it if I were given £3,000 instead of what I am given now.

A Senator : On a point of information, there is much smoke around.

The President : You are safe.

Senator Chief (Mrs) Esan : The only woman in this House is not afraid, but the men are. They should not panic ; we are not going to be burnt to death.

Coming back to what I was saying, I am not very happy about this increase in consolidated allowance, even though the money has already been spent. I cannot say that we do not deserve the increase, but we should not try to make ourselves too comfortable in a country where there is want everywhere. As I said earlier, it is of

little avail to object now ; I am only mentioning it for the future guidance of our Government. *(Interruptions.)*

The President : Order, order. The Senator should please address the Chair.

A Senator : We would want the woman Senator to set an example by returning her own money.

Senator Chief (Mrs) Esan : The Senator who spoke last said that I should refund my own part of the money. It would have been a very good thing if all of us in this House were all women, and we would decline taking the increase, thereby setting the example. But for one person amongst many to refund, it would not make any difference. I am therefore saying this not as a criticism, but as a warning to guide the future policy with regard to this consolidated allowance.

I beg to support.

The President : Senator Dr Orizu.

A Senator : On a point of order, I am suggesting that there should be a short adjournment until the cause of this smoke is detected.

The President : All the windows will be opened. Will Senator Dr Orizu proceed.

Senator Dr A. A. N. Orizu : I rise to support the Motion. But shall I proceed, Mr President, the smoke is increasing ?

Senator Chief O. A. Fagbenro-Beyioku : Mr President, with your permission, I move that this House be suspended for a while.

The President : It is only a member of the Government who can do that. However, sitting is suspended for thirty minutes.

Sitting suspended : 11.03 a.m.

Sitting resumed : 11.35 a.m.

Senator Dr A. A. N. Orizu : We are now back on our legs. I have just said that cowards die many times before they are dead. So many people ran away from this place just now. I hope that would not happen again.

What I have to say about this Supplementary Appropriation Bill is on the issue which a Senator over there notified earlier on the question of boxing and £100,000. I am entirely and completely in agreement with those who said that to bring out the name of

[SENATOR DR ORIZU]

Nigeria it is good we have this. Some of us who have travelled around would know that even now, many countries do not know where Nigeria is located. Even the fighter himself was afraid of this country before he came in. Even to educate him alone is enough to spend this £100,000.

But I want to emphasise one moral under-scoring. I wish (and that is only a really big wish which I would like to be recorded in my name as a Senator in this particular century in Africa) that African people will find a way to remove all brutal games from the sports in the world and tell the Europeans that brutality is no good. That means that while I am talking about the fight (I am going to Ibadan for it, though; I am buying ten guineas ticket and I am sure that all Senators will buy ten guineas tickets, particularly the President of the Ibo State Union) let nobody get me wrong altogether. What I am saying is that in spite of that, I think it is high time that, even in this very Senate we should make some plans to tell the Europeans that brutality is not a sign of strength. After all, look at the sun. I would like to know whether anybody has ever heard the noise of the sun, and yet it is the sun that produces all the energy that we use in the world. It is not very good that we should accept brutality as a sign of civilisation. That is my point of view on this particular matter.

Coming to the Police, I see no reason why anybody should criticize our Police in terms of this money appropriated. I feel very strongly that the Police in this country are doing very good work. Have we forgotten their efficiency in the Western Region last time when there was a terrific trouble? I remember, not long ago, somewhere in the Eastern Region, a juju called *Igwekala*: it was the Nigeria Police, without any expatriate, who went there and broke the thing into pieces. Men were being killed there every day, but due to the efficiency of the Police, they were able to stop the activities of those iniquitous men.

These are only two examples to show that our Police are very efficient. If there is any trouble on the roads, I think that is not the only reason why we should criticize them adversely. I agree that what some of these policemen do on the roads is bad, but, by and

large, I think that it is essential that we Nigerianise our Police more and more. I do not want to be antagonistic to expatriates. What I am saying is that whatever we do, let us remember that what is good somewhere else is good here too. Nigeria has many sons and daughters who can become very good police officers, so that I would like to be recorded as being against anybody or any group who are against the police in saying that they are not doing their work efficiently. I think they are doing their work efficiently.

Coming to the Cabinet Office, I shall use this very point, if the President will allow me to use it, to make the statement that I had wanted to make on the State House. I am suggesting that in view of the fact that we are going to have a republic, why not do what other countries are doing? Why not glorify our leaders? Is it not high time we had an official holiday in honour of at least two personalities in this country? Why not have an official day when our Governor-General was born to be an official holiday for the nation so that the people coming will know the people who fought for this country—the first Governor-General and the first Prime Minister? I am suggesting very strongly that the Government should make plans to select two personalities, and I suggest the Governor-General, Dr the hon. Nnamdi Azikiwe, and the Prime Minister, Alhaji the hon. Sir Abubakar Tafawa Balewa. We should observe two separate days for them and make these days very significant in this country.

Chief the hon. H. Omo-Osagie : One day each?

Senator Dr Orizu : Yes, one day each. How can you have two days for two persons?

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, Mr President. I think the Senator should bring that when we receive a White Paper on the Republican Constitution.

Senator Dr Orizu : You are on the point of helping me. I think it is unnecessary to waste any further time, except on education. Something is happening in Nigeria which we are not aware of. That is the introduction of universities in Nigeria. When we talk about housing in London—although I quite see the point of the Senator over there—but I want us

to know that we are having the introduction of universities in Nigeria. We have to focus our attention on that. In the mean time, I agree with his proposition, but there is something missing now. The majority of the civil servants, even those who are Permanent Secretaries now—I am not talking derogatorily, I am talking constructively and factually—are not graduates. They did not go to universities; they do not know the trouble it takes for one to come out during the vacation without money, particularly when the student is paying for himself.

I am talking about jobs for university students when they come out during their vacation period. These students do not have the co-operation of the civil servants in the meantime because, it is difficult for them to get jobs. I am suggesting that the Government should take special interest in giving jobs to students who are out on vacation from our universities, and they are many now. That is the only one point I have to make in this matter of education.

Chief the hon. Omo-Osagie : While I agree with the Senator, I want to tell the Senator that the universities will be more now, since we have created the Mid-West and then the Mid-West will have its own university.

Senator Dr Orizu : Again, Mr President, I am very lucky this morning. That is a point of helping me, therefore, it is not a point of order. The Minister is saying that there will be more universities, that there will be one in the Mid-West and, also, maybe there will be more states in the future, so that there will be more universities; we are coming to that. Everybody wants to be a Premier, not only our President, you know. Onitsha Division may have its own state, so that I will be the Premier there myself!

My own point of view is that the Government should take very serious view of this problem of finding vacation jobs for these people.

With these few remarks, I beg to support the Bill.

Senator H. O. Abaagu : In connection with the £26,400 earmarked for the Police Force, I will honestly say that this money is even too small. May I suggest that instead of the Preventive Detention Law, we should

strengthen our Police Force. Any money spent on the Police Force is not money badly spent; it is money well spent.

On the £35,000 earmarked for Parliament, I would like to say that it is very disappointing to note that certain people, after having drawn their shares of this money, went back to criticise the Government. Yesterday, in the Lower House, somebody walked out. I hate to see hypocrites like that. If this money was given out in a way not worth while, we would have opposed the increase. But considering the difficulties we are experiencing in running cars around our constituencies, the £35,000 is not money badly spent. It is well spent. Senators should, in fact, take into consideration the cost of spare parts, the cost of repairing our cars and the cost of touring our constituencies. For instance, if one leaves one's car in a workshop for a day one pays 7s-6d, and as long as one keeps one's car in the workshop, so will one continue to pay 7s-6d, and when, finally, you go to pay the cost of your car, the total money will run to something near £100. For this reason, the Government considered it worth while to help Members to maintain their cars and to be able to tour their constituencies in order to acquaint themselves with the troubles and grievances of the electorates in their constituencies. That, in fact, is a very good gesture. For that reason, I do not think that anybody will be doing justice to himself and the country if he had already drawn his share of the £35,000 and later went back to tell the public that he was all against the increase. Investigation yesterday revealed that the person who walked out had already drawn his own share of the increase. This is real hypocrisy, and I hate to see such people.

The other thing that I would like to say something about is the £30,000 for "Ogoja" Frigate. There are conflicting statements about this Frigate. Some people say that it was given to Nigeria on loan and that no penny had been paid for it, but here is £30,000. Is this £30,000 for hire or is it the cost of the Frigate? I am asking the Minister in charge—the Minister of Finance—to give us an explanation about the expenditure of this money on this particular item.

On the whole, the Supplementary Appropriation Bill is acceptable to us. In fact, as a growing nation, and this being the year within which we are going to attain a republican

[SENATOR ABAAGU]

tatus, I was expecting the Supplementary Appropriation Bill to run into the tune of about £300,000 to £400,000. But it is only £300,000. Therefore, I think the Government must be congratulated on being very careful about spending.

I very much support the Supplementary Appropriation Bill.

Senator Alhaji Abubakar Bale : I have to associate myself with other Senators in supporting the Supplementary Appropriation Bill. However, I have a few comments to make.

I have noticed an increase in the vote for the Police Force. I think that this increase should be more than that. My reason is that the strength of the nation depends entirely on its Police Force. At the moment, there are gangs of robbers prevailing all over the Federation. Their actions will do no good to this country. They will scare away those people from overseas who wish to invest their money for the development of trade and industry in this country. These investors know about the activities of robbers here in Nigeria—going here and there blocking ways, fighting people and killing them in order to take their money away. This practice, I think, will spoil the good name of this country. For this reason, I advice the Government to take all necessary steps to combat these thieves.

For instance, something happened two months ago—around early June. A gang of robbers disguised themselves in the form of policemen, with their own police inspector and sergeant. They had a landrover marked "Police". These robbers were going to steal when they were detected by a European Police Superintendent of the Nigeria Police Force at Barclays Bank, Kano. It happened that the European police officer was going into the bank, and those fake 'police' robbers saluted the European police superintendent in a way different from the manner of salutation in the Nigeria Police Force. The European police superintendent then questioned them. But already their fake inspector and sergeant were already in the bank. Then the European police officer asked them where they came from. The robbers said they came from the East. The European enquired further, "Who are you? "We are policemen", the robbers answered. "How did you get this uniform",

the European asked? They pointed to their sergeant and inspector who were already inside the bank. When their sergeant came out and he was questioned, he could not reply.

Also in the Niger Province, between Mokwa and Kontagora which is about 85 miles in the clear bush, a road was blocked with a log. This sort of things happens everywhere in the country. It happened recently in Jos.

It is, therefore, high time it should be stopped. It is up to the Government, when these robbers are caught, to put them in court and get them severely punished. There should be a legislation in Parliament that as soon as they are caught, they should be immediately dealt with. I remember what happened in my town. A gang of thieves broke through the Barclays Bank. The case took about 18 months to finish, and during that 18 months, the spot where the thieves broke was not repaired because the case was in the court. Such a thing should not happen again. It is high time these things stopped.

Some Senators : It is caused by unemployment.

Senator Bale : There is unemployment everywhere. Unemployment does not mean that they should go and steal; rather they should go and toil. Even in England not all the people are employed. Our people should go and toil. We are not the servants of robbers. They do not want to toil. I always say that in the South the Governments should try to introduce easy means of cultivation.

With these remarks, I wholeheartedly support.

Minister of State (Chief the hon. H. Omosagie) : I will start by saying once again that the Senators have proved to the greatest extent their maturity in the affairs of this country. About eight Senators had spoken in connection with this Bill and they have in one voice supported the Bill. No serious criticism was made, but rather praises and advice were given to the Minister of Finance, for which I am very grateful to every one of you. Nearly all the Senators who have spoken talked about this fight. Some supported it wholeheartedly and others did half-heartedly and in the end they said that they do not want anybody to fight. We in Nigeria have been fighting, and this is a form of sporting. No

animals, no hatred. It is fighting to amuse the people of the country in which this fight takes place.

Mrs Esan said that people coming to Nigeria are all under the impression that we are very good people, very kind, very hospitable, but she forgot to mention that we are also very sportive people. I know of many people who have come to Nigeria and said that Nigerians are very sportive people. That is one of the attributes of a nation.

I am grateful to Chief Fagbenro-Beyioku for the reception given to this fight. In promoting this fight, I would like to ask Senators to buy tickets. This (*holding up a ten-guinea ticket*) lady and gentlemen, is the ticket for ten guineas. People are afraid that £100,000 is so great and that it should be used for another project. But what I am asking you to do is that everyone of us should buy a ticket of ten guineas, I have bought mine, so that the balance we are looking for will no longer be £100,000. It has been reduced by ten guineas. If the President buys one, the amount will further be reduced by ten guineas, and so on and so forth, with the result that by the time it goes round the Senators, we will find that we require perhaps not more than £90,000.

Some people talked about *H.M.N.S. Ogoja*, a frigate. The government of Lebanon loaned it to the Federal Government of Nigeria. We have not paid a penny for it. The money earmarked is to run and maintain it. We do not expect that when people dash us these things they should also run them for us. We are building one at the moment, and the Government of Lebanon is building another one for us. I tell you that it will be between two to £3 million, so £30,000 to run a frigate is nothing great at all.

Dr Orizu supports the fight half-heartedly. I will draw his attention to the United States where he spent a good part of his life. He would find that the United States is one of the greatest nations in the world, if not the greatest in everything. The United States seems to secure points more than any other country and is very proud about this pugilistic exercise. It is very pronounced in that country, and that is why that country is rising.

Senator Dr Orizu : Rising through fighting ?

Chief Omo-Osagie : Yes, of course.

Senator Chief Fagbenro-Beyioku talked of a grant to football. I am going to assure him that the Federal Government is out to support sports in this country. I detest, as much as he does, seeing Nigeria beaten to-day by six goals to nil, tomorrow five-one, by small Guinea here five-nothing. It is not good to Nigeria. Nigeria must be first in everything. We are first in size ; we are first in population, and should be first in all other things. Therefore, I think the Federal Government is supporting sports a great deal, particularly football, and now that boxing has come in, I think the Government has done its best.

Somebody said that it was £56,000 that was guaranteed by the Government. That was by the Regional Governments. In any case, this guarantee does not mean that we are going to pay this money out. There are £108,000 worth of tickets printed. Assuming that we sell out all these tickets, the Federal Government will not pay anything nor will the Regional Governments. On the contrary, we will have £8,000 coming to our pockets.

Senator Dr Orizu : Is that good business ?

Chief Omo-Osagie : I think it is, if you can gain £8,000 a night. If Dr Orizu gets £8,000 a year, he will be fabulously rich by now. And we are going to pay ticket sellers. All these are included in the sum of £100,000. If we sell everything, the £8,000 will be the profit of the Federal Government.

Chief Fagbenro-Beyioku also talked about students in England, that they should be provided with very good centres which will be worth the name of Nigeria. I quite support him, and I think the Government is doing its best to see that Nigeria comes first in all things.

Somebody talked about scouts and scouting. Unfortunately, some scouters died on their way to the jamboree. We are happy to note that our President was one of the first scouts to go to England in 1929. He was then a very handsome youngman ; he did very well, and to-day he is one of the big scouters in Nigeria.

As I said, there was no serious criticism. All the speeches are praises and pieces of advice, and I assure Senators that the Government will look into these things and do something about the points raised.

Question put and agreed to.

Bill accordingly read a Second time.

The President : This is a money Bill and, under Standing Order 47, you cannot commit it to Committee, and straightaway I put the Third Reading of the Bill.

Question put and agreed to.

Bill accordingly read the Third time and passed.

LAGOS LOCAL GOVERNMENT (AMENDMENT)
BILL

Order for Second Reading read.

The Minister of Lagos Affairs (Alhaji the hon. Musa Yar'Adua) : I rise to move,

"That a Bill for an Act to amend the Lagos Local Government Act, 1959, be read a Second time".

This is a straightforward Bill. I think the object of the Amendment has been explained in the explanatory notes, and I do not, therefore, intend to make a long speech in introducing the Bill. However, I would like to add that this section of the law as it stands now, does not make provision for the period of time that the Lagos Town Council will be obliged to provide the information required. It is therefore desirable that the exercise of this power be shifted from the Lagos Town Council.

As I said, it is not a controversial Bill, so I beg to move.

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to second.

Senator Chief T. A. Doherty : In accordance with the provisions of Standing Order 41 (2), I beg to move that this Bill be deferred for six months.

This Bill, as we are all aware, affects wholly and solely the people of Lagos, and I am here as the representative of the people of Lagos. I am sure that Senators naturally will like to know what are the reactions of the people of Lagos to this Bill. I have two reasons for moving the deferment of this Bill.

In this House on several occasions, Senators have complained and protested to the Government about the way Government have tried to rush Bills through. Bills are not sent to Senators early, we only come here and find the Bills in our pigeon holes and the Government

expects us to pass the Bills, as if we are men who have nothing to say. We are just expected to pass it as presented to us. We have protested several times and, I am sure, Senators will agree with me that it is time we report our protest in action and that is by rejecting this Bill now under discussion this morning. It would appear to me that the Government feels that we can only bark but cannot bite. If we allow the Government to get away with this mistake, it shows that we are not worthy of our position, and that we do not represent our people who sent us here.

This Bill came out in the *Gazette* on the 31st of July, that was last week Wednesday. Nobody knew anything about it. I knew nothing about it. On Friday morning, I had about six telephone calls from my constituents saying, "What is the meaning of this Bill? Saturday was only half a day and on Monday this Bill was debated in the House of Representatives. The representatives of the people had no time to think of the implications of the Bill. I think it is very unfair to this Senate that the Government should continue this practice, and I am appealing to Senators that we should put our foot down once and for all.

My other objection is that this Bill has not given the people of Lagos the chance of expressing their feelings and their reactions to this Bill, and it is very unfair in a democratic country. There must be something behind this Bill.

If one reads it, it means that the Lagos Town Council no longer has any powers which cannot be over-ruled by the Minister of Lagos Affairs. The Lagos Town Council is being transformed into a Local Government Board where the members are just nominated. The Lagos Town Council is quite different. It is not a Government Board. The members are not nominated; the members are elected; they are the representatives of the people, and if anything should happen to their powers, I think that those people should be consulted. Please, Senators, think of Nigeria, do not think only of Lagos. We say that we are a democratic country, and this democracy must be extended to all parts of the Federation. Do not think of Lagos alone. It can happen in other towns in any of the Regions of the Federation. It is robbing the people of Lagos of their powers, Senators. The only power that Lagos has over its own affairs is this Lagos Town Council; everything else has been lost.

This morning, I looked at the *Daily Express* and there were lots of articles on the Lagos Town Council. There was an article on the amendment to the Lagos Town Council instruments. We have not been given a chance to express our own opinion. The Minister of Health brought a Bill before the House of Representatives, it was called the Lagos Health Bill. If the people had not been allowed to express their feelings about this Bill all over the country, although it was only for Lagos, that Bill would have gone through. But the people were given a chance to express their views, to express their feelings on the matter, and the result was that that Bill has been shelved. I am not asking that this Bill be shelved. All I am asking for is that the people of Lagos should be given a fair chance in a democratic country. Let them know what the Government wants to do. The Government should not rush the Bill through in three days. It concerns the rights of the people, and this is a democratic country.

These are the reasons for my Amendment.

Senator Alhaji Y. M. Abudu : I rise to second this Amendment, and I am doing so not because I am not from Lagos—I know I come from Abeokuta. I am seconding the Amendment because the Mover says that he wants the Bill delayed for six months so that the people of Lagos can be given a chance to consider the implications of this Amendment to their Law, because the Lagos Town Council, which was democratically elected, has not been given the opportunity to debate or discuss this Amendment. I do not think it will be bad for us to delay this Bill just for six months so that the people may have the opportunity of studying the implications of this Bill, and if they find that it will be in their own interest or in the interest of the Federation, they may have to support it.

For these reasons, I beg to support the Amendment.

Senator Salahu Fulani : I would like to speak generally on this Amendment. In doing so, I would like to draw the attention of the Mover of the Amendment to the fact that whatever the Government does, the Government must take into consideration the welfare of the people. It will be a very bad government if it does not consider what the wishes of the majority of the people will be. For

such an Amendment to be agreed to now, to act on our capacity to delay it for six months, I think we are not doing justice to ourselves. I quite agree that the Bill should have been sent to us to give us time to study it and to know its implications and what it would involve for the people of Lagos. I am sure of one thing, and that is that the Government must think of the good of the majority of the people in whatever step it proposes to take.

I do not know whether the Bill is full of pregnant words. But the Mover of the Amendment made mention of one or two important points which I would like to answer now. He said that this House has been used in the past as a rubber stamp. I disagree with him, because there have been occasions in which Bills came before this House and we disagreed violently with the Government.

Secondly, there was the intention of perhaps helping the people of Lagos out of certain difficulties which may not be hindered and which we may not see now. It is up to the Minister who moved the Bill to prove to this House what he thinks he intends to introduce. I think the Mover of the Amendment is asking that the people should be given enough time to study the Bill. This is a measure which needs our blessing now, and we should not defer it for another six months. I think it is an ill wind which will blow nobody any good. For this reason, I am opposing the Amendment.

Senator Chief J. S. Olayeye : Although I am not living in Lagos, but I must sympathise with the people of Lagos. Lagos is being represented by some Members in this House and they have to voice the wishes of the people of Lagos. A representative of Lagos has made it known in this House now that they are not conversant with the Bill and that they have not been given sufficient time to study it. Why should it be done now? Any reason? I support that this Bill be deferred for six months in order to afford sufficient time to the people of Lagos to study it. We cannot just impose anything on the people without their having studied it carefully. Lagos is the capital of Nigeria. They attained that name when I was young and they still retain that name to-day. Why should we come here and just impose something on the people of Lagos without first giving them the opportunity of

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studying it with a view to giving their consent to it? With due respect to the Oba of Lagos, I come from Okitipupa, and one cannot just come to Okitipupa and say that he or she wants this or that. Therefore, we can only approve such a Bill with the unanimous voice and support of the people of Lagos. We are here because the town of Lagos is good. If the town of Lagos is bad, I do not think that we will like to come here. I urge this House to sympathise with the people of Lagos and then have this Bill deferred. If we want Lagos to progress, we must defer this Bill.

With these few remarks, I beg to oppose the Bill.

Senator Chief O. A. Fagbenro-Beyioku : This Bill concerns me, but at the same time I do not believe in postponing the evil day. I believe in facing a matter. If we are to debate this Bill with all the forces at our command, like the Lagosians, and carry the Senate with us to-day, let us do so now. If we are throwing the Bill back, we should do so to-day, and if the Bill is to be endorsed, it becomes the wish of the people. Nevertheless, it is going to be the same thing in six months' time when we come back here.

This Bill has received its passage in the Lower House. We are coming back here in six months' time and we shall have to face the same music. Why not face the music now and then know what is the position and be in a position to put our house in order in Lagos? That is just where I stand. If it is the wish of the Parliament that this Amendment should pass, it means that we must go and put our house in order, according to the Amendment. But if it is the wish of Parliament that this Bill should not pass, we will go back again and put our house in order, according to the wish of Parliament.

In my opinion, I sympathise with my father, Senator Chief Doherty, who has brought this Amendment. Nevertheless, it is a way of postponing the evil day. I will rather feel that we face the music now and take whatever decision nature will impose upon us.

Senator Malachias Bawa : I rise to oppose the Amendment because, in all other Regions, all Local Government institutions are being directed by the Regional Governments as such; whereas here in Lagos, which is the capital

territory of the whole of Nigeria, it is not, subordinate to the Federal Government. I see no reason why this Amendment should be brought up. No local government institution should be set up without interfering with the Government of the day. For this reason, I am opposing the Amendment and supporting the original Bill.

Senator A. Nwoke : I rise to oppose the Amendment vehemently. I am quite in sympathy with the Mover, nevertheless, he has adduced two reasons which are totalled into one. One of the reasons is that the Bill has come suddenly to us in Parliament. The second reason is that it has surprised the people of Lagos, in that they have not had time to study it carefully. That amounts to the same thing as the first.

Senator Alhaji Abubakar Bale : On a point of order, I am sorry to say that we have not got copies of the Bill on the Floor of the House. I just hear people talking about it now.

Senator Abdul Salami Yusifu : On a point of order, I think it is a point of carelessness on the part of Senator Alhaji Abubakar Bale. The Bill was in the pigeon-hole since yesterday.

Senator Nwoke : I said that I oppose this Amendment vehemently. I do not believe that it came late yesterday. After all, we have had three other similar Bills passed yesterday. We even passed a money Bill this morning, too; they all came together. I see no reason why we should postpone this for the next six months. After all, the Local Government Acts of the Western Region and of the Federation were made quite a long time ago, and not to-day. They have all the time been in existence. This is just a question of information to be passed through the Local Government Inspector to the Governor-General for that matter. That will not delay anybody. If the man at the head of affairs asks for information and it is furnished, I see no reason why we require some six months to consider whether or not the Council should inform the man at the head.

Therefore, in essence we should proceed forthwith with this particular Bill and approve the amendment that requires the man in charge of the local government affairs in this part of the Federation to furnish, on request,

a particular information regarding the activities of the Local Government of Lagos. This will not humiliate the status of Lagos if such information is furnished. It will enhance the prestige of Lagos to do so. We have this in Port Harcourt. We have a Town Council in Ibadan, and the Council does inform the Regional Government on certain things when it is requested to do so. I do not see any reason why this Bill should be delayed because information has to be given to the man at the head. It should not be delayed.

I support that we proceed forthwith with the Bill.

Senator Chief S. T. Hunponu-Wusu : I rise to support the Amendment. As we realise that Lagos City is the head of the Federation of Nigeria, it is necessary that the people of Lagos should sort out their feelings on this Bill. There are some people here who are nominated or elected to come here to represent a group of people. A few minutes ago, some of the Senators were saying that when they got back to their constituencies they had to report what was happening.

Senator P. A. Ogundipe : On a point of order, may I say that Senators have no constituencies.

The President : That point of order is well taken. There are no Senate Constituencies.

Senator Dr A. A. N. Orizu : We want to be educated on this. Are we saying that Senators have no political areas? It is important to know this.

Senator Chief O. A. Fagbenro-Beyioku : A point of order on a point of order, may I state that the whole Federation is every Senator's constituency.

The President : Order, order. Will Senator Wusu proceed?

Senator Chief Hunponu-Wusu : We always argue unduly at times. I thank you, Mr President, for this indulgence. After all, if we say that we are here to represent the Federation, that means that we come from a particular area in the Federation. I, therefore, still maintain that we come from certain Regions. We do not come from heaven! When one goes back one's people in one's Region will ask one about the Federation. What is one going to tell them? The same thing may happen to-day

to the Deputy President of the Senate, with due respect to Oba Adele of Lagos, when he gets back to report about the laws which have been passed here.

Senator Salahu Fulani : On a point of order, I do not see any need to bring in the Oba of Lagos in this issue.

The President : As a matter of fact, we do not want Oba Adele to be embarrassed.

Senator Chief Hunponu-Wusu : As the President of the Lagos Town Council, I think somebody has to say something in a matter of this nature, and in this respect I feel that much as we are looking for the unity of the Federation of Nigeria, some chance should be given to these people to consider the Amendment just put up. After all, what is the hurry about it? I do not see any reason why there should be any hurry.

A similar Bill had been deferred in the Lower House recently because it was opposed, and the feeling of the people was respected. This particular Bill was never implemented in the way it should be. It was opposed there because there were some anomalies in the Bill, and thank God that has taken place there. Although I agree that there may be some good in it, but after all it has got to be modified.

Therefore, I am appealing to this House that we should not come here to swallow any Bill because such a Bill has been passed in the Lower House.

I support the Amendment.

Senator Chief P. I. Acholonu : I am associating myself with the Senators who have opposed the Amendment because it is better that we debate the Bill at once. The Mover of the Amendment ought to give us sufficient reasons for the deferment of the Bill. What he has just said is that the time of the presentation of the Bill was very short. But that is not the reason why it should be deferred.

In the Houses of Assembly all over this country we have Ministers of Local Government, and the Minister of Lagos Affairs is the counterpart of a Minister of Local Government in any Region. A Minister of Local Government has the power to bring certain legislation into a House of Assembly, and it is the duty of Members to debate it and know how effective it would be to the respective Local Councils affected. What is applicable in the Lagos

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Town Council may be applicable to any Council in any Region, but Lagos, as the Federal capital, should not be left in the hands of laymen. Some people have been entrusted with the running of the affairs of the Lagos Town Council, which is two hundredfold of the other Town Councils in the Regions, and, therefore, it is not a thing which a Town Council can handle without a legislation of this kind.

I am not debating the Bill yet, but I am expressing my own opinion on the Amendment which my Friend, Senator Chief Doherty, has moved, and I say that there is no reason why we should defer it. What we should do is to debate the Bill now.

I beg to oppose the Amendment.

Whereupon a Senator rose in his place and claimed to move, That the Question be now put, but the President withheld his assent and declined then to put that Question.

Senator S. Eytayo : We are being told that this Bill only seeks to enable the Minister to obtain information from the Lagos Town Council, but my question is this: had there been any means through which the Federal Government obtained information from the Lagos Town Council in the past? If there were, had those proved effective or ineffective? If not, why the change now? I think that if we are enlightened further by the Minister who has presented this Bill, it would do us a world of good, and we shall know where we are going.

Senator Chief S. O. Esangbedo : I rise to support the Amendment to the Bill. We are all elderly statesmen, and we always come here to say something that we think is good. The Mover of this Amendment has said that many things have been imposed on the Lagos people. In that case, I want him to be given some chance to consider the rights and wrongs of this Bill.

Therefore, I support the Amendment.

Senator A. E. Ukattah : When any measure which is not in the best interest of the Lagos community is introduced in this House, we shall oppose it. When the Lagos Health Bill was brought in here, we were not in favour of considering it. Now, in this particular case, the Mover of this Amendment did not give any point to convince me that this Bill should be deferred.

I do not want us to come to this House to say that the Lagos Town Council should be beyond Ministerial control. After all, what is stated in the Bill is, *inter alia*, "in a case where public interest is at stake". That is where the Governor-General in Council will step in, and I do not think there is anything wrong in that—for the Governor-General in Council to ask for certain information from the L.T.C.

In any case, why should we postpone it? If it is a problem, let us solve it now. No problem has ever been known to be solved by being postponed. Therefore, I am opposing this Amendment for the reasons that I have given, and to say that the Mover did not give any cogent point to convince us on why this Bill should be deferred.

The President : May I remind Senators that there would not be two debates. As they are debating the Amendment, they are, conversely, debating the Bill itself, and when I put the Amendment and it is lost, the Motion is carried.

Senator Dr Orizu : My standing up here at this particular time is to oppose the Amendment, and I am opposing it entirely on principle—principles which I want to enunciate very clearly to the Members of this House.

Firstly, to ask a body of our kind to oppose a Bill, the Mover ought to be able to present cogent reasons. What and what are wrong? I want to emphasise this—what and what are wrong? We cannot act on ideas from imagination. This is a House with concrete minds; we have not been told the things that are wrong.

Secondly, the principle involved in this is a general political principle in the whole world. Here is a Federal territory which is not under any of the local governments of the country, or any of the Regional governments. Just as the Federal Government is an essentially centralised government, so the Federal territory is not essentially (as somebody had said in the past and it caused trouble) "no man's land". I want to say that it is somebody's land. It is a Federal territory, and the question now is that there has to be law and order since it is the Federal capital.

Those who man the Local Council ought to be controlled somehow and given directives; that directive must come from a specific area within the Government of the country, which is

the Federal Government. The principle was not challenged by the Mover of the Amendment. There is nothing under it that is said to be wrong. What we are being told now is to fight a principle that is universally accepted all over the world—the principle of a Local Council being under a general Government.

Are we saying that the Lagos Town Council, because it is called Lagos Town Council, is not an ordinary town council within a government? Are we being told that? Are we being advised to act on that? We talk here as mature people—as we have been called. We should not act on sentiment.

As a democrat, I was originally of the opinion to support the Amendment, but when I saw the Bill itself and read it, I found out that we have been told to fight a principle, of which I cannot support—not intelligently, of course, unless with a certain amount of supernatural prejudice, local and provincial in nature. Unless we are just trying to play on the tender sentiments of the populace of Lagos, to make them think that we are protecting them, there is no protection when you are taking a person away from the protection. Because this Bill is bringing to the Lagos people proper protection, and until this principle is challenged on this Floor of this House, or somebody comes up to tell me on what principles the Bill is wrong, I would stand to oppose this Amendment, and I definitely ask the Member, together with those who have spoken before, to change their minds, because this Bill involves principle and not a question of sentiment.

I beg to oppose the Amendment.

The President : I just want to remind Senators again the effect of what we are doing. I have before me here "Erskine May's Parliamentary Practice" which is the authority. When a Bill is proposed to be read a Second time and a Member wants to kill it, the courteous and polite way is to make an amendment for it to be deferred, and if the amendment wins, the bill is thrown away. I just want to remind Senators what we are doing: we are not going to put two questions. If the Amendment wins, it means that the Senate has rejected the Bill, so that whilst Senators are debating the Amendment they are also debating the Bill.

Senator Chief Ezeogo Ugwuocha : The Mover of the Amendment gave his reason. The reason he gave was that the Lagos Town Council had not been consulted. We have local councils and municipal or urban councils in the Regions; and I do not think that when any Regional Government wants to make amendments to its local government law the people are consulted first before they are made. Therefore, with this reason, I do not support the Amendment.

The Minister of Lagos Affairs : After listening to some of the points brought up by Senators, I feel I should oppose the Amendment. All that I want to add is this: a lot has been said that something is going to be imposed upon the Lagos people by the passing of this Bill. This is most surprising indeed. What is there to be imposed on the people of Lagos in this Bill? It is rather surprising to see that Senators try to compare this Bill with the Lagos Health Bill. Are Lagos people asked to pay tax in this Bill? What is there to be imposed on the people of Lagos in this Bill? In the explanatory notes it is said here: "*The purpose of the Bill is to empower the Governor-General in Council to give general or specific directions to the Lagos Town Council which shall give effect to these in certain cases.*"

I am saying it here now, that I could see that the time will come. (I may be dead then or I may not be in the Ministry) when this Bill will be the only safeguard for the people of Lagos. (*Hear, hear*). Does it mean that the present Lagos Town Council is perfect in all its deliberations? It is not perfect, I am sure. There will come a time when the Lagos Town Council (it may be this one or another one) will do something against the wishes of the majority of the people of Lagos. Where is their safeguard? This Bill is their safeguard. This does not mean that I am going to interfere in the affairs of the Lagos Town Council. I do not sit with them: I do not approve their deliberations; I only interfere in matters that have been appealed to me. If somebody has been aggrieved by the decision of the Lagos Town Council, my office is the supreme court of appeal. What then is there that is imposed on the people of Lagos? There is nothing. What are they asked to do. What are they asked to pay?

I know that members of the Lagos Town Council are elected; they are there to act for the

[MINISTER OF LAGOS AFFAIRS]

good of the people of Lagos irrespective of party politics. But if they do something against the wishes of the majority of the people, where is the people's safeguard? This Amendment is the only safeguard for the people of Lagos. I have no intention whatsoever to interfere in the affairs of the Lagos Town Council.

Of course, one hon. Member in the Lower House yesterday spoke about going into tenders and going into conservancy matters. There is one good example about this conservancy business, and I am forced to tell it to this House. There was a contractor who was working as a conservancy man, and he has been doing this work before I came to Lagos, and before I came here I used to hear about strikes in the conservancy business. There was a time when the present Lagos Town Council proposed to dismiss this man and give the work to about three or four contractors. The man appealed to me, and I made my own independent enquiry. I did not know the man before, and even up till now I do not know him. I found that since that man took over this job he had been doing it to the satisfaction of the Lagos Town Council. He had been doing it for over four years now. He had a labour force of 500 people.

Now if this job is taken from him and divided among three or four people and there is a strike in the conservancy business, what will be the effect? There may be a contagious disease resulting from the strike, and it will affect not only the people of Lagos but the whole of Nigeria and the world at large because, people come into Lagos and go out every minute of our life. In such circumstances, where is the safeguard for the people of Lagos in this case?

If there is fear about this Bill, what is the fear? It has nothing to do with the people of Lagos; it is only to control the Lagos Town Council; it is not going to do anything against the people of Lagos.

Question, That the Bill be deferred, put and negatived.

Question, That the Bill be now read a Second time put and agreed to.

Bill accordingly read a Second time and immediately considered in Committee.

LAGOS LOCAL GOVERNMENT (AMENDMENT)

BILL : CONSIDERED IN COMMITTEE

Clauses 1 and 2—ordered to stand part of the Bill.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(THE MINISTER OF LAGOS AFFAIRS).

Senator A. E. Ukattah : Owing to the nature of the passing of the Second Reading of this Bill, there is a point which I had wanted to make, and I think I have the opportunity of saying it now.

Reading through the Bill as it is, it is really nothing to quarrel with, but there is a point which affects public interest in Lagos.

The President : Now, you cannot make this a pretext for starting the Second Reading of this Bill because you had a second chance. We were in Committee and when I announced Clause 1, I looked round and you did not get up to say anything. When I announced Clause 2, you said nothing. You can, of course, say something at the Third Reading, but do not make it a pretext of the Second Reading. You can say something about the general application of the Bill and so on.

Senator Ukattah : Thank you, Mr President. It was this that I had in mind, that since this Bill has to do with public interest, the Minister will now co-operate with the Lagos Town Council to solve one big problem, and that is the problem of high rents in Lagos. I do not think that the Lagos Town Council has anything to do for the people of Lagos that is greater than this one.

No matter how much Chief Beyioku may feel about this matter, I am making this point because, even though we do not live in Lagos, representations have been sent to us. Now, the biggest headache that the people have here in Lagos, particularly the lower income group, is the question of paying thousands and thousands of pounds for rents. If really the Government is interested, if the Lagos Town Council is interested in the welfare of the people, the only thing they have to face is the solution of the problem of high rents in Lagos.

The President : You are going on and on. I do hope that some Senators will take a hint from the Chair.

Senator Ukattah : I am winding up. I am saying that the Government should take note of this and do something about it.

Question put and agreed to.

Bill accordingly read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That this House do now adjourn—(THE MINISTER OF HEALTH).

Senator Chief O. A. Fagbenro-Beyioku : Just this day, about some minutes ago, this House passed an Amendment to the Lagos Town Council Bill, and fortunately the Minister of Lagos Affairs was in this House. I only hope that as we have been very appreciative of the co-operation of the present Minister, now that this Bill has been passed and it is now law, we the people of Lagos feel highly confident that the Minister will continue to be co-operative and make himself affectionate, as he has always been, so that the confidence will always be there.

The President : Let me say at a point here that what he said now should have been said at the Third Reading. I want us to learn these things and I want to point out a thing that I have always pointed out here. Let us as Senators do our duty. We have a Tuesday to ourselves. Yesterday, there was no Motion and so the Clerk and myself had to put Government business on Tuesday. I do not want Senators to give the impression that they are lazy. A lot of irrelevant things which have been said now could have been said by Senators for forty minutes in a Motion on Tuesday.

Senator Nwoke : While we were debating the Money Bill, this House was almost thrown into confusion, and we had to adjourn for thirty minutes. In fact, that was killing our time. We do not know exactly what outsiders may say about this incident nowadays.

Senator Chief O. A. Fagbenro-Beyioku : On a point of order—

The President : I will not allow this point of order.

A Senator : Are we under the Motion for Adjournment ?

The President : We are now under the Motion for Adjournment. It seems you do not follow the proceedings.

Senator Nwoke : This question of confusion must have arisen from the fact that some live wires must have got fused together. Such a thing might lead to a conflagration of this House. This should be the last House to experience this sort of thing and I will ask the President to inform the E.C.N. authorities not to allow this type of thing to occur again—by checking the wiring more often than at present.

Senator Chief S. T. Hunponu-Wusu : Much as this Bill has just been passed, I will ask the Minister of Lagos Affairs to look into the early construction of the second bridge for Lagos which is a necessity. Now that they have taken all the powers, I am sure that the second bridge, which is a necessity for Lagos must be taken up in earnest. It is long overdue. I remember before the independence, our Governor-General called on the Minister of Works then to tell us when the second bridge would be constructed. I remember very well that during my maiden speech here, I said that Alhaji the hon. Muhammadu Inuwa Wada said that he invited some experts to look into the construction of the second bridge for Lagos. I know that all the other Regions require amenities, but the question of a second bridge for Lagos is a paramount necessity. The only bridge we have to-day is the gate-way to Lagos. It does four important things: it connects the city with the rest of the country; it is through it that water pipes, telephone lines and lights are supplied; the food that people take in Lagos to-day is carried through the Carter Bridge, and if it collapses, Lagos is finished.

The Minister of Health : On a point of order, it is past one o'clock.

The President : Under the Standing Orders, when once you have moved a Motion for Adjournment, we can go on talking like this for another fifteen minutes.

Senator Chief S. T. Hunponu-Wusu : I am happy the Minister of Lagos Affairs will look into this for us, because there is too much

[SENATOR CHIEF HUNPONU-WUSU]
congestion for the people living in Yaba, Mushin and Surulere. Now that you are planning rent control, if this bridge is broken, people will not agree to stay in Lagos but will prefer getting a house for £1-10s in Surulere. So, I appeal to the Minister of Lagos Affairs to help raise the low standard of living.

The President : I will not allow the Minister to reply you because you did not give him notice.

Senator Chief P. I. Acholonu : We heard over the radio yesterday (I do not know if I am wrong) about the road from Ikorodu to Lagos, that any car or lorry going to Ibadan will pass through Abeokuta. I think this matter will be referred to the Minister of Works, so that he might take every necessary step to

see that cars find their way to Ibadan on Saturday to watch the fight. Ibadan road alone, I am sure, cannot cope with the heavy traffic and everything should be done to avert danger.

The President : May I ask Senators to do their work properly. They should give notice of this kind of thing, and then the Minister of Works would be called here to answer. Now that you have made this speech, nobody will be called upon to answer.

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at five minutes past one o'clock until 10 o'clock tomorrow, 7th August, 1963.

SENATE OF THE FEDERATION OF
NIGERIA

Wednesday, 7th August, 1963

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi) : I would like to amend the Business Statement which I made to the Senate on Monday the 5th of August, 1963.

It is now proposed that, after the conclusion of the debate on the White Paper for the constitutional changes, on Thursday, the Senate would take two Bills. The first one is the Mid-West Region Bill, and the second one is the Riot (Damages) Bill, 1963. If business on these two Bills is concluded tomorrow, it is proposed that the Senate should rise.

NOTICE OF MOTION

PROPOSALS FOR THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi) : I beg to move,

That this House do approve Sessional Paper No. 3 of 1963 on the "Proposals for the Constitution of the Federal Republic of Nigeria" adopted by the All-Party Constitutional Conference held in Lagos on July 25 and 26, 1963.

Members will have received and read the Sessional Paper No. 3 of 1963, which contains proposals for the Constitution of the Federal Republic of Nigeria. The text which is outlined in this White Paper constitutes the most significant change which this country contemplates to undergo since the attainment of Independence, that is a declaration of this country to become a Republic within the Commonwealth. The proposals are very comprehensive, and they embody the changes which are a necessary concomitant of an Independent Republican

State within the Commonwealth, a Member of which we have been since we attained Independence.

It will be seen in this White Paper that it is proposed that when the Republican Constitution comes into effect, we shall have a President as the Head of State. The President will be the Head of the Federal Republic of Nigeria. Members know hitherto that the Head of State of Nigeria has been Her Majesty the Queen of England, and it is generally agreed by everyone of us that in order to give meaning and reality to the Independence of this country, the Head of our State should be a Nigerian, and we hope that when the Federal Constitution comes into effect, a Nigerian will be elected as the President of the Federal Republic of this country.

Other changes are envisaged as a result of this change from a Monarchical State into a Republican State. There are the powers of the Executive which, at present, are exercised by the Federal Government. These powers are embodied in the Constitution which we operate at the moment. The changes which are envisaged in these powers are not of a very far reaching nature because, we are already enjoying complete freedom of action since the attainment of Independence.

Since October 1st, 1960 this Government has been responsible for the conduct of its foreign affairs, defence policy, and organisation of its armed forces, and we envisage, naturally, that this state of affairs will continue. But there are other aspects of our life which would be affected by the change from a Monarchical to a Republican State. The Public Service Commission of the Republic would be responsible to the Executive and to the Prime Minister.

There is also the abolition here of the Judicial Service Commission, which has raised some controversy in the country. But it is to be seen in this White Paper that the proposals which are put forward with regard to the Judicial Service Commission are in line with the practice in other parts of the Commonwealth and other parts of the world, for that matter. There is, in every country of the Commonwealth where Republican States had been established, and in some of them in which there is no Republican State, like Canada and Australia, a situation where there is no Judicial Service Commission, and what we have pro-

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posed in this White Paper is to put our practice in line with the practice which obtains in those other lands.

Those proposals which are contained in this White Paper have been discussed and approved by the All-Party Conference which took place here in Lagos in July 1963.

Although some of the provisions which are embodied in this White Paper are a little bit controversial, but it is generally agreed that they are progressive and will form the basis of a stable and respected government here in Nigeria, and I have no doubt that the Senate will, as the guardian of the nation and of the interests of this great country, look at these proposals very closely and that whatever there are in these proposals which do not meet with the approval of the Senate, the Senate will not be silent in voicing their views.

We, as the Government of the Federation, feel that the proposals which we have put before you and which have been agreed to by the All-Party Conference, are proposals which are designed to help to unite this country and to bring about stability in Nigeria. I very strongly commend this White Paper to the Senate for their approval.

I beg to move.

Minister of State (Senator Dr the hon. E. A. Esin): I beg to second.

Senator E. A. Lagunju: We have to congratulate the Federal Government as well as the Regional Governments on listening to the voice of the people, and, of course, on acceding to their general aspirations.

For some months now, our people have been thinking that our political independence is far from complete unless we become a Republic. In the first place, people feel that for Nigeria to take her rightful place among the countries of Africa, she should go the Republican way, and we congratulate the Government on listening to the voice of the people and for producing this excellent White Paper.

In the first place, to my mind, some of the measures appear to be interim measures, but there is no indication in the White Paper before us to show that they are just for an interim period. Take, for instance, the election of the President. This will be done as stated on page 3, paragraph 13:

"The election will be carried out by an electoral college consisting of all the members of both the House of Senate and the House of Representatives. Each member of Parliament will have one vote".

To my mind, this is very good for an interim period, because we may be thinking of the financial implications that would be involved in the election of a President. But I see no reason why we should not elect our own President the way the Americans do theirs, that is by a general plebiscite; because the election of a President is usually a period of excitement. As time goes on, our people will become educated, particularly now that we have free primary education here and there, they will get to know the most popular man and admire him wherever he goes in the country. At present we have somebody in mind, and, with the electoral college system, if we apply that now, it may not be difficult. Of course, there may be somebody who is obvious in our minds—somebody who has played a prominent role in the political life of this country—but with the passing of the years it will become necessary for the public to know precisely who is going to be their President, and to vote for him. It is only then that they will become fully interested in their President, and wherever he goes, of course, he is bound to receive popular applause. But if we are to continue with what I regard as being for the interim period and we stick to it, I do not know what measure of popularity we would want to give the President. That is, of course, my personal opinion.

In paragraph 19 something is stated there about the personal emoluments of the President. It is stated categorically:

"There will be a provision to guarantee that such emoluments will not be diminished during a President's term of office."

I think this appears rather too rigid because, if there were an economic depression in the country and salaries were to be slashed (I do not pray it should happen, though), but suppose there is something like that, would the ideal thing not be for the President to give the lead, in which case it may be necessary to cut down his own salary?

The President: My own understanding is that the President can volunteer to reduce his pay.

Senator Lagunju: Then I stop there.

On pages 6-7 a lot is stated about the Police

Force. It is stated, among other things, that the establishment of such an office as that of the Superintendent-General of Police in a Region should be made expressly invalid. I do realise that there should be co-ordination of efforts and that the Nigeria Police Force should be a unified body. But it appears from page 6, paragraph 38, that we are going to scrap the post of the Superintendent-General.

Does it mean then that the Local Government Police Force will be absorbed into the Nigeria Police Force of the country? Personally, I need an explanation on that because, I do not know the idea behind it. However, I sincerely hope that these men are not going to be laid off. If they are going to be absorbed, well and good, because once you remove the Superintendent-General, it may mean that direct supervision will come from the Nigeria Police Force, or something like that. As I said a few moments ago, I do not understand the implications involved—whether the Local Government Police Force will be scrapped completely, or whether they will be subordinated to the close supervision of the Nigeria Police Force.

I now refer to page 9. I am really very happy that our able Minister who moved the Motion has mentioned something about it. As he has said, this has been the subject of controversy. It is stated in paragraph 48:

Side by side with the change in the mode of removing Judges will be a consequential change in the manner of their appointment. Henceforth, all Judges including the Chief Justice of the Republic and the Chief Justice of Lagos shall be appointed by the President on the advice of the Prime Minister who may before making an appointment have such consultations as he may deem necessary.

In other words, it is not obligatory for the Prime Minister to consult—he may or may not. To my mind, it appears as if our Judiciary is being brought directly under political influence. In the past we have always claimed that our judiciary is incorruptible and that Judges hold offices during good behaviour—*quamdiu se bene gesserit*. That is, if they behave very well, they hold their office, but if they do not, they are removed. But as this stands now, the Judges will be appointed by the President on the advice of the Prime Minister, who may or may not consult anyone.

It is true that something may be obtained in Canada or in the United Kingdom, but we have got to ask ourselves this question: Are we really ripe for that new measure in Nigeria? That is the question. I do not underrate our ability to govern ourselves (and I do not want people to misquote me). In places like Canada or the U.K., people understand very well that the Opposition is an indispensable adjunct of the governmental system. The Opposition is bound to be extant in those countries and they realise that the Opposition is more or less the watch dog of the people. But in this country (I am not speaking as a politician, I am only drawing an analogy) suppose we have a virile Opposition, do we think that the gap filled by that Opposition is vital, or do we look at the Opposition as something to be despised and something really stinking? In Britain, for instance, the Opposition is the alternative government, and in a place like that, where they have developed a liberal outlook, it is quite easy for them. If a Prime Minister appoints Judges, they just take it like that and these Judges, of course, will carry out their duties, regardless of personal sentiments. But in a young country like ours, if you place the appointment of Judges directly under the control of the Prime Minister, I wonder what becomes of our Judicial system. I hope we shall not infringe upon the personal liberties of the people when we go this way. This is very, very important, and since these things are yet proposals, they could be modified in the light of human experiences. So there is nothing wrong whatsoever if the Rt. hon. Prime Minister and his Cabinet, and, of course, those concerned with the drawing up of the scheme, will listen to the voice of the people, since we all say that the voice of the people is the voice of God. If they will listen to the voice of the people, modifications can be made; it is never too late.

Finally, there are many changes implied. Invariably, when changes come up like that, they may be unpopular with the people because they are not educated. The most important thing that we have to do is to make sure that once we ratify the proposals, they are made public—people should know about them; the whole thing should be broadcast in several programmes and, of course, translated into all the current languages that we have in the country, thereby letting the people

[SENATOR LAGUNJU]
know precisely what they are heading for, so that they know that the republican system of government will only affect this and will only affect that.

As I have said, it is really a very good thing that we are going the republican way, because we are then, of course, doing away with the vestiges of colonial rule. In other words, we are rising to full nationhood, and the Head of our State, wherever he goes, would receive twenty-one volleys of gun salute, just as the Head of Guinea, Ghana and some other countries would, and will no longer be the representative of the Queen. This is really gratifying indeed.

Outside there, at present, there is just one statue—the statue of the Queen. What is going to happen at the time of the republican system? I do not say it should be pulled down, but there should be more statues raised higher than that of the Queen: the statues of our able Governor-General, the Prime Minister, and of course, the President of the Senate. (*Hear, hear.*)

Personally, I do not support the idea of declaring more public holidays. I would rather like lasting monuments to be built to the memories of these great men rather than increasing the number of public holidays and making Nigeria appear to the outside world as a nation of robots and laggards.

With these few remarks, I beg to support.

Senator M. B. Chukwubike : I rise to support the Motion on the proposed Constitution of the Federal Republic of Nigeria. I would first of all congratulate all the members of the All-Party Constitutional Conference on their mutual agreement and the master-piece they produced. If I am right, I would say that that was the first constitutional conference held exclusively by our leaders, and the work that they have done is praiseworthy.

Our attainment of a republican form of government will be the completion of the long and hard fought freedom. Some years ago, each Region became self-governing, and a very few years ago, we attained our independence. Now, we are stepping into what I might call the last stage of our journey to freedom.

By all these gradual but steady progress, one can see that our leaders knew full well that hasty climbers are first to fall, hence our road to

freedom had been slow, steady and sure. We experimented on self-government and succeeded and our three years are years of progress and achievements in all things alike. I quite agree that a great child does not know when he grows, but our achievements since our independence speak for themselves.

Therefore, we have every reason to be grateful to our leaders who captained this march to freedom, for they have piloted safely and smoothly the affairs of this country. We have already reached the goal with little or no blood-shed. I agree that this form of republican government is most suitable for this country meantime. We want a peaceful republic, and at least this would suffice.

Paragraph 47 of the proposed Constitution makes it clear that the Supreme Court of Nigeria will replace Her Majesty's Privy Council—that is, that the Court will be the final court of appeal for the Republican Nigeria. In other words, that we are saying goodbye to Her Majesty's Privy Council. This is a thing of great joy, for we all know that a few months ago the Judges of Her Majesty's Privy Council challenged the integrity of our Judges and thereby tried to ridicule the Federal Government. If we can manage all our other affairs successfully, why can we not do so in this respect? We have enjoyed the services of eminent Judges before, and our Judiciary is one of the best in the whole world.

If paragraph 38 of the draft means that the N.A. Police will be abolished, it will be a thing of great joy. You all know that it is often more difficult to deal with the N.A. Police than with the Nigeria Police. The former are often very rigid and very clannish in their administration of justice. The sooner they cease answering the name "Police", the better. If their post is redundant, they should either be retrenched or be reduced to court messengers.

While I praise the effort and the team work of our leaders on the draft they have presented, I would also appeal to them very strongly against disunity and mistrust among themselves. They should talk more of those things that will bring us closer and closer, rather than those things that will create bad blood and suspicion. If they can trust themselves, announcements

on the radio and false newspaper publications will not influence them.

I beg to support.

Senator P. A. Ogundipe : I rise to commend the efforts of the All-Party Constitutional Conference that has drawn up these proposals for a Federal Republican Constitution ready for our observations. The Conference has done a lot of work, and the delegates deserve to be congratulated.

All our leaders are brave nationalists who have fought for our freedom and, therefore, should be congratulated on this occasion, that after three years of our independence they have paddled our boat of self-government successfully up to this day that we are considering to take a further step forward, and the very last step. As this is an occasion for rejoicing, we should also congratulate all our leaders, both dead and living, particularly those that are living—particularly the great son of Africa, our Governor-General ; our God-fearing Prime Minister, and the President of this Senate. The President of the Senate is a man who has tasted all the pangs of opposition in the Government and has been able to be tolerant and co-operative with others when he was in the Opposition, and also proved an able leader in a ruling government where he has done creditably well.

We have to congratulate those people who were drafted into the Government to share the work until we have reached this stage of becoming fully independent.

May I support the former speaker who spoke on the type of Presidency that Nigeria intends to adopt. However, I would add that the kind of Presidency and the system of election proposed in this White Paper should be an interim arrangement. It is true that this interim arrangement envisages a kind of Presidency whereby the division of powers or functions between the Prime Minister and the President himself will be very helpful at this initial stage. In the first place, the two of them will be able to help each other together with their Council of Ministers. It is not good for us to start with a President with executive powers. Unless we are fortunate enough to have a very tolerant, forgiving and considerate President, he may turn his office to that of a tyrant and a dictator. But definitely we all know that we have people, at least somebody who will

manage the post very creditably, even right from now. But we cannot always be sure to have somebody who will be so God-fearing and so balanced in order to be able to use the power that will be given to him without turning it into that of a dictator. I have nothing really to quarrel with in the proposal if, as an interim arrangement, we convert the present position of the Governor-General to that of a President. In that case, he will be able to share functions with the the Prime Minister, advised by the Council of Ministers.

Now, I come to the part of the proposal which seems to me to have sparked off the greatest criticism both from the press and the public, and that is the proposal to abolish the Judicial Service Commission. We have all listened to the criticism of the press, and the public whose servants we are expected to be. These criticisms are signs that the proposal is not welcomed by the majority. It does not appear that the Government has proved the defects of the present system. The Constitutional Conference which gave birth to the Judicial Service Commission before our independence must have known, and must have been conversant with, all the practices in Canada, United States, Australia and other countries of the Commonwealth that are now being quoted. If they were quite conversant with the practice to which we now want to revert, why was it necessary then to have established this Judicial Service Commission which has been put into practice for a number of years ?

It is true that there is no system in the world that has no defect, but no tangible and important weakness or defect of the present system has been proved to the community. From what we realise, it appears that this present Judicial Service Commission had been our own innovation. If we have been able to invent a new system and put it into practice and it has worked very well, and we make sure that it is insulated from politics and that there will be no complaints about it but rather praises and commendations, then is it wrong if we bequeath this invention to other nations of the world ? We can then be quoted in years to come that our system was first born in Nigeria—the heart of Africa—and that it works well and is being adopted everywhere.

I do not think that we should always make ourselves a slave to the practices of other countries. In fact, we have been trained

[SENATOR OGUNDIPE]

according to the British system of Government. It is quite true that we must make use of some of their systems of Government and forms of administration which we consider good for us, but we are not bound to be a sort of carbon copy of all their practices. The present case is one where our Government has not proved that they found any defect in the present Judicial Service Commission, and they have not proved that the defect, if any, cannot be remedied. Let us, therefore, consider the confidence the people of this country have for it. This confidence shows that the people will always treat the judgments of the Judges in the various courts as final and as just, because they know already that it has been practised and that it worked well, and they want it. In fact, the Government still has the opportunity now, when the Bill will be finally presented to this House, to prove all the weaknesses and defects of the present Judicial Service Commission.

What the laymen and those who are versed in legal matters fail to see is the reason why the appointment of Judges should be converted into political appointment. People have started to sense all sorts of weaknesses and abuses that will naturally crop up. We might say that in the hands of upright people, honest leaders, there will be no abuses, but can we be sure that we shall always have such people who will be able to insulate the Judiciary from politics? Are we sure that at some time or the other some judges will not be mere puppets who will be used for political vendetta? Even if judges are fair and above board, the very fact that people have a feeling that they have been appointed by politicians will shake their confidence in the judges. For this reason, I strongly propose that the Government should reconsider this proposal for the abolition of the Judicial Service Commission. There is no constitution that is perfect. Let us assume that there are no major defects inserted right from the start and that those defects which appear later on will be remedied from time to time.

Above all, this is an occasion for us to rejoice because we are making another stepping-stone and probably the last in our constitutional progress, and my congratulations goes to all those who have built up this country, both dead and living, and even those who may be in difficulty, facing trial even on this occasion.

They have also contributed to the happy stage we are in to-day, and may the God of Africa help us and make our own Federal Republic a model for others to imitate.

Senator Chief R. A. Umoh : I rise to support the Proposal for the Constitution of the Republic of Nigeria. In doing so, I have to thank the leaders of this country, for this step goes in conformity with the opinion and desire of the general public. We are putting finishing touches to our hard, though peacefully, won independence.

There is one particular contribution I would like to make here. If we look at pages 4 and 5, paragraph 24 we see it written, and I read, with your permission, Sir—

“24. Where it is desired that a President should be removed from office, either on the ground of proved misconduct or of inability efficiently to discharge the duties of his office a proposal supported by not less than one-fourth of the total membership of either House of Parliament must first be moved in the form of a resolution requiring the House to consider the removal of the President. Such a proposal will not be open to debate before a vote is taken on it. If the resolution is carried by not less than two-thirds majority vote at a joint session of both Houses of Parliament, Then a small committee consisting of members of both Houses must be set up to investigate the allegations contained in the proposal for the President's removal.”

I have to stop there. My feeling on this particular point is that this is not commensurate with the principal factors of democratic principles. In fact we are trying to put the cart before the horse. How do we form the committee? Why not form the committee to go into the investigation before the vote is taken? Why take the vote before going into the investigation?

The President : Order, order. I should clarify that point. There are three stages. In the first stage, you get one-fourth to say: “Let us go ahead.” Then comes the committee which investigates, and when that committee has investigated, then they come to the House, and it is then that you can only remove the President by a two-thirds majority. I want it to be clear. I am not influencing you in one way or the other, but I want you to get the facts straight. There are three stages.

Senator Chief Umoh : Thank you, Mr President. But I think the statement is not so clear. It is only after the investigation has been done that the two-thirds votes should be taken in Parliament.

A Senator : Yes.

Senator Chief Umoh : If that is so it is all right.

As I said, I have not much to say, as it has been said that we are only giving this a trial because there are so many things here which we have to change after the trial. I have gone through the document, and I do not think that there is much to be done because the people who produced the document have spent quite a lot of time on it. We should jubilate over it at the moment. Whatever form it is going to take during the period of trial, we are sure of one thing and that is, that we are completely cut off from the apronstrings of Her Majesty the Queen. We are going to stand on our feet. I feel that all this time that our people have been attending conferences in other countries, they have not been actually so respected as they should otherwise have been respected, because we were always held to be connected with the Queen, which is not the case with other countries which have attained republican status prior to our own. As it is, we shall stand very highly respected, and I congratulate very much the Conference that held up the idea that there should be a President and a Prime Minister, because we do not want to leave all the powers in one hand. Let the powers be shared and let the two of them work together as they have been doing.

I now come to the fact that we shall have a Supreme Court as the highest court in the country where everything would end. Whatever is being said about appointments and so on, I see no reason why we should quarrel on the issue. When the court is set up, it will stand independently and there is no reason to quarrel over the appointments.

I beg to support.

Senator Salahu Fulani : First and foremost, I would like to congratulate those who formulated these proposals and to give them my heartfelt support for doing the right thing at the right time.

May I draw the attention of this House to the last paragraph page 1 which says—

"It has accordingly been suggested that the President should continue to exercise, after

the change into a republic, those powers which are at present vested in him as Governor-General of the Federation under the present constitution, which would, of course, have to be adapted in a dynamic way—"

I think the words "dynamic way" are salient. Does that mean increasing our international activities or increasing the avenues of putting Nigeria on the world map? I think enough of this has been achieved by the Conference which was held at Addis Ababa. In this also, the greatest nationalist of our age in the person of Dr Nnamdi Azikiwe played a creditable role in steering the ship of state. I would like those who are responsible for the draft to explain to us who are laymen, what relation the words "dynamic way" has with the new status of the country as an autonomous Federal Republic. I feel that this is trying to cover ideas which may emerge in a year or two, and before we jump into the unknown, it is very necessary that we are told the implications. I think by "dynamic way" they may mean all sorts of things which may look very difficult here but, when it comes into reality, may change the outlook. For that reason, I am appealing to those who formulated such a proposal to explain to us in no uncertain terms what actually is meant by the words "dynamic way".

I would like to draw the attention of the House to paragraph 4 on page 2 of the White Paper. It says—

"It is thus clear that the three cardinal features of the agreed new status of the country are that it shall be a Republic,—"

That is a very good thing, and

"that it shall continue to be Federal and that it shall remain within the Commonwealth".

I think that again, this is very dangerous because, at the Addis Ababa Conference, there were series of resolutions, and there are many people who feel as I feel, that Great Britain and other Commonwealth countries are not backing us, and I do not see any earthly reason why we should continue to be a member of the Commonwealth if those people do not see any good in us. The British people have been exploiting our country for years, and now that we are on our own, there is no reason why we should allow this to continue. I think that section again needs some clarification.

Another very welcome paragraph which is important is paragraph 8 on page 3.

[SENATOR SALAHU FULANI]

"Provision will also be made to exclude chieftaincy matters from the jurisdiction of courts of law."

To us who come from the North and the people who see something good in our Emirs and Chiefs, this is the most welcome of them all. In the past, many Emirs and Chiefs have been subjected to all sorts of political victimisation. Now that this is embodied in these proposals, I think the Emirs, the Obas and the Obis will be reassured that their institution will never be tampered with. If the President will allow me, we have in the Koran—

"Ina Laha jahala balukun Ala Balili".

