

PROCEEDINGS OF THE
NATIONAL ASSEMBLY

DEBATES

First Assembly

First Session

SENATE

OFFICIAL REPORT

VOLUME III

FEDERAL REPUBLIC OF NIGERIA

ALPHABETICAL LIST OF SENATORS

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SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Monday, 3rd December, 1979
The Senate met at 3.40 p.m.

PRAYERS

(The President in the Chair)

PUBLIC BUSINESS

**Dissolution of the National Science and
Technology Development Agency Bill**

A Bill to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, assets and liabilities to the Minister of Science and Technology and for purposes connected therewith, presented by Senator Sola Saraki (Ilorin/Asa); returned by the House of Representatives with Amendments.

Senator J. S. Tarka (Benue East-Central): Mr President and distinguished Senators will recognise the fact that this Bill was passed here as a result of deliberations and it was also taken by the Members of the House of Representatives. We deliberated and passed the Bill and we thought that that was the end of it, but it seems to me from the wordings of the Bill today that the Members of the House of Representatives have executed certain Amendments to our deliberations. It has, therefore, become pertinent to re-introduce the Bill as amended for consideration by the Senate. This is just a matter of procedure, and I hope that Senators have copies of the Bill before them. I, therefore, move that the Bill be taken in its present contents.

Senator Ibrahim Jalo Waziri (Bauchi East): Sir, I beg to second the Motion.

The President: The Motion before the Senate is that the National Science and Technology Bill which is before you this afternoon, as amended, following the Amendments filed by the House of Representatives, be now discussed.

Question put and agreed to.

**Dissolution of the National Science and
Technology Development Agency Bill**

A Bill to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, assets and liabilities to the Minister of Science and Technology and for purposes connected therewith—Considered in the Committee of the Whole Senate.

The Chairman: Order! Order! The Senate is now in Committee.

House of Representatives Amendments considered.

Clause 1.—(POWER OF MINISTER TO ESTABLISH RESEARCH INSTITUTE).

Senator J. S. Tarka (Benue East-Central): Mr Chairman, Sir, I would like to refer the Senate to Clause 1 of the Bill and the relevant Amendments

proposed as marked in the Bill. I do not know the marking in distinguished Senators' copies but the marking in mine is stated in smaller letters and it reads as follows:

1.—(1) *The Minister may, with the approval of the President, by order published in the Gazette, establish research institutes and the provisions of Schedule 1 to this Act shall apply in relation to any institute so established—and thus the Amendment reads—provided the siting of such institutions reflect the Federal character of the country.* I move that the Amendment in Clause 1 be accepted.

Senator Ibrahim Jalo Waziri (Bauchi East): Mr Chairman, I beg to second the Motion on the Amendment to Clause 1.

Senator Emmanuel Idahosa Oluwafemi Akpata (Bendel Central): Mr Chairman, Sir, I think that I am rather sceptical about this Amendment. Science usually does not allow for this type of thing, what we call Federal character of the country. Suppose there is no research institution in one State, let us say, Rivers State, and we want to set up a research institution dealing with reclamation of desert, should we then, in order to satisfy the Federal character of the country, because that State lacks a research institution, place a research on desert encroachment or reclamation of desert in the mangrove swamp? Or, if you are doing some work on mangrove swamp, as I know, for example, that you could use mangrove, that is the species *Rhizophora Racemosa*, for making rayon, artificial silk, would you—

The Chairman: There are certain approved languages under the Constitution to be used in this Senate.

Senator Akpata: Yes, I thought that there is only one name which everybody will know for mangrove, so I gave the botanical name. My Friend from Niger is not here, he would probably follow.

I think that we are getting so fussy about this Federal character. There are certain things which are not susceptible to Federal character, and I would have thought myself that the way it stood before was quite in order that the Minister or the President could be trusted to use his judgment to see that these research institutions are sited in the proper places. Indeed, when you intend to have too many research institutions to please everybody, you have to think of the administrative costs. You have to increase the number of pipettes, the number of tests tubes, the number of beakers for pure simple matters, whereas if you were together in one or two places, your costs would have been cheaper.

So, frankly, I will hesitate to support this Amendment. In my view, it will result in duplication of unnecessary waste of manpower and unnecessary waste of scarce resources. And what is more, it is bound to lead in the end to artificial attempt at what we call unity when we will be chasing a will-o'-the-wisp. Thank you.

The Chairman : I recognise the distinguished Senator from Benue, Senator Ali.

Senator Amadu A. Ali (Benue West) : Thank you very much, Mr President. I think this Amendment, the way it appears to me, does not convey the meaning that the Mover wanted—*Provided the siting of such institutions reflects the Federal character of the country.* I think when we talk of a siting, Lagos reflects the Federal character ; so everything can be sited in Lagos. I think what the man is thinking or what the Amendment is meant to say, is that *provided the siting of such institutions shall, as far as possible, be spread all over the Federation.*

You see, the siting cannot reflect the Federal character unless it is in the Federal Capital. For example, I do not see what the Nigerian Cotton Board headquarters is doing in Lagos. It should be somewhere in Kaduna or Kano. That is what this Amendment is meant to reflect but here they say, *provided the siting reflects the Federal character.* The only siting of anything that reflects Federal character is to have it in the Federal Capital. But if we say as far as possible that it should spread all over the country, that would be more meaningful to me.

The Chairman : Will this not be in conflict with what the distinguished Senator has said that in fact, you cannot afford to site a Research Institute that deals with the desert down in Degema or somewhere?

Senator Ali : I agree, Mr Chairman. What he is saying in effect is that a Research Institute that deals with specific *fauna* or *flora* must be sited in the place where the problem is. That is why I give that example. The Cotton Board or West African Cotton Association should not be in Lagos ; it should be somewhere in Kano or Funtua. That is what Senator Akpata is saying in effect that there is no need having a Research Institute that deals with Mangrove Forest sited in Kaduna simply because there is no Research Institute there. What I am saying here is that the siting they mentioned reflecting Federal Capital means the Capital of the Federation every time and that is not the intention I am sure.

The Chairman : Order! Order! Order! Let us take a look at the Amendment. I will allow only a few speakers. I think personally that the Amendment is talking about *such Institutions.* By this, I understand it to mean that the Science and Technology will be dealing with several Institutions and that as such, any Institution that deals with Cotton will be sited in Kano. The one that deals with oil will be sited in Degema, the one that deals with Uranium may be sited in Benue.

Senator J. S. Tarka : Mr President, Sir, I am not trying to stop distinguished Colleagues from speaking. If I may say so Sir, just a few weeks ago, we passed certain Ministers here in the Senate. There was a paper to the effect that appointment of Ministers does reflect the nature of the Federal character.

The Chairman : That is entrenched in our Constitution.

Senator J. S. Tarka : Yes Sir. I am trying to compare the analogy. The words, *the Federal character,* are used for the spread of the Federation as

such. Now, the Ministers that we passed here, to all intents and purposes, we believe were good men and therefore we entrusted them with the task of holding ministerial appointments. Is it being thought that the Minister will be so daft or naive as to site a particular project knowing very well that an Institute which does not have a kind of raw material for research cannot be sited just anywhere, where he chooses to site for political reasons? I think it is just common sense, Sir, to realise that a Minister even in his own discretion which we can still talk about, we are free to debate here and criticise and ask the government to change its own policy to fit into the thinking of the country. We can entrust to him the judgment along with his technical officers in the Ministries concerned to site the Institutes in the locations where they are desirable and not concentrate them just in Lagos. Lagos does not represent the character of the Federation. It represents the cross-section of the Federation because we are all here. I think Sir, that the wording can be applied in consonance with decisions of a human head. Otherwise, we have to write a Bill as a whole book before it gets the meaning which we require. I think we should be able to trust the judgment of the people we have passed here as Ministers, Sir.

Senator Idrisa Kadi (Borno North-Central) : Mr Chairman, Sir, I think the words, *siting and reflecting the Federal character,* are confusing in understanding the meaning as far as I am concerned. When we talk of siting of something we mean the location of a project in a place. I do not know how the siting of an Institution will reflect the Federal character. I cannot understand. But I can understand the composition of a Board reflecting the Federal character. So, when an Institute is to be established for a research purpose like somebody mentioned Cotton, Mango trees, groundnut or anything, if they are going to make research on any of these, the siting of the Headquarters of such research institute should be in the place where we can obtain the raw materials. Those who are executing the Institution or research must reflect the Federal character that means a representative should be there for the Federal level. I think when we take it this way, it will be all right. Therefore, this Amendment will not give this meaning as far as I am concerned. I suggest we say that the siting should be located in the place where we are going to make research but the membership of that Institution should reflect the Federal character. I think this is what will help us Mr Chairman. Thank you.

Senator A. Ebute (Benue South-Central) : Mr Chairman, Sir, I think there is no ambiguity whatsoever in this Amendment. It is very straightforward. What is envisaged here is that if this Bill is passed into Law, the Minister will be given power to establish a number of technological institutions. What is meant by siting such an institution reflecting the Federal character is that Nigeria being a Federation, the Minister should not exercise his discretion in such a way as to locate such technological institutions in a few States or in States that are very near to each other. Such institutions, and with due respect to science, I can argue that to site such an institution

[SENATOR EBUTE]

does not require the production of such material. A science institute can be sited in any part of the country. You do not have to produce cotton or groundnuts or any type of raw material to site a technological institute somewhere.

The intention here is to provide a check on the powers of the Minister to site this type of institute in a few or nearby States. They have to be spread. The siting has to be located bearing in mind the distances between such institutes. We have experiences from the past where Ministers have misused the powers given to them under statute to locate institutions in their own villages or in States of their own. I think this is what the Amendment is trying to prevent—that a Minister cannot locate this type of institution in a particular area. It has to reflect the Federal nature of this country because we are operating a Federation. That phrase does not refer to the Federal capital at all. It refers to the Federal nature of the country.

The Chairman : What you are saying is that a Minister whose home town is in Lafia will not carry all the research institutes to Lafia.

Senator Ebute : Not only that Mr Chairman, he will not carry them to Lafia, Plateau or Akwanga. These three towns are very close to each other. He has to site one, maybe in Plateau, another one in Anambra and a third one in Aba. That is what is meant here.

Senator Sola Saraki (Ilorin/Asa) : Mr Chairman, distinguished Senators I do not think we should waste our time on this Amendment because it is very superfluous. I would like to refer Senators to Section 14 (3) of the Constitution which reads—*The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the Federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.*

For illustration, we have the steel complex in Ajaokuta and it will be very ridiculous to come to Lagos and site a steel industry research institute here since the iron ore is in Ajaokuta. So, bearing in mind the provisions of this section of the Constitution, I think that Amendment is very superfluous.

I would like to suggest, Mr Chairman, that we should not waste time. Let us put the Question and move ahead. Thank you.

Senator N. N. Anah (Anambra South) : Mr Chairman, Sir, I do agree with the opinions expressed by some of my Colleagues that the Amendment is fraught with ambiguities and I would like to adopt in its entirety the opinion expressed by distinguished Senator Ali. The Amendment says that *the provisions of such institutes shall apply in relation to any institute so established provided the siting of such institutions reflect the Federal character of the country.*

The difficulty which we have now is in the interpretation of this Amendment. If we can really spell out what the Mover of the Motion intends to amend, why is it that we should further becloud the issue by giving the interpreters of the Law the difficulty of interpreting exactly what the Mover of the Motion wants? We all agree that the Mover of the Motion want to state that the siting must reflect the geographical spread. Why do we not say so if that will remove the ambiguity? I therefore suggest an Amendment to this effect :—

Provided that the Minister shall, in his discretion, establish the institutions to reflect the geographical spread of the country.

The Chairman : What will be the effect of such an Amendment?

Senator Anah : The effect, Mr Chairman, will be this. The Amendment says provided the siting of such institutions reflect the Federal character ; I am arguing with all seriousness and every sense of responsibility that this phrase is very ambiguous—siting of institutions reflecting the Federal character of the country. It is very ambiguous. How does siting reflect the Federal character of the country? It does not really mean what is intended.

The Chairman : Order! Order! For the benefit of those who may not have copies of what we are amending, I would like to read the original copy and then I would read the suggested Amendment. Perhaps we will then make up our minds.

Several Senators : We have both of them with us.

Senator S. A. Shitta-Bey (Lagos) : May I say, with due respect, that we must not waste our time on this matter at all. The Constitution is supreme on this issue and distinguished Senate Leader has called our attention to a particular section of the Constitution. I can understand people arguing before their attention was drawn to this provision. We cannot do anything to override the Constitution. Even if we add *the Federal character or geographical spread* to this Amendment, that one itself cannot have the legal force as the one contained in the constitution.

That Amendment, Mr Chairman, is superfluous. It is not necessary at all and nobody, none of us here can, as we sit down here, change that expression *Federal character* of anything as contained in the Constitution. Why are we wasting time ?

The Chairman : Order ! Order ! I will now put the Question.

Amendment put and negatived.

Senator J. S. Tarka (Benue East-Central) : Mr Chairman, Paragraph 3 of schedule 1 reads as follows : *Subject to the provisions of this Act, each institute shall have power to take any decision and to enter into any transaction which in its opinion ought to be done in the proper discharge of its functions.*

The Chairman : What is the Amendment ?

Senator Tarka : It is *take any decision.*

The Chairman : The *and* is also an Amendment.

Senator Tarka : The *and* was inserted.

The Chairman : Do you have the original wording of this section of the Bill ?

Senator Tarka : No.

The Chairman : The original wording was *to do anything*. The Amendment replacing *to do anything* is *take any decision*.

Senator Tarka : I propose that the amendment be accepted, Sir.

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

The Chairman : The question is that the Amendment contained in paragraph 3 of Schedule 1 of the Bill be accepted.

Senator D. O. Oke (Ondo West) : Mr Chairman, in supporting Senator Tarka's proposal to ratify this Amendment, I wish to suggest that where an Amendment or an important alteration to whatever we have passed in this Senate is brought from the other House, we should adopt the procedure, which we have not adopted so far ; namely that either in another Committee or in this particular kind of Committee, should have adequate explanation from the other House as to why substantial alterations are being proposed. In this case, it is quite clear to replace *to do anything* with *take any decision*. It is to replace a vague thing with a more specific thing. But it would not always be clear. It is just as in the earlier Amendment which we ratified. It was not so clear why they made that proposal.

While supporting this, Mr Chairman, I would suggest that in future, we should have before us the reason why the alteration to a Bill which we have originally passed is being made so that we would know the exact reason to enable us take a very rational decision.

The Chairman : I suppose that the distinguished Senators have received copies of the proceedings of the House of the Representatives. I will urge distinguished Senators to read these copies, not only those of the Senate but also those of the House of the Representatives because they might be of help to us.

Senator Garba Matta (Pankshin/Mangu/Kanam) : Thank you, Mr Chairman. Although a decision was taken here accepting an Amendment that an institute could take any decision, I feel it looks a bit dangerous if we give an arm of a Research centre this wide power to the effect that it takes any decision which, in its own opinion, ought to be taken in the proper discharge of its functions.

This institution may take a decision that is not within the limit that may be granted it by the Minister in charge of the institution or by the mother body. So, if we place it in this way, that the institute can take any decision which it considers proper, it may go and take a decision that may not belong to it, which under normal circumstances should have the consent of higher authorities.

Therefore, if we put this one there I may add a proviso at the end of the sentence that this decision does not go beyond the limit of the functions that have been allocated to the institution. If we should grant this power from here, it could always be quoted by the institute, that it has been given the right to take any decision that it considers necessary without reference to a higher body.

Mr Chairman, we should either leave this one out completely or add a proviso that this decision will have to be within the limit of its powers. I beg to move.

Senator E. I. O. Akpata (Bendel Central) : Point of Order. The provision which he wants is already there. Before that sentence it says : *Subject to the provisions of this Act*, therefore, to say *provided* at the end, means that we are going to have *provided* twice. So, it is not proper to add other Amendment.

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : You would observe, Sir, that if you read the whole sentence which says :

Subject to the provisions of this Act, each institute shall have power to take any decision and to enter into any transaction which in its opinion ought to be done in the proper discharge of its functions.

The limiting factor there is : *ought to be done in the proper discharge of its functions*. But this governs only to *enter into any transaction*. I expect that in the original version, they put *do anything* but *ought to be done in the proper discharge of its functions* would have limited to *do anything*. If we must take this Amendment, I think we should just add this phrase—*subject to the provisions of this Act, each institute shall have power to take any decision and to enter into any transaction which in its opinion ought to be taken or done in the proper discharge of its functions*.

Senator Uba Ahmed (Bauchi South-East) : Mr Chairman, Sir, I am personally getting very worried when we want to give an institution in Nigeria a wide power such as the one that is being suggested in this clause—*To take any decision and to enter into any transaction which in its opinion ought to be done in the proper discharge of its functions*. This research institute could be a nuclear research institute and there could be an occasion when it can take a decision as provided for under this subsection and such a decision can commit this country by billions and billions of Naira. To me, this is really very dangerous. (*Interruptions*)

Experiences abound in this country today and we have read about various probes on decisions that were taken by various governments, boards and agencies which were supposed to have limited powers and still we have seen flagrant abuse of responsibilities. I am therefore terribly afraid that with these experiences which we have had, we still want to pass an Amendment or provide a section here that gives a blank cheque to a government institution—*to take any decision or enter into any transaction*.

[SENATOR AHMED]

I think we should make this clear and have an additional Amendment which should read thus : *Subject to the provisions of this Act, each Institute shall have power to take any decision and to enter into any transaction which in its opinion ought to be done in the proper discharge of its functions and subject to the approval of the Minister or the Government. (Interruptions).* This is a subsection under Schedule 1. Schedule 1 does not say that it is the Minister that should give approval ; rather, it says that the institution could do that on its own. Here, there is no where it says in the Schedule itself that it is subject to the approval of the Minister. This power is being given to the institution, but if Senators are satisfied that necessary control have been provided for in the Bill, I have no objection.

Senator Amadu A. Ali (Benue West) : What I am trying to tell the Senate is that we must ensure that research institutes in this country are able to carry out their assignments but once you tie them to the apron-strings of a Minister, Commissioner or Permanent Secretary, they will not move. We have virtually emasculated most of our research institutes in this country and they have become non-productive. This is not because there are not enough academicians or enough people to do the work, but because of the chain of command, that is, red-tapeism, from where they can get approval. We must at least, trust our own countrymen for once and if they go wrong, we can correct them.

Senator D. O. Dafinone (Bendel South) : Mr Chairman, Sir, upon sober reflection, I think that the key word there should not be *any* but *such*. If you reconstruct that sentence very carefully, it will read *to do such thing and to enter into such transaction which in its opinion ought to be done in the proper discharge of its functions.* We have been saying *any* all along but the uncontrolled expenditure of funds by men on what is not related to the purpose for which the institute is established may lead to an abuse. So, I will suggest that the relevant key word in the Bill should be *such*.

Senator E. I. O. Akpata (Bendel Central) : Mr Chairman, the other point we want to deal with is Schedule 1 of the Bill but Section 2 of the Bill says that *an Order establishing a research institute under this Act may contain supplementary or incidental provisions.* So there is room to make all these provisions which may, to a certain extent, limit the powers of the people concerned ; but I myself think and I agree with Senator Ali that one of the inhibiting factors about research in this country is the interference of Administrators and others. If you go to Sapele to see the small room where the African Timber and Plywood Company do their research, and you see the size of a research institute in Ibadan for the use of timber, you will be surprised at the amazing work that the UAC have done when you compare it with the little we have done over these years in the Forestry Department where the Permanent Secretary or even the Chief Conservator who has become an Administrator, interferes or stops the dedicated scientists. I myself ought to be blamed for this at one time in the long past. I think it is essential that we should not, from fear of people making mistakes, stop people from achieving success.

There is very little we have done in this country. We talk of transfer of technology, but we do not want transfer, we want to achieve technology ourselves and we want to acquire these things by research. But if we tie the hands of the people who do this research, if we are afraid that they will make away with money, if we are afraid that they can be too powerful for the Minister or for the Senators, then, of course, we may very well find that there will be nothing at the end of the day to show for the money that we have been putting in and the efforts that have been put in.

I myself am not so certain that *taking any decision* is really better than *doing anything*, because I think doing is more elastic whereas decision ties you to decision, whereas doing gives you more room to manoeuvre. I believe that the decision, although more positive, is inelastic. Whereas doing something is more elastic and gives more room really for discretion. I am not quite sure in my mind what is to be gained, to take any decision if you compare it with what used to be there before. But here again perhaps it is a matter of semantics and we have someone who is an expert in this field, but my own worry really is that we must be careful that we do not tie the hands of our scientists. If we tie their hands, we do not give them money, I mean that we do not give them good salary, how could you also tie their hands ? It would mean that you want to limit their research capabilities and abilities ; in which case, of course, at the end of the day, nothing would be produced. Thank you.

Senator Daniel Adetola Ladega (Ijebu-Ode/Ijebu Remo) : Mr Chairman, Sir,—

The Chairman : Are you sure you are a Senator ? I am not aware that we have a new Senator here. You have not taken your Oath, perhaps ?

Senator Ladega : I have taken the Oaths before I left for medical treatment.

Senator Sola Saraki (Ilorin/Asa) : Point of Order.

The Chairman : What is your Order ?

* **Senator Saraki** : Medical Order, Sir ! We need his medical certificate !

The Chairman : Order ! Order ! Senator Ladega may continue to speak.

Senator Ladega : Thank you, Sir. I have listened to the speeches of my Friends in this Senate. This is a very important matter. After listening to what others have said, I have decided to reconstruct the last two lines which I think might help us to overcome our difficulties in this way, Sir. I suggest the following Amendments: Paragraph 3 of the first schedule should read : *Subjects to the provision of this Act—*

The Chairman : Are you suggesting an Amendment to replace the existing one ?

Senator Ladega : I am suggesting an Amendment.

The Chairman : You will have to give me notice.

Senator Ladega : Well, we are in Committee now, and I do not think—

The Chairman : That does not mean that you must bend the rule. We must discuss the Amendments in the Committee (*Interruptions*) I see some experts, looking at the Standing Orders.

Senator Ladega : May I refer Mr Chairman to Order 21, subsection 2 which says : *An Amendment proposed to any amendment proposed from the chair shall only be in order if it be relevant to that Amendment.*

It would be relevant to that amendment, and what I am proposing is relevant to the issue being discussed now. Perhaps, if you listen to me it might help both your good self and the Senate, because I think it would be premature to dismiss what I am going to say.

The Chairman : I am concerned with determining the law no matter whether what you are going to say is palatable or not.

Senator Ladega : It is not a question of being palatable. I am a lawyer myself.

The Chairman : Order ! Order ! Senator . Atake to speak.

Senator F. O. M. Atake (Bendel Delta) : Order 19 Sir, says—*Unless the Standing Orders otherwise direct, notice shall be given of any motion or amendment which it is proposed to move with the exception of (a) A motion or amendment made or offered in Committee of the whole Senate.* That is it Sir.

The Chairman : I sustain your Order.

Senator Ladega : Thank you very much. This is what I wanted to say Sir. I think this will help us to overcome our fears, and help the institutes.

This is what I suggest : *subject to the provisions of this Act each institute shall have power to take such decisions and to enter into such transaction as would in its opinion ought to be taken or done in the proper discharge of its functions.*

I think here, take any decision, the word *any* is no longer there, which some people feel might be too wide a power to be conferred on an Institute. *Takes such decision and to enter into such transaction which they think in their own opinion ought to be done in the proper discharge of their duties.*

That, I think, will satisfy all sides. I beg to so suggest.

The Chairman : I recognise the distinguished Senator from Cross River State, Senator Etiebet.

Senator Donald Dick Etiebet (Ikot Ekpene) : Thank you very much, Mr Chairman. In this amendment, all what they are after is to have a word that can act as a check over the excessive powers of the Chairman of the Board or agency. If you look at paragraph 1 (a) through a Minister is there to act as a check. Paragraph (c) mentions a Minister to stay as a check over his power. In paragraph (2), a Minister is mentioned to act as a check over the powers of the agency. Then in paragraph 3, it is lacking.

I would be inclined, Mr Chairman, to subscribe to the view of the distinguished Senator on the other Side, that we use the word *such* than using the word *any*, as that would please him to make such a decision in respect of the Institute. Absolute power corrupts absolutely, Mr Chairman, and I think there should be a sort of check, since we cannot amend this Motion to bring in a Minister to act as a check on the person who acted absolutely. I would suggest that we start the sentence with *Subject to the provision of this Act each Institute shall have power to take such decision and to enter into any transaction which in his opinion ought to be done in the proper discharge of his function.*

I now use the word *any* and in fact we might even over do it. Mr Chairman, that is what I can subscribe to the Amendment.

Senator Ibrahim Dimis (Bauchi South) : Mr Chairman, Sir, I think distinguished Senators are talking about powers, especially in regard to commitment, to billions of naira. As far as I can see from the same Bill, if we go to Schedule 1, Number 11 says:

The funds should be managed in accordance with rules made by the Federal Minister of Finance and without prejudice to the generality of the power to make rules conferred by this section, the rules shall, in particular, include provisions (a), (b), (c) and (d).

I was thinking, Sir, that if they take decisions, before they can commit the country on the aspect of finance, it will go to the Minister of Finance, and the Minister of Finance will go to the Executive Council. Before any institution can commit the nation, it will be with the knowledge of the Executive. I am supporting that this Bill should be passed accordingly, as amended. This is my support, Mr Chairman. I would like to go like this without further amendment.

Senator Nosike Ikpo (Bendel East) : I think, Sir, that the drafting of this subsection of Schedule 1 is in perfect order. The confusion arises from a matter of choice of words. The operative phrase in that subsection is *subject to the provisions of this Act, each institute shall have powers to take any decision.* They cannot go beyond the provisions of the Act. So, we are flogging the issue unnecessarily.

As to the second issue mentioned by my distinguished Friend and Colleague, the transaction which, in his opinion, ought to be done, he suggested *taken*. Transactions are *done*, not *taken*.

With these views, Sir, I think the drafting is in order and we should allow the subsection to pass.

Senator S. M. Ojukwu (Umuahia) : Mr Chairman, Sir, the amendment ought to be amended a little further for grammatical reasons only, otherwise it would be all right. I suggest, Sir, that the amendment should be : *To take such decisions, do such things and enter into such transactions which in his opinion ought to be taken, done, or entered into in the proper discharge of their duties.* That will be more perfect English.

The Chairman : I was not too sure that we were quarrelling with English.

Senator F. O. M. Atake (Bendel Delta) : The trouble with this thing is that the Act itself does not say very much. Paragraph 3 of Schedule 1 says, *subject to the provisions of this Act*, the Act itself does not say very much about the *modus operandi* of those constituting the institute itself. The Act just says, *establish an institute*. Not much is said about how the institute is to function. The only place that the functioning aspect of the institute is discussed is in paragraph three of this Schedule.

What worries me is that once you give a wide power to a body like this, they may take certain decisions, or enter into such transactions that may affect the interest of third parties, and once a third party goes to court and says I am suing for damages done to me as a result of their decisions on this transaction, the body will come and say we have got power to take any decision and we have taken it. Whereas if we use such mild language as such, they will be compelled. The court will tell them, *You ought to be objective ; you ought to have known ; you ought to have foreseen that this action which you have taken, this decision which you took, or this transaction which you entered into would affect adversely the interests and the rights of third persons*. And then, of course, the plaintiff who has been injured will go out of court with some compensation. I seem to fall in line with Senators who propose that they should take such decisions and enter into such transactions. The use of, *such, such*, places on those who are going to take decisions the responsibility to be objective. If they are not objective and they injure third parties, then third parties can come and claim compensation or damages. That is the way I look at it, Mr Chairman.

Senator Suemo Chia (Benue East) : Thank you very much, Mr Chairman. Although this subsection looks very frightening, **frightening in the sense that it appears to have conferred a lot of powers on the institute so established**, but as the other speakers have earlier said, we cannot read the Subsection in isolation. To my mind, it is the least effective part of this Act, because it is the only subsection which is subject to all the other provisions of the Act. It is the least provision of the Act. No other provision is subject to any of the other provisions, but it is the only one.

I think what is worrying people is particularly in terms of financial management. But that is controlled by Subsection 11 of the Schedule which says, *The fund shall be managed in accordance with the rules made by the Federal Minister of Finance, and without prejudice to the generality of the power to make rules conferred by this Section, the rules shall, in particular include provisions—(a) specifying the manner in which the assets and the fund are to be held and regulating the making of payments to and from the fund*. So, it has set out all the conditions which the institute will have to comply with. The use of these strong words, as frightening as they are, is being governed and controlled by other provisions of the Act and that makes them ineffective. Well, not exactly ineffective but it has taken away the type of power we think it has, the power which is making us fear the wording of the subsection.

Mr Chairman, Sir, in my humble opinion, if we pass the Bill as it is, no harm will be created. We will stand no risk at all.

Thank you, Sir.

Senator Oke (Ondo West) : Thank you, Mr Chairman. Mr Chairman, Sir, my Senatorial District is Ondo West and not Akure incidentally.

The point I want to make, Sir, is that the ambiguity that has been pointed out by Senator Kunle Oyero has not been addressed, mainly that if we use the word *done* in the position in which it is, whether we use *such* for *any* in any of its two occurrences, we shall still have the problem of interpretation because you do not do a *decision*, you can only do a transaction. Therefore, somebody is going to get up and say that that last part of it refers only to transaction and not to decision.

I am, therefore, proposing, Sir, that to put this well beyond doubt, in the first place, that we put a comma after *decision*, that we put another comma after *transaction* and that we replace the word *done* by the word *undertaken*. In that way we would have done away completely with the ambiguity that arises in that clause.

Senator Atake : We cannot undertake a decision.

Senator Oke : You can undertake a decision and you can undertake a transaction. That is a word that is common to both. In that case, Sir, we may take Senator Atake's suggestion.

The Chairman : Are you speaking as a Professor or as a law expert ?

Senator Oke : I am speaking very simply as a Senator, Mr Chairman.

The Chairman : I saw you challenging Mr Justice Atake, the distinguished Senator. I doubt if you are really very competent to challenge him.

Senator Oke : I am speaking very seriously as a Senator who taught the English language for sixteen years in three Universities in Europe, America and Nigeria.

I would like to suggest very humbly, Sir, that the word *undertaken* is a far better word in that position than the word *done*.

The Chairman : I will put the amendment as follows : Should the Senate replace the word *done* by *undertake* ?

An hon. Senator : It has not been seconded.

Senator Olatunji Adebayo (Kwara Central) : I beg to second.

The Chairman : I am going to take the amendment bit by bit because we want to dispose of it. The question is that we replace the word *done* by *undertake*.

The Chairman : I think the Noes have it, but I would put the question again.

Order ! Order ! This is a very serious business and I am putting the question as regards the suggested Amendment by Senator Oke to replace the word *done* in the Bill by *undertaken*.

Amendment put and agreed to.

The Chairman : I think the other amendments suggested here, two commas, one after *any decision* and the other one after *transaction* are purely technical and can be accepted as such.

Amendments put and agreed to.

The Chairman : I now put the whole question of the second amendment suggested to the National Science and Technology Bill 1979 as contained on Schedule 1, item three, which will now read as follows :

Subject to the provisions of this Act, each Institute shall have power to take any decision, and to enter into any transaction, which in its opinion ought to be undertaken in the proper discharge of its functions.

An hon. Senator : No.

The Chairman : You want to replace the word *any* with *such* ? Any Seconder ?

Senator Garba Matta (Pankshin/Mangu/Kanam): I beg to second.

The Chairman : The question is that the word *any* in the amendment be replaced by the word *such*.

Amendment put and agreed to.

The Chairman : The first *any* between *take* and *decision* is changed to *such*, the second *any* between *into* and *transaction* remains.

Several Senators : No ! No !

The Chairman : The question is that the second *any* between *into* and *transaction* be removed.

Amendment put and agreed to.

The Chairman : Order ! Order ! I would read the amendment as we now propose. Schedule (1) section (3)

Subject to the provisions of this Act each Institute shall have powers to take such decisions, and to enter into such transactions, which in its opinion ought to be undertaken in the proper discharge of its functions.

Amendment put and agreed to.

Senator Jalo Waziri : Mr Chairman, Sir, I beg to move that the Bill be reported to the Senate and taken.

Senator Joseph Tarka : I beg to second.

The Chairman : The question is that the Report on the proceedings of the Bill be now made to the Senate as amended.

Question put and agreed to.

(The President resumed the Chair)

The President : Order ! Order !

Senator Jalo Waziri : Mr President, Sir, I beg to move that the Bill be read a third time and passed into law.

Senator Tarka : I beg to second.

The President : The Question is that the Bill be read the third time.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President Sir, you have not reported progress.

The President : I sustain that Order even though you did not read the Order number.

Senator Atake : When the President presides as Chairman at Committee stage and the Bill is to be reported to the Senate, it is not the President who does the report, it is the Senator-in-charge who does it.

The President : Order ! Order ! The main question is that a report should be made.

I now call on the distinguished Senator Jalo Waziri to report to the Senate.

Senator Jalo Waziri : Mr President, Sir, I beg to move—

Senator Jaja Wachuku (Aba) : Point of order. The distinguished Senator Jalo Waziri is not in charge of the Bill. The Senate Leader, as I understand is in-charge of the Bill, and he cannot just give it up.

The President : As I understand there has been some delegation of responsibility and he can ask someone to deputise for him.

Senator Jaja Wachuku : As far as this Senate is concerned, we are not aware of that.

The President : I will recognise you to act on his behalf.

The President : I now call upon the distinguished Senator from Aba to give the progress report. (*Laughter*) Order ! Order !

Senator Jaja Wachuku : (Aba) : Mr President, I beg to report that the Bill, (*Laughter*), has passed through the Committee with one Amendment—(*Interruptions*)

The President : Order ! Order ! Senator Jaja Wachuku, you may continue.

Senator Wachuku : Mr President, Sir, I beg to report that the Bill entitled the Bill for an Act to make provisions for the dissolution of the National Science and Technology Development Agency and the transfer of the functions, staff, assets and liabilities to the Minister of Science and Technology and for purposes contained therewith had passed through the Committee State with one Amendment, that is, Schedule 1 (3). I now ask that the Bill be read the Third time and passed into law.

The President : I recognise the distinguished Senator from Benue, Senator Tarka.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, with every due respect to my senior brother Senator, I second the adoption of the Bill, as amended, and proposed by distinguished Senator Jaja Wachuku.

The President : Order ! Order ! The Question is that the Third Reading of the Bill on the National Science and Technology, as amended, should now be passed and become law.

Senator Onyeabo Obi (Anambra West) : Point of order.

The President : Point of Order. That is why I held back. Is your Order relevant to my Question ?

Senator Obi : Yes, Mr President.

The President : What is it ?

Senator Obi : The Question now is that we have passed a number of Amendments which are different from the Amendments passed by the other House and I was going to propose, Sir, that a Conference Committee consisting of Members of both Houses be conveyed to reconcile the differences and to report back to the two Houses before we take a final step, otherwise, we shall keep going forward and backward without ends.

So, I would like to amend the proposal, Sir, that a Conference Committee of equal Members from the Senate and the House be appointed to reconcile the differences between both Houses on the Bill, as amended, Sir.

The President : I am not likely to take your amended Resolution. I recognise the distinguished Senator from Bauchi, Senator Jalo Waziri.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I think what he is saying is that should we pass the Bill into law and commit it into a Joint Committee of the two Houses? I think that is quite in order.

The President : What I was not sure of was whether we should, in fact, have a Conference Committee before we pass it into law or pass it into law, as amended, there and have the Conference Committee?

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

The President : What Order, Senator Atake ?

Senator Atake : 46 (7) and (8) ;

When a bill is returned from the House of Representatives with amendments, the consideration of such amendments shall be put down for such future day as the Senators in-charge of the bill shall appoint unless the Senate shall order them for consideration forthwith.

When the Senate has concluded the consideration of the House of Representatives amendments, the Clerk shall—

(a) if such amendments have been agreed to, return the bill to the House of Representatives, together with a message "That the Senate has agreed to the amendments to the Bill" ; or

(b) if such amendments have been amended or disagreed to, the Clerk shall cause the appropriate entries to be made in the original copy of the bill and return it to the House of Representatives, together with the appropriate message.

The President : But do not let us forget that these Standing Orders are parliamentary system Standing Orders. Unless someone suspends that Standing Order—

I recognise the distinguished Senator from Bauchi, Senator Uba Ahmed.

Senator Uba Ahmed (Bauchi South-East) : Mr President, Sir, I think for the purpose of harmony and mutual understanding between this Senate and the other House, the suggestion brought by Senator Obi is worth considering seriously. This is the only one of the many other Bills that would come and God knows how many would be going backward and forward. So, such a Committee would be necessary although, the provisions of this Standing Order has not provided for such a forum. I think that as we are now re-writing the Standing Orders this is an idea that the Rules and Business Committee could consider adopting, if possible, in the new Standing Orders.

Meanwhile, for the purposes of progress, I want to move a Motion that the provisions of Standing Order 86 (7) and (8) be suspended. This would enable us create these facilities for consultation and mutual discussions between us and the other House, so that we would be able to pass this Bill smoothly and save time.

Thank you, Sir.

The President : Is there any Senator who wishes to second the Motion?

Senator A. D. Rufai (Bauchi Central) : I beg to second.

The President : The Question is that Standing Order 86 (7) and (8) be suspended for the purpose of making progress with the Bill.

Question put and agreed to.

Senator I. J. Waziri (Bauchi East) : I move that the Bill be committed to a Joint Committee of the two Houses.

Senator A. D. Rufai (Bauchi Central) : I beg to second.

Question put and agreed to.

Bill Committed to a Joint Committee of the National Assembly

The President : In view of the urgency of this Bill, I shall now say that the Joint Committee will meet tomorrow at 10 o'clock. (*Interruptions*) The Committee shall meet on Wednesday, the 5th of December, 1979 under the Chairmanship of Senator Jalo Waziri who is also Chairman of the Rules and Business Committee of the Senate.

Senator Jaja Wachuku (Aba) : The Senate should be reminded that Senator Jalo Waziri is presiding over another Committee that is likely to meet on that Wednesday.

The President : The Conference Committee shall meet on Wednesday in the morning under the distinguished Chairmanship of Senator Jalo Waziri (Bauchi East) and he is to announce the time and venue to the members.

Senator I. J. Waziri (Bauchi East) : Mr President, with your permission, I would like to announce that the meeting would take place at 9 o'clock on Wednesday, at the Senate Committee Room.

The President : The question of membership of the Committee shall be announced later.

Senator E. I. O. Akpata (Bendel Central) : Mr President *apropos* to this Committee, when would the other Committees take off the ground?

The President : Which other Committees?

Senator Akpata : I thought there was the question of appointing the Chairmen of these Committees.

The President : I have here some proposals by the Senate Leader which might come before you tomorrow for consideration.

Senator Akpata : And there are these candidates for ministerial posts and we do not want twenty-one days to elapse. When are they coming to sit for entrance examination or is it the Joint Admission Matriculation Board examination?

The President : I want to assure distinguished Senator Akpata that the Senate is not constituted into an examination board. It is the distinguished Senate of the Federal Republic of Nigeria.