Senator A. E. Ukattah : The Senator is not speaking in the language of this House.

Senator P. A. Ogundipe : I hope the Official Reporters will be able to record that ?

A Senator : Let us have the meaning.

Senator Salahu Fulani : *"Ina Laha jahala balukun Ala Balili"* means literally, that God is supreme. It means that any person, who succeeds to a throne, whether he is an Emir or an Obi or an Oba, cannot do so without the help of God. It is God who has seen it fit to make him an Emir, an Oba or an Obi, and that institution should always be respected and should be excluded from the jurisdiction of the courts. That, I think, is a very good provision.

May I also draw the attention of the Senate to paragraph 33. I think about three days ago, we debated about the post of the Director of Public Prosecutions on which our friend, Chief Fagbenro-Beyioku, spoke at length. That, again, has been included in this proposal for a Republican Nigeria.

Before I resume my seat, I would like to elaborate on certain matters which have been raised in this House. The first is about the election of the President. I think that any institution, or Constitution for that matter, is like an organ which continues to grow. At the initial stage we should not quarrel on these things because they are new. Fear is perhaps the enemy of anything new. The country has been independent since 1960 and this is the right time that we should change into a Republic. The people who have produced this draft must have consulted people from outside Nigeria—people from Canada, Australia and India—before arriving at what we are debating to-day. They must have drawn the attention of our

Ministers to these things before putting down this particular way of choosing the President. They are not blind people, they are people with the very right type of training, people who will see that these things will not be static, that it must continue to grow. Because of that, I see no point at all in trying to take this or that matter out. I think Nigeria will give the right man the right position when the time comes, and that within a year or two, when these proposals start becoming archaic, all the political parties in the country would meet again and try to device another means of choosing new Presidents. At the moment, I think this provision will put Nigeria in the picture.

With these few remarks, I support the Motion.

Senator Dr A. A. N. Orizu : I do not know whether or not an item which is not included here could be mentioned at all, but I think it ought to go on record the ability and unusual agility of all the Members who participated in All-Party Constitutional Conference. I think that the world may not realise enough what could have happened were the calibre of those who were there not what it was. We know the citizens who are here are now enjoying the fruits of what the participants have done without realising the difficulties they went through particularly on the question of what did not appear here now and that is the question of that Preventive Detention Act. That is why I say that I do not know whether this question can be mentioned here at all.

The President : Whether a thing is here or not, if it is relevant to the Revision of the Nigerian Constitution, I should allow it.

Dr Orizu : I am very glad to hear that. I want to deliberate on that because it is necessary to do so for the terminology being used after it. Some part of it has been shelved and some part has been suspended. I want to make it clear in this Senate that this country is lucky and all those who proposed it are lucky and that we are lucky that everybody gave way to public opinion. That thing would have brought into this country a new character, a new behaviour and pattern in the minds of men. Immediately one pushes anybody to the wall he will resist. If anybody knows that he is going away from his house and he does not know whether he is coming back or not he may have a pistol and if he knows that he will be arrested and killed he may shoot anybody.

That kind of thing should be eliminated at once from this country. The pattern of our country would have been completely changed. Those who proposed it did not know what it would have stimulated in the minds of men because man is one of the animals that cannot be perpetually put into confinement. We have seen that in all the countries where such laws operate the people are not happy. I remember a friend of mine who went to Ghana some time ago and saw the President himself in a personal manner. The President confessed that he was not happy, was not able to eat food these days, and that he was only struggling to keep his life because of this type of law.

I have to congratulate those men who have made this possible, and those who listened to public opinion. I also have to congratulate Nigeria that we did not sleep by telling the architects to desist from this kind of thing. So I say it emphatically that anybody who talks of shelving or suspending the Act should realise that every action has equal force in the opposite direction.

I now come back to this Constitutional Procedure which is to bring us a Republican Government, and I rise to support the Motion. It is a great day that we rise with tempo at every stage. Nigeria spent about 100 years under British tutelage and only a few years ago some rascals, idiots, and renegades who put themselves on the throne without peoples support were talking and the Conservative men of wisdom were giggling and laughing at those idiots. Now in a very short period our country has grown from one independence to another. Finally, what makes me very happy—I should continue to say it,—is not only that Nigeria has attained independence but that it has got it under complete unity. Our problem is that Nigeria does not realise that the more efficient one is, the more difficult it is for one to mature. We will see that when a chicken is hatched within two days the chicken is grown. But a baby who is going to be a man takes about 25 years to grow. So the more efficient a thing will be the slower it is to maturity. What we have not understood about Northern Nigeria people is that in the past these people developed a system of government which is superior to most of the governments in the South and also a system of cultural tradition that has been embedded in them so greatly that it is not easy to take them away from their cultural anchorage.

But once they are fed up, that original natural efficiency will come up again to play its role. I think it is the same in Nigeria now. If the North and the South will understand and if also the North will understand that the Southerners have certain tendencies of Japanese variety things will work smoothly. We catch quickly foreign things, we go into it and still be on our own. Now when this pool of Northern conservatism and the pool of Southern progressivism meet together there will be paraphernalia in Nigeria. We have to understand that and accept it as a political philosophy in our nation.

Now, when we talk of the Presidency the hon. Minister who introduced this Motion talked about Queenship and Presidency. I would like to mention something at once for the benefit of the natural rulers in this matter. How come it that a small lady without much of education, without much of anything except paraphernalia of royalty will be above the whole of England and Commonwealth and in Britain where all laws are made, where some Kings—John and others—were beheaded, some years ago? Why is it that the English people bow to her? It is because she reigns and does not rule. Let us know now that it is not possible for the chieftaincy to flourish in Nigeria where they can only reign and not rule free people. We cannot have Republic on the top and have monarchy below. I am not talking against chieftaincy because I am a chief. But, and my but is a great one, we want to realise the changes.

It is safe in England because the Queen does not rule, she reigns. Let all the Obas, the Obis, the Emirs and the Sultans realise that man is an animal which biologists say is one of the restive animals and it is impossible to put him in any confinement without resistance. Confinement can be social, economic or political. I say that the more a person is educated in a right way, the more he is adaptable to control. The less educated people are not conducive to democracy.

Now I have to come back right away to the question of our Constitution. My greatest criticism to this Constitutional proposition in our Federal Republic is that the Senate ought to be an elected House. I say that once we become a Republic, Senators should be elected, they should go to their constituencies and stand for election.

Several Senators : No, No.

Dr Orizu : Senators can say no. Maybe they will not get votes when they go there. But I am not talking about ourselves here. I am talking about a Senate in a Republic. I am not talking about the Senate in which I am a Member now. My point is that this Senate ought to be an elected position. I will tell you why. If you are elected to this place, people will have less to pounce on you.

I want to state very clearly the implications. The position of the Senate ought to be rectified. I know that if Senators come in by election I shall not be affected. Those who are afraid of opposition will not be free to talk. I am free to talk at any time whether or not I am nominated.

What I am saying is that eligibility to be a Senator should be by election. This will have two effects. Firstly, since it is provincial, people will have more respect for whoever is elected a Senator, because Senators will then come from Divisions or Provinces. Do we not want to be bigger? If one comes from a Province and another comes from a Division, usually they meet together on many things if not almost on everything.

Even in the United States of America where Senators are elected, almost invariably all the Presidents come from the Senate. It is better, in my opinion, that in a Republican State Senators should be elected.

Now, quite apart from that, I believe that until Nigeria understands the fundamental principles of Republicanism this country cannot enjoy Republicanism fully.

I want to point out the change of attitude which we must have if this Republicanism is to flourish. One of them is the one mentioned the other day by a Senator, and that is our attitude towards the Opposition. We must understand that in a democratic Republic it is necessary and it is a completely indispensable aspect that the Opposition should be strong and outspoken in order to keep the people in power always in check.

"All efficient Executive are very happy about Opposition. We all know about Churchill and Roosevelt. Those powerful Executives did welcome opposition. That is why there is always an Opposition Bench, and, of course, right opposite the Government Bench. They are there because they are helping the Govern-

ment. After all power is a terrible thing, and when it is given to some people they tend to abuse it. Let us have Opposition. I am not talking about Opposition in the direction of sabotage and other things. I am not talking about Opposition who shoot guns.

There are so many fundamental principles which we do not understand in this country about democracy, and that goes for all of us. One of the cardinal points of democracy under Republicanism is that when one goes to vote, and immediately the vote is taken, anyone who has the largest vote is congratulated. In our country here if one has a larger vote than another, the other one goes about making *juju*. One considers the matter as a serious one. Enmity has come, and it is all war. The acceptability of a ballot box decision as to whether or not one shall be in office is part and parcel of democracy. If we are going to survive under this Republicanism this institution must be highly enshrined in our minds.

Another one is nepotism, and that is the idea of having our brothers and sisters around us as soon as we hold a public office.

I must say this. If I am the Prime Minister of Nigeria, I shall have my own brother as Attorney-General, because in America Mr Kennedy who is the President has his own brother as the Attorney-General of the U.S.A.

So, I am not saying that a person should not protect himself, because when one is going for election a stranger will not supply him with money for that purpose. His brother or cousin will look into that. Therefore, when my brother has helped me to come in he, too, will come in.

A Senator : But he must possess the qualification !

Senator Dr Orizu : I have to qualify him, and the qualification is that one has to think only in terms of "equalitarianism", that is in terms of give and take. One would always know what one's brother can do efficiently.

Nepotism is part of what is troubling this country now, and under it, we cannot survive. I would like nepotism to be capitalised by the Press.

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, Senator Dr Orizu should not address the Press.

The President : Senator Dr Orizu should address me and not the Press.

Senator Dr Orizu : I now come to the issue of the Judiciary. We have talked about it a lot, and I would like to say this much. All the Judges know more than we do because they study the law under a common law system. One may study the law of contract, and so on and so forth, but they study what is called constitutional history. Judges know better than you and I know, that every man is a political animal. Wherever one is, one is a political animal. I would like all of us to realise that the Judiciary, the Executive, and the Legislature are three branches of legislation. They are all political. One executes what the law has enunciated. The other one interprets it. The executive is the Cabinet and the Prime Minister. The Judiciary is the interpreter. We make the law. So, there are three branches. We are all politicians in different guises. Therefore, let us not think that a Judge is not a politician, otherwise I would like to know why a doctor has become a Minister of Health.

When he was in the Civil Service he said, "Oh, I am a medical man", but now he has got here before me.

Senator Lagunju : On a point of order, the Senator should realise that the Doctor is not a party politician.

Senator Dr Orizu : Thank you very much, but that is not a point of order. He is not a party politician, but you believe he is a politician but not a party one. Judges, Doctors and all men are politicians, the only thing is that they have their inhibitions and legal limitations. It would have been much better if Nigeria experimented on this Judicial Service Commission system which is non-existent elsewhere.

When it is said that the Prime Minister will recommend Judges to the President it is not my understanding that he is going to order people around indiscriminately, or that he is going to go into the law courts and begin to look for who is going to be the Judge. I do not think he could do that. I think the only point is that the Prime Minister is the supreme head from the point of view of winning election in this country. That is, he is the person who

has the greatest amount of confidence at the polls in the whole nation, and that, too, implies integrity. Therefore, if that implies integrity and if he is the central source of the whole political system in the whole country, then I do not see the reason why if integrity is in a Judge, it should not be in a Prime Minister. However, the integrity of our Judges is not at question, and I do not think that is what we are questioning here, and if anybody questions that I shall oppose him. I, myself, will not stand up here to question the integrity of our Prime Minister by inferring that when we pass this Motion, there is something wrong in the offing.

Man, as a man, has a definite item ; if he is a Judge then he acts the Judge ; as a politician, he acts the politician ; as a lawyer, he acts the lawyer ; and as a doctor he acts the doctor. Man, indeed, is essentially man, but we know that the man who has the greatest amount of confidence reposed in him in this country is the Prime Minister. So let us not give the impression in this House that anybody else has a greater integrity and a greater sense of honour than the Prime Minister of the Federation. I am saying this not necessarily because Sir Abubakar is the Prime Minister ; the office of Prime Minister as an institution.

I agree wholeheartedly with the Motion, I have nothing to criticise about it, but I only wish that were it that the office of the Presidency is elected generally, and not by Parliament, by means of the electoral system, I would have suggested that the whole power be given to the President, and not to the Prime Minister.

The President : The Senator has five minutes left.

Senator Dr Orizu : I have to summarise by saying that the Republic is going to be one with a very powerful Prime Minister and a rather weak President, which means that there is going to be concentration of powers in the Prime Minister. It also means that the Judiciary will be independent but the Prime Minister will interfere in a substantial way ; the Legislature will be independent but the Senate selected, and therefore, is dependent on the Regional Governments. The President will be President but paragraph 28 circumvents him.

[SENATOR DR ORIZU]

My own suggestion, therefore, is that in the future we have to have constitutional changes, but as it is now I have every praise for, and every confidence, in, all those who made this Motion possible. We have been shown that they were not unmindful of our constant cry that we should turn Republic; in this wise we can be sure that in the future if anything goes wrong we shall come back again to make some changes. Let us, Senators, hope for dynamism in the future.

The President : Order, order, I think this is a convenient moment for twenty-five minutes suspension. Sitting suspended till twelve noon.

Sitting suspended : 11.35 a.m.

Sitting resumed : 12 noon.

Senator Oba Adeniji Adele II of Lagos : I rise to support the motion on the Proposals for the Constitution of the Federal Republic of Nigeria.

Senator Chief (Mrs) Wuraola A. Esan : I rise to support the Proposals for the Constitution of the Federal Republic of Nigeria. Before I go on with that, I would like to raise one strong objection.

At every other conference, women were considered fit to be present, either as official or unofficial advisers; but this one which had taken place on our native soil, women were totally relegated to the background. I do not know why. I think we should be careful—

The President : Order, order. As a matter of resounding fact, there were women advisers at the Conference in this Chamber. I was a delegate.

Senator Chief (Mrs) Esan : Well, if there were women, their names were not published as advisers. That is what I want. In the past we have not relished much the position of being official or unofficial advisers, but we were grateful that we were nominated to do something worthwhile. But this time, we found that we were totally neglected.

My view is that women could go anywhere, and I know that if I wanted to come to the Conference as an observer, with the help of our President, I do not think that I would be denied the right.

A Senator : It sometimes happens to a man too. You are the mother of men and women!

Senator Chief (Mrs) Esan : All right, I do not want any interruptions now.

Well, on this question of women being relegated to the background, I am glad this inclusion of women has given me a good opportunity of saying what I am going to say next.

On page 2, paragraph 6, under the Preamble, with your permission, Mr President, I quote :

“Having firmly resolved to establish the Federal Republic of Nigeria,

With a view to ensuring the unity of our people and faith in our fatherland”.

Now turn to the question of this—

A Senator : No motherland?

Senator Chief (Mrs) Esan : Well, it is the same, mother or father.

Turn to the question of this Judicial Service Commission. Everyone who has contributed to this debate did so academically. I want to tell you all the public version in the ordinary man's language. The public understand this to mean that before, we were independent, now we are partially independent, but that now, we are going to be totally independent. When we were partially independent, it was our people, appointed or elected by us, who went to the first, second and even the third Constitutional Conferences and wrote down the need for the Judiciary Service Commission. They introduced it to us and we have been practising it and we have never raised our voice against anything done to spoil the good name of our country by our Judiciary Service Commission or by our able Judges. Then, why should we change suddenly? To the ordinary people, this requires a great deal of explanation. Tomorrow, or as from the 1st of October, we are going to be totally independent. Nobody will come and dictate to us, yet we are willing to copy other people's system. We do not want the Queen. We are shaking the faith of the people of our fatherland. It is not the land that is much more important but the leaders. It is the leaders that are shaking the fatherland itself. It is the leaders that built up the land. But if the leaders want the faith of the people of the fatherland, if they want respect and honour,

they should not change things abruptly without educating the people as to why the change is necessary, merely bringing a White Paper to a few people minus the women and say that they are empowered to change the Judicial Service Commission because they want to be totally free. Free from what? From the same system that is being practised by the people whom we do not want their Queen to be our Queen any longer? It is true that we women are supposed to be the most illogical set, yet it will take a very good lawyer, and I think about ten very good ones, to persuade the common people and to convince them as to why we do not want the Queen and still want what the Queen represents.

If we want to change this Judicial Service Commission, this is not the time for it. If we want a good Republic, we must start aright. We must put our foot in the right place and not one foot in the right place and another in the wrong place. To an ordinary person, total independence is total independence. Therefore, we should not go and tell the people that because such and such a thing happened in Canada, Australia and Britain, we should as well have it. If this happens, they will be asking people like us, not the big lawyers and the professional people, why we want to go the way of Canada. Are we calling on Canada to rule us? That is how it sounds to me.

We should, therefore, stick to our own way. We made this Constitution. I was not told that the English people made the Constitution for us and handed it over. Let us stick to the present Judicial Service Commission until we know a better way to improve upon it. It is then that we could bring it to the public in the language that they understand. We will then tell them that we had tried it when we were partially independent and also now that we are fully independent, and that it has been found not quite good. It is then that the public will understand why there must be this change.

I know that the people who made this proposal are very good and understanding. I hope they will listen to the points in the same way as they have hearkened to the voice of the people when the matter of a Detention Act came up. The one that I am asking should be dropped is just a minor point. The Judicial Service Commission should be left as it is at present and let us become a Republic first.

Then if there is any change to be made, the people must be well educated.

The President : I think it is my duty to point out one misunderstanding that has been going on through the whole debate. In the present Constitution—under the Federation, section 105; the Constitution of the North, section 50; the Constitution of the West, Section 49; and the Constitution of the East, section 49—It is the Prime Minister and the Premiers who recommend to the Governor-General and the Governor respectively, on the appointment of Chief Justices. In the present Constitution, there is no new thing at all. The only new thing is that the Prime Minister is going to appoint the other Judges. In the old Constitution, the Prime Minister recommends to the Governor-General upon the appointment of the Federal Chief Justice while the Premiers in the Regions advise the Governors about the appointment of Chief Justices. What the Republican Constitution is doing is to apply this same thing to the lesser Judges. I am not influencing the debate, but I want that point to be clear.

Senator Chief (Mrs) Esan : I thank you. But I will still stick to my point. I do not say that this should be totally changed. The minor amendment is what I say should be changed, especially at this time. The Judicial Service Commission should be allowed to remain.

I will like to touch on page 6, paragraph 38, where the post of Superintendent-General of Police is abolished. It is not a new thing or anything impracticable, but I would like to know who is going to control the Local Government Police Force. Is it going to be merged with the Federal Police Force, or is it to be gradually merged or totally merged now? There must be somebody to control the Local Government Police Force. This is because if they are working without a head, there will be all amount of slackness and oversight. I want this point to be clarified.

Now, I come to the question of the President. I am happy that we are going to have an elected President. If this is an interim arrangement, I will not worry because we have people. But I will appeal that for future guidance, we should have election not by electoral college, but election by popular vote. As some one said this morning, members of the public have the right

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to know our Presidents and to honour such people in future. Now we have the men. We have people who have fought hard for our independence, and whether we want them or not, people will like to choose them.

But what about the future? In future, let the President be elected by popular vote—adult suffrage. This will make everybody to know the President. And when he is elected, he will have the assurance that he is indeed the President. The Prime Minister should be popularly elected too. This will help to bring about the balance of power, as the powers should be shared between the President and the Prime Minister. A person who wants to be the President or the Prime Minister should go to the electorates to seek their votes in all the constituencies. This method will safeguard the future against any clash that might occur in connection with the division of powers.

Already I have said that we have good people, people who have fought hard. But what we are doing now will be bequeathed to the coming generations who have not worked for it. If we do not take care now, it means that when the people who will inherit it takes over, there will be chaos.

I will also like to support someone who said that Senators should be elected. When we sit down here, it does not mean that we are not able or incapable to be leaders. But in future, how many able leaders like you will exist, taking into consideration the trend of political manoeuvres? How many able leaders will be in their constituencies when politicians will choose this, will choose that, will control this or that? Then, who will be the able leader? But when the Senators are allowed to lead, they will have honour and respect in the future. That is my personal opinion. I therefore support that Senators should be elected.

About the proposal to remove the President, it seems to me a bit easy to remove than to elect, but that may be because I do not know anything about the legal aspect of it and that I am only looking at it from the layman's point of view. I know that we go through three processes before a President is removed. We cannot say that we are politically mature in this country. Even with the electoral college system, there are people who, if we

should continue with this system, would go and buy the position. This is possible to-day, how much more tomorrow. In the same way, the removal of a President could be cooked up somehow.

A Senator : We will use our police.

Senator Chief (Mrs) Esan : We are not to use our police for everything; we are not a police state; we are a welfare state. Therefore, we must take a bit of caution about how we start our Republican Status.

I have only one point more to make and that is in the future of Nigeria. Senators may think that I am fond of saying women, women, women, but I think we must take into consideration that the majority of those who are going to vote are women and, therefore, we should not create this Republic without giving the women of Northern Nigeria the right to vote. Needless to say that somebody may think that I am harping too much on this cause. That is not so. Let all women be free to vote and then we shall be sure that we are taking our proper place in the Republic of Nigeria.

Some women are inclined to think now that we are going North and that all women would not even be allowed to vote in future. That is what I have been told and I am just conveying it to this House, that women are afraid that because of their exclusion from this last Constitutional Conference, it means that we are going North and that in future women may not be allowed to have a say in the political affairs of this country. For this reason, I think we should advise our Northern people to reconsider their view about their women. After all, all other Moslem countries are allowing their women to vote. We are in the modern world, and I know that some Senators have children in the United Kingdom studying law, medicine and engineering, and some of these children are girls. It would be a pity to let them come and find their mothers in the same position in which these children left them before they went away.

I beg to support.

Senator Alhaji Abubakar Garba : We have all agreed, statesmen and politicians alike, that the only way by which we can complete our independence and rule ourselves on behalf of ourselves, not on behalf of any foreign power thousands of miles away, is to declare

this country a Republic. Therefore, I wholeheartedly support this proposal and congratulate our leaders on producing workable and respectable proposals for the Constitution of the Federal Republic of Nigeria.

I would, however, like to appeal to our leaders that at this stage of our development, the best form of government in this country is to have both at the Centre and in the Regions national governments, with due deference to Dr Orizu, so that instead of one section of our people wasting precious talents in opposing what others formulate, all will join hands together and plan positively for the good of Nigeria. I do not share at all the views of those who believe that a National Government will destroy the Opposition and undermine the true ideals of democracy.

I beg to support.

Senator Chief Z. C. Obi : I rise to support the Motion that Nigeria be made a Republic. I think Nigerians have every reason to be grateful to God for His guidance all these years and for the progress already made, and we look up to Him to continue to guide us when we become a Republic.

We have laid a reasonable foundation for unity and progress, and there is no doubt that with His guidance we shall achieve more unity and progress when we become a Republic. Indeed, what it has taken some countries of the world to achieve by strife, Nigeria has achieved by mere consultation.

It is not my intention to raise any point in the body of the Proposals, but I would beg leave of the President to refer to paragraph 7 of the Proposals for the Constitution. It reads :

"The present Order in Council of 1960 itself will be expressly repealed by an appropriate section of Chapter XI of the new Republican Constitution, particularly those portions of it that are of temporary nature, e.g., sections 1, 3(2) (b), 3(3) (b), 6-8, 10, 13 15, 16, and 18.

There is no 14. When I turn up this section 14, I find that it has to do with the Niger Delta Special Area. I am happy that this Chapter 14 is not one of those Chapters that will have to be repealed but that it will come up for some modification or amendment. I note

however, that now that we are going to create a fourth Region, it will require some Amendment for the fourth Region to be included.

It is the wish of the people of my constituency that the Niger Delta Development Board should be given executive powers or that the Board be changed into a Niger Delta Authority headed by a resident agent of the Federal Government. This desire is due to the fact that the Board's operation, more or less, is being directed from Lagos and, it is believed, that the development of the area represented by this Board might not be as expeditiously ruled from such a distance as it would be ruled by the Authority on the spot. These Amendments are desirable and I hope when the time comes the authorities will please take notice of them.

I beg to support.

Senator L. T. Olamijulo : I rise to support the Motion for this constitutional change. For a long time now, our people have been clamouring for Nigeria to become a Republic and now that the proposals are before the people I am sure they will be satisfied. We have to congratulate the Government and all the people who have taken part in the drawing up of these proposals. It is a very big task and we are all happy about the way they have faced the task.

I think the Government has done creditably with the provisions for the election of a President. Some Senators have suggested that there should be a general voting all over the country but I think this will not be possible within the remaining fifty-four days. In the near future, it may be expedient and straightforward.

There is also the question of the Police Force being a Federal subject. Some people feel that this power should be transferred to the Regional Governments because according to them, Nigeria Police Officers are always partisan during elections. With regionalised administration of the Nigeria Police Force still provided for in the Constitution of a Republican Nigeria I do hope the question of Police men interfering with elections in the Regions will not come up again.

There is also the matter that many people have been talking about, and that is the appointment of Judges. We are all proud with the work our Judges have been doing in the past

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but I think for one man to be nominating and approving the appointment of these Judges now will not be good. I think it will be nice if the Regional Premiers in addition to the Prime Minister have a say in the recommendation of these Judges for appointment. I feel that what we are trying to do now will support the allegation that politicians are influencing Judges in the discharge of their duties. I think the views of the Regional Premiers should be sought when Judges are to be appointed. When the Judicial Service Commission is abolished, I think it will be good for the Prime Minister and the Regional Premiers to work together in the appointment of the Judges.

Senator Alhaji Y. M. Abudu : I rise to support the proposal for Nigeria to become a Republic. In doing so, I would like to associate myself with other Senators who have spoken before me in congratulating our leaders and members of the various political parties who have participated in drawing up these proposals. It is now that our independence will be complete and we can rejoice over it. We shall no more owe allegiance to any foreign country, rather we shall owe allegiance to our own people.

Be that as it may, there are certain aspects of these proposals which I do not support. I refer to the abolition of the Judicial Service Commission. The Judicial Service Commission has been doing very good work and there has been no adverse report against it. Why do we want to scrap it? It is this judiciary that has guaranteed the freedom and liberty of our people. It is because the people know that judges are appointed by an independent Commission that they feel that whatever decision they get from the Court is independent and not influenced. If we take these privileges away and put the Judiciary under the control of the Premiers or the Prime Minister it will be a sorry thing for Nigeria. I know that the President has referred us to the fact that up till now the Prime Minister and the Premiers appoint Chief Justice but they do not appoint the Judges. The Judges are appointed by the Judicial Service Commission but we have not been told that they have not discharged their duties as they should. The reason why they want to scrap the Commission is because that is what obtains in other Commonwealth countries. If that is the only reason, I submit Mr President, that it is not enough. We cannot always be copying what others are doing.

We must be able to evolve our own system. We must be able to stand on our own feet. We must be able to do something worth copying by others. (*Interruptions*).

The President : Order. This Constitution is copied. Everything here is borrowed from another Constitution; even the House of Senate is not Nigerian.

(*Exchanges between Senator Chief Fagbenro-Beyioku and Senator Alhaji Abudu*).

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, will the hon. Senator Alhaji Abudu address the President.

The President : Will the hon. Senator Alhaji Abudu address the President.

Senator Abudu : Mr President, I seek your protection.

The President : Order, you are protected.

Senator Abudu : I think Senators have certain interest in this Judicial Service Commission otherwise I do not know what is—

The President : No, no. That is a real point of order, you should not impute motives. There are no judges among us, there are no Premiers or Prime Minister among us. The Senators are entirely objective.

Senator Abudu : What about the other Commissions? The Police Commission is there, it is not scrapped. The Civil Service Commission is there, it is not scrapped. I cannot understand why it is that we are against this particular Judicial Service Commission? If it is said that this Judicial Service Commission has not worked well and we have got adverse report against it then it would have been better. This is what I heard from the people and that is what my people told me before I came here. Nobody in my area agrees that it should be scrapped. When we read it in the papers and heard it over the radio that the Judicial Service Commission was going to be scrapped, it created fear in the minds of the public. We Senators know the type of Prime Minister we have, we know he is a God-fearing and honest man but what we know is not sufficient for the people. It is what the people think that we have been doing. It has worked well and there has not been an adverse report about it. Why do we want to scrap it?

Another point is about the post of Superintendent-General of Police. I have no objection to it being scrapped if our leaders think that that will be in the interest of the Republic. But what are we going to do about the Local Government Policemen? Are they going to be dismissed or absorbed into the Nigeria Police Force? If they are going to be absorbed it will be better.

Another point is on the question of chieftaincy matters which according to reports will not be referred to the Courts again. I have to congratulate our people for doing this because those of us who come from the West know what havoc chieftaincy matters have brought into our areas. We have witnessed endless and expensive litigations over chieftaincy posts that attract only five or ten pounds a month. So if this chieftaincy affair will not go to court again we shall be happy. It will certainly be a good day for Nigeria and Western Region and we shall be grateful to the Federal Government.

With these few remarks, I beg to support.

Senator Chief P. C. Ndu : In supporting the Motion for the proposal of the Republic of Nigeria, I shall start by congratulating the Federal Government of Nigeria, the three Regional Governments, our Governor-General, the Prime Minister and of course our President of the Senate. Of course they are not the only people who have made this a reality and as such I would like the congratulations to be shared also by all those who actually participated in the meeting of the 25th and 26th of July, 1963.

I also want to assure the House that we are very united and that the change to a Republican form of Government in Nigeria is an indication that Nigeria is firmly united.

Our former colonial masters did not know that we could achieve so much so soon. In Nigeria to-day everybody would like to hear that this country has attained the highest level in governmental affairs.

People talk of Police, and in this very Motion the question of Police is there. It is really very impressive to find that the post of Local Government Superintendent of Police is to be scrapped. Of course, I feel that that will help the Nigeria Police to do their own work more efficiently. Some of these Local Government Police sometimes do not do their job in the way it is required to be done. I am happy that in

the Republican Government of Nigeria, if they are going to be in existence at all, I do not think these Local Government Police men will be anything more than court messengers.

The President : May I point out that it is not sought in the revision of the Constitution to abolish the Local Government Police. All that is happening is that the office of the Superintendent-General of the Local Government Police in the Western Region was discovered by the Attorney-General as being illegal. That is all that is being done. There will still be Local Government Police wherever they might be. I have said this for the sake of guiding the Senator's debate.

Senator Chief Ndu : Coming to the question of the Nigeria Police I think that they should be given more powers to enable them to track down criminals. People are having sleepless nights—

The President : May I point out that this is not an Appropriation Bill, Head—Police. This is an amendment of a Constitution.

Senator Chief Ndu : It is part of the praise to be given to the Police so as to enable them to do their work more efficiently than they have done before.

The President : That cannot be written into the Constitution.

Senator Chief Ndu : On the question of the Judiciary, we have heard various views expressed here, and I want to associate myself with the views expressed by some of those who felt that the Judiciary should not be directly under the control of one person. There should be a sort of a Committee to approve the appointment of Judges. As we all know, the Prime Minister who is a God fearing person will not continue to be the Prime Minister for ever, and whatever precedent is created now may be taken advantage of by any other person in future, who may not be as God-fearing as the present Prime Minister. I therefore request the Government to allow a sort of Committee to approve the appointment of Judges.

With these few remarks, I support the Motion.

Senator Chief J. S. Olayeye : My congratulations go to the entire people who were at the All-Party Conference when these proposals for the Constitution of the Republic

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of Nigeria were discussed. My congratulations also go to the Prime Minister, Sir Abubakar, who is a good man. He is a good administrator. My congratulations also go to all political parties which took part in the deliberations of drafting these proposals before they were put before us to-day.

Further, I crave more for the unity of Nigeria. I am sure that our colonial masters the imperialists, would be surprised to see what we have achieved during these few years of our independence and that we are now changing into a Republic.

May I say that we have a lot to do in Nigeria by uniting and joining together in promoting the unity of Nigeria. It is right time for us to be a Republic, but there are points which I would like to raise in the form of suggestions. What we have before us are proposals and it is because advice is desired that these proposals have been brought to the Floor of this House for debate. My Friend, the great man, in this House Dr Orizu spoke about our going back to our places for election to the House of Senate. I do not think that he is correct. For instance, in the United States of America, according to what I am made to believe, before anybody can stand for election as a President, that person must first of all be a Senator. Under that circumstance, according to my information, there are States and each Senator has a certain area which he commands as a Governor. My great Friend, the lecturer, whose brain I respect every time, did not say whether Nigeria should be divided into Provinces in such a way that will make Senator Chief (Mrs) Esan and Senator Chief Fagbenro-Beyioku Governors.

The President : Let me get that point straight. In the United States of America all Senators are not necessarily Governors. They are just Senators like ourselves.

Senator Chief Olayeye : I may be wrong, but the President knows better than I do.

Anyway, we are to be more respected than we are now, and, briefly, I wish to say that the question of going for election does not arise at this moment. Let me now say something about the Judiciary, and to advise that we should learn from the past experiences. As a matter of fact, I have great respect for the Prime Minister for he is a great statesman. The question of our Judicial system is an important one, because it is on it that every man

pins his hope of getting a fair trial. We have been told that our appealing to the Privy Council is to be abolished, and now we are being told that the Judicial Service Commission is to be abolished too. Where then are we heading to? We cannot appeal to the Privy Council, and our Judiciary is to be under political control. It means that we are heading back to what used to obtain during the time of the colonial days of affliction, when there was the District Officer who superintended over the Native Courts and Provincial Courts.

I was myself under the N.A. before, and I experienced a lot. The District Officer had overall powers—he sat over the executive and dictated to the Native Courts, and it continued like that up to 1934.

The President : Order, order. Sitting suspended till 3 o'clock.

Sitting suspended : 1.00 p.m.

Sitting resumed : 3.00 p.m.

Senator Chief Olayeye : In continuation of my speech of this morning, I have to express, once again, my gratitude to the President of the Senate, the Governor-General, the Prime Minister and to all the political parties who took part at the All-Party Conference, and who were as a result privy to the drafting of this proposal now before us. As I have already said, it occurs to me that we are going back to the days when we were afflicted by the injustice of the old native courts and provincial courts. In those days when we were being governed by the imperialists, we had no freedom, especially in my own area, and we were even barred from briefing lawyers to defend us in the law courts.

For instance, in those days, if a man went to court and if for one reason or the other he had some quarrel with the administrative officer, he was bound to be unfairly and brutally tried. Instructions would be issued to the President of the Native Court trying the man as to how he should pass his judgment. But, thanks be to God, those days are now gone. If I may, I would quote one instance of what happened in those days. I was attached to an administrative officer, whose name I do not want to mention. On a certain day he was having an evening walk with his orderly when a man passed by and greeted him. The administrative officer frowned at him because the man did not take off his hat, and he consequently declared the spot on which they were standing

then a mock provincial court area. He ordered his escort to arrest the man who was immediately sentenced to two weeks' gaol. Senators may now like to know what offence he committed. The only offence, according to the administrative officer, was that he greeted him without taking off his head gear, and what was more, the man had no one or court to appeal to.

It is important that we should sit down together and work out what should be good for Nigeria. The idea that because certain things are taking place in Asia or America, then we must necessarily emulate them, whether or not it is in our best interest is bad. Very recently the Privy Council gave judgment on an appeal but the judgment was rejected on the ground that it was bound to create confusion in the country.

If what is intended to be passed is a carbon-copy of what is obtaining in other countries, and we come now to discover that that measure is not going to benefit us, we should do away with it and confine ourselves to something profitable that will help this country. We cannot just copy everything that is going on elsewhere; we can study them and find out what portion of that measure will help this nation. It is not good for us to imitate at random.

Under this new system if a man institutes an action against the Government, perhaps for excessive assessment, that case will be presided over by a Judge whose appointment has been influenced by politics. The Judge as a result will surely be afraid to pass judgment contrary to the wish of the Government lest he be dismissed. I strongly appeal that what is now intended to be abolished by this Motion should be left untouched, that is, Sections 120 and 121 of the existing Constitution. After all, whoever desires to appoint the Judges will do that unhindered. And any litigant will go to a court of law in Nigeria with his mind filled with confidence that the Judge who hears his case will ensure proper and equitable justice.

Anyway I support the proposal but would wish that Sections 120 and 121 of our Constitution be left as they are and included in these proposals.

Senator A. Nwoke : I consider myself very lucky to be alive to participate in the discussion of a new Constitution that would guide our great country when we become a Republic.

The work, as put forward to us by the joint political bodies is really a great one and I have to associate myself with other Senators who have showered praises on the authors of these proposals. I refer to our Right hon. Prime Minister, and to our brilliant scholar, the Minister of Justice who is an authority in constitutional matters, I doff my hat. May God spare his life to continue to serve us.

A lot has been said about our Constitution. A lot of ground has been covered. I must have to come in with some points and to refer you to Sessional Paper No. 3 of 1963, page 3, paragraph 13, concerning the election of the President. With your permission, Sir, I quote: "The election will be carried out by an electoral college consisting of all the members of both the House of Senate and the House of Representatives. Each member of Parliament will have one vote." As far as qualification is concerned, I think that is a simple matter and it is democratic enough. One must have to be a Nigerian citizen, of forty years of age or above and must carry with him all his qualifications that would make him eligible for election to the House of Representatives.

There is one thing that I am afraid of in this particular case, that is the election of our President. We know that much as we are democratic enough, if democracy cannot be controlled it becomes demoncrazy and when the demon is crazy, I do not know who next is spared. We have in our country, persons who want to be good rulers without first of all becoming good followers, persons who vaunt their petty selves on the heights where they do not belong; persons who would like to rule the whole nation of Africa, not only the Federation. How are we going to work out our Constitution to prevent these people who would not qualify but would find some subversive methods to come in and lord it over the nation? If we do not take care of this particular paragraph and find a way to enlarge upon the method of action, I am afraid we shall have somebody to come in and upset us.

I am not trying to see red in this particular type of affair but in these days of high research and science anything is possible. If we do not

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modify or make it impossible for such characters to come in, if we do not obstruct them by democratic methods, we shall be running ourselves down, and the great ambition of our Constitution will be defeated.

I feel that we must have to face two issues here. The first is to find a way to make it impossible for candidates for this Presidency not to have their votes. Alternatively the candidates should pay something large enough, like £5,000, to qualify them for election. I turn to the first proposition which I think covers the second. The first proposition is that we should not allow these candidates to cast any votes at all. I am referring here to the electoral body of about, let us say, 400 people from the two Parliaments. There is nothing that prevents a candidate properly qualified from coming with over a thousand people to register and qualify. If these people are registered—

The President : Order. I do not want us to be irrelevant. I hope the Senator is confining himself to what is here. If the electoral college is composed of 44 Senators and 312 Representatives, there cannot be 1,000. Nobody can produce 1,000. I hope you see the point I am making.

Senator Nwoke : I am referring to a man who comes with a larger number of people than what is stated here.

Senator Chief S. T. Hunponu-Wusu : On a point of order, I think when the President speaks, the Senator who was speaking should sit down.

The President : That is so, you are right.

Senator Nwoke : Thank you very much. That point is well taken. Now, I am referring to a man who wants to contest the election and who has behind him a number of people that will outnumber the electoral college.

Several Senators : No, no.

The President : It is not possible, that is the point. It is all of us here sitting in the Senate and I presiding in a joint Session then will elect the President, and we need two-thirds. (*Interruptions*). Order, order. You see, I want to make it clear, I am not expressing an opinion one way or the other, but it is my duty as President to remind Senators of the facts. The facts are that we want a President, the President of the Senate will summon a

joint session as is generally done when we open Parliament in March. The President of the Senate presides. There are 44 Senators here and 312 Members at the other House. It is this total number that is going to elect a President, and under Clause 14, we must have two-third majority; if we do not have two-thirds, we go all over again until we have two-thirds. So what the Senator is saying cannot be right. No body can bring 1,000 into the Chamber. There can only be 312 plus 44.

A Senator : He means £1,000 !

Senator Nwoke : Thank you very much, I understand that point. What I am trying to say is this. So far as such candidates are concern, external people will come in.

Several Senators : How ?

Senator Nwoke : I am of the opinion that any Nigerian is eligible to contest.

The President : Did the Senator say contest ?

Senator Nwoke : Yes, contest.

The President : Yes, fifty million Nigerians can contest but that is impossible in nature. Everybody would not come contesting.

Senator Nwoke : Everybody will not contest but I was trying to deal with the difficulties which may arise. When we have somebody who is contesting with a number of candidates supporting him, and they all are qualified as candidates, and they come in and register—

Senator Dr A. A. N. Orizu : On a point of information, the question is that if there are several candidates who are not Members of the House when they come here they will sit apart, they will not vote. Even if they are three million, they will not vote. It will remain the same number that the President has told you about. Do you understand it now ?

The President : That is 356, those are the only people who will vote. If you brought a million candidates they would not enter the Chamber.

Senator Nwoke : But it is not so expressed here, it would have been categorically stated that candidates may not have votes. It is not there.

Several Senators : It is there.

Senator Nwoke : It is not there.

The President : It is there. The voters are only those who are Senators and those who are Members of the House of Representatives. If Senator Nwoke wants to be the President he will have a vote because he is a member of the Senate and he can only have one vote. His one million friends will wait outside, they will have no votes !

Minister of State (Dr the hon. E. A. Esin) : Such a candidate will have to be nominated by this House. He would not nominate himself.

Senator Nwoke : Thank you very much, that point is clear. I wanted it openly written. It is just understood that such people may not have votes. I leave that point.

May I comment on the Judicial Service Commission. That is at page 9 paragraph 48 of the Sessional Paper. I quote: "Side by side with the change in the mode of removing Judges will be a consequential change in the manner of their appointment. Henceforth, all Judges including the Chief Justice of the Republic and the Chief Justice of Lagos shall be appointed by the President on the advice of the Prime Minister who may before making an appointment have such consultations as he may deem necessary." I go further to quote paragraph 49. "With the abolition of the Judicial Service Commission, the appointment of Magistrates (other than Justices of the Peace) will become the responsibility of the Public Service Commission of the Republic, so far as the Federal Territory is concerned. In future, all Justices of the Peace for the Federal Territory will be appointed by the Attorney-General and Minister of Justice of the Republic.

This is a thing that has brought a lot of controversy in the country. As a democratic group of citizens, we must have to state what the point is all about.

The abolition of the Judicial Service Commission has not been favourably commented upon. When I studied this case myself, I discovered that the Judicial Service Commission had previously been handling the appointment and discipline, in the rank and file, of Judges and Magistrates. It was made up of the Chief Justice of the Federation, Chief Justices of the Regions and a few others

appointed by the Governor-General on the advice of the Prime Minister. In other words, the very composition of that body had a number of legal personalities. As Judges, they are carrying out their duties all right. But then there comes another power. We have substituted the President for the Crown and the President has been given powers. One of such powers will be to appoint the Judges of the High Courts as well as the Chief Justice of the Federation. The Magistrates will not be appointed by either of these two powers. They will have to be appointed by the Civil Service Commission this time. In most courts in the Provinces, some Magistrates rise up to the post of Chief Magistrates. Chief or no Chief, a Magistrate is a Magistrate. In some cases, the Chief Magistrates act for the Judges and whatever honour and respect that are accorded to Judges are expected to be accorded to the Chief Magistrates too. I feel, with due deference, to all that the authorities are trying to remove these High Court Judges and Chief Justice of the Federation through Parliament. It is all right if we can get Parliament to control such a thing, but I feel that it should not be abolished. The Judicial Service Commission should be a separate body that should do the work of the Police Service Commission. If we accord respect to the Police Service Commission, why should we not respect the Judicial Service Commission and leave it as it is. We should not probe too far into its earnings and details and discipline. It will be currying favour if we cast away the Judicial Service Commission all because we want to set up a new Constitution. I do not see any harm that it could have, if we allow it to exist. Why, I ask again? If we allow it to exist, it will accord equal responsibilities to Magistrates and Judges. Magistrates are miniature Judges themselves. Whatever happens to the smaller ones should happen to the bigger ones. It does not cost the nation any extra money. It does not reduce the status of the country by any means, nor does it weaken our Federation by allowing such an institution to continue to exist.

As a matter of fact, if we allow this institution to exist, we might come to a point through ordinary evolution when if we find it unnecessary to co-operate with it any longer, we can abolish it. But this early abolition will certainly raise a lot of difficulties and suspicion. People will start to fear that the Government

[SENATOR NWOKE]

will be over-powered and will become prejudicial in their treatment to the High Court Judges and Magistrates, as the case may be. In essence, I would like us to maintain the Judicial Service Commission as before and proceed to give this our proposal to become a Republic a fair trial in the basis of our new Constitution.

A lot has been said about the Federal set up of our Constitution. In whatever way we can hold our head up as Nigerians, we cannot be expected overnight to measure up to the standards of advanced countries like India and the United States of America. After all, we are beginners. We must have to learn from our mistakes; it is not that we shall forsee mistakes and jump into them. We shall not do that. All that we can do will be to dive in and see the type of water we are plunging ourselves in and make sure that it will not drown us. Of course, we will learn to swim in that water. We can not learn swimming on hard land or in the ocean. We have to swim but we must not allow the water to drown us.

I have to congratulate the party that drafted this proposal. It has been kind enough to evade the Privy Council of Great Britain. We will have to set up our own Privy Council here in Nigeria. Whatever might have been the circumstance that warranted the taking of our cases to that part of Europe, it has to stop now. Our cases will be tried here in Nigeria.

I am sorry that no specific mention has been made about the Advisory Council on the Prerogative of Mercy in the Regions.

The President : The old Privy Council which exercised the Prerogative of Mercy was abolished pre-1960. There is a Committee now under the Minister. It is there in the Draft Constitution. It is not the same thing as the Judicial Committee of the Privy Council—which is a Court of Appeal.

Senator Nwoke : That is the Advisory Council on the Prerogative of Mercy. I strongly suggest that the Regions should have some sort of Advisory Councils which would come to the Centre to form the real Privy Council in place of its counterpart in Great Britain.

I am delighted, as I said before, to partake in the discussion of this Draft Constitution. I am very happy with the proposal given to us. If our Constitution is drafted along this line, we shall have the best Constitution in

the world. I wholeheartedly support.

Senator H. O. Abaagu : I very much sympathise with the present Government because it seems to me that this Government is trying to please everybody and is thereby pleasing nobody. There is nothing this Government will do that a number of people will not criticise.

Some Senators : What is the Senator talking about ?

Senator H. O. Abaagu : I am talking about the abolition of the Judicial Service Commission. I remember there was a time when the Prime Minister was coming to Lagos from his hometown where he spent his holidays. He mentioned that Nigeria would have her own brand of democracy. People shouted that there was no need for a Nigerian brand of democracy; that the British Government left a legacy, and therefore that that legacy must be swallowed hook, line and sinker. Now that the Government has bowed to the will of the people by abolishing the Judicial Service Commission, people again oppose it. I do not understand where exactly our people are heading for. The abolition of the Judicial Service Commission is in keeping with the practice in England, which our people have advised the Prime Minister to adopt. And even if the Judicial Service Commission is to be returned to, it must be appointed by somebody, by an authority, and that authority is the Federal Government. Once that is done, the Federal Government has every right to lord it over the Commission so as to bind the Commission to its will. I see nothing wrong in the Judge being appointed and dismissed by the Government. After all, we must realise that the words "Prime Minister" mean Cabinet. The Prime Minister cannot unilaterally take a decision; he must have to consult his Colleagues in the Cabinet, and there are two political parties forming the Government of the Federation. If the Prime Minister thinks of appointing or dismissing Judges to the advantage of his own party—

Senator Dr A. A. Orizu : On a point of order, I think that in discussing the Constitution people do not talk of the parties that are there now. The Senator speaking is talking about how the Constitution will work. But there may be time when there will be no two parties. Therefore, it will be wrong to begin to assume how it will work now, as if it will be like that all the time when discussing

Constitution. I think he is out of order.

Senator Abaagu : I do not think that that is a point of order.

Senator Dr Orizu : Then it is a point of information.

Senator Abaagu : If the Prime Minister wants to cook up the appointment of a Judge to the advantage of his own party, well, the other Ministers who belong to the other party will object. We have to save the situation.

Even then, it is possible that we may have a National Government. There is a rumour, and a very strong rumour, too, that we may be having a National Government. Therefore, I see no reason why we should grumble about this abolition of the Judicial Service Commission. As I said, there is no difference, because that Judicial Service Commission must be appointed by the Government, and the Government has every right to lord it over it.

I now come to the election of President—that is paragraph 14. There is something I do not understand and I want an explanation. Paragraph 14 reads :

“Where there is only one nomination, the candidate so nominated will be declared duly elected if he obtains a simple majority of all the votes in the electoral college.”

In an ordinary election, when one candidate is nominated, that candidate is declared duly elected, and there is no need for election. Why should there be need for election when one candidate is nominated and no other candidate opposes him ?

The President : Because the position of the President is very high.

Senator Abaagu : I think we have to swim to the known instead of swimming into the unknown. We are conversant with the method of election whereby when one candidate is nominated and he has no opposition he is always declared duly elected. That is the point I want to make.

In fact, the proposal here is so welcome to me and so acceptable that I need hardly spend much time discussing it. It is a very, very acceptable piece of document and I praise the people who met, discussed and formulated it.

We have been crying for unity for the whole of the country. This is one of the steps taken towards sustaining that unity. Now that we are afraid of each other, to a certain extent at

least, I think the more we decide to accept anything that comes out of the three Regions of the Federation, the better or the nearer we are moving towards unity. If we begin to think of having something now which is perfect, I think we will scare away the unity which we have been crying for. Therefore, I am appealing to everybody that we should put up with anything that we have at the moment. Let us see how it will work. If it does not work well, we can come back at any other time to make a change. For that reason, I think this paper is very, very welcome and, therefore, I recommend it to the Senate and I think there will be no need for anybody to speak against it.

Senator Chief T. A. Odutola : I rise to support this Motion to ratify the Proposal for the Constitution of the Federal Republic of Nigeria, adopted by an All-Party Conference held in Lagos a few days ago. The decision taken by the Conference to declare the Federation of Nigeria a Federal Republic on October 1, is a most welcome one, and the date, 1st October, chosen by the Conference is a most appropriate one because it will mark a very epoch-making event on the third anniversary of our existence as a monarchy within the Commonwealth.

It is a very big step forward that the character of new instrument of Government has been patterned by a Nigerian in Nigeria and for Nigeria. In this connection, I would like to congratulate our leaders who attended the Conference on the very noble role they played in hearkening to the wish of the people by withdrawing the discussion of what people called the Preventive Detention Act. This is a very good sign ; it shows that our leaders are always alive to their responsibility, because they realise that they have been put there by the people and, therefore, it is by the wish and will of the people that they can go. There is nothing that will make a Government popular other than to go by the wish and will of the people. For this I congratulate the Government. It was possible for them to insist on discussing this matter which people have agitated so much against, but they realised that this will not help anybody.

Before I go further, I should thank you, Mr President, for the way you have been conducting the Business of this House, in that each time you take the pains to explain to Senators the implication or the meaning of each point we are discussing. This is really a very good help to

[SENATOR CHIEF ODUTOLA]

Senators. One of the points that the President made when a Senator mentioned about the Judicial Service Commission, which so many Senators had discussed, was that at present the Chief Justice is being appointed by the Governor-General—

The President : On the advice of the Prime Minister. A similar thing happens in the Regions. So that the only new thing in the Republican Constitution is that the Judges are also handed over to that same procedure.

Senator Chief Odutola : I would have thought that if the system at present in vogue works so nicely, why can we not leave this Judicial Service Commission alone? They will only assist the Prime Minister and the President in their duties. It will not do them any harm. I should have thought that with hue and cry that most of our people have made during the last few weeks, and also our national newspapers which we all know are the voice of the people—in a country like ours, it is only through our papers that we can know what the feelings of the people are—I do not see what harm it will do if that body is left alone only to assist the Prime Minister and the President in their duties when we become a Republic. I think we have been creating trouble for ourselves where there is none. At present, even if this body advises the Prime Minister on a certain person, the Prime Minister may refuse and this body will have no right to refuse the Prime Minister's ruling. Why not leave it alone? It is not yet too late. Perhaps, the Prime Minister himself will look into this matter and see whether any slight change cannot be made.

I will now refer to the point raised in page 3, paragraph 8, that provision will also be made to exclude chieftaincy matters from the jurisdiction of courts of law. This is a very welcome suggestion and nobody would favour it more than I would. Before the advent of the British, people who were qualified to be Obas or Obis had to be persuaded before they could accept the post. The reason was that at that time, they would only reign and would not rule, and when a man reigns and does not rule, his power is limited. But since the advent of the British Government and they brought what was known as Sole Native Authority, the position became different in that an Oba wields a lot of influence, and he is put

in a position where he can amass wealth for himself and where he can do some things that people would not like. That is why people always kick against them.

If we do not want chieftaincy matters to go to court, I think it will be necessary for us to make arrangement whereby Obas would only reign and would not rule. Somebody spoke about the Queen of England this morning—I think it was my Friend, Senator Dr Orizu. He said that with the age, size, education and the experience of the whole of Great Britain, the people still bow for the Queen. It is because she has been put in the position where she would be treated as such.

In Yorubaland, I think the Obas were in the olden days known as next in rank to God. But it is not so to-day. One finds some of these Obas even going into business and disturbing their citizens. They would not allow their citizens to do business; they compete with the citizens. All these must stop.

Senator Salahu Fulani : On a point of order, I think the Senator is making a sweeping statement. A lot of Emirs do not.

The President : I think that was Senator Fulani's opinion and not a point of order.

Senator Chief Odutola : When I talk about Obas and Chiefs, especially in the Southern Provinces, I think I talk with authority. I happen to be a Chief myself and not just a Chief by name.

I think something must be done if we want to protect our Obas, and this is left with our leaders to see what arrangements could be made. When a man lives in a glass house and he throws stones, certainly, of course, he must expect the other man to throw stones against his house and he would suffer. If they want their dignities to be preserved, they too have to behave in the way that their dignity will be preserved. I have no quarrel. As a matter of fact, I was one of those who moved a Motion (if I remember quite well) in the old Legislative Council asking that chieftaincy matters should be excluded from the jurisdiction of courts of law. I still share that opinion, but it will be necessary to put these Obas in a position whereby people will not just kick against them unreasonably.

I think the arrangements which have been made about the appointment of the President are well made. At this stage of our development, we do not want people to go about talking all sorts of nonsense about anybody to be appointed as our President. I know quite well that our present Governor-General commands the respect of almost everybody in this country, because of the way he behaves and the way he moves. He is not going to be there all the time, but we wish him long life. If, for some reason, the American system is good, we can use that, but at present, I think this is the ideal thing.

I beg to support.

Senator Albaji Abubakar Bale : I rise to support the Senators who have spoken before me on the Proposal for the Constitution of the Federal Republic of Nigeria. First of all, I congratulate those who gathered together and worked out the proposal during the All-Party Conference which was held last month. Of course, this is a piece of work of far-sighted men who have the love of their country at heart and are eager to see the country progress. I thank this House and the Members of the House of Representatives. I should say that we are fortunate that the achievement of independence was made possible in our hands and that within three years, we are going to achieve another step forward—a Republican Status. This is indeed commendable. There were people who worked harder than most of us are doing now for the progress of this country in order to see that the point that we have now reached came within their reach but unfortunately, it did not come within their reach at that time. That is why I say that we are fortunate.

I have not seen much at the moment to criticise, as some of the Senators have said so much on the points that I want to touch. But I will touch on the question that was raised by our only lady Senator, Chief (Mrs) Wuraola Esan. She suggested that the North should allow Northern women to take part in elections. That sounds very good but she has forgotten one point which is very important and which must come first before women in the North can take part in elections, and that is education. I think she had better fight for their education first, and, secondly, they must be able to understand before they can be eligible to take part in the election. If they are educated,

they will seek that for themselves. That is why I say that at the moment the time has not yet come. We are trying as much as we can to educate them. The Ministry of Information in the North is doing what it can, and we are helping to give them mass education to make them mature for election, otherwise their taking part in election will mean nothing. That is what we want for them, and that is what we want to do first.

I do not think that I have much to say. I support the proposal.

Senator Chief O. A. Fagbenro-Beyioku : I feel we are all witnesses to-day to the beginning of another era in the history of the Federation of Nigeria. The debate of this very important white Paper is extraordinary. The debate has called for the acute sense of belonging from every Parliamentarian and every Nigerian for that matter. To-day when we stand on the Floor of Parliament, we remember with cheerfulness and with loving memory those people like the late Herbert Macaulay, the pioneer of Nigeria's freedom. We remember the days of the Nigerian Youth Movement, and we remember with pride the late James Churchill Vaughan, the first President of the Nigerian Youth Movement, and those of us who participated then would remember the torchlight parade which was meant to knock at the door of independence and self-government for Nigeria. I remember then seeing my President in a white shorts bearing the torch that night. I think, when days like this come, just like Shakespeare said when he was referring to the Battle of Agincourt and King Henry was trying to encourage his Peers when he said, "*Those who fight and cannot live this day shall be my cousins, they shall be my brothers, and we shall all remember this day, this Chrispian's Day and Chrispian's Chrispian shall ne'er forget*". We can never forget that torch-light parade.

Now, these things are happening. I have been trying to think when the Nigerian Youth Movement drew up its Charter and then we said there was going to be self-government, and some people felt they were really interested in the government and then at night they took that Charter to the Imperial Government and alleged that some people were inspiring sabotage and subversion. But what actually happened? What was preached then is now the fulfilment of our dream.

[SENAT R CHIEF FAGBENRO-BEYIOKU]

There is one thing which we must be proud of. We went from a colonial status into independence in an atmosphere of peace and tranquillity. Again, we are now moving within independence into a higher stage of independence (the Republican stage) in the same atmosphere of peace and tranquillity. Though we are divided in languages (we are even not divided in languages, we are divided in dialects) we are not divided in our thoughts and aspirations.

People have said that tribalism exists in Nigeria, and that there is religious sectionalism, but we have proved them to be wrong. We have shown to the world that there is no room for tribalism, even though it rears its head, and that religious sectionalism cannot thrive. That being so, I start from there.

I would like us at this stage of Republicanism, White Paper or no White Paper, to have an acute change of heart. I would like, in this respect, to say (I have been saying it on the Floor of this House, and I shall continue to say it) that we must continue to emphasise only on those things which unite us. Let us forget those things which divide us. If I may, with due respect to you, Mr President, I would like to go from here into the present position of Nigeria.

We have been talking about Regions. The time has now come when we must try to forget our Regional origin. If we continue to emphasise on our Regional origin now that we are going to become a Republican State, we may ourselves wreck the ship which we have launched.

When several states and people came together in America to form a Federation of America, one of the most popular federalists then expressed certain things on federalism. Though Mr President is a scholar himself, I would like to refer to Federalist Hamilton under Number 9 of the "American State Papers" where he was writing on a Republican form of Government. With your permission, I quote:

"This form of government is a convention by which several smaller states agree to become members of a larger one, which they intend to form. It is a kind of assemblage of societies that constitute a new one, capable of increasing, by means of new associations, till they arrive to such a degree of power as to be able to provide

for the security of the united body.

"A republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.

"If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped, and overpower him before he could be settled in his usurpation."

The point is that we are going into a stage of Republicanism. We must try now and get ourselves in a balance form. We must have the feeling that there is equality within all States or Regions constituting the Federation of Nigeria, and we must try now to create an atmosphere whereby we would not feel shy or scared of any particular State or section trying to lord it over or usurp the rights of others, either by way of education or population. All the component States within the Republic must be able to enjoy an atmosphere of equality.

Again, when we want to draw up a constitution, we must be able to make another safeguard. I have several pieces on this constitution, but I have married to American constitution. I have been studying several Federal Constitutions since we started to discuss this Republicanism. We must be very careful, indeed. We are all friends now. The North is friendly with the East. The East is friendly with the West. The West is friendly with the Mid-West. There is bound to be a new State in our own time. We must start to create security now in our Constitution so that no two States can get together to form any form of treaty between themselves to overthrow the Federal Government. There is more danger in that than in individual efforts. We may have individual saboteurs. We may have individuals who may like to overthrow the Government. They may be powerful, but time will come when they will not be all that powerful to be reckoned with. Two new Regions, like the East and the West, may come together to sign a sort of allegiance. This is common in history. That is why another Article of Constitution, I think the American's,

provides the safeguard. With your permission, Sir, I want to refer to it so that we can know where we stand on this matter. I refer here to the Article of Confederation of the American States which says :

"No two or more States shall enter into any treaty, confederation, or alliance whatever between them without the consent of the United States in Congress Assembly specifying accurately the purposes for which the same is to be entered into and how long it shall continue."

The Government of the Federation must know about any treaty. If the Mid-West and the West are to form any form of allegiance on any matter, the Federal Government must know. It must come before this Parliament. We must debate it in this Parliament, and then we must give our approval to it in this Parliament, otherwise, if these things are done behind this Parliament, we shall all wake up one day to find that two Regions have connived to overthrow the Government.

People have spoken about the Judiciary. Let us face facts. The Judiciary is the arm of the Government. This is done everywhere. The Government must have the last say in the setting up of the Judiciary, not with a view to influencing the Judiciary, but with a view to giving a maximum protection to the people and to ensuring that maximum application of justice is executed, because on the Prime Minister and the Cabinet rests the responsibility for law and order. Even in the other forms of government that is the position. In England and America, it is so, and even the present system of government that we have is partly American inspired and partly English inspired. In the American Constitution the significance of the Senate is great because the President of the United States appoints the Judges of the Supreme Court and the Chief Justice, on the advice of the Senate. But here in Nigeria, if Senators feel that the time has come when the Senate must have to be clothed with its proper garb, then I agree with them.

But what is the purpose of the Judicial Service Commission? I say that, as it exists now, it is not doing any justice to this country. I am not talking out of sentiments, but I am talking for the good of this country. The Prime Minister appoints the Chief Justice,

then the Chief Justice in his own right appoints three other people, and then that Judicial Service Commission is not responsible to anybody—nobody can question whatever it does. Is that of any good application to the country? You have a committee, and whatever the committee does nobody can question it! But now the President of the Republic will appoint the Chief Justice and other Judges on the advice of the Prime Minister who consults people who are in a position to know. And once these people have been appointed, the responsibilities of the President, as the man who appointed them, ceases to a large extent, and he cannot of his own say, "I dismiss you".

Even this new provision makes the Judges to appear more honourable. Before any Judge can be dismissed under the new dispensation, you and I must have our say—the matter must have to be reported to Parliament, so that these Judges now, as it were, are going to hold their office at the pleasure of Parliament.

Senator Chief Olayeye : I think the Senator is reading the White Paper out of context.

The President : What Senator Beyioku says is right. Before a Judge is removed a two-thirds vote must be secured in Parliament. This provision is down in the new Constitution.

Senator Chief Beyioku : Thank you, Mr President. Unfortunately, we have allowed ourselves to be misled by the sentiments in our newspapers. The Judges are now going to be more honourable and more secure. Without doubt, the Judges themselves will like it, because they can only be removed by a two-thirds vote of the Senators, and it is not always easy to get it. For example, if there is a complaint against Mr X Judge and it is brought before Parliament, it is the Parliament that has the final say on whether it is worth investigating or not. If it is worth it, then Parliament will again want about a quarter of the Members to vote that it is worth the investigation, but if the quarter cannot be got, the complaint lapses. However, if that quarter confirms that it is worthy of investigation, a small committee is set up and the committee will meet in camera so as not to wash the dirty linen outside and thereby discredit the reputation of the country. Then the report comes to Parliament again and it is debated by you and me, and if anyone likes,

[SENATOR CHIEF BEYIOKU]

he can say that the report of the committee is nonsense, or that Mr 'X' is innocent. It is only where we, as Parliamentarians and the custodians of the people, feel that the man must go that he goes. Therefore, in the matter of the Judges, I feel that it is the most honourable thing to do. I also feel that that will even make our Judges feel that they are solely responsible to Parliament, and not to any small committee of three or four men.

We have spoken much about the President of the Federation and we are now putting things down for posterity, because what have come to be fulfilled at this time, I would say, are the dreams we dreamt some years ago. These days we have been sleeping and we have been dreaming more dreams, and we have got to be putting down those dreams on record so that when the time comes for them to be fulfilled, our children can refer to them.