NOTICE OF MOTION

The President : Item No. 2 on today's Order Paper is a notice of Motion by Senator Ameh Ebute from Benue South-Central and Senator D. D. Etiebet from Ikot Ekpene. I recognise Senator Ebute.

Location of New Industries

Senator Ameh Ebute (Benue South-Central) : Thank you, Mr President. The Motion before this distinguished Senate—

Senator C. O. Adebayo (Kwara Central) : Point of Order, Mr President. This is only a notice of Motion and it is not for debate

The President : What is your Order?

Senator Adebayo : The Order is that a notice is already given and that is all we need. There is no need to move anything and he does not need to speak a word.

Senator Ebute : Mr President, Sir, it might interest you to know that this Motion was filed on the 23rd of November, 1979 and that is more than a week ago.

The President : Order ! Order ! All I was doing, for the benefit of doubt, was to announce the notice of Motion ; that is all and that is what I have done.

Senator Ebute : All right, Sir.

The President : You have all the time to speak on it, maybe tomorrow.

Senator Ebute : Mr President, I wish to inform you that this Motion was filed on the 23rd of November, 1979 and it is not my duty to circulate it to distinguished Senators.

The President : As it is contained in today's Order Paper, it is a notice of motion.

Senator S. A. Akintoye (Ondo Central) : Mr President, if that is the situation, it is a terrible one that is developing. I would suggest, in order to make the work of the Senate possible at all, that the best

thing would be that Private Members' Motions that have been filed with the Clerk's department ought to be published. That would be the best solution in the circumstance.

The President : I was a little bit surprised that this has come under notice of Motion. I am inclined to uphold your suggestion.

Senator I. J. Waziri (Bauchi East) : Mr President, Sir, I am sure that many distinguished Senators are not familiar with the various processes of parliamentary procedure. As far as this Order Paper is concerned, the fact that notice of Motion is written does not mean that this is a mere notice. It is the business of the day, and this motion can, therefore, be taken as business of the day.

The President : We understand that, but the motion will be listed for discussion tomorrow.

I recognise Senator Sola Saraki to speak.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, may I seek your protection from the—

The President : I thought that all the Senators will be seeking their protection from you. You are always seeking protection from me. (*Laughter*)

Senator Saraki : Especially from my colleague sitting on the other side.

The President : The Leader of the UPN ?

Senator Saraki : Yes.

The President : Say so.

Senator Saraki : He has given notice to come to the NPN. Mr President, Sir, distinguished Senators, I would like to move a Motion that this Senate stand adjourned until 3 o'clock tomorrow afternoon.

Senator Ibrahim Dimis (Bauchi South) : Mr President, Sir, I beg to second.

The President : The question is that the Senate do stand adjourned until 3 o'clock tomorrow. The Motion has been moved and seconded. I recognise the distinguished Senator from Cross River State, Senator Victor Akan.

Housing Corporations

Senator Victor Akan (Eket) : Thank you, Mr President. Mr President, Sir, I want to draw the attention of the Senate to a very important meeting that is taking place in Abeokuta, the capital of Ogun State tomorrow. It is the meeting of the Association of Housing Corporations of Nigeria. Nothing is more important to the ordinary man of this country, people like myself, than housing, Sir. Next to food, housing is the other thing that worries the ordinary man, then he goes on to talk about education and health. Sir, I want to say that the past administrations in this country, perhaps, did quite a lot in respect

[SENATOR AKAN]
to housing but it is my submission, Sir, that enough has not been done because the ordinary man in this country that stays and lives in Ajegunle, in Ikate, in some parts of Cross River State and the slums of Kano and Ibadan deserves more from this nation in respect of housing.

So, Sir, I want to call on the newly created Ministry of Housing to give greater help and assistance and direction to the various housing corporations in this country. I have myself, Mr President, been associated with housing for a long time.

The President : Have you ?

Senator Victor Akan : Yes, Mr President, I was only a Chairman of a Housing Corporation.

A Senator : Did you award any contract ?

Senator Victor Akan : No, I did not award any contract.

Seriously speaking, Mr President, I want to ask the present administration to please show more interest because those of us present here made electoral promises to the ordinary Nigerians, and because I represent and speak for them, it is my intention to call on you, to call on Senators to please give whatever assistance they can, whatever influence they have on governments in different parts of this country to render help to the Housing Corporations in every state in this country. So, Mr President, Sir, before I wind up—

Senator Jonathan Akinremi Olawole Odebiyi (Egbado North/South) Mr President, Sir, there is a stranger in the Senate.

The President : There is a stranger in the Senate ? There is no stranger in this Senate but there is on the Floor of the Senate the Chairman of the Rules and Business Committee, and I am sure he is doing a legitimate business.

Senator Victor Akan : Mr President, Sir, I want to wind up—

The President : Do so before you are asked to. *(Laughter)*

Senator Victor Akan : I want to appeal, Sir, to distinguished Senators, each of whom I know has a lot of influence in different parts of this country, to please exert pressures on governments to give financial assistance to the Housing Corporations in their States. Thank you, Mr President.

The President : I recognise the distinguished Senator from Benue, Senator Ebute.

Contract for the Supply of Fertilizers

Senator Ameh Ebute (Benue South-Central) : Thank you so much, Mr President. Sir, in contributing to the Motion for Adjournment, I wish to make observations on two very important points. Recently, Mr President, the President of the Federal Republic of Nigeria cancelled certain contracts awarded to contractors, which contracts were said to have not been properly appraised. In this particular respect, Mr President, I want to draw the attention of this Senate to two very important contracts whose positions are not very clear to me. One of such

contracts, Mr President, is the one awarded to an American Company called Kellogg for the supply of fertilisers to the Federal Ministry of Agriculture. The contract, Mr President, is to the value of 60 million dollars.

A Senator : Only ?

Senator Ebute : 60 million dollars is not only.

A Senator : That is chicken feed.

Senator Ebute : Mr President, Sir, this contract was awarded to the American company called Kellogg, as I have said. In spite of the hue and cry made by members of the Nigerian public this contract went through. What is more, Mr President, is that nobody knows what is the fate of this contract. Were the fertilisers for which this contract was awarded supplied to Nigeria or not ?

The President : Order! Order! I see that you are taking interest in that, Senator Akintoye ; I hope you are not—

Senator Stephen Adebajji Akintoye (Ondo Central) : I take particular interest in contracts because I want them to be executed.

Senator Ebute : Continuing from there, my investigation reveals that seven Nigerian indigenous contractors tendered for this particular contract at a much lower quotation than the American company, Kellogg, to which this particular contract was awarded.

Secondly, Mr President, my investigation also reveals that this particular contract was awarded after the visit of a former important personality in the name of Mr Andrew Young.

The President : No names.

Senator Ebute : Pardon, Mr President.

The President : You may speak on a Motion for Adjournment and speak on the substance of your speech, but please avoid names as much as possible, especially where they affect important dignitaries of other countries.

Senator Ebute : Thank you so much, Mr President. This particular contract was awarded after the visit of an American personality to Nigeria. I think that avoids the issue of names. I have not mentioned any particular name here.

Mr President, Sir, in view of the ambiguity of this contract, I will humbly call on the Leader of the Senate because a contract involving this type of amount of money, sixty million dollars, is a matter of great concern to the Nigerian public. I will, at this juncture, appeal to the Leader of the Senate if he knows anything about this contract to tell us, and if he does not know, because he is a person who is directly linked with the Government, to make further enquiries from the government and let the Senate know the position of this contract. We want to know why it was awarded to this Kellogg Company that tendered highest for it inspite of the fact that seven Nigerians tendered at a much lower cost, and finally, Mr President, whether this fertilizer was actually supplied or whether it was a cover up so as to enable us know who are the culprits in this contracts.

[Adjournment]

₦500 Million Hangars

Senator Ebute : The second contract, Mr President, is the contract for the Construction of Hangars at the Ikeja Airport costing about half a billion naira, five hundred million naira, Mr President. (Interruptions) Please I need your attention, distinguished Senators. I think this is a matter of serious concern to everybody because our money is being taken away through the back door. I think I am trying to contribute my quota by giving you this information. It is your duty to make further investigation and to see the falsity or the truth of this allegation.

The President : Is the first figure six million or six hundred million ?

Senator Ebute : It was six hundred million.

Senator J. S. Tarka (Benue East-Central) : You are saying *was*, so it is not the responsibility of this government.

Senator Ebute : I agree, Mr President. These two contracts were awarded by the former administration. I think that has to be made clear, but it is the responsibility of the present administration to re-appraise awarded contracts particularly those that have not been executed or those that were awarded not quite seven months before the present administration came to power.

This is all the point I am making, Mr President.

Thank you so much.

Senator M. G. Lawan (Borno North-West) : Mr President, Sir, I think it is a point of interest that the Senator does not give a wrong information which will later portray us in bad light. As far as my own information shows, the amount involved is for the establishment of a factory in Nigeria. It is for the establishment of a fertilizer factory.

The President : How much is the figure ?

Senator Lawan : The figure being quoted by the Senator is six hundred million. I understood that a high-powered delegation from America visited this country and got that contract which was not supposed to be for them. I am also interested really to find out how it went to the American sources, but it is not for the supply but for the erection of a fertilizer plant in Nigeria.

Some Senator : Where ?

Senator Lawan : I do not know where it is, but it is here in this country. The point which is very important is that it is not for the supply of fertilizer. It is for the setting up of industry. This is the simple difference I want to make clear.

Senator Ebute : Mr President, Sir, I am sorry to say that my colleague Senator is not in a position to give me any answer. My questions were directed to a particular—

The President : Any Senator can give relevant information. I recognise Senator Akpata.

[Adjournment]

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, on this matter of fertilizer there is an arrangement to use some gas for manufacturing fertilizer, but there is also the ordering of fertilizers at exorbitant cost. The point that has to be made is that in the last three or four years, we only heard that contract had been awarded for this, contract has been awarded for that. We did not read in the newspaper advertisements asking for people to tender. We used to read before that people should tender for certain contracts. These days, we are supposed to cheer and clap when we are told that fifty million naira has been awarded for road A to B, twenty million naira for fertilizers !

We must now insist that all things should be advertised. People should tender, and we should be able to have a hearing if the highest bidder wins the contract when lowest is thrown into the waste paper basket. It may well be that it is a matter of quality, but everybody should try to live above board especially as the economy of the country makes it so important that even people in the private sector cannot negotiate directly with their workers for increase on wages. We want to be quite sure that money does not get filtered to unknown and known sources. I wanted to use the expression which the Caterpillar and juggernaut would have used but I find it completely difficult.

A Senator : Sources known and unknown.

Senator Akpata : Oh, from sources known and unknown. The point I do want to make, Mr President, is that we hear too much of contracts which are awarded, we do not hear when they are advertised. The question of fertilizers has now reached a point of being abused.

We tend to order more than we require. We order wrong ones regardless of the soil conditions and we hear too often of millions of naira worth of fertilizers lying somewhere without proper storage.

When I was young, three thousand used to be a large sum ; these days when three million is put under the drain, nobody seems to question it.

The President : Before I welcome more contributions from Senators on this matter, I think six hundred million naira on one contract and five hundred million naira on another is a lot of money that this country should not joke with. I will now call on the Senate Leader to come in here.

* **Senator Sola Saraki (Ilorin/Asa) :** Mr President, distinguished Senators. My Colleague, Senator Ebute, was correct to a certain extent because I also read in the newspapers sometime ago that a team of American businessmen came to Nigeria and on visiting the Head of State, they asked for this contract to set up a fertilizer plant in the Rivers State and the former Head of State said it was all right and advised them to go and negotiate with the Ministry of Industries. Then there was a noise in the newspapers that time, that the Kellogg quotation was not the lowest price. Since then, we have not heard anything about it but I would like to find out from the Ministry of Industries and report back to the Senate. I remember that during the last recess the *Nigerian*

[SENATOR SARAKI]

Tribune published that I had gone to America to thank one of the Members of the team for helping the NPN to win the elections and also that I went to America to take a commission on Kellogg contract that I know nothing about.

Be that as it may, I will associate myself, definitely, with the views of the President that this is a very serious matter. Mr President, I will investigate and report back to the Senate by Thursday. I will get full details from the Ministry and report to the Senate about the fertilizer plant.

Now, about the hangars, I also read in the newspapers last year the controversy as to whether or not Nigeria needed a three hundred million naira hangar in the country and that the Nigeria Airways had awarded a contract but the public reacted sharply saying that it was really too much for the country and since then, we have never heard anything about it. Maybe it has been awarded, maybe it has not been awarded. I assure distinguished Senators that I will find out the full details and report back to the Senate by Friday.

Senator A. A. Adesanya (Ijebu North/East) : Mr President, Sir, this is a very serious matter.

The President : Which one is a serious matter ?

Senator Adesanya : This question of six hundred million naira and five hundred million naira contract is very serious.

The President : Of course, everything we discuss here is serious.

Senator Adesanya : But this is more serious. If the Leader of the Senate will make investigations, I think, Sir, that there are so many questions to be asked. If these contracts have been awarded we would like to know how much money had passed.

The President : What do you mean by how much money had passed ? Do you mean whether money has been paid for any of the contracts ?

Senator Adesanya : Yes, Mr President.

The President : How much money has passed is very ambiguous. It can either pass under or pass on top.

Senator Adesanya : I like that. Well, Mr President we would like to know how much money has passed whether under or above, beneath or on the surface. Mr President, Sir, I think what we should do on this occasion is this. I am sure this Senate is very serious and we want the members of the public to know also that how the taxpayers' money is spent is our concern here. We have certain powers which we can use to effect at this moment.

There is a Committee on Trade and Industry and another one on Transport and Aviation. These two Committees should summon the Permanent Secretaries or Ministers in-charge of these Ministries to their Committees and put questions to them and these Committees should report back to the Senate.

The President : Order ! Order ! May I remind distinguished Senators that we are speaking on Motion for Adjournment and, therefore, if the action

contemplated by distinguished Senator Adesanya must be seriously looked into, it has to be brought under a substantive Motion. In the meantime, I think the Senate can proceed with the enquiry as suggested by the Senate Leader who will give an answer back to the Senate on Motion for Adjournment.

Appointment of Chairmen of Committees

Senator Jaja Wachuku (Aba) : Mr President, Sir, I wish to speak on a more serious tone. The distinguished Senator who spoke last has pointed the way as to how we can handle this problem. We have a number of Committees the Membership of which we know but the Headship of the Committees we do not know. That makes it very urgent that the various Chairmen of the various Committees should now have been appointed so that they can begin to do their work.

Mr President, Sir, my distinguished Friend here has been complaining very bitterly that when he spoke about housing nobody paid attention but the moment money was mentioned, everybody became very attentive and I spoke to him in an undertone, telling him that, infact, the distinguished Senators were assisting him, because what they are trying to say is that some money has been just slipping under the table and under ground all the way and that he needs to plug the holes to enable some money to be found to build his houses for him. Therefore, Mr President, I most seriously want to suggest that we have already passed a Resolution at the National Assembly asking for a State of Economy of the National Report. So, we would not like to go too far on the Motion for Adjournment since it has been known now that there are certain complaints and the Leader of the Senate has given us his word that by Friday he will make a report, we should drop that subject now so that whoever is concerned, the matter would be referred to the Committee once the Committees have firmly established. When the Committees will be doing their work, there will be public hearings and the public will be in a position to know where the money is. They will also know why a country that was blooming in naira is now supposed to be poor and to know whether a mistake has been made somehow somewhere or not.

So, Mr President, in supporting this subject on Motion for Adjournment, I most humbly suggest that we take that advice, appoint the respective Chairmen of the Committees and whenever a matter of this nature arises, instead of asking the Senate Leader to answer questions, it could be sent to the appropriate committee which will investigate the matter and make proper report to the Senate on which it can act.

The president : I have Notice of Amendment to the number of Committees which the Senate passed some time ago. The Notice will come out for discussion and for your approval this week and on that day, the Chairmen of the Committees will be named.

The delay had been due to the fact that I was aware there would be some slight changes to the arrangement of the Committees as originally proposed. So, may I assure the distinguished Senator from Aba that we look forward to it that at the end of the week, the Chairmen of the Committees will be named

I call on the last speaker on Motion for Adjournment, distinguished Senator Zuofa.

Condition of Roads in Rivers State

Senator Amatari Zuofa (Rivers III (Brass/Sagbama/Yenogoa) : Thank you very much, Mr President. I am happy to contribute to the Motion for Adjournment. I wish to draw the attention of the Senate to the deplorable state of roads in Rivers State. I could not contribute to the debate on this matter when it was on the Floor of the Senate.

When we had a break early in November, Mr President, all the Senators from the Rivers State were greeted with complaints and reports of very bad roads in the State. In fact, at the moment, the Capital of Rivers State, Port Harcourt, is cut-off from many parts of the State. The position is that the only highway in the State is a projected east-west road which has not been finished. We have been using a portion of it which has been constructed, but it has gone very bad. As a matter of fact, my Constituency, Rivers III comprising Brass Local Government Area, Yenogoa Local Government Area and the Sagbama Local Government Area, is not accessible by road.

At the same time, the father of one of our national heroes—

Conference Committee

The President : Order ! Order ! It is time to interrupt the Business of the day. Before I put the Question, I wish to make the following announcement. The members and the composition of the Conference Committee from the Senate are :

Senator Uba Ahmed
 Senator Atake
 Senator Nunieh
 Senator Idrisa Kadi
 Senator Adamu Gaya

Senator Jaja Wachuku (Aba) : There are five parties here. I do not know how they arrived at the number.

The President : I have noticed that too. (*Interruptions*) I have been advised by the Senate Leader that his able Deputy and the Leader of the NPP in the Senate should chairman the Committee. (*Applause*)

Senator Jaja Wachuku : I cannot be in something without consultation and furthermore, I am busy tomorrow. It is not possible.

The President : You are chairmanning the Foreign Affairs Committee tomorrow. So, it is not possible for you to be there. (*Interruptions*)

Distinguished Senator and Deputy Leader of the Senate, whoever you name shall be the Chairman of the Conference Committee.

Senator Jaja Wachuku : I name Senator Ojukwu. (*Applause*)

Senator Abogede (Benue North-Central) : I do know that there is a Leader each for the UPN, NPP, PRP, GNPP and the Leader of the Senate, but I have never been aware of any Deputy Leader of the Senate. I stand to be corrected. If we are playing with titles in this Senate, one day some of us will pose as leaders. (*Applause*)

The President : The Question is that the Senate do adjourn till three o'clock tomorrow.

Question put and agreed to.

Resolved : That the Senate do now adjourn till three o'clock tomorrow.

The Senate adjourned accordingly at 6.00 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Tuesday, 4th December, 1979

The Senate met at 4.00 p.m.

PRAYERS

(The Deputy President in the Chair)

ANNOUNCEMENTS

The Deputy President : Order! Order! Perhaps I had better start by apologising for our starting late this afternoon. We were just trying to sort out a few things in connection with this afternoon's sitting. Before we take on the Order Paper for today, I would ask the Clerk of the Senate to first read a letter of congratulations from the Presiding Officer of the Senate in Australia. Thereafter he would read a message from the Executive to the National Assembly.

Mr Clerk of the Senate, please.

Message from Australian Senate

Clerk of the Senate : The first letter is addressed to Senator J. Wayas from the Australian High Commission in Lagos. The letter is dated 26th November, 1979, and it reads :

Australian High Commission,
Lagos
26th November, 1979

From the High Commissioner

Senator J. Wayas,
President of the Senate,
Tafawa Balewa Square,
Lagos

Dear Mr President,

I have pleasure in conveying the text of a message addressed to you by the President of the Australian Senate, Senator C. L. Laucke. The message was sent by telegram but I have been asked to confirm the text by letter. It is as follows :—

"Please accept my congratulations on your election and appointment as President of the Senate of the Nigerian National Assembly. I welcome you to the fraternity of Commonwealth Presiding Officers and hope to meet you soon.

Please also accept my own congratulations on your election as President of the Senate."

Yours sincerely,
(Sgd.) H. C. Mott

Clerk of the Senate : The other letter—

The Deputy President : Perhaps at this stage the Leader of the Senate might want to say something.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I beg to move that the Senate of the Federal Republic of Nigeria should acknowledge the receipt of this message and send our own goodwill message to our counterpart in Australia.

Senator Ibrahim Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second.

The Deputy President : The question is that this Senate reciprocates the goodwill message received from our Australian counterpart.

Question put and agreed to.

Resolved : That we in the Senate of the Federal Republic of Nigeria acknowledge the receipt of the message of the Australian Senate and send our own goodwill to our counterpart in Australia.

The Deputy President : Could we have the second letter please ?

Letter from the Federal Ministry of Finance

Clerk of the Senate : The second letter is from the Federal Ministry of Finance, from the office of the Minister, and it is dated 3rd December, 1979. It reads as follows :

FEDERAL MINISTRY OF FINANCE

Office of Minister,
Federal Secretariat,
P.M.B. 12591,
Lagos, Nigeria
3rd December, 1979

The President of the Senate,
National Assembly Buildings,
Tafawa Balewa Square,
Lagos

EXTENSION OF WITHDRAWAL PERIOD
FOR NOTES OF OLD DESIGN IN THE
DENOMINATIONS OF ₦1, ₦5, AND ₦10

My attention has been drawn to Resolution No. 24 of Thursday, 22nd November, 1979 of both the Senate and House of Representatives seeking to extend the call-in period of the old designs of ₦1, ₦5 and ₦10 to 31st March, 1980.

2. You will wish to know that the Central Bank of Nigeria has recently discovered that in the course of evacuating by air boxes of ₦10 notes from some branches to Lagos Office strong room, some of the boxes were discovered to contain bundles of exercise books instead of the ₦100,000 in ₦10 notes which each box should contain. The amount involved in these discoveries cannot yet be determined and the Police are still investigating.

3. In addition to this it has been discovered that some unscrupulous Nigerians who are trafficking in the Naira outside Nigeria have now embarked on massive importation of very large sums of money into the country. All the cases are being investigated by the Police and a massive hunt has been mounted by all organs of government to help arrest the situation.

4. In view of this therefore, it may not be in the interest of the Nation to extend the call-in date. You will readily agree that these die-hard criminals should not be given the loopholes through which they could easily exchange their fraudulently obtained old Naira notes. However, in order to ease the burden of innocent citizens in remote areas, it has been decided that applications for exchange of sums not exceeding ₦100 could be made through Commercial banks to the Central Bank, which would then use its discretion in approving or rejecting the applications.

5. It would be appreciated if this information could be communicated to the Senate please.

ALEX I. EKWUEME
Vice-President of the Federation

The Deputy President : There is an oversight. I could have mentioned much earlier that the President is a bit indisposed this afternoon and this is why he is not here physically, but you can be assured that he is with us in spirit.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, on this message from the Executive, I would like to expatiate on one or two points there. One in particular is the fact that this Senate passed a Resolution last week that the Federal Government or the Executive should extend the call in period from 3rd of December, 1979 to 31st of March, 1980. This Senate and the House of Representatives passed the Resolution. As we adjourned yesterday I found in my office a message from the Executive giving reasons why they are unable to extend the date. In fact the letter read now has not said much. There was one particular case in America where an American was found with ₦1.5 million naira and was exchanging this in New York. The matter is still with the Police.

A Senator : Are you surprised ? It is in the streets in London.

Senator Saraki : I see. Thank you for your information. Mr President, when this man was arrested, he said, *please do not harass me. I am prepared to tell you more about top Nigerians who deal in this business.* They said: *No, we cannot release you but if you can tell us more about it we might be able to help you.* They sent an official from the Central Bank to New York and this official interrogated the American but he would not give the names of the Nigerians who are in this sort of business.

Also, it has been rumoured that there are Nigerians with millions and millions of old currencies in their houses and they cannot find it easy to change all the

money at a go. So, they would like the time to be extended so that they could bring this money in gradually until the whole thing is exchanged. So, the Executive said, on the strength of this, and because of the economy of the country, it would not be wise to extend the call in period.

Again, there was a rumour going on that maybe some of these unscrupulous Nigerians might have infiltrated into the National Assembly urging Members to bring up this Motion and I said, as far as the members of the Senate and the House of Representatives are concerned, the Executive should be rest assured that nobody can take money from these unscrupulous Nigerians in order to get this period extended.

Be that as it may, having explained this, anybody who has the interest of this nation at heart would not press that the Executive should extend the date and I hope that it will be the pleasure of the Senate to accept the information given to us by the Executive.

Thank you, Mr President.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think we are really disturbed about the levity with which the Legislature is being treated by people in this country. The notice to have this Motion debated had long been on the Order Paper, and I am quite sure that members of the governing party on the other Side must have been in direct communication with the Ministry of Finance about the propriety or otherwise of having this Motion argued on the Floor of the Senate.

For one to listen to the news on the NTV yesterday that the Central Bank had more or less treated the Motion passed by the Legislature with levity and contempt and that the Leader of Senate himself was alleged to have made a statement that that Motion was not debated and passed but withdrawn, I think, to say the least, is highly reprehensible. I think, Sir, that one feels rather concerned that unless this Legislature is accorded the dignity and respect which it deserves, we might as well dissolve, everybody going to his home. (*Applause*)

There is no point coming here, day in day out, having experiences which show that there is a lot of communication gap between this Legislature and the Executive. This is exactly what is happening. For how long are we going to endure this, only God knows. If we are going to stay here for four years doing this type of thing, well, I do hope that some of us will last the period because it does not show that we are really facing up to our task very well.

The Central Bank itself knowing, through the Ministry of Finance, that something has been happening here, ought to have come here to give the necessary information. Every Motion and everything on the Order Paper here ought to go to the Executive everyday but that is not happening. If they have any information which they should give us, that information ought to be given us immediately so that we do not tread on dangerous grounds.

When I said the other day, when we were considering the question of renumeration, that a lot of things have been happening, that there is a lot of communication gap, people thought I was merely crying wolf where no wolf existed. I think, Sir, it is quite true that a lot of money is going down the drain in this country, that many Nigerians are trafficking illegally with our currency, but the answer is not treating us with levity.

Therefore Sir, I will suggest for the consideration of the Senate that, in future, Motions which are going to be argued here, once they are printed on the Order Paper and the Executive is seised of them, efforts should be made to contact us here and give us full facts through the Leader of the Senate, and if necessary, through the Chairman of the Committee that is responsible for that particular subject, so that all of us can be well educated before we spend our time arguing the Motion here.

With those brief remarks, Sir, I stop.

* **Senator Saraki** : Mr President, distinguished Senators, Senator Odebiyi made a statement which was not true. I never said that this Senate never passed the Resolution. When I was approached by the Press yesterday evening, I said that the Senate and the House of Representatives passed the Motion ; but after that, today I received an information on the reasons why the Executive would like to appeal to us not to press the issue. If this Senate wants to press the issue, what we need to do is very clear. We go and prepare a Bill and we pass the Bill and the Executive cannot do anything about it but to accept what we have passed in this Senate. But that is not the issue at stake. The issue at stake is that I never said that the Senate did not pass the Motion.

If we want to force the issue, we can prepare a Bill and the two Houses will pass the Bill. (*Interruptions*)

Mr President, Sir, it is not correct to say that I told the Press that the Motion was never passed. I never said so and I would like to assure distinguished Senators that I would be the last person to do anything that will bring this Senate to ridicule or to do anything that will lower the integrity of this Senate. I will be the last person to do that, but I would like to assure Senators that whatever I say, I really mean it and I will never deny what I have said. I always own up whatever I do or whatever I say.

Senator A. A. Adesanya (Ijebu North/East) : Mr President, Sir, as stated by Senator Odebiyi, this is a very serious matter and I believe, Sir, that the Executive is treating this august Assembly with levity and with contempt. The Executive will not tell us that it was only yesterday that they discovered the missing boxes. This Motion was passed on Thursday before the Governor of the Central Bank went on the air. He ought to inform the Senate first. We ought to have heard first. Courtesy demands that, but that they would not do. The first thing we would hear was over the radio to say that our

Motion is absolute nonsense and that they are not going to consider it. There is nothing more degrading than this.

There is no Nigerian who will not commend the authorities if they discover this and they want to block the loophole so that millions of naira will not go down the drain. While talking on this matter, the Senate Leader mentioned something about somebody being caught in America. I will be surprised if the Executive are now saying that that was the first time they knew that people were trafficking openly with our currency notes in foreign country or countries. Go to London, there in Liverpool Street Station, you get almost all brands of our currency in the open market and this happens in almost every street in London. You can always get the Nigerian currency put on sale. We know the official rate of the Naira to the Pound Sterling over there, but I have seen the Naira at Liverpool Street Station being exchanged at three Naira to the Pound Sterling openly. There, they are selling laces and these other materials and you can always get the Naira exchanged at that rate any time, any day.

A Senator : Did you exchange some there ?

Senator Adesanya : I did not need it. I have met Commissioners around those places. I have met millionaires of Nigeria around those places. I have met millionaires from Kwara State there. (*Laughter*)

Senator Sola Saraki (Ilorin/Asa) : Mr President, I need your protection.

The Deputy President : You are fully protected.

Senator Sola Saraki : I think I have met Mama Segun there. She was also there.

Senator Adesanya : I have never mentioned the name of the Senate Leader but if there is only one millionaire in Kwara State, I recognise that one millionaire to be the one and only millionaire, the Leader of the Senate ! (*Laughter*)

The Deputy President : We are not in Committee Stage and I will appeal to distinguished Senator Adesanya to come straight to the point.

Senator Adesanya : I think, Sir, that the Executive have to do something serious about this matter. We have Missions overseas and, in fact, all over the world. We have Missions in London, in America and in almost all the countries of Europe where people traffick in our currency notes. If the Missions in these places pretend not to know of the trafficking in our currency, such Missions should be closed down immediately. The monies spent on such Missions are a complete waste.

What have they done about it ? Take for instance, when laces were banned in Nigeria, you get to Liverpool Street Station and you see bales upon bales of laces with Nigerian names inscribed on them.

A Senator : Why can you not arrest them ?

Senator Adesanya : I cannot arrest the people in London. What can I do about it ? All these

[SENATOR ADESANYA]

bundles of laces are carried by the Nigeria Airways for Nigerians and our Missions ought to do something about it.

The Executive ought to be told in plain language. The Executive ought to be told also, and we are telling them now, that they should treat us with some dignity and with some respect which our offices deserve.

A Senator: Why not issue an ultimatum ?

Senator Adesanya : There is no ultimatum yet and I hope the Executive will not force this Senate to give such an ultimatum.

Senator Obi Wali (Rivers I Phalga) : Thank you very much, Mr President. I think that I cannot over-stress the seriousness of this situation in which we have now found ourselves. I know that when Senator Ellah was making a speech here last week about the resources of the Senate in order to enable it to do research and competent work, there was a lot of fun made out of it, even from both Sides by Senators who pretend that they are serious minded people in this Legislature. I want to make that point again that this idea of ridiculing this Senate, where we are going backwards and forwards, appears to me to be a deliberate design.

I do not want to delve much into the history of the past few months, but I know that I was a member of the dissolved Constituent Assembly, and at a very significant stage of that Constituent Assembly, some people appeared to have changed their minds about the Presidential System of government. We had to go into very serious division in that House to defeat them, and I think Members of that Assembly who are now here will recollect that incident where we had to go into serious division. It was one of the most serious set-backs we had, but we stuck to it. So, I do not know whether we are not in a game in this country about the nature of this system of government we are trying to experiment with, whether people have not started to change their minds at this stage to take the country for a ride. If this is the case, we are merely victims of that entire situation.

So, Mr President, the point I am making is that we now have to clarify our stand about Bills and Motions. There is no point going to find an escape clause here to say that if we are serious, we could have had a Bill passed. If Motions in Senate are mere funs, then, of course, we should convince ourselves that they are mere funs, and the sooner we stopped passing Motions to amuse ourselves, the better because some of us are very much older than thirty-five years of age, which is the official age for Senators, or is it twenty years ?

So, I think that as far as I am concerned, it will be regrettable if the activities of pressure groups, infiltrators or gamblers and those who deal in the money market have only now heightened. But quite frankly, if we passed that Motion here in the Senate, it should be given the dignity it deserves. I really do not see the point now in pedalling back because some people are found with millions of Naira. That has been going on in the country for years. That has been going on at all levels.

So, to go and take that as an excuse and to now retract a Motion that came from the upper House, because we are now remembering that there are pressure groups and infiltrators, is just a further means of retracting from the dignity of this Senate, and we are just going to be a laughing stock of those ill-informed newspapers of this country who want to put us at their level of being described as ill-informed persons just as they are, and they will reduce the whole experiment for the salvation of this country into mere fun. They will incite the bureaucratic elites who have a design against democratic process in this country resurfacing.

The issue in the eighties in Nigeria, Mr President, is whether the elected representatives of this country can run a country. I am sure that they can run a country, but the bureaucratic elites have designed and they are bent on destroying that very process. I am sure that no Senator here will be a willing tool in the hands of such mischief makers.

So, in conclusion, Mr President, I do not share the views that we are going to rescind that Motion but heads must roll, anyway. Whoever is found guilty of this whole business of ridiculing the Senate and making us a laughing stock has to be punished, because only last week we made fun of the Currency Exchange and those heads must roll, it is not the Senate that is going to retract. Thank you.

Senator A. Magaji (Suleja) : Mr President, Sir, a lot has been said. Last time, I said that we shall not be rubber stamp Senators. Definitely, nobody will be pleased if he is always disgraced. After all, it was said that the Military Regime was dictating and that Nigeria was returning to a democratic rule. It was this, with the ambition of becoming the champions of this democratic rule that made all of us abandon our day-to-day activities. Those of us who are farmers, Civil Servants, Lawyers or Traders left our activities to come and contribute to the successful carrying out of this very democratic rule.

Now that we have come here, Legislators are not regarded as people who are representing the masses of the people. Whenever we move or pass a Motion, saying that we would want this or that to be done in the interest of the nation, a different thing comes up with an explanation which, if it was earlier given to us, the Legislators would have thought about it and would have come to a very reasonable conclusion. But these people think that the Legislators here do not know a thing. They feel they are the Alpha and Omega, and that they will do and undo and that Legislators are just gathered here crying for their salaries.

We are not interested in our salaries and we would want the Executive to know that, and that when we abandon our salaries, anything we decide on in good faith should be abided with. I will be happier to return to my little cottage to report to my people that I am doing good service to the nation. Everybody who listened to the news yesterday was not happy about it. I was not happy personally and that was my honest feeling about it. I have left

my house, my family with the little children and the other women I have in my house just to come to Lagos and—

Some Senators : How many wives ?

Senator Magaji : I have four wives ! (*Laughter*)

Mr President, to come to Lagos so that I will be one of the wisest men to represent the nation was my aim since we are regarded as the wisest men. If, whenever we make any law or we pass any Motion here, we hear that some people do not want it or they say that there is a reason for not accepting our decisions, I do not think that is giving us that recognition of wise men.

If there is any reason to stop us from extending the deadline, we should have been informed earlier of any such reasons. It was only when I listened to the news last night that I heard something about the withdrawal and why our decision cannot be implemented. It was also mentioned that the two Houses had made some Resolutions on the extension of the date. I was not happy with this because what I thought was that these people are just kidding us. They take us as kiddies, people who do not know a thing and who are not fit to decide for the nation.

If the Constitution of the Federal Republic of Nigeria says we shall make Laws for the nation and at the other end, we have some people who come to dictate what is right to us or what they feel is right, nobody will be pleased.

As somebody has already said, we know that a lot of security matters are affected and also that they are trying to prevent fraudulent people who are used to getting out with our money but the security aspect should have been effectively handled. Even if such a signal was given to us earlier, we would have known how to word our resolution, but it was after the resolution was passed that someone went to the air to say that there was this, there was that and that. We are not pleased.

The simple thing we have to face now is that this Resolution was passed and another order was given. We must decide which one to take. We know the people who gave these reasons are trying to save Nigeria some money. Yesterday, the Legislature passed a Motion and it was not accepted. If again today another Motion is passed and it is not accepted, then what are we here for ? Let us decide, let us give this country to the Executive to run and let there be no Legislature. I think that will be better.

Thank you. (*Applause*)

Senator C. O. Adebayo (Kwara Central) :
I thank you very much, Mr President.

A Senator : Kwara millionaire !

Senator Adebayo : I am not a millionaire, I am only a millionaire's brother.

I want to associate myself with the sentiments and very genuine feelings expressed by distinguished Senators on this issue. I do not intend to repeat them. I want merely to observe, in addition to what they have said, that there was a time lag of almost one week before the passing of this motion in the House of Representatives and the Senate. If everybody was alive and not just sleeping in the Central Bank, that was long enough notice for them to know that they needed to give us all the information in their possession which we require to take a decision on the matter.

Now, Sir, we are talking about the Executive and this slight or contempt of the National Assembly, but there is the real issue of actual fraudulent practices being perpetrated with regard to the Nigerian currency. If we can check people who have the old currency notes from bringing them in and changing them for new ones, what are we doing about the new notes? The new ones have been out long enough and I have no doubt in my mind that they have been circulating side by side with the old ones.

The issue is to find a permanent solution to the illegal trafficking in Nigerian Currency notes, and I would suggest that this matter should be referred to the appropriate Committee of the National Assembly, Sir, for very careful examination and investigation with the officials of the Central Bank and whatever agencies are involved.

Now, Sir, the issue of whether our feelings here, our thoughts and our desires in this Senate for this country should come through Motions or Bills is a very serious one, because the Leader of the Senate did make reference to the matter. We know this ourselves, and this has been said before times without number.

Even the distinguished Senator Ellah made a very serious and vital point about the issue of assistance in the performance of our functions in Senate here. You cannot prepare a Bill without appropriate legal assistance. We have said times without number that there is not single Draftsman attached to the National Assembly, and if there is one, by the time I finish, please let me be corrected.

Now, I think we have kept talking for too long about these things and our work is being hampered and delayed. Is it not time something was done about this ? I would suggest, Sir, that we should advertise and there should be provision for staff in our establishment. We should advertise for staff and employ people or seek transfer for people who may wish to work with us from the Public Service.

As things are now, ordinary letters that have been written in long hand, not to talk of those that Senators would want to dictate or maybe notes that you want to use in the Senate cannot be processed in good time. The issue of Legal Draftsmen is only one issues. There are others ancillary to it. The general assistance and necessary staff for the performance of our functions efficiently to the satisfaction of the average Nigerian who expects us to function so efficiently is not there.

[SENATOR ADEBAYO]

So, Mr President, the sum total of my submission is that, while we seek means of checking the trafficking in the new notes apart from the old ones, we should make sure that services are available which will enable us to do our work properly and to make laws, whether people anywhere, be it the Executive, be it the Civil Servants, want it or not. This, we have power to do, according to the Constitution of this country.

Thank you.

The Deputy President : I think this is a very important item, and I would want to sound the opinion of all sides of the Senate.

Senator Bitrus Bzigu Kajal (Mubi) : Thank you very much, Mr President. Indeed, I associate myself with the sentiments expressed from all sides of the Senate, and I would like to add that, in fact, the people who defraud this country are not the poor villagers, the people that I represent. They are the rich ones, the millionaires and others who know how to steal from even the Central Bank itself. I would say, Sir, that the Central Bank officials are maybe the worst offenders. I say so because there are certain instances when, in fact, one can say that defrauding of this country comes from the Central Bank itself.

I happened to be in Belgium at one time when there was a discovery and many people came to tell me that there were certain documents concerning what was to be imported into Nigeria. But the end result was that nothing would be imported at all ; that old and depleted ships would be used. After taking off everybody in Lome, the ship would be sunk. In that way, millions and millions of naira will be siphoned in foreign exchange, and yet we come and cry wolf when no wolf exists. Then we make certain decrees that anybody caught with a penny will be imprisoned for ten years or more whereas the real thing is in the Central Bank.

I would have also liked to ask a question, but unfortunately no Central Bank official is here. In fact, who put the exercise books in the boxes ? Certainly not the villagers that I represent. It must be the Central Bank officials, and the right way to correct this is not to punish the villagers, but the officials, after we might have investigated it properly. This is something very serious.

We do not represent the Central Bank here, we are representing the people. In my district, for example, we have only two commercial banks. How do we expect people to exchange their money without any publicity, without any assistance from the authorities, and we go on to say we cannot extend the date.

Unfortunately, the Central Bank had at no time made any attempt whatsoever to publicise the fact that the old currency would cease to be legal tender, except may be by announcing through the radio. How many times would the radio carry such information ? I am saying this, Sir, because this is a test as to whether this Senate would be

really serious, a test as to whether this Senate would now represent the ordinary people of Nigeria or whether we will be concerned about the few individuals who can defraud the country ; the few individuals who through the Central Bank connections can really put the economy of this country in jeopardy.

Now, I would say that whether we like it or not it cannot be without our knowledge that Nigeria currency is exchanged everywhere. Infact not only is it exchanged in open market, it is exchanged in certain banks. I know for certain in Zurich in Geneva and New York and other places. It is not only in the black market, it is also in certain banks. What are we talking about ? Is it without Central Bank's knowledge ? I think it is time that we really say what the position is and let the President and his officials know that we are serious and that we represent the people. We are not representing any bureaucratic elite. We are not representing any group that do not have the concern of Nigerians at heart. It will be wrong, Sir, to prevent the ordinary farmer who earns fifty naira a year from exchanging his twenty naira in order to save the country from bringing him twenty million naira. I say this because the farmer has worked for his money, but the person with or without twenty million naira can exist. But the farmer would certainly be in deep trouble.

With all this, Sir. I would wish that this Senate does not bulge on what we have passed. Thank you, Sir.

Senator Ibrahim Barau (Ikara/Zaria/Birnin-Gwari) : I am sure, Mr President, that the nation is aware of the good intention of the Senate. The intention of the Senate to pass this Resolution is to look after the interest of the members of the rural population who may still have this old currency in their hands in the amount of ten naira, one naira, *et cetera*. It is not the millionaires, it is the rural areas which, if not considered, will certainly be affected, and this would amount to these poor rural people losing their money.

What surprises me, Mr President, is the response from the Executive. It is the duty of the Central Bank to be fully aware of how much money is in circulation and when we decided to withdraw the old currencies, we should know how many currencies we would have returned as old currencies. By way of a response to the Senate, I expected the Central Bank to be courteous enough to say that since the new currencies were introduced so much was expected and so much has been received, and that it is only so much that is in actual circulation, which they are expecting back. They would have given us the yardstick to measure whether this has been strong reason for this Resolution or not.

Even now when they have to respond, the response does not carry any indication as to how much of the old currencies they have collected so far, and how much as far as their statistics are concerned is still at large in the hands of the rural people.

In the light of this, I do not see the magnitude of their response and I still feel that there are some

money in the hands of rural people which would be trapped at the expiring date, unless this Resolution is enforced.

Mr President, this kind of situation carries the Senate to the importance of its functions, and the approach of the Executive in relation to its functions to the Senate. This also carries us to the question of the limited facilities which we have, as to how this kind of system in practised if we compare with elsewhere. It is not only the legal department that we do not have, Mr President; we do not have offices. We do not have staff, let alone the field staff. In fact, I doubt if we are in anyway in the budget. (Laughter)

So, Mr President, I still stand for the Resolution and I associate myself with my colleagues who spoke before me.

The Deputy President : I would take three more speakers on this subject. I recognise distinguished Senator Jaja Wachuku.

Senator Jaja Wachuku (Aba) : Mr President, Sir, as has been said by other distinguished Senators, this matter is a very serious one. All of us should consider it as such. The division of responsibility as expressed in the Constitution between the Executive, the Legislature and the Judiciary seems not to be understood by some of our respected persons. I want to invite the Executive and all those concerned to view the film which was shown last night in the NTA. I want a repeat performance of that programme and in fact, to run it for one week or one month. This is a very serious thing. That programme is just germane; it is just on time. I would like the NTA to run that programme on the responsibilities that fall on the shoulders of the Executive, the Legislature and the Judiciary. That is the division of functions. If they do this, it will destroy the vicious propaganda that has been mounted against the Legislature.

The ordinary people of this country will learn from what happens in USA ; how the Presidential system is run. I am saying this very seriously. In fact, I will like them to repeat it tonight because there are some Senators who did not see it. There are some of the Members of the House of Representatives who did not see it. There you would see the Vice-President who is the President of the Senate answering questions. The Speaker answered questions. The Leader of the Majority Party answered questions. People who were knowledgeable and all other people asked questions, and they were answered.

So, not only do we have this Constitution here, it is not even being read. I do not think that some Members of our Executive even read it because if members of the Executive read this Constitution, of course, I do not see why the Members of the National Economic Council could make the type of pronouncement they made when, in fact, they have nothing to do with the subject which is within the competence of this Legislature. They just assumed. There was a coup. They seized power that does not belong to them in order to be popular with masses. The Press should be educated to educate the masses.

I said it before, but they would not refer to it. They know but they will not say the truth. I am repeating it again ; I do not care what they say about me, but they should tell the ordinary people of this country the truth. I do not want them to eulogize Jaja Wachuku. I am an individual. But the truth as it stands.

In whose helm is the responsibility of fixing salaries and the rest of that ? In the Constitution who has to do that ? Is it the Senate or the Executive ? Surely it is the Executive that does this. The Executive produces appropriation Bill, but that is after the Legislature has fixed the necessary things. The responsibility is there, the power is there in the Constitution but has the Press run a series of articles to educate the masses on the provisions of this Constitution in a simple language so that they can understand it ? The answer is no.

Then we take the Motion. I want the Executive to take this Constitution and go and do their home work ; study it ; know the limit of their power, and the limit of the power of the Legislature. Then when we have conflict the Judiciary will interpret. That is why they want the two sides to disagree. The Judiciary comes there to hold the balance.

Now on this Motion we are talking about, you would see Order 20 (i), (ii) and the rest of that, where provision is made that five days notice should be given for Motions, all substantive Motions ; surely that is designed to enable not only Senators know that the Motion is coming up. As far as I know, when we who have been abused so much, we were in power, every Motion filed was submitted to the Prime Minister, not to his office, and distributed to all concerned. I am sure that the Executive would have full notice of the Motion even before they were debated in the Senate.

Surely, if they have five days Notice—I know sometimes here Senators were complaining that it should be filed for about ten days, they would have time to know that such Motion was coming up. They would have time and they would also know when the Motion was debated in the House of Representatives. They kept quiet. There is no indication to the President of the Senate to say, Look, this and this are happening. There is no indication to the Leader of the Senate that this and this are happening.

Even there are some total discourtesies to the Party Leaders here. Whether we exist or not does not mean anything and yet the Executive cannot survive twenty-four hours without the co-operation of this Senate. The situation is such that one does not know where we are.

Mr President, Sir, I most humbly implore this Senate not to accept the request of the Leader of the Senate in this respect. For this reason paragraph 2 of this letter that is sent to us by the Vice-President I will like to read it :

You will wish to know that the Central Bank of Nigeria has recently discovered that in course of evacuating by air boxes of ten naira notes from some branches to Lagos office strong room—Some branches, branches of what ?

[SENATOR WACHUKU]

Some of the boxes were discovered to contain bundles of exercise books instead of hundred thousands of ten naira notes which each box should contain. Branches of what? Is it not branch of the Central Bank? Do we too understand that the Manager of this Central Bank did not count the money and put them in those boxes? Do they not know who to persecute? After all they know the serial numbers of those notes.

A Senator: They are still investigating!

Senator Wachuku: What are they investigating? If the branch of Central Bank is at Enugu and you carry so many boxes there, is it not clear that those who put them there would investigate? If it is at Kano, what investigation do we need about that? If it is from Lagos, Ibadan, Ijebu-Ode or anywhere is it not clear?

Fortunately, there is no branch of the Central Bank at Aba (*Applause*). So, nobody will be persecuted at Aba. We are a nation of hypocrites; we are a nation of cowards.

Senator Jalo Waziri (Bauchi East): Point of order.

Senator Wachuku: What point of Order? I am not yielding. Mr President, Sir, this Senate has been working under difficult conditions. When Senators complained about accommodation, instead of the Press and the Executive and everybody co-operating with us—people who have travelled eight hundred miles, a thousand miles, five hundred miles, from their homes, established people—they said we should come here to be quartered in one bedroom (*Applause*). Nobody has sympathy for us established people, decent people, people who have families and run families. On arriving here, I have to begin to learn to be a teenager. Is that not a disgrace? Yet they are so heartless and they do not see this. They expect responsible people like us to work under such conditions and do something worthwhile for this country. Since we came here, we have been talking about accommodation. They say we want to live in luxury. What kind of luxury is that?

All the members of the Executive have free cars, free houses and free everything. If we are not going to have allowance, from top to bottom, let us not have it. Let us give free service and see who will suffer. There is no need telling these things when you have millions of naira put over there. Nobody gives account, and nobody questions it. Yet when you ask for a few naira, they say this is too much.

Mr President, Sir, partly, I think we will remedy this situation when the twenty-two Committees are set up, as it is in the Order Paper of today. Senators have been selected to be in the various Committees. I think the time has come when the Legislators should fight back. By setting up these Committees, they have charged the Committees with responsibilities. Nobody should fall by the way side, and if anybody does it is his business. There is no need attempting to think that you can intimidate this Senate.

Some people say the boys are at the corner. Let them stay at the corner. After all how many of them? We have the mandate of our people. There are only three classes of people that have the mandate of the people. The President has the mandate of the people, the Members of the Legislature—the Senate and the House of Representatives—and the Governors. When issues were brought to us here to approve, and when we have approved them, they say we are nothing. It is disturbing.

Mr President, Sir, I would like to say here that this Resolution has been passed both in the House of Representatives and in the Senate. It will be a disgrace for this Senate to pass this, and when we are asked to swallow our words. Whether we apply that or not we leave it at that. We are not going to withdraw it. The Resolution should be submitted to the Chief Executive.

As it is now, we have noted what the Vice-President has said. I take it that he is the Vice-President since he is acting for the President. I do not think the Minister of Finance can address a letter to us. He is supposed to come and answer questions before us, and not to address a letter to us. I want to make it clear that no Minister should be allowed to write a letter to the Senate again. Any letter that comes by the way of a Minister should be thrown out. We receive communication from the Chief Executive and not from any Minister. If we want a Minister, he should come here and answer questions. He should come to the Committee and answer questions, and not to the whole Senate. (*Applause*)

I am respecting this because I take it that it is from the Vice-President of the Federation. That is why I am considering it. If it were from the Minister of Finance, I would ask this Senate to disregard it. A time has come when this Senate will not accept this kind of thing here. If they do not know their Constitution, it is their problem, for I sleep with it. I go everywhere with it in my pocket, because this is the Bible and Koran which guides us here. If they do not know it, it is the rule of this Senate. It is the weapon we are using.

So, Mr President, I want most humbly to make it clear as I began that this film which was shown yesterday should be repeated over and over again for one month, so that all of us will know. The Chief Executive is not at home. He will likely ask for a repeat of it when he comes so that he would watch and it will be repeated for one month so that people will know how this system works. It is very important. The Constitution itself should be read and studied. Let all sections of the community do their homework on the Constitution. In order to judge us, they should also study the rules of procedure of this Senate.

I think it is due to ignorance that these things happen. If the Executive side knows all these things the Central Bank will not be making statements. They will not make any statement ridiculing this Senate because the Chief Executive will call them to order. We have nothing to do with them as such. We legislate. If there is any conflict it is between the staff and the Chief Executive. And he knows that if

he disagrees or he delays something for thirty days, with two-thirds majority we can pass it, whether he likes it or not he has to sign it. That is the law, that is the Constitution. We know where the ultimate power rests.

That being the case, we do not want any confrontation, but that does not mean that this Senate does not know its powers. We want to help at this initial stage, we are all moving one step back of the other so that we can move together, and make a success of this new experiments.

But to take it that co-operation is a sign of weakness, we want to make it clear now that it is not. Let the Leader of the Senate and the President of the Senate communicate this information to the appropriate quarters so that we will not be pushed around again, and the Press should remain objective.

Senator David Omueya Dafinone (Bendel South) : Mr President, Sir, I am not going to repeat what other previous speakers have said. I subscribe to the view that the communication gap between the Executive and this Legislature needs to be examined. The Senate, or the House of Representatives, is the bullwark for the preservation of the freedom of the individual and against the oppression of excessive power by the Executive.

There are some questions arising from the communication we have just read. We would want to ascertain from the Minister or whoever is responsible when he became aware of the irregularities which have now been exposed.

The second point is we have been informed that an official of the Central Bank was sent to the United States of America. We do well know that that official has no power to interrogate anybody under the United States Law. What precaution did this Government take from this end to ensure that that official is equipped in the proper performance of his duties?

The third point is, the Central Bank has got a Currency Division, a Security Division, and an Internal Control Division. Why is it that in informing the Senate they have not told us that the necessary control required for the movement of Currency from one Branch to the other has not been complied with? These data leave a lot to be desired.

There is another point, we have the Department of Customs and Excise charged with the responsibility of examining passengers coming in and going out of the country. What actions have been taken in this matter to alert that Department of the fraudulent transactions which they are now trying to expose?

There is, as far as I am concerned, the need for the Senate to invoke its powers under Sections 82 and 83 of the Constitution and bring those responsible before this Senate to give evidence and testify on Oath that they either have neglected their duties or they are trying to deprive the ordinary masses of this country, with their hundred naira or fifty naira savings, of the right to exchange their life savings which they have acquired through dint of hard work to the new currencies.

With those few suggestions, Mr President, I beg to say that the Motion as originally passed will stand, and the officials should come and account to this Senate why it has taken them so long to inform us, when they knew of the deliberations of this Senate all along the line.

Thank you, Mr President.

Senator Sikiru Shitta-Bey (Lagos) : I am very grateful, Mr President, I associate myself with the sentiments already expressed by my colleagues on this issue. I think we have to be very careful. When I say this, I mean we must show the whole nation that we are responsible. When I say we are responsible, I am not talking about the Senate alone or the House of Representatives, I am talking about the whole country. What happened to the first Constitution? It was not that that Constitution was bad, but those who operated the Constitution wrecked it.

A Senator : You were there.

Senator Shitta-Bey : Please, I was not a Minister. I was in the Legislature like this. The Ministers and the Executives staged to wreck the Constitution, Mr President.

Senator Olawole Odebiyi (Egbado North/South) : Mr President, Sir, I beg for protection.

The Deputy President : No names have been mentioned.

Senator Shitta-Bey : I think what is happening now (we must watch) is that the Ministers and the Executive want to wreck this Constitution, because they are conscious of the powers of the Legislature and they know that with presence of the Legislature under the present Constitution, they will not be able to steal.

Mr President, Sir, I am inclined to say that the Senate is a very important organ or branch of the Legislature. In fact it is the highest in the land. It is the highest in the land in the sense that it is the senior partner as far as the National Assembly is concerned. It is a place that the existing President and the future Presidents in this country, if they are still young should look forward to coming into after retiring as the President. I am saying this, if you maintain the dignity and the image of this Senate, Senators would move from here to become Presidents, and if they leave here to become Presidents, when they retire if they are still young, they will still come back here until their terms have expired.

I will show you a classical example. Mr President, Sir, I am just trying to show the importance of the Senate. No President in the history of this type of system has ever contested anything other than the Senate election. I would like to refer to Andrew Johnson who was a US Senator in 1857 to 1862. He was a Vice-President in the year 1865 and President of the United States of America from 1865 to 1869. In 1875 he again became a United States Senator.

[SENATOR SHITTA-BEY]

When he finished as President, he still believed he had certain duties to the nation and I would like to quote from another aspect here. (*Interruptions*)

The Deputy President : Order ! Order ! Please continue.

Senator Shitta-Bey : Before Nixon, President Andrew Johnson was the only President ever to be involved in impeachment proceedings. But he survived that ordeal unlike Nixon. And six years after leaving office as President of the United States, he had the pleasure, in fact, history wrote it as pressure of being elected once again to the Senate where he had the opportunity to defend his home reconstruction policies before he died. This is contained in the Book of the Presidency of the United States.

Mr President, why I am citing this is to show that the Senate is a place of dignity, a place of honour and unless we in Nigeria make it so, this Constitution shall be wrecked. I am appealing to the President, I am appealing to the Executive to make sure that the powers of the Legislature are not unduly interfered with. I would give a warning. There are only two sides to the issue now. The third side is there. That third side is the Judiciary. They have not come in yet. They are watching us. Do not think they would not come in. They would come in because a lot of issues would come before them and they would maintain their stand.

I am appealing very strongly to the President of this country, in other words, to the Executive that they should exercise caution, they should not wreck this Constitution, they should let us work in harmony, provide all those facilities to work with so that we shall be sure that the Judiciary would work in harmony with us. (*Applause*)

Mr President Sir, on the Motion as I said, I, along with others drafted the Bill. Though we have no facility yet, we are going to reconsider it but in view of the revelation which we got today we are inclined to suspend the Bill subject, of course, to one thing. We are intending to suspend bringing a Bill on this matter in other words, backing the resolution in view of the fact that we are conscious of the need to protect the economy of this country. So, with that revelation, we are suspending that Bill but I am associating myself with the views expressed by Senator Dafinone that those connected with this revelation be brought here. I suggest further that the matter be referred to the appropriate Committee, and I think in this connection it is the Banking and Currency Committee, for full investigation.

Mr President, I would like to end this way. I am very serious about every statement I have made today. The Executive should know one thing. They should not wreck this Constitution. They should understand that the Legislature is the policy making body. We dictate the policy and they carry it out. We are the Board of Directors. The President is the Managing Director and he is to take orders on things like that from us, when it comes to question of our powers under the Constitution, because in the final analysis, if we pass a resolution and it is ignored

by the Executive what shall we do ? When we are fully provided with all the facilities, Bills would be flowing. And it is not a good thing to be passing Bills every time. So, a form of understanding should be reached between us and the President, and I think a proper note of this is being taken by everybody concerned, particularly the Leader of the Senate. Thank you very much.

The Deputy President : I would call on Leader of the Senate to wind up on this issue.

Senator Adeyiga Ajayi (Ikeja) : Point of Order, Mr President.

The Deputy President : What Order ?

Senator Ajayi : It is a Constitutional Order, Mr President. The last speaker suggested that this matter be referred to the Currency and Banking Committee, but from the discussion in this Senate today, this matter is of such Constitutional importance. I would suggest, Sir, that rather than referring this matter to a Committee, we deal with the matter as under Section 82 of the Constitution. That we conduct inquiry, appoint our own Committee of the Senate here and that is Currency and Banking Committee. So, I would say that we take a decision right now before we forget all about it. We appoint a Committee and we give the terms of reference to that Committee under Section 82.

The Deputy President : Senate Leader please.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I would like to assure the distinguished Senators that the Executive has the highest regards for this Senate (*interruptions*). Mr President, I need your protection. I would also like to assure the distinguished Senators that Alhaji Shehu Shagari, the President of the Federal Republic of Nigeria, would not do anything to cause any disrespect for this Senate.

When we were debating this Constitution at the Constituent Assembly, he played a very important role in that exercise, and as a man we all know very well, he has respect for law and order. I feel what is responsible for this slip is the fact that on our side, we have not fully settled down. We are being hampered in the fact that all the necessary facilities which we need for our functions in this Senate have not been provided. It was in this Senate that a Senator said that the country wanted a change—a system of Government but we are not ready in implementing the system. Otherwise, by now, each and every Senator ought to have had his office (*Applause*). By now, each and everyone of us ought to have got a house where to sleep and not that type along the Badagry Road where we find it difficult to live very comfortably and perform our functions.

Mr President, for this system to succeed, there is a very important aspect we seem to forget or maybe the public does not seem to know that there must be co-operation and understanding between the Executive and the Legislature, otherwise, this system can never succeed.

It is true that the Motion was passed in this Senate last week, and it is also true that a similar Motion was passed in the House of Representatives. To my mind, and for all it is worth, I do not think that the

Executive would intentionally fold their arms and want to confront this Senate in this manner. I would like to assure distinguished Senators that it was only yesterday evening after we had adjourned, that I received the information.

I would like to suggest, Mr President, that this matter be referred like a distinguished Senator suggested, to the Banking and Currency Committee to look into and tell us why it took the Executive so long a time to provide us with this information. It is after that that we would know where to place the blame. At the moment, I think we should put the interest of the nation at heart and we should let this play a big role in our decision this evening.

Somebody said that twenty million Naira is not important to Nigeria and to the farmer the sum of twenty million Naira coming from abroad is not important to him, but that the sum of twenty Naira is more important to the Nigerian farmer. I would like to assure you all that if the Executive allowed in the sum of twenty million Naira into the country, that money would be valueless because it would amount to an influx to our economy. Therefore, Mr President, it is important that we protect our economy.

All over the world, currencies flow. In the United Kingdom, you can carry any amount of sterling out of the country because that country's economy is sound. All the hue and cry in this country is because our economy is weak. Therefore, I do not think that this Senate would do anything to hamper our economy in a manner we would not like. I am, therefore, appealing to distinguished Senators that we hear the details from the Central Bank and from the Executive and then refer the matter to the Banking and Currency Committee which should report back to the Senate for further deliberation.

I, therefore, move that the matter be referred to the Banking and Currency Committee for further investigation.

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

Senator E. P. Echeruo (Okigwe) : Point of Order, Mr President, and it is Order No. 31.

I am worried about the way debates are closed in this Senate ; it is true we have had officers presiding and the President of the Senate himself has been liberal but definitely, the Standing Orders specify the method for closing debates. I think it is usually accepted that if it is the will of the Senate that debate be closed, it is closed. I do not think that that discretionary power is vested in the President, please. Usually, if it is considered that a sufficient number of people have spoken, then a motion that the question be now put is put, then the Senate decides whether to limit debate.

I say this because there are some of us who have contributions to make on this subject who feel their contributions are relevant lest we be misunderstood. It is true that the issue of communication has been mentioned, the issue of disagreement or disregard

for the Senate has been mentioned, the inefficiency of the Central Bank has been mentioned and such other issues ; the relevant thing, however, is that this debate is aimed at protecting the interest of the farmers, people in the rural areas.

Paragraph 4 of the communication we received talks about one hundred pounds and application for that amount. I do not think these people have an idea of what the rural community is like. I cannot imagine any rural farmer applying to the Central Bank to allow him change one hundred Naira. This is the crucial point. Who are we extending the time for ? If we think that these people would suffer unduly if we shall extend the time then it is incumbent on us to extend the time. If we think that their interest is—

The Deputy President : Order ! Order ! Will the distinguished Senator please stick to the point of order.

Senator Echeruo : Addressing myself to the point of Order, I think we have to agree that the method for closing debates is for a Motion that the question be now put and if the Senate agrees that the question be put, then debate is limited otherwise, debate should proceed. Thank you, very much.

The Deputy President : Point taken, but the distinguished Senator should realise that the issue we have been debating is not on the Order Paper and so, we should not waste the time of the Senate too much.

The question is that the matter be referred to the relevant committee that is to say, the Committee on Banking and Currency and that the Committee should report back to the Senate.

Question put and agreed to.

The Deputy President : The other thing I would like to suggest is that instead of taking item No. 2 on the Order Paper, I would ask leave of the Senate that we take item No. 3 first. Is the Senate agreeable ? After item No. 1, we shall take No. 3 before No. 2.

Several Senators : Yes !

ORDER OF THE DAY

POLICE SERVICE COMMISSION (MEMBERSHIP) BILL

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I beg to move—That the Bill titled Police Service Commission (Membership) Bill, be referred to the appropriate Committee which is the Committee on Judiciary and Public Services. I am sorry, Mr President, it should be referred to the Committee on Internal Affairs, and that Committee should report back to the Senate.

I beg to move.

The Deputy President : But there is a technical issue here because as a matter of fact, that Committee is one of the new ones.

Senator Saraki : The old one is the Committee on Labour and Internal Affairs.

The Deputy President : That one has been spilt.

Senator Saraki : Let it stand on the old one and later on when we approve this one it shall assume its real role.

Senator I. J. Waziri (Bauchi East) : Mr President, I was going to suggest that since this Bill is non-controversial and there is nothing for the Committee to discuss, it is as well we take it at second reading and commit it to the whole Senate instead of committing it to the Committee on the relevant subject.

Senator Sola Saraki : This is a very important Bill because we know that the Police is in charge of the security of the country, and a lot of revelations will be made to the Committee if this Bill is referred to it. In the old Constitution, there were about five members of the Police Service Commission, but now the membership is going to be seven or nine and there will be a lot of complaints on how this Commission was operating.

If this Bill is before the Committee, it will receive necessary memoranda that we have got in the Senate as they will be supplied to help the Committee in determining the membership of the Commission. The Committee may also like to invite the Inspector-General of Police to come and give some information because it is very important that the Police services in this country should be very efficient. Although, we have nothing to do with the appointment of Police Officers, remarks can be passed during the consideration of the Bill and the Executive can know the feelings and the intentions of the Senate.

So, I would like to move that the Bill should be referred to the appropriate Committee.

The Deputy President : Technically speaking, I would like to suggest that we should stick to the original Motion because no sooner we say that we should discuss it by the Committee of the whole Senate than the Senators would start raising amendments. So, I think it is right and proper that we accept this suggestion by the Leader of the Senate.

Senator E. I. O. Akpata (Bendel Central) : I beg to second the Motion that it should be referred to the appropriate Committee if the Committee can be activated because there is no chairman at the moment.

Senator Mahmud Waziri (Adamawa) : Point of order! Order 41 (1) says that *on the Order for the second reading of a Bill being read, a Motion may be made. "That the Bill be now read a second time" and a debate may arise covering the general merits and principles of the Bill.* Except we are going to suspend that Standing Order, I cannot see how we can refer it to the Committee.

The Deputy President : It was laid on the Table of this Senate some time ago. So, this is the Second Reading Stage.

Senator Kayode Ogunleye (Ondo East) : It has not been moved.

The Deputy President : As it has been pointed out that it has not been moved, it can still properly be referred to the Committee. What is more, that Order you have raised is not mandatory.

Senator Ogunleye : There is no chairman for this Committee. This Bill is controversial because there are so many points to be raised.

The Deputy President : Perhaps, that is why it should go to that Committee and a lot of things would have been cut down at that level.

Senator David Omueya Dafinone (Bendel South) : Point of order! Order 42 (2) says that : *When a Bill has been read a second time it shall stand committed to a Committee of the whole Senate, unless the Senate on a Motion commits it to a Select Committee.* You cannot commit this Bill to the Committee without it being read the second time, and at the point of the second reading, then the issues and all the ramifications of the Bill are expanded. Senators, will be in a position to debate the merits of the Bill, add or subtract and after that stage it can be referred to the Committee. I think we are putting the cart before the horse in this case. So, we should rectify the position now. I think that the Bill should be read a second time.

Senator Emmanuel Idahosa Oluwafemi Akpata (Bendel Central) : One of the things we want to avoid is having long debates because if we start having long debates and then we say that we are referring it to the appropriate Committee, we would have wasted a lot of time. When the Committee comes with its conclusions, as usual here, we start all over again. I would have thought that if it goes to the Committee now there is a section in the Constitution, to my mind, which says, at least, seven and maximum nine but someone would ask why must it be nine, but if we have the Inspector-General of Police with us he may explain the reason for the higher figure. I have no doubt in my mind that although his advice would not necessarily decide the issue but it will carry some weight with the Senate. It is, therefore, my view that we should do our homework first. Whenever we start having debate here, the next thing is that it is in the newspapers, radio and television and by the time we start saying that we have not taken a decision, it has gone all over the place as if we have decided on the issue and then we start complaining. I think we ought to do our homework thoroughly. This was why I seconded the Motion by the Leader of the Senate.

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, I think we are committing an omission. We must have the Bill read a Second time and, whilst we are in that stage, we can avoid long debate by having someone to move a Motion referring the Bill to a special Committee dealing with it. It is laid down in the Standing Orders, as they now stand and as provided for in the Constitution. It says that we can use the Standing Orders until such a time when we compile a new

[SENATOR TARKA]

set of Orders. We have not done that and we are trying to jump the gun. If only we can do the proper thing, that is, do our homework and get organised properly, there is going to be a long debate and we can avoid it by getting somebody to move a closure on a debate in the Second Reading of the Bill so that we can refer the Bill to the appropriate Committee. Otherwise, we will be doing the wrong thing and the records will be there against us.

Senator Jaja Wachuku (Aba) : Order 41 ! I am not sure if it has been moved that the Bill be read a Second time. If it has, Order 40 provides for that and it says—*At the conclusion of the proceedings on the first reading or on any subsequent stage of a Bill, a day to be named by the Senator in charge of the Bill shall be appointed for the next stage ;*

Provided that the day named for the second reading of a Bill introduced by an unofficial Senator shall not be less than five days after that on which the Bill has been read the first time.

Order 41 (1) says that *on the Order for the second reading of a Bill being read, a Motion may be made that the Bill be now read a second time and debate may arise covering the general merits and principles of the Bill.*

(2) *On the second reading of a Bill, and an amendment may without notice be proposed to the question That the Bill be now read a second time to leave out the word now and add at the end of the question upon this day.....months. If the Bill has been read the Second time the word, now, should be left out. You can then put Monday or Wednesday next week so that we will know that the Bill will be taken on that day and that will give us ample time. I am saying this because I have noticed under section 78 (4) of the constitution that the Police Service Commission Bill which we are now asked to consider happens to be one of those Commissions for which this Senate is supposed to fix salaries.*

I will read that section 78 (1) *There shall be paid to the holders of the offices mentioned in this section such salaries and allowances as may be prescribed by the National Assembly.*

(4) *The Offices aforesaid are the offices of the President, Vice-President, Chief Justice of Nigeria, Justice of the Supreme Court, President of the Federal Court of Appeal, Justice of the Federal Court of Appeal, Chief Judge of Federal High Court, Judge of the Federal High Court, the Auditor-General for the Federation and the Chairman and Members of the following Executive bodies namely, The Federal Civil Service Commission, the Federal Electoral Commission, the Federal Judicial Service Commission, the Police Service Commission, and the National Population Commission.*

Now, the Bill wants us to establish a Commission and approve its membership. Tomorrow we will be asked to fix their salaries and there will be trouble again. We are having difficulties over the question

of salaries. So, I would like to suggest that this Bill be deferred because we have enough problem now for which we are being talked about. Let us finish with the Committee we are dealing with now, and that will determine everything. If they do not allow us to finish that exercise all other things must wait. They should wait until we finish. There is a Committee that should be sitting tomorrow. Mr President, this is a very serious thing and there is no need for hurry.

The Deputy President : What is your suggestion ?

Senator Jaja Wachuku : My suggestion is that this Bill should wait until the Committee on Remunerations has completed its work, because it is this same Committee that will fix the salaries of the President, the Supreme Court Judges, the Ministers and all the other public functionaries. So, until we finish the exercise on that one, all these should wait. That salary for the post sought to be created is within our competence as stipulated in the Constitution.

The Deputy President : I recognise the distinguished Senator Adegoke to speak.

Senator Ademola Adegoke (Oyo) : Mr President, Sir, since this Bill was circulated last week, I did a little bit of investigation and I realised that if we defer the Bill, we would be causing a stalemate in the Police services. We are talking about Police services. There are about five different departments which have relevance to this Bill, A, B, C, D and E. A is the Administration ; B has reference to the operational aspects of the police force like the highway patrol, *et cetera* ; C has reference to Works and Works Division of the Police is a very big division (*Interruption*). Mr President, am I protected ?

Senator Joseph Sarwuan Tarka (Benue East-Central) : Mr President, Sir, we are talking about Police Service Commission.

Senator Adegoke : Yes, we are talking about Police Service Commission but the—

Senator Tarka : Are you going back to the Local Government Police in the West and the Dandoka in the North of the old ?

Senator Adegoke : What I want to emphasise is the fact that this Commission is already existing, but the number of those who should constitute the Commission has not been made and this is the purpose of the Bill and without knowing them it will create a stalemate in the Police Force. (*Interruptions*)

The Deputy President : Order ! Order ! I recognise the Leader of the Senate.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I would like to move that the Standing Order number 4 be suspended so that we can complete the Business of today.

Several Senators : No.

The Deputy President : Any secondment ?

Senator Ibrahim Jalo Waziri (Bauchi East) : Mr President, Sir, I bet to second.

The Deputy President : The Motion has been seconded by Senator Jalo Waziri. The Question is that the Standing Order Number 4 be suspended so that this Senate can continue until 7 p.m.

Question put and negatived

The Deputy President : Order! Order! In that respect, I think it is time to interrupt Business. I have quite a number of Motions on Adjournment, but the time is very limited now.

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

The Deputy President : What Order?

Senator Ebute : Before the Motion on Adjournment is moved, Mr President, Sir, may I seek the leave of the distinguished Senate for the Clerk of the Senate to adjourn my Motion until tomorrow. The Motion is number 2 on the list, it has not lapsed.

The Deputy President : It is already there. So, it is stood down until tomorrow. I recognise the distinguished Senator Odebiyi to speak.

Senator Jonathan Akinremi Olawole Odebiyi (Egbado North/South) : Mr President, Sir, since—

The Deputy President : Order! Order! Let us listen to Senator Odebiyi.

Press statement on withdrawal of old currency notes

Senator Odebiyi : Mr President, Sir, since I last spoke on the subject of the withdrawal of the existing legal tender in the categories mentioned in the Resolution that we passed in the Legislature, a press statement by the Minister of State in the Ministry of Finance, Alhaji Ali Baba has come into my hands. In that statement, the statement made by the distinguished Leader of the Senate, Dr. Sola Saraki that he did not make the statement credited to him has been put in very serious doubt and I read :

At this juncture I will like to place on record the appreciation of the Executive arm of the Government to the reported decision of the Leader of the Senate Dr. Abubakar Sola Saraki to the effect that the Senate's Resolution calling upon the President of the Republic to extend the period of the exchange exercise be withdrawn. This is the press statement issued by the Minister of State in the Ministry of Finance.

The Deputy President : Is it dated ?

Senator Odebiyi : That press statement is supposed to be a press statement given yesterday on the radio, it is undated, and reported today.

Senator Ahmadu Adah Ali (Benue West) : Point of Order. Is there a Motion of Adjournment on the Floor of this Senate ?

A Senator : Yes.

Senator Ali : Who moved it ?

A Senator : Nobody.

Senator Ali : Exactly.

The Deputy President : All right, in that case I recognise the Leader of the Senate.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I think it is just fair that you allow me to say a few words on what has been said.

Senator Jaja Anucha Wachuku (Aba) : Point of order. There is no Motion on the Floor of the Senate.

The Deputy President : There is no Motion. It is past 6 o'clock and I will interrupt the Business of the Senate at any time, but Senator Odebiyi has raised a very important matter and I would want the Senate Leader to say something about this. You may continue, Senator Odebiyi.

Senator Odebiyi : When we were talking about this Resolution before, I did make an allegation. My good Friend told us here that nothing could be farther from the truth, that he made such statement and here we are, Sir. We now know the cause of our trouble. The cause of our trouble, when we talk about lack of communication, communication gap between here and the Executive, is, of course, based on misrepresentation. Otherwise, how could we have moved a Motion here and passed it only to be told by the distinguished Leader of the Senate that the Motion has been withdrawn. This is a very serious indictment and I think a Motion of censure ought to be passed on the Leader of the Senate for this kind of thing. That is the least I can say about it.

The Deputy President : I call on the Leader of the Senate. Order! Order! Please listen to the Leader of the Senate.

Senator Abubakar Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, honestly I feel very disturbed that Senator Odebiyi can go so far as to try to discredit me. If you know me very well whatever comes out from my mouth—

Senator Odebiyi : This is the evidence.

Senator Saraki : You live on the pages of newspapers so, I am not surprised. Whatever comes out of my mouth, as you know, is the honest truth. I have never told any pressman that the Motion was withdrawn. I never did that and I am sure that some of you here, who know me very well, will confirm that one of my faults in this world is honesty-transparent honesty. That is one of my faults in this world. Therefore, I would like Senator Odebiyi to withdraw this. (*Long Interruption*)

Several Senators : Bring the Minister here.

Senator Odebiyi : We shall bring the Minister here to testify.

The Deputy President : Order! Order! Will Senators sit down, please.

As I have said, it is past six. The Leader of the Senate, no doubt, knows what to do on this kind of thing. The Senate now rises till 3 o'clock tomorrow.

And it being after 6 o'clock, the Senate adjourned without Question put.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Wednesday, 5th December, 1979

The Senate met at 3.15 p.m.

PRAYERS

(The Deputy President in the Chair)

PERSONAL EXPLANATION

The Deputy President : Before I interrupted Business of the Senate yesterday, the Leader of the Senate was saying something, and I think we should just dispose of that.

Senator Abubakar Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, it is very unfortunate that my integrity and my character were questioned yesterday. A statement in an interview on television was credited to me, and I denied that I never said that the Motion to extend the call in period for this exchange of currencies was withdrawn.

I think I would like to be credited with some intelligence. I do not think anybody in my position, as a Senator essentially, and as the Leader of this Senate, would say that something which was not done was done on behalf of the Senate, by saying that the Motion was withdrawn. I denied that here, that I never said so. What I said on Monday evening when we adjourned was that new facts had emerged which I was going to put before the Senate on Tuesday, yesterday, and on the strength of those facts, the Senate would not force the issue. Then the lady asked me what would happen to the Motion about this extension and I said after the Senate has received these facts it might be necessary to put up a Motion endorsing the Executive action. That was what I said.

But for a man in my position to say that the Senate had withdrawn the Motion, I think, if anybody has done that, it is beyond pardon. Therefore, I would like to say categorically, Mr President, that I never said that to the press.

I think the Leader of the UPN, Senator Odebiyi has really gone too far to come here yesterday and to say that I should be censured for saying that. To me, I think that is a very serious charge. I have asked for the copy of the news read on Monday, and I hope that maybe before we adjourn we would get a copy of the news. I never said that, and I think it will be necessary, for co-operation and for the progress of this Senate, that we should try to believe one another. We should not try to impute motives on one another. It is very essential that we must try to work together as a team.

Secondly, Mr President, Sir, when the Leader of the UPN received a copy of the Minister's letter, I would have thought that he would have shown it to me and say ; *Mr Leader of the Senate, this is what I have just received, any comments?* I would have explained to him. Apart from that, if he denied any statement credited to him on the Floor of this

Senate, I think that in my position, I would believe him. I do not think that I would have gone so far as to keep the document away from him, distribute it to the other Side of the Senate and then get up to indict his character.