We are very happy that our people can always get together and resolve matters. That is where Nigeria beats any other nation. For one thing, all this talk we have had over this or that system of Republic for Nigeria would have caused considerable bloodshed in some other states. I belong to the school of thought which feels that a President with an executive power is what is desired most in this country, but we must have to think of the exigency of the time. The exigency of the present time does not make that possible, and we have got to go by the exigency of the time. Because of the exigency of to-day, the type of Presidency that we can get is what we have got. We need more co-operation, and we have got to be more interwoven so that we might be able to exist like the unhatched chicken still within its shell.

In this regard, therefore, I have to congratulate the Constituent Assembly on bringing the Presidency in the way they have brought it. But let it be noted that as soon as the current atmosphere is created and the occasion suggests itself, what will command greater respect in any international circle will be a President with executive powers. That may not be possible immediately, but let it be our aim, and this can come about when we understand ourselves and there is no quarrelling from within or without.

The matter of the selection of the President leaves no room for questioning because, after all, it is just the only simple thing to do.

On the question of the Police, I agree with the suggestion that the Local Government Police must be retained; but in some respects, I disagree because we are going from a stage of perfection to another stage of perfection. We must try gradually to be doing away with this Local Government Police Force, and concentrate all our Police system within the Nigeria Police Force. This may not be done in a day, but as every community advances we could reorientate the Police system in that area. However, our ultimate aim should be to concentrate all Police systems within the Nigeria Police Force. I think that is what will help us, but it is not for us to say that such and such Superintendent of Police in a certain area should be scrapped or that the Local Government Police should exist side by side with the Nigeria Police Force. As it is now, who gives the order and who is the real policeman? I think the other people could be retained and posted to customary courts to serve as chief messengers, head messengers, and so on, just to bring people and take people away from the customary court, but the real police work must have to be done by scientifically trained men.

I think, at this stage, I still have to crave that the Government must have to think of giving this our Senate a greater power. In other countries—I refer to the American Constitution—the appointment of ambassadors and public figures outside the country is done by the President, in consultation with the Senate, according to the American Constitution. I like to refer to an authority on that. I refer to Article II of the American Constitution where it was stated: Mr President, I quote:

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;"

The Senate is not a small thing and it is not a thing to be undermined as people are looking at it now. Even in England itself, the House of Lords is accorded recognition in matters of this nature. Now, what made our Senate a little bit boyish and childish is because it has

been, shall I say, neither nor, with the result that people feel that only retired civil servants or retired politicians come to warm benches here. But that is not so. I feel that in the general application of this thing, the time has come when we should have our real power, and I am appealing to this House and to our President who, by the Grace of God, is one of the voices that should be heard in matters of our Constitution, that in the final analysis of things, and in the final drafting of the Constitution for the Federal Republic of Nigeria, the Senate should be given its position.

Now, I would like to quote again from the Federalists.

"It is a misfortune incident to republican government, though in less degree than to other governments, that those who administer it may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view, a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government. It doubles the security to the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient".

It goes further :

"The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions".

That is why you find that there is less noise here, less heckling here, less shouting here, because we have got to examine everything with absolute sobriety. That being so, I feel that it will not be sufficient for this Senate just to be left in the colour as it is painted.

Now, when it comes to the Ministerial Benches in the Senate, if we are adopting the English system, we must adopt it. In the English system, the Lord Chamberlain sits on the Woolsack. He does not preside, and Ministers from the House of Commons are not members of the House of Lords: they cannot come to the House of Lords. Now, here it is to-day, we are discussing such an important paper, the White Paper on Republican Government, when there should be sufficient Ministers to hear the points of view of the Senators.

The President : No, no. May I remind the Senator that down there, they are also debating this paper and they are in their own seats. They are only here at our pleasure. Those of them who are members of this House, Senators Majekodunmi and Esin, are here. The other Ministers are members of the other House and the other House is at the moment debating this very paper. I do not think it is in derogation of the Senate.

Minister of State (Senator Dr the hon. E. A. Esin) : For your information, I am taking very comprehensive notes of what is being said here.

Senator Chief Beyioku : I still hold to my view, Sir. I said the present set-up is responsible. There are Ministers who attend to the Lords and they are always on the Bench there. Now, we have three here who should attend to us. The Minister of Health and the two Ministers in the Ministry of Foreign Affairs and Commonwealth Relations. What they are discussing there is this White Paper. They are not discussing matters relevant to Health, nor are they at this moment discussing matters specifically relevant to Foreign Affairs, but this White Paper. We should have been able to enjoy the presence of our own Ministers to inspire us. That is what I mean.

The President : No, no. Senator Majekodunmi has just gone out, his papers are there and Senator Nuhu Bamali took permission from me yesterday.

Senator Chief Beyioku : I insist, Sir, that whatever system we adopt, let us have sufficient Ministerial appointment to cater for the Senate. If this system is to continue, it must be considered for a sort of improvement and review. That is my argument, not that I am trying to bring them into your bad book. I am not doing that. I am only pleading that the time has come when something must have to be done to give this Senate the maximum improvement it requires.

There is one thing that I want to say. We must run away, as I have said, from anything that may divide us. That was what our colonial masters used in the past to bias the mind of the world against us and even attempted to show that we can never come into any stage of maturity. If you read several books in those early days, you will find that they have stated that in Nigeria there are, apart from tribal divisions, what they called religious divisions.

[SENATOR CHIEF BEYIOKU]

I have travelled and then some white men had asked me, "what about those religious divisions you have in your country" I told them that we have no religious divisions in my own country.

I think this is something we must have to take care of. In every Constitution of every country I know, including our own Constitution there are safeguards for freedom of worship and freedom of everything, but I would still appeal that something should be entrenched in our Constitution, just as it is entrenched in the Constitution of America, to the effect that religious sect or anything of the sort will not influence any appointment or anything. I do not know if it is in this volume or in the other volume. I think it is here and with your permission, I quote—Article 6.

"The Senator and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

This is very important. It is very very important because as we are moving now, we are moving with every force and if we are not very careful—it is said that iron cuts iron—one force may override the other. In the interest of unity and security of the Republican State of Nigeria, I advocate that such a condition should be entrenched in our new Constitution.

I think, I cannot close without making reference to the first day of October. I want now to appeal to the Government. The Republican State is welcome. But from the beginning of the Republican State, let us do something to honour our poor workers. They are the people contributing greatly to the upliftment of this country. They are the peasants, the agricultural workers and the street labourers. I feel that in a Republican Nigeria and right from the 1st of October, our Government should try to increase the wages of these workers. It will be next to suicide if in a Republican Nigeria our workers even here in Lagos are still paid £5 a month. How can they keep life and soul together? They should be encouraged to keep life and soul together in this Republican Nigeria. I have to make this appeal, if I fail to do so my

speech will not be complete. Similarly, when the new Constitution is being prepared, the Government should be mindful of the position of Lagos not only as the Federal Capital, but as something constituting a territory by itself. In the final analysis of the Constitution, certain provisions are made for Lagos in matters of appointments to certain bodies and certain posts and certain other things. But it appears that these provisions have not been observed. If we study the Federal Constitution of several countries where a Federal System operates, we find that in a place like America, Washington D.C. is part of Washington itself. Also, there is some sort of controlling authority and the people have certain privileges not exclusively but identical to what people in other States enjoy. I think the time has come when the people of Lagos should be accorded certain standards and certain status not exclusive but consistent with what people in other Regions enjoy. I feel that will make those of us who claim to come from Lagos to be very happy.

May I also say that in my view the Advisory Committee on the Prerogative of Mercy should be concentrated. Now it is Her Majesty, the Queen, advised by the Privy Council, that exercises control over the whole of Great Britain. In the United States it is almost the same thing. I feel that such a matter should be left in the hands of the Federal Government, so that we can have one central body to take care of it. Finally, the question of the Constitution is such a debatable matter that it will take hours and hours to discuss. I support.

Senator Chief P. I. Acholonu : I rise to support the proposed Constitution of the Federal Republic of Nigeria. I have no cause now to go round what the other Senators have covered. At any rate, I must express my pleasure to be here this afternoon. It is gratifying to note that after three years of independence we are now called upon to make necessary contributions to the proposal for the Constitution of the Federal Republic of Nigeria. I have no cause whatever to quarrel with the proposal than to give my respect to the Rt. hon. Dr Nnamdi Azikiwe, the Governor-General, the Prime Minister of the Federation, the President of the Senate, the Cabinet Ministers and the Regional Premiers for the able way they have put their heads together in constructing this Draft Constitution.

After reading this Draft Constitution, one will see that there is unity and co-operation between the Federal Government and the Regional Governments. They put their heads together in almost everything affecting the onward development of this Federation of Nigeria.

I want to show cause why we should be happy and grateful to our leaders. I urge Senators to turn to page two of the Proposal for the Constitution, paragraphs 6—the lower part of which says—and with your permission, Sir, I quote :

“Having firmly resolved to establish the Federal Republic of Nigeria, with a view to ensuring the unity of our people and faith in our fatherland, For the purpose of promoting inter-African co-operation and solidarity, In order to assure world peace and international understanding, and so as to further the ends of liberty, equality and justice both in our country and in the world at large, We the people of Nigeria, here in Parliament, assembled this.....day of....., 1963 do hereby declare, enact and give to ourselves this Constitution.

This is one of the indications of the scientific concentration of our able leaders. They have no other thing so important to them than to plan what will be good for the country and what will bring the Federation of Nigeria together. The proposal for the election or the appointment of the President, as it was drafted here, is honestly done and well done ; and, it is well accepted. I do not see anything that we can quarrel about in it.

On this question of chieftaincy, I have to say that Government must be congratulated for giving honour to whom honour is due. I think it will be more difficult for the courts to determine disputes than it will be for the people concerned.

I also want to touch the question of local government police. If as it has been suggested, it is possible to bring them under the control of the Nigeria Police, I think it will be to the good of everybody.

Reference must also be made to the Judicial Service Commission about which everybody who spoke this morning mentioned something. There is one thing I do not understand and it concerns the appointment of judges. If the

appointment of a judge in the East is made by somebody in Lagos, that person in Lagos is still within the Federation of Nigeria. I do not think that there is any trouble about that.

In summing up I have to thank the parties concerned for the way they drafted this proposal for the Constitution of the Federal Republic of Nigeria and my congratulation also goes to the Prime Minister for the way he presided over the All-Party Conference.

With these few remarks, I beg to support.

Senator Abdul Salami Yusufu : I think what I would like to say has already been covered by Senators who spoke before me. Nevertheless I think I have a very short thing to add to the contributions made by other Senators. It has been the primary objective of this Federation to have a Republican status within the Commonwealth of Nations and this has now been achieved without commotion. The achievement, no doubt, was brought about by the co-operation of our able leaders of major political parties in the country and I do hope that the co-operation will continue to be there always to bind them to do good, and to enhance the prosperity and happiness of the country. This, however, must not be to the exclusion of the common man. Now that we have accomplished the ideal of political independence, I hope that the leaders of this great nation will do their best to preserve the freedom of the individual citizen.

Before winding up my contribution to this momentous Motion, I wish to commend the role of our political leaders, particularly the Premier of the Northern Region, Sir Ahmadu Bello, the Prime Minister of the Federation, Sir Abubakar Tafawa Balewa, and His Excellency the Governor-General of the Federation of Nigeria, Dr Nnamdi Azikiwe. These personalities have personally demonstrated their obligations in terms of the wishes of the people. In view of this I suggest that their services should be acknowledged by erecting their statues in the Federal territory of Lagos for future generations to see and for the benefit of our foreign visitors who may not be able to extend their visits to the respective domains of these personalities.

In connection with whether or not we should continue to have the Judicial Service Commission I do not think there is any need to argue over this matter because it has been clearly stated by one of the Senators that

[SENATOR ABDUL SALAMI YUSIFU]

whether the all-Party Conference agrees or not it will be recommended by someone and that is the Government. So, I think it is sheer waste of time to continue to have a rumpus over this matter.

Senator S. Eytayo: I rise to support the Motion for the proposal for the constitution of the Federal Republic of Nigeria. In doing so I will like to associate myself with Senators who have spoken before me in showering encomiums upon the Prime Minister, the Premiers of the Regions and on the other eminent sons of Nigeria who have contributed to the formulation of the proposals. I would have stopped there but owing to the fears expressed by some Senators who have spoken, I will like to continue a little longer.

We know that all things must have their beginnings no matter however little that beginning may be. We all have agreed that Nigeria should become a Republic by the 1st of October this year, and therefore, there must be a beginning and the proposals that have been brought to us will form the basis of the beginning for the constitution of the Republic of Nigeria. We cannot expect everything to be perfect because only God is perfect. We, who are human beings, all have our imperfections. Our able Prime Minister, even though he is God-fearing, has his imperfections.

Our Governor-General as well has his imperfections and every one of us has his or her own imperfections. So, I would like to allay the fears of people who are expressing doubts and fears about these proposals by suggesting that we should give these proposals a trial. When the Richards Constitution came into being we all hailed it but when it was implemented it was found to be unworkable and changes were made. In the same way, we cannot expect that these proposals that are brought before us to-day are like the laws of the Medes and the Persians which do not change. Surely, if we implement the proposals and we find any imperfections in it, then, there will be time to rectify those imperfections. There will be opportunity for Members to rectify the imperfections. I therefore commend the proposals to Senators and urge them to entertain no fears at all. I strongly believe that we should give the proposals some time to work.

I would also like to support some of the views expressed by Senator Chief Fagbenro-

Beyioku in regard to the selection of the President. I think the proposal that has been made here is the best at the moment. If there should be any change or departure in future, time will tell. At present, I think this is the best that we can get.

As regards the fears entertained by some Senators about the abolition of the post of Superintendent-General of Local Government Police in a Region, I have to say that the reason for the abolition is quite clear. With your permission, Mr President I will read Sections 37 and 38.

"37. The principle and practice of the Nigeria Police Force under Federal control with regionalised administration, will be maintained under the Republic, as will the institutions of the Nigeria Police Council and the Police Service Commission together with their existing powers and functions.

38. The saving contained in Section 98 (7) of the existing Constitution in favour of a Regional Legislature making provision for the maintenance of a Police Force by any Native Authority or Local Government Authority of a province for employment within that province, has been shown to be capable of leading to administrative difficulties for the Nigeria Police Force in the discharge of its duties in at least one Region. It is thought that the problem would be solved by the addition to this subsection of a proviso to the effect that no Regional legislature may make Provision for the establishment or maintenance of a Police Force on a Regional basis. This should make expressly invalid the establishment of such an office as that of the Superintendent-General of Police in a Region."

I see no quarrel with this provision at all. If it is intended that there should be an addition to the subsection of a proviso to the effect that no Legislature may make provision for the establishment or maintenance of a Police Force on a Regional basis then is the need of having a Superintendent-General of Police in a Region.

The other point I would like to touch concerns the Judiciary. If we read the last clause under section 46, it is made abundantly clear that all the changes that are envisaged in our present constitution will bring the Nigerian Constitution into line with what obtains in the United Kingdom and in practically all the other Commonwealth countries.

If all the changes that are envisaged here are meant to bring the Nigerian practice into line with what obtains in the United Kingdom and other Commonwealth countries then what is the quarrel; why do we need to entertain any fear? I do not think we should entertain any fears at all. These changes in the Judiciary will affect the Federal Territory and also the Regions and, therefore, I do not see any reason why we should entertain any fears at all.

With these remarks, I beg to support the proposals in its entirety.

Senator Zanna Medalla Sheriff: I rise to support whole-heartedly the proposals for the Constitution of the Federal Republic of Nigeria.

First of all, I have to congratulate, as several Senators have done, the Prime Minister, the Regional Premiers, the President of the Senate and, all the important leaders who took part in the Conference. No doubt, they did a noble job. I would not like to go into details because most of the points have been favourably commented. One thing however strikes me, and it is, that the proposals have been carefully drawn up by experts and more than that by a widely representative body of competent men. These proposals were made in the best interest of the Federation of Nigeria to elevate the sovereign status of Nigeria. Therefore, I hold no suspicion for them. The coming together of all the political leaders and their supporters to agree to the proposals now under consideration is highly commendable. This is, indeed, a hopeful sign of unity among the people of the Federation.

Moreover this could be regarded as a good pointer to the stability of the proposed Republic. Therefore this coming together is worthy of admiration from within and without.

The proposals for the appointment and removal of judges have been fairly dealt by most of the Senators, some of whom spoke for and others against the proposals. Personally, it does not spark off any controversy to me so long as there are adequate safeguards for the removal of judges. To appoint a judge is one thing, to remove him is another thing. A judge, of course, must be recommended by the Prime Minister in the first place. We have confidence in the Prime Minister and the Coalition Government, and

we should therefore, not entertain any fear that a wrong person would get away with the post of a judge. After all we have confidence in the Prime Minister and in his Cabinet. It is rather unfortunate that the Press as usual, or rather some of our national papers, have done their best to bias the minds of the public on the issue. The whole proposals as set out are quite clear and straightforward and they are in every sense acceptable.

Finally, there is a provision here which says that the Republic will continue to remain in the Commonwealth. That is very laudable but here I would like to introduce a clause to show at least our resentment to the recent attitude of the British Government. The clause I would suggest is something conditional provided Britain behaves. A case in point is that when our African Members were trying to discharge the sale of arms to South Africa, the British representative said that they were doing so for self-defence. That means that they will continue to send arms to South Africa for purposes of self-defence. If Britain, as the head of the Commonwealth continues to show such attitude of disrespect to the Sovereign States in Africa, our only course will be to break away from the Commonwealth. So I would like to introduce a clause making that part conditional. We shall remain in the Commonwealth if Britain being the chief host behaves. That is my personal view. We cannot go on like that.

Another point I would like to mention is about the women franchise in the North. This subject has been off and on on the Floor of this House. Many times the subject has been brought in a rather irrelevant manner, and it is still a bone of contention. The woman Senator Chief (Mrs) Wuraola Esan is not competent to speak for the women in the North. The women in the North would, when they like, speak for themselves. As the Senator Alhaji Abubakar Bale said, education will be the determining factor in the long run. We have always advocated that this House should be non-partisan in politics but from time to time there are certain points or rather snags that keep on creeping into our very friendly ways of discussion on the Floor of the Senate. It is not very welcome for a Senator to be making references to a particular Region time after time. I think this creates a very unpleasant situation. Certainly, we know so many defects in the Western Region. For instance their Customary Courts

[SENATOR ZANNA MEDALLA SHERIFF]

are unpleasant but still these Customary Courts are serving a purpose in that particular Region and a member from outside the Region should not complain because the Customary Courts serve the purpose for which they are intended.

Senator Chief P. I. Acholonu : On a point of order, I think Senator Sheriff does not confine himself to the Constitutional matter but—

The President : In a matter like this you cannot confine yourself to anything. It is a revision of the Constitution and anything can come into it. Senator Medalla Sheriff is quite in order.

Senator Sheriff : I thank you very much Mr President for protecting me. What I am trying to point out is that I would like this House to continue, as it had done, to generate a pleasant atmosphere of non-partisanship in politics. That is the only thing I would like to remind the Senators if we are to avoid friction or exchange of blows not physically but verbally. I apologise if I hurt the feelings of my hon. Senators by so saying.

I have to congratulate once again all the people concerned in the drawing up of the proposals and we hope that the proposed Republic will be successful by all means and that our proposals will be copied and admired by all the world. With these few remarks I beg to support.

Senator Chief S. T. Hunponu-Wusu : I thank you very much Mr President for giving me the opportunity to say a few words on these proposals for the Constitution of the Federal Republic of Nigeria. Senators have spoken at length on the issue and I would therefore go straight to make some few points. We must thank God and thank our leaders for the able way they have worked to achieve success. As Senator Chief Fagbenro-Beyioku has said, it took America, Canada, France, Australia and some other parts of the world almost half a century to get their Republic and even then the process was not as peaceful as we have in Nigeria to-day. I do not want to take much of the time. Our thanks as I have said, are due to the Governor-General, the Prime Minister and our able coolheaded and worthy President of the House of Senate. In this respect, I know that many others have read law, but I must say here that they do not put it

into practice in the way our President has done. This House of Senate is fortunate to have in our midst to-day a person of the calibre of our President who not only studied law but also practised it. This House will agree with me also that we are fortunate, one way or the other, to have proceedings in this House smoothly conducted. I do not want to go into details because a majority of our Senators have spoken a lot.

Senator Chief Fagbenro-Beyioku has spoken a lot about what had happened some years ago when the Torchlight Group of which I was a member, as well as our President, with our emblems on our hats and our torches in our hands, went to ask for independence for Nigeria. We all marched from Late Herbert Macaulay's residence to the Government House then. People doubted then that we would get it even in fifty year's time. Let us all thank God to-day that the lives of some of us are still spared and most of us are at the head of our Government.

There is nothing that we can quarrel with in these proposals. Senators will agree with me that these are proposals which cannot be entirely perfect. It took some other competent and well civilised countries a number of years before they could achieve any success in the form of which we are now considering. We are really fortunate to go from Independence to a Republican State of Government without any bloodshed. We have done this in a peaceful atmosphere. Though the question of dialects in Nigeria is there it does not divide us at all. Therefore, we must be grateful to God. Even in a place where they have the same dialect, they still find things very difficult. Why should there be any unrest among some nations to-day? That is precisely what our Prime Minister is proposing to look into. According to the tone of these proposals, if one goes through page 10, paragraphs 56 to 62, everything there covers almost the solution which the whole world is looking forward to. Again, if one looks at the provisions made at paragraph 30 on page 5, one will find that it covers almost everything that many nations are looking for.

When a baby is born, that baby will not be expected to crawl or walk the same day. Therefore, Nigeria to-day has achieved great things, and I would appeal to all Senators not

to be bothered with the questions of Judiciary and Police. We should not worry ourselves over what our local papers say on all these subjects. I am quite aware that their representatives are here now to record our views, but I shall appeal through the President of the Nigerian Pressmen that the time has come for Nigerians to build up, and that we are building up now. Our press should not try to put forward anything that may divide us. The time has come now for us to look more for unity to consolidate all our efforts together to form a Federal Republic of Nigeria. We have got our independence without blood-shed.

I remember one of the ex-Governors in this country who, during our independence celebrations, told me that he wept bitterly because he never knew that Nigeria would become what it was then. He referred to the Coronation Celebrations, when some young Nigerians whom he called rascals, wore black dresses to mourn the occasion, and he thought that the same rascals would jump out and start to fight. Let us all be grateful to God and to our leaders, particularly those at the head of affairs like the Governor-General, the Prime Minister, our able President, and our able Federal Cabinet Ministers.

After all, it is one thing to make a Law, it is another thing to keep it, and still another thing to apply it. It is the application which is most important. Let us consider the number of years it took all other civilised countries of the world before they achieved this objective of ours. We all read in the papers what is going on in Ghana to-day. I am appealing to everyone here now that these are proposals, and I agree that these proposals should be put into practice.

Senator H. N. Udoh : It appears that I am summing up, and I have not much to say. Much grounds have been covered. Well, in short, I am endorsing all the expressions of satisfaction and congratulations to our leaders and to ourselves.

These proposals for a Republican Government are for everybody. Our leaders have made their proposals, and we are to implement them. Therefore, the responsibility imposed upon us by our leaders is as contained on page 2, the Preamble, if the President will permit me to refer to it. We need to study carefully and know what our duty is in the

forthcoming Republican Government. The whole thing, as I see it, boils down to this :

“So as to further the ends of liberty, equality and justice both in our country and in the world at large”.

Our leaders are not selfish, and as such we should contribute our own quota by following up this particular part.

Secondly, I wish to stress that the populace should be educated to know where we are heading for. In the remote corners of this country, many people do not know what is happening. They do not know the difference between Independence and Republican State. What we are now and what we were in the days of sole native authority are unknown to them. All mean just the same thing to them. I appeal that the Minister of Information should be advised by the President of this House to do all that is possible within his Ministry to get the people educated on this line so that one will know what is for one to do.

With these few remarks, I beg to support.

Senator Hassan Rafindadi : The proposals to introduce a Republican form of government in Nigeria are very welcome, and the All-Party Conference that had recently agreed on the proposals ought to be commended. Democracy in a Federal Republic of Nigeria has to be shaped and fashioned to suit the needs of a federal community like ours where people of different cultures and backgrounds have agreed to come together.

It was only three years ago that our country attained an independent status, and it will be appreciated that although substantial progress in all fields of development has been made, yet much remains to be accomplished in order to achieve the desired goal of raising the standards of living of our own people. It can only be hoped that the new era in a Republic Nigeria will usher in peace, stability and further sustain us in achieving greater material and social progress. A new political philosophy is required to reorientate our newly formed Republic under the new Constitution. The progress so far achieved will have to be consolidated, and new efforts geared in solving the urgent problems still confronting the country, namely, economic and social, at home as well as internationally.

[SENATOR HASSAN RAFINDADI]

It is needless to reiterate the encomiums showered upon the Prime Minister. However, I must say that it is without doubt a fact that Sir Abubakar carries with him the respect and confidence of the entire people of this our great country. He is, no doubt, a federalist of the first order; he has evolved a philosophy of life and democratic ideals conducive to the general progress and orderly government of our nation.

The new Federal Republican Government should be given every encouragement and peace of mind to enable it get down to the work of solving all our pressing problems. The Government should, therefore, have complete security against all forms of subversion and other anti-government activities which might tend to detract their attention.

With regard to the type of Republic better suited to the needs of this Federation, I am inclined to agree with the school of thought which wants a constitutional President, acting on the advice of a Council of Ministers headed by a Prime Minister. This will be more in conformity with the nature of our society, because the electorates will have more control over the government than would be the case in the other school of thought which favours the exclusion of a Prime Minister from a Council of Ministers.

Referring to paragraph 28 in the White Paper, and I quote with your permission, Mr President:

The President will exercise his powers only in accordance with the advice either of the Prime Minister or of the Council of Ministers or of a member thereof, as may be specified by the Constitution for the discharge of his functions in particular cases.

Well, my only comment is this: if the President is to be advised either by the Prime Minister or, in the absence of the Prime Minister, a member of the Council of Ministers, I do not think it will do democracy any good, and I do not think also that this will be in conformity with the democratic ideals of a Republican Nigeria.

The President: May I remind the Senator that the idea of this is to get somebody to act for the Prime Minister when he is away on leave.

Senator Rafindadi: Thank you very much indeed, Mr President. If that is so, then, I have no quarrel with this particular paragraph.

Minister of State (Senator Dr the hon. E. A. Esin): I rise not to talk much at all because several Senators have, as usual, given very mature consideration to this Motion, and have themselves debated it for a long time. Almost everybody, but four, has spoken since morning, and they have wisely, as usual, taken sides, which goes to show that they, too, have become the judge of the whole situation. In the final analysis, at this material time, I think I can well say that the House has fully endorsed and accepted the Proposal as it is.

However, the points of contention were few—the appointment and dismissal of Judges. Senator Chief Beyioku brought his ripe and progressive ability to bear and explained the whole matter to us, and I am sure we are certainly satisfied. The same thing is also true of the Judicial Service Commission.

But there is one point which I would like to touch and which, according to Senator Sheriff, may bring about verbal blows, and that is the question of the franchise for the women of the North. I would like Senators to realise that whatever we do and whatever we say here, and more so by a woman amongst us, is all for the benefit of the Northern women. Fortunately, Senator Bale has explained to us that the only obstacle at this present moment against the women of the North is the question of education, and that when they become educated and are able to decide things for themselves, they will have their franchise. But I must warn him that the women of the North are going places now—most of them are having first-class education in Europe and other places, and when some of them return to this country they will fight for the rights of the Northern women.

Senator Dr Orizu and Senator Chief Beyioku said that Senators should be given their proper position in the scheme of things in this country. Well, whatever Constitution we have now is just to suit the prevailing times. The Constitution is a growing instrument, it is not static at all. When that time comes and the people feel that Senators should be elected, I think the Senators would definitely appeal to the Government for more power.

Senator Chief Beyioku asked us to entrench a clause in the present Constitution stressing that religious tastes should not influence the

Government when it makes any appointment. I think hitherto religion is not at all influencing this Government in appointments to any public position.

There are other minor points Senators have raised which are now on record, and as and when it becomes necessary to revise our Constitution, or to have a new Constitution for this nation, I think most of these points would be gone into. But I must, from the bottom of my heart, congratulate every Senator who has made such able, thorough contribution towards the debate. I am very happy indeed, and I am sure that in the hands of the Senators this country will find its way. The contribution has been most noble. What would have taken us a long time has not taken such a long time after all.

I think we are right in congratulating ourselves for taking two days, July 25th and 26th to fashion our proposals for our new Constitution. I ask the President to convey to the All-Party Conference, our great appreciation of

their labour and the result of their labour. We are very grateful to them indeed and we are very proud of them.

I will, therefore, ask that the Question be now put.

Question, That the Question be now put, put and agreed to.

Main question put and agreed to.

Resolved, That this House do approve Sessional Paper No. 3 of 1963 on the "Proposals for the Constitution of the Federal Republic of Nigeria" adopted by the All-Party Constitutional Conference held in Lagos on July 25 and 26, 1963.

ADJOURNMENT

Motion made and Question proposed, That this House do now adjourn—(THE MINISTER OF HEALTH).

Question put and agreed to.

Resolved, That this House do now adjourn.

Adjourned accordingly at eighteen minutes to six o'clock.

SENATE OF THE FEDERATION OF
NIGERIA

Thursday, 8th August, 1963

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

NOTICE OF MOTION

ADJOURNMENT SINE DIE

The Minister of Health (Chief the hon. M. A. Majekodunmi) : I move, That this House, at its rising this day, do adjourn *sine die*.

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to second.

Senator A. E. Ukattah : I am not opposing the Motion on Adjournment, but I would like to point out that before we came here we had only a day or two to prepare for our journey to Lagos. The information was not given in time. I do not know that the number of days given was in keeping with the Standing Orders of the Senate. I want note to be taken on that. We should be given sufficient time, except where an emergency meeting is concerned, otherwise there is no reason why we should not be given sufficient time.

The Minister of Health : In order not to prolong any debate on this Motion, I would like to explain to Senators that it is not possible for Government to name a date of reconvening the Senate at this time, but it is hoped that the Senate will meet towards the middle of September to discuss the details of the Constitutional Proposals, and a date will be communicated to Members as soon as it is known.

The President : Besides, I seriously think that Senators ought to be ready to come to Lagos at short notice.

Senator Chief O. A. Fagbenro-Beyioku : I only want to appeal to the Cabinet, Sir. I do hope that in fixing the date for this particular session we are on now, Tuesday comes within. Unfortunately perhaps we were lazy or something like that, we did not send in any Private Members' Motions due to the short notice. I would appeal now that in fixing the time for the next session of the Senate, the House should please kindly take into consideration the

possibility of a Tuesday coming in-between, because we may have one or two important Private Members Motion which we would like to be debated.

Senator T. Olamijulo : I would like the House to give us a reasonable length of time because not all of us live at home. There are some of us who live in the farm and as such, I would ask that sufficient time should be given to us.

The President : Senator Olamijulo, I do not think we got your point.

Senator Olamijulo : My point is that some of us do not live at home and that we should be given sufficient time.

Senator Chief J. S. Olayeye : It is important that we are given sufficient notice. For instance, some of us are holding responsible posts at home and it is not good to leave home like that without giving our wives sufficient notice. The telegram reached me late. If I had been given sufficient notice, I would have made suitable arrangements before leaving home. Therefore, it is very important that sufficient time is given to the Senators. The Senate is supposed to be the Upper House and preference should be given to the Senators.

The President : I think that Senators, like scouts, should be prepared all the time.

Senator P. A. Ogundipe : I am of the opinion that most of the Senators who have so many wives may keep some of them here so that there is no need of other arrangements. (Laughter).

Question put and agreed to.

Resolved : That this House, at its rising this day, do adjourn *sine die*.

ORDERS OF THE DAY

CONSTITUTION OF WESTERN NIGERIA
(AMENDMENT) LAW, 1963

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move,

"That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Western Nigeria (Second Amendment) Law, 1963, having effect."

This is a short Bill which seeks to give legal approval to a situation created by the recent Referendum held in the Mid-West area. As Senators know, the number of Legislators in the Regional House of Assembly at the moment is 124, under the Constitution of the Region, and as membership of the Assembly is based upon the number of constituencies in the various parts of the former Western Nigeria, it is necessary that consequential amendment should be made to the Constitution to remove those constituencies that now form part of the proposed Mid-West Region, and there will be similar amendments in the House of Chiefs and the operation of the Judicial Service Commission and the Courts of Law of Western Nigeria that at present apply in the Mid-West area.

The Bill is, I think, quite clear and non-contentious, and I move the Second Reading.

The Minister of Health (Chief the hon. M. A. Majekodunmi): I beg to second.

Several Senators : Aye, Aye.

Question put.

The President : In accordance with the Constitution, this Motion needs two-thirds majority. The Clerk will now proceed to call the Roll.

The Senate divided.

Ayes 35 ; Noes nil ; Abstentions nil.

AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II. Oba of Lagos
13	Senator Alhaji Abubakar Bale
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
26	Senator Dr Orizu
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi
30	Senator Chief Nakoku
32	Senator Idirisu-Tafidan Adamawa

Seat No.	Name of Senator
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Chief Umoh
39	Senator Zanna Sheriff
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health
	Minister of State. Senator Dr E. A. Esin
	Minister of State. Senator Alhaji Nuhu Bamali
	NOES
	Nil
	ABSTENTIONS
	Nil

Resolved : That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Western Nigeria (Second Amendment) Law, 1963, having effect.

MID-WESTERN REGION (TRANSITIONAL PROVISIONS) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice : Senators will be aware that a number of steps have previously been taken towards the establishment of the fourth Region of Nigeria. The first was when, last year, we passed a Bill for the creation of the Mid-West Region. Later in the same year, we also passed the Constitutional Referendum Act. It was under this Act that the recent Referendum in the Mid-West area was held, and we all know the overwhelming support which that particular Referendum gave to the idea of the establishment of the Mid-West Region.

The third step in a chain of four is what we are about to take this morning, that is, to make transitional provision for the interim administration of the Mid-West area. Under the Constitution, the Federal Government has responsibility for this new area for a period of six months, during which the Federal Government should provide not only for the interim administration, but also for the permanent Constitution of the new Region. We are already nearing completion of that Constitution, but at this stage, what we are immediately concerned with is to move the passage of the Bill for an Act to make tempo-

[THE MINISTER OF JUSTICE]

rary provision for the Government of Mid-Western Nigeria and for purposes connected therewith.

The main outline of this Bill will be found sufficiently set out in the *Explanatory Memorandum*, but if Senators will want explanation on any particular point not covered in the explanatory memorandum, I shall be pleased to offer any further explanation.

I beg to move.

The Minister of Health : I beg to second.

Senator L. T. Olamijulo : I am very grateful that I have been given this opportunity to speak first this morning.

When, on Monday, during the debate on the Motion on Adjournment, we wanted to pay tribute to the President for his efforts in making the creation of the Mid-West State a reality, we were told that we should leave our comments on the creation of the Mid-West State until the Bill comes before the Senate. Now that the Bill is before the Senate, I am happy that I have been given the opportunity to speak.

I think the honour for the creation of the Mid-West State is due largely to the Action Group, as the promoter of the cause of the minority group. The honour as well—

The President : If we may get our points straight, the move for a Mid-Western Region started in 1948 ; the Action Group was organised in 1951. (*Applause.*)

Senator Olamijulo : That may be true but, at the same time, I think the Action Group played a very good role for the minority group among which the Mid-West is one. The Mid-West is leading the other minority group now so, when I say that the Action Group played a very good role for the minority group, I think I am still in order. The people who championed the cause for the creation of the Mid-West State did a lot, and the spokesman at that time was the leader of the Action Group hon. Awolowo. Due to their efforts, the fears of the minority groups were provided for in our Constitution, and I would say the party did a lot for the minority groups.

May I go now to the President of the Senate. There are people who do not believe that we as human-beings are children of God. I say this because I believe that things that we conceive

are things that are conceived by God. When our President first conceived the idea of the creation of the Mid-West State—

The President : Let us get the facts straight. I did not start it. I merely got into the fight.

Senator Olamijulo : But the President played a very big role, and up till now he is still the leader of the Mid-West State Movement. In some cases, one may not be the originator of say, a company, but if the person plays a very good role in that company, the person's name may be above the names of those who even started the company. (*Hear, hear.*)

As I said at first, anything that we conceive as human-beings is according to God's will. The Mid-West State was conceived and it is born now and we are being asked to give it our blessing. We congratulate our able President on the noble role he played in the creation of this State. If he was not the originator, nevertheless he has played a creditable role in seeing that the State is created. Whenever a child is born the parents are congratulated, so I join those who have been congratulating our able President on the role he has played in seeing the State created.

The essential purpose of one's desire to have children is to enable one to leave behind one's inheritors. I do not say that our President's motive for the agitation of a separate Region was as a result of tribalism or nepotism. I do feel that he has good intentions. Therefore, as it is one's duty to bring up one's children well, it will not be out of place to emphasise that as the Region is now to be created, our able President must be well advised on it. To have children is a great achievement, but a greater achievement is in their upbringing. The part which our noble President played in getting this Region created is highly commended, and it will be in his own interest if he is advised to nurture this new Region as one nurtures a baby. In this respect, it is essential to say that our President should bring up this new Region in a Christian way.

A Senator : What of other ways ?

Senator Olamijulo : The new Region can also be brought up in a Muslim way but should not be nurtured in other ways, because there are some people who firmly believe in tit for tat.

The President : Shall we confine ourselves to this Bill.

Senator Olamijulo : What I am saying is that we should stick to the Christian way and model the new Region in a new shape.

Senator Chief R. A. Umoh : On a point of order, the Senator is dabbling into an unconnected matter.

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, Senator Olamijulo is a Catechist, and he is giving us a sermon.

Senator P. A. Ogundipe : On a point of order, I think in this House Senators are comprised of *Ifa* priests, Muslims, and Christians. Therefore, it is unfair to speak always about Christians and Muslims without speaking about *Ifa* people.

Senator Olamijulo : What I am saying is that on many occasions the attitude of certain people is that if one does any bad thing to them they will in return pay one in one's own coin. I am emphasising that that attitude would not do us any good and should not be encouraged in the new Mid-West Region. If that attitude is encouraged in the new Region, the people at the head of affairs may find it difficult to make any head-way. In our growth we should endeavour to grow well, and I am imploring our able President to use his influence to see to it that a good foundation is laid in the Mid-West.

May I, at this stage, remind the President of a Yoruba proverb which says that it is easier to buy a gun than gun-powder. The same thing is true of an English adage which says that anything which is well begun is half done. The Mid-Westerners have started very well, and, as such, they should continue to do very well. The President, being one of the promoters of the Mid-West Region, should endeavour to see that the good attitude of the Mid-Westerners is maintained. A foundation should be well laid. The foundation should not be laid on sand because a sandy foundation is the one that is laid by party politics. Only a foundation that is laid on stone is solid. We do hope that this Region will be better administered than others, because the people ought to have learnt from the experience of others. It must be borne in mind by all Mid-Westerners that nepotism and tribalism must be totally eradicated.

The President : There was a ruling against unnecessary repetition. I was all the while waiting to see a Senator raise a point of order on this. Why should Senator Olamijulo not go to the point and finish with it?

Senator Olamijulo : With regard to the clauses in this Bill, I think it is necessary to ask the workers of this new Region to lay a very good foundation. I have nothing to quarrel with in all the other clauses.

The President : We have not reached the clauses yet; those will be considered at the Committee Stage.

Senator Olamijulo : With these few remarks, I beg to support.

Senator Chief Fagbenro-Beyioku : This country is a democracy anyway and our brother Senator has exercised his democratic right. In fact, there is a lot of philosophy in his contribution.

In this matter of the Mid-Western Region (Transitional Provisions) Bill before us I feel I should begin by quoting from the scriptures "for unto us a child is born."

Senator Chief (Mrs) Wuraola A. Esan : On a point of information, the Senator is an *Ifa* priest, and I wonder why he should talk about the scriptures.

Senator Chief Fagbenro-Beyioku : If I should go into the history of the *Ifa* cult, of which most of us are ignorant, it will be a complete waste of my time; so I prefer to speak here in the language that most of us understand and not in the language of the *Ifa* oracle or the Koran.

Turning now to the subject matter, we have to thank God and to rejoice among ourselves, because events are really taking shape in Nigeria. Each time we talk about these things we ought to remember our illustrious sons of this country who have contributed very greatly to ensure the achievement of these goals. I remember at the meeting of the N.C.N.C. between the years 1952-1954 what the reactions of the Mid-Westerners then were on this subject—people like our present President Chief the hon. Dennis Osadebay, Chief the hon. Omo-Osagie, Mr Ekwuyasi; old Pa Onyia; and Chief the hon. Okotie-Eboh got up to say that

[SENATOR CHIEF FAGBENRO-BEYIOKU]
 this new state must be created. In fact, the struggle had been on before then, and when it was agreed that it should be done, we all accepted the decision—like Abraham when he was called upon to slaughter his son—with faith. It was strongly believed that the creation of the Region was really necessary for the achievement of unity and the proper administration of this country.

I have to congratulate every section of the community which has contributed to the realisation of this achievement. I have also to congratulate the Western House of Assembly because, in a way they first got the whole thing properly committed, and through them the whole process is now really very simple. The untiring efforts of our President, Chief the hon. Omo-Osagie, Chief the hon. Okotie-Eboh and several others will go down into history. Above all, we have to thank our illustrious leader, the Head of State of this nation—Dr Azikiwe. He believed very much in the creation of more states, and it was he who said sometime ago at Balogun Square that Nigeria must have to be divided into twelve states. He believed that if we had these states we should have achieved a convenient set up for the proper running of Nigeria.

At the moment we have got three Regions, and as soon as we pass this Bill, we will have four, leaving eight to be created. And by the Grace of God this eight will come. We know very well that our present set up cannot be completely divorced of the intrigue of our former imperial masters who set us one against another, but it will never happen again. Now the present position of Nigeria according to *Nigeria*, the official publication of the Federal Government, is that the Northern Region has 21,702 square miles; the Eastern Region 29,484 square miles; the Western Region 45,376 square miles and the Federal Territory of Lagos only 27 square miles. It can now be seen that we are not properly balanced, even though we are one within ourselves. Indeed I like the way we are mixing freely, the way the Yorubaman gets a foothold in the East; the Iboman in the North and the Hausaman in the Mid-West. I am not suggesting a situation where we shall exist on the basis of tribalism, but we must all realise that the Mid-West is the forerunner and once we have accepted the creation of the

new state, we are in a way accepting the doctrine of our Head of State that there should be more states up to about twelve in this country and by the Grace of God they will come.

I do feel that as things stand to-day the Mid-Westerners have got to justify the further formation of more new states in this country, because whatever they do will give us the inspiration. I know our great Prime Minister—may God bless him—is after the truth, and once he can get his way through he will pursue the truth. I know the Rt. hon. Sir Abubakar, LLD., K.B.E., P.C., M.P., will be prepared to go the way of truth and justice. I know also—I am going to be fair to all our Regional Premiers—that our most respected Sir Ahmadu Bello, whom most people seem to misunderstand, and even some Northerners misunderstand him, is just like our Prime Minister. He seeks after the truth and the oneness of this nation; and anything which can make for the unity of this country and make us come closer to ourselves and get better understanding of ourselves, is what he stands for. And, as for our Eastern Premier, Dr Okpara, if to-day he is called upon in the interest of unity to surrender his Region, and there are sufficient reasons to justify the call, I know he will be the first to say the nation first and his Region last. The same thing goes for Chief Akintola, the present Premier of the Western Region; he is equally prepared and in fact he has actually demonstrated it now.

I do not pray that in time to come the Mid-Westerners should be called upon to make any sacrifice again. We all know who will head the Mid-West, no matter where our fingers point to. He is equally prepared and the same attribute goes for him. When the time comes however, we shall know that the dreams of Dr Azikiwe have come through.

I want now to make an observation. I said earlier on that there was a lot of philosophy in what Senator Olamijulo said. It is one thing to build a house, buy a car, but it is another to maintain either of it. Now the Mid-West is on the verge of being created, but the running of the state is the most important thing. There are very many opportunists in Nigeria to-day—people who want to make a job of politics. We have more of them than the sincere public men who are vero, very few.

This country must not gamble with this Mid-West. Whoever is called upon to make the sacrifice of working the Mid-West Region must be prepared. The general wishes of the country should prevail. I think the whole country subscribed to it because if one looks at the result of the Referendum, which was 89.7 per cent "Yes" vote, one will see that the whole country gave its support to it, now, the whole country is also looking forward to the leader of the Mid-West State. When people supported it, they did so because of their faith and confidence in the leader of the Mid-West State who by the Grace of God is the President of this Senate; and should be called upon at any time, to make the sacrifice of nursing the baby, which he himself, in the words of Senator Olamijulo, conceived and brought to life, I feel that it would be one of the greatest honours ever bestowed on this Senate of ours.

The other point on which I would like to speak is the voting. When the Bill was originally brought here, most of us felt that 80 per cent was too much. But the result of the last Referendum notwithstanding, I would still appeal that for the purposes of future referendum we have to think of this percentage because this is the beginning. As for the Bill itself, I think we all can say *hallelujah*. All that we are trying to do is to point to certain things and pay tributes to other people and ourselves that because this thing has happened at a time when we are Senators. It is not a question of "I am not a Mid-Westerner". I am as much interested in the Mid-West affairs as our President is interested because we have both given birth to the new state. If it succeeds people will praise the Senators and Parliamentarians, and I am sure it is going to succeed. There is no other way.

With these few remarks, I very sincerely support the Bill and I take this opportunity to congratulate the new baby and to wish it a very useful lease of life and that when it grows to become a father he will nurse his children for the good of this country.

Senator Dr A. A. N. Orizu : I rise to support this Bill. All of us, as I see it, wish it and support it. Even though Senator Chief Fagbenro-Beyioku has gone before our catechist here, I would like to mention that, in the Senate, we should all remember that for many years to come people will still have the opportunity to

read the *Hansard*. Nigeria will not always remain the country where education is a rarity. The present generation, when the time will carry out some research work about the affairs of this country. Their terms of reference would be based mainly on the records they could find here and there, and our own will be one of them. Everything we say here goes to make history. It is necessary therefore that when we come here, whatever may be our prejudices, and we have prayed against that earlier on, we have to be very careful about our facts not because they will hurt the truth but because they will hurt the person who said it and reflect on his integrity in the future.

This brings me again to what I said last time. If a man whose face you do not like, happens to be a strong fighter and everybody knows he is, please acknowledge it. I say this and nobody has questioned it. Nobody can question it because it is true. It is a fact that this Mid-West State is nothing but the baby of the Mid-Westerners. It was conceived as a result of the inspiration of a few Westerners and among those few, we have the architects of it. We know, I am not one of those people who hide the truth. Yesterday I said what everybody did not like but I will continue to say it. We, members of this Senate, must be elected. Nobody likes to hear it but I am saying it.

When we say that our President was the founder of the Mid-West I am not saying it to please him. I am running away from being untrue because it is the fact. So, when we talk to him, let him understand it with all humility that we all accept facts, facts which we have to state so that things may be good for our research students in the future.

The leader of the Mid-West State is not only (maybe Members do not know that now, I want to go further in to that) the leader of the Mid-West State but is even the leader of that Party, the N.C.N.C. (I want Senators to understand what I am trying to drive at). He was one of the very first three who started the N.C.N.C. Maybe some of us do not know that. I am a member of the N.C.N.C. I was not one of the founders of the N.C.N.C. because I was not there when they were trying to found it. Why then should I say that I was the founder but I am not one of the first leaders of the party. That is what I can claim,

[SENATOR DR ORIZU]
but I cannot claim having founded it because I was not there. These are facts. We ought to be able to remember facts.

I give my praise to the founder of the Mid-West who happens to be a member of the N.C.N.C. which was founded before the Mid-West. The issue of the Mid-West was raised in the N.C.N.C. meeting before it was raised at any other meeting in the world. Therefore, the appropriate founder of the Mid-West State, in terms of the party, is the N.C.N.C. It is a logic well stated.

That being the case the first person to be praised will then be the man that Senator Chief Fagbenro has praised, the Governor-General; I would not say the Governor-General but the leader of the N.C.N.C. at the time, Dr the Right Hon. Nnamdi Azikiwe of the N.C.N.C. I am not talking of the Governor-General now. We should not think that it did not take them time to get the N.C.N.C. to agree to the proposal. The President of the Senate will tell you that it was not easy. The thing was a fight and the President of the Senate, is a bomber! People should not think that he is not because he is short. You know short men are very difficult to handle. When the President knocks his hand on the Table one is tempted to think he is going to fight. Let us remember Napoleon.

Now, I want also to praise Dr Okpara. I remember the last time he went to the Mid-West to inform the people what issues were involved, he used a wonderful tactic; he said that the Party should go into the place and talk to men and women and everybody. He himself campaigned for about a month to make the people realise their rights. He was not campaigning for the N.C.N.C., he was campaigning for the rights and freedom of the Mid-Westerners. So I doff my hat to him and give him special praise for his steadfastness in trying to do the correct thing at the correct time. I have to praise the N.P.C. as a party. They helped a lot to see that the State was created. Without the N.P.C., the N.C.N.C. would not have been able to do it alone. It was a job well done by the N.P.C., the N.C.N.C., with the Action Group in the background when they were in power. According to Chief Fagbenro-Beyioku, they gave the thing the first stamp of governmental

reality, consciously or unconsciously. In fact, we have to view all these points very perspective.

Coming to the Federal Government, it is the combination of the N.C.N.C. and N.P.C. that has done a lot to get the whole thing through. It is the Federal Government that has called us all together to discuss this issue and give it our blessing. We thank the Federal Government for this.

Coming back to the question of who will be the administrator, I have to say again that I will like the President to know that many people are confused as to whether man makes history or history makes man. Those of us who think deeply in this country have no doubt about the success of the new Mid-West Region. I do not know why some people oppose it. I do not know the difficulties encountered by those who are opposed to it. Nevertheless, we have faith and implicit confidence in your leadership. I am not saying this to flatter you. I am rather saying it to make you more humble so that you may realise that you do not belong to any tribe but to your own self. You do not belong to the Ibo people, Itsekiri people or the Urhobo people. Remain personal to yourself for ever, because God has given you a duty to perform and to perform it well.

With regard to the question of more states, there is one adage in democracy which says, "We lose what we do not share". For example, try to close your eyes to spite your face and you will knock yourself against something that will hurt your body. Therefore, in democracy, we have an adage that, "We lose what we do not share".

I do not intend to repeat the words of Senator Chief Fagbenro-Beyioku. I like the way he has said them. We do not need to re-emphasise the fact that this country should have more states created. It does not require much talking. It will certainly happen. When Mahatma Ghandi came to London sometime ago, that was many years before they got their independence, Mr Churchill said, "Look at that bugger wearing loin cloth!" Probably he thought that they would never be independent. By then the King of England was the majesty of all majesties all over the world and "the sun never set". But I think the sun is set now. I would like to stress that these things do not require too much talking so long as man is man

and so long as man lives. I am sure that after a short while, more states will be created. We pray for that and we are looking forward to that.

I am glad that the person who is going to head the Mid-West is the President of the Senate and one who will give the example that will lead to the creation of more states. That is why I am telling him to regard all what we are saying as no praises at all but as things to make him to be fully aware of the responsibilities that he is about to shoulder. It is not a small task and should not be taken as a joke. I wish the new State steady growth and prosperity.

Senator Salahu Fulani : I have very few words to say. Firstly, I must congratulate all those people who contributed towards the creation of the Mid-West Region.

The last but one speaker here talked about the creation of more states in Nigeria. Well, I am one of those who do not want Nigeria to be cut to pieces, but with a proviso. A new state has been born in the Federation of Nigeria, nay in the whole world, and all the eyes of people are on it and on you as its leader, and the originator of the state. The prospect of creating more states in the future depends entirely on how you handle the affairs of the Mid-West (*hear, hear*). We do not want to flatter you, but I will say that the first time I saw you I said to myself that you have the look of a philosopher, the brain of a sage and, above all, the heart of a saint.

Senator Chief O. A. Fagbenro-Beyioku : On a point of order, I think some Senators are going out and when it is time for voting, we may not get the two-thirds majority.

The President : It does not require two-thirds majority. But that does not mean that everybody should go away.

Senator Salahu Fulani : As I was saying, when I came here and met you for the first time, I thought you were a philosopher and that you have the brain of a sage and above all you have the heart of a saint. All these qualities put together place you well to run the Mid-West State in a Utopian system. Some people say that "the abuse of greatness is where it enjoys immortal power". As you are great, you must remember those people behind you. The whole affairs of the Mid-West are in your hands and the success of the

new state depends on how you and your lieutenants will handle it. I wish the new state well.

Senator Chief Z. C. Obi : In contributing to the debate on the Mid-West Bill, I will start by congratulating the people of the Mid-West Region and their leaders on the successful outcome of the referendum held on the 13th July, 1963. Their verdict will now give them a State of their own. It is both noteworthy and praise-worthy in that they have voted 89 per cent "Yes" as against 60 per cent demanded by law. In particular, I wish to congratulate Chief Dennis Osadebay, President of the Senate and leader of the Mid-West State Movement, who has done much in the struggle to create the Mid-West State. Chief Dennis Osadebay is a born leader. He never leads people astray or amiss. He is humanitarian, knowledgeable, conscientious and unpretentious. May I say to Chief Dennis Osadebay, more grease to your elbows. I wish him a good many years of continued useful service to our great country. I would also like to pay special tribute to Chief Festus Okotie-Eboh, Political Adviser to the Mid-West State Movement for the very outstanding role he also played on the issue for the demand of a separate state for the Mid-Westerners.

I would like to take this opportunity to express my sorrow for the sudden death of the late Senator Dahlton Asemota, one of the protagonists of the demand for the creation of the Mid-Western Region. I trust that when the new fourth region for which he laboured so much is set going, something worthwhile would be done by the government and people of that Region to perpetuate his memory. May his great soul rest in peace.

Several Senators : Amen.

Senator Chief Obi : We of this House wholeheartedly support the demand for the fourth Region because we are convinced that the proposed Region has the men and material and that the Region will be viable. The transitional provision for the affairs of the proposed Region to be managed by an interim body of persons to be appointed by the Governor-General and to be known as the Administrative Council of Mid-Western Nigeria under the chairmanship of an Administrator, is very welcome. I wish this interim governing

[SENATOR CHIEF OBI]

body of the affairs of the new Region every success, and may the Mid-Western Region, when duly constituted, be a source of inspiration towards the creation of more states in Nigeria, and may it contribute to the overall peace and stability of the Government of the Republic of the Federation of Nigeria.

I beg to support.

Senator Alhaji Y. M. Abudu : I rise to support this Bill for the transitional provision for the creation of the Mid-West State. I have to associate myself with the others who have congratulated our President as Leader of the Mid-West State Movement. I congratulate him on his efforts in making the creation possible. We all know the character of the President ; we know how you have paddled the canoe of this Movement since you started, and I think now that you have got what you were looking for, you will make good use of this opportunity. I have no doubt in my mind that you will make a success of this new Region.

I have been hearing it said in this House that we do not come here to play politics, but from what I have been listening to this morning, I am afraid we are political. The credit for the creation of the Mid-West State must primarily be given to the people of the Mid-West and, secondarily, it must be given to the Action Group. It was the Action Group, under the Premiership of Chief Obafemi Awolowo, in 1956, which took steps for the creation of this Mid-West Region by passing a Motion moved by a member of the Action Group in the Western House of Assembly. It was after the Motion had been passed that they requested the Queen, then our overlord, to create this Mid-West Region. This, of course, was not possible because we were still under a foreign rule. In 1957 or 1958 (I do not remember exactly (when we went for the Constitutional Conference in London, it was the Action Group that led the people who wanted more states to be created and they fought hard for the provision of the creation of more states in Nigeria, and—

The President : Order, order. I was at the Constitutional Conference and I led the debate. It was not the Action Group. We must get our facts correct. In 1957 and 1958, Lennox-Boyd called upon Zik and Zik called upon the Leader of the Mid-West State Movement who led the case for the minorities. The Attorney-

General is here and he was also at the conference. As a matter of fact, Chief Awolowo spoke in reply to my debate.

Senator Abudu : It was on your effort and theirs, too, that the provision was inserted in our Constitution that more states could be created. If we have not got the provision in the Constitution, we could not have been able to create more states, however much we may like it. But it was the provision that was inserted in our Constitution that has enabled us to create more states.

The President : I am saying that for the sake of facts, they did not lead.

Senator Abudu : That credit should be given to them in spite of the fact that they are not here. But it must go down on our records that people who have done well—it is said, "Give honour to whom honour is due." If people do anything bad, they must be told, and when they do good things, they must also be told. We who are here to-day are making history, and if we do not do anything worthwhile, others who are coming behind us will say: "Oh, they did nothing." I say that we should give credit to those who have participated in the creation of the Mid-West Region.

As I have said, I have nothing to quarrel about. Rather, I want to congratulate the President and the people of the Mid-West Region and the people of the Western Region who have been so magnanimous as to leave the people with whom they have been working for a number of years to go without any bad blood. It is a credit to them as well. Other Regions which have not taken steps for the creation of more states must have to reconsider their stand, because the result of the referendum is a pointer to the fact that the aspirations of the people cannot be suppressed for a long time.

Senator E. A. Lagunju : I rise, like others who have spoken before me, to congratulate the people who have played their role to bring about the creation of the Mid-West Region. Personally, this is the Upper House and I am not prepared to go into parties as such. I go straight to the people of the Mid-West because we are told, "Self-determination, like self-preservation, has motive force behind it". One may be able to stifle that effort, but one cannot kill it. If you scorch a snake and not kill it,

it remains a snake. Similarly, when people do aspire to something, they are bound to get it in the long run; it may take years. I personally congratulate, first and foremost, the people of the Mid-West. It is the principle of self-determinism. They are prepared to determine something on their own. "Charity begins at home." They want to have a government of their own: that government may take any shape; it may take any form, but that will be their own government, and since it is their own government, it is the best for them. I think it is the right move in the right direction and I am congratulating, among the leaders of the Mid-West, our able President on the prominent role he has played without bitterness. People who know him very well know too well that even when he was Leader of the Opposition in the Western House of Assembly, he was a leader without bitterness; he was always frank, simple, unassuming; and he is somebody who usually goes about his business in a dignified manner. That is the quality we require in the leader of a nation like this. We require these sterling qualities, the quality of give and take. Similarly, we congratulate our Minister of Finance, Chief Festus Okotie-Eboh, and Chief Omo-Osagie, the Iyase of Benin, and a host of others.

It is unfortunate that we have lost one of us, the late Senator Dahlton Asemota who played a prominent role. May his soul rest in peace. We do hope that when the State is created something worthy of his name will be set up, in the way of a statue so that his name remains indelible in the minds of the Mid-Westerners.

History, we are told, is the realisation of God's intentions. History is being made. Personally, I, like the Hebrews believe a lot in the Hebrew philosophy that what is happening to-day (even though some people may regard me as another preacher) is the realisation of God's intentions. It is true that some people may have played some part, but it is God's wish that is materialising. I am happy the way many people have spoken, even those who were very much against the creation of more states, those who do not see any imbalance in our present set-up, those who are prepared to go all out to say that we are stretching the case too far and that in America there were originally thirteen states and that New York was a big state. I still maintain that even with the old set-up in America, New York was never equal to

one-third of the whole of America, how much less now that they have fifty states. So that with the present set-up there is real democracy in progress in America because no one single state is equal to one-third of the whole country.

I am happy to-day that people do realise that the main motive behind the creation of states is the desire to satisfy the aspirations of minority groups and as long as there are minority groups in the East, as long as there are minority groups in the North, the aspiration for the creation of more states will continue to exist, and I am very happy that we have all come to realise that it is just a matter of time before other states are created. Then, of course, we will all come to see that the state which is the fore-runner of the other states—the Mid-West State—is just the beginning and not the end.

A Senator mentioned something about Sir Winston Churchill, the ultra-conservative. Churchill is somebody who believes in the policy of "What we have we hold," and he actually said, and I quote him: "*I will not preside over the liquidation of the British Empire*". Where is the British Empire to-day? Translated, transformed, liquidated. But Churchill is still alive and the British Empire is no longer what it was in those days. So—

The President: The hon. Minister here says that Churchill is still alive but he did not preside over the liquidation.

Senator Lagunju: I do realise that. It only means that in the days of our able and God-fearing Prime Minister—I pray he should live long—

A Senator: Amen.

Senator Lagunju: By the time he quits politics, or by the time he becomes a backbencher, he will live to see the creation of more states in this country.

I have nothing but praise and congratulations for the doughty fighters who have brought into being the new baby.

Mr President, Sir, I congratulate you.

Senator A. Nwoke: I rise to support the Mid-Western Region (Transitional Provisions) Bill. It is a very great pride for this nation to have personalities like our Governor-General, the Prime Minister, the Attorney-General and Minister of Justice, an international

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figure, the great scholar who has found time to keep our laws and help revise our Constitution from time to time.

To the Mid-West leaders, we have all showered our praise on them and we are very proud of them: personalities like the President of the Senate, Chief Osadebay, our great Minister of Finance, Chief Festus Okotie-Eboh, the wizard of our finances, his able assistant the Minister of State in the Ministry of Finance, Chief Omo-Osagie, and a host of other Mid-West notables. And we shall never forget the part played by our past friends like my good friend—

Minister of State (Chief the hon. H. Omo-Osagie): On a point of order, the Senator has not described me fully. He should have said the Prime Minister of Benin.

The President: Will the Senator take note of that.

Senator Nwoke: Thank you very much, hon. Minister. The late Senator Asemota, who was my good friend, my neighbour in the flats and my neighbour in the Senate, we have lost his services. Our great friend, Chief Longe who, after his noble service to the nation, died so suddenly. Chief Longe was known to me when he was in the Education Department at Umuahia. He was a most unassuming character. It appears that all the leaders of the Mid-West are all sober and good people. It is the responsibility of the leaders and the led to take care of this baby.

Mr President, I will take special leave from you to differ from most of the Senators who have expressed an opinion that the creation of more states will depend on what we make of the existing one. I am of the school of thought that right away, from to-day, the Federal Government should be willing to go to the aid of any Region that wants help. It will be unfair to use the performance of the Mid-West Region as a yardstick for the creation of other states. The difficulty is, how long will that take place? After all, it was the Mid-Westerners who actually invited the nation and were later on joined by the whole of the Western Region. I remember in the early forties, when I was here, we thought that the Federation could best be ruled through ethnic grouping. We of the Federal Ibo Union had petitioned the Government several times to

release our kith and kin of the Ibos of the Mid-West to join forces with the rest of us. At that time the hon. President of the Senate was our Secretary. We fought, but the Government could not listen to us. But the feeling was growing in intensity and soon, like fire, spread all over the Mid-West, that they themselves should be together alone. That matter, as history shows, was taken up by the Government of the day at that time, and the whole agitation became a household word in the whole of the Mid-West, culminating in the successful plebiscite held recently for which I congratulate the leaders.

From that record, Members will notice that nobody actually from the North or from the East or from the Federal Capital or from any other area, for that matter, instigated the people of the Mid-West to take such a decision to carve the Western Region into two. If the East invites us, I feel the Federal Government can rush to the place and help them, and ditto for the North. I am not opposed to the creation of more states but I am making it categorically clear that it should not be influenced by an external force, it should be the force within the area. No external force influenced the Mid-Westerners. We should take a leaf from them.

As I said, I rise to support this Bill. I support it with the force within me, and I have to congratulate our leaders once again from all angles and to thank ourselves because we have honest leadership, and before we can succeed we must have honest followership.

I beg to support.

Senator H. O. Abaagu: I would like to start off by paying tribute to the Mid-Westerners and their leaders who have all these years been struggling to bring about their State. I should also pay tribute to Dr Azikiwe. The reason why I pay tribute to him is that he led our political party which initiated the idea of more states in Nigeria. I remember very well in 1948 (then I was in the N.C.N.C.) we had a conference in Kaduna where we started this question of more states and, in fact, the Mid-West State was envisaged then. At Kaduna we discussed eight states—I do not know where Senator Chief Fagbenro-Beyioku got his 12 states. Dr Azikiwe stood very firm and he started the drum and we all danced to his tune.