Those who know me very well know that one of my faults in life is my honesty, my straightforwardness to friends and to those that I know. It is on this premise that I operate, otherwise if one has to live on the pages of the newspapers or on what are said on the radio, I am sure that things would go bad.

Therefore, I would like to assure the distinguished Senators that I never said that the Senate has withdrawn this Motion. There is no reason for me to say that, because on Friday I was interviewed on this same issue on television and I said the President would have to consider extending this time because our people would suffer if he did not. This was on Friday. How could somebody say this on Friday and come back on Monday to say that the Senate has withdrawn the Motion. Mr President, Sir, I feel very offended at that statement of the Leader of the UPN. I thought I had been co-operating with him but to do this is, to me and for all it is worth, a way to malign my character and my name and I do not think I deserve this from anybody because all along I have been respecting everybody in this Senate. Your problems are my problems. I have been treating with veneration and love all our business in this Senate for the progress of this country. I would like to appeal to distinguished Senators that this is the way we can progress. We are not here to malign ourselves and I think we should try to co-operate with one another.

Thank you.

The Deputy President : I do not intend that we debate this thing any longer because I have since seen the text of this Press statement and, what is more, the Minister concerned came to my office this afternoon. Anybody who has this Press statement and who have read it will notice that that bit of it was very ambiguous. In fact, the Minister himself has said this, and he has also accepted that this was not the kind of insinuation the text was meant to give. This being so and since the Leader of Senate has explained his position, the matter is hereby closed. Personal explanations are not subject to debate.

ORDERS OF THE DAY

Standing Committees

Senator Sola Saraki : Mr President, distinguished Senators, I think yesterday we agreed that we should take on No. 3.

I move that *the Senate Resolution (No. 12-79) be amended by deleting from the list of Committees, the Joint Committee on Finance. Senate Standing Committees are now as follows :—*

1. Committee on Agriculture and Natural Resources

[SENATOR SARAKI]

2. Committee on Public Services
3. Committee on Communications
4. Committee on Defence
5. Committee on Judiciary
6. Committee on Education
7. Committee on Health
8. Committee on Labour
9. Committee on Foreign Relations
10. Committee on Public Works
11. Committee on Transport and Aviation
12. Committee on Petroleum and Energy
13. Committee on Mines and Power
14. Committee on Science and Technology
15. Committee on Trade and Industry
16. Committee on Appropriation and Finance
17. Committee on Banking and Currency
18. Committee on Housing, Urban Development and Local Government
19. Committee on Veteran Affairs and Social Welfare
20. Committee on Water and Mineral Resources
21. Committee on Federal Capital Development
22. Committee on Internal Affairs.

It is necessary, Mr President, Sir, distinguished Senators, that the list of former Committees should be amended this way, because as soon as the Committee rooms are ready and the Committees start to function, the work will be so much that if we allow the former arrangement to remain, each Committee will be so inundated with Bills that there might be delays in carrying out our assignments. As you know, a Bill can be as voluminous as you can imagine, and since it has to be done properly by reading it line by line and page by page, I think it will just be reasonable if we do not load each Committee with so much work, that will, in the process, delay other Ministries in getting their Bills through. Since we are all here to do the work properly, I think it will just be reasonable that this thing should be cut down in this form, therefore bringing the total number of Committees to twenty-two excluding the Special Committees which are already in the Constitution or in our Standing Orders. I hope distinguished Senators will support this Motion.

Thank you.

The Deputy President : In short we have five new Committees as it were, that is to say, Committee on Public Services, Committee on Mines and Power, Committee on Science and Technology, Committee on Veteran Affairs and Social Welfare and Committee on Internal Affairs.

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

Senator Ibrahim Barau (Ikara/Zaria/Birnin Gwari) : I do not understand the need to create the Committee on Mines and Power and Committee on Water and Mineral Resources. The two are virtually the same, to my understanding, Mr President, particularly when we have another Committee which is Committee on Petroleum and Energy. Talking of mineral resources, petroleum is one of them, and then Mines, there is nothing to mine

when you have another dealing with mineral resources because mineral resources are what you get out of mines. Mr President, I need clearance on this.

The Deputy President : Let me put the question first. The question is that Senate Resolution Number 12/1979 be amended by deleting from the list of Committees the joint Committee on Finance and substituting the following Standing Committees as on the Order Paper. (*Interruptions*)

Senator Kunle Oyero (Abeokuta/Ifo/Otta) : Mr President, Sir, we all have been talking here that there are no facilities. It will be interesting to know how many Committee rooms there are.

It is no use just multiplying Committees when even those you set up have no facilities with which to work.

Apart from that, there seems to be a lot of things that could have been corrected. I do not understand the necessity of having a Committee on Veteran Affairs and Social Welfare. Maybe, it is ex-servicemen. I do not know what they mean by *Veteran*. So, I feel the Leader of the Senate should look more into this because we were told originally that there are only fourteen Committee rooms, and even the fourteen Committee rooms are not ready yet. Now, there are about forty-four Committees if we have twenty-two there, and the other House has twenty-two. That will be forty-four Committees. In any event, how do we manage ?

At the moment they say they have a typing pool for Members. There are only two or three typists in the place. So, the delay that the Leader of the Senate talked about still cannot be avoided, if they have to stagger the sittings. They have not got even ordinary facilities for ordinary typing at the moment.

The Deputy President : Perhaps the Leader of the Senate will throw some light on this.

Senator Saraki : Mr President, yesterday I went round the new building with the Clerk of the National Assembly and the President. When the building is completed it will house twenty Committees. They promised that by January it will be completed but I have told them that they cannot complete it in January. It has to be by March. There are twenty rooms for the Committees, and when we start using that one, this building will be reconstructed so that we will have about two or three committee rooms on this building. We put all these into consideration when we were preparing the list of these Committees. I can assure you that there is no fear. There will be enough room to house every Committee.

Senator F. J. Ellah (Ahoada/Ikwerre/Etche) : Mr President, I notice here under Number 5 of the proposed Standing Committees that we have a Committee on the Judiciary. In the interest of symmetry, I suggest that we now have a Committee on the Legislative Branch and a Committee on the Executive Branch ; otherwise, we should scrap the Judiciary. Secondly, there are a few apparent duplications. Some of them have already been mentioned.

I note here items 12 and 13, Petroleum and Energy, Mines and Power. I must confess that the differences do not appear to be too obvious. Under 19 we have Social Welfare, and we have Health. I thought that these had a lot in common. Really twenty-two is a bit of a high number of Committees for a Senate of 95 Members. Perhaps we do need to streamline some of these arrangements and reduce the number of Committees.

Senator A. Abogede (Benue North-Central) : Mr President, my question is on number 18, Committee on Housing, Urban Development and Local Government. In the States and other places you hear of Rural development. I do not know which of the Committees the rural development falls into. So, I will be very much grateful if the answer will be provided. The Committee on rural development should have been really paramount in arrangements rather than urban development. We always say that urban development or urban cities in this country have taken away a lot of money for development to the neglect of rural areas. So, I want clarification on this, Sir. Housing, Urban Development, and Local Government are under one Committee whereas those on Labour and Internal Affairs are separate. All the others are also split. I do not know why this should be so.

The Deputy President : Senator Akintoye, please.

Senator S. A. Akintoye (Ondo Central) : I rise up, Mr President, to speak in support of Senator Abogede on the whole question of the Committee on Agriculture and Natural Resources.

I happen, Mr President, to come from a State which is predominantly rural. The whole question of rural development is, therefore, of cardinal importance in our State.

I find the title, "Agriculture and Natural Resources", not explaining much here and I would humbly suggest, Mr President, that we have the title of that Committee changed from Committee on Agriculture and Natural Resources to Committee on Agriculture and Rural Development. I think precisely that is the sort of thing that we have in mind. Natural Resources do not pertain to Agriculture only, water is a type of natural resources, minerals are a type of natural resources, mountains are a type of natural resources and rocks are a type of natural resources.

I would, therefore, suggest, Mr President, that in order to streamline the work of the Committee in order to focus its attention precisely in the sort of thing we intend that it should be doing, we should change the title to the Committee on Agriculture and Rural Development. Thank you, Mr President.

On item 29, Committee on Water and Natural Resources, I am suggesting, as a corollary to my suggestion on item 1, a change in title. We should simply have, instead of Committee on Water and Mineral Resources, Committee on Natural Resources, Mr President.

The Deputy President : I recognise Senator Etiebet.

Senator D. D. Etiebet (Ikot Ekpene) : Mr President, Sir, I do not know what is happening in some other areas, Local Government especially the new ones in the Cross River State take care of Rural Development. For Local Government to be given a place, I would maintain that that Committee should also take care of rural development. Most of us have, one way or the other, been in the rural areas. We would not, therefore, say that it is only the urban areas that should be developed. I would however, suggest that urban development should start.

Mr President, Sir, on item No. 15, we have a Ministry of Commerce and not Trade. I would suggest that it should be amended to read Committee on Commerce and Industry.

Somebody mentioned No. 13, Committee on Mines and Power. Electricity itself is a big industry. In fact it should stay as a Committee taking into consideration the fact that most of our efforts in development in this country have been paralysed by NEPA. I would therefore advocate a separate Committee for it so that NEPA could always be checked.

Senator Ellah made mention of the Judiciary, that we should do away with it. Judiciary is the third arm of the government and it should have a special Committee. Mr President, Sir, I believe that the Senate Leader has taken into consideration the facilities available in the Senate and the work content of each of these Committees, so we should allow this number to stand after incorporating the few amendments suggested.

Senator J. O. Ansa (Calabar) : Thank you very much, Mr President. I think if we see very carefully the review of the Committees we had formerly actually made effective division of Labour.

As we all are aware, the Presidential System works most effectively in Committees. I am really sure that when we start to do actual work most of the arguments we are raising here would have been done and properly completed at the Committee level. I think it was well thought that these Committees should be further divided so that we may be able to focus our attention mainly on the teams of these Committees. Also as we could see from all that has been mentioned here, there is no Committee that will not have its job functions spelt out when we actually start to perform. I would want to assure the Senate that I do not think we shall really have any problem with the number of the Committees. This has been well thought out and it will give ample opportunity to these Committees to deal very seriously in great details with every aspect of its work before coming here. Jumbling them together, probably, will create some problems and conflicts when we come out here to the Senate. So, Mr President, I beg leave of this Senate to accept the number of the Committees as scheduled.

Senator S. M. Ojukwu (Umuahia) : Mr President, Sir, I know that when the Committees start functioning, Bills will begin to flow and there may be occasions, like we had yesterday, where there would be disagreement between a Bill passed in the House of Representatives and a Bill passed here. There will then be a need for a joint meeting in order to harmonise the amendments. I am wondering if the Committee that looked into this had given thought to our having the same type of Committees as those in the House of Representatives. In the event of conflict, therefore, identical Committees will then meet to harmonise differences.

Senator D. A. Ladega (Ijebu-Ode/Ijebu Remo) : Thank you very much, Mr President, for the opportunity given me to say a few words on the list of Committees before this Senate. I am rather concerned about the omission from the list before us of a Committee on the all important subject of Economic Development.

None of the Committees here will deal with all aspects of economic development, and the most important aspect of social activities in any country or in any social group is the economic aspect. Since we have a Five-Year Development Plan, we must have a Committee that will monitor the activities of those saddled with the responsibility to see to the proper and meticulous execution of the Plan. Our whole welfare rests mostly on the economic development of this country as it is in any other country and no provision is made for this. As a matter of fact, the economic objective of our country is in the Constitution.

Senator S. A. Shitta-Bey (Lagos) : Point of Order. Order 26 (4). *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

Mr President, Sir, it appears that the Distinguished Senator was ill when the decision was taken in the Senate during the session on an issue raised by Senator Ayantuga. This particular issue had been raised, a decision had been taken, that that particular Committee he is referring to would be included in one of these existing Committees. To reintroduce the matter, he needs a substantive motion.

The Deputy President : That is correct. It is an issue that should be brought on a substantive Motion.

Senator Ladega : Mr President, Sir, this Motion is seeking to set aside what we have done.

The Deputy President : That is very clear to me and my ruling is that I uphold that point of Order. If you want to press the matter, you should do so on a substantive Motion.

Senator Ibrahim Kolo (Bida) : Mr President, Sir,—

The Deputy President : Order! Order! Let us listen to the distinguished Senator Kolo.

Senator Ibrahim Kolo : Mr President, Sir, I rise to support the proposed amendments to the list of Committees.

My dear distinguished Senators, I do not think that the proposal for increase in the number of Committees will simply be brought forward to the Floor of this Senate merely to give you something to talk about. In my own opinion, whatever reasons that every Senator may read behind the proposal, I think those reasons are justified for an increase in the number. You will agree with me that the more Committees we have, the easier the work of the Senate will be. Therefore, I strongly support the increase as proposed.

Senator Patrick Echeruo (Okigwe) : I am wondering, Mr President, Sir, whether we are following the right course. The Point of Order I am referring to states thus—

It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.

There has to be a substantive Motion to rescind the first decision before we can reconsider the matter. I am wondering whether we are really doing the right thing. I think probably we can do it the right way and proceed please.

The Deputy President : But what is this we are having here, is it not a substantive Motion ?

Senator Echeruo : The Motion is not to rescind the earlier decision, but to amend it. A substantive Motion for rescission requires five days notice. The way I am considering it is that we can start off with the Seventeen Committees we have and create more Committees as we go on. We have the right to create new Committees but if we have to reconsider the whole thing, I am sure we are bound by our Standing Orders.

The Deputy President : This is a substantive Motion. Although the word *amend* is there, there is also the word *delete*.

Senator Cyrus Nunieh : Mr President, Sir, I consider that the Standing Committee should be the Committee on Agriculture only. I would not call the other one a typographical error. There is nothing like *National Resources*, perhaps they meant *Natural*, but we have talked about that. It should be Committee on Agriculture, but Item 20 should read—

Senator Echeruo : There has not been a ruling on my Point of Order and a debate is going on. You need the permission of this Senate to reconsider a matter on which you have taken a decision. This is the point. We are stressing this procedural thing because it is going to affect subsequent things we do here. I do not want to inconvenience anybody but if we do not follow the rules on a more substantial matter somebody will try to get it in without getting the permission of the Senate to reconsider it. These procedural matters are very critical to the orderly conduct of our affairs.

The Deputy President : But do you agree that this is a substantive Motion ?

Senator Echeruo : It is not, Mr President. What we require is a Motion seeking the permission of the Senate to reconsider the question. Other than that, we have the Seventeen Committees and as Motions come up later, we would create new Committees that will bring the number to twenty-two and we would have achieved the same thing without reconsidering the question over which we have taken a decision.

Senator Cyrus Nunieh : Point of Order. I do not think that the last speaker cited any Order to show that this is not a substantive Motion.

Senator S. M. Ojukwu (Umuahia) : The Point of Order is Order 26 (4) and it reads :

It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.

The Deputy President : Even if that is the case what this Motion seeks to do is to amend, it is not to rescind.

Senator Jaja Wachuku (Aba) : Point of Order Order 26 (4) and it reads—

It shall be out of order to attempt to reconsider, any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.

Now, item 3 is not a Motion. There is no proposer and there is no seconder.

Some Senators : It has been seconded.

Senator Jaja Wachuku : If you look at the Motion before this Senate, Mr President, you see number one, Senator A. Ebute and Senator D. D. Etiebet.—Location of new Industries. You have that under 2. Then, item 3, there is the Standing Order. There is nobody there.

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

The President : What Order ?

Senator Abogede : Order 35. It says :

The President in the Senate and the Chairman in any Committee shall be responsible for the observance of the Rules of Order in the Senate and Committee respectively and their decision upon any point of Order shall not be opened to appeal and shall not be reviewed by the Senate except upon a substantive motion made after notice.

I notice that some people are trying to challenge the President without regard to the Chair in this respect. Your ruling here, Mr President, is final.

Some Senators : He has not made the ruling.

Senator Abogede : He has made the ruling.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, it seems to me that Senators are not making any substantial contribution and for this reason, to save the time of the Senate, I move that the Question now be put.

Senator Dafinone (Bendel South) : I beg to second.

The Deputy President : Let me take on Senator Odebiyi.

Senator J. A. O. Odebiyi (Egba North/South) : Mr President, Sir, I think to get out of the problem, what we should do is this. We would revoke Senate Resolution 12-79 and substitute, therefore, those Committees. That will be a decision and it will be in order to do that.

The Deputy President : Can you say that again ?

Senator Odebiyi : That Senate Resolution 12-79 be revoked by the Senate and that the Committees standing hereunder be substituted therefore.

The Deputy President : Is this acceptable to the Leader of the Senate ?

Senator Sola Saraki (Ilorin/Asa) : Mr President, I was getting up to ask the Senate to let us suspend that Motion and carry on with this because this is very, very important. Suspend the Order so that we can go on this afternoon.

The Deputy President : I would think so too, because, as you are aware, the approval of these Committees and especially the appointment of Chairmen of these Committees is one of the things that have been hampering the progress of this Senate. Unless, there is any objection, I would put the Question.

Senator Wachuku : Point of Order, Mr President.

The Deputy President : What Order ?

Senator Wachuku : In a substantive Motion, you require five days notice.

The Deputy President : Well, the Leader of the Senate was not that listening. Perhaps, Senator Odebiyi could put that again.

Senator Odebiyi : That Senate Resolution No. 12-79 be revoked and the following Committees hereunder be substituted therefore. In other words, we revoke all the things here and put in these new ones. It comes to the same thing.

The Deputy President : Has that been seconded ? It has been seconded. So, can we listen to the Leader of the Senate ?

Senator Cyrus Nunieh (Rivers IV Bonny/Bori) : The word *revoke* should not be *revoked*, but *rescinded*.

Senator S. A. Shitta-Bey (Lagos) : When you revoke, it is different from rescinding. All the appointments made thereunder are revoked altogether. I think it is better to suspend the thing as the Leader of the Senate has said. Once you do that, all the appointments that have been made would go with it. So, it is better to suspend it as the Leader of the Senate has said.

Senator Saraki : I think I would like to support distinguished Senator Shitta-Bey that we suspend the Standing Order 61 and go ahead to approve this list this afternoon. Distinguished Senators let us go ahead with this because we have a lot to do and the Committees have not started functioning properly I would like to appeal to you once again, let us go ahead this afternoon. I would, therefore, like Mr President to put the question please.

A Senator : There is further amendment.

Senator Saraki : Shall we take it one by one ? Committee on Agriculture and Natural Resources. I do not think I would support amending it to Rural Development, rather, I would call it Committee on Agriculture, Forestry and Fishery.

The Deputy President : Do you not want Natural Resources again ?

Senator Saraki : Natural Resources covers everything.

The Deputy President : I think your problem is with this Rural Development thing but it can come under item 20 the way I see it—Water and Rural Development.

Senator Saraki : I think when we come to that Committee we can look into it. Can we take it one after the other ?

The Deputy President : Senator Akpata, please.

Senator E. I. O. Akpata (Bendel Central) : There is a very serious question of erosion in this country—there is sheet and gully erosions every where. This is something about which I know, it is in the Delta and everywhere in this country. Then there is the question of the extension of the desert and therefore, forestry is no longer a mere question of resources.

Part of the problems of erosion arises when you take away the forest cover where you should not. I, therefore, think that we should make provision for a Committee and indeed perhaps a Ministry to take care of this question of erosion and reclamation of land.

Take for example, the Plateau where you have tin mining. It is true that we tried to put some eucalyptus there but the rate at which this thing is going on is haphazard that is looks like craters on the moon. We must give some importance to this and I myself think that forestry and the whole question of soil protection and all should be given some importance. We are losing our soil and the thing starts gradually in arithmetical progression and then to geometrical progression. At that stage, it would be difficult to stop it and you may have to spend millions of Naira in a purely engineering feat to correct the damage.

The Deputy President : What is your suggestion

Senator Akpata : My suggestion is that agriculture and fishery should stand in one Committee but forestry and soil conservation should in itself be a Committee of its own. I say this because soil conservation is most serious matter in this country ; in the

next twenty to thirty years you might find that we would be faced with the problem of soil conservation. When Professor Steiben came to this country just before the Second World War and talked about having a belt across Nigeria, everybody thought it was a joke. Now, we see that it is a serious matter indeed. I am saying it now that once the damage is done the cost of restoring it would be quite expensive indeed, exceedingly expensive.

The Deputy President : Do you want to tag it to the first Committee which is the Committee on Agriculture and Natural Resources ?

Senator Sola Saraki (Ilorin/Asa) : Mr President, I can understand Senator Akpata. He is an expert in forestry and soil technology. I think that as time goes on, we shall try to create a Committee for him. At the moment, there is no Ministry dealing with soil technology. A Bill might in the future be brought that might have to do with soil technology and then we would ask for his expert knowledge to assist us. Again, Mr President, at the moment I think we can do with this and go ahead with the job.

The Committee on Agriculture and Natural Resources covers everything ; do Senators agree that it stands ?

Several Senators : Yes!

Senator S. M. Ojukwu (Umuahia) : Mr President, Sir, I do not think that the names of the Committees matter. Section 58(1) of the Constitution provides thus :

The Senate or the House of Representatives may appoint a committee of its members for such special or general purposes as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation of otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

The point is that if we appoint a Committee we shall define its functions to enable it fulfil our purpose and that would take care of all the things we are trying to do.

Senator Sola Saraki (Ilorin/Asa) : I want to thank Senator Ojukwu for reminding Senator Akpata that an *Ad Hoc* Committee could be appointed at any time whenever the Senate feels there is need for one.

Committee on Public Services. Are Senators agreed ?

Several Senators : Yes !

Senator Saraki : Committee on Communications

Several Senators : Yes !

Senator Saraki : Committee on Defence.

Several Senators : Yes !

Senator Saraki : Committee on Judiciary.

The Deputy President : I thought Senator Ellah wanted to make an amendment to this.

Senator S. A. Akintoye (Ondo Central) : Mr President, what he said is that since we are going to have a Committee on the Judiciary, it might be a good thing to have a Committee on the Legislature and a Committee on the Executive. I think it is important that we should allow him to move a motion accordingly and for us to discuss it. This is because there might be a good reason for establishing a committee accordingly. We are at the present time trying to establish a system and a lot of the mistakes we make is as a result of our ignorance of the way the system operates.

For instance, a lot of the hasel that is developing between the Legislature and the Executive is a product of the ignorance of the way the system operates. So, it would be necessary, Mr President to set up a Committee to handle such a matter in the interest of the smooth running of the system.

The Deputy President : Again, like in the case of Senator Ladega, I think it should come under a substantive motion.

Senator Saraki : This matter can come under any of the Legislative Committees.

Committee on Health.

Several Senators : Agreed.

Senator Saraki : Committee on Labour.

Several Senators : Agreed.

Senator Saraki : Committee on Foreign Relations.

Several Senators : Agreed.

Senator Saraki : Committee on Public Works.

Several Senators : Agreed.

Senator Saraki : Committee on Transport and Aviation.

Several Senators : Yes !

Senator Saraki : Committee on Petroleum and Energy.

Senator I. G. Audu (Wukari) : Mr President, Sir, if you look at items 12 and 13, item 13 talks of Mines and Power while item 12 talks of Petroleum and Energy. My contention is that Energy and Power are really doing the same thing. I suggest we leave item 12 to stand as Committee on Petroleum but item 13 should be Committee on Mines and Power.

Senator C. O. Ilori (Ife/Ilesha) : Mr President, Sir, item 12 is Committee on Petroleum and Energy and that can stand but item 13 which is the Committee on Mines and Power should be amended to read Committee on Mines and Mineral Resources because power and energy are the same thing. While still on my feet, Mr President, I wish to propose an amendment on item 22.

The Deputy President : You had better wait until we come to it.

Senator Saraki : Mr President, with regard to the committee on Petroleum and Energy, I suggest that we allow it to remain because we get gas as a by-product.

Several Senators : Agreed.

Senator Saraki : The next is the Committee on Mines and Power.

Senator D. O. Oke (Ondo West) : On the question of item 13—Committee on Mines and Power—here is a place where we can achieve a measure of economy. As a colleague pointed out earlier, Power and Energy are more or less the same thing. We will also find that the problems of Mines will be catered for under item 20 which is the Committee on Water and Mineral Resources. Therefore, I suggest that the Committee on Mines and Power should be deleted altogether.

Some Senators : No !

Senator Ibrahim Barau (Ikara/Zaria/Birnin Gwari) : I would like my colleagues to accept the truth that what you call mines are what you get out of the ground as mineral deposits, and what you call mineral resources are also what you get under mining. So, they are one and the same thing. If you have two Committees—one on Mines and one on Mineral Resources—you will find that a subject will come up for discussion and you will be unable to determine which of the two Committees has that schedule. It is better for us right now to clear this ambiguity by either using the word Mines, or the words Mineral Resources because they are one and the same thing.

Senator I. N. Ani (Anambra North) : As regards the points raised by my colleagues on Mines and Power, I wish to draw the attention of the Senate to the fact that in the *Gazette* assigning responsibilities to Ministries, the Energy Commission now comes under Science and Technology Ministry, and the Energy Commission will be considering problems of nuclear energy, solar energy, energy from water, gas, coal and other sources of energy. Many Senators are confused about the relationship between energy and power, but power usually refers to NEPA, when they say Mines and Power, in this context. NEPA comes under the Energy Commission because it has been gazetted under the Ministry of Science and Technology. So, energy should appropriately go to Science and Technology Committee because it is mostly concerned with energy policy.

Senator Sabo Bakin Zuwo (Kano Central) : Mr President, Sir, we must be very careful in trying to do away with some Committees. We must realise that even with the Ministries—we have the Ministry of Trade and also the Ministry of Industry and the Ministry of Commerce. I think the idea of creating all these Ministries and the Committees is to share political process in this country. If the Leader of the Senate is suggesting that the NPN should have Committees, and tomorrow it is suggested that the UPN should have one Committee, there will be another trouble. You can see that even in the British Parliamentary System of Government, they have the Minister and the Deputy Minister, Parliamentary Secretary, Under Secretary and so on. Therefore, we have to be very careful that when we come to sharing the Committees I think trouble will come. So, Mr President, we have to be very careful.

Senator Adeyiga Ajayi (Ikeja) : If it is not too late now, I would like to make this humble contribution. When the question of Committee was being discussed here, I made a suggestion that before we could really determine the number of Committees we should have and then combine them, it would be better to know the functions of the Committees because the problem would arise when functions are assigned to Committees. I also suggested that the Leader of the Senate, when presenting this particular Motion, should tell us the functions of these Committees so that we would then be able to determine the number we should have. We started with seventeen when we said that they were too many, but we are now going to have about twenty-two Committees. We do not know their functions and there would be Committees that would not have anything to do for one year and the members of those Committees would be so frustrated and there would be dissension in the Senate.

So, I will suggest that in considering this Motion, we would like to know the functions of the Committee before we determine the number we should have.

Senator E. P. Echeruo (Okigwe) : I would not suggest that we should start all over again, but I would rather say that we proceed as we have been doing and as suggested by Senator Ani, we should put the Energy under the Committee on Science and Technology, and that would become the Committee on Science, Technology and Energy, that is, bringing it in line with the portfolio of the Ministry.

On item 20, I would say that we should have a Committee on Water Resources exclusively for water resources. I have highlighted the problem of water in this country, and I think if we should allow a Committee to handle exclusively Water Resources, that will be all right and would remove the apparent conflict between Mines and Power and Mineral Resources as Senator Barau tried to point out earlier.

Under Item 15, I support our changing it to Commerce and Industry.

The Deputy President : We have not got to that yet.

Senator Echeruo : Would I be given a chance to speak when we get there ?

The Deputy President : Yes, perhaps.

Senator Sola Saraki (Ilorin/Asa) : If it is the wish of the Senate to remove Energy, then where do we put gas. Unless we can call it Petroleum and Gas. So, we should leave it neatly as Petroleum and Energy. Is that agreed ?

Several Senators : Yes.

Senator Sola Saraki : Committee on Mines and Power.

Several Senators : Yes.

Senator Sola Saraki : Committee on Science and Technology.

Several Senators : Yes.

Senator Sola Saraki : Committee on Commerce and Industry.

Several Senators : Yes.

The Deputy President : Is it agreed that we should change Trade to Commerce ?

Several Senators : Yes.

Senator Sola Saraki : Committee on Appropriation and Finance and on Banking and Currency.

Several Senators : Yes.

Senator Sola Saraki : Committee on Housing, Urban Development and Local Government.

Some Senators : No.

Senator S. O. Sogbein (Odeda/Obafemi/Owode) : I would say that it should be the Committee on Housing, Urban and Rural Development because Local Government is the job of States.

Senator Sola Saraki : It would be better to have it properly spelt out like this because it is well-defined and spelt out in the Constitution. So, I would suggest that we should leave it as it is.

The Deputy President : Let us listen to another view.

Senator Tony Anyanwu (Owerri) : Mr President, Sir, I am inclined to split number 18 into two Committee on Housing and Urban Development then Committee on Local Government and Rural Development. I live in the rural area and we have been talking about developing the rural area and many of us came into the Senate through the votes of the rural community. Mr President, Sir, please I request this distinguished Senate to think about splitting this into two.

Several Senators : Supported.

Senator Bitrus Bzigu Kajal (Mubi) : Thank you, Mr President. I do not think that local government is really within our competence. Local government is within the competence of the States, and we cannot discuss local governments. So, I support the suggestion that the Committee should be Committee on Housing, Urban Development and Rural Development ; no mention should be made of local government.

Senator Umara Lawan Bama (Bornu East) : Mr President, Sir, there is nothing wrong with number 18, that is, Housing, Urban Development and Local Government because everybody knows that each one of us comes from the various local government areas. So, anything dealing with local government is very important. There is no difference between local government and rural development. There is no difference.

Senator Ayoola Adeleke (Oshun II) : I think local government is very important, Mr President and that is why—(Interruptions)

The Deputy President : Order! Order! Let us listen to him.

Senator Adeleke : That is why the Federal Government attaches great importance to the local government system, and that is why the Federal Government also finances local government. So, I am suggesting that we leave local government as just one item because it is a very important item and then leave Housing, Urban Development as one.

The Deputy President : I would take one more then we would listen to the comments of the Senate Leader. I recognise Senator Abogede.

Senator Andrew Abogede (Benue North-Central) : Mr President, Sir, I thought, as I have earlier said, that rural development is very important and I really thought that if we could say Committee on Local Government and Rural Development in the place of number 13, Committee on Mines and Power, it would be very much better.

Several Senators : We have passed that.

Senator Abogede : Then Petroleum and Energy can take care of Power and Mineral Resources in number 20 which can take care of Mines. So, I thought that if this is re-arranged in this form it would suit the purpose that some of us are craving for. So, I would be very grateful if the Committee would be a Committee on Local Government and Rural Development. This will even agree with what obtains in the States, because local government goes along with Rural Development. This is what they practice in most of the States and this will take care of it. So, I would be very grateful if the Senate accepts this Amendment.

Senator George Asuquo Daniel (Uyo) : Mr President, Sir, I think we have been laying emphasis on the development of the rural areas since we came here. We think that that area is a very important one. We have so far developed many of our urban areas, and I think we should at this stage lay more emphasis on rural development. I therefore, suggest, Sir, that item 18 should read Committee on Housing, and Urban Development. There should, however, be a separate Committee for Local Government and Rural Development. That is what I suggest, Mr President.

Senator Garba Matta (Pankshin/Mangu/Kanam) : Point of constitutional order.

The Deputy President : Well, I will take the constitutional point before the explanation. Senator Matta, please.

Senator Matta : Mr President, Sir, our constitution, Section 149, paragraph 2 is dealing with Public Revenue. If I may read paragraph 2.

The Deputy President : You may read it.

Senator Matta : *Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments, and the local government councils in each State, on such terms and in such manner as may be prescribed by the National Assembly.* So, if we are going to distribute funds from

here in the manner prescribed by Section 149 (2), naturally we need a Committee to take care of this. So, I think it is appropriate that we should have a Committee that involves rural development. I am supporting Senator Daniel that Committee number 18 should be split into two, comprising a Committee on Housing and Urban Development and a Committee on Local Government and Rural Development. Thank you, very much.

The Deputy President : I am still coming to Senator Uba, but since Senator Adebayo has the same kind of thing to say about this, I recognise him to speak.

Senator Cornelius Olatunji Adebayo (Kwara Central) : I want to talk on the same issue which Senator Garba Matta has just raised. I think the Section of the Constitution which he cited is very appropriate to the Appropriation Committee and we do have such a Committee. I do not think that we should set up a Committee on Local Government simply because we have a duty to appropriate funds to that sector of the national establishment.

I do, however, believe that whatever Committee that looks after Rural Development should also look after Urban Development, so that the balance which we have been looking for may be found. If two separate Committees are looking after Urban and Rural Developments there may not be the tendency which we want to see of harmonising and making sure that the balance as at present is redressed. So, it should be the same Committee that should look after Urban and Rural Development, so that we may maintain appropriate proportion, Thank you.

Senator Uba Ahmed (Bauchi South-East) : Mr President, Sir, while we discuss about the formation of these Committees, we should always bear in mind the relevance and comparative convenience of the workings of the Committees in this Senate and also the Ministries concerned and involved. At this moment, there is a Ministry existing as Ministry of Housing, Urban Development and Local Government. If we have to create another Committee to be known as Local Government and Rural Development Committee, then you will find that two Committees are in fact working with one Ministry, and you may find that because of the nature and the way the Ministry operates, there will be overlapping or some kind of missing link somewhere along the procedural activities of the Ministry in relation to the Committee itself.

So, I am rather inclined to accept the suggestion of my colleague, distinguished Senator Adebayo from Kwara, to say that instead of creating entirely a new Committee out of this, and whereas I do accept the importance of not only urban development but also rural development, it would be better to expand the Committee to call it Committee on Housing, Urban and Rural Development and Local Government. For us to be silent on rural development is being unfair. Even if we have it as local government because local government is one of the essential functions any way, it will take development to the rural areas.

[SENATOR AHMED]

In the processes of making legislation and discussions on Local Government, you can emphasize rural development through local government as an agency for development.

So, Mr President, I suggest that if we do not want to take this Committee as I suggested, we should leave it as it is, bearing in mind that local government also takes into consideration the development of the rural areas under the respective local government areas. Thank you, Mr President.

The Deputy President: I think that after listening to all these views perhaps the Leader of the Senate has new ideas.

Senator Sola Saraki: Mr President, distinguished Senators, I would like to suggest that the Senate should let us leave this as it is because it covers everything.

Secondly, local government is very important to us. The Constitution is very clear on it and very soon we shall start to, amending the provision in the Constitution establishing this local government. It is very important that if anybody is bringing a Bill to amend this, we have to send the Bill or Bills to the Committee to look at it properly.

I would like to suggest, Mr President, that we should leave it as it is so that we do not create any more Committees mainly on local government or rural development. It covers everything. I think that if more local governments are created, I doubt whether there will be any more to do for that Committee. Therefore, I would suggest we leave it as it is and let us make progress. No. 18—Committee on Housing, Urban Development and Local Government—the local government covers the rural development.

Senator Ademola Adegoke (Oyo): Thank you, Mr President. We all lay much emphasis on rural development as if, if all these rural areas are developed, they are not becoming urbanised. You see, we should leave it as Committee for Urban Development and Local Government. Local government will take care of rural development and when the rural development is developed, they become urban. This is what we are fighting for.

The Deputy President: Well, is there anybody who feels very strongly about this?

Some Senators: Yes.

The Deputy President: I recognised Senator Mangga.

Senator J. J. Mangga (Borno South): Thank you, Mr President. The provision for the development of local government is there already within the local government competence. This Senate cannot just jump the State Government to enforce local government development. But we in this Senate can initiate local government development programmes where appropriate. Under this cover, therefore, it is only clean and fair to say rural development rather than local government.

Thank you very much.

The Deputy President: I think there is a lot of sense in that. I recognise Senator Ogunleye.

Senator E. K. Ogunleye (Ondo East): Mr President, I support the last speaker on this point, and say that there is no need to have local government since there is no Federal Ministry of Local Government. Besides, the Committee should read Committee on Housing, Urban and Rural Development. That is enough.

That is my contribution, Mr President.

Senator A. A. Durosimi (Badagry): I have a constitutional point, Mr President. It is section 149 (4) and it reads:

The amount standing to the credit of local government councils in the Federation Account shall also be allocated to the States for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly.

So, we have the right to tell the local governments how they are going to spend money allocated to them. The Constitution says—as being prescribed by the National Assembly. If there is no Committee, when we have this paper who is going to deal with it? I think that Committee should be Local Government.

The Deputy President: Somebody is raising another constitutional issue. I recognize Senator B. B. Kajal.

Senator B. B. Kajal (Mubi): Thank you, Mr President. In fact this is a very basic question. First of all, local government is one of the supplementary areas and under the Constitution of Nigeria, anything that is supplementary automatically belongs to the States.

Now, the question that has been mentioned is in regard to sharing of revenue. There is nothing that will prevent us from sharing revenue, but we cannot because of the Constitution. We do not expect to have any laws on local government. So, if we are not going to have Bills on local government, what is the use of having a Committee that will deal with local government, when this Senate cannot deal with Bills on local government. So, the question is, we are dealing with urban development and it should be Rural Development; that is its counterpart and not local government. If we are not going to have any Bill on local government in this Senate what is the point of having a Committee on the Subject?

The Deputy President: Personally, I think that local government should be replaced by rural development, but let us ask the Leader of Senate before I put the Question.

Senator Sola Saraki: Mr President, Sir, I think I will like to accept the amendments to be Committee on Housing, Urban and Rural Development and Local Government.

The Deputy President: Is anybody seconding the idea of having a Committee on Housing, Urban Development, Local Government and Rural Development?

Senator D. D. Etiebet (Ikot Ekpene): Mr President, Sir, I rise to second that amendment, taking into consideration Part Two of the Constitution which provides that Local Government comes under the powers of the Federal Republic of Nigeria. So, the Federal government can make laws for Local Governments.

Secondly, taking into consideration section 149 of the Constitution, the Federal Government has financial power on behalf of Local Government.

Thirdly, Mr President, page 98 spells out the list of areas in the country, *vis-a-vis* Local Government areas and these are constitutional provisions. From page 94 you have the schedules of areas constituting Constituencies in the country and these are Local Government Areas. The Federal Government has the power to make laws for them. In view of this, they too stand, through as an arm of government, under the control of the Federal Government. Page 94 shows that for instance at Anambra we have Abakaliki Local Government, Aguata Local Government, Ikot Ekpene Local Government.

A Senator: But these are Senatorial districts.

Senator Etiebet: Yes, these are senatorial districts of the State within which are the Local Government Areas. It is these areas that make the Senatorial districts, having Local Government status. Accordingly, Mr President, Local Government should come in under number eighteen and it should not be omitted.

Senator Ayo Fasanmi (Ondo North): Mr President, Sir, the Constitution that we are operating recognises the three tier system of Government. These are the Federal government, the State government and the Local government, and it will be an encroachment on the rights of the Local Governments to seek for a committee here to cater for their needs. The only link, which to my mind, Sir, we have with the Local Governments is in respect of allocations of funds and this can be taken care of in the Committee on Appropriation.