I want to pay tribute to the Oba of Benin. Of course, the Oba was off and on, but nevertheless the part he played in the Movement was more conspicuous than the people of the Mid-West knew. As soon as the Oba came to the show, it was a cause worth supporting. There are many other Leaders too, leaders like Chief Dennis Osadebay, Chief Festus Okotie-Eboh, Chief Omo-Osagie, Chief J. I. G. Onyia, Chief Oputa-Otutu, Chief Oweh, Chief Ekwuyasi, Chief Mariere, the late Dalton Asemota and a host of others. These names closely connected with the Movement for the creation of the Mid-West State. My particular tribute goes to Chief Dennis Osadebay who happens to be the leader of this Movement. In fact, when I knew him round about 1954, he was closely connected with the Movement and since then he has been leading the Movement until last month when the goal was achieved.

Really people who fight for a just cause live to reap the benefit of their sweat, but where somebody has relentlessly fought for a cause and that goal or that particular aim materialises in his own life time, I think that that particular person should enjoy the fruits of his own sweat. I am not trying to pre-judge the mind of the Prime Minister, but that is natural justice.

Turning to the appointment of the interim government for the Mid-West, as I have just suggested, when somebody has relentlessly fought for a just cause which materialises in his own life time, natural justice says that he must be allowed to enjoy the fruits of his labours. At the moment, the Government is thinking of employing too many people to run that young State. I understand that there are so many people who would like to participate in the government. Why should everybody be a member of that government, considering the slender finances available? In fact at present the State has nothing; it is going to live on the generosity of the Western Nigeria Government and of the Federal Government. Therefore, if we employ too many hands in that government, it means we are going to find money somewhere. I remember—

Minister of State (Chief the hon. H. Omo-Osagie): On a point of order, Senator Abaagu says that the new State might probably live on the generosity of the Western Region. I wish to tell the Senator that the Western Region has

got no money to feed itself; they have got to borrow from us as time goes on.

Senator Abaagu: That is the reason why I am suggesting that there should be fewer people in the government so that we can pay them conveniently. For that reason, I am strongly of the opinion that when it comes to the question of appointing Commissioners, the Government should be very careful to appoint as few as possible.

May I advise the Government that as the Mid-West has recently passed through a state of disturbance, and in order to obviate a similar occurrence, that a national government be appointed for the Mid-West with representatives from all political parties there—that is the N.C.N.C., the U.P.P., the Action Group the N.P.C., and all other political parties there.

Minister of State (Chief the hon. H. Omo-Osagie): On a point of information, may I express my gratitude to the Senator, and further to say that that is exactly what is our idea.

Senator Abaagu: If that is what the government has in mind, then this government deserves some sort of congratulation because that will eliminate any element of sentiment and disagreement in the Mid-West.

Senator Chief O. A. Fagbenro-Beyioku: On a point of order, may I for purposes of record, point out that it is not the government but the people of the Mid-West themselves—

The President: What did the government not do?

Senator Chief Fagbenro-Beyioku: Senator Abaagu said that it was the Federal Government's intention to set up a sort of national form of government, and went further to say that if it was so (referring to this Federal Government) that it was good. I then said that it was not the Federal Government which was setting up the national government, but the people of the Mid-West themselves.

The President: What about the Bill stating that the Governor-General on the advice of the Prime Minister will appoint certain people who will be charged with the general duty of administering the government? Does that not mean the Federal Government?

Minister of State (Chief the hon. H. Omo-Osagie): I think Senator Abaagu was referring to the Administration and not the elected government. What I said was that it was our intention, and when I said "our intention" I meant the intention of the people of the Mid-West and not that of the Federal Government or even that of the future government of the Mid-West.

Senator Abaagu: I want to wind up with the story about the agitation for more states. People have misunderstood us in the Northern Region. We are not very much opposed to the creation of more states as such, but there is one thing people must understand. There is no single group of people in the North which has initiated the idea of more states. The idea of more states in the North has always been motivated either from the East or from the West.

Several Senators: No!

Senator E. A. Lagunju: On a point of order, may I say that I am very sorry that the Senator is trying to impute motives. The Senator must realise that there are minority elements in the North. The Tivs are there, and they have always been agitating, and still continue to agitate, for their own state.

The President: I do not think he is imputing motives. I think he is legitimate in what he is saying. That is his opinion, and he is not necessarily imputing motives.

Senator Abaagu: Truth is bitter. I am telling Senators that there is no single tribal group in Northern Nigeria which has legitimately or honestly asked for any state in the North.

A Senator: The Senator is far from correct.

Senator Abaagu: As long as there is no legitimate agitation in the North, we the people of the North are not prepared to support any move for a new state, and besides, our own policy in the North is one North, one people, one destiny.

Senator Chief Fagbenro-Beyioku: The Senator is contradicting himself. He once said he had no objection, and now he says he has objection to the creation of more States! What is he saying as a Senator?

The President: Order! Senator Abaagu has the Floor.

Senator Abaagu: The Senator is always pulling my legs. Until there is a legitimate demand, we are opposed to the creation of more states.

These are my contributions, and I am very grateful to the protagonists of the new state. It is always wise that when people want anything it should be given to them.

I beg to support.

Senator Oba Adeniji Adele II of Lagos: I rise to support the creation of the Mid-West Region, and in doing so, I must first of all thank the Prime Minister because, without giving his blessing to the creation, nothing could have been done. Secondly, I have to congratulate our President, though it seems as if he is not the originator of this Mid-West Region.

I know much about the creation of the Mid-West Region because, at the time the Mid-West State was being agitated for we, in Lagos, were also agitating for the creation of a Lagos Region including Badagry, Ikeja, and Epe Divisions. I must make it clear that at that time these Divisions were not part of the Western Region: they were all in the Colony Division. Fortunately or unfortunately, our people later urged that Lagos must go with the Western Region, but I was badly against it. I pressed that all these Divisions should be combined together with Lagos to be converted into a Region, and, of course, after some manoeuvres, others succeeded against me. I must make it clear that I was not then the Oba of Lagos. I was just a civil servant like most of us.

Most unfortunately, after the creation of the Mid-West Council, something happened which made it compulsory for Lagos to be separated from the Western Region. I had then become the Oba. Then I agitated that if we could not go back to the West, we must be given our Colony Division and should be converted into a Region. That brought about the trouble between the Action Group and myself which resulted in what we now term "Lagos belongs to the West and there is no alternative". That is just a part of what has happened previously, and I must drop that now. Most unfortunately, that is the story.

Coming back to the question on the Floor, I must sincerely congratulate the President of the Senate on the noble part he has played in the creation of the Mid-West Region. If he is not the originator, he has at least played a noble part, and everyone of us must have to congratulate him very heartily on what he has done. We must also have to congratulate Chief Okotie-Eboh as well as Chief Omo-Osagie, the Iyase of Benin, and the late Senator Dahlton Asemota on all they have done. There is a really patriotic feeling. If they were not real patriots they would not have been able to forge ahead to success. They were, in fact, patriotic and they fought for their country from the very beginning to the end. Now, the end of the agitation is at hand, and I wish that when they get to their kingdom they will be able to carry on peacefully. I am sure that from what I know of the President, he will make a success of it all. We have known ourselves when we were in the civil service, and I remember clearly the part he played when he was the Secretary of the Civil Servants Union. I also know what he has done ever since he came to this Senate. We have known exactly what he has been doing and what he is capable of doing, and I am quite sure that the success of the Mid-West is a forgone conclusion.

Now, the creation of the Mid-West Region, as I have said, is the birth of a new baby.

It is going to need a great amount of care, work, and forbearance. We must tolerate many things. I know many things will come which will make one at times annoyed. I am sure the President and his Deputies will discharge their duties so creditably that in the end the Mid-West will be a success.

I congratulate you, Mr President.

Senator Chief P. C. Ndu : In supporting the Bill on the creation of the Mid-West Region, I think I have got very few remarks to make.

I wish, first of all, to start by congratulating the people of the Mid-West because they have suffered very much. It is true that the agitation for the creation of the Mid-West Region started as far back as 1948. When farming is in progress many people fear to go to farm, but when the harvest time comes many people like to pose as the people who actually had done the work on the farm. I have to congratulate the Prime Minister because he consented

by subscribing his signatures on most of the documents. If that was not done, nothing could have been done.

I shall not forget the trouble taken by the N.C.N.C. during the referendum. I was actually there and took part in seeing that the people of the Mid-West signified "yes". I want you to believe that during our campaign tour in Warri and Sapele, after campaigning in the daytime some people went out in the night to tell the people that if they signified "yes" with the white box it would mean that they wanted white-men to come back and rule, but that if they voted "no" with the black box that indicated that black-man would be coming to rule. The people got confused by that way. After our campaign team had left some places, we had some reasons to return there. The Eastern Premier and his entourage were all there. We slept in open fields because we saw that the rope which we had tied was persistently being loosened by somebody. So, we remained with the people until they were convinced that to say "yes" meant having their own State, which would be more beneficial to them. As a result of that, they have signified "yes" with about 89 per cent of the total votes cast.

As you, Mr President, are still here commanding us now, we realise that in a short while you will be away to the Mid-West. The example which you are going to lay with the assistance of some people who will be your lieutenants will, of course, show either or not more states will be created.

It was said of old that the taste of the pudding is in the eating. When I say that I congratulate the N.C.N.C., I do not forget the N.P.C. because some of the members of the N.P.C. helped us. There were some Action Group members who actually helped to see that the state was created, but most of them preached against it. I remember when we went to a certain place at Agbor to see the Chief of Agbor—

Senator Ogundipe : On a point of order, I think the Senator is going rather too far into politics, and he may likely impute motives.

The President : There is nothing stopping him from talking politics.

Senator Chief Ndu : As I was saying, when we got to the Chief of Agbor he received us

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gorgeously and told us that he was a member of the Action Group and could not stop his people from signifying "yes".

I have not very much to say on this Bill, and my speech is coming to an end. May I, therefore, finally thank the President for the creation of the Mid-West Region.

I support the Bill.

Senator Chief J. S. Olayeye : I must be brief. I support the Mid-Western Region (Transitional Provisions) Bill.

Minister of State (Chief the hon. H. Omosagie) : Okitipupa, being part of Benin, will certainly go to the Mid-West.

Senator Chief Olayeye : Honour must be given unto whom honour is due. So, my congratulations will start from the Mid-West because the people of that place wanted the creation of their own region. They pressed the Western Nigeria Government, and after a while the Western Nigeria Government accepted it. Here we are to-day ! I congratulate the people of the Mid-West because they realise that by the creation of that Region there will be something beneficial for them, and when they put the matter forward to the Western Nigeria Government by peaceful method, without blood-shed, it was accepted before it was brought forward to the Federal Government.

I mostly owe debts of incalculable gratitude to the people of the Mid-West and the Western Region. When the thing came up, the Federal Government took it up. The Federal Government did not refuse it. Therefore, I also express my congratulations to the Federal Government. I want to be brief as I said earlier. The people of the West, and particularly, the Government of the West, have set an example by showing the light for the people to find the way.

Minister of State (Chief the hon. Omosagie) : I am sorry that I have to rise on many occasions on points of order, but I find that the Senator speaking is laying very much emphasis on the actions of the Western Government. May I say that it was true that they passed a Motion which later proved to be a bait to get the Oba of Benin to support them. That was a dangling bait which, unfortunately, caught the Oba and led him into thinking that the then Action Group Government was capable of

creating any state, but not very long afterwards the Oba found out that the Government had not the power, so he had to retreat of his own will

Senator Oba Adeniji Adele II of Lagos : I should have thought that the Chief ought to have waited, as a Minister of State, until the time comes for winding up the debate then he can proceed to say whatever he likes to say.

Senator Chief Olayeye : I will conduct my speech according to my own understanding, and as long as I have been given the chance to speak I still maintain that it was by the grace of the Western Government that the new state is being created. If others in the North and the East would only follow suit we would be satisfied. Everybody wants to be free. I do not believe in the saying that there is no one in the North who welcomes the idea of new states. I want to be free and I want to be an important person in my area. No doubt, everyone wants to be equally free. So people should not be surprised when I say that we still have a long way to go. This is an example which is better than precept; we want more states to be created in the North—at least about six—and more states to be carved in the East also. After all the West is the smallest Region in the Federation, and everyone should realise the great concession it has made.

Senator Chief Fagbenro-Beyioku : On a point of information, the West is not the smallest Region by dimension.

Senator Chief Olayeye : I am talking in terms of population. The West had made a great sacrifice and we expect the people in the North as well as those in the East to do likewise. By this concession the population of the West is now reduced, whereas those of the other two Regions remain unaffected.

I would like to point out that our President who has laboured very hard to see this new state through may, perhaps, be taken away from us before long. That is good, because it will afford him the chance to reap the seeds of his labour, but, personally speaking, I do not like the Senate to lose him.

Senator Chief Fagbenro-Beyioku : On a point of order, the Senator is not heard clearly.

The President : Will the Senator please raise his voice.

Senator Chief Olayeye : I would like to see an experienced lawyer and politician occupy his seat when it becomes vacant. At the moment we complain very much about the shabby treatment we receive, but through his untiring efforts we have been getting fair reception. Were he to be an ordinary man, without the right experience of the law, our brothers in the Lower House would have just treated us anyhow. Now he is going away and his absence will be much felt by me and other Senators.

Mr President, we have enjoyed your kind services to us—you have given us fair treatment and treated us as elder statesmen. As a matter of fact if I had the power I would have forestalled this attempt to take you away. However I must wind up by congratulating you, once again, together with Chief the hon. Okotie-Eboh and other distinguished men of the Mid-West.

I support the Bill.

Senator Chief (Mrs) Wuraola Esan : Mr President, I was just wondering if I would catch your eye.

The President : Senator Chief (Mrs) Wura Esan always catches my eye !

Senator Chief (Mrs) Esan : I am very pleased to congratulate you, Mr President. My own reason is that you have been fortunate to lead a most constant and persistent band of people. It is one thing to have self-determination and it is another thing to have the courage to carry it on. You have carried it on through thick and thin and you have won.

The people who say that we should have more States in this country are correct. I was fortunate to be one of those who went to London for the last Constitutional Conference and we took with us, your own draft and proposals of the minority groups. Self-determination is never imposed on anybody. Your group is the one which had stood firm up-to-date, and you persisted through thick and thin, as I said before, and won. If the other groups would only now realise that they would get what they want if only they continue pressing for it, then we shall have more states in this country. That is my own personal opinion.

To say that the success of the Mid-West will make us have more States is more or less deceiving ourselves.

The Mid-West is going to succeed. Do Senators know why? This is not a question of praise or personality at all. People who worked hard wanting a thing, will work harder to preserve that thing when it is achieved. The Mid-Westerners are going to do it whatever we say. Money or no money, they shall win. Some people think that the Mid-Westerners got their state because somebody lobbied with somebody or that it was used as a bait for some one. It is not so. The Western Region then was not setting any bait for anyone. Rather they supported the move, because they were being troubled by a band of people who were determined to go.

Indeed, I have been in politics for a long time now, and have followed with interest, the determination of this band of people who kept on asking. If you have a child at home, and this child wants a penny and keeps pressing you for it all the time, you may be compelled to go and borrow the penny if you have not got it, in order to satisfy the child. So, it is not a bait. You were worrying to have your state, and thank goodness that Chief Awolowo was a man who saw in time that you shall go whatever happened, and so he persuaded the Western Region to allow you to go. He is a happy man to-day because during his life time in spite of everything, you have got your wish ; he supported it at the right time. We must give him thanks whatever may happen afterwards.

I wish to appeal to all the political parties that they should forget the political manoeuvres that went before. Let us remember that we want a modern state with modern men who have modern ideas to run that state and, remember this, that state is going to succeed to the glory of the whole of Nigeria.

Everybody here stood up to praise one person or the other, I also stand up to praise those who often deserve praise but are not remembered, the silent workers, and those are the women. They did not go about boasting or bragging but they carried on supporting their men. If the women of the Mid-West did not support their men and their leaders the would not have got 89 per cent. They did not go about fighting, because they could have

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spoiled everything inspite of the men if they had started rangling among groups; there are so many tribal groups, they kept calm, and worked hard towards the creation of the State.

Minister of State (Chief the hon. H. Omo-Osagie) : On a point of order, the women of the Mid-West were not silent workers. They were very active workers, as active as the men. They went all about campaigning as the men did, so that they were not silent workers. They were active workers.

The President : Senator Chief (Mrs) Wura Esan's case is more strengthened then !

Senator Chief (Mrs) Esan : What I meant by silence was that they did not boast like you men. They worked silently. I know that women are more active campaigners than men because we know how to campaign, we can campaign from house to house, we campaign with our charms, with our smiles and with everything we have. We used our power to bring success to the Mid-West, so I thank those women and I praise them and hope they will continue to support the men of the Mid-West to success, because they too are all responsible as the men.

Finally, I think it is one thing to have a baby and it is another thing to nurse the baby through all illness and make the baby live. I am confident, Sir, that you are a capable man and that there is going to be an interim Government headed by you because you have been in the thickness of the fight. You have gone through the hardest part of life and now you come to the more pleasurable part of it. Going through all stages of life is something that does not happen to everyone living. Some people find themselves in glory or in riches suddenly but you did not, you have worked hard throughout your life and you are going to work harder now. This is not for your own pleasure because you do not require more money for you to live in plenty all your life, you do not require more glory because you have got sufficient; what you require is a better opportunity to give service to humanity and you have now got that opportunity. That is not always the lot of everybody. You are also going to lead a strong band of loyal and capable people. That is the honour God has given you and you alone, as far as I see in Nigeriato-day.

All the other leaders are only developing old things, you are going to start a completely new Region and that is a very hard task for anybody. That is why I said we must forget what happened in the past—what the N.C.N.C., or the Action Group or even the U.P.P. did.

A Senator : Or women :

Senator Chief (Mrs) Esan : Or even women, because we may demand one Region in the North, if they do not allow us to vote, where all the women of the North shall go and vote. That is in the future, if we are not given the franchise in time.

A Senator : I would like to live in that Region !

Senator Chief (Mrs) Esan : No, we would not like any man to live there ! What I am advocating is that which you yourself, Mr President, are going to do if I know you well as I think I do; that is, to forget the past and choose capable people. Do not mind the braggarts or those people who always want things for themselves whether they deserve it or not.

I would go further to say that if need be, you should create new set of wages in this new Region and let us emulate it.

A Senator : Higher or lower ?

Senator Chief (Mrs) Esan : Well, the President knows, there is no need for me to tell the Senator whether it is going to be higher or lower. If you do that, Sir, you will have done a great service for the whole of Nigeria. We are living so much false life nowadays that somebody must teach us the right way to live and work if this country is going to be a great one.

I know you have good set of women to deal with there. In Nigeria two types of women are extravagant. They are the Yoruba women and the Itsekiri women. They want to buy clothes, jewelry and other costly things. But now that the new State is born, the women will be very careful in the way they use their money. This is because a lot of money will be required to develop the new state. I am sure that the women will listen to you in all your appeals. We in Nigeria are always willing to learn and we hope you will fairly teach us a good lesson and that the lesson will be good to the whole country.

Senator Alhaji Abubakar Bale : I wish to associate myself with the other Senators in congratulating those who did very good work and also played an important part in the creation of the Mid-West Region. These people make the creation of the state a reality. Of course, everything must be started by some one. At the beginning things may be difficult, but with co-operation and suggestions, the difficulties will be overcome. It often happens that in the end those who toiled and worked hard never live to see the tree they planted full grown. They never reap the fruits of their labour while those who were not present at the initial struggle will be the people to have the opportunity of reaping the fruits from trees planted by other people.

About the creation of more states, some Senators have asked for the creation of more states. I certainly do not support the creation of more states. This is not the time for that. We are now talking about this new born baby—the Mid-West State. Its father is the Federal Government and its mother is the Mid-West people. The baby is to be watched by the mother whilst the father looks after the mother and the baby. The most important thing now is how to maintain the baby. How can we ensure that the baby is taken good care of. It is the people of the Mid-West themselves who will have to take proper care of the baby and they should see to it that this new state where all the eyes of the world is focused is well maintained. This is not a small job. It needs understanding and co-operation of all the leaders. Those who are able and capable should run the affairs. The set up of the interim administration of the Region is welcome and I hope it will be very successful.

May I say again that I do not support the idea of creating more states. I understand the Mid-West issue started since 1948 and it is only now that their demand is granted. How can you give a man what he did not ask for? You do not know whether he will receive it or not since he did not ask for it? To create a Region is not a small thing. One of my friends has said that the minority groups in the North have not demanded the creation of their own Region and some Senators claim that it is not true. I do not know how far they have gone and how far they have heard about those minority groups in the North. I would like to know which minority group in

the North has asked for the creation of a new state.

Some Senators : The Tivs.

Senator Alhaji Abubakar Bale : Did you hear the Tiv people say so? The people in Tiv area have never said so. They have never demanded separation from the Northern Region and if they did, what did the Northern Government do about it?

Some Senators : The Northern Government refused to grant them their request.

Senator Alhaji Abubakar Bale : Why?

Some Senators : They are barred.

Senator Alhaji Abubakar Bale : How can people be barred? We have confidence in our leaders and they have in us too. There is no single tribe in the Northern Region demanding separation.

A Senator : I will tell you.

Senator Alhaji Abubakar Bale : Has any of you read of any such thing in the papers? But none of you Senators here have read in the papers that these people from the Middle Belt Area really want the state. There is nobody here who can point out to me that such and such a man from the Middle Belt Area has actually prepared a document advocating that a State be created. What have we seen? It is a result of the agitation for the creation of the Mid-West State, the Lagos State, and so on that some people got the idea of a Middle Belt State. And all the agitations are based on hearsay. If they genuinely want the State they would have made representations and put them forward but the point is that the actual people are not agitating. In this respect I would say that it is wrong for anybody to leave his region, to incite the people of the other Region against constituted authority. As we go along, if there are people who want the state and we think they have genuine reasons then we shall look into the complaints and if they are founded a region will be created. At the moment, the people do not want the creation of a new region.

As far as the Mid-West is concerned I thank the people of the Mid-West and I think those who have helped them to realise their ambition. I wish the Region every success.

With these few remarks, I beg to support.

Senator Chief S. T. Hunponu-Wusu : I support the Senators who have spoken before me. It is one of the sayings in the olden days which says that happy days are here again. I say that happy days are here again and it is a good thing that we should be happy. I am sure that the people of the Mid-West are happy as well as other people from the other Regions. I do not think that there is anything that we should quarrel about. Some of our Senators, particularly those from the Northern Region, are saying that the question of creating more states in their Region will never be entertained. Some people fear to come out to say that we want this, and we want that, and it is always difficult to get people who will have courage like the Mid-Westerners, to come out to say that we want this and we want that.

At the onset, I knew that some of them were afraid to say it out, as it is the case in the Northern Region to-day. Our people in the Northern Region should not quarrel over that; their people have not asked for a new state. There may be a thousand and one who would like to separate; who would like amenities and pleasure and all the things we are all enjoying to-day. We know that the Northern Region is a very big area and that Northerners will all agree with me that the amenities we enjoy in the South are not the same as those enjoyed in the North. If that is so, I think the time has come to have a change—a change of minds and thought. I am referring to some of the people in the Upper House. What is good for the goose is also good for the gander. If people think that because they are in a position which to-day is higher than that of others in their Region and that they are prominent and therefore regard themselves as the only persons in the world then they are making a mistake. We should always think of the people lower than ourselves.

I will invite the attention of Senators to the position in the Western Region to-day. The Mid-West is going and I am sure some of the Mid-Westerners will be happy while others will not be happy. The same thing with the people of the West. Why then, should people come here with bitterness as some of the Senators have just said? The happy days are here again and I think that is a pleasure. I advise the people from the Northern Region to borrow a leaf from such thing; it is not a bad idea. I have travelled on

land before; I have travelled from Lagos to Kaduna and I know what it is. I have seen the vast acres of land. This is no politics, I am only trying to state the facts. If we want Nigeria to go ahead, let us thank those people who have put up this state and the people who have actually worked for it. If I may ask: "Why are you here; why am I here?" It is to see to the welfare and happiness of the people who are in lower positions than ourselves. Is it because these people are low, and are not well-educated that we should take advantage over them and try to ridicule them? Why should we bring them to subjection and oppression from time to time? I think it is because they have not got the privilege; they have not the same opportunities as I and you have got to-day. If they had the same opportunities they would speak out. Naturally I know some of them would have said something but because of victimisation and oppression from the higher quarters, they are afraid. They fear that if they say anything then than they have had it. Let us pay a little attention to the speech of one of the Senators that Tarka said it some time ago. He is not in the Eastern Region nor is he in the Eastern Region. Whether he said it wisely or not is another question but he has requested it and he must have got his own feelings and followers. I am not going into all that now.

I have to thank the Governor-General and the Prime Minister and the other leaders of the Mid-West who have the courage to stand up till to-day. I am happy the President of the Senate has been so popular; he is above everybody and I hope that a man of his calibre, wisdom and profession, will have his name implanted in the hearts of every Member of this noble House for ever and ever. I am sure that as the administrator or the leader of the Mid-West, Senators will agree, he will carry that new baby to success and will give it the experience he has gained from both the Western House of Assembly and the Senate. I know that the Oba of Benin and the Prime Minister of the Mid-West here will be the happiest people to-day; that is why I am saying it again that happy days are here again.

Minister of State (Chief H. Omo-Osagie) : On a point of information, Mr President, I am not the Prime Minister of the Mid-West; I am Prime Minister of Benin.

Senator Chief Hunponu-Wusu : Thank you for the information. It reminds me of something. Some years ago when there was bitterness between the Oba of Benin and the Prime Minister of Benin, I was fortunate to be at Ikeja then and somebody came to Oba Akran who now is the Minister of Finance in the Western Region. That man made certain complaint about the Prime Minister of Benin and said that they were going to remove him in seven days' time. But as a result of the spirit of tolerance of the Prime Minister of Benin and the advice he received from his followers, he was able to reconcile with the Oba of Benin and to-day everybody is happy. We must give something for something; that is the world. The time has come when we must try to learn from such people as the Prime Minister of Benin. He has got the spirit of tolerance, forgiveness and everything. This is in the Holy Bible as well as the Holy Koran. The spirit of tolerance is what we are all enjoying to-day; if we have got it then we will go places. So, Mr President, I am appealing to you as well as the other leaders of the Mid-West and I pray that may God's grace, guidance and wisdom always go with this new baby. I am sure that with your past experience and your past activities you will lead the new baby to great success.

With these few remarks, I beg to support.

A Senator : Will Senator Hunponu-Wusu allow the President to go away from us?

Senator Hunponu-Wusu : I think he is going from a lower pedestal to a higher pedestal. It is our prayer that he should be going higher and higher. I am sure Senators are happy when their children are promoted from a junior class to a senior class.

Senator Dr A. A. N. Orizu : On a point of order, it is necessary to know the sacrifice our President is going to make. He is going to a lower post but he is going to work harder. That is why we think he is a very great man to allow himself to leave this Senate where he can be called to be the President of a Nation at any time to go back and help his people. He is a humble man.

Senator Hunponu-Wusu : That is what I said. He is a very humble man. He is prepared to serve his people, he is prepared to serve in any post that may be allotted to him.

With these few remarks, I beg to support.

Senator Chief P. I. Acholonu : I rise to support the Mid-Western Region (Transitional Provisions) Bill. In doing so, I would like to associate myself with the other Senators in congratulating all the people who have worked hard in seeing to the success of the creation of the Mid-West Region. My congratulations must first of all, go to the Mid-Westerners themselves because according to a proverb "one must say I am, before any person can say thou art". They fought the fight themselves before the Federal Government and other leaders came to their aid.

May I also congratulate the Governor-General, the result of whose fights we are now enjoying, the Prime Minister for his godliness in co-operating with all the Regions even in all their difficulties and, the Regional Premiers for the commendable role they have played in the creation of the Mid-West State. I would also like to congratulate particularly the Premier of Eastern Region, Dr Okpara for all the trouble he has taken to see that this dream of the Mid-Westerners comes true.

To the President of the Senate who is the Leader of the Mid-West State Movement, no words of praise or commendation can compensate him for his untiring effort, his nobility, his sense of responsibility, his approach, his foresight, his personal magnitude and administrative ability, not to mention his position as a professional man, in seeing that the Mid-West state is created. He gives respect to every person whether young or old, rich or poor and he can surrender himself to any cause he believes to be right. He is a jovial man, generous and 'socialistically'—

Senator P. A. Ogunidipe : The word used by the Senator is not in the dictionary.

Senator Chief Acholonu : Anyway, I am speaking English. I will use the words that I feel can describe my feelings about our able President. I will give him any amount of praise and if you ask me for the meaning I will be prepared to explain. I must be sincere and say that it is his approach that has made the creation of this state possible. The way and manner the Federal Government, the Prime Minister and his Cabinet, and the Regional Governments tackled the problem made everything easy.

[SENATOR CHIEF ACHOLONU]

We are always talking about tribalism; I want to ask two questions. What efforts have we made to see that our children whether from the East, the North or the West attend the same school and live together peacefully and become friends? How many times have we come together to know ourselves intimately? We have not done anything in this direction but we keep on criticising what other people do. Our leaders attended three or four Constitutional Conferences in London before we could get our independence but our political leaders met for only two days and did a very wonderful job. Our leaders deserve our commendation for the noble role they are playing for the progress and development of this country. I disagree with the "sectionalism" which some of the Senators have been putting forward. When we come to the question of this Mid-West state whether we like it or not the state is already on its way. Let us leave what is going to happen in the future alone. We should not expect our children to work for us as our grandfathers did years ago. We should make sacrifices. For example, I do not expect anybody who is going to work for me now to work for me as in the days of my father. We read in the newspapers from time to time reports of people who want new states created, they say it is their desire, they say it is their claim, they say it is their duty, they say it is their ambition to fight for the creation of their state. All I would say is that whether we like it or not, we cannot prevent things from happening. Nevertheless, however poor one may be one must try to meet up one's time. This is inevitable.

I must, at any rate, congratulate the Western Nigeria Government on the part they have played. Whether they did it as a result of political frustration or through honesty of purpose or through sympathy, they have done something. For instance, if one calls a child with a view to giving that child money to buy bread, whereas one has no money, one must find the money by all means in order to fulfil one's promise. So my gratitude goes to them for their role over the application for the separation of the Mid-West. I must also congratulate Chief Omo-Osagie, Chief Festus Okotie-Eboh and the Prime Minister.

Senator Chief J. S. Olayeye : What about the Prime Minister ?

Senator Chief Acholonu : I have mentioned his name several times. One cannot tell a story without mentioning the tortoise. The Prime Minister is the right man in the right place.

The President : I do not think you get Senator Chief Olayeye right. I think he meant the Prime Minister of Benin.

Senator Chief Acholonu : I did not understand him in that way. I am mentioning the names that I know officially. This one is a joke. I congratulate our Attorney-General and Minister of Justice, Dr T. O. Elias, under whose direction all these Bills were drafted and on the way in which it was brought to us for debate. My congratulation goes to other Ministers and ourselves. I also firmly congratulate everybody who has by his common understanding contributed in making the creation of the Mid-West Region a success.

With these few remarks, I beg to support.

Senator Chief S. O. Esangbedo : I rise to support this Motion. I have to thank the President for giving me the chance to speak on this Bill. In fact, I am from the Mid-West and, first of all, I have to thank the Prime Minister for his attitude towards the creation of our Mid-West State. I also thank Chief Festus Okotie-Eboh, Chief Omo-Osagie (the Prime Minister of Benin) for their activities in the creation of the Mid-West. People will be surprised to see that I am now congratulating people who fought for the creation of the Mid-West. Yes, I must do that because, first of all we were not in favour of doing this thing until at last we agreed to it. So we have to thank everybody in the House, both the Legislators, the Prime Minister, the Ministers and everybody in the Federation. We thank all of you for helping us to get the Mid-West created.

I think that the Mid-Westerners are fairly treated by everybody in the Federation as far as the creation of the State is concerned, despite the mass transfer of the Mid-Westerners by the Government of the Western Region. I am still appealing to the Government of Western Nigeria to remember the relationship between the two Regions and to have it coolly with the new Region so that the Western Region can continue to nurse the newly born Region until it becomes financially strong enough to stand on its own.

I have to bring it to the notice of this House that every branch of Mid-West State Movement has passed votes of confidence in the hon. Chief Dennis Osadebay, the President of the Senate, and has asked him to decide and return to assume the responsibility of the Mid-West. In the Mid-West so far every arrangement has been made for the President of the Senate, I cannot reveal everything to you now, but we know how far we have gone about the arrangement. Since then we have not received any complaint about him and no rival against him so far.

With these few remarks, I beg to support.

The President : May I remind Senators that we are rising *sine die* to-day, so let us come back at 3 o'clock. There is another Bill remaining which, I know, will take a short time. Do let us all come back at 3 o'clock.

Sitting suspended : 1 p.m.

Sitting resumed : 3.00 p.m.

Senator Alhaji Abubakar Garba : I rise to support the Bill before the Senate, and to congratulate all the people who have contributed to the realisation of the new Region, particularly our able President in whose case I have some mixed feelings.

I am pleased that Chief the hon. Dennis Osadebay led the successful campaign in the Mid-West. Very few people live to reap the fruits of their labour, but our President is one of those lucky ones. He has piloted the ship of the new Region safely to its own destination, and I am sure that when the history of this country in general, and that of the Mid-West Region in particular, comes to be written the name of Chief the hon. Dennis Osadebay will occupy a very conspicuous place.

I am appealing to the Prime Minister to recommend, when the time comes, to the Republican President that our President of the Senate should be included among the first recipients of the Nigerian Honours on the first day of October, 1963. I think that it is most appropriate that Nigerian Honours should be bestowed to her sons and daughters who have distinguished themselves honourably in different walks of life.

One thing that makes me sad is that by this new creation, the Mid-West Region will almost certainly rob us of our best men, and

I am wondering if Senator Chief (Mrs) Esan will not be going over there too !

I want to suggest that the Federal Government should set up at once a boundary committee, consisting of some elderly and responsible people from both the Western Region and the new Region, and to be chair-manned by a staff of the Federal Ministry of Internal Affairs. This committee will be charged with the responsibility of establishing a clear and physical boundary that will separate the new Region from the Western Region. This, of course, will avoid unnecessary demand and counter demand from both Regions in the future.

In concluding, I would like to sound a note of warning to all Mid-Westerners that the work has only been started. They should realise that the birth of the new Region has brought them nothing yet but sweat, blood and tears. They have to double their efforts in order to nurse their new baby. I am appealing to the Administrator to-be, his deputies, commissioners, Chiefs, and the entire people of the Mid-West Region to tighten their belts and fight poverty, ignorance and disease in their virgin land to a finish.

As I said earlier, I support the Bill with mixed feelings.

Senator H. N. Udoh : The point at issue is so wide and so varied that nobody can touch on all the sections concerned. Many people spoke of the advisability of getting a fourth Region. We have now got it.

Talking of the country itself, and of our President as one of the strong fighters who have contributed greatly to see that the fourth Region is created, I would like to start with the President whom I have known for many years. He has always been fighting and contributing to many development and improvement projects, and in fact, anything that helps a nation without the thought of a reward.

We worked together in the Cameroons, and in those days, Cameroons was a concentration camp. We worked hard and changed from the concentration camp to a lovely place. I will not mention the contributions he made whilst in school as a student at Hope Waddel Institute, and in the Scout Movement from where he ultimately joined the Jamboree that went to England. It was not all that easy even in this very Lagos when things were

[SENATOR UDOH]

in a chaotic condition and when, before one could make a statement, one had to look around twice. The President battled through these hardships without expecting or feeling that tomorrow there would be a compensation.

There are many people here who would join you Sir, if you were in the battle field holding your guns well loaded. Personally, I do not join those who say that you have laboured and you are now coming to enjoy the fruits of your labour. In this present circumstance, I think it is moving from a hard work to a harder work. People go to an office which has already been established to do routine work. But to start business is a very difficult job. There are many who are gifted to fight battles and when they have fought and conquered, others come in to enjoy. Only well-meaning people will remember and think of such people. My word of advice on this point is, carry on as you have been doing.

When a Bill was passed the other day here, some people made some very striking statements. There are some fair weather fighters. It is only when things have come to a smooth level that they come out and say: "Do you know I am one of you?" Through your contributions in various fields in this our dear country, Nigeria, you have constructed and cemented many roads without expecting a reward. The world is full of changes (it appears that every Senator here is a preacher, well I would not mind joining), so when we work and others enjoy, we are told that our reward is in Heaven as everybody expects to go to Heaven.

You can see that from very many aspects; when you were at the Customs, you were chased with the fires behind you, nevertheless, you were not daunted. You grew from obscurity to eminence. What post or what compensation is it, that people would crave for that which you have not got? You were once our Acting Governor-General—

Senator E. A. Lagunju: On a point of order, is the Senator proposing another Motion about the President himself because I understand this is not a farewell conference for the President and it seems the speech is lapsing a little bit.

The President: Will the Senator try to bring his mind to bear a bit on the Mid-Western Region Bill?

Senator Udoh: Thank you for the correction. The people of the Mid-West, even though they are rejoicing as some people have said, have more to do. To give birth to a child is not enough, to nurse the child is more important, because the sacrifices are many.

Now, I wish to go on to the people who have contributed. All the important political parties in the country worked co-operatively and the result is what we have to-day—the creation of a fourth Region which, when it was formally proposed, was regarded as an idle dream.

Since the beginning of this Session, we have been saying that with unity everything is possible. My congratulations go to the Prime Minister, the Governor-General, the Leader of the Mid-West Movement and all the others who co-operated to make the state a reality.

I support that in future, more regions should be created. For instance, if in the past someone had suggested that Nigeria would be independent and that it would also become a Republic in October 1963, that person would have been jailed without trial.

In conclusion, I wish the new state success.

Senator Zanna Medalla Sheriff: I associate myself with the glowing tributes paid to you and your colleagues in your fight to achieve the creation of the Mid-West state. I may not add anything more than what the other Senators have said.

I am jumping straight to the question of new states. Most Senators have shown their willingness to see that more states are created in the country. I wish to remind all the Senators that they should not lose sight of what is already entrenched in our Constitution—that the creation of a new state should not be suggested here or spear headed here on the Floor of the Senate. It should come from the people themselves no matter from what quarters they may come from. Of course, the demand must be clearly vindicated by the determination and the sincerity of purpose of the area wanting it. There seems to be some misapprehension about the North. There was never a time that any group of people or any delegation from any tribe or ethnic group came before the Northern Legislature or, if that

is too far away, or the Local Authority which is the next door to them, to demand the creation of a state. We come from the North and in fact, every Senator here should be the ambassador of the place where he comes from. It is right that if something is beclouded in one's region, the Senator concerned should, to the best of his knowledge, clarify the position. That is what I am doing. I do not claim to be an authority in the North, but I live there. The idea of creating more states in the North was not originated in the North, it was influenced from outside. Let me make it quite clear. First of all there was a row over boundary dispute between the North and South; then there was the question of annexing two provinces to the West, that battle was lost. When the politicians of those days failed to annex the two provinces to the West, they resorted to false propaganda and political intrigue with a view to creating a Middle Belt State. There was nothing like the Middle Belt. It was a word coined by politicians of those days. As far as the North is concerned, there is no such term.

Therefore, I disassociate myself from the views of those Senators who think that the North is an obstacle to those group of people demanding the creation of new states. After all, the same Constitution that is operated in the West, the East, is what we uphold in the North. If there is any group of people who have a genuine case to present to the Northern Legislature and they are turned down, I should see no reason why they should be so treated. It is true that we are living very far away, and as such we cannot know what is going on in the East or in the West. But we who are living in the North, know whether there is a genuine desire to have a State or not. I, therefore, think that the Senators here will accept my explanation.

A Senator of outstanding repute mentioned the sizes of the East, West, North and Lagos in square miles as the criterion for creating new States. I repeat that the Senator is reputed and I admire him in all respects, but I feel that he was a little out of the point. The creation of new States does not depend on the size of a Region but rather on the sincere wishes of the people. I have pointed out already that my explanation regarding the North should be accepted because we live there and if the North is in a similar position as

the West and East, we have to go the same way, otherwise we shall not be doing good service to the country.

If we are in a similar difficulty with regard to the state of affairs in the West or in the East we have to accede to the explanation; otherwise we are not doing good service to the country. So, I would like Senators to be calm about the creation of more states either in the North, in the East or in the West. The conditions guiding the creation of more states are viability of the area and so on; but let us leave the people to decide for themselves. I am appealing to the Senators that they should not be frightened by the size of the North. If there is something wrong with the North we would be the first people to bring the matter to light and ask our friends to co-operate with us in order to rectify it.

With these few remarks, I beg to support.

Senator S. Eytayo : I rise to support the Mid-Western Region (Transitional Provisions) Bill and in doing so I want to be brief. In the morning when the Attorney-General and Minister of Justice moved the Motion he gave cogent reasons why this Bill has been brought before the House. The reasons are clear and precise and I do not think there is anybody who will oppose the provisions of the Bill. The Bill is very short, but as short as it is, it is very comprehensive in its scope.

If we go through the Bill we will see that provisions are made for the following: Appointment of Administrative Council for the Region; continuance of existing law; power to make laws; transfer of functions of certain Western Regional authorities, continuance of powers of local authorities, etc., established in the Region, extension to the Region of jurisdiction of High Court of Lagos, transfer of public property and one other very important provision, and that is, financial provisions. Without this last provision, we know that all that have been read by me cannot materialise and so we see that although the Bill is short it is comprehensive in its scope. Therefore, I believe that none of the Senators will object to giving assent to the provisions of the Bill.

I will hasten to join others who have been showering encomiums upon the protagonists of the Mid-Western Region and I shall join them by expressing my thanks, to all who have taken part as individuals, as parties and as Heads

[SENATOR EYITAYO of Government, both in the Centre and in the Regions, and in particular, to our worthy President. I was once a Member of the Western House of Assembly and I remember quite vividly when our President was also a Member. He was not the Leader of the Opposition at that time; we had somebody then, a Yoruba man, as the Leader of the Opposition but he was not given the recognition befitting his position. But immediately our President became the Leader of the Opposition in the Western House of Assembly he was given official recognition. Why? Because of his qualities. I have no adjectives to shower upon him but I can only say that our President is a complete gentleman. (*Applause*). It is this quality that made the Premier of the Western Region to give him all the honour befitting his dignity as the Leader of the Opposition of the Western House of Assembly. We all know and like him, and therefore, there is no doubting it that when the leadership of the new Region falls upon his shoulders he will carry out his duties not only with the wisdom with which he led the Opposition in the Western House of Assembly but with that which he has been using to carry out his duties in the Upper House of the Federation. In this onerous duties, we wish him well.

I would like to say something about the creation of more states in Nigeria. Whenever we talk about it some of us always get annoyed. I do not know why that should be so; after all it is one of the canons of a federal system of Government, as pointed out by Senator Fagbenro-Beyioku yesterday, that no two states in any federal set-up combined together are to be more or larger than the rest of the states put together. Therefore, if we want a truly democratic federal system of government in our country, the Northern Region has got to be broken into more states. I am not saying that it should be broken into more states until the people call for it. When there is a genuine desire for it, our Senators from the North should know and appreciate it. There must be more states.

I would also like to say that some of us expressed our willingness that the sixty *per cent* required in a plebiscite before a new state can be created is too much. I do not think so. I would even think that is too low. When any group of people want a Region or a state to be created, they should go all out to vote for that

creation and if they do not go all out for it then there is no reason why a new state or region should be imposed on them. So, I think the sixty *per cent* is a good minimum, and I see no reason why we should quarrel with it.

As I have said, I am going to be brief and with these few remarks, I beg to support.

Senator Chief R. A. Umoh: I rise to support the Mid-Western Region (Transitional Provisions) Bill. I have to congratulate the leader of the Movement for his wisdom and his qualities which have placed him in such exalted position. While trying to congratulate him I will give the first congratulation to God who has given him the wisdom. It is by the power of God that he has got all these fine qualities and the continuance of the wisdom and fine qualities is entirely dependent on God; for it is said that the fear of God is the beginning of wisdom.

Thanks also go to the inhabitants of the Mid-West for their singlemindedness in voting "yes". That shows their enthusiasm about the issue. It also shows clearly that there was the desire to have their state and now that they have got it there is one thing which lies ahead. This is about leadership. As we have all conjectured we believe that the President of the Senate will, by the grace of God, be the head of the state. We pray to God very strongly that that knowledge, that love of the people to listen to him and vote overwhelmingly should ever continue.

There are other little things that I have in mind. I congratulate the Western Region Legislature for whatever happens, the carved out portion which is now known as the Mid-Western Region is from the old Western Region.

As a matter of fact, I deplore certain things which I think I must bring to the Floor of this House. For example, the untimely transfer of civil servants from the West to the Mid-West when things have not begun to take shape yet. I think this does not show the goodwill that we all expect from the Western Region. I deplore it. I do not think they should have done so.

Also, the Legislature in the West passed a Bill in the Regional Legislature a few days ago which will make Regional Legislators of Mid-West origin stranded when nothing has taken shape yet in the Mid-West. The creation of states, as we all know, is a thing that will give

the Federal Government more strength. It is because we had three Regions—the North, the East and the West—that we have a Federation, and the creation of more states will consolidate and give stability to the Federal Government.

I really regret the loss of Senator Asemota and also, the recent loss of the Supervisor of the Plebiscite in the Mid-West, Mr Longe. After all, they were very important people in the Mid-West. That is why I say that the leaders of the Mid-West should give thanks to God and they should pray that their people may have greater devotion to God. These two men were strong and virile members of the Mid-West State Movement and they fought tooth and nail alongside other leaders of the Mid-West. We do not want things of that nature to happen again, but only God knows better how things of this nature come about. It is my prayer that their strong men may live long to lead the people to a very successful end, as they have done in the past. I regret a great deal the loss of these two very important men in the Mid-West and I pray fervently to God that the continuance of such eventualities should stop quickly.

Coming to the creation of more states in Nigeria, I really feel that this is a very important matter. It is true that the move must come from the people in the area that actually wants the state created. If this country is to be developed, there must be more states because, for example, if one travels from Onitsha to Asaba one will find a marked difference. Onitsha is a town in a Region and Asaba is a town in another Region, and I always wonder when I pass through certain places when coming to Lagos when these places would develop commensurately with the other towns in the same Region. If certain areas are broken into more states, there would be more concentration of power. The little group is bound to concentrate and try to develop the state which has been created. Nobody stands behind anybody to say, "You must not have your state". There is need for more states because the more states we create the more powerful the Federation of Nigeria will become. The more states we have the easier it will be for the Federal Government to have greater influence in the different states in Nigeria.

I have to extend my congratulations to all the Senators who have been co-operating very strongly ever since this move was made. When party matters are discussed, as soon as they are brought to the Senate, Senators are steadfast in putting forward the truth and in supporting what is true, because God Himself, according to the Gospel, says that only the truth will make us free.

Senator Chief Fagbenro-Beyioku : Are you a Jehovah's Witness ?

Senator Chief Umoh: That is the truth because, I remember when the Motion was brought to the Floor of this Senate, many people supported it irrespective of party leanings. One can say in this Senate that there is little or no party inclination. Senators see the truth and try to support the truth, irrespective of where it comes from.

On the creation of states, I know there were lots of speeches touching the North. The Northerners were very happy when this Bill came to the Floor of the Senate because it was constitutionally initiated, and any constitutionally initiated Bill as regards the creation of states I think they will support even in their own area. Even in the East—

A Senator: C.O.R. State ?

Senator Chief Umoh: I will not say anything about C.O.R. State. If the people as a genuine desire want it, I know the Government will never fail to give them, but when there is no initiative from the people, there is no need speculating that there should be something like that.

I extend my thanks to the Prime Minister for the very cool way and level-headed manner in which he has taken our suggestions very nicely and he has made the creation of the state possible.

As regards the actual initial step on this issue, my very great thanks will go to the Governor-General in the person of Dr Nnamdi Azikiwe, because we know that as the then leader of the N.C.N.C., when the N.C.N.C. was the only national political party in this country, during the days that the fight for independence was very strong, he tried his best to champion the cause of his party. I remember when I was a teacher in my own

[SENATOR CHIEF UMOH]
area and we heard that Dr Azikiwe was coming to our area, all the boys and girls, the teachers and all the people of the area, lined up to receive Dr Azikiwe and not a single white man came out of their houses. They all got into their houses and shut their doors. Dr Azikiwe was a terror in those days, and even now he is still a terror. We were shocked, but Dr Azikiwe's presence was a joy to everyone of us. I pray this tribute to him as regards somebody that took initial part on the issue, a very able right-hand man in the person of our President here who has successfully won what we are rejoicing about now.

With these few remarks, I beg to support.

Senator P. A. Ogundipe : I rise to support this Bill. All Senators who have spoken on this Bill have given their congratulations to all classes of people who have taken part in the creation of the Mid-West State. It will not be necessary for me to mention the names of all who deserve to be commended for the work they have done. But still I feel that I must register my own vote of thanks to all those who have done their best right from the start to see that what was at one time a dream has become a reality by giving the people of the Mid-West their right of self-determination in the self-government of their own people within the Republican Federation of Nigeria which we are looking forward to.

The President of the Senate has been known to me for the past three or four years. My knowledge of him goes back to the time when he was in the Western House of Assembly. Whenever the name of Chief Dennis Osadebay was mentioned, it was always in connection with his uprightness, his level-headedness, his coolness and his fair and impartial sequence on all matters. Even when he was Leader of the Opposition in the Western Region, (and as we all know all Leaders of the Opposition are likely to be people that will be hushed down and looked down upon by those in the Government Bench) nevertheless Chief Dennis Osadebay earned the respect of all, irrespective of party politics. He was always known to be on the side of what is right and he did not oppose when there was no need to oppose. Whenever he found that a Government measure was correct, he did not waste time in saying that it was so.

We are very happy that he has a good fortune, and we too have the good fortune that he was the successor to Dr Azikiwe, the Governor-General of the Federation, as the President of this Senate. History shows that the best men who command respect have always been the Head of this Senate. The President is leaving us here to take a higher service. I do not mean that his status will be higher because, apart from being either Governor-General or President of the Republic, I think the President of the Senate is a very high status. All I am saying is that he deserves more than what have been said about him.

I want to remind this House that one of his utterances, as reported by the press, that the interim government of the new state should be administered by all the major parties in the Mid-West, is the principle which he would like to uphold, whether he becomes the Administrator of the new Region or not. But by his place as the leader of the new Mid-West State, I hope he will do everything in his power to uphold this magnanimous policy of seeing that all the majority parties that have been conducting campaigns in the Mid-West should be allowed to play a part in the administration of the new Region. I am sure this will help to quell a lot of bitterness and the tendency to sabotage by those that may be disgruntled or feel frustrated. Again, these utterances will remind him that by making use of all the political parties, the Region will be employing the services of all able leaders of the Region irrespective of party affiliation. All that should be guarded against is to make sure that they do not come to sabotage the growth and welfare of the new government. All this will make for peaceful co-operation amongst all the people of the Region.

Whatever part the President of this Senate may play as either Administrator or in any other capacity, we hope that he will do all he can to disappoint those who pay lip service to the idea of creation of states. There are people who talk about creating new states and afterwards go behind to frustrate all efforts in that direction. Otherwise, there would have been no need for such mass transfer of civil servants of Mid-West origin to the Mid-West because, whatever patronising motive might lie behind the action, one would

see that it was too hurried. Such a thing does not encourage the spirit of unity which we are all trying to achieve.

One should consider the effect of such a hurried transfer on the families of the people who are being transferred, and most especially its effect on the children they would be leaving behind. They should be given the opportunity, at least, to make a choice between returning to the Mid-West or staying in the Yoruba West.

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): On a point of order, I think it is high time that the Senator should speak on the Bill.

The President: We have other Bill waiting, and we are rising tonight.

Senator Ogunidipe: I am trying to wind up. What I am just trying to hit at is that by creating a new state all efforts should be made to see that no bad blood is created between the authority and those people who are affected by such a transfer.

We thank God who has given the people of the Mid-West such eminent sons who have faith and are persistent in following up their demands without bad blood but in a constitutional way. This will be a lesson to other people in other parts of this Federation who have a real desire and feel that they have a genuine claim for the creation of new states. I am all in for the creation of more states but at the same time the people concerned should really be willing; they should be people who have faith and who would do it in the most constitutional way. There will be greater unity when people are brought into smaller groups where they can decide their own fate and govern themselves within the Federation of Nigeria in the way that will be best for them.

As we are now coming to a close all those people, impartially mentioned as a set of people, who have helped in the creation of this new State should be commended for their efforts, but there appears to be one name that, at least, has not been given any prominence, and that is the name of Chief Obafemi Awolowo. Even in prison he sent a release through the Press to the people of the Mid-West and his party-men that they should go all out in support of the creation of the Mid-West State. After the Referendum, in his jubilation he sent another release in which he enjoined

his party-men that if they were required or called upon to take part in the administration of the new State they should co-operate and give full support to the new administration, and if they are not called upon they should take their place and support the administration. He went further to say that they should not take part in anything that would lead to sabotage or undermine the new Government. I think this is a very commendable action, and it is a very good part played by him even in his moment of tribulations.

I know that we are pressed for time. I am very grateful to the President who has given me this opportunity of expressing my own hearty congratulations to the people of the Mid-West and to the people of Nigeria. The creation of this new Region will be the forerunner of whatever other Regions would be created in the future for the sake of unity in Nigeria.

Senator A. E. Ukattah: May I say a very few words on this Bill. As it is the necessary and immediate consequence of the plebiscite just held I give it my whole-hearted support. I feel that judging from the provisions of the Bill there is nothing anybody can quarrel with, and I have no doubt that this will win everybody's acceptance.

The impressive point of view of the plebiscite was the very orderly way in which it was conducted and the high percentage of "yes" Votes for the creation of that Region. I do not think that in the history of plebiscite in Africa any could be said to be higher. It is second to none, and it is something for which the people of the Mid-West should be congratulated. I think that the success of the plebiscite was, more than anything else, due to the determination of the Mid-Westerners themselves to have their own Region whereby they can display their own identity and the arrangement made by the Federal Government and the Government of Western Nigeria.

The people who have contributed to the success of this plebiscite have been praised and congratulated individually and collectively for their efforts. Reference has also been made to those who have fallen by the wayside but who were very energetic at the initial stage in the struggle for the Mid-West Region. I just feel like bringing to remembrance somebody like our late Friend, Senator

[SENATOR A. E. UKATTAH]

Asemota. Another friend who the other day was the man directing the affairs of the plebscite, Mr Longe, is no longer with us. All of them are no longer with us, but they had played their parts well. Mr Longe, for instance, actually satisfied himself in the way he conducted the plebscite. He did his best, and, in fact, he did creditably well. May his soul rest in peace!

I have a word of advice for the Mid-Westerners. It is one thing to have a new Region, and it is another to make the efforts of the people who have declared their willingness to have the Region created worthwhile. All the Mid-Westerners have got to sit down and work because theirs, indeed, is a tremendous and nasty work. It is not an easy thing to run a new Region. What we have here before us is a machinery to set in motion an interim administration, and that interim administration, when it begins to operate, will be a real test to the people of the Mid-West. They yearned for a new Region and they manifested their yearnings by voting "Yes", and now is the opportunity for them to prove their capabilities for keeping what they have won and, indeed as people say, the morning is the index of the day. Whatever they make of this interim administration will certainly determine what their future will be.

I am happy to say that the captain of the new ship is a noble man, and with the big advantage that he has of starting not in the way the other Regions did, he will surely steer his ship admirably along with his lieutenants.

The point that has really prompted my getting up to say something is this question of the creation of states in this country. It is indeed a necessity. If one looks at the map one will find that the East is the smallest of the Regions in size and is second in population; the West is the smallest in population and second in size; but the giant North is the first in population and first in size. Out of the small division in the South we have the Federal Territory of Lagos standing as a entity, in fact, in effect a Region. Then we have the Western Region and now the Mid-Western Region.

A Senator: On a point of order, I think it has been mentioned once that we should not indulge in repetitions in this House. This question of the geographical set-up has been

mentioned by Senator Chief Beyioku when he was making his speech.

The President: The repetition that is meant is by the same speaker, not that a speaker cannot repeat what somebody else has said.

Senator Ukattah: I am very happy that the President has corrected him. As a school-master he should know that there is a time when repetition is necessary when delivering a speech.

I was saying that out of the small division in the South we have, in effect, four Regions, and the North which is about four times the size of the South has one whole Region. When we talk of unity, progress and oneness of this country, this important fact must be borne in mind, that without breaking up the North, or rather getting them to agree to create more states in the North, it will be a complete waste of time talking of unity. The creation of more states is the big problem facing this nation, and unless something is done, the oneness of this nation may be hard to accomplish. Whether people agree with me on this point or not, I am saying my mind, because I feel I am old enough to speak up my mind and no one can muzzle me.

I am stressing this point so much because we have our brothers in the North who are reasonable enough to say that they want a state to be carved for them, but the only snag is that it is difficult for them to give expression to their hearts' desire. That is exactly the point I am hammering at. If they are given the chance to express themselves, I am sure that over four or five sections of the community will say that they want their own states. The time has come when this question must be taken out of party politics. I am not suggesting that the creation of states should be forced upon anybody, but that people should be given the chance to say what is in their minds. It is my wish that as we are to-day debating this Bill, it will not be long when a similar Bill will come before us for debate to usher in, at least, three more states in the North.

I beg to support.

Senator M. A. Greene: I am not going to take much of the time of the House because a lot has already been said on this subject, but I am going to touch on one or two points.

In the first place, I want to extend to our worthy President my congratulation, and also to add that I am very pleased with the way he went all out to campaign for the new Region, and I thank God that at least the new baby is going to be delivered safely.

We have all heard of the advice given from all sides of this House, and I will also add my prayer that God should guide the people of the Mid-West in this their new endeavour.

I will conclude by joining hands with others to shower praises on the Prime Minister for the way he has been handling the affairs of this nation.

I support the Bill.

Senator M. B. Chukwubike : I am happy that I am the last man to speak on this subject to-day. The Governments of our Federation committed themselves to the creation of the Mid-Western Region and this Bill is only a fulfilment of that commitment. I therefore support it.

Before I add to the words of praise showered on the leaders of the new state, I must say that this day is one of the happiest days in the life of our President. It is so in the sense that to-day we are giving the last touch to the creation of the Mid-West Region. I very much congratulate you, our worthy and able leader of the Mid-West Movement. May I also congratulate the people of the Mid-West on their continued loyalty to you. I believe I am correct when I say that they will continue to be loyal to you because you are constant, you are tolerant, you are patient, you are straightforward and you are a very pushful fighter. In short, you have made a name worthy of emulation.

We all know that the Mid-West area is rich in mineral resources and, therefore, is viable. We also know that the Mid-West has men and women of great wisdom, wealth and influence. If all these men and women team up together just as they did during the referendum, the Mid-West Region will spring surprises in administration and development.

I strongly appeal to all the political parties in the Mid-West area to work together for the progress of the new Region. There is speculation that the Federal Government is giving £3 million to the Mid-West Region. This is very encouraging, but I must say that as the

youngest son of the Federation, the Mid-West Region deserves constant financial help from the Federal Government.

The ball is now at the feet of the Mid-Westerners. We believe and hope that they will manage the ball well. The aim of the leader of the Mid-West when he was pursuing this course, I must say, was not to become the Administrator or the Premier of that Region, but to see that it is created, and now, if the cap fits him, I do not see why he should not wear it.

I support this Bill.

The President : Senators, I crave your indulgence to say thank you to one and all of you for the kind words you have said about me and for the goodwill you have towards the Mid-West and the people of the Mid-West. I am grateful to God, to the Prime Minister, to the Attorney-General and the Cabinet for the hard work they have put in. Ours was to go into the field and rouse our people. Thank God we were able to rouse them. I am here with you. I do not know what will happen yet, so I do not think a valedictory speech is called for at this stage. But I must say thank you for the kind things you said about me. We need your prayers. Thank you very much.

Perhaps the Attorney-General would like to wind up.

The Attorney-General and Minister of Justice : There is no winding up because I have listened very carefully to the debate and I think Senators have been very kind about the Bill. There has been no adverse comment about the Bill and no query for me to answer.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

MID-WESTERN REGION (TRANSITIONAL PROVISIONS) BILL : CONSIDERED IN COMMITTEE

Clauses 1-5— ordered to stand part of the Bill.

Clause 6—(EXTENSION TO THE REGION OF JURISDICTION OF HIGH COURT OF LAGOS).

Senator P. A. Ogunipe : In clause 6 it is stated that the jurisdiction of the High Court of Lagos shall extend to the Region and the jurisdiction of the High Court of Western Region shall cease to extend to the Region. May I know whether by this is meant that if people have cases in the Mid-West they have to

[SENATOR OGUNDIPE]

come to Lagos for their trials, or will the Judges in the High Court of Lagos go there, because that will be more convenient?

The Attorney-General and Minister of Justice : That is the general intention. The Government knows that it will cause undue hardship for everybody to come to Lagos as far as the High Court of Lagos is concerned.

Clause 6—ordered to stand part of the Bill.

Clause 7—(TRANSFER OF PUBLIC PROPERTY).

Senator E. A. Lagunju : The last sentence in that clause is what I want an explanation for: "*and no compensation shall be payable in respect of any transfer effected by this section.*"

The Attorney-General and Minister of Justice : The Western Region Government owns all the property in the Mid-West area by virtue of its being an agent of the Crown, and we cannot imagine one agent of the Crown claiming compensation from another agent of the Crown. I think it is a contradiction in itself, so the new Region will take over those items of property that are located in its own area when it is created, and the head of it would be again an agent of the Crown.

Of course, when we become a republic, all those things that bear the name of the Crown would, of course, bear the name of the Republic of Nigeria, but they would still be public property, and one aspect of public property cannot claim compensation from another aspect of public property.

Clause 7—ordered to stand part of the Bill.

Clauses 8-10—ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

RIOT (DAMAGES) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice : This is, I hope, a non-controversial Bill, because it is merely to provide for the Federal Territory of Lagos the same kind of law as already exists in the Regions.

I beg to move, That a Bill for an Act to make provision for assessment and payment of compensation in certain cases to riot damage in the Federal Territory of Lagos and for related purposes, be read a Second time.

Senators will notice that the *Explanatory Memorandum* sets out the main features to the proposals here, but I think it is useful to draw your attention to a number of the features in this Bill to which I think we would do well to direct our attention.

In item 1 section 1, you will notice that we have made provision that in cases of riot and unlawful assembly which resulted in a damage or destruction or theft to the property of any individual or corporation or firm in the Federal Territory of Lagos, could be made the ground of complaint and the Minister of Finance has authority to look into the matter, and if he certifies that it is a fit case to go to the tribunal, the matter will then be taken up by the Ministry of Lagos Affairs who will consult with me as to what steps to take to establish the tribunal. When a chairman has been appointed, the Minister of Lagos Affairs can also appoint two other members of the tribunal, and the business of the Tribunal will be to enquire into the complaints of the person whose property has been damaged or stolen or destroyed, and the tribunal can make recommendations to the Minister of Lagos Affairs.

Here, it is important to draw your attention to section 1, subsection (5) which says that in making its recommendation to the Minister of Lagos Affairs, the tribunal must take into account any money that has been paid to the claimant either by his insurance company (if he has insured his property) or by a court of law if those responsible for the damage or destruction or loss can be got hold of and fined or made to pay damages for the harm they have done. It is only when these two have been taken into account and there is still a surplus to be met that the tribunal will make recommendations to the Minister of Lagos Affairs. When these recommendations have been submitted, the Minister of Lagos Affairs will get into touch with the Minister of Finance and between them go carefully into the recommendations with a view to reaching some kind of settlement. Then the Minister of Finance is given power, in section 5, to make necessary appropriation and also to decide what proportion of the amount to be paid shall be borne by the Federal Government and what proportion should be paid by the Lagos Town Council. If in any given case, there is such a surplus and the Minister feels that the Lagos Town Council ought to bear part of the

cost, and only then, that section 5 subsection (2) empowers the Lagos Town Council to submit a scheme to the Minister of Finance saying that it has cost us so much to make our own contribution towards the amount you asked us to pay and we propose to raise money to meet it. In that case, the Lagos Town Council can then proceed to levy additional rate for that particular purpose upon the rate payers of Lagos.