So, I would suggest, with all respect, Sir, that we should delete the aspect of it that deals with Local Government. We have no right here to set up a Committee to deal with Local Government, and as one hon. Friend said, there is no Ministry of Local Government in the Federal. So, I am moving that we delete the word *Local Government* and make it *Committee on Housing, Urban and Rural Development*. That is all to it.

Senator Kunle Oyero (Abeokuta/Ifo/Otta): On a point of Order, Mr President, I wish to refer the Senate to Section 114 of the Constitution. The first schedule sets out the functions of the Local Government Councils. To round it up, Section 2 (d) says such other functions as may be conferred on the Local Government Council by the House of Assembly of the State.

So, it is quite clear that the National Assembly has no direct connection with the Local Government.

As a matter of fact, as the President would remember, in the Constituent Assembly, we attempted to make detailed regulations about Local Governments, but we were told that we could not do that because they were the responsibilities of the various State Assemblies. So, I would say we should delete Local Government and retain Rural Development.

Senator Jaja Wachuku (Aba): Mr President, Sir, I support the inclusion of Local Government in that under Section 7, part 2, page 5 of the Constitution, there is a very comprehensive provision about how these funds are to be allocated to the Local Governments. I will read it:

7. (6) (a) *the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation:*

That is that. Now, for the purpose of this committee we go to Section 149 (2) (4) (5) (6) and (7). There, we shall see the provisions about how these funds are to be allocated.

149 (2) *Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State governments, and the local government councils in each State, on such terms and in such manner as may be prescribed by the National Assembly.*

Senator E. I. O. Akpata (Bendel Central): On a point of information, Mr President.

Senator Jaja Wachuku: I do not want any point of information. (*Laughter*) Subsection (4) reads:

The amount standing to the credit of local government councils in the Federation Account shall also be allocated to the States for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly

(5) *Each State shall maintain a special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the local government councils of the State from the Federation Account and from the Government of the State.*

(7) *The amount standing to the credit of the local government councils of a State shall be distributed among the local government councils of that State on such terms and in such manner as may be prescribed by the House of Assembly of the State.*

Now, I have shown here under Section 7 (6) (a) that the Federal government allocates funds to local governments. They are recognised, and these funds are put in special accounts, and these accounts are joint accounts between the local government and the State government. Experience has shown that, and I know this, when the money goes there, the tendency is for the State government to vire the money to meet their own needs and starve the local governments, and there will be no way of tracing whether this money has been paid or not, unless you have a Committee which will keep an eye on this account to ensure that this money which is meant for rural areas gets there.

[SENATOR WACHUKU]

If we put it in charge of the Appropriation And Finance Committee it will be swallowed up. Finance is a big thing. Look at the title—Appropriation and Finance. It is a very big thing but if you have Local Government put there and you have Housing, Urban, Rural Development and Local Governments, the Senate can call on that Committee and say that people from a particular local area want to know how much money they have for that rural area. They will have a Committee that looks at these things and they will be able to give them any information they may require. They can even appear before the Committee. The Committee can go straight to the Ministry of Finance and ask how much money was given to such and such a state for Local Government, and then trace it there, whether or not this money which was meant for the rural area got there. That is why this Committee is very essential. There is provision for it in the Constitution.

The Deputy President : We should at least finish with these Standing Committees this afternoon. I think we had better make some progress. What is obvious from all the speeches is that we want to retain Housing, Urban Development, Local Government, and even introduce Rural. Some of our English scholars should think of a word perhaps that combines Urban and Rural Development, something like Environmental.

Some Senators : No.

The Deputy President : Do you think we should have a Committee on Housing, Environmental Development and Local Government?

Senator Abayomi Adeyosola Durosimi (Bada-gry) : Section 7(1) of the Constitution—*The system of local government by democratically elected local government councils is under this Constitution guaranteed ; and accordingly the government of every State shall ensure their existence under a law which and accordingly, provides for the establishment, structure, composition, finance and functions of such councils.*

With this, you will know that the burden of Local government is within the state and not Federal. Therefore, I am suggesting that we should delete Local Government from our Committee because we have got nothing to do with the Local Government, apart from statutory allocations.

The Deputy President : Let us make progress. The question is that the Committee on Housing, Urban and Rural Development should be substituted for what we have on the Order Paper, which is Committee on Housing, Urban Development and Rural Development.

Question put and negatived.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, let us delete *veteran affairs* from No. 19.

Several Senators : Yes.

Senator Sola Saraki : No. 20—Water Resources. Let us delete Mineral and just make it *Committee on Water Resources*, because water is very important to us.

Several Senators : Yes.

Senator Saraki : No. 21—Committee on Federal Capital Development.

Several Senators : Yes.

Senator Saraki : Finally, No. 22—Committee on Internal Affairs.

Several Senators : Yes.

Senator Saraki : Mr President, Sir, I move that these be adopted.

Question put and agreed to.

Resolved : That the Senate adopts the following 22 Committees as the Standing Committees of the Senate:

1. Committee on Agriculture and Natural Resources
2. Committee on Public Services
3. Committee on Communications
4. Committee on Defence
5. Committee on Judiciary
6. Committee on Education
7. Committee on Health
8. Committee on Labour
9. Committee on Foreign Relations
10. Committee on Public Works
11. Committee on Transport and Aviation
12. Committee on Petroleum and Energy
13. Committee on Mines and Power
14. Committee on Science and Technology
15. Committee on Commerce and Industry
16. Committee on Appropriation and Finance
17. Committee on Banking and Currency
18. Committee on Housing, Urban Development and Local Government
19. Committee on Social Welfare
20. Committee on Water Resources
21. Committee on Federal Capital Development
22. Committee on Internal Affairs.

Christmas Recess

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to move—

That the Senate resolves that the 1979 Christmas recess of the Senate shall be for a period of fourteen working days commencing on 17th December, 1979 and ending on 4th January, 1980.

Senator D. O. Dafinone (Bendel South) : I beg to second.

The Deputy President : The Motion is non-controversial.

Question put and agreed to.

Resolved : That the Senate resolves that the 1979 Christmas recess of the Senate shall be for a period of fourteen working days commencing on 17th December, 1979 and ending on 4th January, 1980.

Senator Sola Saraki : Mr President, Sir, before we carry on, I would like to request that the names of the Members of the Committees we have just passed should be submitted to me latest by Friday, 7th December, 1979. I would like to suggest that we review the whole thing so that it would not be confusing.

The Deputy President : That is a very good idea. We have to review the whole thing. The various Leaders of the various parties should re-submit names of members of the various Committees. This should be handed to the office of the Leader of the Senate before Friday.

Senator E. K. Ogunleye (Ondo East) : The submission of the names of the respective parties is not as important as getting the Chairmen of these respective Committees.

The Deputy President : Of course, they will be drawn from the names of the members of the Committee.

Senator Ogunleye : This is what is delaying the work of this Senate, Sir. The Chairmen should be appointed in time.

The Deputy President : That is noted.

LOCATION OF NEW INDUSTRIES

Senator Ameh Ebute (Benue South-Central) : I beg to move the Motion standing in my name on the Order Paper—

That in order to direct the location of new Industries with a view to achieving a fair and equitable distribution and avoiding a proliferation of industries in only a few States, it be resolved by the Senate.

(a) that the Federal Minister for Industries complies and presents to the Senate within a reasonable time from the date of this resolution a list of industries wholly and/or jointly owned by the Federal Government showing their present locations in the country.

Mr President, Sir, in moving this Motion, the main purpose is to take stock of industries either wholly or jointly owned by the Federal Government to enable this distinguished Senate advise, if need be, in the future, on the location of industries.

I beg to go briefly into the constitutional history of this country. Mr President, Sir, I beg to submit that the political system that existed prior to 1979 was such that gave much room to political, economic and social injustice. The political system that existed prior to 1979 gave those who had power unlimited opportunity to develop their own areas at the expense of the weaker members of the society. That resulted unfortunately, Mr President, in an uneven development of this country.

Mr President, Sir, it is my humble submission again that this unfair distribution of the nation's unlimited resources coupled with other political

victimisation led to the fall of the first Republic. As a result of such political, social and economic injustice, people lost confidence in those who held power as custodians of public fund.

An attempt was made by the Military government to rectify this state of affairs. But, again, I submit that they were not completely successful in developing evenly this great country of ours. That was because they had no constitutional basis to do it.

I would also seize this opportunity to express my gratitude to Members of the Constituent Assembly who produced the present Constitution for us. Thanks be to God that the new Constitution has made provisions for the even development of this nation. In this respect, Mr President, I would refer you to Section 16, subsection 2 (a) which provides for promotion of a planned and balanced economic development.

Therefore, Mr President, in order to give effect to this provision of the Constitution, it is my humble submission that a list of existing industries either wholly or jointly owned by the Federal Government will make us know where such industries are already located. It would also enable this august Senate to know those States that have so far been neglected in this aspect of industrial development.

Mr President, Sir, I would also humbly submit that the general intention of the present Constitution, and this section in particular, is to protect the minorities of this country in respect of economic development.

Mr President, Sir, in my own opinion, this is one of the simplest Motions that we have had since this session began. It is also my submission that it is a non-controversial one. All that I am humbly asking this Senate is to give an order to the honourable Minister to compile and present for inspection by the Senate a list of industries as they exist in this country.

Therefore, Mr President, Sir, I beg to move.

Senator Abubakar Magaji (Suleja) : Mr President, Sir, I rise to second the Motion moved by Senator Ebute.

Senator D. D. Atiebet (Ikot Ekpene) : Mr President, Sir, thank you very much for this opportunity to speak in respect of this Motion which has been ably moved, a Motion moved in good faith and in accordance with the provision of the Constitution as has been cited by the distinguished Senator Ebute. The Motion itself is not controversial. In fact, the Motion is to take care of the balanced economy of this country such that every area is cared for in terms of location of industries.

We are Senators. We are not in a position to know where one industry is and how much it costs. All that we are after is for the Minister responsible to compile the list of existing industries for the government to be able to know how to locate the new industries that are forthcoming. Accordingly, that would avoid the proliferation of industries in one area of the country at the expense of other areas.

[SENATOR MAGAJI]

Last week, Mr President, we debated a Motion in this Senate on how certain areas of this country have been so congested, creating traffic hold ups. This congestion has been caused by the drifting of people from rural to urban areas of the country in search of jobs.

If you go to some other areas in Obudu and Ikot-Ekpene, you scarcely can see people, because there has been serious movement of people from this area to the urban areas in search of job. Accordingly, by siting the industries evenly in the country we would be able to check the movement of Labour. Secondly, apart from agriculture, which is the mainstay of the economy in this country, the next important arm of our economy that holds in check the drift in rural population, and which provides employment is the industry. God has blessed us that there is provision in the Constitution for the establishment of industries for which a Minister should be appointed. All that they want is to let us know how many industrial establishments we have so far in this country, and where they are located, so that the new ones to be established could be evenly distributed. That is the essence of this Motion, Mr President. I beg to support the Motion.

The Deputy President : As far as I am concerned, this Motion has been moved, it has been seconded. The fellow who just spoke is one of the Movers. So this Motion has not been fully debated, and I intend to give a few distinguished Senators the opportunity to speak.

I recognise the distinguished Senator Dada.

Senator Garba Musa Dada (Minna/Kagara): Thank you, Mr President. I rise to support the Motion with a little amendment. My amendment goes does :

that the Federal Minister of Industry compiles and presents to the Senate within a reasonable time from the date of this resolution a list of the existing and proposed industries wholly and jointly owned by the Federal Government showing their locations in the country.

I propose this amendment because I think that already the existing industries are where they are, and I do not think that we are in any position to move them. I believe, however, that there must be proposals already being made by the Federal Government, to site some other industries somewhere, and unless we know these areas and how far they go to balance the economy and growth of this country, a lot of the areas already neglected will continue to be neglected. I think that if we are given the list of the proposed industries, we would be in a good position to advise the Executive as to where or how such proposed industries could be relocated to develop or to help in the development of the already neglected areas. This is my contribution.

The Deputy President : Any seconder to that amendment?

Is that acceptable to the original Mover of the Motion?

Several Senators : Yes.

The Deputy President : Let me take your point of order, Senator Obaro.

ADJOURNMENT

Senator Isa Obaro (Kwara South) : It is Order 43.

Fifteen Minutes before the time appointed for determination of a sitting, the President shall interrupt the business under discussion. When it was quarter to, Mr President, I was asking for this point of Order and I now move, Sir, that the business of the Senate for today be adjourned till 3 p.m. tomorrow.

The Deputy President : Any seconder? *(Interruption)*

This should have been done by the Leader of the Senate, but in his absence I think the Order is proper, and it has been seconded by the distinguished Senator Yepwi. So, it is time to interrupt business.

Senator Obi, you have an amendment here. We will take it first thing tomorrow if you would not mind.

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

The President : You may continue.

Senator Obi : Mr President, on a serious note, we ought to be guided as to what happens if Leader of the Senate is not here. It seems that the position is shifting with the seats, and eventually the Leadership of the Senate becomes a revolving proposition. I think if the gentleman is moving the Motion as a Senator, he can so do. If he is moving it as the Leader of the Senate, there should be a limitation as to who can do that and the Senate recognises it. I think there is a danger of everyone being the Leader of the Senate in due course.

The President : Order! Order! The question is that this Senate stand adjourned until 3.00, o' clock tomorrow afternoon. On the Motion for Adjournment I have quite a number of people who want to speak. I would ask that the distinguished Senators should be very brief. I will start with the distinguished Senator A. A. Ali.

OLD CURRENCY NOTES

Senator Amadu A. Ali (Benue West) : Thank you very much, Mr President. Speaking on the Motion for adjournment, I would like to speak on the extension of the time for the exchange of old currency notes. I was not given the opportunity to speak on the topic yesterday. I would like to speak on one other topic which is on National Emergency, but I will begin with the extension of the deadline for currency note.

I want this Senate to be very careful to ensure that this new system of government does work. Let us not be like the men of pre-1966, who failed the nation by their inability to work the parliamentary system of government. I can now see that there was not much wrong with that system, but a lot must have been wrong with the men who operated the system. Both the Executives and Legislators are learners in this new system. None of us is perfect in the operation of the Presidential System of Government. It is true that the Executive is trying to find its feet, but so are all of us trying to find our feet. I do not believe that the Executive is attempting to undermine the integrity of the Senate in any shape or form.

A Senator : Point of Order!

The President : Order! Order! This is on a Motion of Adjournment.

Senator Amadu Ali : I believe that there is separation of powers granted by the new Constitution, but I also believe that through this separation of powers, the three arms of Government must have an apex organisation where they all meet to oil the machinery of Government. I would like to warn that this country should be careful in this experiment of the Presidential System of Government. We must also guide against the various executives in this country from emasculating their various legislatures and thereby rendering them impotent. I also believe that the Legislatures must not unnecessarily continue to flex their muscles to show various Executives where the power lies.

Mr President, Sir, I would like us to appreciate also that this new system of government does not tolerate of the Cabinet System of Government of the old where there is collective responsibility. In this particular system of government, when all the chips are down, the President is the man to blame. I will also like to warn that Ministers of the Government and the Civil Service in this system must not keep so many secrets sacred to themselves while leaving the Legislators to beat about the bush like the case in hand. They should be able to come up early enough to give us inside stories about what they call secrets. We have seen in one or two Committees that some of the things that keep close to their hearts are not secrets at all.

In this country, I believe every time there is a change of government, there is usually a bureaucratic elite that go underground to perfect a beautiful system of wresting powers from the new Governors. This group of elites and their activities led to the great rebound and backlash of the Murtala Regime where, for once, they were put in their proper place and Permanent Secretaries were not all that permanent after all. Like the fifth columnists that we have heard so much about all over the world, this same group of people have now come round to perfect another system of wresting powers from the elected representatives of this country, and we must be wary of them. We must be wary of this group bringing us into direct collision with our various Executives, and thereby finding a method of

wresting power from both of us and leaving us at the mercy of their evil machinations. Mr President, Sir, I would like the new Nigerians and the elected representatives of this country to be extremely careful because if we bungle up this system, it will be fire next time. It will not just be simple *coup d'etat* and I will not like to be party to this kind of situation.

The explanation given by the Vice-President on the deadline in the extension of the currency notes should be viewed with sympathy, but I must be categorical that I am not at all impressed, and I feel very angry at the very indifferent attitude and the casual manner in which the Minister of Government or the authorities went on the air to give explanation.

National Emergencies

My second point, Mr President, is dealing with the National Emergencies. We have just finished with 22 Committees of the Senate without our being able to put a position for the National Emergency Relief Agency. Most probably, we can say they come under the Ministry of Internal Affairs, but this is a very important aspect in our national life although we do not have any floods and earthquakes, but we must be ready. We do not have a Committee that will overlook any national emergency or anything that the President might declare as emergency in this country.

West African Examinations Council

Senator Simeon Ojukwu : Mr President, Sir, the point I am making is very important. I have received information that many students who took the West African School Certificate Examinations did not get their results through no fault of their own. I was made to understand that one of the examiners in Commerce failed to mark the papers and the students are suffering. Some of them passed the examinations of the JAMB to go to the universities, but they could not go since their results are being withheld through no fault of their own. I think the West African Examinations Council owes an explanation on this point, Mr President.

Community Tax

Senator Bakin Zuwo : Mr President, may I contribute on the Motion for Adjournment particularly about Community Tax in Nigeria today. This Community Tax was introduced by our former colonial masters in order to dominate the common people of this country, and so that the few will continue to manipulate the revenue and the resources of this country. We are very lucky that certain States have been free from this particular suffering, States like Oyo, Ondo, Ogun, Lagos, Kano and Kaduna. Other States like Anambra, which was affected as a result of the civil war, Bauchi, Bendel, Benue, Borno, Cross River State, Gongola, Imo Rivers, Plateau, Niger, Kwara, have not been free from Community Tax. The common people of this country, about 80 per cent of them are suffering

[SENATOR ZUWO]

from hunger, ignorance, disease. Mr President, I think this is the right time to advise the State Governors to abolish the Community Tax.

When we talk about our salary, people start to talk rubbish; but now we are talking about the common people of this country, and I am sure that every sensible Governor will agree with me that this introduction of Community Tax is nothing but sheer victimisation. For example, in Kano, every year we realise three and a half million Naira, but the expenditure involved is about four million Naira.

The Government has not benefitted anything from it. We derive our income from oil, and other mineral resources and I think that that will help us. Even in the Rivers State where we have oil, they are still victimising the common man and forcing him to pay Community Tax.

Mr President, Sir, I think when we are here enjoying the air-conditioners and beautiful atmosphere, some people tend to forget those who are carrying firewood in the villages and rural areas and it is these same suffering people that voted us in.

Aviation

Finally, Mr President, Sir, I would like the Federal Government to investigate the question of aviation. We were told during the previous regime that about nine million Naira was spent at Kano Airport on landing equipment. Now, it has been discovered that during the harmattan, no aeroplane can land in Kano. I would like the Federal Government to make a specific statement on this particular issue, because we were told in Kano that the government spent nine million Naira. Where is the equipment? I am sure, Mr President, Sir, that this is a very serious matter. I appeal to government to give us categorical statement about this expenditure.

Thank you.

The Deputy President: I understand that Senator Akintoye has two questions that would be of general consumption of this Senate.

MINISTERS

Senator S. A. Akintoye (Ondo Central): Mr President, Sir, I just wanted to ask the Leader of the Senate two questions. The first question is about the proposed additional list of Ministers by the President of Nigeria. I think we are keeping it a little too long and I would like to know or have an assurance that we would take it very soon and deal with it. The impression could very easily be created that it is we in the Senate who are holding down the setting up of the Executive arm of government. So, Mr Leader of Senate, we want the assurance.

The Deputy President: What is the other question?

STATES FUNDS

Senator Akintoye: The other question is about an announcement that was made recently about some appropriation and allocation of funds to the States. This was published in some of the national newspapers. Some millions of Naira were allocated to all the 19 States. I would like to find out as a Senator and I think the whole Senate would be interested in knowing whether this was done before the present administration came into being or it is something that is being done under the new Constitution. If it is being done under the new Constitution, I wonder when it is coming to the National Assembly for appropriate approval. Thank you, Mr President.

The Deputy President: Senator Sola Saraki.

Senator Sola Saraki (Ilorin/Asa): Mr President, Sir, Distinguished Senators. As for the list of Ministers, I would like to assure you that we are not delaying unnecessarily the list to be brought before you, we are still waiting for other information about the candidates, as soon as we are ready, and would be brought before the Senate for ratification, or confirmation.

The Deputy President: Can you give us a rough date?

Senator Saraki: Mr President, I cannot give any date now, but I can assure you that I would definitely give a notice. I cannot give any date now. I think the Senators are worried about the Constitutional provisions. I can assure you that I am quite aware of that, and I would not allow that to lapse. I would be able to bring information on this early next week.

Coming to the allocation of funds, as far as I know, allocations were made by the Military before they left, and I would like to check on this and let you know tomorrow. But I know that this regime has not allocated any funds to any of the States. I know that about a few weeks ago, two or three States collected some money from the Ministry of Finance. This, I am sure is the allocation made by the Federal Military Government. This regime has not, as far as I know, allocated money to the State Governments. Be that as it may, I would check on this and come back tomorrow to let you know about it. I know that this government has not given any money out at all.

The Deputy President: I just want to inform all those who have notices on Motion for Adjournment and who could not speak today that I would carry them over till tomorrow when they would speak.

I recognise Distinguished Senator Gilama Gayus.

Senator Aliyu M. Gani (Kwara North): Mr President, the question I would like to ask is to clear a question that you have actually started asking. I do not think the Senate would be approving allocations to States periodically after it has approved the budget. I think in approving the budget, it would also be approving the allocation to States and, therefore, what we need is the supplementary estimates that we have to approve, not the allocation because I have got the authorities to ask as well.

The Deputy President : Can we take this on supplementary question ?

Senator Gani : Yes.

The Deputy President : Senator Fasanmi, please.

Senator Ayo Fasanmi : Mr President, as asked by my Senator friend, and that is to know the date that we shall be carrying out the screening exercise of the prospective Ministers, I think, Sir, that it is appropriate that we should know now. At the beginning of the week, we were told that the exercise would take place on Tuesday. Now, today is Wednesday. We want to know categorically. We are running

an open participatory system of government. We want to know exactly when we are having the exercise.

The President : His reply is that he would inform this august Senate early next week.

Senator Fasanmi : We are very much worried.

The President : Order ! Order ! It is time to adjourn the business of this Senate.

And it being 6.10 p.m. the Senate adjourned without Question put, pursuant to Standing Order 4 (10).

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Thursday, 6th December, 1979

The Senate met at 3.40 p.m.

PRAYERS

(The Deputy President in the Chair)

NOTICE OF MOTION

Location of New Industries

Adjourned Debate on Question
(5th December, 1979) :

That in order to direct the location of new Industries with a view to achieving a fair and equitable distribution and avoiding a proliferation of industries in only a few States, it be resolved by the Senate :

(a) that the Federal Minister for Industries complies and presents to the Senate within a reasonable time from the date of this resolution a list of industries wholly and/or jointly owned by the Federal Government showing their present locations in the country.

The Deputy President: I remember that before we adjourned yesterday, there was this Motion by distinguished Senator Ebute (*Benue South-Central*) and the adjourned debate on this Motion is to continue today. I also remember that distinguished Senator Onyeabo Obi had an amendment to make, and I did promise that I would start with that today. So, Senator Obi, you may now wish to make your amendment.

Senator A. Ebute (Benue South-Central) : Mr President, Sir, on today's Order Paper, I can see an amendment credited to Senator D. O. Oke (*Ondo West*) to this Motion. I was here throughout yesterday but I did not hear Senator Oke making any amendment to my Motion yesterday. I was surprised to see this amendment on today's Order Paper. The only Senator who proposed an amendment which I accepted to the Motion was Senator G. Dada (*Minna/Kagara*).

The Deputy President : That is true, but this is another amendment carried forward from yesterday. It is a normal procedure that once Members have amendments to your Motion and these have been tabled with the Clerk to the Senate, nothing stops them from doing so. When we get to these amendments, you will be able to indicate whether you accept them or not.

Senator Ebute : Thank you so much, Mr President. I am satisfied.

Senator O. Obi (Anambra West) : Thank you, Mr President. I wish to propose the amendment which I submitted and which incorporates three amendments to the text of Senator Ebute's Motion.

The first amendment, Mr President, is as follows : at the end of the second line, delete the colon ; and delete the letter (a) in parenthesis at the beginning of the third line.

I think the need for that amendment is obvious since it is only one paragraph supporting the main Motion, so that forms a continuous link. I propose to delete the colon at the end of the second sentence and the (a) in parenthesis at the beginning of the third line.

The Deputy President : Could you say that all over again because some Senators are not following.

Senator O. Obi : Reading the Motion : *Location of new Industries*, you would find, and I am using the text of the Motion on yesterday's Order Paper, but if I am to use the text of today's Order Paper it will be as follows :

After the word, *Senate*, there is a colon, delete the colon, and also delete the (a) in parenthesis at the beginning of the next line, so that there should be no paragraph and it would be a continuous text, because there is only (a) and there is no (b), or (c), or (d). So that is the first amendment.

The second one, Sir, is as follows : after the words, *Federal Government*, on what should now be the second line but in what was paragraph (a) of the Motion to put the words : *and/or its agencies*. It should read : *the Federal Government and/or its agencies*. The reason for this amendment is that we should see also in the Constitution that references are to the Federal Government and its agencies. We are interested to know also investments, not only by Federal Government, but by companies like NICON and others which are owned by the Federal Government. The text should read : *the Federal Government and/or its agencies*. That is my second proposal.

The final amendment is as follows : where the Motion ends at the moment, to delete the full stop sign, and to add the following words :

and the investment (whether by equity capital or loans) invested in each such industry.

My proposition is that if we want information, we want complete information. It is not enough to have the location of these industries. You want to know how much has been invested or committed to each such industry. This is because if one has ten industries with a capital of one million naira, it distorts the information if there is somewhere else one has one industry with a capital of one billion naira. So, the amounts invested in each such industry I would submit, is a very relevant information, otherwise we cannot appreciate the information which we get. I wish to propose these three amendments to the Motion.

The Deputy President : Could you please read that as you would now want to have it ?

Senator Obi : The Motion, as I propose to amend it, will now read as follows :

That in order to direct the location of new industries with a view to achieving a fair and equitable distribution and avoiding a proliferation of industries in only a few States, it be resolved by the Senate that the Federal Minister for Industries compile and presents to the Senate within a reasonable time from the date of this resolution a list of industries wholly and/or jointly owned by the Federal Government and/or its agencies showing their present locations in the country and the amounts (whether by equity capital or loans) invested or committed to each of such industry.

I propose these Amendments.

The Deputy President : Is there any Senator seconding the Amendments?

Senator B. B. Kajal (Mubi) : I beg to second.

The Deputy President : Are the Amendments acceptable to the Mover of the original Motion, Senator Ebute?

Senator Ebute : Mr President, beginning with the first Amendment, I do not see the necessity of introducing that particular Amendment. The colon there implies that there is something following either a paragraph or a number of paragraphs. I think that the purpose of that is to give room to other Senators to make Amendments either by addition or subtraction, as my Learned Senator has done. Maybe, if we leave that colon there, his Amendment could be taken as paragraph (b) to this Motion. That Amendment does not affect the substance of this Motion in either case. I do not see its importance, but if he feels that it makes much difference, I would not oppose it.

I also do not oppose the second Amendment which is to the effect that the *Federal Government and or its Agencies* as it goes to reinforce the Motion.

The third Amendment, in my own opinion, would create some difficulties for the Minister in furnishing us with the information. Some of these industries have been established for some time now, and to determine exactly the amount of money that had been sunk into these industries all over the years, I think, will give some sort of difficulties to the Minister. If the Senate feels it will not give an additional burden to the Minister, I have no objection either.

Substantially, I have no objection to all the three amendments.

Senator C. L. Adeoye (Oshun I) : I was wondering whether there is need for this Motion. I should have thought that the best thing for Senator Ebute would have been to ask the Committee on Commerce and Industry to write to the Ministry of Industries and ask for the distribution of these industries. If you look at the Constitution, Section 16 takes care of this squarely. I will read with your permission. *The State shall, within the context of the ideals and objectives for which provisions are made, in this Constitution (a) Control the national economy*

in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity. If you read the whole Section, you will see that there is no need for this Motion. All that is necessary is to ask the Committee in charge of industries to write for the necessary information and deal with the subject. This is the way I see it.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, while I will not object to the Motion being taken in the Senate on the grounds that it can be referred to a Committee for more detailed discussion, I wish now to oppose the Amendment proposed by Senator Obi on the grounds that his Amendment is rather superfluous and all it seeks to portray has already been portrayed in the original Motion. The original Motion says :

(a) that the Federal Minister for Industries compile and presents to the Senate within a reasonable time from the date of this resolution a list of industries and it goes on to say :

wholly and/or jointly owned by the Federal Government. This Amendment seeks to add to it :

and the investment (whether by equity capital or loans), but this has already been taken care of by saying :

industries wholly and/or jointly owned by the Federal Government. For this reason, I would like to oppose his Amendment.

Senator B. B. Kajal (Mubi) : I seconded the Amendment made by Senator Obi for the fact that that is the only sensible way in which the Minister of Industries would present his report to us. In the Ministry of Industries, I would like to inform the Senate that there is a Section called the Management Section which keeps information on all industries wholly or partially owned by the Federal Government, and it would not be difficult at all to collect this information. In fact, they would only be pleased to be recognised to present something to the Senate.

I wish to say that without knowing the amount involved in various investments, it would not be possible for us to be able to determine where, in fact, most of the nation's resources have been spent or have not been spent. The other day, we talked about disparity in development between rural and urban centres. Maybe, this is one way that we will be able to see how best to bridge that disparity and put industries that would attract people back to the rural areas.

I only wanted to inform Senators that, in fact, the Amendment made by Senator Obi would not complicate matters, it would rather help us.

Senator E. P. Echeruo (Okigwe) : Mr President, Sir, I fully endorse the Amendment proposed by Senator Obi, and I would wish to comment particularly on the reference made to the Constitution and the arguments adduced that the mere provision of a clause in the Constitution should limit us from asking, as a body, for the information requested by this Motion.

(SENATOR ECHERUO)

Mr President, Sir, it is our responsibility, and we all swore to it, to defend the Constitution and the only way we can defend the Constitution is to be aware of what is happening in the country and know when this aspect or any aspect of the Constitution is violated. We would not for example, be in a position to point out to the Minister that certain provisions are being treated with levity if we do not know the facts, and we do not know to what extent facilities, industries or whatever establishment there are, reflect the Federal character. I think it is part of our duty to be well acquainted with, not only the number of industries in which the Federal Government has interest, but also to know the level of investment.

I remember reading a report where it was alleged that some of the agencies that are supposed to keep records of our investments do not even know what we have invested there. I think that kind of situation should not be allowed. Perhaps, a request like this will make them sit up and give us the requisite figures.

I sincerely commend this Motion to every Senator and hope we would pass it unanimously.

✶ **Senator Sola Saraki (Ilorin/Asa)**: Mr President, Sir, distinguished Senators, this Motion is very important, and if we want the job to be properly done, I would like to suggest that we should refer it to the Committee on Commerce and industry to prepare a report for us to be considered at the appropriate time. Since we have got all the Committees, what is left is to appoint the chairmen. Already, one or two Committees are working very well, although they have temporary Chairmen. I think the Committee on Commerce and Industry can handle this and they can appoint a Chairman meanwhile among themselves, I would like to ask leave of the Senate to say that this Motion is very important, and we are all very interested to see that industries are spread out according to our Constitution.

Therefore, I would like to suggest that we should refer this Motion to the Committee on Commerce and Industry to give us a comprehensive report on it in order not to waste our time.

Senator Cornelius Olatunji Adebayo (Kwara Central): Thank you very much, Mr President. My observation on this Motion is very basic. I associate myself with what people have said so far, particularly the Senate Leader and last speaker on the importance of the request that the Mover of this Motion is making, but the basic observation is this. There has to be an established procedure for obtaining information. It is my belief, Sir, that any Senator who requires information from any Ministry or Minister can obtain it. I know that some Senators, to be able to do the work that they have done so far here, have obtained information.

I think it would not be proper if, for every information we seek, we have to bring a Motion. This would clutch up our performance. I would like to say, as the Leader of the Senate did say, it is not only that we refer this to Committee, I think it might be that as

we, as a policy, adopt that Committee Chairmen can possibly, through the Clerk or through the office of the President of Senate, make requests for pertinent information that Senate or Senators may require for the proper performance of our duties. But to spend a whole day debating the need to obtain information, and the details of what information is required, I think, might be a waste of time of Senate.

So, Mr President, I would like to suggest that the Motion was not necessary, and that the information could be obtained in a far simpler form. If we encourage it, we may have Motions coming up everyday by Senators requiring information on just about anything, but rather we should establish a procedure whereby Senators can obtain whatever information they require for Senate or for themselves without bringing a Motion.

Senator Sabo Bakin Zuwo (Kano Central): Mr President, Sir, my only concern about this information regarding Industries is only two things. Firstly, the former Administration promulgated a Decree and introduced what is called sixty *per cent* of active share participation either by the government or by Nigerian indigenes. But it appears to me that even in the industries where the government has shares or Nigerians have shares, the industries are administered by expatriates, and the government does not know or is not interested in knowing what is going on there. These are companies owned by Chinese or Indians, and the government owns sixty *per cent* of the shares but the Managers, the Cashiers and the Accountants are all expatriates and they administer these companies. This is very important. They may make away with the economy of this country indirectly.

Secondly, there is another attitude shown by these particular managements by employing Nigerians on temporary appointment. You may find that somebody who has been working in the factory for ten years is regarded as daily paid. The only thing they need do if they want to sack him is to give him one week's notice and they would say his services are no longer required. We do not know where we are heading even as far as our economy is concerned.

Mr President, Sir, when we are obtaining this information, we also need comprehensive information about our Nigerians who are working there and our governments that own the shares in those companies. It is not just a matter of bringing in expatriates to invest their money, but how they administer the companies. So, these are my concern, Mr President.

Thank you very much.

Senator Idrisa Kadi (Borno North-Central): Mr President, Sir, I really agree with the Mover of the Motion because he wants to direct the location of new industries in order to have even distribution of industries, and to avoid confining many industries in one or a few States. This is very important. We cannot correctly know about this unless we refer to the Ministry concerned through our Committee suggested by Senators.

I feel that in most Ministries and most departments they must have the plan for a period. So, within the planning period, there should be some allocations, the number of industries, the location and the type. All these should be mentioned there. So, when the matter is referred to the Committee, the Committee has to invite the Ministry concerned in order to furnish them with these details and from there we can know where those new industries proposed will be located. This is the only way we are going to start.

After the Committee has produced its report, then we can contribute either by accepting the report, amending it or making another resolution. I think Mr President, it is time to refer the matter to the Committee concerned to avoid wasting time.

Senator Isa Obaro (Kwara South) : Thank you, Mr President. I have one or two observations to make with respect to this particular Motion. The first one is that a very reasonable suggestion has been placed before this Senate, Sir, that, in view of the involvement of information and data that we need for proper consideration of this Motion, the Motion should be committed to the appropriate Committee. My humble opinion is that this is a very correct procedure, and it would save a lot of our time.

Unfortunately I have noticed that when we discuss any issue in this Senate, we just continue from one speaker to another. Even if a reasonable suggestion is made, we do not stop there to consider the reasonableness and accept or reject it before somebody else or another speaker is called. I think, Sir, in order to save time, unless, of course, we deliberately want to continue on this, because the Order says we should sit from 3.00 to 6.00 p.m. and we want to kill time, otherwise, I think, Mr President, that the first thing we should do is to consider whether we should accept what has already been suggested and, that is, to commit this Motion to the appropriate Committee. There is no doubt, Sir, that this is the only thing that we can do at this stage.

The second point, Sir, is that a Motion of this nature which involves obtaining information and data covering the entire country, by the geography of it, the social aspect of it, the economy of it, the Motion looks too snappy for any serious consideration.

Senator Onyeabo Obi (Anambra West) : Point of order.

Senator Obaro : Mr President, Sir, I do not want to yield.

Senator Obi : Point of order.

The Deputy President : Senator Obaro, if it is a point of order and you are not the person moving the Motion let him tell us the Order number.

Senator Obi : Mr President, Sir, I wish to invoke Order 26, rule 2. What is the subject of discussion now is the amendment which I have

proposed, not the necessity for the Motion. When the amendment is disposed of, and becomes part of the Motion or rejected, and the Motion stands, then a discussion on the Motion can properly continue. The fact is that Senators are discussing amendments which they did not even introduce or file notice of. A notice to refer the matter to the Committee will come by way of amendment to the Motion. I would say that the discussion now is whether the amendment as proposed should be embodied or not in the Motion before further discussion is made, at which point in time, Sir, I will ask for permission to reply to some of the points which have been raised on the amendments.

The Deputy President : From the speeches so far, it is very clear that the Motion is not controversial. All that is being said now is that either we debate it here or refer it to the relevant Committee of the Senate. So, I will perhaps allow two to three more speeches on this subject.

Senator Isa Obaro (Kwara South) : I will soon wind up Mr President. I am happy that Senator Onyeabo Obi has brought in another aspect to this particular Motion which will disqualify the continued discussion of the Motion because his amendment is in itself very complicated. He wants to know the amount of money invested in the various industries. To get this information will take a lot of time and will require technical skill and things like that.

It is in this respect, Sir, that I humbly appeal to you and to my colleague that we should save time and have this Motion committed to the appropriate Committee. Any Senator who has any recommendations to make can submit them to the appropriate Committee. This is my view and this is my contribution in respect of this particular Motion, Sir.

Senator Obi Wali (Rivers I Phalga) : Thank you very much Mr President. I was a little surprised that you are saying that the Motion is not controversial. I think this Motion has to do with a bit of policy. I am in sympathy with rural people who want industries. I am from an urban constituency, and I think this is the real danger to the Senate because there are two many rural constituencies here. They want industries sent to areas where there will be no viability. I think it touches on a matter of public concern whether as a deliberate policy, we want industries to serve as mere social services or they should be economically viable.

Frankly, I do not see the need for a Motion like this. When you talk about an industry you are talking about profit making and you are talking about viability. If it is just a matter of sharing it as national cake in terms of siting, in terms of taking the industry so that all people in Nigeria will benefit equally, not everybody can benefit equally by siting of industries. Uranium is not found everywhere so also is oil not found everywhere and there is nothing we can do about those things. Mr President, Sir,—

The Deputy President : There is a point of order. Yes, Senator Jalo Waziri, what is the point of order?

Senator Jalo Waziri (Bauchi East) : Mr President, the distinguished Senator is saying that uranium is not found anywhere.

Some Senators : He said *everywhere*.

Senator E. P. Echeruo (Okigwe) : Point of order, Mr President.

The Deputy President : What point of order?

Senator Echeruo : It is Order 26. He is imputing motives. We are seeking information, we did not say the information was to site industries in rural areas.

Senator Obi Wali : Well, Mr President, what I see here reads : *with a view to achieving a fair and equitable distribution*. That is the actual objective of this Motion and I think we have to avoid the mistakes of yester-years when industries were merely sited in order to employ some people in a particular area and the industry dies.

Senator C. O. Adebayo (Kwara Central) : Point of order !

The Deputy President : What is the order ?

Senator Adebayo : It is Order 26 (2).

The Deputy President : You may read it.

Senator Adebayo : It reads : *A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto*. We are not discussing distribution of industries yet.

The Deputy President : The distinguished Senator may then wish to be relevant.

Senator Obi Wali : Mr President, if you want them to overwhelm me, then I can only yield but I have given my warning and I hope we can desist from this kind of Motion that looks frivolous.

Senator D. O. Oke (Ondo West) : Mr President, Sir, I think I like this Motion maybe partly because I am one of those described as rural Senators by the urban Senator Obi Wali. I would also like to draw our attention to what Senator Echeruo said that this is not really about siting of industries. This is about the gathering of information which indeed is the reason, Mr President, that I am proposing the amendment that stands there in my name that we substitute—

Senator Onyebabo Obi (Anambra West) : Point of order !

The Deputy President : What point of order ?

Senator Obi : It is Order 26 (2). We are discussing one amendment which has been proposed. It has not been disposed of and my distinguished colleague is trying to introduce a new amendment. We have to dispose of the amendment on the Floor before we go on to consider another.

Senator Oke : The distinguished Senator is imputing motive. I said I was not yet moving the Amendment. I just brought it in because I thought it was relevant to what I was saying. In fact, it may be unnecessary to move it later if in considering Senator Obi's amendment we see the purpose of it.

In gathering information, Mr President, I do not really believe that we seriously need a Motion of Senate. I do not believe also that we need to fight the Federal Minister for Industries to do the gathering for us because we do in fact have a Committee of Senate as Senator Obaro pointed out earlier. Almost any information that we need can be collected in any of very many ways. One of them in fact is for the individual who is concerned to walk straight to the Ministry and say that *there is a useful purpose going to be served in the National Assembly by having this information*. Could you kindly give me ? If he cannot find it, there are many other ways that can be tried ; but to come to Senate to move a Motion praying a Ministry to give information is, in fact, in my view, Mr President, to further derogate from the not so great image that we have at the moment. We should be able to collect information as and when we like in the interest of Legislation for our country. When we begin to move Motions of this nature, Mr President, we are in fact saying that unless we come here and do a lot of debating and speak a lot of words and so on we cannot get the most basic things done. I would suggest in all sincerity, in addition to what Senators Obaro and Adebayo said, that our Committee can sit down and collect whatever information we require. We do not need to be praying the Ministry to do this. We probably do not need a Motion.

Senator Nosike Ikpo (Bendel East) : Point of order !

The Deputy President : What order ?

Senator Ikpo : It is Order 31 (1).

The Deputy President : You may read it.

Senator Ikpo : It reads thus—*After a question has been proposed a Senator rising in his place may claim to move That the question be now put*. . . I beg to move, Mr President, that the debate on distinguished Senator Obi's amendment be now put.

Senator Ayo Fasanmi (Ondo North) : I beg to second.

Senator Obi : Point of order, Sir. It is Order 26 (12). I proposed a Motion and I would like to answer the points raised on my amendment before the question is put, otherwise points go by default. There are constitutional points I would like to bring to the attention of Senate and I have further information.

The Deputy President : Perhaps we should put the question because that was seconded by distinguished Senator Fasanmi.

Senator C. O. Ilori (Ife/Ilesha) : Mr President, Sir, some distinguished Senators have said that the Motion had to do merely with obtaining information. I would say it is more than that. It is also a Motion

that might enable distinguished Senators to come to even terms. This is an amendment because I am proposing that the word *equitable* should be deleted. One distinguished Senator has actually made a similar point but he did not drive the point home successfully. Now, if I might, the original Motion—

Senator Ayo Fasanmi (Ondo North) : On a point of order, Mr President. Order 31 (1) states : *After a question has been proposed a Senator rising in his place may claim to move "That the question be now put", and, unless it shall appear to the chair that such motion is an abuse of the rules of the Senate or an infringement of the rights of a minority, the question "That the question be now put" shall be put forthwith and decided without amendment or debate notwithstanding that the mover has had no opportunity to make his reply.*

The Deputy President : I beg to move that the question be now put.

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

The Deputy President : The main question now is that we accept that the amendment as proposed by distinguished Senator Onyeabo Obi be put.

Main question accordingly put and agreed to.

The Deputy President : We have now come to the original Motion. May I call on Senator Ilori who was speaking before to please wind up.

Senator Ilori : Mr President, Sir, I wish to speak on the original Motion and I am going to talk about the word *equitable*. Industries are established on two main motives. An industry may be sited or established in a place for social considerations and so it may not be profit making. An industry may also be sited in a place because it is supposed to generate profits. Now, if we accept the assumption that the industries we are talking about here are those that will be profit making and we take the word *equitable* to mean geographical distribution of the industries, then that word might not be desirable or appropriate here. For instance, if an industry should be sited in an equitable manner geographically, that industry probably would be sited in a wrong place and therefore might be unprofitable.

When you are siting industries, you take two things into consideration. These are proximity of the industry to the source of supply of the raw material and nearness to the market. Therefore, because you want to have an equitable distribution of industries, you site an industry in a wrong place, it may not be close to the source of supply of the raw material or close to the market, it may become non-unprofitable. Then, it is a sheer waste of resources.

Therefore, Mr President, if the original Mover of the Motion will accept my suggestion, I would like him to delete the word *equitable*. Another thing is that we should be able to anticipate the future, it is necessary to do so. We may in the future have a Minister who is not all that enlightened or educated and he may take that word literally in order to

implement Government policy. In carrying out his duties he may start to site industries in wrong places because he wants to conform with the word *equitable*.

Mr President, Sir, I want to suggest that we should not sacrifice viability of industries merely because we want them equitably distributed. The industries we are talking about are not supposed to make losses. We have found out from experience that many industries have been sited in wrong places and have become unprofitable. What I am going to say is that—

Senator A. Abogede (Benue North-Central) : Mr President, Sir, standing Order 26 (6) states : *No Senator shall impute improper motives to any other Senators—or to a would-be Minister.*

Do you think anyone who is not educated in a particular field will be called upon to be a Minister ? You are imputing a motive.

Mr President, Sir, I am of the view that the language of any Senator should be Parliamentary which will not offend not only other Senators but also those who have not got the opportunity to come here to defend themselves. We should not use any language that will make others look stupid.

Senator Ilori : Mr President, Sir, I am not imputing any motive. I said we should try to anticipate the future. I do not think that what I have said amounts to imputing a motive. I am going to suggest here that instead of using the word *equitable* we should use the words *fair and even distribution*.

Some Senators : But that means the same thing.

Several Senators : It is not exactly the same thing.

Senator Ilori : Mr President, Sir, I do not think they mean one and the same thing. We should substitute the words *fair and even distribution* for the word *equitable*. I have finished, if the original mover will accept that amendment.

Senator Victor Akan (Eket) : Mr President, Sir, Standing Order No. 26 (2) says :

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

The Deputy President : You asked us to discuss the original Motion as amended by distinguished Senator from Anambra but what Senator Ilori has done is to bring up his own amendment. He should give us notice of his own amendment before doing that.

Senator Ademola Adegoke (Oyo) : I beg to second Senator Ilori's Motion.

The Deputy President : Is this amendment acceptable to the original Mover of the Motion ?

Senator Ameh Ebute (Benue South-Central) : I am not sure whether my learned friend did any bit of law. This is a completely legal matter. Mr President, Sir, the word *equitable* means justice. I do not therefore think it is reasonable for any Senator to oppose

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anything that implies justice. As I have said the word *equitable* implies justice and we are here to do justice for Nigerians. We should not oppose anything that is just.

Senator Ademola Adegoke (Oyo): Point of Order. Order 26 (5). *It shall be out of order to use offensive and insulting language about Members of the Senate.*

Senator Ayo Fasanmi (Ondo North): Mr President, Sir, this is an appeal to the Senate. I think two or three speakers have spoken before me and they have said that this Motion had better be referred to a special Committee of the Senate.

As I see the Motion, it seems to me as if we are only wasting time, with due apology to its Mover. If the appropriate Committee had been contacted, I am sure that this Motion would not have been brought to the Floor of this Senate.

In any case, what the Motion is trying to establish is that industries should be located all over the country on the basis of justice and fairplay and this is provided for in Section 14(3) of our Constitution which reads thus ; with your permission :

The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.

This is what this Motion is seeking to endorse. I would humbly suggest that this Motion should be committed to the Committee on Commerce and Industry so that it may be able to collect necessary information.

As somebody has said, it seems to me as if we are wasting time. We have a lot of things to do in this Senate. We have not discussed how we are going to provide food and shelter for the ordinary man, yet people are talking of other things.

Senator Etiebet: Point of Order.

The Deputy President: Are you yielding ?

Senator Fasanmi: I am not yielding.

The Deputy President: Senator Etiebet, you may sit down.

Senator Fasanmi: We have not talked about how we are going to improve the education of the masses, qualitatively or otherwise! *(Laughter)* Mr President, as Senator Obaro has rightly said, we all know that we should be here from three to six o'clock. So, we only want to fill the time.

I think the Leader of the Senate had made a very useful suggestion and I would implore, Mr President, that we should accept his suggestion.

If that is the case, may I invoke section 31 of this Standing Order that having discussed this matter so far, the Motion and whatever Amendment we may have on it should be committed to the appropriate Committee of the Senate. I therefore move that the question be now put and that this Motion and whatever Amendment anybody would have on it should be committed to the Committee on Commerce and Industry of the Senate so as to save time.

The Deputy President: The question is that the question be now put.

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

The Deputy President: The question is that the Motion number one on the Order Paper for today as amended be referred to the appropriate Committee of this Senate, that is, the Committee on Commerce and Industry.

Question put and agreed to.

The Deputy President: That means, the amendment by Senators Oke and Dada have been overtaken by events.

If distinguished Senators Akintoye and Ali do not move their Motion, I would consider it as struck off.

Imported Goods and Import Licences

Senator S. A. Akintoye (Ondo Central): Mr President, I stand to move the Motion that stands in my name and the name of Senator Amadu Ali.

Before I say anything, may I make some preliminary remarks. I want Senators to see that what is being demanded in this Motion is that the Committee on Commerce and Industry should look at the whole problem of import restrictions, ban on importation, import licences and so on in this country, with a view to evolving an appropriate legislation and placing such legislation before the Senate for appropriate law on the matter. Mr President, when the Committee finally does come to hold this public hearing, then many of us would be prepared to place at the disposal of the Committee, whatever information we have on this matter. So, I am not placing all the information at the disposal of the Senate at this point. To attempt to do so would be to require a very very, long time and I do not believe that Senate would be willing to allow me all that length of time.

But may I say, Mr President, that the whole question of import restrictions, ban on importation, import licences and other ramifications of the import policies of this country are things that raise a lot of public eye-brows which have caused a great deal of public controversy. The time has therefore come when I think the National Assembly of the Federal Republic should have a critical look at them with a view to evolving appropriate legislation in order to prevent some of the terrible abuses which now prevail in the matter.

Mr President, again and again, we hear that this article has been banned or the importation of that article has been restricted. Quite frankly, nobody

seems to be able to give any basis for such action other than that our foreign exchange is being affected adversely. The whole question as to the impact of these things on the life of the ordinary people in this country does not seem to be a major consideration in the taking of these actions.

I would give some examples, Mr President. For instance, about two and a half months ago the Federal Government of Nigeria announced suddenly that a ban was being placed upon the importation of rice. As of that date, I found, Mr President, that even from the Ministry of Trade, that the bulk sellers of rice in the city of Lagos were selling American long grain parboiled rice for the price of about ₦27 or ₦28. Within two weeks of the announcement of that ban on the importation of rice the price of one bag of the same quality of rice had jumped to ₦56. As of today, Mr President, I am told that the price of one bag of the same quality of rice is about ₦60. Now, if a Government action could have such a sudden and traumatic effect upon the quality of life of people in this country, it is to be wondered, Mr President, how the makers of such regulations and laws have calculated their action before taking such an action. In the ultimate analysis, Mr President, it is the ordinary man who suffers and the ordinary man has suffered terribly in this whole matter.

It has been announced within the last one week that the ban on rice has now been lifted and that the Government of Nigeria will allow 200,000 tons of rice to be imported to Nigeria. We wonder how the Executive arm of the Government of Nigeria has come by this figure. Is it just a rule of the thumb or how have we calculated it to ensure that the importation of or as much as only 200,000 tons of rice would be the thing that would be adequate for sustaining a reasonable price of rice in the market for the common people of this country? We should bear in mind that rice has become one of the most important staple food of the people of Nigeria. Another thing is that we are now being told that of 200,000 tons of rice that would be allowed into Nigeria, 100,000 tons will be imported by Government Agencies; another 100,000 tons will be allowed to be imported by private companies in Nigeria. Again, how does one arrive at this figure? What is the particular virtue of asking Government agencies to import rice into the country and what is the difference between Government importation and the importation by private citizens? The effect, Mr President, is that you will find that the former, that is, the importation by Government agencies, has become a stink pot of corruption in this country. I think it is time that the people of this country should look at it very critically. I would illustrate it with another example.

For instance, in the case of maize, some very complicated laws were made. First of all, the importation of maize into Nigeria was banned. Then when it was found that the ban could not be sustained—that in fact as one of the makers of chicken feed has said, it would become impossible to produce chicken in this country—by some complicated regulation the ban was lifted. But then the same complicated

regulation now attempted to restrict importation by asking that any importer of maize into this country would have to provide certain documentation.

First of all, we tried to say American maize would not be importable into Nigeria but that we were going to import all our maize from Europe. Then the people of the European Economic Community answered that they did not, in fact, produce enough maize for their own use and they bought maize from America, that they were prepared, if we so wanted it, to buy maize from America and then resell to us. Then we found that we were in a quandary and we went on and made another law. We said, it was all right for maize to be imported to Nigeria from America but that anybody importing maize to Nigeria from America would have to provide the authorities in Nigeria with proof that the maize was disease free and that it had been harvested from a field that had been protected against a particular type of maize disease. The result is that the producers of maize in America had created a special price for maize coming to Nigeria because we have said that they must provide a certificate of health for the maize. In order now to get a certificate for the maize, we now get maize into Nigeria from America at a price very vastly different from the amount that other countries get maize from America into their countries. That is, a special price for the showing a health certificate and the evidence shows that most of the so-called health certificates that have been shown are spurious.

I do not have any doubt in my mind as to why, Mr President, those people who are familiar with the situation say that this whole complicated process is an attempt to make a few producers and exporters of grains in America fantastically wealthy and to share the proceeds with Nigerian law-makers and rulers and so on, or some of the rulers of the country. I would repeat that.

We were told, Mr President, that this whole system has made it possible for a few people in this country to enrich themselves whereas they have made the price of maize very, very high in the market. But what is now happening is that the Government is now importing maize from America and has offered to sell it to the public at subsidized rate. An advertisement, I am told, has now announced that the maize would be sold to the consumers in Nigeria by the Government agencies importing the maize at the rate of ₦190 per ton with the added announcement that this is a subsidized price. I am told, Mr President, that the rate of subsidy per ton is probably as much as ₦50 or ₦60. We do know that at a time when private importers were allowed to import the maize into Nigeria, as a matter of fact, they were selling at about the same price without subsidy. So, one asks the question, how do we come by the Government subsidy? Over what is it being spent? Is this not another chance, another conduit for piping away public money into some pockets and so on? These are the questions that are being asked, Mr President.

I think it is important that the makers of the law for Nigeria should look at these matters and evolve appropriate legislation in order to ensure that the

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issue of import licences, the restriction of import and the ban on importation do not become a means whereby a few people in positions of executive authority can use their position to siphon a great deal of public money into the hands of their friend abroad and themselves at home.

Finally, Mr President, there is another more complicated and perhaps more shameful and more disastrous regulation that has been imposed upon the importers of goods into this country. That is the famous or the infamous Form M. We do know, Mr President, that when goods are to be imported into any country, there is an international method of inspection of goods. But we in Nigeria have decided to opt out of this universal system of inspection of goods and to create for ourselves a system of specialised inspection for goods coming to Nigeria. According to this arrangement, anybody who wants to import goods to Nigeria must first of all make sure that apart from any other inspection that might have taken place, a Swiss Company called Societe Generale inspects the articles specially. This company charges fees on the inspection.

In order to make it look as if Nigeria should not be paying for this, we are told that it is the exporter to Nigeria, the man exporting goods to Nigerians, who would bear the cost of such exportation. What we have now found is that the first country where this was attempted is Zaire. When this system was introduced in Zaire the price of American rice more than tripped within two months. What is now happening, Mr President, is that the producer and exporter of goods to Nigeria are placing special prices for goods meant for Nigeria in other that they may be able to pay for this so-called inspection. Also a number of other Nigerians are making fat profits from all of this.

Mr President, we have a situation in which we have a great deal of laws and regulations that make a few people rich in this country at the expense of the common man because when the goods arrive in the country at this inflated price it is the common man who suffers. We have a situation also in which we make laws for Nigeria that make people abroad very rich. May I say, Mr President, that it is important that the people who make the laws for Nigeria should look at this. After all, the decision that a particular article will be importable or not importable to Nigeria is a piece of law. I am just wondering whether we are not carrying a situation which existed under the military when we had combination of the Executive and the Legislative, in this whole matter of exportation. I think we need to look at that very seriously because the making of the law that so, so and so goods will be exportable or not exportable to Nigeria or that the importer of X or Y goods will have to satisfy this or that condition, I believe, is a piece of law-making. I doubt whether we are not allowing the situation to continue where the people who are supposed to execute the law are also making the law under the new Constitution.

Also you have to be very careful to ensure that we do not allow the system to continue where laws can be made suddenly in order to benefit particular

individuals. For instance, I have it on good authority that at the time the ban was being placed on the importation of rice there was a favoured company which landed two shiploads of rice in Nigeria, that is, each shipload being ten thousand tons, roughly twenty thousand tons or four hundred thousand bags. If you calculate the profit and if you were to place an additional profit of twenty naira per bag on such importation you will find that on four hundred thousand bags the so-called company would be making a profit of eight million naira at a stroke of the pen. All of this is being passed onto the common man in Nigeria. Mr President, I have, therefore not moved that this matter that we should place a ban on these activities. I am not saying that we should lift the ban on the importation of goods. All I am saying is that the Senate of Nigeria need to have adequate and deep information with a view to advising ourselves about the type of law that may be made in order to prevent this situation.

Thank you, Mr President.

The Deputy President : You may now move the Motion.

Senator Akintoye : Well, may I therefore, move the Motion or repeat my moving of the Motion as follows :

That in view of the crucial importance and the public controversy over the question of imports prohibition, import restriction and import licensing :

(1) the Senate mandate the Senate Committee on Commerce and Industry to hold an urgent public hearing on the issue with a view to placing before the Senate the Bill for appropriate Legislation ;

(2) that in particular the Committee should call for written or verbal evidence from among others the Federal Minister of Commerce, manufacturers association of Nigeria, leading indigenous importers and any interested Nigerian persons or bodies.

I beg to move, Mr President.

The Deputy President : I will call on distinguished Senator Thomas Yepwi to second the Motion.

Senator Thomas Yepwi (Keffi) : I rise to second the Motion.

The Deputy President : In that case, Senator Ali, you may now wish to speak.

Senator Amadu Ali (Benue West) : Mr President, Sir, I thank you very much for allowing this Motion to come to the Floor of the Senate. I must put it on record that a Motion was conceived long before the President of the Federation lifted ban on certain items of food importation in the country. I would not say that the wind has been taken out of our field completely by the President's action. We still feel that there are certain aspects and certain *cui-de-sac* in the whole of importation problem and that the Senate would need to look into and verbalise and vibrate, so that the nation will be able to get the ramification and, through the Senate Committee that we set-up, be able to collect a lot on hearing

from the ordinary man, from the importer, from the exporter, from even those who have been cheating the nation. From this exercise they will be able to tell us their views so that we will be able to make the thing such a public affair, and it will not be a matter for a Presidential Decree and consultation with a few civil servants that will lead to lifting the ban on XY and Z goods. That is why we still feel that the Motion should stand ; if not, in actual fact, the wind has been taken out of the field of this Motion, but there are other ramifications I would like to amplify.

Mr President, Sir, we believe that public hearing from the group of people we have mentioned in our Motion will help a great deal in trying to let the Nation know what particular item we as Nigerians really need. Here, I must sound a note of warning that the Nigerian appetite must be completely curbed to cope with what we can indigenously produce. There is no point having wives that only wait for a packet which they throw into the water and wait five minutes, and they serve. There is still some pleasure in getting the local rice and shifting the grain from the chaff and removing the stone and boiling them. This is what Nigerians are running from. Even if we are going to lift the importation on rice, we must know what quantity we produce locally so that we only make do with the balance of what we need. We must be very careful because I know for certain the rice that we call the *animo* rice costs about sixty five naira per one hundred kilogram bag. Although that rice looks very clean it still needs some washing and some sifting before you can really boil. You have to boil harder before you can get the same end result.

I believe that our Motion is well intentioned and we intend that Nigerians should know what their appetite can carry, that we really manufacture locally what can meet our requirements. We should also be careful of the local exporters and importers who have spent a lot of time duping the Nigerian economy.

I agree that somebody has given me a Notice of Motion on amendment to our Motion, about the functions of the general superintendent, whose amendment I have accepted on behalf of my Colleagues. The general superintendent is supposed to be a body that really looks into what you import and what the price is at the seat of manufacture, whether it agrees with general trend of prices there before it arrives here. The purpose for the general superintendent was agreed when the Decree was made because a lot of Nigerians went abroad to import dead machinery, machinery that was cracked.

They painted, renovated, packed it in heavy cartons at X million naira and dumped it on the wharf and never showed up to clear it. The Nigerian Ports Authority was then left with auctioning material that was worthless. Meanwhile, they had been able to siphon foreign exchange abroad. That was the purpose of General Superintendent and it has been a company that has been existing for centuries. It has been functioning in other places. We must be careful whether from the balance sheet of the General Superintendent itself has

beneficial to us or not, whether it has increased the burden of the common man in what he buys or it has in actual fact been a worthless waste of money. That is why this amendment that is coming up is welcome, by us the movers of this Motion.

It is true that when we talk of importation of rice or importation of maize everything we are trying to do is to restrict what comes into Nigeria. There is a Chinese proverb which says that you should teach a man how to fish and not give him fish when he is hungry, because if you give him fish when he is hungry only, he will never know how to fish. If you teach him how to fish he can exist without you.

What we are saying is that if we are going to allow importation of certain material into Nigeria, like rice or maize, we should be careful that the grain of rice or maize or any crop that comes into this country is such a grain that does not contain diseases in the nucleus of the grain that when planted here will spread and kill our local products.

For example, our local maize and rice can withstand all the diseases and fungi of the environment. If you want to ruin a nation's agricultural economy all you need to do is to dump some other seeds which, if planted, spreads diseases fastest, and which, if planted by local farmers will knock off their own local product. When you do that they are at the mercy of the foreign exporters. This is what the Inspectorate Division was supposed to do. We also want to know through this Motion whether that function is being carried out thoroughly, whether or not we can sit down confidently and say we produce X million tons of guinea corn, therefore we have a shortage of so many millions and we would bring in so many millions. Mr President Sir, our Motion is totally innocuous and we know that we conceived the Motion long before the President turned up with his pronouncement but we still feel we should allow the Senate of the Federal Republic of Nigeria to verbalise this Motion and to be able to make a lot of contribution towards what the Senate Committee on this issue will turn up with from the public hearings that they will gather before we can feed it to the Executive for a proper and overall comprehensive policy on whether we lift importation or ban any article or not.

Thank you Mr President.

The Deputy President I have two amendments here, that of Senator Mahmud Waziri and Senator Bitrus Kajal. So I recognise Senator Mahmud Waziri.

Senator Mahmud Waziri (Adamawa) : Thank you Mr President. The amendment I would like to make is a very simple one. I just want us to put comma after the word, *restrictions*, and remove the word, *and*, in line two and after the words, *import licences*, we add *and import inspections* and we put in brackets SGC.

Mr President, Sir, the question of import inspection is a very serious one. I am happy that the original Movers of this Motion have touched on some aspects

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of inspection. As we all know, Ghana went broke partly because she introduced this inspection system, so also was Zaire. It will be very helpful, therefore, for the Committee to draw from the experience of these two countries and make recommendations to the Senate.

Secondly, Mr President, Sir, I have got it on good authority that there has been some collusion with some of the Members of the inspectors, whereby over-invoicing, still continues. Low quality goods are also sent into this country up to now.

The Deputy President : Please are you amplifying on the amendment or are you trying to debate the Motion ?

Senator Mahmud Waziri : I am trying to support my own amendment, so I am confining myself strictly to the inspection activities which have been introduced by the last government.

Thirdly, scientific equipment and computers have been imported into this country, and then Inspectors, I understand, are completely ignorant of these things that are imported. They are, therefore, not helpful in that respect at all. All the same, they bill this country and we continue to pay because the Inspectors do little or nothing. For instance, when they go to the exporters of computers and scientific instruments, they just tell them you do not know about this please, these are valued at this price and they accept anything given to them. All the same, for just going to see these people, they bill this country and we pay.

The most serious aspect of this inspection, I understand, is that the SGC which one of the original Movers said has been existing for centuries is a sort of Mafia organisation. At present, they even have some subterranean influences whereby the people who can support them are posted to the relevant sections of the Ministry of Finance and the Central Bank in Nigeria. I would like the Committee to look into this, Mr President.

Finally the importation we make into this country is over three billion naira, so if we take it that 40 per cent of that do not come under the activities of the Inspectors and we pay three per cent of two and a half billion naira, then you could see how much we are spending on this. It will be interesting for the ordinary Nigerian to know the exact amount we have been paying to these Inspectors. Mr President, Sir, I want to appeal to the Distinguished Senators to accept this amendment and ensure that the activities of the SGC are thoroughly looked into and appropriate recommendation made to the Senate. Thank you.

Senator Idrisa Kadi (Borno North-Central) : I beg to second.

The Deputy President : Is that acceptable to the original movers of the Motion.

Senator Amadu Ali : Yes, that amendment is acceptable.

Senator Idrisa Kadi : I think it is good to have people to supervise the imports into this country.

We cannot get the correct importation into this country without getting people to supervise it, especially foodstuff.

The Deputy President : There are quite a number of amendments.

Senator Bitrus Kajal (Mubi) : Thank you, Mr President. My amendment is rather simple. It comes after the word *issue* in the fourth line. You should add after that word the following : *As soon as the statement of the nation's economy is known.* The whole thing will then go thus : In view of the crucial importance of, and public controversy over, the question of import prohibitions, import restrictions, import licences and import inspections (SGC) :

Senate mandates the Senate Committee on Commerce and Industry to hold an urgent public hearing on the issue as soon as the state of the nation's economy is known with a view to placing before Senate a Bill for appropriate legislation.

The Deputy President : Is that seconded ?

Senator Bitrus Kajal (Numan) : If I may explain, Mr President, we cannot pass a Motion that would not hold water, that we would be unable to stand and face when it is challenged. When, for example, we pass such a Motion and the Executive comes up with a reason that, in fact, we cannot pass such Motion—

A Senator : Point of order, Mr President.

The Deputy President : What is your order ?

A Senator : Order 36 (2).

The Deputy President : You may read.

A Senator : It reads :

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

This matter he is talking about is very irrelevant to this Motion.

The Deputy President : I am inclined to uphold that order.

Senator Isa Obaro (Kwara South) : The point of order raised does not exist, Mr President.

The Deputy President : Order! Order! Order! Distinguished Senator Kajal, could you please be relevant?

Senator Kajal : I am saying, Sir, that if we do not want to ridicule ourselves, and if today we pass a Motion which would be turned down by the Executive and which cannot hold water, we had better really follow one thing at a time, Sir. We have set up a Committee, Sir, to look at the State of the Nation's economy. We cannot now come and pass another resolution which will, in fact, seriously affect the thinking of people on this Senate unless we want to ridicule ourselves.

I am, therefore, saying that we should wait until we hear what the report of the Committee that we have set up is, and see that, in fact, there are adequate

resources available. Nigeria happens not to be exporting anything besides oil, and in order to conserve foreign exchange, we need to import only as much as we export. Now if we only export oil and we know the sort of people that want to deal with Nigeria, that they really want to push whatever they manufacture, we would soon find that in fact, our markets are flooded and we will be unable to pay for imports without looking at the state of the economy. So it will not be proper to pass a Motion which deals with the state of the economy without our knowing what the economy really is.

So, I move my Amendment.

The Deputy President: Is anyone seconding that Amendment?

Senator Lawan Bama (Borno East): I am seconding the amendment, Mr President.

The Deputy President: Is this acceptable to the Senate?

Several Senators: No.

The Deputy President: In that case, I take on the next Amendment by Senator Femi Ayantuga.

Senator Ayantuga (Epe): Mr President, Sir, I would just like to add the words *association of the Nigerian Chambers of Commerce* in 2 (ii) of the Motion. *That in particular, the Committee should call for written and all verbal evidence from, among others, the Federal Minister for Commerce, the Association of the Nigerian Chambers of Commerce and so on and so forth.*

A Senator: Just to add that body.

Senator Ayantuga: Yes, because it is a very important body and the main Exporters.

The Deputy President: Is that accepted?

Several Senators: Yes.

The Deputy President: I think those are about all the amendments we have.

Senator Garba Matta (Pankshin/Mangu/Kanam): Thank you very much, Mr President. I rise to support this Motion wholeheartedly not because it is dealing with import restrictions, prohibitions and licences, but because I feel any law needs occasional review. Customs also need occasional review, otherwise, they will become out-dated.

In supporting this Motion, I would want to advise that we exercise caution when we are dealing with subjects of this nature. I do not believe that because a proposition has failed, it is necessarily that someone who originated it did so because he wanted to gain something from it. If we always shout such wolf because a proposition has failed and therefore, equate it to mischief, we are killing initiative. That is what it means. Some people, as we are here

today debating, had debated such issues, and they had come to the conclusion rightly or wrongly, but at the time they came to the conclusion, they believed that that was the answer to the problem at that material time. In retrospect, it may now appear that that decision was wrong, but we have to be cautious here, unless we are sure of our facts. We should not make sweeping statements that because someone intended to cheat the others that was why he did this, or that.

I wish to remind the distinguished Senators that we have just taken off, and we need time to settle down, I have occasionally felt very upset about certain things particularly at the time when there were lots of odds against us. I do not believe that we would arrive at our goal by vibrating the nation as the co-Mover of this Motion wants us to do. If we vibrate the nation too early, we might not achieve our goal. It is not that we do not have the good intention, but it is simply because there are too many unfriendly forces working against us at this moment.

I had wanted to speak on this matter, but now that it has been brought up on this Motion, I feel it is an occasion to emphasise that things that will encourage our adversaries to paint bad spots on us should at this juncture be avoided. We definitely have a lot of time ahead of us and we certainly want to settle down and prove to the nation that we have come here as elders, and that as responsible people, we intend to work and not to throw mud at people.

So, I am supporting this Motion with a caution to my Colleagues that we should be a little bit more cautious when it comes to pointing fingers at people. I feel this is important, because if we are a nation experimenting, someone will have to take a decision. It is an adventure so to speak because you are experimenting and you never can tell in advance whether what you are proposing to do is going to come out right. What we may be proposing here in this Senate today may be viewed from another angle after 1983, but we know that we are sitting down here taking decisions on behalf of the public in good faith. While experimenting, definitely results may not always be correct.

With these remarks, I beg to support this Motion.

The Deputy President: There is one more amendment by Senator Lere Adesina and let me take his Amendment.

Senator Lere Adesina (Ibadan): Mr President, I am sure the joint Movers of this Motion will accept this amendment. It is just an addition in the second paragraph:

In view of the crucial importance of, and public controversy over the question of import prohibitions, import restrictions, import licences and custom tariffs.

Custom tariff is another weapon of either reducing, restricting or encouraging importation of essential goods. If import restriction is lifted and the makers of the law or the people who refer to themselves as the makers of the law decide to impose one hundred per cent custom duty on some of these essential goods, then we are back to square one.

(SENATOR ADESINA)

In addition, while adding the words *custom tariffs*, I must observe that some of our local industries have been disturbed and barred from competing effectively with these imported items. We are talking now about sugar and tomato puree. We have industries that produce some of these commodities, but they pay exorbitant and highly increased rate of tariff on these items, with the result that the prices of these commodities are high at the consuming end. Therefore, Sir, I would like to add the words : *custom tariffs* as an Amendment.

The Deputy President : Is that acceptable to the Senate ?

Senator Isa Obaro : (Kwara South) : Mr President, you may be surprised why I am so anxious to speak on this particular subject matter. My anxiety is really to place before you and fellow Senators my humble advice. To my mind really and strictly, by the way this Motion is couched, it is really not a Motion. I would have expected that this Motion should have been sent by the Movers directly to the appropriate Committee. That they have failed to do so, is appreciated because of their good intentions to see that actions are taken in this Senate to ameliorate the hardship that the common man suffers. Unfortunately, at this stage, we cannot do much justice to the subject matter. The intentions are clear and even the joint-Movers of the Motion have clearly stated that it should be sent to the appropriate Senate Committee.

If we continue to debate this Motion we shall be wasting the time of the Senate. In as much as the subject matter deserves a lot of our time, it is not at this stage and I am, therefore, moving that the Motion be committed to the Senate Committee that deals with the matter, which is the Committee for Commerce and Industry.

The Deputy President : Has that been seconded ?

Senator E. P. Echeruo (Okigwe) : Mr President, Sir, in seconding the Motion, I would have liked to hear the Movers emphasise on lifting restrictions on raw materials that would enhance local production. In an earlier contribution in this Senate, Senator Akintoye (Ondo Central) did make a passionate plea on behalf of farmers. I am very much surprised today that his sympathy has now gone over to the importers and distributors and he has abandoned the poor farmers. Many a time when we talk about the ordinary man in this country and we are more concerned with the consumers in the urban centres, and we little think about the ordinary man in the true sense of the word. If we know what this imported rice does to the ordinary Nigerian, to the common man and to the man who grows rice, if we knew what it did a few years ago when we opened our doors wide, and farmers had to suffer very serious losses, and the subsequent year they abandoned their rice fields, we would not be talking in the way we are doing about rice importation into this country.

Mr President, Sir, what is wrong with our rice is not even the variety, the quantity we produce or the method of production. What is wrong is in our processing techniques and I have to emphasise this.

This happens to be my special field, and I must say that our poor farmers are not equipped to install parboiling machines and adopt parboiling techniques that would give long white-whole grades after milling that makes *Uncle Bens* rice and the other imported varieties look as if they are superior to our local varieties. We are not directing our attention to improving what we have and any nation that depends on imported food to sustain itself is not yet a nation.

I think all our efforts should be geared towards restricting as much as possible the importation of food into this country, because we have the land, we have the manpower and we have the technicalities all we need is the will and the direction, directing our efforts towards the right goal and we will be able to produce enough rice in this country to feed the entire country.

In committing this Motion to the Committee, Mr President, I think it will be necessary that the Committee circulates its invitation to as wide an audience as possible so that those who are more interested in production in this country will give evidence before it, so that we do not have one-sided evidence where importers who make millions of naira just out of investing borrowed money from the banks, will rob the poor farmer who sweats all day scratching the soil trying to eke out a living for himself. We want to hear people who want to generate production in this country. We are too tired and fed up with merely importing things and encouraging farmers in other lands, in lands where Governments subsidise and sustain their farmers. We are using our hard-earned foreign currency to sustain these farmers at the detriment of our own farmers. We Senators who come from rural societies will fight in this Senate to protect the interest of rural societies.

The Deputy President : Perhaps, for the purpose of balanced reporting, distinguished Senator Akintoye may wish to speak.

Senator Echeruo : May I finish, Mr President ?

The Deputy President : I thought you had finished.

Senator Echeruo : In view of the fact then that I may be testifying before this Committee, I thank you for giving me the opportunity.

The Deputy President : Order ! Order ! I have recognised Senator Akintoye to say something in relation to the comments passed by Senator Echeruo. He should please be brief.

Senator S. A. Akintoye (Ondo Central) : Frankly, I do not understand the attack on me. I was not talking about rice exclusively. I was not, in fact, talking about any particular item. If I mentioned rice, blades or clothes, I was just using them as examples. I was not also asking, and I think I made that very clear at the end of my speech, that the ban be lifted. I was only saying that in making laws about importation in this country, we should have a clear idea of what we are doing.

For instance, I did say about rice that how did we come to the conclusion that we needed X tons of rice in this country? How are we sure that we have related that to the production needs of the country? I did say such things, Mr President. It is obvious that what I am talking about is not that we should open our gates to unlimited importation to Nigeria, but that whenever we do agree that something be imported or whenever we agree that restriction be placed upon certain importation, we must do it along a particular rationalised principle, and that such rationalisation is not obvious at the present moment.

The Deputy President : There is a point of order.

Senator Jalo Waziri (Bauchi East) : I was going to say that after a Motion has been moved for the Motion to be committed to a Committee and seconded, before you ask anybody to speak, you must put the Question.

The Deputy President : Senator Akintoye, you have made your point.

Senator Akintoye : I have made my point. May I just remind distinguished Senator Echeruo that his concern for the farmers of this country is not as strong as my concern for them.

Senator Thomas Yepwi (Keffi) : Mr President, thank you very much for giving me the opportunity to speak briefly on the Motion. I rise to support this Motion because I have something which I have already prepared similar to the Motion, but in my own case, the difference is that I said, *Lift ban on importation*, and I have passed this to the Clerk of the Senate. I prepared this in the form of a Bill and he told me this afternoon that he has passed it to the Ministry of Justice. I think probably it will come later.

I am very glad about the Motion because I feel very much concerned. I understand that the ban on importation of goods has hindered the progress of this country so much that if care is not taken within the next six months, this country will be thrown into a terrible chaos and we will not be happy about it. Among other things which I mentioned was the scrapping of the National Supply Company which I feel is a terrible company. If you do not mind, I would like to say something very briefly on it because it has something to do with the Motion.

A Senator : Irrelevant.

Senator Thomas Yepwi : Mr President, is it irrelevant? I do not think it is. It is one of the things I mentioned in the Bill. The National Supply Company, as a matter of fact, is characterised by bribery, corruption and cheating and I regard this—

A Senator : Order 26 (2).

The Deputy President : Order 26 (2) has been noted.

Senator Yepwi : The second point is about the recognition of printing industry, because my learned colleague here mentioned something about Form N. This Form N is, in fact, a stumbling block to getting quite a number of things into this country because

without Form N you hardly get things into this country. As a matter of fact, Form N was designed during the civil war in order to foot the bill of the war. Regrettably, instead of the Military Administration scrapping this special tax, it was rather confirmed and the duty payable on all the items bought from outside the country. Now that the war is over, I would have thought that Form N should be scrapped so that we could have all items imported into this country without any problem. I have spoken briefly on this but when my Bill comes up later, I would have a lot to say.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I would like to say that this is a very important Motion, because we spent ₦600 million every month on importation and out of this figure, ₦400 million naira goes on food items. Therefore, I do not think we should waste any more time on this. I think the matter should be referred to the Committee on Commerce and Industry so that it can prepare a comprehensive report for us to debate upon here and we can then deal with the question of importation and licences so as to be properly handled by the Government.