The other section to which, I think, we need draw your attention is section 7 which makes it quite clear that when the tribunal has made its recommendation and the Minister of Finance has ruled that certain amount of money should be paid out of the Consolidated Revenue Fund of the Federation to the claimant, it does not mean that the Federal Government or the Lagos Town Council accepts direct responsibility for the damage. It is a form of *ex-gratia* payment which is rendered necessary because both bodies are jointly responsible for law and order and the welfare of all the residents of the Federal Territory of Lagos, and they must accept in principle the fact that either through their own faults or for some reasons which they should have taken control of, they have allowed the riot to take place or the unlawful assembly which has damaged the claimants property.

It is always the principle adopted in all other civilised countries to make both the Local Authority and the Government of the area responsible in this way. Indeed, in some countries it is only the Local Authorities that pay the fee. It is part of the age long idea that the individuals in any community must be regarded as owing a duty to be his brother's keeper. The old biblical idea that if all of us are vigilant, if all of us know that we may be cast in damages or be asked to pay additional rates if riot takes place to the detriment of the community, then we would all take collective interest in preventing people whom they know to be planning riot or unlawful assembly.

That is the general idea behind this Bill, and I commend it to the House.

I beg to move.

The Minister of Health : I beg to second.

Senator Chief O. A. Fagbenro-Beyioku : By nature the people of Lagos are not riotous. In the second place, I see the people of Lagos

are to be responsible in case of riot. The people of Lagos have not full responsibility over the affairs of Lagos. The Lagos Town Council, as such, cannot issue out any order preventing any meeting or declaring any assembly unlawful. The people of Lagos have not the authority to control. If people come all the way from Abeokuta, Ibadan, Jebba, Zaria or from the Camerouns and in one way or the other they cause some sort of riot in Lagos, and immediately the riot is over everybody jumps into a lorry and runs away, the people of Lagos will be taxed because the compensation will be paid in the way of rates. Therefore, people who did not know what happened or how it happened will be called upon to pay. If these things are to happen, then we are coming to a position where Lagos, as such, will have to be given some sort of recognition in the form of government other than the Lagos Town Council government that we have. If we know that we have some sort of government as a territory by ourselves and we accept full responsibility in conjunction with the Federal Government for law and order in that particular territory, then we know very well that we have to take care of things.

Right from the beginning (with due apology and every respect to my very good friend, the hon. Attorney-General and Minister of Justice) in accordance with the spirit of law, there should be some sort of origin of complaint. But this particular Bill starts with the Minister of Finance accepting responsibility, declaring certain certificates without specifying the origin of claim. Without such origin of claim, the Minister of Finance, when it suits him, might say, "Well, this is not properly brought before me." I would like to be educated on that. I refer to clause 1 (1), I quote—

"Where property is destroyed, damaged, or stolen by reason of any riot and the Minister of Finance is satisfied...."

How does he become satisfied?

A Senator : It is quite clear.

Senator Chief Fagbenro-Beyioku : We are talking of law. The Minister cannot just sit down in his house and feel satisfied. Does it mean that there is a Minister responsible for Lagos? In the first instance, I think he is putting the tail before the head of the dog

[CHIEF FAGBENRO-BEYIOKU]

If there is anything in Lagos, the first man to feel concerned about it may be the Minister in charge of Lagos. But in this case, it is when the Minister of Finance is satisfied that he calls upon the Minister of Lagos Affairs. I should think that if anything like that happens the Minister of Finance should act on the recommendation of the Minister of Lagos Affairs. But as it is now if a claimant is to claim, his claim in the first instance must originate from the Minister of Finance or must it originate from the Minister of Lagos Affairs? It might be suggested that a regulation to be made by the Minister of Lagos Affairs will take care of that but to what extent? I think I would like the Attorney-General and Minister of Justice to educate me on this as I think it is something which might lead to a very serious confusion if it is left in this form. The Minister of Finance cannot just know from newspapers that there has been a riot and then say "I issue a certificate".

The other point is about the tribunal. Before this is appointed the Minister of Finance must be satisfied. It is after this that he calls upon the Minister of Lagos Affairs, and the Minister of Lagos Affairs, in consultation with the Minister of Justice, sets up a tribunal. That is the third stage; it is not the first stage and I am talking about the first stage. How does the Minister of Finance get to know? In the question of the tribunal I find that if the man makes a claim and he is asked to submit certain documents and he fails he could be convicted and fined £25 or three months' imprisonment. I do not see the necessity for that. If I make a claim and I have no documents to satisfy my claim then I forfeit my rights. That is all. Why should it be a punishable offence?

Where I want another explanation is on this question of good faith. If it had been that any member of the tribunal is not liable for any act done whilst discharging his duties as a member of the tribunal then it would be quite clear; but when we try to introduce this phrase "in good faith" and then according to this, the payment will be *ex-gratia* which cannot be question in court, where does the good faith come from? When do we know it is done in bad faith? I think the term good faith is superfluous. If we say no member shall be liable or questionable for any act done then that will be good. But by and large

I am not very happy that the people of Lagos should be called upon to come and accept responsibility for a riot when the Local Government we have in Lagos, that is the Lagos Town Council cannot issue any notice declaring any meeting unlawful, and cannot take any part in the administration of the country other than on the Local Government level. I feel this is an opportunity to make Lagos a special autonomous region by itself and clothe it with all the responsibilities of a region.

I beg to support.

Senator Oba Adeniji Adele II of Lagos :

I will say this Bill is rather a necessary evil. The Attorney-General said that that is the practice all over the country and I know that in many places this ordinance has been put into practice. Be that as it may, Lagos is quite a different place entirely. In Lagos we are not riotous; that is a fact, but many of the people who create riot in Lagos come from the provinces. I know for certain that whenever anything is happening somewhere some of the politicians in Lagos, usually come to my area with cars and lorries to collect people and carry them somewhere to go and create trouble. In the provinces the people who are mostly affected are the natives of the soil. Whatever they do they are the people responsible for it; their people have control over them. But in Lagos we have no such power. People in Lagos may be creating riots but most of these people who are responsible for the riots come from the provinces. In my area I have several people by the water-side. They are not natives of Lagos. They are imported there by certain politicians and they are kept there. They sleep on the water; they build their shelves on the water and all efforts to check them by the police have hitherto been to no avail. I personally have taken several actions against them in court. They say my predecessors gave them the waterside to live in. If they are ejected to-day, tomorrow they will come back to pitch their tents on the water; they bear children there and if there is any trouble they pack themselves into their canoes and paddle away. It is really impossible for us to control the rioters and hooligans in Lagos. I have several times complained to the police but it seems that the police have been powerless.

Even when big men are going somewhere or when we have important visitors in the town

you find these hooligans lining the routes; shouting on these distinguished visitors and when we look at these people shouting we find that they are foreigners. I have taken interest to watch who these people are. I followed the Prime Minister one day and when these people started shouting I looked back at them and I discovered they were foreigners. Some of them are *Ara Oro* and some other people. What can we do? How can we be made to pay for what we cannot control? That brings us to the question of how to establish a court in Lagos to decide what should be done and what should not be done.

I find the interpretation of riots to be unlawful assembly. In several corners of Lagos these people are still assembling. In my area there are always people gathering, holding political meeting and some of our high politicians attend these meetings too. If anything happens and these people are arrested will they be charged for rioting? I do not see how the interpretation of rioting could include unlawful assembly because there are always assemblies all over Lagos. I feel that it will be unjust to saddle the people of Lagos with the responsibility of paying for something over which they have no control. We have no control over these people and I do not think it will be just for us to be asked to pay. Everyone of us has properties in Lagos. If this happens we shall have to pay additional tax. I am therefore appealing to the Attorney-General to see that something is done for Lagos so that we shall have full control over these people. Lagos Town Council has no control. All that it does is to collect rates. The Police say they have no control over these people and—

Senator Chief Fagbenro-Beyioku : On a point of order, the Minister of Mines and Power is fast asleep. (*Laughter*).

Senator Oba Adeniji Adele II of Lagos : I am appealing to the Attorney-General to see that something is done to give us powers in Lagos so that we can deal with these people. We know these people and we know where they live. We know everything about them and I think prevention is better than cure. We should attempt to prevent this thing once and for all. There was never a riot in Lagos before these political organisations came into

being. We knew of no riot in Lagos and Lagos had always been a riot-free city until these people came in. I beg the hon. Attorney-General most respectfully to assist us to see that something is done to eradicate these riotous people and send them out of Lagos, if possible.

With these few remarks, I beg to resume my seat.

The President : I think, before we kill any further time, I would like to call on the Attorney-General to explain to us the meaning of "the people of Lagos", because, according to my own thinking, the people of Lagos does not mean the indigenous people of Lagos, it means all of us, and the Lagos Town Council takes taxes and rates from all of us. It is as if the indigenous people of Lagos are being victimised, so I would like to call on the Attorney-General to explain this before we begin to wade into this debate.

The Attorney-General and Minister of Justice : I thought I made that clear when I introduced the Bill. I do not think that the last two speakers were really making too much of that particular point. I think what they were anxious to say was that whereas in the other areas there are regional governments, there is no regional government in Lagos, which is a very interesting issue by itself. The point I think I ought to make on the whole subject is this, that whenever there is riot or unlawful assembly as understood in our Criminal Code, it will be for the Police, first of all, to try to arrest the rioters and lay hands on as many of them as the Police could get hold of. When they have done this, they would, of course, remand them in custody and many of them would be taken to the Magistrates' Courts for trial and, if found guilty, what we propose to do under the regulations which the Minister of Lagos Affairs will be making will be for the courts themselves to exercise their own power under the Criminal Procedure Act to award damages rather than send them to prison, wherever possible. Wherever the individuals involved have any form of property of their own, they will be made to pay part of the damages.

Secondly, the tribunal will then come into the picture only after the Minister of Finance has received claims from those who have suffered damage. Therefore, the operations

[MINISTER OF JUSTICE]

are two and they may run *pari passu*, that is side by side. Whilst the Police are apprehending the culprits and taking them to the courts, the claimants will be making their application to the Minister of Finance. That is why the Minister of Finance has to come before the Minister of Lagos Affairs, because this is a matter of money and it is going to be money paid out of the consolidated revenue fund of the Federation. There is no other person to whom these claims should be submitted than the Minister of Finance in the first place. When the Minister has looked through, he has a special section of his Ministry that would investigate these matters carefully, and if he finds that the claims submitted are substantial or reasonable and there is a *prima facie* case for the matter to be sent to a tribunal for investigation, then he will pass the claims on to the Minister of Lagos Affairs. The Minister of Lagos Affairs, with these claims, supported by the documents and so on, and the evidence of the damage, will then call upon me and say: "Well, we have received these claims from the Minister of Finance; they ought really to be looked into; they are not frivolous, therefore, let us get together and establish a tribunal". The Chairman will be appointed—we hope he will always be a High Court Judge. But it depends on the nature of the particular affray or unlawful assembly that has caused the damage. Then the tribunal will be able to investigate the matter to find out where the originators of the riots came from; who were responsible and who were not.

The reason why the law has to be made in this way is always this, that it is known all over the world that, when such riots or unlawful assemblies take place, they will not be those people that gather round corners of streets, they usually are people like those who cost the Government well over £100,000 in the last two years when we had the notorious Lumumba Riots in Lagos. I am sure that it will shock many Senators to know that that single day's event cost the Federal Government a lot of money. The damage was not confined to one place: almost all the shops along the Marina were broken into and the goods of the various firms stolen. And, they went out of their way into private homes as well and looted several private homes along Campos Square and along Great Bridge Street in Isale Eko. They went about and did extensive damage, and Senators

will remember too that about the same time we had students organised from Ibadan who invaded Lagos. They came here and bottonholed many Ministers and Members of Parliament and actually slapped two of my Colleagues and were prepared to do personal physical damage to them before they were rescued by the Police at the last moment. Surely, these things were traced to their origin and we knew the people that were responsible.

In such a case, it would be for the tribunal to decide whether to pass these bills on to the Lagos Town Council or to take some other steps to recoup the loss, or for the Federal Government to accept frankly that it was really its own fault, failure of its own Police Officers or some other measures that it might have taken that it had not taken that was responsible for the damage complained of, in which case there would be nothing, not a penny, passed on to the Lagos Town Council to be paid. That is why the tribunal has to come in at that third stage to investigate the matter, to find out who and who were really responsible, and if the community, the Lagos community as a whole were found not to be involved in any way and not to be responsible, not to have aided and abetted, in the language of the Criminal Law, then, of course, they will not be asked to pay anything. That is why the tribunal will sit for several days and call upon other people who knew about it and refused to come forward.

Therefore, the powers of which Senator Beyioku complained in regard to the Tribunal asking the man to come and submit documents or fail in his claim. That is obvious, but this is not intended for that. It is intended for people who knew how the riots were actually carried out, who knew some vital information and were deliberately withholding this information, or people who have documents in their possession, not the claimant. The claimant will be too glad to submit anything. He would have submitted the documents in the first place to the Minister of Finance. But this is intended for those in possession of vital information, some documents that might lead us to trace the organisers of the riots or the unlawful assembly and who might be withholding it for some strange reasons of their own. The Tribunal will have the power to compel attendance of witnesses or production of documents that are

vital to their inquiry. And we provide that the tribunal shall not have any power to punish. All that the tribunal will do is that if anybody refuses to give evidence who is reasonably believed to be capable of giving that evidence, or produce a document that is vital to the inquiry and refuses to do so, then the tribunal will certify him to the High Court for punishment.

That is the aim of this Bill.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

RIOT (DAMAGES) BILL : CONSIDERED IN
COMMITTEE

*Clauses 1 to 10—ordered to stand part of the Bill.
Bill reported, without Amendment.*

Motion made and Question proposed, That the Bill be now read the Third time—(THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE.)

Senator Chief O. A. Fagbenro-Beyioku : I have to thank the Attorney-General for his explanation which led to the passing of the Bill at the Committee Stage.

I want to appeal to the Federal Government through the Attorney-General, that in view of the fact that it has now come to light that the Territory of Lagos is being brought in line in

certain matters with the Regions, that the Government now starts to give active consideration to making the position of Lagos quite on the same level as the Regions, to do something to establish a government for the Federal Territory of Lagos which can conveniently give Lagos the authority which the other Regions which have similar Acts have, so that Lagos itself will feel proud that it is actually participating in the management and running of its own affairs.

Senator Oba Adeniji Adele II of Lagos : I am in support of the views expressed by Senator Chief Fagbenro-Beyioku.

Question put and agreed to.

Bill accordingly read the Third time and passed.

ADJOURNMENT SINE DIE

Motion made and Question proposed, That this House do now adjourn sine die—(THE MINISTER OF HEALTH).

Question put and agreed to.

Resolved, That the Senate do now adjourn sine die.

Adjourned accordingly, sine die, at three minutes past five o'clock pursuant to the Resolution of the Senate this day.

SENATE OF THE FEDERATION
OF NIGERIA

Thursday, 19th September, 1963

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): I wish to make the following Business Statement for this meeting of the Senate.

To-day, the Senate will debate and pass the Constitution of the Federation Bill—Second Reading and the remaining stages. Then the House will take the Constitution (Transitional Provisions) Bill, Second Reading and the remaining stages.

After that, the Senate will adjourn until Saturday, 21st September. There will be no sitting tomorrow, Friday, 20th September, because there will be no business for the Senate to transact, and there will not have been sufficient business from the Lower House for the Senate to transact, and Senators will be able to relax in Lagos and go about and see some of the Government institutions here in Lagos.

On Saturday, 21st September, the Senate will debate the Income Tax (Rents) Bill, the Official Oaths Bill, the City of Lagos Bill and then the Motion for Consent to Laws of Regional Legislatures re-enacting Regional Constitutions. This Motion requires a two-thirds majority, and I would like to take this opportunity to appeal to Senators not to leave for their homes after the adjournment to-day, because we will require Senators' presence for this Motion.

Finally, the Senators will adjourn until the end of this month, the 30th of September, when Parliament will reassemble to take part in the celebrations which will lead to the declaration of Republican status for the country.

I would also like to take this opportunity to point out to Senators that the first two Bills to be taken this morning are constitutional Bills which require two-thirds majority. And not only that, it is necessary that these Bills should also be endorsed by the Regional Legislatures. It is, therefore, proposed that as

soon as they pass through the Senate here, copies of these Bills will be sent to the Northern, Eastern and Western Legislatures to be endorsed.

Senator Chief O. A. Fagbenro-Beyioku rose—

The President: I do not know why you are standing up. You cannot make a Ministerial Statement an excuse for a debate.

ORAL ANSWERS TO QUESTIONS

DEFENCE

Compulsory Military Training

O.43. Senator Alhaji Abubakar Garba asked the Minister of Defence, whether he will consider introducing compulsory military training in secondary schools throughout the Federation.

Minister of State in the Ministry of Defence (Alhaji the hon. Ibrahim Tako Galadima): The introduction of compulsory military training in secondary schools throughout the Federation would involve large-scale expenditure on equipment, accommodation and instructional staff, for which there is no justification at present.

FINANCE

National Bank Inquiry

O.44. Senator Alhaji Abubakar Garba asked the Minister of Finance, what is the total cost to Government of the National Bank Inquiry.

Minister of State (Chief the hon. H. Omo-Osagie): The total cost to Government of the National Bank Inquiry was £9,295-19s-10d.

INFORMATION

"Guide to Nigeria Parliament"

O.45. Senator H. N. Udoh asked the Minister of Information when the second edition of the "Guide to Nigeria Parliament" will be published.

The Minister of Information (Hon. T. O. S. Benson): The "Guide to the Parliament of the Federation" was first published in 1960 and revised in 1961. My Ministry is aware of certain changes in membership of both Houses brought about by resignations, death

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and consequent bye-elections or nominations. But at present more frequent revision of the "Guide", while it may be the ideal thing, would entail an expenditure far beyond what the Ministry can sustain. Added to this is the fact that every new edition is almost certain for one reason or another, to become out-dated soon after publication. It is therefore the view of my Ministry that the next edition of the "Guide to Nigeria Parliament" should not be published until after the next Federal election.

However, necessary *addenda* will be published from time to time as changes occur.

ESTABLISHMENTS**Vacation Jobs for Undergraduates**

O.46. Senator H. N. Udoh asked the Minister of Establishments, what arrangements he is making to engage all undergraduates from the Universities in the Federation during their long vacation which comes off once a year.

The Minister of Establishments (Hon. J. C. Obande): The question of giving temporary employment to undergraduates during their long vacation was raised on the Motion on Adjournment in the House of Representatives on 3rd April last. I then explained that while Government was under no bounden duty to find temporary posts for all our young students, it would, nevertheless, arrange for them to be employed in any posts which were vacant and for which their training fitted them.

TRANSPORT**Railway Extension**

O.47. Senator Alhaji Abubakar Garba asked the Minister of Transport what proposals he has for extending the railway to all parts of the Federation during the present Six-Year Development Programme, and if he will state what areas will be given priority.

The Minister of Transport and Aviation (Hon. R. A. Njoku): It is not possible to extend the railway to all parts of the Federation during the present Six-Year Development Plan. However, preliminary traffic and engineering surveys have been authorised for rail lines from Western Nigeria through the

Mid-West, Onitsha, Owerri and Umuahia Provinces to Calabar Province, and also from Gusau to Sokoto.

WORKS AND SURVEYS**Shagamu-Ijebu Ode-Benin City Road**

O.48. Senator H. N. Udoh asked the Minister of Works and Surveys if he will make a statement on the steps being taken to open the Shagamu-Ijebu Ode-Benin City Road this year.

The Minister of Works and Surveys (Alhaji the hon. Muhammadu Inuwa Wada): In spite of every effort which has been made both by this Ministry and the contractors who are building the road, I regret that owing to the unusually heavy flood this year, the target date of the 31st of December, 1963, will not be kept. The road will, however, by then be substantially completed to Oluku on the existing road to Benin City.

Owerri-Aba Road Bridges

O.56. Senator J. K. Nzerem asked the Minister of Works and Surveys what plans he has for reconstructing the three narrow and dangerous bridges between miles 22 and 24 on the Owerri-Aba Trunk Road A.

Alhaji the hon. Inuwa Wada: There are only two narrow bridges along this section. Tender documents are ready and these two bridges will be reconstructed when the money is released.

Senator A. E. Ukattah: How soon will the money be ready?

Alhaji the hon. Inuwa Wada: I did not say the money would be ready, but that the money will be released.

Senator Ukattah: How soon?

Alhaji the hon. Inuwa Wada: As soon as the funds are available.

Benin-Shagamu Road

O.57. Senator J. K. Nzerem asked the Minister of Works and Surveys when he hopes to open the Benin-Shagamu Road to traffic, and whether he will make a statement.

Alhaji the hon. Inuwa Wada: The attention of the Senator is drawn to the answer which was given to Question O.48. on Thursday, 19th of September.

EDUCATION

Retired Voluntary Agency Teachers

O.58. Senator J. K. Nzerem asked the Minister of Education, what step he has taken in consultation with the Regional Ministers of Education to make the conditions of retired Voluntary Agency Teachers with regard to retiring benefits similar to those of Civil Servants, and whether he will make a statement.

The Minister of Education (Hon. Aja Nwachuku): This Question was brought to the notice of my Ministry a few minutes ago and, because of that, it was not possible for me to get an answer to it. I would ask the Senator to allow the answer, when ready, to be printed in the *Hansard*.

Following is the reply—

There has been no cause for me to discuss the conditions of service of the teachers with my Regional Colleagues. I would, however, wish to point out that the condition of service for Voluntary Agency Teachers is entirely a matter of the various Governments. However, when there is any occasion to do this, I would not hesitate to do so.

ORDERS OF THE DAY

CONSTITUTION OF THE FEDERATION BILL

Order for Second Reading read.

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): I beg to move—

That a Bill for an Act to make provision for the Constitution of the Federal Republic of Nigeria, be read a Second time.

This is the final stage of the process which is required to turn this Federation of Nigeria from a monarchical state into a republican state. Senators will recall that during the Budget Session early this year, the Prime Minister made a statement in the House of Representatives, after consulting the other Commonwealth countries, that Nigeria intended to become a Republic on the 1st of October this year and at the same time to remain a member of the Commonwealth of Nations. That announcement was received with great jubilation by all sections of Nigeria. Since that

announcement was made, steps have been taken to amend the Constitution suitably to enable Nigeria become a Republic on the 1st of October this year.

As a preliminary step to the amendments which were necessary to be made to our Constitution, the Prime Minister and the Premiers of the Regions had a meeting and exchanged views and discussed the amendments which were required. This, Senators will recall, was followed by an All-Party Conference which took place here in Lagos very recently.

During the August sitting of the House, Senators debated the White Paper which embodied the changes which were proposed to be made in the Constitution under which this country has been governed since the attainment of independence. So that this Bill gives an expression in concrete legal terms to the changes which were proposed in that White Paper which had already been passed by this Senate.

There are no new provisions in the Bill which are not already embodied in the White Paper which has been set before you and which Senators have passed. Therefore, it is not necessary for me to go into the details of this Bill. In fact, all of us are quite familiar with the terms of this Bill, since it is based on the Constitution which we accepted when Nigeria became independent. It is necessary, of course, to make a few changes in order to read into it the new status which we hope to assume on the 1st of October, and these changes are the creation of the post of President of the Republic, the method whereby the President will be elected, the terms under which the President will hold the country and the relationship between the President and the Prime Minister. All these are embodied in this Bill.

It will be seen that on the attainment of a republican status, all our diplomatic representatives will be accredited to foreign governments in the name of the President of the Republic of Nigeria. This is as it should be. All these are details which are embodied in this Bill. It is no longer a controversial issue; all the changes which are embodied in it had been debated during the debate on the White Paper introducing the Republican Constitution. I therefore commend it to the Senate for passage.

I beg to move.

Minister of State (Senator Dr the hon. E. A. Esin): I beg to second.

Senator A. E. Ukattah: As the hon. Mover has said, the passage of this Bill is a necessary prelude to effect the changes we desire in our form of government. The provisions are the proposals which we had earlier on considered.

I wish to say just a few words on the choice of the first President. I do not think that a better choice could have been made than the one already made—that of Dr the hon. Nnamdi Azikiwe. The country can never be tired of showing gratitude and appreciation to this illustrious son of Nigeria. Within the past three years, this country has accorded him a triangle of honour—first by his appointment as the first President of this Senate, then as the first indigenous Governor-General of this country, and now as the first President of a Republican Nigeria-to-be. I do not think that anybody will ever grudge him this honour.

Now, what I wish to add to this is that from the 1st of October all our postage stamps and coins should bear the picture of the head of the President of our State.

I do not wish to take much time on this. Indeed, I can spend the whole day speaking in praise of the honourable Gentleman, Dr Azikiwe. I have to stop on that point and then speak very briefly on a point which, I think, has been very much in the hearts of the citizens of this country, and that is the question of changing the name *Nigeria* to something else.

I would gladly join any campaign for the change of the name *Nigeria* were a suitable name found. But so far, I have not seen any. But one suggestion *Songhai* is most inappropriate. *Songhai*, for all I know from my nodding acquaintance with historical facts, has no real historical link with Nigeria. As a state, *Songhai* existed about the 8th century and the people of *Songhai* occupied the country on both banks of the River Niger, many miles away from what is now Nigeria. But the state remained obscure until about the year 1513 when there arose in that state a most ambitious potentate called Askia the Great. Now, this man, in his bid for power, conquered the neighbouring states and made them provinces of his empire. In other words, he

established *Songhai* empire and continued conquering neighbouring states until he expanded westward and came into what I may call the outskirts of Nigeria. Now, he conquered the native Hausa states of Zaria, Katsina and Kano and added them to his empire. Of course, he had *Songhai* officials in the course of these things. Those states continued to retain their dynasties.

Minister of State (Senator Alhaji the hon. Nuhu Bamali): On a point of information, I would like the Senator to note that Zaria is an integral part of Nigeria and not an outskirt of Nigeria.

Senator Ukattah: Perhaps the Minister did not understand me. I said that Askia conquered this when in fact Nigeria had not taken the form that it has now. I made that point clear enough and I hope that he will follow me closely.

After a while, the *Songhai* empire collapsed and these states regained their power.

That is the only link we can think of between *Songhai* as an empire and Nigeria. I do not know whether it is because these three states were conquered and later allowed to regain their power that Nigeria should be changed to *Songhai*.

A point has been made that *Songhai* is one of the ancient African empires. I do agree. But *Songhai* is not more ancient than the River Niger from which the name *Nigeria* has been derived. In fact, but for the River Niger, *Songhai* might not have been accepted as a state, since it was a state on the bank of the River Nigeria.

Now, if we come to the question of being indigenous, I do not think that any state or country in the whole of Africa can be more indigenous than the River Niger. In fact, nothing can be more native to Africa than the River Niger which is as old as the continent itself.

Another point that was made is that the name *Nigeria* sounds alike with the names of some other countries like Niger, Algeria, and so on. Well, it is not unprecedented that names of countries can sound alike. Take for instance, England, Holland, Finland and so on. These are countries that sound alike. And not only that, if one looks very carefully, one will find that these countries have exactly the same number of letters in their names and they have

[SENATOR UKATTAH]
also exactly the same endings—*land* for England;—*land* for Finland and—*land* for Holland. They have not changed their name because they happen to sound alike.

The Minister of Health : And we have two Congoes !

Senator Ukattah : There you are ! Two Congoes existing side by side—two brothers. So, the question of changing *Nigeria* does not arise. It is a very sweet name. *Nigeria* is history itself. It was not Songhai that made *Nigeria* what it is to-day. It is the River Niger—the successful exploration of the River Niger and the foreign trading ventures along the Niger—that gave us the opportunity of the lasting contact with the outside world. The contact has made *Nigeria* what it is to-day. If there is any reason why we should retain the name *Nigeria*, it is because the name is both significant and historical. Until we can have any other name to be regarded as better, the present name *Nigeria* must remain.

I promise not to be long in my speech. But I will go up to where I think a change is really desirable, and that is the question of having financial year. We have our calendar year the first day of which is 1st of January. We also have another year called the financial year : the first day of this latter year is the 1st of April. I do not think that there is any local tradition, custom or historical fact to support our continuing to stick to this. I think that the time has actually come when we should make both the financial and the calendar years begin from the same day—January 1st. It is very confusing to children in school. At present we have to tell them that the financial year begins on the 1st of April and that the calendar year begins on the 1st of January—the end of the first quarter of one year is the beginning of another year. Our children will be asking, which year is that ? I think this must be borne in mind, because a change is desirable here. I cannot think of any convenience there. All money matters must be concluded before the 31st of December.

Now, I come to the question of franked letters or official letters—the initials “O.H.M.S.” I do not know whether any substitute has been found by the Governments of the Federation.

The President : If the Senator looks at the back of some official envelopes he will see the word “Official”. This means that there is

already a change. The Senator is thinking of the old envelopes. The new ones now bear the word “Official” with the initials “FG” at the bottom.

Senator Ukattah : Is the word “Official” there really official ?

Several Senators : Yes.

Senator Ukattah : If it is official, I will then take it that that matter has been solved. If it is something that takes the place of “O.H.M.S.” then I am satisfied. Otherwise, I had a suggestion to make.

I support the Second reading of this Bill.

Senator H. O. Abaagu : I want to associate myself with Senator Ukattah’s expression of thanks to the Government for appointing Dr Azikiwe the first President of the Federal Republic of Nigeria. I think the appointment of this hon. Gentleman is another practical acknowledgment of his role in manipulating *Nigeria* from British colonialism into freedom. It also shows that *Nigeria* is indeed united. I therefore hasten to suggest that a very large statue of Dr Azikiwe should be erected side by side with that of the Queen, if not in place on that one. I suggest that that of the Queen should be knocked down and—

Senator Ukattah : I suggest that the other one of the Queen should be removed into our museum.

The President : That is an opinion.

Senator Abaagu : I will suggest that it be removed and replaced with that of Dr Azikiwe. But if we want to be courteous to the Queen, we could leave it there ; but the statue of Dr Azikiwe should be bigger and higher and should be put in front of the Parliament so that every man in the street may know that he has taken over from the Queen.

The other thing I want to talk about is the change of the name of *Nigeria* which a Senator has just mentioned. I will not join any campaign for a change of name, but if I will join at all, I will suggest that *Nigeria* be named after somebody who had won half or the greater part of *Nigeria*—that is Othman Dan Fodio.

According to history, this gentleman, because of his religious activities, persuaded and won half or the greater part of *Nigeria*, starting

from the far North through what some people used to call the Middle Belt to Yoruba-land and some part of Eastern Nigeria. (*Interruption*)

Senator Ukattah : I think the name "Dan Fodio should not be brought into politics.

The President : I do not think he is bringing politics into it. He wants to honour him by naming Nigeria after him.

Senator Abaagu : If the Senator were allowed, he would like his name to be mentioned in connection with Nigeria.

Since my suggestion cannot be accepted, and since some Senators from the East have already registered their objection, I think we had better retain the name *Nigeria*.

Senator J. K. Nzerem : The Republican Constitution Bill is a very voluminous and comprehensive document. It is unfortunate that, like so many of our things—people have said that we are a country always in a hurry—the Bill was brought up in a hurry and so, not many people in Nigeria have had an opportunity of X-raying it properly. But with the little time I have had with it, I consider it to be an extremely well brought up document. I think that the Attorney-General and all those who had anything to do with it must have put in a tremendous amount of work into producing it, and I think they deserve the gratitude of the nation.

We are passing through a period of experiment. Many people have suggested that we ought to have a President who has far-reaching executive powers and whose words would be law. Honestly, if you want me to vote in favour of such a President, as long as he is going to be a man like Dr Azikiwe or our present Prime Minister, I would vote 100 per cent yes. But who is going to succeed such people? We do not know. We may get an up-start who will manoeuvre himself into that position, and then we are done for. So, I think Nigeria is very wise not only in having this sort of Republican Constitution, but in making haste slowly. Let us start with this kind of President, and if in the light of our experience it is necessary to give any future President more powers, then there is nothing to stop us from doing so from the Floor of Parliament. I think Nigeria is very wise not only in having this sort of Constitution, but also in appointing

as its first President a man who is acknowledged by all as the maker of the nation, the originator of nationalism in Nigeria and the embodiment of democratic principles.

We are very happy indeed to see that this principal architect of the Nigerian Nation is being made its first President. As somebody has said, he has got the distinction of being the first President of this Senate, the distinction of being the first indigenous Governor-General, and the distinction of being the first President of a Republican Nigeria. We are very happy indeed for that.

I have heard some people talk of flaws in the Constitution. Flaws, of course, there may be, for I have never seen any human document that has not got any flaws. People have said that we ought to retain the Judicial Service Commission and that if, on the recommendation of the Prime Minister, the President has to appoint Judges, the Judges will have to dance to the tune of the Prime Minister. Well, that may be true to some extent; but what about appointing members of the Judicial Service Commission? They are also appointed by the Prime Minister and the Judicial Service Commission can equally be said to dance to the tune of those who have appointed it. There is no argument in this at all. That argument is untenable. I think that what we have to be very careful about in this country is to see that we have got an honest politician, a God-fearing man like Sir Abubakar Tafawa Balewa as the Leader of our Government, and to have a mature statesman like Dr the hon. Nnamdi Azikiwe as our President, and then we shall have nothing to fear. That is my honest conviction.

I have only recently returned to the country and I have not quite followed the trend of things. I was not here when the White Paper was debated: I would have made my own contribution. But I think that those who debated the White Paper did very good service to this country and the conclusions embodied in the present Bill leave very little to be desired. I think this is a Bill that will receive a unanimous assent, and I have no intention of taking up the time of the Senate other than to say that I give it my wholehearted support.

Senator Dr A. A. N. Orizu : I think that it has been said very clearly by the Minister who introduced this Bill that we had already discussed this matter in quite a great detail and for that reason, I do not think it is out of

[SENATOR DR ORIZU]

place for us to make our contributions short and go into another business. There is nothing here except in the way of legalising the language which we had not done before.

The only thing that I want to mention is this question of that statue there in front of the Parliament. It is in front of the Parliament. When we do go to other countries of the world, especially the European countries themselves, we find that the statues of those who worked for those countries, the indigenous men and women who suffered for those countries, are placed in front of their Parliaments and other public places.

We have affection for England. We cannot say that because we were denied our independence, these people are bad. They are not bad because they helped us to be what we are to-day. We have affection for them. But it is affection. It is not a replacement of our cultural language. I emphasise now that this should be an important item, and if this is not done, we have to move a Motion to remove that statue there and put it somewhere else.

I am not saying this with any sense of dishonour for the Queen of England. What I am saying is that that thing should be removed, and replaced with the statue of an indigenous Nigerian. I do not care whose statue will be there, whether Azikiwe's or that of any other person, but let it be the statue of an indigenous Nigeria who helped to make this country what it is to-day.

Another point that I want to call attention to is the election of the President. Sub-section 35(4) says—

"A person shall not be a candidate in a presidential ballot unless he is nominated for election or re-election as the President by a document which—

(a) is signed by him and by three or more members of the Parliament; and

(b) is served before the ballot is ordered on the person presiding at the election meeting at which the ballot is taken."

I wanted to mention this so that there should not be any misapprehension about it.

I do not think that the Government should nominate the President. This can only be done in the absence of somebody who wants to run for election. If nobody wants to run for election, then the Government has no

alternative. That is the point. But we should not say that the Government nominates anybody because it can create a dangerous precedent in the future.

If Dr Azikiwe were dead, we cannot say that somebody will be nominated. This should not be done in that way. I think the question is that the Government has no alternative now. If nobody wants to run, then there is nothing else that the Government should do. But, of course, if anybody wants to run, then we will have to consider his candidature. The thing I know is that as we stand now, I am very happy that our country is such a country that appreciates the work of great men. We all know Dr Azikiwe's love of this country. We cannot imagine anybody wanting to contest the Presidency against him. That is the position. I know that the Government nominated him because of this, but I think it is not constitutional for the Government to do so in the future.

I said that there is no need to prolong this too much and, therefore, there is no need for me to bring a longer argument.

I support the Bill.

Senator Chief (Mrs) Wuraola A. Esan : I rise to support this Bill, and I would like to join my voice with those who have expressed happiness to-day about the position of the former President of this Senate. He is a worthy man and I am happy that he has lived long enough to reap the fruits of his labour.

I am only sad this morning that some of those who worked side by side with him for the emancipation of this country, and particularly one of them, is not lucky enough to be where he should be to-day. This is the irony of fate, and although he may be unhappy of a d about it, well nobody can help but accept what comes to him.

Although I am happy that we are going to make Nigeria a republican country, I am not very happy that in Nigeria to-day not all women have the right to vote and be voted for. This is one of the things that we must make haste to correct if Nigeria is going to be a truly free country. We are now making drastic changes in our Constitution to change into a Republic. Although it is the wish of the majority, I do not know why we should at this stage become a Republican country.

However, as everybody wants it, we must have it, but I personally do not see the immediate need for it. That is my own humble opinion.

I do not know why we should waste money to have Houses of Chiefs and the Senate in addition to the Houses of Assembly and the House of Representatives. I think in the Republican Constitution all the Houses of Chiefs and the Senate should be scrapped. We should have high-powered Advisory Councils at both the Federal and Regional levels. These should be set up as soon as possible to consist of men and women of intelligence, of ability, of God-fearing mind, men of justice, men of goodwill and men of character who will advise and not come to debate. And these people should be told that they are to work without pay. All the money that is being paid to us here or to the Members of the Houses of Chiefs should be converted to building good roads. If we have to be a great nation, we must suffer somehow, and this is why we have to start making drastic changes.

A Senator : Let the Senator donate her salary.

Senator Chief (Mrs) Wuraola Esan : Never mind. This is going to happen one day. If we do not want it now, we are only delaying the evil day. My own salary alone is not enough for anything ; £800 is not enough for anything, but the salary of all of us can be enough for something.

I think the next thing is to consider the membership of the Houses of Parliament all over the country. If we know that there are too many Members of Parliament in the country, we should do away with some of them in order to have more money for other things. All the Governments of the Federation should start now to make arrangement to have an All-Party Government, at least at the Federal level so that there will not be these wranglings over nothing.

Everyone of us wants the good of Nigeria. The man in the street, the woman in the shop, everybody wants Nigeria to become great. Why do we have to worry who makes it great ? Anybody can come forward and make it great and, so long as he is doing his work to the satisfaction of all of us, then all of us should accept that man and realise that not everyone of us has the same power or opportunity. But we should be given the power, the oppor-

tunity to do our best for Nigeria. We just have to contribute our own small quota. If we realise this, arrangement should be made whereby we should have an All-Party Government or National Government, at the Federal level at any rate, to start with. If this happens, perhaps, there will no longer be this tense atmosphere, and people will be able to work assiduously for the development of Nigeria.

We still have the Six-Year Development Plan but there is no money and no manpower. We are always crying that we want Nigeria to develop, but what we have we do not want to use because we are all selfish individuals. We do not want to be missed anywhere. We want to be in the forefront, and we only come here to contribute to debate and then get our salaries. That is all. We also go about crying that the Government is going slow. This is well known to everybody. Even the illiterates in the street know that the Government is going slow. If the Government is not going slow, the roads between Lagos and Ibadan and other parts of the country will not be bad. In civilised or developed countries it will take the army only two weeks to give people good roads.

I must say that the economy of this country is being shaken by these bad roads, and yet we are being told by the Government that when money is released, or as soon as possible, we shall have good roads. "As soon as possible" here means that when the money we already have shall have been taken by the Parliamentarians we shall then have more money released and then, of course, we shall take good care of our roads which also mean our economy, and then money shall be flowing in ; but nobody told us when this would happen.

The President : Senator Chief (Mrs) Wuraola Esan keeps dwelling on the salary of Parliamentarians, but it seems to me that the best thing is for her to forego her salary as a protest.

Senator Chief (Mrs) Esan : That is what I am going to do, but I would like the men Senators to take the lead. Men are supposed to lead the women.

I have nothing more to add to what I have said except to wish everyone of us here the best of luck. I also wish all of us to pray. There are times when we think that prayers are not necessary, but in Parliament—

A Senator : We have always prayed.

Senator Chief (Mrs) Esan : We have always prayed, but the prayer we say here is not for ourselves but for the Queen and the Commonwealth. We want prayers for ourselves now. We are now a nation. We are breaking the last chain of colonialism, that is, we are responsible to ourselves and nobody should nose into our internal affairs. Therefore, we must only call people to see what we have got, and what we have got should be the best to see. We should always be proud of what we have.

With these few remarks, I beg to support.

Senator M. G. Ejaife : I would like to express my gratitude to you, Mr President, for your indulgence for kindly consenting to my going abroad for some time. I would also like to thank my fellow Senators for the very hard and good work they have done whilst I was away in Australia for a short time, because I know that during that time much was done for the benefit of all, particularly for myself who hail from the Mid-West. I would also like to thank all the Senators and Ministers, especially the Prime Minister, for seeing that the Mid-West is created.

I do not think I have much to add to the contributions made by the Senators who have spoken before me, except to say that I support the Bill wholeheartedly. But I would like to say a few words about the naming of our streets.

Not long ago, the foreign names on our streets in Ibadan, here in Lagos, in Enugu and in other parts of the country were changed. I think this was a pointer, not only to the forthcoming Republic which is now in sight, but also to our complete independence.

We know that nothing less than a Republican status will be in keeping with our status as a sovereign nation that has now been freed from control from England. Smaller states than Nigeria have been bearing the name Republic. Even a country like South Africa, half of whose people come from England, has changed into a Republic. I do hope we all remember the Armels Transport Limited. Formerly we used to see the name "Royal Mails" in front of all the buses of this company, but when the company, which is not a Government concern, found that this name was repugnant to us, it changed it to "Nigerian Mails". I think this is a significant

pointer. I would like to repeat that nothing less than a Republican status is consistent with our sovereign status, particularly as we are not a British country. I say this because even countries like Australia, South Africa and also the United States, the majority of whose people I think came from England in early days, are republican in status.

The next point that I want to discuss is about Dominions. A dominion means a country that is dominated, and there is always a dominant partner between a dominion and mother country. We cannot claim that England is our mother country because we are not mothered by England in the sense that no Nigerian is of British origin. We are not going to imitate a country like Australia which is more royalist than England itself—a country in which every street is named after a King or a Queen or a British statesman; a country whose National Anthem is still the National Anthem of England; a country in which the new currency which is going to start very soon is named "Royal". A country like Australia may continue to be dominated but not Nigeria.

We cannot also pay too glowing a tribute to our Government for bringing us this Bill. The Bill has an added advantage because, before it came here, there had been a lot of discussion among the rank and file of the people of the country. People have been given enough opportunity to talk about the Bill and about the new status, and of suggesting what should and what should not be inserted in the Bill. There is no doubt that the result of the consultations between the Ministers and the ordinary citizens, between the officials and other people, has brought us this good Bill. Reading through the Bill again one sees nothing but the result of a mature judgment.

When we had our independence in October 1960, the great Zik swallowed a bitter pill when he accepted the post of the first Governor-General even though he knew that he was going to be the representative of the Queen. This bitter pill was swallowed not because of his own personal benefit, but for the benefit of all the Senators here including myself, and also in the interest of Nigeria. This is one of the good qualities of Dr Nnamdi Azikiwe. We all wanted him to be the Governor-General, even though he was going to be a representative

of the Queen who is 4,000 miles away. I think we did this in the hope that at no distant future date the status of this country would change into a Republic when we shall shed the last vestige of colonialism.

Senator E. A. Lagunju : On a point of observation, I understand that this is a Constitutional Bill, and I see Senators going out. I do hope that they will come back before the Division.

The President : The lobby bells will ring when the time for voting comes.

Senator Ejaife : And so, Mr President, if there is any blame at all, it will be that they are a bit late in bringing it. But I cannot say they are, because this country and the leaders of this country, I think, have been characterised by restraint and maturity and caution. We move with caution; we are sometimes slow, but we are generally steady and knowledgeable about our goal.

I do not think we appreciate the esteem with which Nigeria is held abroad until we are really outside this country. It is true that while I was carried by taxi somewhere in Freemantle, the driver asked me where I came from. I told him that I was from Nigeria. He said, "Oh, is it the place where there is plenty of trouble and shooting?" I said perhaps he meant Algeria and he said, "Oh yes, it is Algeria." But apart from that, most people, when they heard that I come from Nigeria, were very happy and then they began to contrast Nigeria with certain countries in which there have been plenty of trouble and shooting. He said, "Oh! Nigeria, the same country in which they think that democracy is held in very high esteem." I must say that I was very proud to hear that.

It is because of this caution and restraint that Nigeria has not become a Republic before now. After all the wisdom has been gathered and after all the clauses have been analysed and put into this Bill, it will be futile, I think, for us to say this is not good or that is not good. It is quite true that if in this House or in any other House there are no critics, that is probably the end of intelligent discussion. So there must be critics. But I think that this particular Bill is one which calls for unanimous consent, even without any criticism, because even though people talk about the clause on the

appointment of D.P.P. or the appointment by the President of Judges on the recommendation of the Prime Minister, I have no doubt that these criticisms arise out of fear and suspicion. I think that is something that we should try to ban. If we want to progress together, I think we ought to put aside fear and suspicion. There are in our Constitution sufficient provisions, sufficient checks and balances to ensure that what we fear will not eventuate. To anticipate fear and suspicion is likely to engender moral suspicion. I think, we should put this aside and rely on other checks and balances in administration, other provisions in fundamental human rights and so on, to ensure that those holding high offices do not abuse their position.

Someone did say before that a big country, like a big company, is more difficult to run than a small country or a small business. Nigerian leaders have proved equal to the task by running a country 356,669 sq. miles with a population of over 40 million, which is many times more than other countries, and I think this gives great cheers to the Prime Minister and his team of able Ministers, and also to all civil servants.

I cannot conclude this speech without subscribing to the great tribute which has been paid to our great son of Africa, who has been given nothing more than he deserves. We cannot do less than to pray and wish that greater success attain the President, the Prime Minister and the great leaders of Nigeria, and long live the President, the Senate, our Prime Minister and Nigeria.

With these few words, I happily support the Bill.

Senator E. A. Lagunju : I would like to associate myself with other Senators who have spoken about the Constitution for a Republican Nigeria. What is more, I wholeheartedly support others in expressing complete satisfaction about the appointment of our Governor-General as the President-designate. It is a pity we have no greater honour to confer on him than the post of President.

When we came here last time we said a lot about this and about the procedure to be adopted in electing the President, and I do not want to repeat what I said at that time as regards publicising the election of the President

SENATOR LAGUNJU

Senator Dr Orizu has mentioned that we should not think that the President was nominated by the Government. We did not by any means think that way, and I do not think that there is anybody in the country today who will think of a better person for this post than Dr Nnamdi Azikiwe. Therefore, whatever method of nomination was used, nobody quarrels with that. But as Parliamentarians, since in the final analysis we are supposed to vote when it comes to the question of election, I do not think it is too much for the Government to let us know about this. It was on the radio that we heard that the Governor-General is the President-designate. We were all very happy about it, and I do not want people to misunderstand me when I say that we are in this country now laying a precedent and some day, or sometime to come, the Parliament of that time will hear on the wireless or the radio that somebody again (not the Governor-General because there will not be any at that time) has been elected the President. Some people might query this, but they will be told that there was a time when something like that happened. If the Government has just hinted the Members of Parliament, either by a short letter or by any other means, I certainly think that we should have been very happy to hear that.

There is nothing to quarrel about as regards the great Zik for his outstanding qualities, for his statesmanship and for his able leadership, but I am just sounding that note of warning, that what concerns all should be approved by all.

The President : I have allowed the Senator to go on for a long time because it seems to me that he has not read clause 157 of this Bill. Clause 157 of this Bill says that Dr Nnamdi Azikiwe shall be deemed to have been elected the President, and this notice has been given to you in the Gazette, so that you may be able to file a Motion to delete that section if you do not like it. The Government is not taking you unawares.

Senator Lagunju : Well, if I had got this before, and if I had read it, then, of course, I would not be saying what I am saying now. I have just got this Bill this morning, and that as after the radio announcement.

A Senator : That was three days ago.

The President : I want to point out again that the Government did not make any radio announcement. When the radio people and the newspaper got hold of this Bill and read clause 157, they put it out as news. I do not see why the radios and the newspapers should get this Bill before the Senator. It means that the Senator did not go to his pigeon-hole.

Senator Lagunju : Mr President, if you want me to reside permanently in Lagos, I do not mind.

The President : The point is that the Government is not having a quick one over you. They have given you a notice of this Bill, and I draw your attention to clause 157. If you do not like it, during the Committee Stage give me a little note to delete clause 157.

Senator Lagunju : I will be the last person to say that.

I am really very happy that somebody has mentioned something about the name "Nigeria". I do not want to dwell on that. We want to remove all vestiges of anything colonial. But there are certain things we cannot do without. For instance, all our books are still written and published in English and we still read them. Some of us come here dressed in English dresses; if we do not dress that way, our clothes are still woven in Manchester and other places.

In addition to the contributions somebody has made, I think it is not out of place here for us to mention that the name "Britain" was given to that country by the Romans, and the British people still retain it. So, personally, as the previous speaker has said too, I cannot imagine any name more appropriate than the name "Nigeria". I think it is a fitting name.

I do not want to say much about the question of prorogation of Parliament, over which there was a lot of row in the Lower House. That is on page A 126 paragraph 68. Left to me, I think this is really good enough for this country. If, for instance, it is felt that we have no faith in the Government, by and large the Government is formed by the party or parties having the majority, then of course we have to go back to the electorate for another mandate. I think this is good enough for this country.

I beg to support.

The Minister of Health : It is not my intention to hurry up debates on a very important Bill like this, but I must say that there has not been any controversial issue whatsoever raised during the debate this morning, and in fact many of the Senators who have spoken have repeated the same arguments which were adduced when we were debating the White Paper on the Republican Constitution. I would like to emphasize that the Bill which we are discussing this morning seeks to put into legal form the Constitution for the Federal Republic of Nigeria. It is a Constitution which is put together to govern the lives of human beings and, therefore, it is a living Constitution, subject to changes from time to time in the light of experience. Therefore, we cannot make it a rigid one. It is not intended to be a rigid one either.

So far, no Senator has suggested any change in this Constitution. I feel it is generally acceptable to our people as being the best type of Constitution which is suitable to our stage of development in this country at this time.

I would therefore, like to move that the Question be now put.

Question, That the Question be now put, put and agreed to.

Main question put.

The President : In order to satisfy the requirements of section 5 (4) of the Constitution, I direct that the House proceed to a division.

The Senate divided.

Ayes 40 ; Noes, Nil

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Chief Nwoke
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Uguocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem

Seat No.	Name of Senator
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
26	Senator Dr Orizu
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odotola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eyitayo
35	Senator Yesufu
36	Senator Ukatah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health, Senator Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator Alhaji Nuhu Bamalli

Bill read a Second time and immediately considered in Committee.

CONSTITUTION OF THE FEDERATION BILL :
CONSIDERED IN COMMITTEE

The Chairman : Senators, we shall do this in chapters and when I come to a chapter, if any Senator has any point to raise, he is at liberty to raise it, and I would raise up my eyes to catch anybody who wants to speak.

Chapter I, Clauses 1-6—ordered to stand part of the Bill.

Chapter II, Clauses 7-17.

Senator Chief S. T. Hunponu-Wusu : I rise to speak particularly on Chapter II—Citizenship. With your permission, Mr Chairman, I read Clause 7 (1)—

“Every person who, having been born in the former Colony or Protectorate of Nigeria, was on the thirtieth day of September, 1960, a citizen of the United Kingdom and Colonies

[SENATOR CHIEF HUNPONU WUSU]
or a British protected person, shall become a citizen of Nigeria on the first day of October, 1960."

I have given this a close study. This means that anybody whose grandfather emigrated from either Lome, Cotonou or Porto Novo to Nigeria will not be accorded citizenship, because these towns are in countries which are not within the Commonwealth.

I would also like to read Clause 8 (1)—

"Any person who, but for the proviso to subsection (1) of section 7 of this Constitution, would be a citizen of Nigeria by virtue of that subsection shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria."

Anybody whose grandfather or great grandfather domiciled in Lagos and he or she was born in Lagos and did not register before the first day of October, 1960, cannot get a permit or passport to go to any Commonwealth country because, according to this, his father or grandfather was never born here.

In Clause 14 (3), the countries that can be given such a facility are stated there, but the two towns which are the capitals of the nearest countries to the Federation of Nigeria—Lome and Cotonou—are precluded from having this opportunity. Mr Chairman, paragraph (3) of Clause 14 reads as follows :

"The countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, the Republic of Cyprus, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda and such other countries as may be prescribed by Parliament."

From this, Senators will see that the two capitals of our nearest neighbours—Lome and Cotonou—are precluded from having this privilege because they are not members of the Commonwealth.

I would like an extension to be granted because not many people read the *Gazette* to be able to know that they must register or apply before the 31st October, 1960. This date has already expired. Nobody can apply now. If anybody applies now, he will be told

that he did not apply in time. I want an extension of time up to 31st October, 1964, to be made under this proviso—

The Chairman : Do not let us waste any more time. This is not a new provision ; this is merely taken out from the present Constitution. So I think in such a fundamental matter, you should take it up with the Ministry concerned and then bring an Amendment. I am only granting you indulgence to air your views. You have not even filed an Amendment to the Clause. I think it will be a wrong thing to allow you to file an Amendment on such a fundamental clause now. It seems to me that the best thing will be for you to take it up with the Ministry concerned because it is not a new thing ; it is merely the present Constitution being carried forward into the Republican Constitution.

The Minister of Health : With due respect, Mr Chairman, this provision has not caused hardship to anybody at all, and this is the Constitution under which this country is operating now. Anybody of Nigerian parentage, whether he was registered before 1960 or before 1962 or not will still be entitled to become a Nigerian citizen. In fact, we are all Nigerian citizens and no act of registration can change that, whether you were born in Cotonou or in Lome. I think the Senator is just confusing the issue completely. The people of Nigerian parentage are automatically Nigerian citizens from the 1st October, 1960.

A Senator : Perhaps he is talking about Badagry !

Senator Hunponu-Wusu : Mr Chairman, I would act accordingly.

The Chairman : Take it up with the appropriate Ministry ; that is the best thing.

Chapter II, Clauses 7-17—ordered to stand part of the Bill.

Clauses 18-158—ordered to stand part of the Bill.

Clause 159—(THE NIGER DELTA DEVELOPMENT BOARD).

Senator Chief Z. C. Obi : As everybody knows, the Niger Delta Board is my special bedding. In this Bill there is what we regard as an over-sight. When I say *we* I mean we of the Niger Delta Board. The result is that I

was sent on a special delegation to plead with the President to see that the appropriate words used in our present Constitution are inserted in this Bill. The Amendment is that in place of the word "expedient", the words "necessary or desirable" as they appear in our present Constitution, should be inserted. In other words, my constituents would like the word "expedient" removed and the words "necessary or desirable" there inserted as they are in our present Constitution.

The Minister of Health : The Government will not accept this Amendment at this stage. We considered the word "expedient" much more suitable to describe the intention of the makers of the Constitution in this country.

The Chairman : Does Senator Chief Obi accept that? If the Senator reads paragraph 5 of Clause 159 he will see that it says—*Parliament may make such provision as it considers expedient*. Will the Senator not agree that it will have the same meaning as "Parliament may make such provision as it may deem necessary or consider necessary"? I think the emphasis is on Parliament. It is the Parliament that considers it. And the Senator being a Member of Parliament can always come forward to convince the Parliament that it is necessary and expedient. There does not seem to be much difference, to me. The emphasis is not on the word "necessary" or "expedient" but on the word "Parliament". It is the Parliament that has to consider it. Well, at the material time the Senator can persuade Parliament to consider it, not only that it is expedient but that it is also necessary.

Senator Chief Obi : If I would be given the opportunity to do that any time that matters affecting the interest of Niger Delta area arise, that will be nice.

The Chairman : I think that you are very well covered because in the final analysis you have to come to Parliament.

Clause 159—(THE NIGER DELTA DEVELOPMENT BOARD)—*ordered to stand part of the Bill.*

Clauses 160-166—*ordered to stand part of the Bill.*

Schedule agreed to.

Preamble agreed to.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time—(THE MINISTER OF HEALTH).

The President : This, again, has to comply with section 5 (4) of the Constitution, and I will therefore direct that Senate go into a division.

The Senate divided.

Ayes 40 ; Noes *nil* ; Abstention *nil*.

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Chief Nwoke
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
26	Senator Dr Orizu
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eyitayo
35	Senator Yesufu
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health, Senator Dr Majekodunmi
	Minister of State, Senator Dr E. A. Esin
	Minister of State, Senator Alhaji Nuhu Bamalli

Bill accordingly read the Third time and passed.

CONSTITUTION (TRANSITIONAL PROVISIONS) BILL

Order for Second Reading read.

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): I beg to move—

That a Bill for an Act to make transitional provision as respects payments from the distributable pool account to Western and Mid-Western Nigeria; to repeal certain enactments which will become spent on the coming into force of the Republican Constitution for Nigeria; and for purposes connected with the matters aforesaid, be now read a Second time.

This is what I would describe as a technical Bill designed to regularise the financial arrangements embodied in our Constitution for the running of the newly created Mid-Western State, and the Bill seeks to make provision for payments from the distributable pool account to Mid-Western Nigeria in respect of the period between the establishment of that Region and the 30th of September, 1963, just before the Republican Constitution comes into effect. It also seeks to repeal certain enactments which will become out of date immediately the Republican Constitution comes into operation.

It is a non-controversial Bill which is designed to make the administration of the newly created Mid-Western Region run very smoothly. I have no doubt that Senators will support the Bill and that it will not lead to a lengthy debate.

Minister of State (Senator Dr the hon. E. A. Esin): I beg to second.

Several Senators: Aye! Aye!

Question put.

The President: This comes under Section 5(4) again, and I direct that the House go into a division.

The Senate divided.

Ayes: 40

Noes: Nil

Abstention: Nil

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Chief Nwoke
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Uguocha
11	Senator Chief Ojon

12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
26	Senator Dr Orizu
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eytayo
35	Senator Yesufu
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health, Senator Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator Alhaji Nuhu Bamalli

Bill accordingly read a Second time, and immediately considered in Committee.

CONSTITUTION (TRANSITIONAL PROVISIONS) BILL

CONSIDERED IN COMMITTEE

Clauses 1-3—ordered to stand part of the Bill.

Schedule agreed to.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time—(THE MINISTER OF HEALTH).

The President: Under the requirements of section 5, subsection (4) of the Constitution, I direct that the Senate do now go into a division.

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[Constitutional (Transitional Provisions) Bill]

19 SEPTEMBER 1963

[Adjournment]

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The Senate divided.

Ayes : 40

Noes : Nil

Abstention : Nil

Seat No. Name of Senator

- 1 Senator M. A. Green
- 2 Senator Chief Nwoke
- 5 Senator Bawa
- 6 Senator Chukwubike
- 7 Senator Ejaiife
- 8 Senator Alhaji Metteden
- 9 Senator Abaagu
- 10 Senator Chief Uguocha
- 11 Senator Chief Ojon
- 12 Senator Adele II, Oba of Lagos
- 14 Senator Chief Ndu
- 15 Senator Chief Olayeye
- 16 Senator Mrs Esan
- 17 Senator Muhammadu Sani Dingyadi
- 18 Senator Nzerem
- 19 Senator Chief Hunponu-Wusu
- 20 Senator Chief Acholonu
- 21 Senator Alhaji Abubakar Garba
- 22 Senator Chief Obi
- 23 Senator Olamijulo
- 25 Senator Salahu Fulani
- 26 Senator Dr Orizu
- 27 Senator Chief Esangbedo
- 28 Senator Chief Doherty
- 30 Senator Chief Nakoku
- 31 Senator Chief Odutola
- 32 Senator Idirisu-Tafidan Adamawa
- 33 Senator Udoh
- 34 Senator Eyitayo

- 35 Senator Yesufu
- 36 Senator Ukattah
- 37 Senator Ogundipe
- 38 Senator Zanna Sheriff
- 39 Senator Chief Umoh
- 40 Senator Lagunju
- 41 Senator Alhaji Ungogo
- 42 Senator Alhaji Abudu

Minister of Health, Senator Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator Alhaji Nuhu Bamalli

Bill accordingly read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn until Saturday the 21st of September—(THE MINISTER OF HEALTH).

Question put and agreed to.

Resolved : That the Senate do now adjourn until Saturday, 21st September, 1963.

Adjourned accordingly at twelve o'clock.

SENATE OF THE FEDERATION
OF NIGERIA

Saturday, 21st September, 1963

The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

NOTICE OF MOTION

BUSINESS OF THE HOUSE

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi) : I beg to move—

That the Proceedings on Government Business be exempted, at this day's Sitting, from the provisions of Standing Order 4 (Sitting of the Senate).

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to second.

Senator J. K. Nzerem : I do not know exactly the intention of the hon. Minister of Health in moving this Motion. Perhaps he is afraid that the Senate will not be able to wind up its business during the morning session. But I have sounded the feelings of most Members of the Senate and they are of the opinion that most of the Bills coming before us to-day are non-controversial. The Constitution of Western Nigeria, the Constitution of Northern Nigeria and the Constitution of Eastern Nigeria, have been examined very carefully by the Legislatures of those Regions, and they have passed them. I do not, therefore, think that any one here can change what the North, the West and the East think is good for them. So, I think it is just a question of the *Ayes* having it all the time and we will go away.

Several Senators : No ! No !

The President : I want to shorten this debate. What the Minister is doing is to have a safety valve. In case at 12 o'clock we do not finish, then we can go on to 1 o'clock or beyond it. That is all. It is only a safety valve. If you finish before then, there is no harm. If you do not finish before then, instead of asking you to come again on Monday, you will finish to-day by 1 or 2 o'clock. I think that should be welcome.

Question put and agreed to.

Resolved : That the Proceedings on Government Business be exempted, at this day's Sitting, from the provisions of Standing Order 4 (Sitting of the Senate).

ORDERS OF THE DAY AND NOTICES
OF MOTIONS

INCOME TAX (RENTS) BILL

Order for Second Reading read.

Minister of State (Chief the hon. H. Omo-Osagie) : I beg to move the Second Reading of a Bill for an Act to be known as the Income Tax (Rents) Act, 1963.

The Bill is designed to make provision for the granting of income-tax relief to persons and companies liable to Federal income tax in respect of incomes received by way of rent from certain dwelling houses in the Federal Territory of Lagos.

In my Budget Speech to the House of Representatives on 2nd April, 1963, I mentioned a proposed change in the taxation arrangements affecting capital allowances, pointing out that the practice was becoming widespread in Nigeria, whereby, owing to lack of building finance by the ordinary citizen, persons who own or lease plots of land enter into arrangements with building contractors, under which the contractors erect the houses and enjoy all the ensuing rents for the first few years up to the full amounts of the capital outlay on the buildings before the owners are allowed to collect any portion of the rents themselves. Even though the owners may not enjoy the use of the rental income, for some years, they remain liable to pay income tax on the balance of such rents after deducting capital allowances.

In certain cases, this has caused hardship and, in consequence, some Nigerian owners have had to alienate their landed properties to foreigners in order to find the liquid assets to meet the increased tax liability arising as a result of merging the rental income with their income from other sources.

The matter has received further consideration and the original scope of the proposal has, as a result, been widened, in order to remove the disadvantage which the landlord who erects his own building either with his life's savings or with loans from other sources, would suffer as compared with the man who builds his under the contractor-financed scheme.

Broadly speaking, the Bill aims at ensuring that owners of income-yielding dwelling houses are allowed to recoup their capital outlay on those houses before they are charged to tax on the rents receivable. It provides that where several years' rents are received in advance but the total so received does not exceed the cost of the house, immediate relief is given by exclusion from tax of an amount equal to the whole rent received. If the rent received in advance exceeds the cost of the property, relief is given of an amount equal to the cost of the property, and only the excess is brought to tax immediately. In other words, the Bill provides for accelerated capital allowances in the special cases for which it has been designed.

The Bill permits the benefits of the change to apply to rents received other than in advance on similarly qualifying properties.

Provision is also made whereby in appropriate cases, the normal capital allowance provisions will operate to give relief for the balance of any cost of the property which has not been relieved under the provisions of this Bill.

It is further provided that the provisions of the Bill will apply only to buildings constructed or adapted wholly or mainly as private dwelling houses and situated in the Federal Territory of Lagos.

In every case, the owner will be required to give to the Federal Board of Inland Revenue certain specific undertakings to be prescribed by Regulations made by the Board. These Regulations will provide, *inter alia*, that the property must not be disposed of without prior reference to the Federal Board of Inland Revenue.

The penalty for the breach of any such undertaking will be, on summary conviction, imprisonment for a term not exceeding two years, as well as the withdrawal of reliefs granted under the Bill.

It is my conviction that the effect of this Bill will be the speedier development of the new areas of Lagos, under such conditions that they will not, out of sheer necessity, pass out of the hands of Nigerian owners. I wholeheartedly commend the Bill to Senators' acceptance.

I beg to move.

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to second.

Senator M. B. Chukwubike : In supporting this Bill, I have one important remark to make. I want to appeal to the Government, through you, to give the matter the urgent consideration it deserves. It is a fact that the Federal Government has made a name by respecting public opinions, but it beats my imagination why the same Government has decided to turn a deaf ear to the long but justified cry for house rent control in Lagos. The demand for house rent control in Lagos is as full and as emphasised as the demand for a Benin-Shagamu Road. We all know that tenants here in Lagos are at the mercy of mercenary landlords, and we all know that life in Lagos is very fast and very high. Taking into consideration the very high rent in Lagos, I must say that the workers who demand wage increase are justified. This demand is a general and sympathetic one. If the Government has nothing to hide about this demand, it should do something to regularise house rent in Lagos now that we are going into a Republican form of Government.

I feel I will be doing myself a great injustice if I fail to point out that the feelings of the people are that most of our Ministers are landlords and, as such, they decide to turn a deaf ear to their public cry. I agree that there is nothing wrong in our Ministers owning houses, but this must not be at the expense of the public. I therefore appeal to the—
(*Interruption*).

The President : I have granted you the indulgence. What you are saying now does not come within this Bill at all.

Senator Chukwubike : Thank you, Mr President. I have made the point and I support the Bill.

The President : I hope we are not going to talk about reduction of rent, because it does not come under this Bill at all.

Senator Chief P. C. Ndu : I rise to support this Bill which is non-contentious. My praise goes to the Government for choosing this time to encourage the investors. Apparently, people used to find it difficult, after raising some overdraft from the bank and building with it, to have to pay tax on the building before the loan has been fully repaid. People experience

[SENATOR CHIEF NDU]

a great deal of hardship to have to pay income tax on a building which has not yet yielded any money. In other words, it means paying income tax on no income but on the capital.

I shall take this opportunity to advise the Government to reduce the number of public holidays, which cost the country about ten million pounds. This amount could be better used in bridging the wide gap between the high wage earners and the junior civil servants, as it does not help the man on £170 p.a. to buy in the same market as another person on £700 p.a.

The President : What this Bill seeks to do is this : if you go and borrow money from the bank to build a house, and you get ten years' rent in advance, and you are going to use this to pay your loan, you should get relief. That is what it is saying. There is nothing about public holidays in this Bill.

Senator Chief Ndu : I support the Bill.

The President : We should be within the confines of what we are required to do. Today is Saturday and it is half a day.

Senator J. K. Nzerem : I do not think this is a very controversial Bill. There is only one point that I want to make. I have heard it said that big men at the top have made this rule to suit themselves. I do not think it is so because the small man will also benefit by it. My only plea to the Government is that they should persuade the Regional Governments to enact similar laws in the Regions.

I support it wholeheartedly.

Senator T. Olamijulo : I support this Bill because it considers the poor man. Many a time, land is given to foreigners because of want of money ; but because of this consideration, I think most of our lands would be used by the indigenous people.

With this, I support the Bill.

Senator Chief T. A. Odutola : There is not much I would like to say. The only point that I want to make is that we have only one Nigeria. It may be that by regionalisation, we have got five regions. But we have only one Nigeria, and if anything obtains in the Federal territory, I think the same should obtain in the other parts of the country as well. I do not think that it is correct to say that this Bill is designed to help the wealthy people. The Bill is designed to

help the poor people—people who have not plenty of money. People who have not enough money should not complain very much because the Bill is for them. As the Bill is for the poor and small people, I support it.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

INCOME TAX (RENTS) BILL : CONSIDERED
IN COMMITTEE

Clauses 1 to 5—ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

OATHS BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move, That a Bill for an Act to consolidate and amend the law as to oaths and affirmations, be read a Second time.

This Bill has been thought necessary in view of the new republican status upon which this country will be embarking on the 1st of October. The various forms of oaths and affirmations in existence at the moment are, as Senators will be aware, designed for a situation in which this country is a monarchy with the Queen at the head.

In the new arrangement which we are making, it is necessary that the various forms of oaths and affirmations should be brought into line with our republican status, and so the provisions of this Bill will be found to effect the necessary changes.

The second object of this Bill is to repeal the two or three existing enactments in which the various rules and affirmations of oaths are at present distributed, and Senators will find in the Fourth Schedule a list of the two principal enactments which are now repealed by this Bill : these are the Oaths and Affirmations Act, Cap. 142 of the Laws of the Federation and of Lagos and the Official Oaths Act, Cap. 143.

The principal change effected in addition to changing the forms of oaths from allegiance to the Queen to the Republic of Nigeria, of course, is that this Bill now gathers together

what previously existed in various enactments. It gathers them together into one document.

I beg to move.

Minister of State (Chief the hon. H. Omosagie): I beg to second.

Question put and agreed to.

Bill read a Second time and immediately considered in committee.

OATHS BILL: CONSIDERED IN COMMITTEE

Clauses 1-16—ordered to stand part of the Bill.

Schedules 1-4 agreed to.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE).

Senator Chief O. A. Fagbenro-Beyioku: I only want to mention one point. We are glad we have amended the Oaths Bill, but I wish to draw the attention of the Attorney-General and the Council of Ministers to the form of our Prayers in Parliament.

The Attorney-General and Minister of Justice: I think the Senator will be pleased to hear that we already have a form of Prayers which will be brought into use when Nigeria becomes a Republic as from the 1st of October next.

Question put and agreed to.

Bill read the Third time and passed.

CITY OF LAGOS BILL

Order for Second Reading read.

The Minister of Lagos Affairs (Alhaji the hon. Musa Yar'Adua): I rise to move, That a Bill for an Act to confer the status of a city upon the town of Lagos and for other purposes connected therewith be read a Second time.

I do not think I should waste the time of the Senate by just trying to review the commercial or the historical importance of Lagos. The Bill is non-contentious. It only seeks to confer the status of a city to Lagos.

I beg to move.

Minister of State (Chief the hon. H. Omosagie): I beg to second.

Senator Chief O. A. Fagbenro-Beyioku: We of Lagos origin are really thankful to the Government for this Bill. When I say the

people of Lagos, I do not mean people from Ijebu, anyhow. We are very thankful to the Government. I think we are now being accorded the recognition which is rightly ours.

I would not like to trace the history of Lagos, as most Senators must have studied that at school. It has always been said that Lagos is Nigeria's property. Well, as far as that is concerned, on the secondary stage, I would say yes, but on the initial stage, we are proud to say that Lagos is ours. I now feel very proud to say that what we are saying about Lagos to-day is the result of the measures taken by my own great great grandfather, the late Chief Taiwo Olowo of Lagos, with the co-operation of the head of the house of Docemo. These people really fought to be able to place Lagos on the map in those days.

This Bill is really welcome, but I am appealing to the Government to grant Lagos, now being a city, the status of a Provincial Council so that our Lagos Town Council will not be extremely limited and restricted, but that the people of Lagos—and when I say "the people of Lagos" I mean everybody in Lagos—should be able to determine by themselves to a large extent certain problems and responsibilities, if not purely in line with the Regional Authorities, but in line with what is known in the Regions as Provincial Authority.

I thank the Government, and I want to say that the people of Lagos are really very grateful for this great honour.

Minister of State (Chief the hon. H. Omosagie): The Senator who has just spoken has actually made a point. He said that Nigeria claimed Lagos, but I am going to tell him that Benin claimed Lagos. I would also like to tell him that it is the good luck of the Mid-West which has just been given the status of a Region, that has changed Lagos from its old status to that of a city.

We are also very happy that the Benin town has developed so much that it has achieved the status of a City, and the only City in Africa.

I beg to support.

Senator H. N. Udoh: Thank you, Mr President, for giving me this opportunity. Although I am not a Lagos man, I have a part to play therein, and under this Bill I think everybody is entitled to throw some light which will bring our city to what it should be.

I feel that the Lagos Town Council, as it is called presently, should work in co-operation with the Minister in charge of Lagos Affairs, because I feel that it is not the skyscrapers or things like that which will make our city to be worth its name. There are still other things like the cleaning up of the city. Cleanliness, they say, is next to Godliness. I say that the Lagos Town Council should work in co-operation with the Minister because I do not think that the Lagos Town Council as it stands now can shoulder the responsibility.

There was a time when we had the slum clearance scheme, which was of great benefit to all of us. I do not know if this scheme can be brought into being again because there are still certain places which should be cleared to give Lagos the bright and deserving colour of a city. There are places here in Lagos which, if seen by visitors from abroad will not be of credit to us.

The other point that I want to make is about congestion in Lagos. I feel it is time that the Minister of Lagos Affairs should renew the question of Lagos boundary so that more lands will be available for buildings and people will have more comfortable houses to live in.

I beg to support.

Senator Chief Z. C. Obi : I wish to support this Bill wholeheartedly and to congratulate the Minister of Lagos Affairs on his foresight in raising the status of the capital of Nigeria to that of a city as from October 1st, 1963, when the country becomes a Republic, to rank with the capital of other big countries like the City of London with a population of about nine million, and Paris with a population of about six million.

What our Government should now face more realistically is how to increase the population of our City which is now estimated at only five hundred thousand.

I beg to support.

Senator T. Olamijulo : I feel that we should thank the originator of this Bill for thinking in terms of raising the status of the capital of this country to that of a city. As the status of Lagos is going to be raised as from the 1st of October, I feel that we should also think of raising the status of other big and important towns in Nigeria.

We congratulate those who are responsible for this great change.

I beg to support.

Senator Chief S. T. Hunponu-Wusu : I am grateful to the Minister of Lagos Affairs for raising the status of Lagos. Lagos, as a matter of fact, is the capital of Nigeria to which we all belong and of which we are all proud. I am also very happy that particular interest will be given to the name city. When we say that a town should be changed into a city, we should not change it by only words of mouth. A town should be changed into a city by providing it with all the amenities and privileges which befit a city. A city, as we are all aware, is a place destined to be the seat of the Government.

I am very happy that we are now changing Lagos into a city, but I would like to ask the Minister of Lagos Affairs to look into the defects which make a city not worth its name. If one goes round the streets of Lagos to-day one sees the night-soil men going around, whereas at Surulere here there are no such things again. The streets of Lagos stinks as from half past seven o'clock in the evening till very late in the night. This is one of the things that I would like the Minister to look into in Lagos.

Some time ago, I went to see the man in charge of L.E.D.B., in person of Mr Handerson, and asked him why streets like Balogun Street and Martin Street were not provided with amenities that befit them. This gentleman asked me to take the matter up with the Medical Officer of Health who is responsible for the streets of Lagos. I then took upon myself to see the M.O.H., Dr Adeniyi-Jones, who referred me back to the Lagos Town Council. If one discusses the question of the provision of lavatory with water system with the Lagos Town Council, the member from the area concerned will only go back to his area, summon the people and say to them, "Look here, this is Ward A or B, the Council has not built us a school or a mosque, they are now going to provide water system latrines in our ward. Do we want it or not?" And they will say 'No.' Then the Councillor will then go back to the Council to fight tooth and nail against the creation of such a thing.

If one goes along the Nnamdi Azikiwe road one scarcely finds any convenient place to ease oneself. The same thing goes for Martin

Street, and we all know that one can be pressed at any time and anywhere. If this happens, where will one go? Then what would you expect? You would expect that in every corner every Tom, Dick or Harry would ease himself. So, I am appealing to the Minister of Lagos Affairs to look into this. If you go out early in the morning, you will find the amount of rubbish in all the streets along the City of Lagos. There are some visitors who will go out on foot, and not in cars, to see whether this city does deserve its name.

The next point is the question of a second bridge across the Lagos Lagoon. The only gateway by which you and I pass into Lagos is the Carter Bridge. I have sounded this note of warning here more than twice before, during the time of our former President, now the Governor-General, and he did invite the Minister of Works' attention to it. Far be it, if anything befalls the Carter Bridge to-day, the City of Lagos is finished, because there will be no water supply in Lagos; there will be no telephone for Lagos; no more food; nothing at all. Where then is the city? Senators will all agree with me that then we are not competent to be the fathers to lead the nation. When you make it a city, you have to make it a real city. The number of bridges that cross the River Thames in London is seven. That is what is meant by a City.

I am appealing, through the Minister of Lagos Affairs, to the Federal Government, that it is not only the question of acquiring land, but that they should appeal to some experts who will make it easy for a second bridge to be erected immediately. It is a necessity for Lagos. It is a drastic disease which needs a drastic cure. For a drastic cure you must have a drastic medicine.

When we say money, money, we must consider the lives of the people which are at stake in the city. We are extending the city to Surulere and Apapa. But by what route do you want these people to come to the City? By what route do you want people from the North to come to the city, and by what route do you want the people from the East to come? They should come by plane. Naturally, to get to Ikeja, you must go through the Carter Bridge; then you must pass through Ebute Metta. It is unavoidable that you must pass through the Carter Bridge.

So, I am appealing to the Minister of Lagos Affairs. It is a question of going out to borrow money to construct a second bridge as early as possible. (*Hear hear.*)

I beg to support.

Question put and agreed to.

Bill read a Second time; immediately considered in Committee; and reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(THE MINISTER OF LAGOS AFFAIRS).

Senator Chief O. A. Fagbenro-Beyioku : We have passed this Bill and we know what it is. Now, there is one overriding consideration, and that is the Ministry of Lagos Affairs. In that case, the present Minister of Lagos Affairs has distinguished himself. We people in Lagos want to say that our town, Lagos, is now a city, and we do hope that the Minister, in whom we have all that confidence, will always live up to our expectation. We do not like anything to go out of the way, and we would like him to make us feel that the Oba, Chiefs and people of Lagos are always in his heart.

We thank him very much for what he was done and we want him to accept this big thanks of ours.

I beg to support.

Question put and agreed to.

Bill read the Third time and passed.

AFRICAN DEVELOPMENT BANK AGREEMENT

Minister of State (Chief the hon. H. Omosagie): I rise to move, That this House approves the Agreement establishing the African Development Bank, a copy of which was laid before the House on 19th September, 1963.

The Minister of Health : I beg to second.

Senator J. K. Nzerem : I have read very carefully the agreement. I think it is a very big advance by African States to have this Bank. But in fairness to us in Nigeria, which is the biggest entity in Africa, the headquarters of this Bank should be sited in the City of Lagos. The country in which it is sited enjoys some advantages over the others. The people will be much more easily in a position to have access to the bank and its administrators, than those other people who are very far away.

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[SENATOR NZEREM]

We are going to be one of the largest contributors to the funds of the Bank, and it is but right that everything should be done to have the headquarters of the Bank here.

I beg to support.

Question put and agreed to.

Resolved : That this House approves the Agreement establishing the African Development Bank, a copy of which was laid before the House on 19th September, 1963.

CONSTITUTION OF WESTERN NIGERIA
LAW, 1963

The Minister of Health (Chief the hon. M. A. Majekodunmi) : I rise to move, That, in accordance with the provision of section five subsection (4) of the Constitutions of the Federation, this House signifies its consent to the Constitution of Western Nigeria Law, 1963, a copy of which was laid on the Table of the House this day, having effect.

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to second.

Question put.

The President : This comes under the usual division provision for the Constitution, and I direct that the Senate do now proceed to a division.

The Senate divided.

Ayes : 39

Noes : Nil

Abstentions : Nil

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Chief Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani

Seat No.	Name of Senator
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi
30	Senator Chief Wakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health, Senator
Dr Majekodunmi
Minister of State, Senator Dr E. A. Esin
Minister of State, Senator A. Nuhu Bamalli

Resolved : That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Western Nigeria Law, 1963, a copy of which was laid on the Table of the House this day having effect.

CONSTITUTION OF NORTHERN NIGERIA
LAW, 1963

The Minister of Health : I beg to move, That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Northern Nigeria Law, 1963, a copy of which was laid on the Table of the House this day, having effect.

Minister of State (Senator Alhaji the hon. Nuhu Bamali) : I beg to second.

Question put.

The President : In order to satisfy the requirements of section 5 (4) of the Constitution, I direct that the Senate proceed to a division.

The Senate divided.

Ayes : 39

Noes : Nil

Abstentions : Nil

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Chief Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden

Seat
No.

Name of Senator

9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi
30	Senator Chief Wakoku
31	Senator Chief Odotola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health, Senator
Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator A. Nuhu Bamalli

Resolved: That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Northern Nigeria Law, 1963, a copy of which was laid on the Table of the House this day, having effect.

CONSTITUTION OF EASTERN NIGERIA LAW,
1963

The Attorney-General and Minister of Justice : I beg to move—

That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Eastern Nigeria Law, 1963, a copy of which was laid on the Table of the House this day, having effect.

I do not know whether Senators would want a long speech—

Several Senators : No.

The Attorney-General and Minister of Justice :because at the meeting of the Attorneys-General, all the Constitutions were fully considered and brought into line one with the other, so far as the provisions are identical or similar.

I beg to move.

The Minister of Health : I beg to second.

Senator Alhaji Abubakar Garba : It is quite natural, Mr President, that one should be grateful to those who give one or help one to get advanced, but it is far more preferable for one to wear one's own garment of one's own make. So, we have nothing to comment on this good piece of work but to congratulate our leaders, our Attorneys-General, those who have contributed to devise our Constitution, which we are at liberty to amend, alter or repeal, from time to time without asking the consent of any foreign power thousands of miles away.

Question put.

The President : This again requires a division and I direct that the Senate go into a division.

The Senate divided.

Ayes : 39

Noes : Nil

Abstentions : Nil.

Seat
No.

Name of Senator

1	Senator M. A. Green
2	Senator Chief Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
17	Senator Muhammadu Sani Dingyadi
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi
30	Senator Chief Wakoku

Seat No.	Name of Senator
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eyitayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Albaji Ungogo
42	Senator Albaji Abudu

Minister of Health, Senator
Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator A. Nuhu Bamalli

Resolved: That, in accordance with the provision of section five subsection (4) of the Constitution of the Federation, this House signifies its consent to the Constitution of Eastern Nigeria Law, 1963, a copy of which was laid on the Table of the House this day, having effect.

ADJOURNMENT

Motion made and Question proposed. That the Senate do now adjourn until Wednesday, the 2nd of October—(THE MINISTER OF HEALTH).

RETIREMENT OF THE CLERK OF THE PARLIAMENTS

The Minister of Health: Under this Motion on Adjournment, I would like to raise one point which has come to my notice within the last twenty-four hours, and that is the fact that the Clerk of the Parliaments is about to retire under the age limit. I should have thought that he looks too young to retire, but I would be failing in my duty as the Leader of the Senate if I did not express appreciation for the invaluable service which he has rendered to the Senate. He has had a very wide experience of parliamentary practice and of the Standing Orders of the House and he has managed to put it very liberally at our disposal. I think we shall all miss him very greatly indeed.

I wish to express to him, on behalf of the Senators, every happiness in his retirement.

Senator E. A. Lagunju: This has come to us as a bolt from the blues. I was reading in the newspapers some days ago about the proposal to raise the retiring age to sixty-five.

I am just thinking that the Clerk of the Parliaments is just forty-five, and, therefore, he can still put in another twenty years. In any case, that is a matter for the Government to decide.

I think there are times when civil servants can just put in more extra years. I do not know whether this is a compulsory or a voluntary retirement; but if ever it happens before we meet again, then, of course, we have to join the Minister of Health in expressing our words of appreciation to the Clerk of the Parliaments. As a matter of fact, he has become an embodiment of the country's law itself and the rules and regulations of parliamentary procedure. We are really grateful for all that he has done and we very much appreciate our association with him.

We wish him the best of luck if he has to go. I fully endorse what the Minister of Health has expressed.

Senator Chief O. A. Fagbenro-Beyioku: On a point of order, I want to know, before we proceed on this matter of the Clerk of the Parliaments, whether this will be his last sitting with us or whether we will have an opportunity of having him with us when we next come back. We will know how to proceed then.

The President: Will the Minister tell us that please?

The Minister of Health: Well, I believe that the Clerk of the Parliaments is going to proceed on leave in November preparatory to retirement. As the House meets only for one day in October (unfortunately, I myself will not be here because I hope to travel to Russia on the 2nd of October). I took this opportunity to express my appreciation. I think it might be difficult for us at that time to have time to pay our gratitude to the Clerk of the Parliaments.

Senator A. Nwoke: It is really a pity to retire a man of the calibre of the Clerk of the Parliaments. He has been a very useful citizen and a very good man here. It is very difficult to replace him. This is just the wrong time to send him away; whether by age limit or by whatever means, he is still very strong. We could effect it that something should be made personal to him.

I remember in the colonial days, certain posts or certain conditions were made personal to some officers. Here we are, he has piloted the Parliaments throughout the rigorous years of our attempt to rule ourselves for the first three years after independence. Now that we are to be fully on our own with an African wearing the Crown in the place of Her Majesty the Queen, this is the most trying time when a man of such wealth of experience should stay to pilot the ship of state, at least for, say, the next five to ten years. I do not think it would be out of place if an extension could be moved and granted so that this officer would not retire now. He is very strong and he will still be able to give us his services. I do not think at this juncture I can pour any encomium on him because I am not feeling within myself that it is proper that he should go now. I am feeling that the authorities should have something to say and make certain conditions personal to him.

Senator Chief O. A. Fagbenro-Beyioku : I support *in toto* what the other Senators have said. We of this Senate would like to appeal to the Public Service Commission that Parliament still requires the services of Mr Manuwa. (*Applause*). But for him on many occasions, we could have gone astray ; on many occasions we could have taken decisions which could have plunged this country into confusion. We are just finding our feet and we are going into a republican status. Therefore, the custodian of our procedure should still be left with us. At this stage, I would not like us to play any gamble over this.

As one Senator has just said, if we could retain expatriates for certain posts or regard them as experts on certain conditions in the colonial days, I think Mr Manuwa, at least, for the first three years of our republican status should stay with us and after we are quite satisfied that his successor is 100 *per cent* as good as himself, then we can allow Mr Manuwa to go. At this moment, I want us to suspend all encomiums on Mr Manuwa, but to take a unanimous decision in this Senate that Parliament still requires Mr Manuwa and this should be sent to the Public Service Commission.

Senator H. O. Abaagu : It might be that Mr Manuwa submitted his application for retirement before the decision which the Government had just taken to raise the age limit for retirement, or that the application had been accepted

before this decision. Whichever be the case, I would appeal to the Government and to Mr Manuwa to reconsider their decisions.

Mr Manuwa is indeed a civil servant and he is one of the civil servants who know that they are servants of the public. He is very courteous, and if anybody goes to his office he will render every assistance possible, and that is what is expected of a public servant. He is greater, I would say, than most of us both in salary and in long service. As politicians, we are above him. His salary and his status are considered to be higher than the other members of our public service.

Senator T. Olamijulo : On a point of order, I feel we should heed what one Senator has said that if really we are voting for the stoppage—

The President : That is not a point of order.

Senator Abaagu : As I was saying, Mr Manuwa is a practical civil servant because of the courtesies he shows to the people with whom he works and the exemplary way he has been discharging his duties in this Senate. I think it is incumbent on the Senate to appeal to the Government, and to Mr Manuwa in particular, to reconsider their decisions.

Several Senators rose—

The President : Order ; order ! I want the question of the Clerk of the Parliaments to be dropped now. For one thing, we shall be meeting again on the 2nd of October and he will still be in the service. For another, he has not put in a paper yet that he will be going away. For the third, Senators cannot debate a Motion about him because there is no such Motion on the Floor of the Senate now. So, let us hold our peace until appropriate time comes.

TRIBUTE TO THE ADMINISTRATOR OF MID-WESTERN NIGERIA

Senator J. K. Nzerem : I thank you, Mr President, for the statement which you have made. On this Motion on Adjournment, I want to raise three very important matters.

The first is in connection with the appointment of our President as the Administrator of the Mid-West Region. I know that quite a number of Senators have sent him letters and messages of congratulations on the achievement

[SENATOR J. K. NZEREM]
and I think we ought to put on record on the Floor of this Senate that Chief the hon. D. C. Osadebay, second President of this Senate in succession to the Rt. Hon. Dr Nnamdi Azikiwe, has been to us indeed a shining light. He is an illustrious son of Africa, and we congratulate him most heartily on the success that he has achieved in the Mid-West. As once the Leader of the Opposition in the Western House of Assembly and as the Leader of the Mid-West State Movement, Chief Osadebay has always been above board. Even his very enemies and his political opponents have said that he is a gentleman of the first order. We are very proud of him and we wish him more successes in future. My only regret is that we are going, sooner or later, to lose the services of such a great man. Who is going to step into his shoes? Who is going to lead this Senate? Who is going to exercise the tolerance that he has? Well, we can only pray to God to send us somebody, when the time comes, who will fit into his shoes. But I have my doubts. On behalf of my fellow Senators, I wish to congratulate our President, and wish him well in whatever he is going to do in future.

TRIBUTE TO THE LATE SENATOR ASEMOTA

Another matter I would like to raise is to pay my own share of respect to the memory of our late Senator Asemota. I was not here when tribute was paid to him in the Senate. As the President mentioned in his address to Senators, he commissioned me to be at his burial, and I was. There was, at his burial, a very sympathetic crowd at Benin City. I followed his corpse from Benin City airport to his home.

That we are able to bear the loss of this gentleman, Asemota, is really surprising because, considering his humour, his boisterous and yet happy atmosphere around, I thought that we could not do without him. But, thank God, somebody else, I think on that Bench, is coming to take after him. We are looking forward to a time when a substitute will be appointed. I am sure that the Administrator of Mid-Western Nigeria, when appointing somebody, will appoint somebody who will be a good substitute for late Senator Asemota. I really send my sympathies to the family of the deceased, and I expect that God will look after his soul.

THE SANITARY CONDITION OF LAGOS

The last point I would like to make is in connection with cleanliness of Lagos. Those of us who knew Ikoyi in the days of the expatriates know that Ikoyi is entirely a different place now. If one goes to some quarters one will see that they are over-grown with grasses. All along the road one can see that grasses are growing very tall and nobody seems to be responsible; nobody seems to look after the place. Is that the way we are going to manage our affairs? When the expatriates were there the place was very clean. What are the prisoners doing now? Can they not go and clean the place and cut the grasses? I am appealing to the Minister of Health and the Minister of Lagos Affairs to take a ride through Ikoyi and see how grassy and bushy the place is now. I can only hope that they will see to it that something is done about it.

Thank you, Mr President.

TRIBUTE TO THE PRESIDENT-DESIGNATE OF THE REPUBLIC

Senator Chief P. I. Acholonu : I rise to say one more thing in regard to the change in our Constitution and the nomination of our present Governor-General as the first President of a Republican Nigeria.

Senator A. E. Ukattah : On a point of order, the Senator with a big feather on his cap always says something big!

The President : That is not a point of order.

Senator Acholonu : Now that I am saying something which concerns a great man, I must wear a big feather. (*Laughter*)

I rise to congratulate the Rt. Hon. Prime Minister and his Colleagues in the Cabinet, the President of the Senate, Governments of the Federation and the people of Nigeria as a whole, on giving honour to whom honour is due.

We are all agreed that the statue of the Governor-General be erected in front of the Senate Building.

The President : Order! I said before that people should not raise matters for which no notice was given. The Senator can even see that the whole Senate is deserting him now!

Senator Acholonu : I was compelled to raise this point by a certain headline in one of to-day's newspapers.

The President : Well, the Senator can go on. But the whole Senate is leaving and I am afraid that it may come to a point where the Senator and I will be left in the Chamber !

Senator Acholonu : I said that there is no other thing that the Federal Government can do to the Governor-General as the first President of the Republic of Nigeria than erecting his statue in front of the Senate Building. His statue should be erected in front of the Parliament Building in place of that of the Queen, and it should also appear on other things which bear the head of the Queen. This will be seen throughout the Federation as well as outside it. That is all I want to say. But, once again, I have to thank the President, the Cabinet and the Prime Minister and the Senate for the goodwill towards the Governor-General.

THE REPUBLICAN CELEBRATIONS

Senator Chief Z. C. Obi : All I want to do is to obtain some clarification as to the arrangements about the celebrations of the Republic Day because, according to the Leader of the Senate, this House will reassemble on Wednesday, the 2nd of October. But I heard, unofficially, that the celebrations will take place as from the 29th of September when we shall be in our constituencies for the celebrations.

The President : I think I may take this opportunity to ask the Leader of the Senate to see to it that invitations are sent to every Senator for all the celebrations taking place beginning from the 29th of September, because the Senate is sitting on the 2nd of

October, and that is one day after the celebrations. Senators are not expected to travel from their places on the 1st which is the real day of the celebration.

Senators will all remember that the real thing is Federal and not Regional. They affect all of us, but they do not really affect the Regional set-up. Where we are going to have the changes is in the Federal, and if it has been arranged that we should meet on the 2nd, the morning immediately after the celebrations, I think that is an assumption that all Senators should be in Lagos for the celebrations and I am asking the Leader of the Senate to make it possible for all the invitations to all the functions to be sent to the Senators so that we can really come back on the 28th. I am coming back on the 28th of September.

The Minister of Health : I certainly will convey the request of the Senate to the Cabinet Office which is handling the arrangements for the celebrations, and Senators will be invited to as many of the functions as possible.

Senator Chief P. C. Ndu : On this important Motion of Adjournment, I am begging you to allow me to complete what I wanted to say during the debate.

The President : You cannot. You are out of order. You had every opportunity to file a Motion. You cannot make the Motion on Adjournment an excuse for reopening matter that has been decided.

Senator Ndu : On the issue of tax—

The President : You are out of order.

Question put and agreed to.

Resolved, That the Senate do now adjourn until Wednesday, 2nd of October, 1963.

Adjourned accordingly at twenty-two minutes past ten o'clock.

SENATE OF THE FEDERAL REPUBLIC
OF NIGERIA*Wednesday, 2nd October, 1963**The Senate met at 10 a.m.*

PRAYERS

(The President in the Chair)

OATHS

The President first alone, standing upon the upper step of the Chair, took and subscribed the Oath.

Then the following Senators took and subscribed the Oath in accordance with the Republican Constitution :—

Minister of Health (Dr the Hon. M. A. Majekodunmi)

Minister of State (Dr the Hon. E. A. Esin)

Minister of State (Alhaji the Hon. Nuhu Bamalli)

Alhaji Y. Abudu

Alhaji Sani Ungogo

E. A. Lagunju, Esquire

M. A. Green, Esquire

Chief A. Nwoke

Chief O. A. Fagbenro-Beyioku

Malachias Bawa, Esquire

M. B. Chukwubike, Esquire

M. G. Ejaife, Esquire

H. O. Abaagu, Esquire

Chief E. U Uka

Chief S. A. O. Agoro Ojon

Oba Adeniji Adele II

Alhaji Abubakar Bale

Chief P. C. Ndu

Chief J. S. Olayeye

Mrs Wuraola A. Esan

Mallam Muhammadu Sani

J. K. Nzerem, Esquire

Chief S. T. Hunponu-Wusu

Chief P. I. Acholonu

Alhaji Abubakar Garba

Chief Z. C. Obi

L. T. Olamijulo, Esquire

Alhaji Salahu Fulani

Dr A. A. N. Orizu

Chief S. O. Esangbedo

M. Hassan Rafindadi

Chief P. E. Nakoku

Chief T. A. Odutola

Mallam Idirisu, Tafidan Adamawa

H. N. Udo, Esquire

S. Eytayo, Esquire

Alhaji Salami Yusufu

A. E. Ukattah, Esquire

P. A. Ogundipe, Esquire

Zanna Medalla Sheriff

Chief R. A. Umoh

Minister of Commerce and Industry (Hon. Zanna Bukar Dipcharima)

Minister of Information (Hon. T. O. S. Benson)

Minister of Labour (Hon. J. M. Johnson)

Minister of Communications (Hon. Olu Akinfosile)

Minister of State (Hon. M. T. Mbu)

Minister of State (Chief the Hon. H. O. Omo-Osagie)

Minister of Lagos Affairs (Hon. Musa Yar'Adua)

Minister of State (Alhaji the Hon. Ibrahim Taku, Galadima)

Minister of Internal Affairs (Alhaji the Hon. Shehu Shagari)

Minister of Mines and Power (Alhaji the Hon. Yusuf Maitama Sule)

Minister of State (Hon. Hashimu Adaji)

Minister of State (Hon. M. A. O. Olanrewaju)

Minister of State (Hon. Usumanu Maitambari)

Chief T. A. Doherty

ANNOUNCEMENT

LETTER FROM THE CLERK OF THE
PARLIAMENTS

The President: Senators, I have just received a letter from the Clerk of the Parliaments which reads as follows :—

“Sir,

I have the honour to inform you that I shall be proceeding on leave, preparatory to retirement, on Thursday, the 3rd of October, and so vacate the Office of Clerk of the Parliaments which I have been privileged to hold since the institution of the Senate in January 1960. I leave the service of the Senate with deep regret and I wish to express to you, Sir, to your distinguished predecessor in office and to all the Senators, my profound gratitude for the courtesy and kindness that I have always received.

My work has been made happy by the loyalty of my colleagues and I feel sure that they will continue to serve this honourable Senate with all devotion.

I am, Sir,

*Your obedient servant,
B. Ade Manuwa.”*

NOTICE OF MOTION

The President : Now, in the Public Business for to-day, I have a Motion on the Order Paper which I propose to allow Senator Dr A. A. N. Orizu to move.

RETIREMENT OF THE CLERK OF THE PARLIAMENTS

Senator Dr A. A. N. Orizu : I rise to move—

That this House receives with sincere concern, the announcement of the retirement of Mr Benjamin Manuwa from the office of Clerk of the Parliaments, and thinks it right to record the just sense which it entertains of the zeal, ability, diligence and integrity with which the said Mr Manuwa has discharged the important duties of his office.

All of us are aware of the good work of Mr Manuwa, and I felt it very deeply when I heard that he was going to retire. If retirement comes in a manner that is just a question of inability, I would not mind at all. But we have a colonial law, because in the olden days there was a superstition that our country was a whiteman's grave and that anybody who worked here would have to retire very quickly or he would die, so that even when people were 50, 52 or 56, they were asked to stop working. Well, how far that could apply at this stage of our development—when we are so happy that to-day is the first day that we came here and nobody mentioned anything foreign to us—I do not know. I heard how Senators clapped hands after the Prayers. If we did that, why can we not do more? I think there was a reason for clapping hands after the Prayers. It was because we have stepped away from something that we have always known to be bad.

My strong feeling is that I understand that in March next year, a law may come into force whereby people may not be asked to retire until they have reached the age of 60. Now, Mr Manuwa is less than 60, he is only 58 this year. If it is true that by March next year we may have to pass such a law, how can we, as the Elders of this country, allow a man who has worked so hard for us to go at this particular constitutional stage of our country? (We are now leaving the present state into a Republican stage). We know very well that during

the next session of Parliament, we may, before getting into new hands, need the old hands to guide us into the Republican behaviour of the House.

I do not know how others will feel about this, but I must say that I feel very strongly about it. My strong feeling is that the Government should do for Mr Manuwa what is going to be done for others. We are not asking too much. Just do for him what we know may be done for others, because we know here that we are very much satisfied with his work. I am personally very satisfied with his intelligence, diligence and the way in which he directs our President with patience. It is not always that we shall have Presidents who are extraordinarily good as our present President. We may have somebody who may be unable always to put up with the situation, and then if we do not have somebody like Manuwa, with patience and integrity to carry on during the present stage of our country, it will be difficult for us.

I ask very sincerely that this House helps in letting the Government know our feelings, that we want him here for the next two years. I am not asking for more privileges for Mr Manuwa. I am asking for something that I know his other colleagues are going to get in the very near future. Just give him two years. He is a young man because, if you think he is not, some of us should not be here. Therefore, I feel we have to support him and I hope that Senators will support me.

With these few words, I beg to move.

Senator T. Olamijulo : I rise to second the Motion moved by Senator Dr Orizu—

Senator Chief A. A. Doherty : On a point of order, according to the way the Mover moved the Motion, it would appear that he wants the Clerk of the Parliaments to remain in office for the next two years. That being so, then he should amend the Motion to read that we do not want him to retire now, but that we want him to be given an extra two years.

Senator Dr Orizu : I accept the Amendment.

The President : Will Senator Orizu frame the Motion as amended and pass it on to me?

(Motion, as amended, passed on to the President.)

The President : Order. The Motion, as amended, reads as follows—

“That this House receives with sincere concern the announcement of the retirement of Mr Benjamin Adeoye Manuwa from the office of Clerk of the Parliaments and thinks it right to record the just sense which it entertains of the zeal, ability, diligence and integrity with which the said Mr Benjamin Adeoye Manuwa discharged the important duties of his office, and hereby requests the Government that his term of office be extended by two years”.

Senator T. Olamijulo : I second the Motion, as amended. I think that if a man of his calibre is allowed to go without anything being done for him, it will not make other people to work seriously for their country. As such, I feel that we should do the right thing by supporting this Motion—that Government should grant him two years more.

Senator J. K. Nzerem : I fully appreciate the spirit of this Motion and I wholeheartedly support it.

I think it will be extremely difficult to find somebody who will discharge the work of the Clerk of the Parliaments with the same degree of efficiency as Mr Manuwa does at present. We are passing through a difficult time and we would very much like to have the services of such a very efficient and courteous officer. I am sure that all members of the Senate will agree that Mr Manuwa has served this country very well as the Clerk of the Parliaments and that he deserves the praise of everybody. It is unfortunate—I say unfortunate because I have sounded the feelings of Mr Manuwa himself on this point—it is unfortunate that Mr Manuwa has reached the top of his scale and he feels that stagnation over a number of years will do him no good.

I wonder whether we could not appeal to the Government that if his salary scale could not be improved upon, that he be re-employed on contract at a much higher pay for additional two years, so that somebody could really under-study him. It would be extremely difficult at this time to keep him away and get a younger person in his place. We would appeal to the Government and to Mr Manuwa himself that some sort of compromise be reached in this matter. There is no Member of

Parliament who will not feel disappointed to see Mr Manuwa go at this time. Not only does he do his work efficiently, like many others, but he brings to bear on the discharge of his work that gentlemanly attitude which makes the discharge of his work so different.

We are very happy indeed to have had association with such a very efficient worker, and we do appeal to the Government to grant him an extension of two years with improved salary. If this is not possible, he should be granted a contract for two years so that somebody may under-study him well.

I beg to support.

Minister of State (Senator Alhaji the hon. Nuhu Bamali) : I want an explanation from Senator Nzerem as to whether he is supporting the idea that Mr Manuwa's term of office should be extended for another two years in accordance with the terms of the Motion or he is suggesting that Mr Manuwa should be retired now and be re-employed on contract.

The President : Senator Nzerem, I grant you the indulgence to answer.

Senator Nzerem : The best thing will be to extend it, but extending a man's term of office on stagnation in salary does him no good.

The President : These top salaries are fixed.

Senator Nzerem : I think it is better for him to be retired and be re-engaged on contract basis for additional two years.

The President : Top salaries, like the salaries of Ministers, Permanent Secretaries, and so on, are fixed—they are not incremental.

Senator Nzerem : I press for an extension then.

Senator Alhaji Abubakar Bale : I stand to support the Motion on the retirement of Mr Manuwa, the Clerk of the Parliaments. He retires as from the 3rd of this month and preparations have been made for this. These preparations might have been going on for a month or two and, therefore, it would be very difficult for us to ask for an extension. But if it is possible, we would like the Minister to convey to the Government that it is the wish of this House that the term of office of Mr Manuwa should be extended by two years. If this cannot be done and at the same time if the man

retiring still wants to be with us for the next two years, I think it should then be on contract basis. If his pension and other things have been worked out, it will be very difficult for an extension to be granted. This man is a gentleman and he is always cheerful. If one is in difficulty and goes to his office, he is prepared to help.

I appeal to the Government on these lines to grant Mr Manuwa an extension of time.

Senator Salahu Fulani : I have a different view. I think that a person who has served his country for many years and has reached the age of retirement should not be deprived of it. It is our duty to see to it that he is given the fruits of his labour. As such, I think he should be retired and be re-engaged on contract.

Senator Chief T. A. Odotola : I rise to support this Motion. As one Senator has already mentioned, the idea used to be that this country was a whiteman's grave, and that the sooner they were retired after working here for a short period the better it was for them. So, they retired early and continued to collect fabulous pensions from this country all the rest of their lives. What is happening now is that we spent so much money to get the people that we employ acquire experience and just at the time that their experience will be useful to us, we do away with their services. To retire people at the age of 58 or 60, I do not think is anything good for us at all. I think that the time has come when an arrangement will be made whereby people should be allowed to go up to 60 or 65 before they retire. When this is done, we will then be in a position to benefit by the experiences we have helped employees to acquire. This country will be happy and will no doubt benefit by it if the Government will be pleased to extend the time that Mr Manuwa will retire from the service by two years.

I beg to support.

Senator A. E. Ukattah : I have known Mr Manuwa for a long time and I have the greatest respect for his capability. I find myself in difficulty about this Motion. Speaking very candidly, I think that a man should be grateful to God if, after working so hard and so conscientiously, he has lived to see the time of his retirement. In any case, the idea of retirement is lost if a man continues to work until he dies. What time has he to enjoy his retirement? We are speaking of Mr Manuwa

now because he has worked so well. But we now know that he has worked so well because he was given the opportunity to show his ability. It is responsibility that brings out the best in a man.

When I met Mr Manuwa here some nine years ago, he was a Clerk Assistant. The then Clerk of the Parliaments was Mr Ojo. There was, of course, another Clerk Assistant, Mr D. C. Igwe, who is no longer attached to the Parliaments. I think really that it was because Mr Manuwa bent down and understudied his immediate predecessor that he was able to absorb so much that helped him to prove his mettle. I think too that he himself, knowing very well that he would soon retire, must have given his subordinates the opportunity of under-studying him. I do not think that arrangements for his retirement have come to him all too sudden: the question of his retirement must have been known by him many months ago. So, my candid opinion is that when a man has come to his retiring age, he should be allowed to retire to enjoy the rest of his life in quiet retirement.

Some Senators talked of the law that is going to be enacted. But I do not think that this Motion gives us the opportunity of anticipating a law that is going to be enacted. Much as I would want Mr Manuwa to continue in office, either by way of contract or otherwise, my own opinion is that he should be allowed to retire. No one here knows what is in his mind. He has not given anyone of us the mandate to appeal for him that he should continue to stay. I think that he should actually retire and whoever is the next in command, or his subordinate, should be given the opportunity of showing what he can do.

With these remarks, I beg to resume my seat.

Senator E. A. Lagunju : I rise to speak on this important Motion. I associate myself with the other Senators who have spoken in a complimentary way about Mr Manuwa. We all regard him as somebody who has discharged his duties efficiently. He is somebody who goes about his business in a quiet, unassuming but dignified manner. He, indeed, deserves our commendation.

But, as Senator Ukattah has pointed out, it seems as if the stage is already set for his retirement. Mr President, here is a card inviting us to a cocktail party for tomorrow

[SENATOR LAGUNJU]
 evening. I do not think that after the Government has printed them, they will be withdrawn and the whole arrangement cancelled. I think that a lot has gone before. If, however, the Government feels that the next in command to Mr Manuwa has not sufficiently understudied him, then, of course, it is within the competence of the Government perhaps to ask him to be on contract at least till the expiration of the life of the present Parliament. Personally, I would have liked something like that. Let him continue to be in office at least till the present Parliament is dissolved, and let somebody else take over when a new Parliament is sworn in. But, as I have already said, the Government knows what is best for the country.

A Senator : Not always.

Senator Lagunju : Government does. The whole thing may be a question of trial and error. No human institution is perfect.

As I have said before, if he does retire now and the Government feels that we still need his services, then I cannot see anything standing in the way of the Government asking him to be on contract for either two years, as stated in the Motion, or till the expiration of the life of the present Parliament.

I beg to support the Motion.

Senator A. Nwoke : We raised this matter before but the Senate was not properly constituted at that material time. Now a Motion is on it. I support this Motion wholeheartedly.

As I said on the day it was first raised, during the time that the British Government was administering this country, they had certain experiences of personalities who proved their own mettle beyond reasonable doubt, and were made to undergo assignments of duty which were very personal to themselves. In this particular case, we have an African who has shown his mettle as one of the best men in his particular field.

I am not here to state item by item the value of this son of Nigeria, Mr Manuwa. I am rather focussing on two points: the first is personal to Mr Manuwa and the second relates to Nigeria as a nation. I would like to say that Mr Manuwa is so young and healthy. At least, I have not known

him to be unfit, attending hospitals. So we cannot say that his ill-health has been the cause of this arrangement for his retirement.

Whether he likes to retire or not is not the concern of himself, as I said; it is the concern of the nation. We have just taken a prescribed Oath of Allegiance to the Constitution, and here are some of the factors that will make the Constitution workable. I feel that with such a man interpreting the Constitution and directing affairs in the way he is now doing, our allegiance shall have been fulfilled. That is the way I want to look at it.

Whether the Government printed this invitation or not, whoever is responsible, and with due apology to him, I think it is a little bit irregular. Here, on the invitation, we have THE PRESIDENT OF THE SENATE in type-script on top of the printed matter. That does not worry me. What worries me now is in the best interest of Nigeria—that is, that an officer who has been discovered to be of material use to us at this time should be retained. Let us be positive about it and tell the Government. It does not matter what the Government says about it. Let it be expressively stated. We are not going to put an alternative. We must make sure that this officer is given an extension of time at least for the next two years. We have enjoyed the bounties of his services during the short period of our independence and we have just climbed to another stage yesterday. Now on the very first day of our activities we are being asked to do away with an officer of this calibre!

I am supporting wholeheartedly this Motion, that we ask the Government not to retire him but to give him an extension of time of two years.

Senator Chief O. A. Fagbenro-Beyioku : The point we are discussing now is not so much as to whether Mr Manuwa has reached the retiring age, nor is it about the time a man should leave the service. I think some of us have been in the service and we are quite aware of incidents where people reached the age limit, but for one reason or the other, even in the colonial days, the permission of the Chief Secretary was sought to retain the services of certain people for two or three years more. In fact, it is still in practice to-day, either in the Public Corporations or in the civil service. But that is not our concern now.

As the elder statesmen in this country who have just taken Oath of Allegiance to the country and which, by general implication, means that we shall only say things which will work for the prosperity, tranquility and solidarity in the country, we have certain feelings in this matter of the retirement of the Clerk of the Parliaments. We become highly appreciative of the co-operation, directives and the assistance we have received from this Clerk of the Parliaments. We are equally appreciative of the co-operation and assistance we have received from his Assistants. But we feel that at the present stage, when we are in the initial stage of our independence race—and the course is a long one—we cannot afford to lose the services of the Clerk of the Parliaments. Apart from that, we feel we have gone further in the race and have arrived at a stage of Republic, and that the responsibilities thrown upon the Parliaments are heavier than they were in the ordinary independence stage. We feel that for the purpose of certainty and making assurances doubly sure, we should retain his services.

There have been one or two instances in this House where, through the direction and suggestions of this very same Clerk, mistakes that would have been committed have been averted. All we say is that we have made laws to make concession on Income Tax and some other facilities, and we have made laws to make concessions somewhere or the other. This is a matter concerning the public service, and if we as the elder statesmen have some feelings in the best interest of the country, I think we are, in every respect, liable to audience.

What we say is this: we know that Mr Manuwa is already 58, and that he should therefore go; but in our opinion, taking into consideration the circumstances in the country now and the fact that the age of the present Parliaments charged with such serious responsibilities is young, we want this man who has been guiding us to be retained for the next two years so that he may continue to guide us.

Minister of State (Senator Dr the hon. E. A. Esin): I think the feeling of the House has been exquisitely expressed, but the Government is not the Head of the public service at all. It is the Prime Minister who has the authority over the Public Service Commission.

Mr Manuwa is a civil servant. All I will tell the House is that I will convey their desire to the appropriate quarters, and ask that Mr Manuwa's services be extended. That is all I can say.

Question put and agreed to.

Resolved, That this House receives with sincere concern the announcement of the retirement of Mr Benjamin Adeoye Manuwa from the office of Clerk of the Parliaments and thinks it right to record the just sense which it entertains of the zeal, ability, diligence and integrity with which the said Mr Benjamin Adeoye Manuwa discharged the important duties of his office and hereby requests the Government that his term of office be extended by two years.

ADJOURNMENT

Motion made and Question proposed, That this Senate do now adjourn. (MINISTER OF STATE, SENATOR DR THE HON. E. A. ESIN.)

Senator H. N. Udoh: We were bereaved sometime this year, and there was a contribution raised and a committee was appointed. Since then we have not heard anything about the money collected, but I have been connected—

Senator Chief Beyioku: On a point of order I do not feel it will be quite proper to raise this matter during the normal business of this House.

The President: The point of order is well taken. Will Senator Udoh raise this matter in committee, that is behind my Chair and among his colleagues.

INVITATION CARD

Senator Chief Beyioku: I want to point out something about this invitation card. I was not very happy when I saw this card and, as a result, I have decided that I am not going to honour it, whether or not our decision to ask for the extension of Mr Manuwa's services is accepted. After all, it shows that when the invitation was printed, the President of the Senate was not consulted.

The President: As a matter of fact, the invitation you are talking about is strange to me. I do not know anything about it at all.

Senator Chief Beyioku: It is the greatest insult to this Senate. If that cocktail party is the Speaker's show, let it be the Speaker's show, which means that the President of the Senate has nothing to do with it.

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[Adjournment Sine Die]

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The President : I do not think that he knows about it.

Senator Chief Fagbenro-Beyioku : Thank you, Sir, but even so, I think it is the greatest insult to this Senate for the name of the President to be typewritten at the top of the card. This means that no consideration was given to the Senate and, as a mark of resentment, I will not honour it. If it had been an open invitation in the name of the Speaker, by the Speaker himself, without the President of the Senate being humiliated, I should have thought of

respecting the Speaker, but in view of the fact that the President of the Senate has been humiliated in this regard, I want our greatest objection to be recorded, and whenever the President of the Senate is ready to arrange any form of reception for Mr Manuwa, we are all with him.

Question put and agreed to.

Resolved, That the Senate do now adjourn sine die.

Adjourned accordingly at twenty-one minutes past eleven o'clock.

SENATE OF THE FEDERAL REPUBLIC
OF NIGERIA

Friday, 10th January, 1964

The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

The Minister of Health (Chief the hon. M. A. Majekodunmi): The Business of the Senate will be as in the Order Paper for to-day, and it is proposed that tomorrow we shall conclude our business. Unfortunately, I have not got the programme here, but a further statement will be made with regard to the Business of the Senate.

ORDERS OF THE DAY

LAGOS TOWN PLANNING (COMPENSATION) BILL

Order for Second Reading read.

The Minister of Lagos Affairs (Alhaji the hon. Musa Yar'Adua): I rise to move—

That a Bill for an Act to provide for the withholding of compensation payable under the Lagos Town Planning Act in respect of certain estates and interests in land; and for purposes connected with the matter aforesaid, be now read a Second time.

When the Lagos Town Planning Act was passed it was reasonable to assume that the intention was to avoid profiteering in land values and to freeze the power to create new interest on publication of an approved Town Planning Scheme where land is to be acquired by the Lagos Executive Development Board. Unfortunately, it has been found that due to the absence of a specific statutory provision to this effect, there is a loophole in the law which speculators have been quick to exploit by granting fresh leases, sub-leases and assignments at huge profit rents or premiums which eventually inflate the compensation payable by Government in respect of the various interests in a scheme area.

This Bill, therefore, provides a means to prevent profiteering in land values and to freeze the power to create new interest on publication of a scheme undertaken by the Lagos Executive Development Board under the Lagos Town Planning Act.

This is a simple Bill and so, I beg to move.

Minister of State (Chief the hon. H. Omo-Osagie): I beg to second.

Senator Chief O. A. Fagbenro-Beyioku: The Bill is welcome for to a large extent it seeks to remove profiteering in public property. But at the same time, there is a particular aspect of this Town Planning Scheme—the question of land acquisition—which I would like to bring to the notice of the Senate and the Minister of Lagos Affairs.

The question of reshaping Lagos and giving it a new look is something which is welcome by every Lagosian but—

A Senator: Every Nigerian.

Senator Chief Fagbenro-Beyioku: If the Senator associates himself, I thank him. But there is this thing I say from time to time, that the Government themselves appear to contribute to this intention to profiteer; they contribute largely to it because when they acquire the land from the owners, they do so at a minimum sum, but by the time they re-allocate the land, either to the original owners or somebody else, they charge very exorbitantly for it, so that from all indications the families who own the land know very well that they cannot meet up with the conditions imposed. Then the next thing for them to do is to look for expatriates or Syrians or big companies to whom they will re-allocate the land. I have said from time to time that we must have to base all our schemes on our present national economy and the momentary resources of the average man in this country.

I am saying this as an instance and not with any absolute degree of precision, that where a land is acquired and the family is paid about £3,000, by the time the land is developed they will say that for the very same area of land people must have to pay about £10,000 to £14,000 to acquire it and that they must be able to put up buildings to the value of £25,000 to £30,000. Where is the average man going to get the money to do that? The next thing the man will have to do is to look for somebody who can comply with the conditions stipulated. He then says to the buyer: "You can afford to put up a building worth £30,000, all right, pay me £16,000 or £18,000 and I will give it up to you".

SENATOR CHIEF BEYIOKU

I think the whole question must have to be re-approached from that angle. If Government can do anything to reconsider the conditions imposed and to reconsider the money charged when the land is reallocated, I think we should have gone a long way to helping this Bill which is now before the House, otherwise this Bill will be there but the nefarious practice will continue.

I beg to support.

Senator Chief S. T. Hunponu-Wusu : I very much like this Bill. According to the Senator who spoke last, what is going on at the moment affects Lagos alone, but I am sure that as time goes on, it is going to affect the whole country. To-day, we are asking for the development of Lagos, but tomorrow it will be Port Harcourt, Enugu, Ibadan, Benin City and Kaduna, and unless we start now to make an arrangement whereby the owners of these pieces of land will not be deprived entirely of their property in future, we shall be looking for trouble. At the moment, we feel that Lagos must be developed before any other part of the country.

If a house or land is acquired from a family of six, of necessity they must live somewhere. But how are they going to do this? Perhaps a sum of £2,000 or £3,000 will be given to them, but is that all? I feel that the time has come for Government to appoint a special committee to look into this problem. If we acquire a piece of land from the owner, what are we going to do to replace it? It is not only the money that matters. What will become of them after some foreigners or big companies have paid them the money and taken the land from them? Are they going to remain in the drains or stay in heaven?

It is affecting Lagos to-day, and I am sure very soon it will affect the whole Federation of Nigeria. Therefore, as we are now craving for the development of Lagos, I say that the time has come now for the Minister of Lagos Affairs to look very well into that point. I know that there are thousands now in Lagos who have been deprived of their land because we want to do this development. Is it because of this development that your brother, your sister, your relation, your neighbour should stay in the drains? Or has the Government made any adequate provision for them? If one goes to *Jankara* market, or any other markets in

Lagos, at night one finds that there are some people who have no houses to stay in. Whatever is given to them is shared amongst them. But when they have their buildings they do not pay rents to anybody. This is according to a Yoruba proverb which says—"onje lo ja"—

The President : English is the official language.

Senator Chief Hunponu-Wusu : I am sorry. All I am saying is that Government should look into the possibility of acquiring the vacant land, either in the Victoria Beach or elsewhere, and developing it so that whenever land owners are deprived of their own land, they will be given alternative land. The Government will thus be giving them, by the Grace of God, a living as human beings on this earth.

While appealing to the Minister of Lagos Affairs, I say that it is good that he wants to develop Lagos and also construct the second bridge, but these people who would be deprived of their land should be catered for. This same problem may affect Port Harcourt, Enugu, Kaduna, Benin City or Aba or any other place in Nigeria, but, once a start has been made in Lagos, we will know how to go about it in future. It will serve no useful purpose if we say that we only want to develop Lagos. We must consider that the people affected are human beings like us and that some of them cannot afford to get back their land.

Some years ago, Government acquired some land in Lagos, and the land is still there. Two years ago, an officer of the Board told me that there were vacant pieces of land at the Victoria Beach and that our Government should do something to claim these pieces of land so that when we deprive people of their land for the development scheme, we can re-allocate them alternative land.

Personally, I have suffered a similar thing. Yesterday, I spoke about it with the Minister of Lagos Affairs. I have been deprived of some of my land on which I could build for my children, and to-day I have not been given an alternative land. I have to say it openly here to-day. If I have one room to live in, where does one expect my children to stay when they grow older?

We must now consider this problem which will definitely affect the whole country sooner or later. I am appealing to the Minister to look

into this very important matter now. It is not sufficient to give them money; they must be considered as human beings. The citizens should, therefore, be given adequate land so that they can live well. Their human rights and liberties must be considered according to the Constitution of Nigeria.

With these few remarks, I beg to support.

Senator J. K. Nzerem : I think this is a progressive piece of legislation, and while I agree with my Friend, Senator Chief Hunponu-Wusu, that the Government should give very serious consideration to giving the natives of Lagos whose lands are acquired for purposes of development, alternative places to settle in, I think that, with due deference to all his arguments, the Government should hurry up the development of Lagos which is the pride of the whole of the Federation of Nigeria.

There are places in Lagos which are at present an eye-sore. Go to Falomo. I wonder if there is any sanitary authority in Lagos where there are huge heaps of rubbish giving such awful stench. How human beings are able to live there and survive, only heaven knows. Will the Minister of Health and the Minister of Lagos Affairs please go to Falomo and see for themselves what rubbish there is there and please have that place developed.

I support the Bill. It is very progressive and, with due deference to what Senator Fagbenro-Beyioku and Hunponu-Wusu have said, the Government should proceed with the Bill forthwith.

Question put.

The President : In order to satisfy the provisions of the Constitution, the Senate will now proceed to a Division.

The Senate divided.

Ayes : 36. Noes : Nil. Abstentions : Nil.

AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Alhaji Metteden
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan

Seat No.	Name of Senator
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health Senator Dr Majekodunmi

Minister of State, Senator Dr E. A. Esin

Minister of State, Senator M. Nuhu Bamalli

Bill read a Second time and immediately considered in Committee.

LAGOS TOWN PLANNING (COMPENSATION)

BILL : CONSIDERED IN COMMITTEE

Clause 1—(WITHHOLDING OF COMPENSATION IN CERTAIN CASES).

Senator Chief O. A. Fagbenro-Beyioku :

It is provided that this Bill takes effect from 1961, but some relaxation is made and under that relaxation people will not be entitled to claim from the L.E.D.B.

I want the Minister of Lagos Affairs, in answer to any points raised, to clarify the positions of people who may not be owners of the properties acquired but who may be tenants. I have a lot of these people in my area at Idi-Araba, near the University Teaching Hospital, where there have been large acquisitions and the tenants have been wandering from street to street.

The owners of the houses may be protected to some extent, but I want to know what will happen in the case of such acquisitions where money is paid out. Will such tenants be paid too?

The Minister of Lagos Affairs : I think this is really a legal matter and I would therefore leave it to my Colleague, the Attorney-General and Minister of Justice to deal with.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): The practice has been to compensate land owners. There may be hundreds owning one house. The law specially contains an alternative scheme for those who are in difficulty to apply to the authorities for allocation of one of the houses in Surulere. The Government is primarily concerned with those who are owners of houses and to whom compensation may be paid.

Clause 1—ordered to stand part of the Bill.

Clause 2—ordered to stand part of the Bill.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time. (THE MINISTER OF LAGOS AFFAIRS)

Senator Chief O. A. Fagbenro-Beyioku: This Bill, as we have said, is very much welcome, but I would like to place on record, as an appeal from this House to our very able Government, that it should not be a question of doing things at will but it should be specifically provided in our law that where an acquisition would involve almost from 50, 100 or even 200 tenants, it should be recorded, and we should have something in our law to provide for the security of those tenants, because when the landlords get the money they can move over to Ibadan, Abeokuta or any other place, but the tenants cannot move with them. These tenants are the people who make up Lagos, so the Government should make some provisions for them.

Question put.

The President: In order to satisfy the provisions of the Constitution, I now direct that the Senate proceed to a Division.

The Senate divided:

Ayes 37; Noes Nil; Abstention Nil
AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos

Seat No.

Name of Senator

13	Senator Alhaji Abubakar Bale
14	Senator Chief Ndu
16	Senator Mrs Esan
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
34	Senator Eyitayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health, Senator Dr Maje-kodonmi
	Minister of State, Senator Dr E. A. Esin
	Minister of State, Senator Alhaji Nuhu Bamalli

Bill read the Third time and passed.

INTERPRETATION BILL, 1964

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): I rise to move—

That a Bill for an Act to provide for the construction and interpretation of Acts of Parliament, subsidiary legislation and other instruments, be read a Second time.

When we enacted the Republic Constitution last September, it was understood that a new Interpretation Bill would have to be introduced in place of the provision in the then existing Constitution. It was not right that our Constitution should be interpreted by reference to the British Interpretation Act of 1889.

We have since been working on a text which gets rid of many of the anomalies and irregularities in that law, and when we got the draft ready we made it available to all the legal interests involved, including the Nigerian Bar Association and the Judges of the Courts, and the result is the Bill now before you.

It is not easy to introduce a technical piece of legislation by reference to sections, as they will raise matters of legal technicality which can only serve to confuse those who are not lawyers. But I can assure Senators that the greatest care has been taken in preparing this draft Bill now before you and I would commend it to the House.

The existing Interpretation Act (Chapter 89), was last reviewed in 1936, and Senators will agree that there have been so many changes since that time which have been effected by piecemeal legislation. We are now trying to get a comprehensive piece of legislation on the whole subject which, when you turn to the Schedule, will reveal the extent of the Bill which we now propose.

I do not think I need say more, and I beg to move.

Minister of State (Chief the hon. H. Omosagie) : I beg to second.

Senator Chief (Mrs) Wuraola Esan : I am happy that at the tail end of this Interpretation Bill the Attorney-General and Minister of Justice stated that there is still some review to be made to our Constitution. This Bill may be clear to legal authorities and clever people, but not to people who have nothing to do with the law and who cannot understand the provisions of the Bill, and we all know that such people are in the majority in our community to-day. As I said earlier, I am happy that there is going to be a review. I will suggest that when the review takes place, all that could be done should be done to make the Constitution a really Nigerian one.

With these few remarks, I have no objection to the Bill.

The Attorney-General and Minister of Justice : I did not say that the Constitution is going to be reviewed. I spoke of repeal of instruments and certain pieces of legislation which have now been replaced by this comprehensive provision—and this Act has nothing to do with whether the Constitution is ours or not.

Although I think there are various other views one can express as to whether the Constitution is our own, but that is beside the point as regards this Bill.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported, without Amendment ; read the Third time and passed.

CONSTITUTION (INTERPRETATION) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice : The purpose of this short Bill is to apply the general Interpretation Act which we have just passed for the purpose of interpreting the Constitution. We have adopted this device in collaboration with my Regional Colleagues at a meeting held here in Lagos last August, and the intention is to have as much uniformity as possible in the interpretation of the several Constitutions.

As Senators know, we have no power here to legislate on this particular subject for the Regions and, so, all the Attorneys-General of the Federation in conjunction with the several Governments decided that it would be best to have this general Interpretation Act, and for each area of the country, by similar Bill to the one we are now about to pass, to apply the same Act more or less to their own Constitution and other legislative instruments.