So, I would like to beg the President to put the Question.

The Deputy President : The Question is that Motion 2 on the Order Paper, as amended, be committed to the Committee on Commerce and Industry.

Question put and agreed to.

Resolved : That in view of crucial importance of, and public controversy over, the question of import prohibitions, import restrictions, import licences and import inspections (SGL) :

(i) Senate mandates the Senate Committee on Commerce and Industry to hold an urgent public hearing on the issue with a view to placing before Senate a Bill for appropriate legislation.

(ii) That in particular the Committee should call for written and/or verbal evidence from, among others, Federal Minister of Commerce, Manufacturers Association of Nigeria, leading indigenous importers and any interested Nigerian persons or bodies.

The Deputy President : Senate Leader, you may speak.

ADJOURNMENT

Senator Abubakar Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I beg to move that the Senate stands adjourned until Monday afternoon. In view of the fact that tomorrow is Friday and Committees are meeting in the morning, I do not think there will be need for Senators to come here. So, I move that we adjourn until Monday 3.00 o'clock.

The Deputy President : Any seconder?

Senator David Omueya Dafinone (Bendel South) : I beg to second, Mr President.

The Deputy President : Order! Order! The Question is that this Senate stands adjourned until 3 p.m. on Monday.

On Motion for Adjournment, I have quite a number of matters here but like I said yesterday, I will take those that came in yesterday first. That being the case, on top of the list, I have distinguished Senator Uba Ahmed. Two minutes please; be brief.

The Role of the Nigerian Tribune

Senator Mohammed Uba Ahmed (Bauchi South-East) : Mr President, Sir, thank you very much, for giving me this opportunity to contribute on a matter of national importance and for the security of this great nation.

Now, our great Constitution, Mr President, Sir, which this Senate has sworn to protect and defend and guarantee its provisions, provides in Section 21, obligations of the mass media for the purpose of defending and protecting of this Constitution. Mr President, Sir, I want to read Section 21 of the Constitution. The Constitution says :

The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

Mr President, Sir, the Constitution of this great country has given the press and the media adequate freedom to express opinions, that is, opinions that will enhance the greatness of this country and ensure the unity and cohesion of this great country. Mr President, Sir, the performance of the media in this country has been a let down, has been a disgrace, has been a betrayal of the great cause of this great country.

Mr President, Sir, I would like to refer you to the role recently played by the press in the case of the remuneration for legislators, in the case of the welfare and housing of the legislators and various other controversial political issues that have arisen very recently. Sir, worse still some newspapers have chosen to take a collision course against the three arms of this country. I know it has been part of a plan to wrench power from the people of this country. A plan has been properly planned for the wrenching of this power by a few people who have sworn either to rule this country or to destroy her. They decided to give a fight in the election and they were thoroughly defeated; they tried in the court of law and they lost. Their next stage of action is to mount a campaign of smear against the Executive, the Legislature and the Judiciary—the three arms of government in this country—so that they will create antipathy in the masses against the constituted authorities in this country. Mr President, their next campaign, if they fail to incite the masses against this country, is to go ahead and incite pressure groups against the authorities. These pressure groups that they have on top of the list of their plan are the Trade Unions, students' Unions, the Farmers' Unions, the Oduduwa Union and so on, and so on.

Now, it is a very sad affair that the press is being involved and is being used in this dirty campaign against the people of this country. I am particularly worried—

The Deputy President : Wind up.

Senator Uba Ahmed : I am particularly worried about the attitude of the *Nigerian Tribune*. The *Tribune* issue of today and those of about two weeks especially the Sunday issue, decided to mount a deliberate campaign against the Presidency.

Senator Mahmud Waziri (Adamawa) : Point of order.

The Deputy President : This is on a Motion for Adjournment.

Senator Mahmud Waziri : Point of order.

The Deputy President : Order ! Order ! Distinguished Senator Waziri, please sit down.

Senator Uba Ahmed : The *Tribune*, Mr President, Sir, has referred to the Leadership of this Senate, this great Senate which all of us voted for unanimously as the so-called Leader of Senate. I do not care for the person of Dr Saraki as an individual but I care about the Leadership of this great Senate. This is the highest Legislative House in this country : it is the House recognised and respected by this Constitution. It is this Constitution that the Press and this Senate have sworn to guarantee, protect and see that it works and a newspaper is referring to its leadership as being so-called. Mr President, Sir, this is a deliberate campaign to smear this great Senate and I think Senators should take this seriously.

Mr President, Sir, this same paper in this same issue referred to the leadership of the Judiciary in this country in derogatory remarks, remarks that I would hate to read out to the Senators in this Senate.

Several Senators : Read it then.

Senator Amadu Adah Ali (Benue West) : The *Tribune* is an irresponsible paper. So why quarrel with it ?

Senator Uba Ahmed : Mr President, Sir, the *Tribune* referred to the Judiciary as follows : *The Judiciary we all know, has got itself demented by some few overlords whose pockets and transient positions mean more to them than the respectable image of that otherwise noble institution.*

Mr President, Sir, this is a complete disregard, this is a complete smear on the judiciary of this country and we have decided to uphold the judiciary in this country.

The Deputy President : Wind up. You have made your point.

Senator Uba Ahmed : Mr President, Sir, in this same issue the *Tribune* went further to abuse the Presidency by name. Mr President, Sir, we know the owner of the *Tribune*. It is a woman called Hannah Idowu Awolowo. She is the Chairman of this organisation. We believe that Tola Adeniyi is a young boy. He is nobody in this country. He cannot be doing what he is doing if he has not got the backing of some big people. We believe what he is only playing the tune according to the dictates of the player of the piper.

Now, Mr President, I do not mind and therefore I sympathise with Tola Adeniyi. He is working for his pay. He is working for his own survival. He is a staff. He is only reproducing what his master Mrs Hannah Idowu Awolowo has made him to say. But, Mr President, the unfortunate thing is that if the wife of Chief Obafemi Awolowo, the person who wants to lead this country at all costs should allow his wife and the paper he has such great influence upon to smear and destroy the image of this great nation and the institutions which it respects, then I do not think Awolowo deserves the right to demand the support of the people and the leadership of this country.

The Deputy President : Please wind up distinguished Senator.

Senator Uba Ahmed : Mr President, I would like to appeal to this Senate to call the Editor, Tola Adeniyi to come and please explain. If he can produce the so-called letter written by the Leader of the Senate to the Minister of Finance as to the effect that he had withdrawn the Motion that this House had passed that would be all right. I expect any responsible newspaper that writes an editorial to have dependable and reliable information which it will use to defend its actions. If he can do that, we would be too pleased and support him ; but I am assuring this Senate that this is false.

The publication is irresponsible. It is disastrous to the unity, progress and greatness of this country and I believe those Members who have come here to build this country will feel very disappointed that a newspaper of this type should be allowed to circulate with such irresponsible and unreliable information on the streets of this country. Thank you, Mr President.

The Deputy President : Just as a matter of observation. I have today read that article on the distinguished Senate Leader. I am, of course, aware of my powers and the powers of this distinguished Senate

on such reporting. Frankly speaking, I am not interested in going into some fracas with the press so early. All the same, I would ask the Clerk of the Senate to write to that columnist to make the necessary corrections. To the best of my knowledge, that is not a correct report of the proceedings of this Senate as they took place here two days ago. So, I would ask that the Clerk of the Senate should write to the appropriate paper so that the necessary correction is effected on this matter.

On the Motion for adjournment, I have distinguished Senator Sogbein.

Lagos/Ibadan Express Way

Senator S. O. Sogbein (Odeda/Obafemi/Owode) : Thank you, Mr President. I have a Motion on the Lagos/Ibadan Express Way, that multi-million naira Express Way. Many Senators have seen the expressways which are called different names in different countries ; auto-ban, M1 in U.K., Canada and all the rest of it. They are always kept very neat. But what do we find in this ₦171 million Express Way? The middle bay is bushy and the side drains are not kept. I do not know what is happening, whether or not tax payers' money is not being wasted. This is because when it rains the sub-soil is affected and most of the braces of the road are broken and they have to be patched up so early. I think this must incur the attention of the authority, the Ministry of Works in particular, because we pay heavy tolls on this road and government makes a lot of money from it.

Secondly, there are two big settlements on that road. One is Ibafo and the other is Mowe. On the third one which is Orile Ima, there is a bridge. The first one is 35 kilometres to Lagos, that is, Ibafo. The second is about 45 kilometres and that is Mowe. The big village is on the left but they have their farms on the right. It has happened that many inhabitants of these villages had been killed in trying to cross over to their farms. I am requesting that an over-head pedestrian bridge should be built in the two places so as to allow the villagers to go to their farms and farm in safety.

The Deputy President : Order ! Order ! It is now 6.00 p.m., the Senate stands adjourned until Monday at 3.00 p.m. Thank you.

And it being 6.00 p.m. the Senate adjourned without. Question put, pursuant to Standing Order 4 (10).

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Monday, 10th December, 1979

The Senate met at 3.25 p.m.

PRAYERS

(The President in the Chair)

ANNOUNCEMENT

The President : I think it is time for us to start. On the Order Paper, Item No. 5 shows the additional list of a number of Cabinet and non-Cabinet Ministers nominations submitted by the President of the Federation.

This has been listed on the Order Paper for the purpose of tomorrow's deliberations. The Senate will therefore constitute itself into a Committee by 10 o'clock tomorrow morning to examine the list. We hope that everybody will be here.

Additional list of Ministers

Senator A. Ajayi (Ikeja) : On a point of Order, Mr President. Order 9 says—*Unless the House otherwise directs, the business of each sitting day shall be transacted in the following order :—*

- (1) *Formal entry of the President.*
- (2) *Prayers.*
- (3) *Oath of Allegiance of new Senators.*
- (4) *Messages from the Governor-General—which in this case would be message from the President.*

I would say, Sir, that it is very unusual since we have started in this Senate to list something for discussion in a day's Order Paper till the next day. What we have on the Order Paper is what we should deal with. Since the consideration of this important issue comes on the Order Paper for today, I would say, Sir, that we start the consideration this afternoon.

This list was submitted on the 26th of November and today is the 10th of December. We only have a few days to go. I do not want to make an allegation against anybody, but I think, Sir, that this is an attempt on the part of the NPN, with particular reference to the leader of the Senate, not to consider these things.

In fairness to some members of this Senate especially those on this Side, the Convention of the UPN will start tomorrow. The NPN has had their own. They had a free day in Lagos. We are starting our own Convention tomorrow and we have now been prevented from attending this important Convention of our party. I would suggest, Sir, that even if we are not considering calling on these people today we can, today, with the time that we have, consider the way we are going to interview these Ministers, whether we are going to screen them openly and things like that.

This could be done today so that we know we are starting business right away tomorrow.

The President : First of all, distinguished Senator Ajayi, I find it extremely difficult to know what you want. I do not know whether you want me to sustain your order because we are already doing just that when I first took up the message from the President.

Secondly, I am not too sure if you were present when the Leader of the UPN demanded that the matter should be listed at least one day before it is ready for discussion. In other words, he did not want a surprise one morning to say *Come on let us go on*. I think the Clerk has acted in compliance with that decision that was taken on the floor of the Senate. This is a piece of information, and there would be no argument about it.

Senator Ajayi : If I remember, Sir, the UPN Leader did not say that the matter should be listed a day before it is discussed. What he suggested was that we should be given at least some notice.

The President : But the UPN Leader is sitting here.

Senator Umaru L. Bama (Borno East) : Mr President, Sir, I am on the same topic. On going through the list of Ministers, I recognise that none of the proposed Ministers has tax receipts.

The President : I hope you are aware that we are not discussing that item yet.

Senator Bama : I am aware Mr President. Before we start to consider the list of Ministers, the Senate Leader must be reminded of the necessity to attach the original tax receipts in respects of each nominated Minister with his or her name because I remember that when we faced the FEDECO, some of the proposed candidates were requested to submit original tax receipts with their nomination papers and we did so.

The President : The sum total of what you are saying is that the receipts and the accompanying documents should be circulated.

Senator Bama : Certainly.

The President : That will be done tomorrow.

Senator N. N. Anah (Anambra South) : Mr President, Sir, I would like to call the attention of my distinguished friend who talked about the circulation of accompanying papers to the fact that that has long been done, and that emphasises the fact that we cannot debate this issue of approval of Ministers today, because we have to go back and get those papers which were circulated about a week ago, study them, and get ready for a debate on individual Ministers.

So, I do not associate myself at all with the distinguished Senator who is suggesting that we must start now to discuss the approval of Ministers. We need at least 24 hours notice.

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, I think that age sometimes has advantages over youth, and if wanted to start early and rheumatism made it difficult, when I do succeed in the end the President, in his kindness, has accepted me.

I am not quite sure, Mr President, about the Committee of the whole House meeting at 10 o'clock tomorrow morning. I would have thought that this would be a matter for the Senate to examine and decide.

When we met the other day, when we started, I would, tomorrow, quote from the relevant Hansard, what I said. I did say that if we tried to do our screening of Ministers in private, whatever transpired would be twisted and people would misrepresent us and that did happen. I want to say here now that on this occasion I would rather have a situation in which we go and register our votes if it comes to question of excluding the representatives of the Nigerian public from hearing about anybody who is going to be their Minister. We will then call for a Division. It is absolutely necessary that people must know and everybody must stand up to be numbered. Anyone who wants to be a Minister should be prepared to be examined in public. In any case, one or two of those who tried before have examined themselves in public by giving interviews to the press. No one now can run from being interviewed in the public.

For my part, even if I alone, and I am sure I will not be alone, have to go and register for public hearing, I would register for public hearing. So, Mr President, while I normally respect your views in this matter, I hope what you have said is not a decision because I would press it to a division that everything we do here about this list of Ministers will be done in open. Everybody will hear everything that has been said, so that those who have rushed to give reasons why they were not accepted or those who would be prepared to give reasons in the future why they were not accepted, would give the reasons before the Nigerian public.

I know there are friends of mine who would say that they are not Ministers yet. I am afraid anyone who wants to be a Minister should be prepared from the word go, if he has skeleton in his cupboard the cupboard would be opened in public. What we have found out is that these same people go outside and malign this Senate by saying that they have been rejected or they have not been considered suitable because of malice. I am not going to have myself treated as if I am prejudiced against any individual. I have my own good name to protect and therefore everything I say about this matter I want to say it in the open. I want to say it where everybody would hear, and those who do not want to be questioned in public, let them tell the President : *I beg you, Mr President, do not submit my name.*

The President : Perhaps there is a point which I need to make that will clear the air and there need not be too much debate about this.

On the Order Paper which is being listed for tomorrow, the President's requests are of two kinds and the Order Paper so distinguished the two requests. There is one that contains an entirely new list of Ministers, and there is another which contains a list of Ministers which this Senate has deliberated upon before. These are two separate issues, and the Senate would be given opportunity to decide on an issue that you have deliberated upon before.

There is an additional list and it would not be very fair to these new people to be treated separately from the way we handled the first one. If there are reservations over certain names which ought to be considered along with those you have considered before, of course you will have to take a decision the way it has got to go.

But let us be fair and apply what we call the rule of equity by following the procedure which we have adopted before. There are nineteen new additions. We would adopt that procedure. The ones you agree with will be passed, and the ones that require examination will be examined. There is no question of saying we treated this section one way, and we are now treating this one separately.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, it is a pity that you have jumped the gun. The posture which you have taken, Sir, should have been left for the Senate to decide. To put it mildly, it would appear as if you already know our minds and you are already summarising what we intend to say which, I think, is not fair to us.

The President : Are you saying that—

Senator Odebiyi : Mr President, Please give me hearing.

The President : I am giving you hearing, but are you speaking as Senator Odebiyi in particular or for others because I might know your mind !

Senator Odebiyi : You do not know my mind. Mr President, I think, on a matter like this, which is very delicate, we have to be very careful. You are the President of this Senate, and on that exalted seat, you ought to appear impartial, and leave the Senate to decide whether they want an open hearing or a closed hearing. The Senate has not decided that yet.

Secondly under Section 26 (4) of the Standing Orders, the names of Mr Paul Unongo and Chief Richard Akinjide as regards their representation cannot be settled unless on a substantive Motion.

Thirdly, we are just starting our deliberations this afternoon. We are not even discussing Motion for Adjournment, and already you have started anticipating that we are going to have all these things tomorrow. We already know before we came here that the matter would take place tomorrow. But when we did decide to have our sessions in the afternoon, it was as a result of a Motion moved and supported on the Floor of the Senate. It was not a Presidential Decree emanating from the President of the Senate. You should have listened to the arguments for and against open or closed hearing.

I think we are passing through a situation where one feels concerned that by the way we are going, we are doing it exactly as it was done before, and we know the end. All of us are quite concerned that we do not want to run through the whole circle all over again. We are starting gradually and moving towards the end. We have just begun and we are gradually moving towards the end.

I think, Mr President, Sir, you ought to suspend the discussion now, and wait for the Leader of the Senate to propose properly that this matter be discussed tomorrow at ten o'clock.

The President : I agree with you.

Senator Odebiyi : At the time we decided to have afternoon session, it was the Senate that decided that, to allow the Rules and Business Committee and all the various Committees to have the morning periods for their business. You suddenly have usurped the right of the Senate and you said we shall be starting at 10 a.m. tomorrow. What is happening is that—

The President : I thought you were quoting an Order number.

Senator Odebiyi : I am coming, Sir. By the way we are doing this thing now—I do not know what to call it—whether it is political manipulation or political gerrymandering, I do not know. I think we ought to leave the Senate to decide this thing.

It will be a great pity, when the Senate which is the highest body in the land becomes a circus where we are going to play and juggle with things as if we are in a circus of people who are playing games. I think we ought to take our job much more seriously than that.

Thank you, Sir.

Senator Jaja Wachuku (Aba) : Mr President, I am sorry that I came in a little late. But from what Senator Odebiyi has said, I seem to understand that the decision of the Senate, arrived at after mature judgement, is that the Committees should sit in the morning and that the plenary session of the Senate should be at three o'clock in the afternoon. An attempt is being made to change that decision without any substantive Motion.

Perhaps the distinguished Senator did not want to drive his point as hard as he would have liked, and as is usual. Mr President, Sir, I think I would prefer to make very clear the reference he made to Order No. 26(4). I would like to read it to appreciate really what is expressed there.

It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive Motion for rescission.

I hope I am interpreting the speech of the distinguished Senator correctly. I understand him to say, with the greatest respect to the President of the Senate, that the decision of the Senate that Committees should meet in the morning and that Senate should meet in the afternoon to consider whatever report or any other matter in hand is being rescinded without any Motion to that effect.

The President : I think you came in a little bit late to hear what I said exactly.

Senator Jaja Wachuku : But I understand that the suggestion was that the list which is put here for tomorrow is to be considered at 10 o'clock in the morning.

The President : In a Committee.

Senator Jaja Wachuku : Even if at a Committee, the Senate has to decide. A substantive Motion will have to be brought for us to take that decision. That apart, Mr President, my Committee is sitting at 10 o'clock tomorrow morning. It is in the Order Paper. The Foreign Relations Committee on Col. Gom is sitting at 10 o'clock tomorrow morning here in this Chamber, and witnesses have been invited.

Having regard to the vehemence with which Senator Amadu Ali spoke in this connection, I think the distinguished Senator Ali will be very much disappointed if we do not meet tomorrow and examine the evidence of General Innih. All other people we have invited, and the Minister of Defence, are coming tomorrow. It would not only cause inconvenience to this Senate, it would push back the work of the Senate. It would make it impossible for us to report in time.

So, I most humbly ask that we stick to our rules and stand by the decision which have been made by the Senate. Since we must sit at 3 o'clock the matter which is stated there can be adequately dealt with as from 3 o'clock and everybody will be in good humour. We will discharge our obligations in the appropriate manner.

I most respectfully support the stand that has been taken by the distinguished Senator, and I am sure the President has agreed with the wishes of the Senate.

The President : Yes, I do agree with the wishes of the Senate. (*Interruptions*) Order! Order! There would be no need to flog the issue. We have a lot of things on the Order Paper. We may now proceed with the Order Paper. The Senate has its wish.

Senator D. O. Oke (Ondo West) : What is the ruling on item 5? (*Interruptions*)

The President : This issue has been resolved in the light of the speeches of the two Party Leaders.

Senator Ademola Adegoke (Oyo) : Point of Order, Sir.

The President : What is your Order number? Is it in regard to this issue? You will bring up your Order number when we come to the issue. Let us make some progress now.

Senator Adegoke : Order 18 (1) and Order 33 (1), the two of them. First of all, Order 18 (1). It says—*An order of the day is a bill or other matter which the Senate has ordered to be taken into consideration on a particular day. An earlier day cannot be substituted for the day so appointed.*

Therefore, all the discussions we have been holding are quite irrelevant. That is one. Tomorrow is the day.

The President : Thank you.

Senator Adegoke : Then Order 33 (1) which says: *It shall be out of order to make a motion or move an amendment dealing with the subject-matter of a bill or other order of the day appointed for consideration.* That is in anticipation. All we have on our Order Paper today is for tomorrow. Any decision whatsoever that would be taken on it should be tomorrow. Those are the two Orders, Mr President.

The President : Thank you very much. We now proceed with the Order of the day. I recognise the distinguished Senator from Benue East-Central, Senator J. S. Tarka.

ORDERS OF THE DAY

Motions

Extension Of Domestic Flight Services

Senator J. S. Tarka (Benue East-Central) : I beg to move the Motion standing in my name and that of the distinguished Senator from Wukari (*Senator I. G. Audu*)—

That the Senate realising the importance of Communication links through air transportation as an important factor of enhancing national unity, rapid internal and external commerce and rapid economic development, calls upon the Federal Minister of Civil Aviation to direct Nigeria Airways Limited (WT) as follows :—

(a) To expand the existing daily Scheduled flights, Lagos-Makurdi to include designated flights between Lagos-Enugu and Makurdi-Yola (Return).

(b) To revive the flight, Jos-Makurdi-Calabar (Return). As these destinations are geographically contiguous, the requested Schedules will still be economically viable and come within the flight operations of the Nigeria Airways.

Mr President, Sir, as you must have known, I defied certain instructions to take this Motion which I regard as of utmost importance to the area concerned together with the national interest.

I move this Motion, Sir, with due experience of the hardship on not only the Senators, because it looks like a privilege nowadays to be a Senator although we regard this as a service, Senators and all members of the National Assembly experience a lot of hardship reaching their Senatorial districts including my humble Senatorial district.

Members of the public, especially the business community, experience a lot of hardship. On one of those routes connects a neighbouring friendly country to Nigeria. There has always been a flight from Calabar to Buea in the Republic of the Cameroons. We would not only be assisting our economic growth and national unity but also would be promoting the spirit and aspirations of ECOWAS.

Sir, this Motion is non-controversial. The Motion, coming from a man who has had the experience of flight organisation and held the office of the Commissioner, alias Minister, for Civil Aviation in

the country before, knowing the constraint and the abundance of the Nigerian Airways, I believe it will be supported by all Senators not only in the affected areas but also by all Sides of the Senate.

Mr President, I beg to Move.

The President : I recognise the distinguished Senator from Bauchi, Senator Jalo Waziri.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second this Motion.

It is indeed very important with the volume of our business increasing, that air services should run as fast as business grows. In particular, we are very much concerned about our internal air services which are, at the moment, not adequate. For this reason, I am seconding this Motion. I also wish to add that it is necessary to start with immediate effect, commercial flights from Lagos to Bauchi, Bauchi to Jos and Bauchi to Kano.

The Airport at Bauchi has almost been completed. All preparations for commercial flights have been concluded yet we do not know why this particular service has been so long delayed. We had expected it to start last year, but it does not seem to be forthcoming. I, therefore, urge the Nigerian Airways to speed up their intention to operate commercial services from Bauchi and the rest of the country.

I beg to second.

The President : I hope that Senator Iliya Audu is here because his name appears on the Order Paper. I recognise Senator Iliya Audu.

Senator Iliya Galiya Audu (Wukari) : Thank you, Mr President. As the distinguished Senator J. S. Tarka has ably moved this Motion, it is a very uncontroversial Motion when viewed against the background of the experiences we are having in respect of seaports.

Lagos, Mr President, at the moment, is having to handle the bulk of our sea traffic, all our cargoes and so on. When you introduce an air service that links up Lagos, Makurdi, Yola, and Calabar, Makurdi and Jos obviously, you are creating an alternative route that would make our businessmen to deal more with seaports in the eastern flank of the country, that is, Calabar and Port Harcourt. People from States like Gongola, Bauchi, Plateau and Borno have experienced some difficulty. There has been an air pressure and passengers have to converge in Lagos.

What this Motion is seeking to do, however, Mr President, is to relieve this pressure and develop economic activities throughout the country. With these few observations, Mr President, Sir, I beg to support.

The President : The Motion as proposed by Senator Tarka, Senator Iliya Audu and seconded by Senator Jalo Waziri seeks to improve air services within the country.

Senator Garba Matta (Pankshin/Mangu/Kadam) : Point of Order.

The President : Point of Order. I recognise the distinguished Senator Garba Matta.

Senator Garba Matta : The point of Order is that the Motion, as moved by Senator Tarka, has not been properly seconded. An amendment has been proposed to it, instead. So, we should dispose of the amendment first.

The President : What is your point? Your point is that it should be seconded or it should be with the amendment.

Senator Matta : It has not been seconded. Senator Waziri Jalo actually moved an amendment. He did not second it.

The President : I thought Senator Iliya Audu seconded the Motion.

Senator Matta : He supported it.

The President : I recognise Senator Abogede.

Senator Andrew Abogede (Benue North Central) : Mr President, Sir, I beg to second the original Motion as it stands in the name of the distinguished Senators J. S. Tarka and Iliya Audu.

In doing so, Sir, I would wish to support the Motion *in toto* as presented. The areas mentioned are ripe for domestic air services in the country.

If you have ever travelled to Gongola by road or waterways, you will know that they really need an air service for speedy transaction of business. Mr President, Sir, I think that it is high time now for the Nigeria Airways to link Lagos with Makurdi, Makurdi with Jos and Makurdi with Yola; it should not stop at Enugu.

The reasons are obvious. If you are going to Kwara and stop at Ibadan and Abeokuta before reaching Kwara State, you will know the problem involved. Mr President, Sir, what we are trying to say is that it is overdue for the Nigeria Airways to see that this connection is made so that it will alleviate the suffering of our people in that part of the country.

With this, Sir, I beg to second.

The President : This Motion has now been properly introduced and seconded. Distinguished Senators may now speak on the Motion.

Senator Jalo Waziri (Bauchi East) : Mr President Sir, I was going to move an amendment before the Motion is debated, Sir.

The President : If you intend to move an amendment, you will speak on it. I now recognize Senator Onyeabo Obi.

Senator Onyeabo Obi (Anambra West) : Mr President, Sir, I wish to rise on a point of Order, Order 26 (4), and to remind the Senate that there has been a decision that all such Motions should be referred to their appropriate Committees. There were several Motions brought in the same vein, one by Senator Abiru relating the highway out of Lagos; a second by Senator Ebute and Senator Etiebet, and a third by another distinguished Senator.

It was decided, after a lot of time had been spent on discussion, that all such Motions must be referred, in the first place, to the Committees which are charged with the responsibility for them before they come to the Senate.

Mr President, Sir, all the four Motions listed on the Order Paper today have Committees which are specifically charged with these subjects. The Motion under discussion now is the subject of the Transport and Aviation Committee. It is impossible for this Senate sitting here to attempt to redraw or recommend airline schedules for the Nigeria Airways without further Committee investigation. The Nigeria Airways will be called upon by the Committee to explain the problems and it can then recommend its decisions to the Senate.

I would submit that instead of spending the whole day debating four Motions and at the end of the day deciding to refer these matters to their various Committees, we should uphold the earlier decision by this Senate that such Motions should be referred first to the respective Committees before they are brought back to the Senate. I make this point, even though I have sympathy for their intentions and coming from an area which deserves an airport but has none; but I think these are matters which should be placed before the Committee in considering the general question. Mr President, Sir, I would like to have your ruling that these matters should be referred to the appropriate Committees.

The President : I would have liked to make ruling on the Point of Order raised if one of the Leaders of the Senate is not standing. I have to recognize him first, Senator Idrisa Kadi.

Senator Idrisa Kadi (Borno North-Central) : Mr President, Sir, first of all, I disagree with the suggestion made by the last speaker. Although we are going to refer this subject matter to the relevant Committee; I think it is worthwhile to allow distinguished Senators to speak for a few moments so that the members of the Committee will get a feeling of Senators before they decide. Therefore, we should be allowed to discuss it, Mr President.

Before I make my comment, I have to second and support the Motion. The comment I have to make is that we know it is very important to have good communication, particularly air link, in most parts of the country. I do not think anybody will deny its importance.

It is necessary to point out that we have seasonal problems in almost all our international airports, especially at this particular time. It is hard for aircraft to land at the scheduled time. The attention of the Ministry of Civil Aviation should be drawn to it so that they could provide effective landing instruments. For instance, if you wish to go to Kaduna, Makurdi, Sokoto or anywhere for that matter, including Port Harcourt by air and you want to land, you will find that the weather is bad. The aircraft will go back, thereby wasting time, energy and everything.

[SENATOR KADI]

They should be told to provide up-to-date and effective landing instruments. I believe this is very important. I wish to call on the Committee to ask the Ministry of Civil Aviation to provide effective landing instruments, especially in our international airports.

Again, Sir, the Motion concerns Makurdi, Jos and Yola ; but it should be extended to all parts of the country. With these few remarks, I beg to support the Motion.

The President : Order ! Order ! I find it extremely impossible to sustain the point of Order raised by Senator Obi. I will, therefore, allow discussion on the subject matter and the Senate may decide to refer the matter to a Committee later.

Senator Sabo Bakin Zuwo (Kano Central) : Mr President, Sir, it appears to me that whenever somebody proposes something that is important affecting his area, everybody will bring in his own problem. I do not think we can solve the problem of this country in this way.

This Motion by the distinguished Senator Tarka is to enable air facilities be extended to his people. During the Military regime they gave orders in the office on what was to be done and they were carried out. This is what they are expecting us to do but it is not possible for an elected government to do this. We have to be very careful.

If we agree with the Motion moved by Senator Tarka as being very important let us pass it, later somebody can bring another substantive Motion. When somebody says he wants an amenity for his town, Senators from the other eighteen States ask for the same thing. How are we going to compromise this issue ? I would advise that we pass this Motion and any body can bring another one for his area, instead of making an amendment or counter amendment. Everybody wants an airport in his own town. If actually we are fighting for one Nigeria, let us adopt Senator Tarka's Motion and after that somebody can file another Motion. It appears to me that we cannot work properly in this Senate if we continue with this attitude.

Mr President, Sir, with these few remarks, I would like to sit down.

The President : I recognise Senator Adeleke.

Senator Ayoola Adeleke (Oshun II) : I support this Motion, Mr President, as it is non-controversial. Where an airport had existed long ago in the country, we must lay emphasis that the Ministry of Aviation should do justice by repairing or making use of it now that its services are very necessary. I would particularly refer to the airport established in Ede as far back as 1936. We cannot but make reference to this type of Air strip or Airport which has been neglected by the previous administration. Ede Airport was established in 1936, long before the present ones and during the war, it was being used by the Air Force.

A distinguished Senator : Which war ?

Senator Adeleke : The last war.

A distinguished Senator : The last civil war ?

Senator Adeleke : Yes.

Another distinguished Senator : Or the world war ?

Senator Adeleke : No. During the last civil war, it was used by the Air Force.

The President : It is very good you emphasise that because some people thought that it was the last world war. It was a long time ago.

Senator Adeleke : No, it was during the last civil war. At present, it is wrongly named. It was established on Ede land and gazetted by the former Governor of Oyo State to be Ede Airport, but up till now, that name has not been changed. So, we would call on the Ministry of Aviation to change it to Airport. It should also be developed under the present Five-Year Development Plan so that it could function properly. The only Airport at Ibadan cannot cope with the traffic. I would, therefore, like the present one to be developed so that it could carry all of us in Oshun and other parts of the state. There is sufficient land there for development and we can make this land available to the Ministry of Aviation for that purpose. Mr President, I wholeheartedly support the development of Airports in the country in addition to the one at Ede. Thank you very much.

The President : I recognise Senator Barau.

Senator Ibrahim Barau (Ikara/Zaria/Birnin Gwari) : Thank you Mr President. I rise to support this Motion and also to add that after the debate, Mr President, it is important that this Motion be referred to the relevant Committee because it is a very important issue and it needs to be expanded. In fact, we find that we need to have more Airports for the Nigerian Airways. We need to have better communication system or telex system for Nigerian Airways. In fact, by the time we vacate our present residence at Badagry Express Way, for Victoria Island, that place could be an ideal hotel for Airport services.

Mr President, I remember that matters pertaining to the Nigerian Airways were once brought here and I made a suggestion that, in order to improve the efficiency of the Nigerian Airways, some of the Government's shares be taken over. Actually, Mr President, in support of this Motion, I advise that it be referred to the Committee so that it can look at it in detail and make additional recommendations. Thank you, Mr President.

The President : I recognise the distinguished Senator from Benue, Senator Suemo-Chia.

Senator Suemo-Chia (Benue East) : Thank you, Mr President. There is one aspect of this Motion which I intend to emphasise, that is, the issue of national Unity. When we talk of national unity in Nigeria, it cannot be achieved through the holding of Presidential Conference at Airports or through the holding of conference by Governors at Airports. It can only be achieved through the practical and concrete presence of the Federal Government in the Rural Areas.

For quite some time, our local populations have been unaware of the Federal might, even, in the midst of the oil boom. I support the idea not just for the establishment of air services to Yola but also to all parts of the Federation where we have concentrated population. This would make the rural population in all parts of the country appreciate the Federal might. In this way, national unity can be fostered.

Sir, I also wish to say that national unity can be achieved through many other ways, not just through the expansion of Airways services to all parts of Federation. The presence of the Federal might can be felt in different ways: socially, politically, economically and in fact, culturally. I would, therefore, in supporting this Motion, call on the Federal Government to make its presence felt in all aspects of our national life in all corners of the country. This would help us communicate with one another. This would bring us together. This would bring us closer to one another, make us understand ourselves and, therefore, lead us to national unity.

I must thank the Mover of this Motion for, at least, opening the way for all of us to follow although, he limited the Motion to specific areas. As I said earlier, we can expand it in different directions to cover more areas of the country. This, I believe, would make the people of this country understand themselves more and bring them closer together in order to forge the national unity we have been talking of. With this, Mr President, I thank you very much and also the Mover of the Motion.

Thank you, Sir.

Senator B. C. Okwu (Anambra Central): Mr President, Sir, I speak in support of the Motion and in doing so, I would like to take the opportunity to say one or two things about the Nigeria Airways. The Nigeria Airways like the NEPA, seems to be over-saddled with a job that it is neither equipped for nor willing to execute satisfactorily. I think that as a nation, we owe it a duty to ourselves and for the greatness of this country, to ensure that the services of the Nigeria Airways, compare favourably with the best that can be found anywhere. It does appear to me that we have an insufficient number of aircraft to serve this nation. We are most of the time, behind schedule in flight arrangements.

Secondly, there is an acute lack of basic courtesy to customers at the airports. These things may appear to be little or insignificant but for a nation that aspires to greatness and to the necessary recognition in our own continent, no stone should be left unturned in ensuring that we improve the services that the Nigeria Airways offers to the general public.

I would also like to remark that it is unfortunate but it is very much the custom with us that in deciding what services to render like the Nigeria Airways flight arrangements, we do not always ensure that our decisions are guided by basic principles. I refer to the Enugu Airport which, I humbly submit, Mr President, is about one of the busiest in the country from time immemorial. If economic considerations are part of the factors that guide us in our decisions,

one would wonder why the Enugu Airport has not been raised to international status; one would wonder why international flights do not pass through Enugu.

The present proposals in this Motion are extremely interesting and vital in that they cover, in my humble opinion, the needs of the entire Eastern zone or most of it in this country. One would like to appreciate the fact that if these services are started and possibly extended beyond, it would be possible for people who are interested in making their journeys by air, to know and utilise the fact that these services are available. At the moment, all the people from the Eastern zone of the country who like to travel home or to their capitals, do so via Lagos. This is a reminder of the practice in the colonial days when if you wanted to telephone or send a telegram to Ghana, you did so via London.

What we have now is a miniature colonial system in Nigeria whereby anybody who wants to fly to Calabar or to Enugu or Port Harcourt from Jos, Borno or from any of the airports in the Eastern zone and in the far North would first of all, fly to Lagos. This is wasteful and it is next to useless because a lot of time is wasted and time-saving is one factor that makes people want to use the Nigeria Airways.

So, I hope and pray that this Motion would be decided upon once and for all without passing through the slow process of our Committees where we have not got the space or the staff to treat matters with despatch. So, Sir, I pray that this and that on this matter the question be put and the implementation takes place without going through the Committee. Thank you.

Senator Thomas Yepwi (Keffi): Mr President, in supporting this Motion, one cannot be free from giving an instance from his own area where one has the same problem. Mr President, Keffi is a gateway to the new Federal Capital and—

The President: Are you saying that you want an airport in Keffi?

Senator Yepwi: No, Sir, but we want an airstrip. So, Mr President, I rise to say that—

The President: I want an airport in Ogoja, Cross River State! I am sorry to interrupt you but you may continue.

Senator Yepwi: It is not an interruption, but if you would allow me to talk very briefly, I would say that as I said earlier, on this kind of Motion, one cannot be free from mentioning quite a bit of one's own area because with the look of things in the country, one finds that everybody has a problem in his area. Therefore, in a motion of this nature, one is bound to talk about one's own area. For my part, I am very much concerned about this in the sense that Keffi being a gateway to the new Federal Capital, I think it is very important that it should at least have an airstrip as soon as possible. This would enable activities going on in the new Federal Capital to be carried out without time being wasted. With these few remarks, I beg to support the motion.

Senator J. O. Ansa (Calabar) : Thank you very much, Mr President. The over-all importance of communication links in this country cannot be over-emphasised. Although the Motion is restricted to only aviation, one would have thought that other communication links in this country also deserve some attention. Starting with that, however, one sees that because we are static in airport development in this country and consideration is not given to other areas of enterprise, we are faced with a colonial system of development. This is why we have uneven development and we hear people crying that they are not reckoned with in the scheme of things.

I think that while emphasising the expansion of air-routes or what have you, something like an airstrip in areas where you cannot open effective airports should be developed. Take a place like Ogoja where the land mass is well known and people who have been there know the problems, travelling from Calabar to Ogoja.

The President : Three hundred miles.

Senator Ansa : We are very serious on this matter. The road itself is so bad that you have to drive to Ikom and then to Ogoja, not to talk of the Cattle Ranch at Obudu on a road that is not motorable. So, airstrips should be concentrated in areas where you cannot develop airports and this is very important indeed.