I beg to move.

Minister of State (Chief the hon. H. Omosagie) : I beg to second.

Question put.

The President : In order to satisfy section 4, subsection (2) of the Constitution of the Federation, I direct that the Senate proceed to a Division.

The Senate divided.

Ayes 36 ; Noes Nil ; Abstentions Nil.

AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
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14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu

Senate Debates

831 [Constitution (Interpretation) Bill] 10 JANUARY 1964 [Constitution of Mid-Western Nigeria 832 Bill]

Seat No.	Name of Senator
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
28	Senator Chief Doherty
30	Senator Chief Nakoku
31	Senator Chief Odutola
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh
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40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health, Senator Dr Maje-kodunmi
	Minister of State, Senator Alhaji Nuhu Bamalli

Bill read a Second time and immediately considered in Committee.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time—(THE MINISTER OF JUSTICE).

The President: Once again, to satisfy section 4, subsection (2) of the Constitution of the Federation, I direct that the Senate go into a Division.

The Senate divided.

Ayes : 36 Noes : Nil Abstentions : Nil.

AYES

Seat No.	Name of Senator
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42	Senator Alhaji Abudu
	Minister of Health, Senator Dr Maje-kodunmi
	Minister of State, Senator Alhaji Nuhu Bamalli

Bill read the Third time and passed.

CONSTITUTION OF MID-WESTERN NIGERIA BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice : Mr President, I beg to move—

That a Bill for an Act to make provision for the Constitution of Mid-Western Nigeria; and for purposes connected therewith, be read a Second time.

As Senators will be aware, this represents the last of the four steps that are necessary under section 5 of the Constitution of the Federation to bring a new Region into being. Senators will all recall how, in this House, Bills after Bills had been introduced, first, for the purpose of the referendum, and later for the creation of the Mid-West. We have now reached the last stage which will absolve the Federal Government from any further responsibility for the Mid-West after about February 8th, which is the last date of the six months allowed to the Federal Government under section 5 of the Constitution.

This Bill represents the result of the consultations that the Federal Government made with the various interested parties and the instruction that we received from the Administrative Council, although in the course of the report of the Electoral Commission that was responsible for delimiting the constituencies in these areas,

we noted for the first time that there was some disagreement especially in regard to the number of seats in the House of Assembly. One section recommended that there should be 68, and another recommended that there should be 62. The Electoral Commission then decided that the best way would be to resolve the conflict by taking an average of both figures, and so they have recommended to us the figure 65. In the Bill as originally drafted, we have provided for 68, which was what we received from the Administrative Council when the Bill was in preparation.

The Electoral Commission had confirmed also the communication which we received earlier about the creation of four special areas for Akoko-Edo, Warri, Isoko and Western Ijaw. We have accordingly made provision for this in section 7 of the Constitution.

As Senators will note, we have made some special arrangements not to be found in the other Regional Constitutions because of the very nature of the new Region which we have recently created. For instance, when this Constitution is passed, there will be no political party in the Region to whom the Federal Government, acting through the Prime Minister could assign responsibilities under the Constitution. There will be no Prime Minister to nominate the Governor for approval by the President. So we are trying a new experiment in the gradual evolution of our Constitution.

We have made special provisions, as you will see in the Schedule, especially the First Schedule, for the various problems that will arise, and the situation will be that elections will be held under this new Constitution, and when the results are known, it will be for the Prime Minister to consult with those political parties in the area that have taken part and won the elections. The purpose will be for them to advise him on a name to be put forward to the President as Governor. When the Governor has been appointed, he will almost immediately consult with the various groups, particularly the majority group as a result of the election, with a view to getting a name to be given to the President as Premier of that Region. When that has been done, the Premier will form his Government. When the Government has been formed, the House, of course, will have been convened in the first place to ascertain who commands the majority of the Members of the House.

All these we have tried to work out in some detail in the Second Schedule to this Constitution Bill. But when the new Government is launched in that way, it will be up to it to correct any imperfections that may be in the Constitution, as indeed it is up to any other Region to make amendments to its Constitution in accordance with the provision of that Constitution.

We have not aimed at achieving perfection here; what we have done is merely to carry out responsibilities under the Constitution to enable the new Region to be launched on its feet without violating the Constitution. If we were to go into all the controversies in regard to this Bill, we would not be able to get the necessary machinery into motion so that we can clear out of the Mid-West Region by the last date at the most.

Another point which Senators may wish to bear in mind is that under our Electoral Laws it will be necessary for the Prime Minister to give not less than three weeks' notice. And if the elections are to be held, the people of the Mid-West will have barely twenty-four days from now in which to do it. That is rather a little more than two or three days before the dateline set under the Federal Constitution. It is against this background that I would appeal to Senators to approach this Bill.

We are doing all we can as honestly as possible to enable this new Region to start and, of course, for any later adjustments to be made through the normal constitutional process.

I beg to move.

Minister of State (Chief the hon. H. Omo-Osagie) : I beg to second.

Senator Chief O. A. Fagbenro-Beyioku : We are all living witnesses and there is nothing which gives a man greater joy than to see that his efforts are being crowned with success. The question of the creation of the Mid-Western State is something of concern to the nation as a whole, not exclusively to the people of the Mid-West. And I am very proud to say that in our own humble and dignified way, we have contributed to the creation of this State; also we have watched with interest since the creation of the State (even without its own Constitution to set up its own Government) how the affairs of the new State have been properly handled, and

[SENATOR CHIEF BEYIOKU]

how, with great determination, the Administrator, his Deputies and Commissioners, have acquitted themselves as men of honour.

It is not very easy to begin, but it is very easy to run when somebody has begun. The man who lays the foundation is the man who does the spadework, and the spadework is now being done in the Mid-West. We have to congratulate the Administrator who has done so much to enhance the dignity of this Senate.

However, there is one point that I want to make, that is that we cannot obstruct this Bill, but we can make observations. Therefore, whatever I say now will be by way of observation.

I am not quite clear on the exact basis on which the representation has been worked out. The Attorney-General and Minister of Justice has told us that there were two representations : the one for 62 and the other for 68, and that an average of 65 was taken. I was in the Lower House the other day when this Bill was first introduced and I listened to our most distinguished Prime Minister give some numerical details. If I remember rightly, he said something about one seat to 30,000 people (I have not read through the *Hansard* to get him right anyway). All I am saying is that we have got to work on the exact details to get at the real number. I have looked through the report and the provisions in the Bill and I find that there does not seem to appear some balance in some areas. For in some areas where there should be six, provision is made for four, and in some other areas where, perhaps, the population is more, they have less. But as I said, in view of the explanation of the Attorney-General, and in view of the position of our Constitution, this should be recorded as matters to be looked into immediately. Otherwise there might arise some sort of grumbling in the new State, which, of course, we would not like to see happen.

Another point is about section 7 where provisions have been made for special representations. It does appear to me that the provisions for special representations will be based on certain customary law of the area, and that appears a little bit technical. I like to be educated as to what constitutes this customary

law. Would it be that the special representatives for the area would be chiefs ? The expression "customary law" requires to be expatiated upon.

We all know that Members of this House are in one way or the other locked out, in that they cannot become members of either the Federal House of Representatives or the Regional Houses of Assembly, and there is no provision that if they resign from the Senate they could take up membership of any of the Legislative Houses. But it is provided that members of Statutory Corporations could stand for elections without necessarily resigning their membership. I feel that if this is the new procedure, it will be a good thing for one to be first elected into any of the Legislative Houses before putting in his resignation. I say this because I remember our experience of 1959 when those of us who faced the elections had to resign whatever appointment we had under the Crown before contesting the elections. It was indeed a big gamble. This is a change of heart to allow people to contest elections first, and if they win, then they could say good-bye to the other one, but if they lose, well, that which they have they hold.

I now like to draw attention to a point in the Bill on page C.264, section 45 which relates to the question of membership of the Advisory Council. I want to be clear on this. It seems to me that there is no discrimination against members of the Federal Houses of Parliament. I just want to make sure that my interpretation is correct. In the section, reference is made to members of the Regional Houses or Ministers in the Federal Government. I want to be clear on that because I may one day go to Benin to trace my descendancy as the *Olofin* and then lay a claim to be a member of the Advisory Council.

The next point is this question of Judges. I remember, if my memory serves me well, that when we discussed the Bill relating to the appointment and removal of Judges provision was made that, in the first instance, a petition will come before Parliament and then there will be some sort of investigation or enquiry ; and it is when the investigation is concluded and submitted back that the first vote will be taken that there is a case to be investigated.

And then the machinery will be set up for the investigation, and the result of the machinery will come before Parliament and this in turn will have to be voted upon. But in this one it appears that there is a strange inroad to quicken the case because what is provided for now is that as soon as a petition from some quarters is submitted and there is a two-thirds majority, it is goodbye. It does not appear that the present Bill provides for investigation or any form of inquiry. It is just for the House to sanction the petition by two-third majority and then the Judge is sacked.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): What we have here as regards the judges and as regards the Advisory Council on the Prerogative of Mercy is, word for word, in the Federal constitution as well as in all the regional constitutions. The Senator is referring to the special arrangement in respect of the removal of the President.

Senator Chief Fagbenro-Beyioku: I may be putting the two together but that is how it appears to me but I must bow to the legal interpretation of our Attorney-General. If that is so I think we may have to look into this matter further but I am aware of the fact that according to this Bill, where there is a report of misconduct against lawyers who are not quite as exalted as judges, there is a provision for certain investigations to be made. But if we leave it blank as it is, in the event of any report against a judge coming before Parliament, it is quite certain that Parliament can always muster the two-thirds majority.

If I am leading a party, say, the Beyioku Dynamic Party, and the party controls Parliament and I am sure I can always get my two-thirds majority, and there is a judge with whom I disagree and there is a petition against him asking that he be removed, all I have to do is to come to Parliament and get the two-thirds majority and get the judge sacked whether he is right or not, and off he goes without any opportunity for proper investigation.

The Attorney-General: Again I feel bound to point out that what the Senator is referring to is well provided for in our Standing Orders. We have a Standing Order Committee before whom any such allegation will go and that Committee of the House will report. The processes are laid down in the Standing Orders.

Senator Chief Fagbenro-Beyioku: Thank you very much; but it is one thing to rely on the Standing Order and another thing to rely on what is provided for in the law.

The President: What the Attorney-General is saying is that the Standing Order is law but I think what the Senator is saying is that it should have been in the Constitution itself.

Senator Chief Fagbenro-Beyioku: That is exactly what I am saying, Sir. It is stronger when it is in the Constitution itself.

The Attorney-General: May I point out again that in all the written Constitutions in the world that has not been done and I should be glad if anybody would draw my attention to any other precedent; but there is a precedent for the one we did in respect of the President of the Republic.

Senator Chief Fagbenro-Beyioku: I would like a note to be taken of that and perhaps the Attorney-General would like to think over it some time later.

The President: This Bill, I must point out, is not on the removal of judges; it is the Constitution of the Mid-West, because if Senator Chief Fagbenro-Beyioku dwells too much on it he will become irrelevant.

Senator Chief Fagbenro-Beyioku: It is within the comprehensive provision of the Mid-West. Since it has been mentioned in the Constitution that this is the way we shall remove them I feel that we have the liberty to satisfy ourselves that that way is sufficiently—

The President: But the Attorney-General has pointed out to you that it is the same in every Constitution including the Federal Constitution of Nigeria. So that if any Senator feels strongly on the point about judges, such a Senator should come with a substantive Motion.

Senator Chief Fagbenro-Beyioku: Thank you, Sir, but I think I have to discuss that with the Attorney-General and perhaps we may compromise when we get to his Chambers.

The other point I want to refer to is about resignations as provided for in the Constitution. I want it to be known because we have got all this sort of things—after people have tendered their resignations they then resort to the Court

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of law to say the resignation were not signed by them. We have got to guard against what we may call people "putting the country into some state of embarrassment for no just cause."

If for one reason or the other anybody considers himself honourable enough at one stage to say: here is my resignation; I am no more a member of your party such a person should stand by his word, I am not trying to impute motives. If for one reason or the other, perhaps monetary considerations or some other considerations a person decides to back out of a party which expended money on him during the election so as to find a new party perhaps in order to become a Minister or to place himself in a position of advantage; if such a person signed anything or any resignation paper, it is just like giving a post-dated cheque; and any-time the cheque is submitted it should be honoured. All candidates wishing to contest the Mid-West election must have to think of this and save our country from embarrassment.

Apart from all the points made above this Bill is welcome and I have to congratulate the Administrator and the Commissioners of the Mid-West for everything they have done.

There is a point in the Bill which we consider to be controversial and that is the point which allows for special membership or which allows that certain people may not contest elections. That is controversial but I feel that this particular one and some others are points to be looked into at a later stage. I beg to support.

Senator J. K. Nzerem: I do not intend to speak long on this Mid-West Bill. There is only one aspect which I want to speak about and that is about the allocation of seats. Is it by accident or design that all those seats reduced were from Ibo speaking areas? I want the Government to say why it should be in Asaba and Aboh Divisions that these seats should be reduced. I can understand that if there was no trouble some seats should be reduced from certain Divisions having thirteen and others having ten; but why should seats be reduced from divisions which have less and these divisions happen to be Ibo speaking areas. I want the Government to assure this House that the allocation of seats done by the Administrative Council—

Senator Salahu Fulani: I do not think a person of the experience of Senator Nzerem should introduce party politics into this House.

The President: That is not a point of order.

Senator Nzerem: I have my information that the number of seats allocated by the Administrative Council was 68 and that in the Administrative Council all parties in the Mid-West Interim Government were represented: the Mid-West Democratic Front, the Action Group, the National Convention of Nigerian Citizens and all others concerned. They recommended 68 seats. How is it that some people afterwards backed out and went behind by the back door to say that they do not agree with this allocation? Why is it that it is only from those two Divisions which are prominently Ibos that these seats should be reduced? I want somebody to give me an explanation. Was it by accident, or was it by design?

A Senator: It was by accident!

Senator Nzerem: It was not by accident. I feel very strongly about this matter, and for the fact that time is against us we would have delayed this Bill. The Senate has the power to delay it. We do not want anybody to be ill-treated—unjustly in this country. We are living in a free and democratic country.

I have divided the units by which seats are allocated, and there can be no reason whatsoever that any reasonable man can see why these seats should be reduced from Asaba and Aboh Divisions. I justify the action of Mr Opia in walking out in protest from the Lower House.

I feel very strongly about this, as I have said, I want an explanation to justify the action of the Electoral Commission.

The President: Do not let us make this until we reach the Committee Stage.

Senator E. A. Lagunju: I rise to speak on this welcome Bill. I associate myself with Senator Chief Beyioku in congratulating our President for the prominent role he has played as the Administrator of the Interim Administration of the Mid-West. Similarly we congratulate others like Chief Omo-Osagie, and above all the Prime Minister who has played a prominent role in bringing about the administration of the new Region. In any event, we are very happy that the new Region has come to stay. This is the final stage. We are giving the final touches to the setting up of a government in that Region, and while I do agree with some others that there may be some black spots here and there, this indeed is an

experiment, and I am sure if the people are going to work the experiment they will have to be patient. This is a constitution. It is not the law of the Medes and the Persians which is unchangeable, and if this is given a trial, although there is this question of allocation of seats, I am sure that once the actual government of that Region comes into being, and after a specified time, it will be within the competence of that Government to change or modify it. If we look at it in that light the question of two or three seats should not be enough a controversial problem for us to say we shall try and stand in the way of a fine piece of legislation such as this. We are really very happy that the new Region is coming into being and that the ball is still kept rolling.

The President : The new Region has already come into being !

Senator Lagunju : The first elected Government of the new Region is coming into being, and this is, indeed, a happy augury for the country ; and here and there the ball is being set rolling for other people to agitate. I am sure the Federal Government will not stand in the way of the agitation from the people of any area.

In the past we were always told there was no agitation in the North, there was no agitation in the East, and that the only agitation was in the West. This is well and good, but from what goes on in the Lower House which is really becoming very amusing we shall see when the stage will be set and when the ball will be set rolling. We shall see where the ball will fall next.

This time it is the turn of the West, and next time it will be the turn of another place. While I do agree that in some other parts of the world there are smaller states, as some people said in the Lower House, I am yet to see a country in the world where one particular State is half the whole. It is true that in America one gets a State of New York existing side by side with the State of Delaware, but out of the 50 States in U.S.A., New York is not equal to 25 States or half the whole of the country, or equal to the remaining 49 States. Therefore, what does exist here is a fine experiment, and we are very happy that the Mid-Westerners have been successful, and that the first elected government is coming into being. It is indeed a fine experiment.

I support the Bill.

Minister of State (Chief the hon. H. Omo-Osagie) : I would like to take this very fine opportunity to pay tribute on behalf of His Excellency the Administrator of the Mid-West Region, the Deputy Administrators and Commissioners, and above all I would like to start from the top, that is from Sir Ahmadu Bello, the Sardauna of Sokoto, and from there to the Rt. hon. Alhaji Tafawa Balewa, the Prime Minister of the Republic of Nigeria. I would also pay tribute to our respected Attorney-General who has carried all the burdens of the legal exercise during all these years.

I will now go to the political parties.

Senator M. B. Chukwubike : On a point of order, I feel that the Minister should give Senators the chance to speak !

The President : The Minister is entitled by the Constitution to speak in this Senate, and he has thirty minutes in which to speak. He is not winding up. It was what Senators have expressed which made me stop the Attorney-General from winding up, because I know Senators will kick. The Minister of State, Chief Omo-Osagie, is making his own contribution to the debate.

Minister of State (Chief the hon. H. Omo-Osagie) : I said I would start now on the political parties. Our gratitude is due to the N.P.C., that giant Party in the North, without which it would have been absolutely impossible to get this State created, and to that dynamic, indefatigable party, the N.C.N.C., for its wonderful support.

Senator T. Olamijulo : What of the Action Group ?

Minister of State (Chief the hon. Omo-Osagie) : I think I cannot be persuaded to shower encomiums on a political party that is against God !

A Senator : How does the Minister know ?

Minister of State (Chief the hon. Omo-Osagie) : I thank Senators for the dignified role they have played in this connection. There has been no time when a Motion or a Bill affecting the Mid-West has come to this Senate that Senators have not always supported it wholeheartedly.

[CHIEF OMO-OSAGIE]

I come nearer home and I will mention individuals, like Chief Festus Okotie-Eboh, who have played a leading role. We are grateful to him; now to Chief Dennis Osadebay, in his personal capacity. I would say the Senate will regret his leaving but he must have to leave the Senate.

Several Senators : We do not like his leaving us.

Minister of State : You may not want him to leave, but we will force him to leave because he is coming to lead us. He will be the Premier by the grace of God and the common will of the people. Next, I thank all the individuals and parties and I give them the gratitude of the people of the Mid-West. They have helped us and may God be with them all.

Some people have been talking of the way that is open to several parties to agitate. Agitation is not the best way of making it. People may make fruitless agitation, but we have made constitutional and fruitful agitation and the power that he has heard our prayer. God has sanctioned the creation of the Mid-West. (*Interruption*)

I am not here to exchange words with anybody. I wanted to say "Your Excellency", but that is not provided for. I would have loved to be here in the Senate because the Senate is composed of individuals who are worthy enough to bear the name and the stamp of Nigeria. They are individuals we are very proud of and who can represent Nigeria anywhere in the world. I would have loved to be one of the Members, but my position as the traditional Prime Minister of Benin may not permit me to come this way, but I would like to remain to help my leader, Chief D. C. Osadebay.

Several Senators : You should have become a Member of the Lower House !

Minister of State : I may become a Member of the Lower House or the Upper House, but I want to help my leader. This is the last stage or hurdle of the Constitutional processes, as the Attorney-General has told us. Really, it is the very last one, and we thank him. We thank the Prime Minister too. If I had other words to emphasise it, I could have used them. Unfortunately, I have not got much more than I have used. To-day, we are finishing the

constitutional processes. The other thing remaining now is just a stump which one can easily cut off with a matchet, and that will be the end of it.

Chief Osadebay is going to lead and control the Government by the grace of God. I do not want to talk on the Mid-West Constitution, but I simply want to thank all the Senators and to express the gratitude of the people of the Mid-West.

May God bless you all.

Senator Chief S. O. Esangbedo : I wish to contribute to this debate.

The President : I shall call the hon. Senator when it comes to his turn.

Senator Esangbedo : The Minister of State (*Chief H. Omo-Osagie*) has set aside my activity in the creation of the Mid-West State.

The President : Senator Esangbedo is out of order. I will call the Senator because he is entitled to speak.

Senator A. E. Ukattah : I am really very sorry that this Bill has been spoiled by one odious Amendment. The Bill as I saw it in its original form would have been something everybody would have loved to welcome but for this odious Amendment relating to the allocation of seats.

Going through the Bill, I notice that it is based on the original pattern of the Constitutions of the older Regions, and I read through the copy of this Bill at home before coming here this morning, but on getting here, I notice a very expensive Amendment and it is because of the Amendment that I am going to say a few things.

But for the shortness of time between now and the time the Mid-West Government would be elected, I should have moved a Motion deferring discussion on this Bill and I am sure I would have carried the Senate with me because of this odious Amendment.

When we talk of the unity of the country, what do we mean? Is it when we drag out a man out of a tribe and strangle him to death—is that the meaning of unity? And yet we have to be told what this country is going to become in the future, when one particular tribe has been discriminated against in every aspect of our national life. That is the Ibo tribe.

Several Senators : No, no.

Senator Ukattah : That is your opinion, and you are entitled to it. I am entitled to my own opinion here, and I am going to express it. I am mature enough to speak my mind.

Senator Salihu Fulani : I am always against any person discriminating in this House. I do not want anybody to say that a particular tribe is being discriminated against. I think this should be ruled out of Nigeria.

The President : No. But it is not what you want a Senator to say that matters. A Senator is entitled to say anything so long as it is within the scope of the Standing Orders, and the Standing Orders do not say that one cannot mention tribe. So, he is entitled to say what he said and he is in order. It does not matter whether his opinion is distasteful to me or to any Senator. Senator Ukattah is entitled to make it ; that is the point.

Senator Ukattah : Once what I say is relevant to the matter on the Floor, I do not care whether anybody gets up to oppose it, I will continue. The Ibo man is the most hated man in this country, and his home is the most hated in this country.

Senator Chief O. A. Fagbenro-Beyioku : I should think we must try to use some sort of parliamentary language.

The President : The word "hated" is parliamentary ; so also are the words "man" and "Ibo". Those are the three words the Senator has used. Which of them is unparliamentary ?

Senator Chief Fagbenro-Beyioku : For anybody to stand up to suggest that the Ibo man is the most hated, I think is unparliamentary.

The President : That is his own opinion with which you disagree. Senator Chief Beyioku will be entitled to get up and make a speech against what Senator Ukattah has said. But you cannot muzzle the Senator.

Senator Ukattah : Thank you very much, Mr President. The Senator should know that I am an older parliamentarian than he is, and so I know better what is parliamentary and what is not.

I was saying that the Constitution here shows clearly the way things are moving on in this country. I do not dislike any division in the Mid-West. In fact I love all the divi-

sions there. But I love justice more, and that is why I am able to make this point that a grave injustice has been done to the Ibo speaking section of the Mid-West.

I want to give you some comparative analysis and Mr President, with your permission, I beg to quote :

On page 9 it is shown that Benin Division with a population of 292,081 has 13 seats.

Urhobo Division with a population of 262,333 has 10 seats.

Now we come down to all these other divisions—Akoko Edo has 4 seats, Western Ijaw 4, Isoko 4, Aboh 4.

I am going to show you that the allocation of seats as shown here in relation to Asaba and Aboh divisions was a deliberate injustice, and the Senator had the courage to say I was being unparliamentary.

We want to assure ourselves that any decisions taken here must be such as would enhance our prestige as people who are mature. Any thing that falls short of this should not be allowed to go through this House, as it will undermine the dignity of the men selected to be here.

These five divisions have been given four seats each. What are their various populations ? Western Ijaw has 4 seats, with a population of 82,000, Warri had 4 seats with 52,000 people, Isoko has 4 seats with 60,000, Akoko Edo has 4 seats with 65,000, Aboh has 4 seats with 126,000. I was really so greatly enraged that when I saw that, I lost no time in settling down to doing the arithmetic of it. Senators will find that Aboh division with four seats—that is equal seats with Western Ijaw is more, by 43,000 people than Western Ijaw. Aboh, with 4 seats like Akoko Edo, has 60,000 people more.

This next point is where I would like you to pay very great attention. Aboh division is more than double the population of Isoko by 4,000, and they have both 4 seats. Here again is another simple arithmetic. Aboh is more than double the population of Warri by 17,000, and they both have 4 seats each.

A Senator : What then is the meaning of injustice ?

Senator Ukattah : If this is not injustice, I would like to be taught what the meaning of injustice is.

[SENATOR UKATTAH]

That is exactly why I said that Ibo people are being discriminated against and people say no. All I say here is parliamentary. This is a grave injustice and when the Ibo man shall fight back it will be very very disastrous. This is the Upper House of this nation and I must issue this warning without reservation and without apologies. Why should we allow things to happen this way? The Attorney-General said they did not aim at perfection. What do we aim at? We must aim at perfection at all times, even if we do not achieve it. If these Ministers come here next time and say they have not aimed at perfection, we shall sack them all. We want perfection in everything they do.

Whatever the Ibo man does is exaggerated. You want to push him out and drive him to the wall. That man must resist. I am saying that but for the shortness of the time at our disposal now, I should have moved that this matter be sent back for correction, and not continued with.

The learned Attorney-General mentioned "two sides". He said two sides disagreed, one recommended 68 and the other side 60. Which is the other side? The other side was the Administrative Council of the Interim Government of the Mid-West backed up by you and your fellows in the Government—the Ministers. The Administrative Council of the Mid-West submitted 68 seats. All of them sat together and agreed on this number. Then this figure was submitted to your Council and you approved it and later the other side, the other invisible side, submitted 62 to you through the back door. And what did you do with it? You came back and said well let us come to the average. How do you arrive at 65 as the average?

Several Senators : Their arithmetic is wrong.

Senator Ukattah : Any way, the Attorney-General is not a mathematician, but a lawyer.

I do not want to crack any jokes. I am serious because the moment demands seriousness. Now, I agree that it was reasonable and if not for the sake of absolute necessity, it might have been necessary to cut down this number. I agree with this. But why should the two Ibo speaking divisions of the Mid-West only be affected? That is the question.

This Aboh division was originally given six seats and you approved it, but you later cut it

down to four, and you took away two seats. Asaba division had nine seats originally but you removed one. Why did you do that, you and your Government? I am saying that the Government is in a position to say "no" to the report of the Delimitation Commission. That report is made for man and not man for the report.

Why should we wait until Mid-West Government is elected before any amendment can be effected. Why should we wait? Why should we not carry out what we know is perfect here? Why should we wait until the new House is elected before they can settle it? You are admitting the fault and you say when you are elected you can do what you like. You are saying in effect "go and cause trouble in your place if you want". Why do we have to do that to make people split, setting them at daggers drawn? That is very bad. This is an injustice against the Ibo speaking areas of the Federation and the Government can say nothing to justify it. There is no moral justification for it. This is a clear case of discrimination. I stand to be corrected if this is not so. Even the people in the Council of Ministers know that this is wrong, and what this means is that some Members of the Council appeared callous. Why did they not raise this at the Cabinet Meeting?

I am so sour about this point because I am an Ibo man and I will not like the Ibo tribe to be trampled upon, because they have contributed their own quota to the building of this nation. I do not see why we should be pushed aside when things appear to be ripe. I object to it and I will like it to be on record that this is one of the nasty pieces of job that can be done by the Government of the Federation. And I am sorry that such a Bill should be presented to the Senate during the first meeting in 1964.

But for this point I would have loved to support this Bill.

Senator Chief (Mrs) Wuraola Esan : In support of Senator Ukattah, I am sure that there has been some injustice done. We are only following the figures and we do not know whether all the parties or the people who worked on this Commission agreed on these figures. If they did, there is something wrong somewhere. I am not a Mid-Westerner and I do not tread on anybody's toes, but looking at the figures, anybody in standard four in a primary school will know that something is

wrong. Now that we have seen that something is wrong, there is still time to put it right. With due deference to our Prime Minister, in his statement he agreed that something would be done at a later date and that the elections should not be delayed because of this amendment. I am only sorry that this mistake cannot be rectified in time to suit all concerned, but that does not mean that the Ibo people are hated—

Senator Ukattah : That is my impression.

Senator Chief (Mrs) Esan : That is Senator Ukattah's own impression ; I am only putting my own impression forward too. In Nigeria to-day, everytime somebody wants to do something, somebody's toes must be trodden upon. Even we Yorubas have a lot of things to complain about, but we do not go about saying that other tribes hate us.

A Senator : You are cowards.

Senator Chief (Mrs) Esan : We may be cowards, but we do not go about saying that people hate us. If anybody hates you, find a way of making him your friend or hate him back. I do not agree as a woman that the best way to solve this problem is to come here and shout.

As a woman representing all the women in the Federation, I know that injustice has been done to the women of certain parts of the Mid-West, and I am of the opinion that it must be rectified immediately. Although our Prime Minister said that there is no time, it is left to the Mid-Westerners themselves to say that there is time, if they like it to be rectified. Nobody wants to waste a lot of time on this. The sooner we had this Mid-West Government functioning the better for all of us. The Mid-Westerners may be the people who are going to bring prosperity to Nigeria, and to delay them is slowing down the progress of Nigeria. I do not know much about the opinion of the people of the Mid-West, but as a Westerner, there is something wrong.

I will suggest also that in the nearest future, even immediately after the elections something must be done for women. Two more seats can be given to these areas and called special areas for women. It will not cost a lot of money and women can go there to contest elections into the House of Assembly. This will solve the immediate problem of waiting for five years before we can implement any legislation that is passed after this election.

If that can be written down or noted by the Attorney-General we will be very happy. Women too want to be in Parliament, and we want special areas created for us where no man will come and fight us.

Minister of State (Chief the hon. H. Omo-Osagie) : On a point of order, the speech of Senator Chief (Mrs) Wuraola Esan is very well taken, but I am going to say this. If the Mid-West should create special areas for women only, it should start from the West.

Senator Chief (Mrs) Wuraola Esan : But the Mid-Westerners have the first privilege of showing us what to do, and we are appealing to them to seize this opportunity to show the other people in the Federation that they love women and that they appreciate them more, in spite of the omission of the Prime Minister of Benin who did not thank the women.

The President : The Prime Minister of Benin says that he loves women.

Senator Chief (Mrs) Wuraola Esan : He forgot to thank the women when he was thanking everybody. I am helping to thank the women of the Mid-West and asking him to see that a special region is created for them.

The Minister of Economic Development (Alhaji the hon. Waziri Ibrahim) : Surely the Senator does not want us to create any special area for women, because if women want to fight for a position they have to fight for it. Women think they are equal to men—

The President : The hon. Minister has missed the point.

The Minister of Economic Development : What I am saying is that women want to be in Parliament, they want to be Ministers and they want to be everything. They should fight for it. We men who have control over women will not like to give up the control. We want to put them under our control. Already with the men in politics, we have plenty of trouble, and we do not want more trouble by bringing women into politics ; they should look after the children. We are very happy with the speed at which our women are advancing in this country and we are not going to tolerate their emancipation by giving them special areas.

Senator Chief (Mrs) Wuraola A. Esan : The last speaker is the least competent to say anything about women because there are no

[SENATOR CHIEF (MRS) ESAN]

women in his own area, politically and constitutionally. He is, therefore, not competent to come here and say anything on this issue. (*Applause from the Gallery*).

The President : I will not have anybody clapping in the Gallery. If that happens again, I will clear the Gallery. Clapping must be reserved to the Senators. Approval or disapproval of a speech must be left to the people on the Floor and not the people in the Gallery.

Senator Chief (Mrs) Wuraola Esan : Thank you, Mr President. I am not saying that women are not as good fighters as men for their rights. What I am saying is that the trend of political battle in Nigeria now does not allow women to go out and compete favourably with men. People in Nigeria always want to honour men before women, I am not raising any objection to that, but there certainly are capable women worthy of becoming parliamentarians.

I am happy that the Eastern Regional Government has done wonderfully well with their women. I am advocating that the Mid-West should follow suit. Whilst I do not preach that women should usurp the rights belonging to men, I must say that men are not controlling us. People are not put into the world to be controlled. You may be able to direct, guide, give advice, but absolute control is not the prerogative of any human being.

Under the special provision for members that can be nominated, I will offer a few words of advice. I pray that all the good work you have done, all your persistent efforts, all your go-getting spirit that you have used before the creation of the Mid-West Region was effected, may go with you. I pray, Mr President, that you may be successful in becoming the first Prime Minister of the new Region, because I know then that women will get their due justice done to them by our having another woman Member in this Senate. I am tired of coming here alone to expose myself to all the discriminations against me. Any time Parliamentarians are chosen to represent Nigeria abroad, I have always been left out. If there are two or three women here, we can always shout together, and the voices of three people are very hard to ignore.

The Minister of Information (Hon. T. O. S. Benson) : It is not safe for one woman to travel with five men abroad.

Senator Chief (Mrs) Wuraola Esan :

Then it is a shame on the men if one woman cannot be among five or even ten men. If we are controlling the Government of the Federation, we can allow one man to accompany ten women on a tour. Men are only afraid, and it is a shame on the men to be afraid of women. As I was saying, if we are three or four here, we shall be able to hold our own against all discriminations that may be done to women.

Lastly, I like to congratulate all Senators who have hands in the fight for the creation of this new Region. I strike a note of advice here, that things should not be done through agitation. I do not say that if you want your rights to be looked into properly that you should not say anything. But do not begin the life of the new Region with agitation. If you do so, you will leave vital work undone. I am saying this because of the present case of Aboh and Asaba. If the mistake in the allocation of seats to Aboh and Asaba is rectified, there will be others who will get up and say that they want more seats or more members for this or that locality. Human beings are always like that, not only in Africa but everywhere in the world.

I am advising that you go gently and emerge as a progressive Region, and a good example to the older Regions to emulate. If you do well, the trend of thought and the political viewpoint of Nigeria will change for the better. I am sure you are going to be the one to influence our Northern brothers that the breaking up of the country into small Regions will make for the unity of the Federation of Nigeria and that, as somebody said, if a Region is too large, on the long run, when people start to wake up, there will be a lot of trouble.

Thank you, Mr President.

Senator S. Eytayo : I rise to support this Bill, and in doing so, I would like to urge Senators not to continue to waste the time of this Senate by making reference to the allocation of seats to Aboh and Asaba Divisions. I believe that every Senator agrees that a mistake has been made by reducing the number of seats for Aboh and Asaba Divisions. There is no doubt about that. But we have been told that if we do not approve this Bill now, it will delay the coming into existence of the newly elected Government of the Mid-Western Region.

That is the reason why we are not very strong in opposing it. I support the Bill and urge Senators not to waste more time on this question of allocation of seats.

Senator Chief S. O. Esangbedo : I have no objection to this Bill. We do not quarrel with it. Rather we are very happy with it. We all know how strongly we felt about the creation of the Mid-West Region ; now that it has come to be, we welcome it. The Commissioners have not based their activities on one recommendation alone. I know that several Commissions worked on the situation and recommended various things. All these recommendations have been brought to bear in setting up the new Region. If we are dissatisfied with the recommendations, then we shall find ourselves setting up new Commissions and new Committees to make fresh recommendations. This will slow down the rate of progress for the new Region. Whoever made these recommendations have earned our praise and satisfaction.

I beg to support the Bill.

Senator Dr A. A. N. Orizu : I have always said that the Mid-West State is a fate, the Mid-West leadership is a fate. I said a fate because I have noticed that anybody who dangles about going against it always goes like the gander in one of the Latin literatures which I have told you about sometime ago. When the gander was attacking the goose, the latter said, "Look, my friend, whether you walk, whether you fly, or whether you swim, all are done indecently and ridiculously." In Latin they say that "*sive volas, sive malas, sive ambulance, omnia ridicule omnia indicenta facies.*"

Chief the hon. H. Omo-Osagie : I understand that English is the official language here. Somebody was criticising a speaker who used Yoruba, and now another speaker is speaking in Latin. We cannot tolerate Latin in this Senate.

Senator Dr Orizu : I said "I quote." For that reason, I said that those who tried to oppose the creation of the new State and its leadership always dangled, whether they talked, or swam or whether they walked.

Since this is the final stage in which we have the opportunity to say anything about the Mid-West, we must shower praises on those who

have made the creation of this State possible, particularly to the N.C.N.C. I single out the N.C.N.C. because it was the party which originated the idea of a Mid-Western State with the man who is now our President. The President's name must be mentioned in this debate and recorded in the *Hansard*. I am not going to call him just the President, I am talking about Dr Nnamdi Azikiwe.

We have also got to praise the Action Group because that party joined in approving the machinery that set up the new State. We have to praise the Mid-Westerners themselves who followed the leadership of the N.C.N.C. We have to praise the Oba of Benin ; the Iyasere of Benin ; men like Chief the hon. F. S. Okotie-Eboh ; and we have to praise everybody whose name may not be mentioned in this House. Then we have to praise the Abubakarian regime for it is a regime that we all know to be honest and God-fearing.

There is nothing in the Constitution that we can talk about, unless we want to dwell on what is called tautology, other than this question of Asaba and Aboh. Real truth is very hard to listen to when it is spoken, and only few men have the courage to speak the truth. Try to stifle the truth and you find that it comes up again. How can one tell me that the issue about Asaba and Aboh is just something we have to ignore ?

We, Senators, are not Members of the House of Representatives ; we are here as fathers of the land and I expect every Senator to raise his voice and tell the Government to restore the three seats. These three seats have to be restored. I must say that the removal of these three seats stands out against the unity of this country, and if we do not say it now it will be against all of us. How can one explain that a Division with 126,000 should have the same representation as one having 20,000 ?

It will be very ridiculous if we leave this Asaba and Aboh issue. In fact it will be a boomerang. Therefore, I do not like this matter to be taken lightly. I am not talking as an Iboman, I am talking as a Senator—as a man who helped in building this nation. So, I say, let us with one voice tell the Government to restore these three seats. I am happy that those who had spoken before me said that they see the point in this issue, and they should tell

[SENATOR DR ORIZU]

the Government to use their legal abracadabra to give the three seats back to the Mid-Western people.

I do not want us to stop the passage of this Constitution. I hope that the point I am making on this issue is clear. As I said before, I am not appealing to the Senate and the country as an Iboman, but as a true Nigerian who has the love of Nigeria at heart. And I am sure that anybody here, be he an Hausaman, Yorubaman or an Ijawman, will see this point in the way I do. This is a mistake against justice, and this mistake made against justice should be rectified. I submit that if this is not done it will be against the unity of this country.

With this few remarks, I beg to support.

The Attorney-General and Minister of Justice : May I crave the indulgence of the House to do what I regard as my job on this occasion without necessarily, perhaps provoking a great deal of heat on the part of some Senators.

There are two points that have been made against the Bill, notably by Senator Ukattah, to which I should reply briefly. I think it is right and proper for all Senators to know that in making his contribution Senator Ukattah made a number of suggestions and insinuations which must not be allowed to rest without correction.

When I introduced this Bill I explained the background to it and the Amendment made in the Lower House. I did not claim that the Federal Government was doing those things which he has ascribed to it. What I did say was that we received some communication from the Administrative Council, upon the basis of which the Bill was originally drafted. Later on, in accordance with the Constitution of the Federation, the Prime Minister knew that he could not act on the recommendation of the Administrative Council and still be constitutional. So, under section 51 of the Constitution of the Federation, the Prime Minister appointed the Federal Electoral Commission to do its job. And with your permission, I will read to this House the relevant subsection of that section which is important to be borne in mind when judging our conduct in this regard. Subsection (9) of section 50 which provides for the establish-

ment of the Federal Electoral Commission is in these words :

In the exercise of its functions under this Constitution, (including delimitation of Constituencies under section 51) the Electoral Commission of the Federation shall not be subject to the direction or control of any other person or authority.

That is to be found in all the four Constitutions at present and it will be found in the new Constitution for the Mid-West.

Senator Dr Orizu : On a point of order, Mr President, am I to understand by that reference that we have no right to discuss this matter here ?

The Attorney-General : I am trying to explain Government action which I have been called upon to explain. I am sorry that the Senator was not here when Senator Ukattah and Senator Nzerem asked me to explain how it came about that we have what we have now.

So, proceeding in accordance with the Constitution the Prime Minister appointed the Electoral Commission and said "Go and do your work ; go and delimit the constituencies for us." According to the report of the Commission which Senator Ukattah held up several times without reading to you some of what were contained in it, we acted on the basis of the findings of the Commission by whose decision we are bound as Government. You may not like it, but we are bound by the decision of the Commission. Just as I have been explaining to you that if you want the new Government to be formed in the Mid-West, what we have done here is all that is humanly possible under the provisions of section 5 of the Federal Constitution. We have not achieved perfection here. So what we have tried to do is to help the new Government to be established in this Region, and in order to do this, we have only three and a half weeks more from to-day to get out. In order for us, for instance, to listen to the suggestion of Senator Chief (Mrs) Wura Esan that the Government should do everything to delay this matter and rectify things, we would be going against the Constitution. It will require all of you to go home or wait here and for the Federal Constitution to be amended and for the Regional Legislatures to be called to ratify the constitutional amendment to the Federal Constitution, if we are to extend this period and alter the provisions of section 5 subsection (5) of that Constitution.

If we are prepared for that exercise, let us go on by all means ; but we must see to it that we do it and extend the authority of the Federal Government in the new Region beyond February 8 before we can look at any changes that Senators may propose. That was the point that I made, not in so many words, at the beginning. So, acting on that, we looked at the recommendation of the Commission and, with your permission, Mr President, I would not want to bore you with extensive quotations but I would like to read the relevant portions because Senator Ukattah said that something must be wrong with the mathematics that made 68 plus 62 divided by 2 to come to 65. It is on Page 8 of the Delimitation report :

On the basis of these projections the Commission accepted the figure 2.2 million as the present population of the Mid-West and it was on this basis that it proceeded to apportion seats. The N.C.N.C. and the M.D.F. had recommended 68 and 62 seats respectively. The Commission was prepared to adopt a compromise solution on this and so decided to recommend a 65-Member House for the Mid-West accordingly.

So, was it the Federal Government fixing 65 ? I thought I made it clear that this was what the Commission said in the Report.

Having made that point, I would like to read to you briefly one or two small passages at the beginning to put us into the picture. The Commission wrote this on page 2 paragraph 4 :

"On the receipt of the Prime Minister's letter referred to above (that is the letter of appointment of the Commission) the Commission met in Lagos and took a decision on the lines of action to be followed. Accordingly notices were published in most of the Nigerian Newspapers inviting proposals from political parties, ethnic groupings, and individuals, who wished to do so, as to the way they would wish the Mid-West delimited into Regional Constituencies. Before the Commission goes to the Mid-West, two political parties (The National Convention of Nigerian Citizens, the Mid-West Democratic Front) the Zikist Movement, ethnic groups and individuals had submitted proposals. There was no proposal from the Interim Administration of the Mid-West as such. The only paper which the Interim Administration submitted was an

extract of a Council conclusion in which there was a decision to delimit the Mid-West Region into 68 (sixty-eight) Regional Constituencies".

I think those who have read the report will find where the Commission says that. On the basis of the evidence given before it (you will find a list of the people they interviewed on pages 3 and 4), they were convinced that the best thing to do was to delimit the place into 65 ; and that there were differences of opinion as you would see from the passage which I read out on page 8. It was even suggested to the Commission, and later to us—representations were made to the Federal Government that the recommendations submitted by the Administrative Council were not unanimous and that they did not know when in fact the Administrative Council sent them in and that the minutes must have been prepared without authority. All sorts of allegations were made. It was not because the Government believed this story, but the Government felt in duty bound by the Constitution to comply with the Constitution. We did not distrust the suggestion from the Administrative Council on that basis ; but we looked at the Constitution and the Mid-West Act, and there was no power there given to the Prime Minister to accept the figures of the Administrative Council as such. Otherwise, if we proceeded to set up the whole edifice, the whole thing would crack up tomorrow at the first whip of anyone who might choose to go to court. I think the President of the Senate will explain that also to the House. People would say that the Constitution lays down the procedure by which constituencies should be delimited. The Administrative Council is not a delimiting authority. So, the Prime Minister was obliged to appoint the proper authority in accordance with the Constitution and in accordance with the section which I have read out when the Delimitation Commission submitted its report and said 65 "on the basis of the time we spent there and the evidence we collected". We felt that this was so. What else could we do as a Government? Go and dictate, contrary to the Constitution, to this Commission or alter the recommendation based upon field work? we have not gone into the field as a Government. So, whether or not we liked it, we were bound to accept the figures recommended to us as a Government in preparing this Bill for submission to the Senate.

[ATTORNEY-GENERAL]

Figures had been quoted. I do not want to justify, and I do not think perhaps it is my business to justify the Commission here in making their recommendations as to the figures or the cutting out of certain numbers in certain areas. The Commission did us the favour of telling us in so many words the reasons for the action they had taken. They submitted a list of considerations. For instance, on page 7, paragraph 19:—

"19. *At its meeting on 15th of November, 1963, the Commission did preliminary work on one of the most important bases in this exercise of delimitation and tried to ascertain the population census of the area. Unfortunately, this was the 1952-53 census figure. Having in mind:—*

(1) *the number of seats allocated to the Mid-West region in the Western House of Assembly,*

(2) *the desirability of disturbing as little as possible the present constituencies since the results of the present delimitation exercise could only be temporary, as the new Mid-Western House when created might re-adjust itself when the 1963 population census figures were known and*

(3) *the financial and economic benefits to the new region to have a small legislature commensurate with its size and ascertainable revenue, the Commission considered that the ratio of one member per 50,000 people as in the Western and Eastern Houses would be fair and beneficiary to the Mid-Western Region,"*

As I was going to say, if Senators look back to page 4 they will find that the Commission then said that the basis upon which they delimited these constituencies was in the ratio of one Member per 35,000 of the population.

Now, if Senators look at Aboh and Asaba Divisions, I think, it is right to point out that although the number of seats in Aboh has been reduced by two and in Asaba Division by one so as to give a really difficult figure of 126,000 for four members, I think it is important to bear in mind that when one examines the breakdown of Aboh, one will find that if one uses the basis of 35,000 in Asaba Division one constituency has 41,000, and in another constituency one will say that over-shoots the mark of 35,000 by 6,000. But what about

another constituency in the same Division with only 17,000? Again one member was given to the constituency with 17,000 although one member was given to one with 41,000.

The President: What about 12,000 in other Divisions?

The Attorney-General: I am going to mention that. So we looked at these things, and we felt that it would be difficult for one to say that another constituency has 12,000 whereas this one has 41,000 with only one member. But this was the recommendation of the Commission.

Now, if you look at Afenmai North East they also have 39,000 and only one representative. So, the Federal Government wondered and thought that the Delimitation Commission had paid due regard to the excessive figure of for example, Afenmai North East and the constituency in Asaba, and, therefore, said they would give them two each, but by the time they had gone through the exercise they found that there were other areas which would claim to have two on that basis, and then the whole figure would almost go beyond 70 or more. Surely the Federal Government felt that if the West and the East have each only about 94 members with about 6 to 8 million population, it would not be right for us to start the new Region with too large a House.

The President: I would like to come in and point out what Senator Ukattah is saying. You have explained everything, but I am sure nobody in this world can explain that. How did they come to the decision that Aboh and Asaba Divisions are the Divisions from which to reduce and not from Isoko and Ijaw Divisions?

The Attorney-General: That was why I said it was not for me to justify the action; but I must justify the action of my Government—the legal advice upon which we based our decision. As far as the Constitution is concerned, I doubt very much whether anyone can really find any fault with what we have done. Even from the acceptance of the Commission's Report, if we do not like this type of provision, it is for us to change the thing in all the Constitution. But this independent body consists of members from all the four Regions of the Federation, and it is significant (I am sorry, I do not want to

quarrel with any particular member of this Commission) that a lawyer member who sat there did not feel strongly enough on this issue to submit a minority report which would have strengthened the case of those querying this. But it was a unanimous decision of the Commission, including a lawyer member from the East who would have seen all these things and pointed them out to the others. It is not for me to cavil, but it is for me to say that as far as humanly possible, we have done the best that the Constitution permits us to do. And if Senators would bear in mind what I said earlier, this is in the nature of a beginning to start a new Region. When the new Government is formed this Region, as well as any other Region, is entitled to make changes on the basis of views expressed in the Lower House and in this Senate. The new Government would be perfectly justified to proceed to have its own delimitation arrangement, and it could proceed by constitutional means to make amendments.

I do not think I have to dilate any further, on this Bill, and I commend it to the Senate.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported without Amendment ; read the Third time and passed.

JUSTICES OF THE SUPREME COURT BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice : This is a very short Bill intended to implement the provision of section 112 of the Constitution of the Federation, in which arrangements have been made for each of the four Regions of the Federation to nominate a Justice. At the moment, there are four members of the Supreme Court under the Federal Supreme Court Act of 1960. We need four more members from the Regions and, in addition to the Chief Justice of the Federation, there will be nine members of the Court.

It is proposed when this Bill becomes law, the Regions will be able to exercise their Constitutional rights under that section 112 of the Federal Constitution and nominate their representative to the Supreme Court.

I do not want to anticipate the kind of criticism that obtained elsewhere, but I think it is important for us to remember that the stage is long past at which we want to try to score debating points on the basis of Regional

representation on the Supreme Court because that has already been agreed to by all last September in the Lower House as well as in this.

One may have one's doubts about this method of selecting the Justices of the Supreme Court, but once the law has already been enacted, and this is only a piece of legislation to implement it, I do not see how the Government can be accused of wanting to do what it is bound by law to do to enable the Regions fulfil, their constitutional obligations. So this Bill in addition allows the Regions which have been clamouring for this Bill so that they could introduce their own members to the Supreme Court, to do so. We also must bear in mind that the Court, as constituted under this Bill, will be able to sit in two or more divisions so as to quicken the hearing of cases. I know that Senators have, from time to time, asked me to take steps to see that the hearing of cases in courts is speeded up, and this is one of the means by which this could be done.

The Bill is a non-controversial one, and I hope that Senators will give it their support.

I beg to move.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari) : I beg to second.

Senator Chief O. A. Fagbenro-Beyioku : The point I want to be clear about is the appointment of Judges which we passed the other time. Does the question of the appointment of the Supreme Court Judge end with the President ?

The Attorney-General and Minister of Justice : The position is that whereas before, the appointment of judges of the Supreme Court and of the Judges of the High Court was the responsibility of the Judicial Service Commission, and when they made their recommendations, as they did in the case of a controversial appointment, the President would be bound to approve in writing. But under the new arrangements in Section 112 (1) of the Federal Constitution, the appointment to the Supreme Court is made as follows: One Justice of the Supreme Court on the recommendation of a Regional Premier—that is four altogether from the four Regions—and the remainder will be appointed by the President

[ATTORNEY-GENERAL]

on the advice of the Prime Minister. So, there will be four representing the Regions and the remainder will be appointed by the President on the advice of the Prime Minister.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

JUSTICES OF THE SUPREME COURT BILL
CONSIDERED IN COMMITTEE

Clause 1—(INCREASE IN NUMBER OF JUSTICES).

Senator Chief Fagbenro-Beyioku : From the explanation of the Attorney-General and Minister of Justice during the debate on the Second Reading of the Bill, we have the High Court of Lagos and then we have the High Court of each of the Regions who have representative each in the Supreme Court. I know the other four are appointed on the overall basis, but why should not there be one from Lagos as such since there is one High Court of Lagos?

The Attorney-General and Minister of Justice : That point, of course, will be taken account of by the provision in this Bill because

the Prime Minister, as in the case of recommending for national honours, has a right to go all over the Federation to nominate people. He is not restricted only to Lagos, but he will have due regard to Lagos being treated as a Region because that is what the Constitution says. In making the other four nominations—there will be five in all, including the Chief Justice—the Prime Minister will see to it that the seats are evenly distributed.

Clause 1—ordered to stand part of the Bill.

Clause 2—ordered to stand part of the Bill.

Bill reported, without Amendment; read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(MINISTER OF STATE—SENATOR ALHAJI NUHU BAMALI).

Question put and agreed to.

Resolved : That the Senate do now adjourn till 9 o'clock tomorrow morning.

Adjourned accordingly at ten minutes to twelve o'clock.

SENATE OF THE FEDERAL REPUBLIC
OF NIGERIA

Saturday, 11th January, 1964

The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

OATHS

Oath of Allegiance was administered to the following old Members—

Hon. Aja Nwachuku

Senator Alhaji Ahmed Metteden

NOTICES OF MOTION

BUSINESS OF THE HOUSE

Minister of State (Senator Dr E. A. Esin) :
I beg to move—

That, this day, notwithstanding the provisions of Standing Order 4 (Sittings of the Senate), the Senate shall sit from 9 a.m. till 1 p.m., and from 3 p.m. till 6 p.m.

I beg to move.

Minister of State (Senator Alhaji the hon. Nuhu Bamali) : I beg to second.*Question put and agreed to.**Resolved* : That, this day, notwithstanding the provisions of Standing Order 4 (Sittings of the Senate), the Senate shall sit from 9 a.m. till 1 p.m., and from 3 p.m. till 6 p.m.

ADJOURNMENT (SINE DIE)

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to move—That, the Senate, at its rising this day, do adjourn *sine die*.

I beg to move.

Minister of State (Senator Alhaji Nuhu Bamali) : I beg to second.**Senator J. K. Nzerem** : I think that there is nobody here who is anxious to quarrel with the statement made by the Minister, but I think that instead of the Senate adjourning *sine die* we should be given some indication as to when Parliament will reassemble for the Budget Session, as many of us are people who have other businesses to do. We would like to make adequate arrangements for our work to

be carried out before we come here, as the next sitting is likely to be a fairly long one.

Senator Dr Esin : I regret that it is not possible to indicate exactly when the next meeting, the Budget Session, will be. It will be round about the time that it usually is.*Question put and agreed to.**Resolved* : That, the Senate, at its rising this day do adjourn *sine die*.

ORDERS OF THE DAY

NATIONAL HONOURS BILL

*Order for Second Reading read.***The Attorney-General and Minister of Justice** (Dr the hon. T. O. Elias) : This Bill is intended to implement section 75 of the Constitution of the Federation which makes provision for the award of national honours and decorations by the President of the Republic on the recommendation of the Premiers of the Regions in the case of recipients from the Regions and, in all other cases, on the recommendation of the Prime Minister.

The intention is to make it impossible for any Nigerian, after the 1st of October, 1963, to receive any foreign honour or award without the permission of the President of the Republic and this includes also those non-Nigerians who are in any of the public services in the Federation. We feel that it is right that certain Europeans, especially British people who are in our services at the moment, should not be deprived of receiving awards from their home governments provided that we know the circumstances of the award and we are satisfied that it is not likely to promote double loyalty. All other honours, especially professional honours, educational honours and awards, are allowed to be made to Nigerians without any such permission. The Bill does not relate to chieftaincy matters which are regulated by various regional laws.

If Senators will look at sections 1, 3, 4 and 5 they will find a reference to the warrants in which the details of the various awards have been set out and these warrants are now available for sale at the Government Printer's. So, those who are anxious to know what orders we have established, what letters there are and what penalties are imposed on those who illegally use any of these insignia will consult that document and will find the necessary details in the document.

[MINISTER OF JUSTICE]

I therefore beg to move, That the Bill be now read Second time.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari) : I beg to second.

Senator E. A. Lagunju : This is indeed a progressive piece of legislation. We are really very happy that the Government is wide awake to its national responsibility and everything is being done in keeping with our sovereign status. However, we sincerely hope that the Committee it set up some time ago must have by now done its work to set out all suitable honours for deserving Nigerians as distinct from some of the foreign honours which will come within this National Honours Bill.

This Bill is non-controversial and is indeed a welcome Bill, but we feel that there are many deserving Nigerians who will be more proud of some national awards than the foreign ones and the sooner this is done the better.

I beg to support.

Senator Chief (Mrs) Wuraola A. Esan : I rise to support this Bill which is indeed a progressive bill. In supporting it, I would like to say a few words to remind the men that there are women, who, I think, are qualified for these honours. I know men never think women are qualified for anything good. If we the women get some of these honours we will be very proud of them because they are Nigerian honours and not foreign ones.

Even when we were getting honours from our past masters, women were in the minority—when they give ten men M.B.E. honours, they only gave one woman in one corner. But now that we appreciate that both men and women are working side by side for the progressive standards that we are now setting in this country, I think more women should have these honours bestowed on them.

I want us to correct a measure of injustice done to women. Wherever one goes in Lagos one finds that there are streets, avenues, lanes and ways named after men only. I wonder why names of women are not used nowadays, especially as even in those days Tinubu, a very popular square, was named after a woman. Are we women deteriorating or getting on? Have we no more women whose names are worth using? I would like to see street names like Margaret Ekpo Way, Aduke

Moore Avenue. I know this is the responsibility of the Lagos City Council, but I think that if they do not do their work properly the Minister of Lagos Affairs should remind them that there are women worthy of this honour too.

I beg to support.

Senator Chief P. C. Ndu : This is a straight forward Bill. It is a non-Controversial Bill and we all appreciate it. The Federal Government is to be congratulated for bringing this Bill to the Senate.

Personally, I think that this Bill should be retrospective, as whatever is worth doing at all is worth doing well. If a certain thing is looked upon as undesirable such a thing should left entirely. So, I feel that those foreign honours conferred on some of us by our former colonial masters should be surrendered wholly and entirely so that we can forget all about them.

Secondly, I feel that the Federal Government should be prepared to confer some honours on those worthy Nigerians to whom honour is due, and also be prepared to accept honours from our friendly African nations.

With these few remarks, I support the Bill.

Senator T. Olamijulo : In supporting this Bill, I have to praise the Federal Government for this new move. In the past, I think it was misleading when we agitated for foreign honours but, at the same time, praise and merits were given to those that were due for these merits. But now that we are on our own, the Government should see it right that we should give honours to whom honours are due in our own form. I think this is a very good move but at the same time I think we should do a little bit more.

We have so many ethnic groups in our areas. How are we to make these honours really appreciated in all the areas where we have Yorubas, Ibos and Hausas? Are we going to give honours in English, or how are we going to give them?

The President : English is the official language of this Senate.

Senator Olamijulo : How long are we going to abide with these English titles? We say English is becoming a foreign language and yet we are going to give honours in English!

The President : Because that is the official language. If you change the language to say, Hausa, then our titles will be in Hausa.

Senator Olamijulo : I think we should think more about this and at least do something with regard to honours. Let us give honours in Yoruba, in Ibo and Hausa. People will appreciate this more. I have no quarrel with the fact that we now despise foreign honours, but I feel that we should do something on our own side to improve still more on our stand.

I beg to support.

Senator Chief P. I. Acholonu : I rise to support the Bill whole-heartedly. This is not one of the contentious Bills and we have to congratulate the Government for their goodwill and foresight in trying to see that the awards nowadays are made to deserving Nigerians. It is now a question of giving honour to whom honour is due. They will know through the regional headquarters the persons who merit such honours and awards which will be made by the President.

I do not support the idea that the former honours awarded to Nigerians should be abolished. I say I do not support the idea of abolishing foreign honours because if we do so it will affect honorary degrees in education and many other things as well will be affected. After all, we have many recipients of honorary Doctors of Philosophy in different fields and they were awards merited from personal eminence from abroad. What I suggest now is to ask the Government to take up awards of this nature and award them to people who deserve them.

The President : A few were awarded on Republic Day !

Senator Chief Acholonu : Yes, I know that, but I still say that I do not support the abolition of foreign honours. However, I support the move being made for Nigeria to have its own awards.

With this few remarks, I beg to support.

Senator J. K. Nzerem : I support this Bill whole-heartedly, but there is one wrong impression which I would like to correct. I have read through the proceedings of the Lower House and from it there was a suggestion from an hon. Member that awards should be made to such people like Chief Anthony

Enahoro and a few other youngmen, some of whom we know are rabid nationalists. The impression gained ground very much in this country that unless you are a politician and shout from the house tops you are not helping this country. I agree that politicians are important, but there are people more important than the politicians.

The President : For instance ?

Senator Nzerem : I am going to give instances. Chief Anthony Enahoro would not have been able to agitate for political freedom if he were not educated. In this country teachers are made to take the back seats. Nobody remembers the teachers at all. During the Republican celebrations when invitations were handed out to many people how many teachers of this country (by their own right as teachers) were invited to the banquet ?

Several Senators : None !

Senator Nzerem : It is unfair to those who are doing the work of education in this country.

Now I come to another group of people. The nurses and the doctors—people who are building up the health of the nation—how many of them are remembered for any awards ?

Whatever people may say against the imperialists (I know that a great many of them are not very good people) they were shrewd judges of men when they were in control, and in most cases they gave these honours to people who deserved them. I do hope that our own honours would be given to those who deserve them, not necessarily the politicians. I say the politicians deserve to be honoured, because they, in their own field, are doing something for the upliftment of the country ; but they are not the only people. You have got to go to the backwoods to fish out people who are working silently for the advancement of this country and such people, wherever they may be and in whatever occupation they may be, should be given the honours.

I agree with my friends, Senator Chief P. C. Ndu, who said that the award should be retrospective. I hope also that all foreign honours should be abrogated, and the Government should examine the circumstances under which honours were given out in the past ; and ensure that those who merit any public honours receive them.

[SENATOR NZEREM]

I think every Nigerian should be proud of our Government, in that we have been talking about these things every now and then, but now they are showing us that Nigeria has really arrived. One can see that in every field of human endeavour our Government is working hard, and with a man like the Attorney-General and Minister of Justice, who is a legal luminary, taking care of the legal affairs of the Government one should be surprised if these things had not begun to happen. We are really very proud of the Government and, as Senators, we should give them every support.

As I said at the beginning I support this Bill wholeheartedly.

The Attorney-General and Minister of Justice: There is very little to reply to as Senators have been kind in their remarks, but there are one or two points, I think, I should clear.

The first is that under this Bill it will be possible for Nigerians to be awarded honours from friendly African Countries, and it will be possible also for Nigeria to confer these honours that we have agreed upon on foreigners who are considered deserving along with Nigerians. These will necessarily be honorary awards in the case of foreigners.

As to the method of award, I think that when the Bill is carefully studied along with the warrants to which I have made reference earlier, Senators will find that adequate provisions exist in the law for taking note of all those who are considered worthy of award.

It was suggested somewhere else that because of the present political set up in the country it might be difficult for a Premier to recommend the Leader of the Opposition. Without being irreverent about it, might I reply that our President of the Senate was Leader of the Opposition in another Legislature for several years and no one thought of conferring a knighthood on him, although by his performance, I think, he showed that he was perhaps the best opposition leader that many of the Legislative Houses produced, up to the time he served.

But that is no reason why, I think, the hint should not be heeded by the Government. The Governments of the Federation, as in all other countries, must be left a complete discretion to recommend whom they like. And I would suppose that the Government in

making awards would adopt the kind of system that is usually in practice in the United Kingdom and elsewhere, whereby occasionally the Governments would confer with the Opposition in the recommendation of certain names for the award of honours.

The only other point I would like to touch concerns what Senator Chief (Mrs) Wuraola Esan mentioned about women. I happen to be living in a part of Lagos now opposite which there is a street with a very long name which, I understand from the inhabitants of that street, is often very difficult for them to write in their letters. I do hope that when the Lagos City Council (as she rightly points out) comes to give more women's names to streets they would not use the one to which I am referring—Elsie Femi-Pearse Road!

It is a very long name; I hope that in future something more concise will be devised. But, again, that only shows that Senator Chief (Mrs) Esan need not fear that the Lagos City Council, working under the general supervision of the Minister of Lagos Affairs, will not remember her and women like her who have rendered distinguished public services.

With this remark I commend the Bill to the House.

Bill read a Second time, immediately considered in Committee; reported without Amendment; read the Third time and passed.

ELECTORAL BILL

Order for Second Reading read.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari): I rise to move—

“That a Bill for an Act to amend the Electoral Act of 1962 be now read a Second time”.

During the debate on the Electoral Bill of 1962, Senators and Members of the Lower House expressed the desire to see amendments made to certain sections of the Bill. I promised then that Government would give consideration to the views then expressed. This has been done and the Bill now before the Senate is intended to make amendments demanded by Senators as well as hon. Members.

It is intended to amend the Act so as to remove the provision which requires that a deposit of £10 should be paid before an

objection is lodged, to the inclusion of a name in the list of voters. Secondly, it is intended to raise from £25 to £100 the fee payable by a candidate upon his nomination. Thirdly, it is intended to amend that section of the 1962 Act which states that the treating of voters for the purpose of influencing their votes is an offence only between the dissolution of Parliament and the return of writs.

In order to remove the evil of corrupt election practices from our society, it is proposed to provide that treating shall be an offence whenever it is committed, whether an election is pending or not. Fourthly, it is proposed to amend the 1962 Act to permit candidates for election to withdraw, if they so desire, even after the close of nominations, and provided it is seven days before the date of the election. Lastly, it has become necessary to amend the Act in order to delete the provision which requires that the records of the 1962 census of population should be used in compiling the first list of voters and to provide instead that the records of the 1963 census should be used.

Regarding the other suggestions of Senators, the Government considers that there is adequate provision in existing laws for the control of thugs and that voting by proxy would not be suitable for this country at the moment since the system lends itself too easily to fraudulent practices. Senators will also like to note that the Electoral Commission has already provided for the marking of ballot papers so that the paper issued in one Constituency cannot be used in another Constituency and that it is already provided that election petitions take priority over all other court cases.

After this catalogue of the efforts made by Government to meet the wishes of Senators, I hope that no difficulty will be found in passing the Electoral Bill.

I beg to move.

The Minister of Finance : I beg to second.

Senator E. A. Lagunju : This, as most of the other Bills, is non-controversial. It seems it is a satisfying piece of legislation. In the first instance we are happy to note that some changes have been effected, particularly this question of the census records or results since Government anticipates that the result of the

last census—the one taken in November 1963—will be acceptable to the nation in place of the one of May 1962.

There are other gratifying aspects of the Bill: the question of leaving out voting by proxy to avoid any abuse and other important facts. But, Sir, the only clause I am thinking seriously about is clause 3 which states :

The amount of the deposit payable in pursuance of section twenty of the principal Act (which requires a candidate to pay twenty-five pounds before his nomination paper is delivered to the electoral officer) shall be increased to one hundred pounds ;

I think this is putting some hardship in the way of probable candidates because it only means that election or nomination of candidates will only be open to a few, except in some cases where you have the party nominees receiving party support. There are some candidates who may be suitable for the electorate even though they are ordinary taxi drivers—

The President : I am sure drivers are not down and out people.

Senator Lagunju : I do not know that they are not. I think they are. This sum of a hundred pounds seems to me to be prohibitive and I would say that anything between £25 and £50 should have been considered to be moderate. This is a matter of personal opinion. Otherwise I have no quarrel with the Bill ; I think it is a welcome piece of legislation and I wish to stress again that the sum of £100 is too much for a candidate to pay as deposit. These are the few remarks I want to make.

Senator A. Nwoke : I rise to support this important Bill and I want to congratulate the Minister for presenting it. I am only sorry that emphasis has not been laid on what we decided in this House as the bad use of thugs in election. I have personally felt that there should have been strong legislation against the use of thugs in elections and if need be to make it a capital offence to use thugs.

There are cases where political parties cannot account for themselves and in order to make up for their shortcomings they resort to the use of thugs and hooliganism in order to thwart the chances of their opponents. I know too well that in Nigeria we have a sort of system of vendetta which rules out the very backward system of assassinating assassins.

[SENATOR NWOKE]

We believe that we must have to go all out to fight back once our own clan's man is attacked, and that is the more reason why every care should be taken to make these elections fair in order not to destroy any human life by any means whatsoever. Now, on that, I would have to call upon the Minister to try his hand again and recommend that it is an offence punishable by death any thuggery committed for purposes of election.

On the question of deposit I think the increase from £25 to £100 is too much. £75 is too much an increase. Why not make it £50? I do not think that any increase will prevent any candidate from contesting any election, rather it would be an extra burden on the low class of people who want to contest elections. Why impede people's way in this manner? If a candidate wishes to deceive he might pretend to be contesting an election, but at the last moment he will surrender. Are we going to refund such a candidate's money? Suppose such a candidate is not strong financially who will have to refund that money? It is an extra burden on that candidate who is unable to produce that money. If the Government's intention is to increase this money so as to discourage a lot of people from contesting elections, I think, Government has misfired.

Now, on the question of treating, I am a little bit baffled as to what Government really means by stating that treating should not be done. I do not know the time. All that is said here is that it should not be done at election time and at other times. In other words we shall now have a society where nobody is to be treated, and I do not understand exactly what the Minister really means by non-treating.

If I am a candidate for an election which takes place in a year or two, and I have to make happy some of the people in my constituency by giving them drinks or by any other way—some Members have given scholarships to a number of students in their constituencies—I do not know whether that will be constituting an offence? At what material time would I have to show my appreciation to these people? Actually the law should have limited this type of treating to a definite period.

As it is said, withdrawal of candidates must come within certain days before the actual date of election. The treating should also

have been timed. To leave it undefined, and say whether or not election, is on will embarrass quite a lot of people. I am sure a lot of people have given scholarships, and we may now assume that they will now have to appear in court because they have already "treated" as the scholarships are still continuing.

The question that the 1963 census figures will be used is most welcome. It is just improper to do otherwise, so, I support wholeheartedly that section of the legislation.

I once again find a reason to recall, and let us call it a point of emphasis, the question of thugs, and I would ask the Minister to say something about it. When a provision is made in respect of it, it shall be welcomed. Our advancement in political and social life, and in every field of human endeavour entitles us to free movement in any part of the Republic for purposes of election, business, and anything that will make us live well.

I beg to support the Bill.

Senator M. G. Ejaife : I think this Bill is a very welcome one on the whole. One thing that I very much welcome is the provision relating to the abolition of voting by proxy. Anything that can be done to discourage and curb fraudulent tendencies in this country, I think, ought to be done. I think this is one of such things.

The provision that the next elections will be based on the 1963 census figures, I think, is a very good one. After all we cannot use the old population figures which have been proved wrong by the 1963 census figures.

As to the provisions relating to treating, corruption, and the increase of £25 deposit to £100 I wish to state that I slightly differ, and I would very much like a further explanation from the Minister concerned. On the question of treating, it seems to me that the provision here is something of an infringement on fundamental human rights. It has to do with people's private life, because we, as Africans, are a kindly lot, and we are inclined to treat people. It is difficult to decide when or where treating or any ordinary act of hospitality should end, and treating in so far as election is concerned should begin. It is difficult to draw a boundary between acts of hospitality and continuous acts of kindness to people, and nobody can know when treating begins.

I think that we are all aware of the evil of corruption connected with elections. It is the difficulty of preventing these things that we face, and I think that what we should embark on is to create a condition whereby corrupt practices at all levels can be discouraged, because to-day the electorate expect too much from those who are going to be elected into Parliament, and they demand this and that.

If we can discourage that, we shall go a long way towards righting the situation. Already our political life is generally bedevilled by frequent election petitions. I do not think we shall be reducing the opportunities of election petitions if we add this Clause at all. Even with the law as it stands almost every election ends with the filling of election petitions which have often proved to be a nuisance, and, I think, if we add this Clause now we are now creating new avenues for other election petitions.

In so far as the present law is concerned, I think, the political parties in this country now take care of people who cannot pay their deposits. But as years roll by, and because it is increasingly becoming difficult for independent candidates to win elections, I think, many people on this score of this increase alone, will be discouraged from making attempts to stand elections without being sponsored by a political party. I therefore think that it is unnecessary for us to increase the election deposit from £25 to £100 if the aim is to discourage unscrupulous people from time to time from making a nuisance of themselves.

I think the mere fact that one is an independent candidate—not having been sponsored by any political party reduces the chance of winning an election considerably and the chance of losing one's £25 deposit is very great; that alone will discourage many people from contesting at all. It is not at all necessary to increase £25 to £100, because if we do, it would appear that we are trying to monopolise politics. Those of us who are already in politics would probably appear to monopolise politics at the expense of the ordinary man who would like to have a go.

With these few observations, I support the Bill.

Senator H. N. Udoh : This is a very nice Bill, and before supporting it, I have a few observations to make.

On the question of the increase of deposit, the Government is aware of where it is going to, even though the increase looks a bit prohibitive. The increase to £100 will check unworthy candidates attempting elections, and as such the Government should hearken to the voice of the people on the spot who will nominate their representatives or candidates so as to avoid imposing a candidate on the people on the spot.

The second point is that I fail to understand the real meaning of "treating". As one Senator has said, there is no time limit. We Africans or Nigerians in particular are very hospitable people. Does it mean that we should no more entertain people? The chances of that happening are one to ten.

Nobody knows what will happen tomorrow. One may become a candidate in an election overnight. Will he be charged for having entertained people sometime ago? The Government, I am sorry to say, does lay down certain rules, and then it winks at it. Even under the very nose of the Government, "treatings" are going on and there is no check. The Government should look into this point.

I am suggesting that the Government should check certain things relating to elections. It is a very difficult topic to discuss and manage. Thuggery is one of the problems, and the Government says nothing about it. Some people lose their lives and some lose their cars and even their buildings. I have known cases where people who lost as a result of the activities of thugs were told "they are men like yourselves, why then do you complain"; What does that mean?

I fail to see why the Government should not think over those jumping from pillar to post by carpet crossing. When a party supports a man and he gets into the House,—it does not matter which House—and suddenly the man leaves that party overnight, ignoring the financial and moral support of the party, such a person makes things difficult. These things are happening to-day, and anyone who thinks of doing such a thing should first resign from the House and seek a new mandate through the new party into which he is jumping. Because of this practice, political parties are not sure of the support of their members. The very strong people who are supposed to be the pillars of the party can disappoint the party

[SENATOR UDOH]

overnight. So, there are many things to be considered in connection with election.

With these remarks, I beg to support.

Senator Alhaji Abubakar Bale : I beg to support this Bill and before doing so, I have a few remarks to make.

First of all, I praise the hon. Minister of Internal Affairs who has taken the pains to introduce this Bill. It is a timely one, and one which we have been longing to see. It is time we had an Amendment to the Electoral Rules; although some Senators have spoken against it on the ground that the increase from £25 to £100 seems too much, I do not think so. I am of the opinion that it is just enough because it will give a chance to outstanding candidates to be able to stand for elections whilst it will debar unscrupulous ones to get in.

These unscrupulous people are dangerous nowadays. They want to come into Parliament not to help, but to break down the Government. They have no thought, and they just think of themselves alone. They just want to come in and what they have is just their mouth, and they just talk.

Some people might say that this Bill has been brought in order to prevent certain people from winning elections. That is the way such people think.

I appreciate the provisions of Clause 4. Sometimes, it happens that candidates pay their deposits early. It will thus be possible for them to withdraw their candidature. We do not want elections, and if it is possible, we try to avoid it, even though it provides jobs for people.

I thank the hon. Minister again for the provisions in Clause 5 of this Bill. There are all sorts of people preparing for the next election, and by this Amendment, a lot of people will be protected. If the Bill is approved, a lot of people will be saved.

With these remarks, I support the Bill.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari) : I am grateful to Senators for their contributions to this debate. In actual fact, what this Bill seeks to do is to implement what the Senators themselves asked for during the debate on the 1962 Bill. These points were well taken at that time and the result of our work is in this Bill which we hope satisfies the wishes of Senators.

There are some points made here concerning the increase in deposit from £25 to £100. The fact is that, as some Senators have said, there are people who just want to be a nuisance and want to contest elections while they know fully well that they have no support. The purpose of the increase is to prevent frivolous sort of contests in elections by people who are not worthy to be Members of Parliament.

This has not been started from this Parliament. In the Eastern and Western Houses of Assembly, the deposits have now been increased to £100, and in the Northern House of Assembly it is £75. Senators will agree that this Parliament which is the highest Legislature in the country will not allow others to show in any way that they are superior. This is one of the reasons why we feel that at least we should be at par and that we should pay a deposit of £100 just in the same way as is being paid now in the Regions.

Some of the Regional Governments themselves have asked that we should bring this thing at par with their own in order to allow uniformity in the country. I do know that Senators will have no objection to that.

Another point has been made about treating. This is a matter which has also been discussed before. It is difficult to find a line where one can differentiate between ordinary entertainment and hospitality and what one may call corruption or treating to influence voters. But I think this is a matter for the law courts. If this matter goes to the court the Judges are competent enough to give the exact interpretation to our law and to say what is actual corruption and what is not. All we are trying to do is to discourage corruption in all its forms, and this is one of the measures which I am sure Senators will appreciate. We do not want to put any time limit to corruption. We want to stamp out corruption completely. We do not want to say that this is the time we allow corruption and this is the time we do not allow corruption. We do not allow corruption at any time. Senators should support this move by Government to stamp out corruption in this country. This is one of the measures through which we can achieve that aim.

Senators also spoke about the use of thugs. We do not provide for anything about it in this Bill because we feel that there are adequate provisions in our Criminal Code concerning the use of thugs in this country. There are laws

which prevent the use of weapons during electioneering campaigns and so on. And if the police are vigilant I do not think that there will be any more troubles about thugs. Also, politicians themselves should be more responsible.

I think that is about all the points made by Senators except that Senator Udoh spoke about carpet crossing which I do not think that this Bill is really concerned with. But the question of carpet crossing is a problem that is concerned with fundamental human rights and everybody is at liberty to do what he likes in this country provided it is within the law. If a person chooses to cross over to another group it is within his right to do so. We do not want to put any restriction on the rights of citizens in this country.

Thank you, Mr President.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

ELECTORAL BILL : CONSIDERED IN COMMITTEE

Clauses 1 and 2,—ordered to stand part of the Bill.

Clause 3—(INCREASE OF DEPOSIT PAYABLE BEFORE NOMINATION).

Senator Chief Fagbenro-Beyioku : In respect of this Clause 3, I had originally intended to file an Amendment. But instead of filing the Amendment I feel that I shall approach it by way of an appeal to Government to consider this question of £100. I do not agree with the argument that, the unscrupulous people, who will attempt to rig elections and find a way of coming to Parliament to cause confusion and to grab anything from the Parliament, are the poor people. Rather than that, the impression is that the rich—and a rich man wants to become richer—are the very people who are involved.

Now we want to leave the powers of the nation in the hands of those that have, and those that have not shall for ever not be having because they have not the means to struggle. If this is the main intention, I say that it is a wrong intention. After all, the man who will stand as an independent candidate will be the man who is substantial. Nobody, who is not substantial, will attempt to stand as an independent candidate.

Now it appears that what we want to do in this country is to give the capitalists greater powers. If we now look into this something

will be clear to us. Naturally, politicians are not the wealthy people. Let us come to brass tacks. The people who take the affairs on their shoulders and in their hands and try to run the nation as politicians are not wealthy. If one turns to their bank accounts one will find that the accounts are always in red.

A Senator : In this country ?

Senator Chief Fagbenro-Beyioku : Yes, in this country. I say it with a considerable degree of authority. However, there are one or two exceptions to the rule. But the real people who have money in this country are not the politicians.

The political parties are made up of the masses—the poor people—and among them we look for those who are good and those who are not good. I am now appealing to the Government that even if there should be any increase in the deposit in order to meet the extra expenses connected with elections, it would be reasonable to have the deposit increased from £25 to about £30, £40 or £50. But then if the increase is intended to discourage people from standing for election, I do not think it is a proper intention.

I therefore have to appeal to the Government in respect of this.

The Chairman : The Minister of Internal Affairs has already explained this point. He cannot give another answer other than the one he has already given.

Senator Chief P. I. Acholonu : It is good to raise the deposit to £100 because if there is anybody who cannot provide £100 for deposit, then such a person is not worthy to become a member of Parliament. I, therefore, support the increase to £100.

Clause 3—ordered to stand part of the Bill.

Clause 4—(WITHDRAWAL OF CANDIDATES).

Senator Chief Fagbenro-Beyioku : I am very happy to see that this Clause 4 makes provision for somebody to withdraw his candidature at wish. There is something here which I would like it explained. If within seven days of the election I decide not to stand again and send a notice to that effect, would another candidate be or not be allowed to stand in my place ?

The Chairman : If you want to withdraw, you have to withdraw. You do not have to

[THE CHAIRMAN]

think about who is going to take your place. In any case, the nomination date would have passed and so another man cannot even come in.

Clause 4—ordered to stand part of the Bill.

Clause 5—(REMOVAL OF LIMITATION ON PERIOD WHEN TREATING IS PROHIBITED).

Senator E. A. Lagunju : What will happen to the entertainment allowances of Ministers ?

The Chairman : I think that is a good question. Can a Minister give an answer to the Senator's question ?

The Minister of Finance (Chief the hon. F. S. Okotie-Eboh) : The entertainment allowances of Ministers are for official entertainment, not political entertainment.

Senator Chief Fagbenro-Beyioku : As regards treating, we all know that there is no evil in treating, but the way in which it is put now is dangerous. I can quite well remember that at one time, my good Friend, the Minister of Finance, was charged for treating or something connected with it. We are opposed to this question of time limit for treating. What happens if I gather a number of people in my house for some sort of political meeting, even though there is no election pending, and after the meeting I say to them, "Well, gentlemen, let us have a drink together" ? It may be two years before the election. I hope that when the election comes nobody will come and say that on such and such a day I was entertaining people at my house and thereby put me into the inconvenience of spending money to go to the law court to defend myself.

We, therefore, cannot understand why the time limit is removed.

The Chairman : Yes, this is very dangerous.

Senator Chief Acholonu : It has been the custom in this country to entertain strangers. If somebody invites other people to his own house for periods as long as from 9 p.m. to 1 or 2 a.m. and gets some few bottles of beer to entertain them, will he be involved in a court case after the election that on such and such a day he entertained people in his house ?

I think this clause is very dangerous indeed and we would appreciate it if the Attorney-General could enlighten us more on this subject.

The Attorney-General and Minister of Justice : I think there is something interesting in the remarks made by some of the Senators when talking about this clause. Some of them say they do not understand what is meant by treating and others say they seem to understand—for at least it amounts to that—but they want a time limit put to it. Why do they want a time limit if they do not know what treating means ?

We all know what amounts to corrupt practices and what is legitimate of a candidate. It is true that there are border-line cases in which the court is called upon to interpret the Bill. I think the whole thing depends on the degree and the extent of the so-called hospitality or entertainment.

When a politician begins, for instance, to kill goats in large numbers and inviting series of his constituents to his place, then everybody will know that he is in a festive mood. This is the sort of thing we must leave to decency. I believe Senators understand exactly what type of things the Bill is aiming at.

In this connection, to ease the difficulty surrounding the matter, I would like to recall the report recently (not very long ago) written for Northern Nigeria when that Government was very concerned about the question of bribery and corruption amongst the officials of the N.A. Somebody from England, a Mr Simpson, was brought to look into the matter of Local Government and he said, after an exhaustive investigation, that he could classify gifts and entertainment of various kinds into three categories: traditional, the permissible and the illegal.

Clause 5—(REMOVAL OF LIMITATION ON PERIOD WHEN TREATING IS PROHIBITED)—ordered to stand part of the Bill.

Clause 6—ordered to stand part of the Bill. Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(THE MINISTER OF INTERNAL AFFAIRS).

Senator Chief Fagbenro-Beyioku : During the debate a Senator mentioned something like thuggery. Although the Bill does not allow for it, I want the Government to consider it because it is very important. We have the Riot Act already, but during elections we know what actually happens. Therefore, I think there should be a section with effective restrictive measures to discourage political

parties from harbouring thugs who jeopardise and threaten human lives and property. If there is a clause in the Electoral Bill to this effect, it would be stronger than depending upon the Health Act or the Criminal Act which may be invoked, let me say, at will.

The Attorney-General: On a point of order, the Criminal Code specifically says "Electoral offences" and I do not think that where it is put matters very much. I would have thought that it is stronger to put it in the Riot Damages Act of all the Regions of the Federation than to put it on a purely civil matter of Electoral Law.

Question put and agreed to.

Bill read the Third time and passed.

SUPPLEMENTARY APPROPRIATION
(1963-64) (No. 2) BILL

Order for Second Reading read.

The Minister of Finance (Chief the hon. F. S. Okotie-Eboh): I have it in command from His Excellency the President, to move, That a Bill entitled—

A Bill for an Act to authorise the issue out of the Consolidated Revenue Fund of the sum of Four Hundred and Forty-Five Thousand, Four Hundred and Thirty Pounds for the purpose of replacing advances from the Contingencies Fund and of making further provision for the service of the year ending on the Thirty-First day of March, One Thousand Nine Hundred and Sixty-Four; and to appropriate that amount for the purposes specified in this Act", be read a Second time.

Since Senate last met to authorise supplementary provision in the current financial year, I have authorised withdrawals from the Contingencies Fund to the extent of £308,430 to meet urgent and inescapable public expenditures. I am bound to report such releases from the Contingencies Fund to Parliament at its next ensuing meeting in accordance with the provisions of Rule 4 of the Third Schedule of the Finance (Control and Management) Act, and also to seek Parliamentary authority to replenish the Contingencies Fund to its statutory level of £1 million. The details of such releases from the Fund are given under Head 101 of the draft Second Supplementary Estimates (1963-64) now before you. The

explanatory details at the bottom of Head 101—Reimbursement to the Contingencies Fund—give some of the details of the expenditure from the Contingencies Fund.

Apart from the reimbursement to the Contingencies Fund and the further £80,000 required to bring the total provision for the Mid-Western Region elections to £100,000, there is a further provision of £57,000 under Head 62, sub-head 7—Members' Travelling Expenses. When the annual Estimates were presented to Parliament in April last, it was envisaged that the House would meet for a total of four times in the current year. But already the House has met five times this year and provision must also be made for the Budget meeting of Parliament in March next.

I have on several occasions emphasised the importance of maintaining tight control over recurrent expenditure if the present Six-Year Development Plan is to achieve the success we all desire. Apart from the reimbursement to the Contingencies Fund, Senators will observe that the additional appropriations now required are under two Heads only and are also for items which we cannot, in any way, avoid. I therefore commend the Bill for the approval of the Senate.

I beg to move.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari): I beg to second.

Question put and agreed to.

Bill read a Second time.

Motion made and Question proposed, That the Bill be now read the Third time—(THE MINISTER OF FINANCE).

Question put and agreed to.

Bill read the Third time and passed.

SUPPLEMENTARY APPROPRIATION (1962-63)

BILL

Order for Second Reading read.

The Minister of Finance: I have it in command from His Excellency the President, to move—

"That a Bill for an Act to authorise the issue out of the Consolidated Revenue Fund of Four Hundred and Eight Thousand, and Forty Pounds for the purpose of making further provision for the service of the year

[MINISTER OF FINANCE]

which ended on the Thirty-First day of March, One Thousand, Nine Hundred and Sixty-Three; and to appropriate that sum for the purposes specified in this Act," be read a Second time.

The Director of Federal Audit, in his report on the accounts of the Government of the Federation for the year ended on the 31st March, 1963, just received in my Ministry, disclosed expenditure under four Heads in excess of sums appropriated by this Senate. Arrangements are on hand to print the report in the form in which it is generally circulated to Senators, but it is necessary to seek Parliamentary approval for the excess expenditure under the four Heads which are listed in the schedule to the Bill for the Supplementary Appropriation (1962-63) Act, 1964 now before you.

I am satisfied that the excess expenditure of £204,844 on Head 30—Ministry of Economic Development—arose purely from a clerical error in the Estimates. What Parliament appropriated for Head 30 was £241,900 short of the requirement for the Ministry of Economic Development as detailed under Head 30. Had this error in the preparation of the final summary of the requirements under Head 30 not arisen, there would have been a net saving of £37,056 on the Head. The excess of £132,333 on Head 65—Non-Statutory Appropriations of Revenue—is only a technical excess. More revenue was collected than was earlier anticipated from export duties on such items as reptile skins, animals, birds and reptiles, and fur skins, under Revenue Head I. The increased revenue from these items meant a corresponding increase in the non-statutory allocations to the Regions represented by the excess under Head 65.

As for the excesses under Head 33—Forestry (Research)—and Head 48—Prisons—my Ministry is examining the causes of the excess expenditure, and I shall not hesitate to recommend disciplinary measures if I am satisfied that there has been a lapse in the control of public expenditure in the two Departments mentioned. In any case, I ask the Senate to approve the excesses already apparent.

I beg to move.

Minister of State (Alhaji the hon. Ibrahim Tako Galadima) : I beg to second.

The Minister of Internal Affairs (Alhaji the hon Shehu Shagari) : I just like to seize this opportunity to explain a sort of misunderstanding exposed by the newspapers on the speech made by the Minister of Finance concerning the excess of expenditure in the Prisons. There were bold headlines in the newspapers yesterday to the effect that there was going to be a probe or something like that into the Prisons. There is nothing to probe there about the matter of over-expenditure. The over-expenditure in the Prisons is something which cannot be avoided because of the increase in the number of prisoners. We have no control over the increase of prisoners. If more prisoners are sent to the prisons we cannot send them out. We have to feed them, clothe and maintain them, whether we have got the money or not, and I think it is in the best interest of the country that we should do so.

The fact there has been an increase of over 2,000 in the number of prisoners this year goes to justify the over-expenditure. Perhaps that is due to the efficiency of the police and also the good steps taken by the Government in the collection of tax. It is the normal thing under this circumstance to expect an increase in the expenditure, and there is nothing new about it.

I think the newspapers only wanted to make a big news of it because of what the Minister said that he would not hesitate to take disciplinary measures if he finds that there has been a lapse in the control of public expenditure in the two Departments concerned. That is quite in order. There is nothing at all to probe into and we have nothing to fear from any inquiry. I just want to make it quite clear to avoid any misrepresentation as such.

Senator J. K. Nzerem : I thank the Minister of Internal Affairs for his explanation because the newspaper headlines did worry all of us. I remember we said on the Floor of the Senate that our prisoners ought to be well treated. After all, sometimes it is pure accident that a man finds himself in prison : such a man should be well looked after. The Government has done quite a lot to improve the standard of life in the prisons.

The explanation given to us by the Minister of Internal Affairs is very acceptable. Nobody could have foreseen such a large increase in prison population. I fear that the population

might even be increased with lack of employment. I remember reading a Court Report the other day, that a man told a Magistrate to send him to prison and that if he failed to do so he would commit suicide. He was sent to prison and the Government fed him there. If we cannot give people employment, they would be prepared to go to prison to have free meal.

We congratulate the Minister for being able to feed the prisoners even though there was no provision in the Estimate. When the Minister is making further provisions in the next Estimate I hope he will make sure that he leaves good margin, because there would be more prisoners.

Again, nobody prays for more prisoners; we pray for more employment opportunities so that our boys would not be going to prison to have free meal.

We have also spoken about improving the lot of those who mind prisoners. They are doing very important job but their lives are in constant danger with some of the criminals in the prison. This reminds me about the riot in the Ilesha prison where a prisoner was shot dead. So, it is essential that they should be given very good condition of service.

I support the Bill.

Question put and agreed to.

Bill read a Second time.

Motion made and Question proposed, That the Bill be now read the Third time—(THE MINISTER OF FINANCE).

Question put and agreed to.

Bill read the Third time and passed.

Sitting suspended : 10.43 a.m.

Sitting resumed : 11.15 a.m.

EXPLOSIVES BILL

Order for Second Reading read.

The Minister of Mines and Power (Alhaji the hon. Yusuff Maitama Sule): This Bill has been necessitated by the desire on the part of the Government to have a centralised system for the control of explosives to meet the regulations of public safety.

Senators would agree with me that such strict control is certainly essential so that explosives are only obtainable by persons or

firms for legitimate purposes. My Ministry and the Police should then, at all times, be aware of the quantities of explosives in the country and their allocation. The explosives must also be properly and safely stored. To this end, regulations are being drafted by the Ministry of Justice and such regulations will follow the pattern of the existing Explosives Regulations.

The Police will be responsible for low explosives like Fire Arms, while my Ministry will naturally be in charge of all explosives that are high and such high explosives are used in mining and in the search for oil.

It is particularly necessary to control quarrying so that we may be able to control it more effectively than it has been hitherto.

The Bill is very important, non-controversial and I commend it to this House.

I beg to move.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari): I beg to second.

Senator T. Olamijulo: I think it is very essential that precautions are taken for the safety of high explosives. In a place like Abeokuta where blasting is carried on, it is very essential that people should not be allowed to be in possession of these explosives. Explosives are being used very well and can be obtained cheaply. Therefore, I think it is important that protection should be made so that explosives would not be obtained easily in places where they are in use.

With these few remarks, I beg to support.

Senator Chief (Mrs) Wuraola A. Esan: This is a welcome Bill. We have been reading in the papers lately about the discovery of fire arms and explosives in a certain Region. I would like to know if something could be done not only with the explosives coming into the country but those that are hidden all over the country. It is very terrifying to open the newspapers and see that there are certain people who are manufacturing fire arms and explosives all over the country. If these people are not controlled, I wonder how the Government can control the present explosives being imported into the country.

I want to know what is going to be done to see that the safety of the people is guarded. There are still some explosives hidden somewhere, and people are trying to manufactur

[SENATOR CHIEF (MRS) ESAN]

fire arms. I would like the Government to clarify what they are going to do to those people in order to safeguard our citizens. Then the Government should bring legislation into being. One who leaves a snake on his roof to guard his house, and at the same time feels that he is safe, is making a mistake.

A Senator : If the snake is dead, it is harmless.

Senator Chief (Mrs) Esan : If that snake is killed, then we would welcome this legislation.

The Minister of Mines and Power : It is true that we are trying to control the sale, storage and the importation of explosives in this country. It may also be true that there are certain explosives still in the country. I am sure that the Police have been doing their very best to find those explosives out wherever they are hidden.

However, I would like to take this opportunity to appeal to conscientious and responsible citizens of Nigeria—such as the Senator—to come forward and report to the Police whenever they have any information as to the existence or location of such explosives.

We need the co-operation of the members of the public, so that the Police can do their work efficiently and therefore take away those snakes that are hidden under our roofs, in order that we may live in peace.

Thank you Mr President.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

EXPLOSIVES BILL : CONSIDERED IN COMMITTEE

Clause 1—(POWER TO MAKE REGULATIONS WITH RESPECT TO EXPLOSIVES)

Senator H. N. Udoh : I would like to refer to subsection 2 (b)—the manufacture, storage, transport or use of explosives.

I noticed during the Christmas season that so many explosives like carbide, and certain things like Indian bamboo, the explosion of which is as loud as the canons, were used by boys in several places. I would, therefore, like to know if such explosives come under this Sub-head.

The President : The Senator's question is whether the use of carbide by boys amounts to manufacture ?

Senator Udoh : Yes.

The Minister of Mines and Power : I am not in a position to say exactly whether that is an explosive in the sense of this Bill or not, but it is the intention of the Government to control as effectively as possible any kind of manufacture of explosives.

If in the opinion of experts this kind of explosive just described should be controlled, and that if it is not controlled it will endanger the safety of the public, then it will be included in the Regulations that are now being drawn up by the Minister of Justice.

Clause 1—(POWER TO MAKE REGULATIONS WITH RESPECT TO EXPLOSIVES)—ordered to stand part of the Bill.

Clause 2—ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

PENSIONS BILL

Order for Second Reading read.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari): May I move this Bill on behalf of the Minister of Establishments.

The President : You may.

The Minister of Internal Affairs : I rise to move the Second Reading of the Pensions Bill.

The purpose of this Bill is two-fold. Firstly, it is intended to apply the same conditions regarding the payment of pensions earned by government servants before they transferred to Statutory Corporations, to those civil servants who are transferred to employment which has been declared "Approved Service" under the Pensions Act. An example of this type of service is employment with the Nigerian Produce Marketing Company.

Secondly, the Bill is intended to amend the Pensions (Special Provisions) Act, 1961 to allow the increases in pensions authorised after the Mbanefo Revision of Salaries to apply to pensions earned before that period, but which had not actually been put into payment.

Senators will recall that when the Statutory Corporations were established it was the policy of government to induce as many officers as possible, who were serving in the departments which the Corporations replaced, to transfer to

the service of the new Corporations. In order to provide an added inducement for these officers, and to ensure that by their transfer they did not place their previously earned pension in jeopardy, legislation was enacted which allowed for the payment of their benefits up to the date of transfer to the Corporation if, for any reason other than as a result of being sentenced to a term of imprisonment by any competent court, they left the service of the Corporation in circumstances not entitling them to any benefits from the Corporations. This provision has since been limited in its application to a period of three years after the establishment of a Corporation as it was considered that this was a reasonable period in which an officer could settle down and finally decide whether or not he was willing to remain in the new service.

At the present time officers who have transferred to "Approved Service" do not enjoy similar privileges. Although an officer who finally retires from employment which has been declared "Approved Service" receives a pension in respect of his earlier service with government, this pension is only paid if he leaves the approved employment in pensionable circumstances. If the service of the officer is terminated for any reason which does not entitle him to benefits from his employers it is not legally possible to pay him any retiring award in respect of his earlier government service.

I feel sure that Senators will share my view that this is unfair and I am therefore, now, seeking their support in order to amend the present legislation in order that officers in this category will enjoy the same privileges as their colleagues who transferred to the Corporations with regard to the right to receive pensions which they have earned during their government service.

Section 1 paragraph 2 of the Bill is self-explanatory. It simply ensures that an officer cannot draw the pension earned in respect of his previous government service at the same time as he is employed in any undertaking which has been declared "Approved Service".

The second section of the Bill is concerned with what is really a technical amendment. After the revision of salaries, as a result of the

Mbanefo Report in 1959, the Pensions (Special Provisions) Act was passed to allow increases to be paid on pensions which were in payment before 1st September, 1959. The wording of this Act precluded these increases from applying to pensions which had been earned by this date, but which had not been put into payment. Those persons adversely affected by this were officers who had transferred to the Statutory Corporations or to employment which had been declared "Approved Service", before this date. If these persons had been drawing the pensions before this date they would have received the increase.

However, as the pensions were in effect frozen and would not be paid until the officers subsequently retired, the increases could not legally applied. This was clearly not the intention of the Act and, I seek the approval of the Senate for this defect to be remedied.

I beg to move.

The Minister of Defence (Alhaji the hon. Muhammadu Ribadu): I beg to second.

Senator Chief O. A. Fagbenro-Beyioku : This is a welcome Bill, but there are lots of things involved, particularly as these things affect officers transferring from government to Corporations. There is one tricky point which has not been cleared to the satisfaction of everybody and that is, if a man who has been working for upwards of about ten or fifteen years, and is as such entitled to a pension is eventually transferred to a Corporation, the pension he has thus earned must remain undisturbed. This pension which he is entitled to, must be carried forward to the Corporation.

Should he subsequently get into any form of squabble with the Corporation, I maintain that if it is not a matter involving serious misconduct like theft, he should not be deprived of the pension which he has earned under the Government. His pension should be paid to him even though he may not get the additional pension he has earned while in the service of the Corporation. But the position has not been properly established and the position has also not been properly understood as to what the exact practice and exercise should be.

[SENATOR CHIEF BEYIOKU]

Again, the matter becomes more complicated. This is Pensions Bill, I agree ; I am not trying to digress. With the introduction of the National Provident Fund scheme, through which some people when in Government were eligible to some sort of ex-gratia payment under the superannuation scheme (which is a sort of pension scheme for non-established servants of the Government), the position of these people whether they are contributors to the National Provident Fund scheme or whether they continue to enjoy their superannuation status has not been properly defined.

I think the gentleman who came out to advise the Government on the introduction of the National Provident Fund scheme had something to say about this. It appears, however, that the Government has not made up its mind about it and it is leading to very serious complications in the various Corporations.

I feel that when this particular Bill was to be introduced, the Government should have taken notice of that situation with a view to ameliorating the hardships or the sufferings of the people who might be affected by these matters.

This is a welcome Bill quite all right and I do not think it is controversial in any point other than that it is not complete. There are other aspects to be looked into, particularly those affecting people who have transferred from Government to Corporations.

Again, whilst on this question of pensions, I want to refer to people who are drawing very poor pensions in this country and to the best of my knowledge, a lot of petitions have been sent to the Government about them. I feel Government should be graciously pleased to consider some sort of action which will remove the hardships that some of these our pensioners are now undergoing. We know that in this country there are people drawing pensions of about £2 a month, some £1-10s and some even £1. I do not see how these people can keep body and soul together with such meagre amounts.

We all know the ways of our Government. Any time the Government felt that people were really suffering, it had always done its best to remove the sufferings but if the Government has not known that there are pensioners in this country who are suffering, I want to take this

opportunity to let the Government know and to appeal to the Government to give some favourable consideration to their conditions.

I beg to support.

The Minister of Internal Affairs (Alhaji the hon. Shehu Shagari): I cannot see the point Senator Chief Fagbenro-Beyioku was trying to make because this Bill specifically provides for the officers who have transferred from Government to Statutory Corporations and what the Senator was asking for is actually what this Bill is seeking to do.

The Bill seeks to make provision that officers who have transferred from the Government service to public corporation should not in any way lose their pensions which they get from the service of the Government. So, in actual fact, I cannot see what the Senator has to complain about.

As regards the National Provident Fund, that is a matter for my hon. Colleague, the Minister of Labour. However, the point made by the Senator is well taken and I am sure it will be looked into.

In respect of some of the pensioners the Senator was referring to as getting meagre pensions, I have to say that payment of pensions is based on the actual earnings of the pensioners when they were in the service of the Government and the calculations are based upon their own salaries while they were in the service, although from time to time the Government does revise these rates to make for the increased cost of living because some of them retired several years ago when the salaries were very low. This is always taken into consideration when salary increases are made.

A revision of pensions had been made in respect of pensioners who retired a long time ago. I think one or two years ago there were increases on these pensions and the Government has always been willing to look into these cases whenever they do arise. When there are increases in salaries, usually the pensioners themselves ask for increases on their pensions and the Government does consider these requests.

Question put and agreed to.

Bill read a Second time;; immediately considered in Committee; reported, without Amendment; read the Third time and passed.

AIR FORCE BILL

Order for Second Reading read.

The Minister of Defence (Alhaji the hon. Muhammadu Ribadu) : I rise to move—

That a Bill for an Act to make provision for the establishment, government and discipline of the Nigerian Air Force, and of an Air Force Reserve, and to provide for other matters connected therewith or ancillary hereto, be read a Second time.

The purpose of establishing an Air Force is to ensure that the country's defence forces develop in a balanced way along modern lines. It is well known that in modern Defence operations ground and naval forces are largely ineffective unless they have air support.

Among other things, the Bill makes provision for the creation of an Air Council, which is responsible, under the general authority of the Minister of Defence, for the command, discipline and administration of the Air Force. It vests the operational use of the Air Force in the Commander, subject to overall direction by the Council of Ministers. The Bill also lays down the procedure for the appointment of officers, their promotion and retirement. In fact, the provisions of the Bill do not contain anything new; they follow the patterns of corresponding legislation for the Army and the Navy.

In one important respect, however, the establishment of the Air Force differs from that of the Army and the Navy. In the Air Force, we are starting with an all Nigerian outfit in personnel and in every other respect. There are no seconded staff; instead, we have an Assistant Group, so that from the very beginning the command of the Nigerian Air Force will be in Nigerian hands.

In my speech in the Lower House, I thanked the Government of the Federal Republic of Germany for making the Assistance Group available to us. I have also expressed our gratitude to other countries that have very kindly offered us training facilities in their countries. I am sure that all Senators will associate themselves with this sentiment.

I beg to move.

Minister of State (Dr the hon. E. A. Esin) : I beg to second.

Senator M. G. Ejaife : Mr President, the first reason that I have for welcoming this Bill is that at long last, Nigeria has come onto her own in matters of defence. It has been said that no bird can fly on one wing alone and to-day, no country can defend itself on merely one arm or even two arms. Every country generally has three arms of defence: the army, the navy and the air force, and I think it is a very welcome thing that Government has proposed setting up a Nigerian Air Force.

The bulk of this Bill is, I think, non-political but purely administrative. It has to do with administration, government, discipline, trial and punishment, appeals and related matters. I think that this is something on which, I, as a Senator, cannot have much to say. I think it is a matter for an expert and I think it has been well drafted.

In respect of Part I of the Bill, I do not think that I have much to say, but I would like to point out something in relation to Part II, and first of all, I start with "membership". I think there is the tendency for co-operation in the Federal set up to reflect the Federal status of the Republic and in this respect I should have thought that the membership of the Air Council should have included representatives from the various Regions. We have here, and I quote with your permission Mr President :

"Membership of the Air Council shall consist of—

(a) The Minister, who shall be the chairman of the Air Council ;

(b) the Minister of State responsible for the Air Force ;

(c) the commander ;

(d) the permanent secretary of the Ministry responsible for defence, who shall also be the secretary of the Air Council ; and

(e) such other persons as the Prime Minister may appoint".

It ought to have been specified, in my opinion, that the Prime Minister should have been obliged to appoint someone that he likes from each of the Regions in order to reflect the federal nature of our Republic.

As to section 5—I have just quoted from section 4—it appears that the framers of this Bill have not made up their minds as to what

[SENATOR EJAIFE]

the powers of the members of this air council shall be, and in fact, judging from the wording, they seem to have been given no powers at all. They have functions, it is true, but I think we ought to call a spade a spade.

The main powers are in the hands of the commander but the air council has plenty of functions and, I think, reading through the various provisions, the proper name has been given to them at page C307 where we are told that :

“there will be a commander of the air force and an air council with functions similar to those exercised by the Army and Navy”. So that if the council has any powers, the powers ought to have been specified, but as they are, they are vague.

I do not think I have anything to add except to point out a printer's error. The last sentence under the explanatory memorandum, I think should read “provisions are made” and not “provisions is made”.

With these few points, I very heartily welcome this Bill.

Senator M. B. Chukwubike : I am supporting this progressive Bill and congratulating the hon. Minister of Defence for its timely introduction. I praise the Minister not because he does his normal duty but because he does it very well and in time too. We believe that even though we are a peace loving nation we should be prepared for any eventuality either from the air, land or sea. This, indeed, is a right move in the right direction.

I have only one remark to make which I believe is relevant to this Bill. The Nigerian Army is growing from strength to strength every day. This is very, very good, but what beats my imagination is how the selection of young boys into the Nigerian Army is carried out. It is very, very miraculous. I do not know whether the government created a special area for selecting these young boys into the Army. I say all this because many boys from Eastern Nigeria who often go to Enugu for selection come back each time to say that they have not been selected.

The President : May I remind the Senator that this Bill is not on the Army but on the Air Force.

Mr Chukwubike : I abide by your ruling, Sir, but what I am saying is that most of these

boys have the requisite secondary education and, therefore, I suspect some irregularities are going on. So I am appealing to the Minister here now to look into the matter very urgently.

Senator Salahu Fulani : Although one does not want to speak unnecessarily, this House is so honourable that one should not expect such a statement from Senator Chukwubike.

Several Senators : Why ?

Senator Chukwubike : What I am saying is that there are certain irregularities and I am appealing to the Minister—

The President : The real point of order concerns “relevancy.” The Senator has been talking about the Army, this Bill is on the Air Force ; that is the real point of order.

Senator Chukwubike : What I am saying is that the Minister should look into this matter and see that the right people are recruited into our armed forces.

Senator Chief S. T. Hunponu-Wusu : I would like to thank the Minister of Defence for the timely submission of this Bill. According to one of our Senators the time has come now that Nigeria must be well defended. As a matter of fact, we have been moving fast with the Army and the Navy. We now realise that the time has come for faster development. What I mean by faster development is that with the Air Force, the movement of our Ministers ought to be quicker, when they go from place to place than when they have to go by land or sea.

We are grateful to the Minister for submitting this Bill for our blessing this morning and I will urge him to speed up the matter as much as possible, and to see that the development of the air force is carried out very quickly. Our boys who are now out of school and who have nothing to do should be recruited into the Air Force.

We need more men and women in our Air Force to carry out the duties. Some of the Senators who have travelled abroad know the importance of the Air Force. Fortunately, to-day we have our women who are hostesses serving in our planes. I am happy that the Minister of Defence is here. It is enormous—

The President : May I remind Senator Chief Wusu that this Bill deals with the Air Force and not with the Civil Aviation or the Airways, if he wants to dwell on Air Hostesses. I do not know whether there are hostesses in the Air Force.

Senator Chief Wusu : I thank you very much for the little correction and I accept it with pleasure. What I am saying is that we would like sufficient training to be given to our boys and girls as is being done in the Military Force as well as in the Navy.

With these few remarks, I beg to support.

Senator Salahu Fulani : This is a very progressive and welcome Bill. I have nothing to quarrel with in it, but I have to sound a very big warning. We are now passing through the age of nuclear weapons. The Air Force, the Navy and the Army are very good. We have to defend our country from the air, from the land and from the sea. It is up to the Minister of Defence to begin to think of how we can protect our fatherland from nuclear weapons. Immediately we have a very strong Air Force, we must also be prepared for any eventuality that might come from outside as far as nuclear weapons are concerned.

I welcome the Bill.

Senator Chief O. A. Fagbenro-Beyioku : I think if my memory will serve me right, this is a very rare occasion when we have got the Minister of Defence to come and introduce a Bill in this Senate. I think this is a very good beginning for 1964, and the Bill he seeks to introduce now is one which gives us defence—full coverage—and I am sure we are properly covered. The Minister of Defence by nature, by comportment, by physical appearance and by everything, has got the stature to carry the defence of this country. He has been doing it with such efficiency as a result of which he has won the affection of all sides of the country. We will continue to pray for him that in the matter of the defence of this country, may he be guided aright from above.

The question of Air Force is something which we have mentioned on the Floor of this Senate on several occasions. It is a desirable thing and something which can never come too soon. We have the Army and the Navy, but the present day warfare depends largely on the Air Force. If in the past we had been

spending 10 *per cent* on our Army and Navy, the country should not feel worried to spend about 80 *per cent* on the Air Force because there lies the real defence.

The other thing on which I would like to congratulate the Minister of Defence is this. I have not taken particular care to study some aspects of the Military Ordinance as affecting the composition of the operational authority, but in the composition of what is called Air Council, for the first time we are running away from regional outlook. It is something which I have been condemning on the Floor of this Senate from time to time. For the first time, we are passing a Bill which makes Nigeria a nation, and we will be talking as a nation because the Air Council will not be composed of representatives from the East, from the North and from the West. We must not continue to do things which make us to become region-conscious. Until we get out of this region consciousness, the solidarity as well as the unity of this country will not be properly established. For that reason, I have to congratulate the Minister of Defence for not bringing this regional outlook, otherwise membership of the Air Council should have been four from the North, four from the East, four from the Mid-West, and four from the West, and then I will stand up again to say: "What about Lagos". I am spared that now; I am highly impressed about that.

In future, our Bills should not be region-conscious; we should do things as one people. By that we shall be achieving the objective which we fought for in this country, and that is independence.

There is one thing that I would like the Minister of Defence to take care of, or perhaps which he would like to explain, and that is what Senator Ejaife mentioned briefly—the question of the powers vested in the Commander, *vis-a-vis* the powers vested in the Air Council. According to the Bill, subject to certain overall generalities, the power is vested in the Commander. I cannot just understand that. I know very well that when it comes to operation when we are at war, whoever commands the Army must take the initiative. But I feel that on the question of making the first use of the Army when we want to go into combat with the enemy, we must be clear about it. Where does the authority come from? We know that the President is the Commander-in-Chief of the

[SENATOR NWOKE]

I feel that Nigeria should also at a later date begin to try her hands on missiles. It is said that when we want peace we should go to war.

The President : No. Do you mean when you want peace you prepare for war or you go to war? Which is it?

Senator Nwoke : I am sorry, Mr President, I mean we prepare for war. We must be prepared to attack any nation that is attacking us. In recruiting persons into the air force, care must be taken to expunge tribalism and nepotism. We should go all out for men and women who are fit to join the Air Force.

The question of representation on such a Council is a delicate one. If we provide for the representation of Regions, we might be paying lip service to the oneness of the Federation. At the same time, if we allow a little bit of latitude to the men doing the selection, we are adequately covered by Clause 4 (1) (e)—

"such other persons as the Prime Minister may appoint."

I know the Prime Minister will have to use his discretion to go round the Federation without necessarily naming the various areas from which these people come, but, at the same time, he can know what is going on by selecting people from all the areas. We may trust the present Prime Minister, but what about others who may not be trusted? I feel that making provision for the Regions to be represented is the correct thing. If we have the Premiers of the Regions representing the Regions on the Police Council, I see no reason why the Regions cannot be similarly represented on the Air Council. We do not know what will happen tomorrow. Difficulties may be created, mankind being what he is. So, I think when the time comes, we shall see whether we cannot implore the Prime Minister to think along that line since we have a Federal set-up.

May I appeal to the nationals of this great Federation to come forward and join the Air Force. There is no reason why we should not have a very strong and powerful Air Force. I wish I were still young, I could have volunteered to join the Air Force. Everything connected with the Air Force should be efficient. It is just like the medical department. A Pharmacist giving drugs to patients can reduce the population of the country if he is careless. So it is with recruiting people for the Air Force.

The slightest mistake we make at selection and training will reflect drastically against the whole nation, whether the nation is at war or preparing for war. There must be efficiency in every department of our Air Force.

There is also the question of equipment for the Air Force. If we want to prepare for war or for peace we must have some equipment. There is no need packing secondhand machinery into this country. May I warn the Government straightaway that those in training and those still to be trained should be given the modern type of equipment to train with.

With these remarks, I support the Bill.

Senator Chief R. A. Umoh : I am always interested in anything that has to do with the defence of this country. First of all, I have to pass my congratulations to the Minister of Defence who has brought this Bill in time.

It is true that our country is a Federation and every Region will want to send representatives to the Air Council. But I must give a strict warning that if we are going to establish our Air Force, it must be the best. Let us be very careful when we speak of regional recruitment and regional representation on the Air Council. We want to set up an Air Force that will be a pattern to other countries of the world and we want that pattern to be the best. We do not want to recruit ten people from a Region because the Region is large and five or six people from another Region because the Region is small. All we want is the best; it does not matter where they come from. We want an Air Force worthy of the name of the Federal Republic of Nigeria. We should not let the question of Regional representation be a weakness to the Air Force.

I am happy that the Federal Government is interested in the development of science. We should open factories in Nigeria where we can manufacture our own ammunition. What would happen if the country from which we buy our ammunition decided to attack us? They manufacture these things and they know what the ammunition are capable of doing. As we develop our Armed Forces we should think of establishing our own ammunition factories. We should send our men to the powerful countries of the world to learn how these arms and ammunition are manufactured so that they can come back and manufacture these things for us.

When I spoke about the Army the other time, I warned the Minister of Defence to make a study of our Army himself. The Minister should not be satisfied with building the Air Force alone. He must make the Air Force efficient. Let him see what is going on there and see that he is satisfied with every movement as regards the type of people to be trained and the people working there.

I am not saying that people from the Regions should not be recruited into the Air Force, but at the initial stage the best should be recruited into the Air Force and it should be left in the hands of the Commandant. The Commandant is the President of the Federal Republic of Nigeria—

A Senator : No.

Senator Chief Umoh : I am sorry, he is the Commander-in-Chief. I am speaking about Regional representation in the Air Council. I am saying that we can leave that for the moment and whichever Commandant is doing the recruitment should recruit the best. We should leave the question of Regional representation in the Army—

Senator J. K. Nzerem : I am afraid the Senator is confusing the Commandant and the Commander-in-Chief and recruitment into the Air Force. We are talking about the Air Council, not recruitment into the Air Force ; that is the work of experts.

Senator Chief Umoh : I do not think I am confusing myself. I am talking about the type of Air Force we want. I will repeat that whoever is going to be in charge of recruitment into our Air Force should recruit the best people. Only the best is good enough for this country.

I beg to support.

Senator Chief Z. C. Obi : I must speak in support of this nice Bill, and I also join in praising the Minister for his foresight and for the able way in which the Bill has been prepared. I know that it is not the intention of this Senate to block this excellent Bill, but the point that previous speakers were trying to make is that the question of regional representation is a very important one, and I want to lay emphasis on that. After all, when the Bill was brought before this Senate, I know it was not just brought for us to rubber stamp it.

I want to assure the Minister that while we appreciate his excellent work, we feel that it is very, very necessary that this regional representation on the Air Council should be considered.

With these few remarks, I beg to support the Bill.

Senator Alhaji Abubakar Bale : I support this Bill wholeheartedly. I congratulate the hon. Minister for the trouble taken in preparing this Bill, and for coming here for the first time. Of course any country should be prepared against any other country which might have any intention to fight against it. Although our country is a peace-loving country, it is not for us to sit still because of that. We must get prepared, and this Bill is part of that preparation.

On the question of Regional representation which has been debated upon by several Senators, I think the Minister himself will be able to judge aright what sort of people should be recruited into the Air Force, and whether they should come from the Regions as suggested by some Senators from the Federal Government or from any other place where he thinks the best recruitment could be made. The issue is to get the best recruitment, befitting the dignity and prestige of the Nigerian Air Force ; the issue is not whether the members should be divided among the Regions or not. We do consider Regional representation in most things, but not in all things.

We have assigned responsibility to our Minister, and we have faith in his leadership. He certainly knows what is good for us, because we trust he would lead the country to the standard we expect. We should, therefore, not drag this question of Regional representation any further. I think the hon. Minister might give some few remarks in his summing up so that we might be able to understand what this Council will be like.

The Minister of Defence (Alhaji the hon. Mohammadu Ribadu) : Mr President, Senator Chief Fagbenro-Beyioku has rightly said that this is the first time I happen to introduce a Bill into this Senate. I must have introduced a Bill that everybody was looking forward to, and I am very grateful to the Upper House for receiving this Bill whole-heartedly.

Yesterday I introduced the same Bill into the Lower House, and the same thing also happened

[MINISTER OF DEFENCE]
there. The Bill was received by all sides of the Lower House, and to-day too, by all sides of the Senate. I am very grateful.

Some Senators have mentioned the question of having Regional representation on the Air Council. This is absolutely impossible. It will not be done, as it has never been done anywhere in the world. The Air Council is an organisation for the internal administration of the Air Force. We have a similar thing for the Navy or the Army. As we put it here, the Council will be responsible for command, discipline and administration. It will be responsible for the entire working of the Air Force; no one from outside is allowed to join.

Again, the Armed Forces are of high security in their nature. It is not an organisation where you can draw representation from wherever you like. Then if you do it, it is highly dangerous. There are so many things with regard to the Armed Forces which I would have liked to tell you. I could have told you if there was no Gallery; but the Gallery is here, so I cannot help it. As I used to tell the Lower House, if they wanted to know anything about the Armed Forces which I could not say in public, they could come to my Ministry, and I would explain to them.

The Air Council is unlike the Police Council. The Police Council—the Police is a disciplined Force of course—is part of the Civil Service. The Police Force is not like the Armed Forces. In the Regions, the Police could be ordered by the Governor of the Region or the Premier of the Region, but in the Armed Forces, they have no hand whatsoever there. It is entirely a national organisation, and nobody could say anything with the Armed Forces except from the Federal set-up. So I would like Senators to draw a line between the Police Force and the Armed Forces.

We in the Government would like to maintain this Federal nature on things where we think Regions should not come in. We will not hesitate to bring in Regional representation on matters we think the Regions should have a say in. We will not wait to be told. The Air Council is not a subject on which a Region should be represented. It is an entirely national organisation which should administer the Air Force, just as we have the Navy Board and the Army Council. So it is only people

in the Ministry of Defence, the Army Council or the Navy Board that could be allowed to be members of the Air Council.

Some Senators also mentioned recruitment. The Air Council is not the body that will do the recruitment. The policy will be that advertisement will be put in the press and we will write to all the Regional Governments to notify those who would like to come forward to join the Air Force to do so. And then the experts in this field will make a very careful selection of whoever they wish to take along. It is wrong to suggest that there would be any nepotism or favouritism, for if you select somebody because he happens to be your brother or your sister what happens when he is recruited and sent to a remote station where nobody knows him?

We are very vigilant about the responsibility of this country and we feel everybody should contribute to it. Therefore we would like people who are serving in the Air Force to come from all corners of this country and they must be just the very best. It is not a question of this man being my brother or that man being my cousin. We want all corners of this country to be fully represented in the Air Force.

Yesterday in the Lower House the progress report of our flying cadets in Canada was shown to hon. Members in the lower House; I am sorry I have not got the copy here with me, but in it was said "these sixteen cadets were very carefully selected and they are doing their utmost best in Canada."

One Senator said that some people come for selection and then go back disappointed. This is inevitable, because if we advertise for, say, 200 vacancies, 2,000 may turn up; and all of them will have to go through various tests and examinations in order to bring out the best in them. Therefore in the process some of them will surely be eliminated, some of them may even back out because of one reason or another and in the end only the required number will be selected; and the rest will go back without being selected.

The countries which are helping us to train our men may ask us to send just five and we cannot send more than the number specified and for which they have places for our men. We have to be fair to everybody. We advertise and say that every eligible person should come

forward at the Government's expense, and if people come forward we select only the best from amongst the lot. This is the position.

Somebody also mentioned the question of equipment. I want to make it clear that I have never allowed myself to be engaged in buying secondhand weapons because it is not wise to do so. It costs a lot to buy any new equipment, but my policy and the policy of the Councils of the Army and the Navy has always been to buy only the best. What we normally do is that we send members of the Armed Forces to go round everywhere in the world for the best and up to date weapons, and I must give the assurance that we will continue to do so.

Senator Chief Fagbenro-Beyioku spoke about the placing of overall command in the hands of the Commander of the Air Force. As I said the Air Council is for the internal working of the Force, so we have no operational control. The Air Council is responsible for the command, discipline and administration of the Air Force, and we cannot say or order any soldier to go and fight this or that country. This operational control is vested in the Council of Ministers; so if there is need to send our troops to go and fight anywhere it is the Council of Ministers which will sit and decide that they should go. But in the case of an emergency where it becomes absolutely necessary to send out our troops then the Prime Minister has this power to order whoever is the commander to send troops to any specified place, and the Prime Minister will then convene a meeting of the Council of Ministers.

I think it is because of a misunderstanding that some Senators have made the suggestion that the Air Council should have Regional representation. As I said earlier this Council is an internal organisation mainly for the smooth running of the Air Force, and it is safer if you do not allow anybody who is not directly connected to come and join this Air Council, or the Army Council, or the Navy Board. This is so because, for security reasons, we have to be very careful about the people we are dealing with in this Council. We have got to discuss matters of high secrecy or we may decide to buy some weapons and we would not like our enemies to know anything about whatever we discuss. So

unless you know the people you are dealing with—the people over whom you have control—it will be very dangerous to carry on business with them.

This military Bill and it is a carbon copy of what obtains in the United Kingdom or America. And whatever you see in the Bill, if you go to the Ministry of Defence in the two countries I have just mentioned you will see the same thing. The interests of the Regions are adequately represented, in that the Air Force, or in short the Armed Forces, is out to defend the borders of this country, no matter whether on land, in the air, or at sea.

Our main objective, as Senator Chief Beyioku has said, is to ensure that if we are attacked from the air we have to send out our Air Force men to meet our attackers in the air; if they come by land we have the Army which is second to none. They have made their name, and anywhere our Army is mentioned all you hear is that the Nigerian Army is second to none. This is because the Nigerian Army will never surrender in any war. They may be attacked but they are never surrounded.

So, we are doing our best to organise our Navy, and as everybody realises the number one duty we have to perform in this country after becoming an independent nation is to protect our borders. We are not aggressors, but have we got any justification to say nobody has any ambition of aggression? Nobody knows. Just like one Senator said: if you want peace at all, prepare for war.

The reason why we have not had a third world war is because everybody is on the alert. If America says that everything is alright with them and that they are not going to prepare any more for war, then we shall have a third world war. And so, in Nigeria, with our little bit, we are doing our best to prepare for war but not to attack. If somebody attacks us he will find that he is attacking a giant. (*Hear, hear.*)

Once again I would like to express my gratitude to the Upper House for giving me this happy welcome and receiving my Bill whole-heartedly. Thank you very much.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

AIR FORCE BILL : CONSIDERED IN COMMITTEE

Clauses 1-3—ordered to stand part of the Bill.

Clause 4—(MEMBERSHIP OF AIR COUNCIL)

Senator J. K. Nzerem : With all the Minister of Defence has said, I still believe that we should make our status felt in our Constitution and in our laws, and I believe also that no one in the whole of this country can convince me that if you go through the Northern Region you will not find one man suitable to be a member of the Air Council : if you go to the East you will not find one suitable and if you go to the West and the Mid-West you will not find people suitable to be on the Air Council.

I know the Minister has very good intentions and I am sure that he is going to appoint representatives from the Regions. I am definite about that, but I want it to be written into the law. That is all I am asking for ; that the Premier of the Regions should nominate one man each to be on the Air Council. Then the Minister of Defence will examine to see whether that man is suitable ; and if he is not suitable he will say so and then another man will be appointed. I am not asking for anything extraordinary, nor am I being parochial. So, Sir, my Amendment is that for (e) instead of

such other persons as the Prime Minister may appoint,

I want put in

one member representing each Region to be appointed by the Prime Minister on the recommendation of the Premier of the Region and one member representing the Federal Territory of Lagos.

The Minister of Defence : I oppose the Amendment and, as I explained before, the Air Council is for the internal working of the Air Force and even in the Bill they say "other persons". If the Prime Minister has got to appoint them they have to be members of the Defence Council. It is like saying that we shall send representatives of each Region to go and work in each Ministry. It is absolutely untenable ; it cannot be done.

So, we have regional representation in the Defence Council where all Premiers come ; where all the policies on defence are discussed :

what will be size of the Army, the Navy and the Air Force ; how we are going to run them. This is the Defence Council ; but the Air Council is for the internal working of the Ministry of Defence. I am assuring Senator Nzerem that if he cares to come to my Ministry I will show him how we work and he will be convinced that it is entirely an internal working of the various arms in the Defence Ministry. It does not go beyond that.

And so, I think the Senator will agree with me that if it is possible at all I will be the first one to propose the Amendment before it comes here. This is what happens all over. Wherever you go you find that there are Air Councils, Army Councils and Navy Councils to work for the smooth running of the Armed Forces.

Senator Chief A. O. Fagbenro-Beyioku : I feel that the question of regional representation in accordance with our normal practice in this country is desirable. But in respect of this particular matter I feel that there should be no need for us to press the matter to breaking point. It appears that our conception of the Air Council was different at the first instance ; but from the explanation of the Minister of Defence, that the Air Council was not going to be an operational council or something to direct combat or things like that, but just something of a purely administrative nature within its Ministry, and that knowing very well what amount of security defence means, I will appeal to my good colleague to withdraw this Amendment.

Senator J. K. Nzerem : I am grateful to the Minister for his explanation. My conception of it is that it is going to be a council of experts : those who are versed in the technical knowhow. That was what I understood it to be when I read through. I thought it was people who would come just like the Education Board where you get men to say how education is going to be run in the country.

Well, if this Commission means a Commission of experts within the Air Force, then I think, my Amendment is out of order. On that score I am withdrawing it. But I want to make it quite clear that whenever we choose to have a Federal set-up we cannot get away from Regional representations where applicable.

Amendment, by leave, withdrawn.

Clause 4—(MEMBERSHIP OF AIR COUNCIL)—
ordered to stand part of the Bill.

Clauses 5-209—ordered to stand part of the
Bill.

First and Second Schedules agreed to.

Bill reported, without Amendment; read the
Third time and passed.

ADJOURNMENT

*Motion made and Question proposed, That
the Senate do now adjourn sine die*—(MINISTER
OF STATE—SENATOR DR E. A. ESIN).

Question put and agreed to.

Resolved: That the Senate do now adjourn
sine die.

*Adjourned accordingly at five minutes to
one o'clock.*

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5th-8th August, 19th-21st September, 2nd October, 1963 and 10th-11th January, 1964

EXPLANATION OF ABBREVIATIONS

Bills : Read First, Second or Third Time=1R, 2R, 3R

Com.=Committee

Q.=Question

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