I also want to raise a very serious point and that is, while we have read in the papers that some airports have been upgraded to international level, such as the Calabar Airport, the international status has not actually been noticeable in these airports and this has been so for years. Investigations have been conducted, but it seems as if that international status is only on paper. It was only about a week or two ago that we started having night flights to Calabar. I want to stress very seriously that written history cannot be so easily forgotten that that place happened to be the very first seat of the government of this country, and we will very much like the Government to try and give preference to some of these areas in anything that is done.

While talking on communication, as the Motion is on communication links, we should not side-track the issue of rail links between these areas—from Makurdi down to Calabar and Umuahia to Uyo—as they will minimise the problems we are having in some of these areas. I do not think that road and air transport alone will solve the problems. We should also talk about effective rail links as they will minimise most of our problems connected with the hazards of road transport. Travelling by road had done a lot of harm to this country as there is seasonal movements on our roads.

Mr President, I hope that not only the Nigeria Airways, but also the Nigerian Railway Corporation should be asked to sit up, so that we in this Senate will, at the end of our four-year term, see that something would have been done as solutions to our problems which have always been done on paper.

Senator E. I. O. Akpata (Bendel Central) : Mr President, this problem of communication—the problem of getting quickly to places in this

country—is a very important one. However, money seems to be one of the things necessary if we are to achieve our objective. Therefore, when we talk of extending this facility and we talk of colonial times, I remember that in about 1937 when HMS Prince of Wales was launched, it cost about £8 million (₦16 million) which was a little more than the total revenue of that year for the whole country. So when we talk of colonial times, we should also remember the limitations which the people had during that time.

I think that we have to start from somewhere. I here plead the cause of civil servants again. For example, civil servants were banned from travelling outside the country on holidays. One of the most beautiful sports you can visit in this country is the Yankari Games Reserve in Bauchi, but it will take you four days to get there to spend only a night and perhaps another four days to come back and, of course, your holidays will be over. Therefore, I think that air connections to Bauchi, if only because of this, is necessary.

In my younger days, I happened to have served in Benue around Kwande. It is about one of the areas where we have some timbers which were needed during the second world war when we thought that Vichy France would attack Nigeria. I think that air connection to that place would also be economically viable if only for the timber resources.

There is this area around Yola where we should have air connection and also Ikom where we have the Affi River Forest Reserve or Obudu or Ogoja as there are adequate resources in these areas to deserve extension of air traffic. I am saying this because when we see that we fly to Pakistan, where I do not think we ever get more than twenty Nigeria passengers going to, or we go to the United State of America where there is a surfeit of facilities, or we want to go to Brazil where there are other resources or we talk of sky-power, our real burden is, of course, our symbol which is the elephant. If you try to get the elephant to fly, you must have a lot of trouble and I think part of the trouble of the Nigeria Airways is that it attempts to get an elephant into the air which is not a very convenient animal to find wings for.

Having said this, it is not enough to have runways and uncompleted buildings such as the one we have in Jos and you cannot get fuel. We also need good landing facilities. Most of us in the last few days have found that we have had to sleep in places for which we had no programme. I was going to Jos some time ago, and I left this place without any permission and the harmattan decided that I should not get to my destination and that I should be found out.

I really did not see why we should spend so much money on facilities like runways and buildings and yet we cannot arrange for our planes to land. If this was the position in temperate countries with their fog and snow, then for three-quarters of the year, no one would be able to go to Britain. I feel so particular about this because in my place where I come from, the ancient city of Benin, it is either raining heavily

because of the forest there, and you have to go back as you cannot land or when this foreign thing comes, we are now in the harmattan and with the dust haze which some people have transferred to us, you cannot land also.

A Senator : From Kwara.

Senator Akpata : We have always had some connection with Kwara when all of it was known as Ilorin ! (*Laughter*)

A Senator : That is an offence.

Senator Akpata : It is an offence now, but in my—

The President : I am inclined to time you, Senator Akpata.

Senator Akpata : Mr President ; indeed, I have the weakness even in timing my superior officers. So, if I am timed occasionally, I would not mind.

Finally, I would like to say that we can afford to extend air facilities to Bauchi, Makurdi and environs and to Yola and also to Ikom, Obudu or Ogoja. I am talking of places which I know. My problem about Owerinta is that when I went there about ten years ago, I went under different circumstances. When I went there I did not like the sight of an airplane in that area. I loved it at one time, but when I left a little over ten years or nearly ten years ago, it was a horrid thing for me to see an aircraft in the sky. Thank you very much, Mr President.

Governor's Visit

The President : Order ! Order ! Distinguished Senators, you may sit. We have a distinguished visitor in the Senate gallery in the person of the Governor of Bauchi State, Alhaji Tatarsi Ali. You are welcome, Sir.

I recognise the distinguished Senator from Bauchi, Senator Rufai. I think that very soon I would start stopping Senators from confusing me here at the Table. I am not making excuses. Senator Rufai, you may speak.

Senator A. E. Rufai (Bauchi Central) : Mr President, Sir, I am glad that I have now got the opportunity to speak. I very much support this important Motion, I welcome it and I support it. In supporting it, I would like also to commend my friend, the champion of civil servants, Senator Akpata, for supporting Bauchi. Mr President, I think that it does not appear that when Senator Ibrahim Jalo Waziri advanced his amendment that Senators took his amendment. I think that they took it very lightly and I hope we would now take it very seriously. Bauchi is one of the most important cities in this country. (*Applause*)

Again, it is the headquarters of a State and, as Senator Akpata said a few minutes ago, Yankari Game Reserve is a place which is visited by a lot of tourists. They always stop in Jos and find their way

to Yankari by road. When they get to Bauchi they find it difficult to get accommodation and so, they proceed to Yankari. They find this very uneasy. So, for that reason if there is domestic air service to Bauchi, I think it would be very convenient for tourists and for all of us who would like to go and see elephants and lions and so on, in Yankari Game-Reserve. For that reason, Mr President, I suggest that this Motion should be amended to extend air services to Bauchi.

The President : Are you supporting the original amendment because I am calling Senator Waziri to speak.

Senator Rufai : Yes, I support it strongly ; that air services should be extended to Bauchi State.

The President : I think there has been quite an exhaustive discussion on this. There is quite a number of things on the Order Paper. May I call Senator Jalo Waziri now to speak.

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

Senator Ibrahim Jalo Waziri (Bauchi East) : Mr President, Sir, I do hope that you will not listen to those points of disorder. I would wish to move an amendment to this Motion, but before doing so, I would like to make a comment on some of the statements made by some Senators in this Senate that because a distinguished Senator has brought a Motion, such a Motion should not be debated and should not be amended. This is very far from the known Orders of any House in this world. The procedure is that any Motion can be debated, and be even amended ever before it is referred to a Committee.

The Leader of the PRP (Senator Barau) commented that, at least he gave the impression that my amendment could not go through. I can understand his anxiety, and I am hoping that he is not condoning the constant labour people of Bauchi have in trying to drive to Kano in order to take a plane to Lagos or to other parts of the world. His anxiety is understandable because he is condoning the difficulties we encounter each time we want to come to Lagos or go to any part of the world. I can understand him, Mr President, but I do hope that Senators would not take him so seriously.

The second argument is that Bauchi is a developing State. The fact that every developed State has got the facilities does not mean that States that have shown promise of development, promise of enterprise do not deserve the attention of the Government.

Bauchi has got Yankari Game Reserve where thousands and thousands of visitors from all over the world converge to see the games. The various industries are now getting busy in Bauchi State, the Steyr Motor Factory, the Ashaka Cement Factory, the Tomato Factory in Dadinkowa, the proposed mining of Uranium in Bauchi—surely these are activities that require a lot of shuffling not only in Nigeria but all over the world, Mr President.

[SENATOR WAZIRI]

That is why, Mr President, I wish that distinguished Senators will appreciate my anxiety for moving this amendment which is as follows; at the end of the Motion add: *operation of services to and from Bauchi be started immediately.*

I beg to move, Mr President.

Senator F. P. Echeruo (Okigwe): Point of Order.

The President: Your amendment is not seconded. I recognise Senator Rufai to second your amendment.

Senator A. D. Rufai (Bauchi Central): In the original Motion I would like to add one thing.

The President: Not another counter amendment?

Senator Rufai: No, I am not doing anything like that, but I am just commenting. The Nigeria Airways promised last May that they would start their services because the aerodrome is there; everything is there but I do not know why, probably for reasons best known to them, they abandoned their good intentions. I beg to second.

The President: Order! Order! Can I take the amendment you proposed, Senator Waziri. What are the wordings?

Senator Waziri: *Operation of services to and from Bauchi be started immediately in view of the fact that all the facilities are there.*

Senator Abubakar Magaji (Suleja): Mr President, Sir, I rise to speak on this very Motion. I am not going to be sectional.

Senator D. A. Ladega (Ijebu-Ode/Ijebu Remo): Point of order, Mr President. A point of order has been raised by at least two Senators. To ignore them is a complete mockery of the system here, Sir.

Senator N. N. Anah (Anambra South): Mr President, Sir, I think the language of the distinguished Senator Ladega is very unparliamentary.

The President: I was not too sure that there were two presiding officers. There is only one so far. Order! Order!

Senator Abubakar Magaji: Thank you, Mr President. On this very Motion on airport matters, I am not going to be sectional. Rather, I prefer to be Federal. Some people are trying to be sectional. We should all know that all the States in Nigeria are equally important, and whenever we get up to speak as Senators, we must refer to all the States, because nearly all the States Headquarters have got airstrips that were in use especially during the colonial days and also during the Military days. All the Military Governors used airforce planes coming straight to the States Headquarters to pick them.

Now that we are all Senators and we are representing our people we all have to travel from our destinations to other towns that have commercial airports and in order to make this very Motion more effective, the Committee concerned should be charged with the responsibility of conducting investigations on

how our existing airports, especially in the newly created States, could be improved so that transportation to the various States' Headquarters could be made effective in order to facilitate communication. I am talking of Federal Officers travelling to the States and honourable Senators travelling from different States to come to Lagos, as well as the staff of other Federal institutions. Nearly every State is becoming more and more important.

I will give an example of where I know. One is the Headquarters of Niger State which is almost adjacent to the present Federal capital. Day in, day out, we have people going there to execute Federal projects. This very airport had been there for years. It was rumoured that the Airport Authorities have been empowered to improve air services to newly created States. Now that—

Senator J. S. Tarka (Benue East-Central): Point of order, Mr President!

The President: There is a point of order. Yes, what is the point of order, Senator Tarka?

Senator Tarka: Mr President, Sir, it is Order 29. I understand the constraints of the distinguished Senator but the Senator is being irrelevant as far as the Motion is concerned. We are not debating—

The President: I think there is a stranger again this time on the Floor of the Senate. I recognise the Clerk to the National Assembly and his visitor.

Is it the wish of the Senate that the visitor should come in?

Many Senators: Yes.

The President: Any objection?

Many Senators: No.

The President: Yes, you are welcome.

Message from the President

Secretary to the Federal Government: Thank you, Mr President, and distinguished Senators. I am the Secretary to the Federal Government. I have a message for you from the President of the Federal Republic of Nigeria.

The President: Distinguished Senators, a message from the President of the Republic has been received.

Senator Tarka: Mr President, Sir, it was not a funny thing to nag my colleague. He is a good neighbour.

The President: Which of your colleagues? You have two there on the left and right.

Senator Tarka: They are both good neighbours but I nag the one on my right.

A Senator: You are noted for *Tarkaring* people and we are here to *Daboh* you! (*Laughter*)

Senator Tarka: Thank you very much. I am here to *Coker* you! (*Laughter*)

Senator Sola Saraki: Mr President, Sir, I think we need your protection on this Side.

The President : I think I agree with you that I have been too generous today. Even, I need protection from Chief Odebiyi ! (*Laughter*) You may continue, Senator Tarka.

Senator Tarka : Thank you, Mr President. I am in a position to defend myself and to handle that Side.

Mr President, the distinguished Senator from Suleja was speaking out of order, well away from the Motion and even the amendment. The amendment seeks to extend an existing service which is being carried out efficiently by Nigeria Airways. Facilities can be extended. We are not talking about airports. In any case, there is a new airport being constructed in Minna next door to Abuja. So, I am not talking about new airports. It is when you involve yourself, Sir, with very serious construction projects involving a lot of money that you go to Committees, otherwise we will never pass a Motion in this Senate. I, therefore, say that you should rule, Sir, that the distinguished Senator from Abuja is out of order in his contribution to this Motion.

Mr President : I think I am inclined to sustain the order raised by Senator Tarka.

Senator E. P. Echeruo (Okigwe) : Thank you very much, Mr President. I have been craving for this opportunity since the Motion was moved. The main point I want to make, Mr President, is that those of us who have had opportunity to travel around this great country cannot but support wholeheartedly the Motion under consideration, and I think it will be necessary, Mr President, Sir, that we work out a plan by which, during the recess, it would be possible to organise for distinguished Senators to visit every part of this great country.

I am making this suggestion because when some people try to highlight problems in their own areas in a Motion such as this, occasionally it is misunderstood. Occasionally, it is thought it is just being done for the purpose of winning support in the home State or anything like that. But there are areas that are crying, and crying desperately for attention.

While I think probably the distinguished Senator was called to order because the points he was making may not be contributing to the Motion, but definitely the point he was making has some relevance. (*Applause*) We must, in a debate of this nature, mention areas that are completely denied these facilities. I have in my mind a State like Imo. (*Applause*) It is one of the most populous states in this Federation that lacks even an airstrip. We do not even have an airstrip.

While I wholeheartedly support the Motion that the services of the Nigerian Airways should be extended to these areas that already have the facilities, we must bring it to the attention of this honourable Senate as early as now that there are States that lack even airstrips not to talk of airports, so that when the time comes, the government will sympathetically consider these States and approve provisions in the Estimates for the establishment of well-equipped airports, if possible up to international standard for a State like Imo State.

I would also like to take this opportunity to request that the question be now put.

Senator Bitrus Kajal (Mubi) : Thank you, Mr President. I, indeed, wholeheartedly support this Motion. First of all, as explained by distinguished Senator J. S. Tarka, this Motion does not seek to create new facilities, otherwise, we would also have raised voices to cry for the new facilities. The Motion is asking that existing services be extended. I think this is most important for the integration of Nigeria. It is important because we in Gongola State, for example, are neighbours to the people in Benue State, yet we are as distant as if we belong to different countries. The same thing applies to Cross River State. We are very close; we are neighbours. In fact, we share the same border, yet we hardly know each other.

The objective of this Motion, therefore, to my mind, would be in fact, integrate the people who have been denied the opportunity of meeting ; and now we would be able to at least, know what obtains in Makurdi, what obtains in Imo and the other areas.

So, Sir, I support this Motion very much. When the time comes for us to consider the question of new facilities for Nigerian Airways, we would certainly work closely with the people of Bauchi, Niger and Imo. Mubi apparently was promised so many things when we were being wooed to Nigeria from the Cameroons. All sorts of facilities were extended, including very modern airstrips but which now have laid fallow. At the appropriate time, when I would have contacted my colleagues, we would certainly raise the issue of communication and new facilities.

I support the Motion.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I think this Motion has been extensively discussed and amendments have been made here and there. I, therefore, ask the President to put the question so that other business of the day can be dealt with. Thank you.

The President : The original Motion has been amended. So when I now put the question, I may have to put the question in the various additions as amended.

The question before the Senate is :

(a) To extend the existing daily Scheduled flights Lagos-Makurdi to include designated flights between Lagos-Enugu and Makurdi-Yola (Return).

(b) To revive the flight, Jos-Makurdi-Calabar (Return). The added amendment would read : *to expand air services from Lagos to Bauchi and return.* I believe this Motion should be further amended to read : *to request the Minister of Aviation to consider to expand the existing daily scheduled flights, and then to revive, and then extend.*

A Senator rose—

The President: If you are speaking on the question being put, yes, but I would not welcome further speeches on the Motion.

Senator N. N. Anah (Anambra South): Mr President, Sir, I have a little remark to make on our making requests to the honourable Minister. It is my considered view that we should deal straight with the President of the Federal Republic of Nigeria. It is for him to find out whom he will consult in implementing our requests. We have nothing to do with the Minister. We should deal straight with the President straight and not with the Minister at all. That is my observation.

The President: The amendment, therefore is that we request the Executive. Is that the wish of the Senate?

Several Senators: Yes.

Senator Usman A. Danbatta (Kano North-Central): Mr President, Sir, as we all know, Lagos is at the moment the Headquarters of Nigeria, but in no longer a time from now, we hope we will move to our new Headquarters, Abuja. I am therefore, suggesting, Mr President, that instead of putting Lagos in the Motion, we should put the Federal Capital.

The President: There is no Airport in Abuja yet. That amendment is ruled out of Order. I will now put the question.

Question put an agreed to.

Resolved: That the Senate realising the importance of Communication links through air transportation as an important factor of enhancing National Unity, rapid internal and external commerce and rapid economic development, calls on the Executive to direct Nigeria Airways Limited (WT) as follows:—

(a) To extend the existing daily Scheduled flights Lagos-Markurdi to include designated flights between Lagos-Enugu and Markurdi-Yola (Return);

(b) To revive the flight, Jos-Markurdi-Calabar (Return); and

(c) To expand air services from Lagos to Bauchi and Return and to request the Executive to consider the expansion of the existing Daily Scheduled flights.

The President: This Motion is therefore disposed of.

Lagos/Ibadan Expressway

Senator Kunle Oyero (Ifo/Otta): Mr President, Sir, I rise to move the Motion standing in my name on the Order Paper:

That considering the dangerous state of Ibadan Expressway due substantially to the faulty construction and maintenance of the road and considering the serious strictures passed on the road by the Nigerian Society of Engineers and its call for a probe on the cast and construction of the road be it resolved that—

(a) This distinguished Senate views with displeasure and alarm the present dangerous condition of this road due to its subsidence and deterioration in places.

(b) The President of the Republic is prayed to make arrangements for the adequate maintenance of this important artery.

(c) The Works Committee do conduct a detailed investigation into all facts and circumstance concerned with the planning, construction, maintenance and use of the Ibadan Expressway and all appropriate persons including the President (*Mr I. Igiehon*) and the Publicity Secretary (*Mr B. Osula*) of the Nigerian Society of Engineers be invited to give evidence.

(d) The Committee to report its findings to the Senate as a matter of course.

Mr President, Sir, this motion is not controversial because it concerns an important road network that serves the whole country. I may say, Sir, that it does not pass near my constituency at all. So, it is not for motive of sectionalism that I brought the motion.

Mr President, Sir, this road as I started earlier, is one of the most important gateway outside Lagos. It is short in the sense that it avoids many of the bottle-necks that used to be on the old Ibadan road, like the Ikorodu and the Shagamu bottle-necks.

We must show real respect for professional bodies like the Nigerian Society of Engineers. The professional bodies in this country deserve a lot of respect, particularly when they are technically oriented. Just as the Nigerian Bar Association is important to Law Makers and the Nigerian Medical Council is important, so, I say, Sir, that the Nigerian Society of Engineers is also important in this country.

This body, about three weeks ago, called a press conference and passed some real structures on this road, and with your permission, Mr President, I would read two short extracts from newspapers. The first one is from the *Daily Sketch* of Saturday, 27th October, 1979, where the headline says: *Who Okayed Expressway, Does it really worth ₦170 million?* The newspaper report continued:

What kind of materials were used by the contractor who handled the project?

These are some of the issues the Nigerian Society of Engineers is already investigating. The national President of the society, Mr I. Igiehon at a press conference in Lagos yesterday observed that the multi-million Naira Expressway was sub-standard while the quality of materials used were 'very poor'.

Mr Igiehon pointed out that from investigation conducted in certain area, "the society is completely distressed at some of the findings in respect of quality of workmanship and materials of the project".

"The Society therefore consider that further investigations were still necessary on all sections of the Expressway for the same purpose, he declared. According to the President, the project was handled by foreign consultants and contractors while the Federal Ministry of Works was the overseer, adding that the society was not actively involved in the project".

[SENATOR KUNLE OYERO]

Mr Igiehon explained that his society was to ensure that the best technical consideration and standard were applied to the Expressway.

"Clearly, certain parties were responsible—

The President : Order ! Order ! You are reading a newspaper report.

Senator Oyero : Yes, Sir. Order 26 (1) says—

The President : I am just interested in knowing what you are reading.

Senator Oyero : I am sorry, I did not know I did not carry the President with me.

The President : You did carry the President with you, but is that a Newspaper Report ?

Senator Oyero : Yes, Sir.

The President : What Newspaper is that ?

Senator Oyero : The first one is the *Daily Sketch* of Saturday, 27th October, 1979.

The President : I would have thought that the distinguished Senator, finding that these extracts are very important, would have got the original text from the writer, so that we can rely on what you are reading. That is a newspaper reporting.

Senator Oyero : As a matter of fact, Mr President, I sent letters through the Clerk to both the President and the Publicity Secretary of the Society of Engineers for copies and for other comments. Till now, there has been no reply. I do not even know whether these letters actually went but I wrote them about two weeks ago. At the time I was filing this Motion, these letters were handed in and I even paid for their postage.

The President : Do you know whether the letters left here ?

Senator Oyero : I assumed the letters must have gone.

The President : Very good. Then say so : You may continue, but go straight to the point.

Senator Oyero : Thank you very much. There was even a lengthy one in the *Sunday Times* of 28th October, 1979 where the Society's Publicity Secretary, Mr Osula, actually stated that they were doubtful about the actual cost and also the competence of the contractors that constructed the road. There were three contractors involved. Anybody travelling on this road will agree that it has become a death trap. In a few places, one has to go at a snail speed. If by mischance one is not used to that road, and it is getting dark and you get on to these patches suddenly, well, one would see that one is playing with his life because the road has veritably become what one might term 'slaughters slab'. Almost every week we read of Nigerians of all classes dying in motor accidents on this road.

So, Sir, we have also set-up some Committees and these Committees must be allowed to work. For them to work, it is my considered view Sir,

that Motions that are relevant should be brought to this Senate and passed on to these Committees for detailed investigation ; particularly when a body like the Society of Engineers is making allegation and calling for a probe. They have not got the facilities that we have here to call anybody from any part of the country to come here and justify his action. I think, Sir, it is a proper duty for us to allow this Motion to pass and commit it to a Committee.

Another aspect of the Motion that I asked for is that if we do not make a call like this, one might find that the road deteriorates to the extent of Ore Road which necessitated the President making an order after a lot of money had been wasted and after communication had been cut off from a large part of the country. We do not want to wait and see that before we request the President to make sure that adequate repairs are made to make this road safe for us all. Thank you, Mr President.

The President : I recognise distinguished Senator from Bendel, Senator Nosike Ikpo.

Senator Nosike Ikpo (Bendel East) : Thank you, Mr President. My colleague and I do not come from the catchment area of this Express Road but we have decided to sponsor this Motion to demonstrate what the role of the Senate ought to be. I feel distressed when I read through the Notices of Motion of purely local issues with which this distinguished Senate is being confronted. I, therefore, begin to wonder if we do realise that we are Nigerian Senators. Local issues can be taken care of in the other House where every local government area is properly represented. With due respect to my revered colleague from Benue, I think we have to take an objective over view what is happening in the whole country. To that extent, I support the views expressed earlier on on a different issue by the distinguished Senator from Abuja. That is just by the way.

When I speak about a good road, Sir, Ibadan Express Road is not my idea of a good road. When I speak of good roads, I like my distinguished colleagues to concede to me that I know what I am talking about because I come from a State remarkable for good roads. We have very good roads in the Bendel State. Mr President, Sir, it is worrying enough that a road built only a few years ago with so much money and opened with a great deal of fanfare has gone so bad within such a short time. All we are doing in this Motion is to highlight and articulate the views, and the complaints of the users of that road. I am not a very regular user of that road. I have never passed through that road until I came here.

Mr President, Sir, so what we are saying is that it is important that the Senate Committee on Works should look into this complaint of the public, the users of this road, particularly a professional body like the Society of Engineers. We want to know whether or not in actual fact, these people were merely complaining out of jealousy because they did not participate in the construction of the road. We want to know the qualifications of the expatriate companies who built that road. We want to know to what extent the Ministry of Works which supervised the construction of that road defaulted in its work

(or to what extent they benefited in kick backs.) Some of these issues are worthy of examination.

With that note Mr President, I second the Motion.

The President : I recognise distinguished Senator Shitta-Bey of Lagos.

Senator S. A. Shitta-Bey (Lagos) : I am grateful, Mr President. I would not like to waste the time of the Senate except to speak in support of the Motion. I agree with those who have spoken that that road is in a very poor condition. I had personal experience of the road myself. One constant cause of accident on the road which I identify as a user of that road is the one arising from burst tyres. We do not know what is wrong ; engineers should be able to tell us. But invariably, tyres burst on the road with the result that motorists run into ditches.

I remember three weeks before the Senatorial Election I had a personal experience. I was travelling to Ilesha. Before I got to Ibadan, in the middle, the front tyre of my car burst. What happened ? My driver lost control and I went into a ditch, together with my wife and son. Apart from that incident, I have seen many tyres on the road as a result of this type of thing. This is towards Ibadan end. Three contractors actually handled the construction. The one I am complaining about is the one towards Ibadan end. I think the other constructions are equally bad.

I would suggest, Sir, that apart from the question of accidents, the issue of the provision of medical facilities becomes relevant. If a person sustains an injury on that road and there is no immediate medical attention, one is likely to die. I would give you this example. The day in question, I was lucky that even though we could not come out ourselves, my driver came out and broke one of the windows and we were helped out. On coming out, we were just lucky to find a helper and that helper took us back to the Lagos Teaching Hospital where we all had medical treatment. The point is this. If we had been bleeding profusely—incidentally we did not sustain much injury—what would have happened ? There would have been a loss of blood which could have caused death. While I am supporting this Motion that this matter be looked into by the Committee, I am suggesting that the committee should look into the aspect of providing medical facilities by the road side, for example, a clinic. I think that these medical facilities be by the road side, one on the left and the other on the right.

The President : Which part of the road ?

Senator Shitta-Bey : Mr President, I suggest that there should be a clinic around an area which can be properly located. There is a petrol station on the left on going to Ibadan. I think two clinics can be located around these two petrol stations so that we can have medical facilities in time. Mr President, I think I am entitled to your protection.

The President : You are protected.

Senator Shitta-Bey : People talk of free medical facilities which I think everybody should get. We

should be in a position to establish these two clinics. There should also be telephone facility to be able to contact relations, friends, or other hospitals in case there is a need for orthopaedic surgery. Mr President, with these few words, I beg to support the Motion.

The President : I think this is a non-controversial Motion and I would like to put the Question.

The Question is that the Motion be committed to a Committee.

Question put and agreed to.

The President : Item No. 3. I recognise the distinguished Senator from Benue, Senator J. S. Tarka.

Rural Electrification

Senator J. S. Tarka (Benue East-Central) : Mr President, Sir, it is my intention to move the Motion as follows :

That this Senate calls on the Federal Minister of Mines and Power to initiate immediate rural electrification project in Gambo and other towns of the Sadauna Local Government area and the various valleys of the Mambilla Mandila Plateau ranges.

Mr President, I believe a lot of Senators of this distinguished Senate ought to travel around the country, and they would appreciate the suffering, the yearning and the aspiration of the small man in the village. I would like to declare my interest, Sir, that this place does not fall within my Senatorial district. It is in Gongola State where we do not control the government. (*Interruption*) You should listen to the voice of wisdom and experience.

Sir, the agricultural potential of the Mambilla Plateau which ranges from the Cameroon border right through the Eastern part of Nigeria, including Obudu and the rest of it, has a lot of rich agricultural lands. The Gambo area alone has one million herds of cattle as against the suggested number by the agricultural experts of the World Food Organisation of two hundred and fifty thousand herds of cattle.

The President : It is time to interrupt the business of the day.

Senator J. S. Tarka may continue with his Motion tomorrow. Will somebody move the adjournment ?

ADJOURNMENT

Senator Tarka : Mr President, Sir, I beg to move that the Senate do now adjourn till tomorrow morning 10 o'clock.

The President : Order ! Order ! Senator Tarka has the Floor.

Senator Tarka : I understand from my colleague, distinguished Senator Jalo Waziri and from an aside which I caught from my distinguished colleague, Senator Odebiyi, that there is a little bit

[SENATOR TARKA]

of controversy over sitting at 10 o'clock in the morning because of the use of the Senate Chamber and other Committee rooms. My colleague, the Senate Leader, is not here. I think it is wise that we should abide by our old decision to start sitting at 3 o'clock to facilitate Committee sittings.

I beg to move, Sir.

The President : Order : Order ! The Question is that the Senate do adjourn till 3 o'clock in the afternoon tomorrow.

CORRESPONDENCE

I have some correspondence and I think before we speak on the Motion for Adjournment, I had better bring this up. This has something to do with the change in the leadership of one of the Parties in the Senate. My Deputy mentioned this last Thursday.

Recognition of New Senate PRP Leader

Senator Hamisu Musa (Kano South-West) : Mr President, Sir, in view of the letter which you have received in connection with the PRP leadership in the Senate, I rise to propose that this august Senate do recognize Alhaji Sabo Bakin Zuwo as the new PRP Leader.

Mr President, I beg to move.

Senator Ahmed Zakari (Kano North-East) : Mr President, Sir, I wish to second the Motion put forward by my colleague in informing this august Senate about the change in the Leadership of the PRP in this Senate.

In the Resolution of this Senate of 21st November, 1979, the Senate leadership of the PRP was recognized and conferred on Senator Ibrahim Barau. In a letter addressed to you and some of the members of the PRP concerned, that decision has been revoked. We, therefore, wish this august Senate to recognise this change so that the leadership would be conferred on Senator Sabo Bakin Zuwo.

I beg to second.

Senator Jaja Wachuku (Aba) : Point of Order. It is Order 26 (4). Mr President, Sir, with the greatest respect, there seem to be two Motions before this Senate. There is a Motion for Adjournment moved by the distinguished Senator Tarka, which is being debated and on top of it, we now have a substantive Motion being raised asking the Senate to rescind an earlier decision.

I most respectfully submit under Standing Order 26 (4), that the second Motion cannot stand. Not only that, that Motion requires five days notice. It is a substantive Motion asking this Senate to rescind an earlier decision. We require five days notice and it cannot be raised now when we are having a Motion for adjournment. That is my point of order.

The President : I think I am inclined to sustain that Order and I would ask the PRP Senator to please discuss with the President of the Senate after 6 o'clock.

Rededication

Senator Andrew Abogede (Benue North-Central) : Mr President, Sir, I rise to contribute to the Motion for Adjournment. In doing so, Sir, I really want us in this Senate to rededicate ourselves and refer our minds back to the incidents in this country before the Military coup, after the Military coup, and the present time.

Mr President, Sir, on the Floor of this Senate in 1956 when hon. Anthony Enahoro moved a Motion standing in his name for the Independence of this country, some Members from the North then, moved a counter Motion in order to give them time to consult their people. They were humiliated, abused for ineffectiveness, illiteracy and other abuses were showered on our Leaders by a particular group of people in this country.

Mr President, Sir, during that time, the Mover of the Motion was a hero to that particular tribe in this country. No sooner than this person discovered that he could no longer continue to deceive this country in that way, he is being given all sorts of ill-treatment and abuses and he has been relegated to the back ground.

Mr President, Sir, an able Leader of the then Action Group, the late Samuel Akintola was the able lieutenant of the Leader of a particular Party. He supported his Leader to the utmost of his own ability and he was given all sorts of praises ; but no sooner than he discovered he was in the wrong boat, this same person was relegated and he met his death because of his own belief.

Today, Sir, Mr President, if you read the various newspapers in this country, especially those owned by a particular section, you will see, Sir, that all abusive words that should not be said of a person of the calibre of our dear and beloved Executive President, Alhaji Shehu Shagari, are being heaped on him. But today because the aspiration of a particular tribe and of a particular person is not met in this country, the newspaper media continue to shower abuses on our able Leader.

During the Motion for Adjournment some time ago, Senator Uba Ahmed made mention of some newspapers like *the Tribune* and *the Sketch*.

The President : I hope it is not a continuation of the debate of last week.

Senator Abogede : No, it is not. I am only expressing my own feeling—what I believe would save this great nation. If we are to live in peace and harmony in this country, we should desist from attacking some people because they believe in their own way of life or believe in a political ideology. That is all I am trying to say.

Mr President, Sir, people do not read these gutter papers anywhere in this country except in Lagos, and we cannot dismiss anything initiated from Lagos because they are here. The seat of the Federal Government is here ; the seat of the Army

[SANETOR ABOGEDE]
is here and any noise they make here would carry more weight on the people of Nigeria. That is why some of us are viewing it seriously. If not, these papers do not go beyond Lagos. They are just gutter papers. If you see them in any other place, people just throw them away. What I am trying to say is that some people have organised themselves to distribute particular newspapers like *Tribune*, *Sketch* and other such gutter newspapers.

A Senator : Call the name of the paper.

Senator Abogede : I would not, because that would certainly attract front page comments.

They distribute these papers freely to the Army and you know that in some circumstances if somebody is fed with one-sided story, the tendency is that he would only believe what he had read. What he sees in the paper is what he would address his mind to. Daily attacks on the Executive, the Legislature, and on the Leadership of this august Senate is something that should not be over looked.

The President : Wind up please.

Senator Abogede : Mr President, Sir, I really call on this august Senate, on the people of Nigeria and on the media to please build this country. If somebody happened to be so ambitious as to aspire to lead the nation, but the electorate rejected him at the poll, that person should exercise patience and wait for another time. The person himself said that he would continue to present himself to the people at all times. But a decision was taken ; they went to the court. In fact, they went from the people to the court and from the court, we are in the Senate. The court verdict was that somebody had been elected Executive President. Therefore, the loser should please sit down coolly, and should try to be law abiding. He should not incite the Press against constituted authority, in order to find one way or the other to discredit it.

First of all, he went to the people ; the second attempt was to the courts, and the third attempt was the insistence on the Electoral College, and who knows, he might start wooing the Trade Unions and so on. We on this Side, as citizens of this country, are impressing on some of you that you cannot come here to govern without being adequately mandated by the people. (Laughter)

I am appealing to you, Sir, and to everyone of us to please let us all join hands in building this country.

The President : Order ! Order ! I recognise Senator Obi Wali.

Port Harcourt International Airport

Senator Obi Wali (Rivers I Phalga) : Thank you, Sir. I do not want to raise this point as a competition, but I would like it to be seen in its proper perspective, that is, about the politicking going on about the International Airport in Port Harcourt. The city as you all know is at the centre of the entire oil industry.

The President : I thought that, that was not the subject you wanted to talk on.

Senator Obi Wali : That is the subject, Sir, it is introduction. Mr President, that city has an International Airport which was opened about three months ago to be used as such, but up till today, nothing has happened there. These are various areas and strategies for economic development and I think that if we get that Airport working as an International Airport, most of the burdens on the over worked Murtala Muhammed Airport in Lagos would be reduced. So, may I take this opportunity to make this remark that it is detrimental to the economic development of this country to play politics with things like International Airports especially when a lot of public funds have been injected into them. One has the feeling that the mere purpose of opening it was to have the signature for the last interim certificate and then abandon it there.

Mr President, Sir, this is the short thing I want to say on this Motion for Adjournment. Thank you very much.

The President : I have a very good list of Senators wishing to speak on Motion for Adjournment and I am inclined to think that notices should be sent to me earlier in the day and not in the Chambers. This would enable me organise them. For those whose notices are with me, I guarantee them that they would speak tomorrow but I would have to thank the Senators. It is past 6 o'clock now and it is time to suspend the business of the day until 3 o'clock tomorrow.

Senator N. N. Anah (Anambra South) : Point of Order.

The President : What Order ?

Senator Anah : Mr President, Sir, we received a message from the President of Nigeria and we have been full of ears to know what the message is all about.

The President : Is it the wish of the Senate that you want to know ?

Several distinguished Senators : Yes.

The President : Well, I do not think—

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

The President : What Order ?

Senator Wachuku : Order 10 (2). It reads as follows :

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

The President : I think I am inclined to sustain your Order. The Senate, therefore, stands adjourned till 3 o'clock tomorrow afternoon.

And it being 6.05 p.m. the Senate adjourned without Question put, pursuant to Standing Order 4 (10).

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Tuesday, 11th December, 1979

The Senate met at 3.05 p.m.

PRAYERS

(The President in the Chair)

ANNOUNCEMENTS

Messages from the President

The President : I think we may now start. Yesterday we received a message from Alhaji Shehu Shagari, President of the Federal Republic of Nigeria. I would call upon the Clerk of the Senate to read the message.

The Clerk of the Senate : Mr President, Sir, we received a series of our communications from the President of the Federal Republic of Nigeria. The first one is :

State House,
6th December, 1979

*The President of the Senate of the
Federal Republic of Nigeria,*

I nominate Mr Kehinde Sofola to be a Member of the Federal Judicial Service Commission in accordance with Section 7 (d) of part I (d) of the Third Schedule to the Constitution of the Federal Republic of Nigeria.

I confirm that the Nigerian Bar Association proposed his nomination in the first instance, and that the Council of States has been duly consulted.

ALHAJI SHEHU SHAGARI,
President of the Federal
Republic of Nigeria

The second one is :

State House,
6th December, 1979

To : The Senate of the Federal Republic of Nigeria.

I nominate Mr George Nwangboye Amaike Okafor to be a member of the Federal Judicial Service Commission in accordance with Section 7 (d) of Part I (d) of the Third Schedule to the Constitution of the Federal Republic of Nigeria.

I confirm that the Nigerian Bar Association proposed his nomination in the first instance, and that the Council of State has been duly consulted.

ALHAJI SHEHU SHAGARI,
President of the Federal
Republic of Nigeria

The third one is :

State House,
6th December, 1979

To : The Senate of the Federal Republic of Nigeria.

I nominate Mr Akio Abi to be a member of the Federal Judicial Service Commission in accordance with Section 7 (e) of Part I (d) of the Third Schedule to the Constitution of the Federal Republic of Nigeria.

I confirm that the Council of States has been duly consulted.

ALHAJI SHEHU SHAGARI,
President of the Federal
Republic of Nigeria

The fourth one is :

State House,
6th December, 1979

To : The Senate of the Federal Republic of Nigeria.

I nominate Alhaji Aliu Abubakar to be a member of the Federal Judicial Service Commission in accordance with Section 7 (e) of Part I (d) of the Third Schedule to the Constitution of the Federal Republic of Nigeria.

I confirm that the Council of States has been duly consulted.

ALHAJI SHEHU SHAGARI,
President of the Federal
Republic of Nigeria

The President : Distinguished Senators, we have now heard the messages from the President of the Republic requesting the Senate to confirm the appointments of Members of the Judicial Service Commission. I would suggest that these messages be referred to the appropriate Committee which is the Committee on Judiciary. Is that the wish of the Senate ?

Several Senators : Yes.

Senator Jaja Wachuku (Aba) : Mr President, Sir, it has become a habit of sending bald messages to this Senate.

The President : Sending what ?

Senator Jaja Wachuku : Sending bald messages to this Senate—messages without hair or skin on them. Names are mentioned to a most important Commission like the Judicial Service Commission, we do not know who these people are, what they are, their qualifications and the like.

Certainly, the Council of States might have arrived at a decision and advice based on some facts. The President must have arrived at some decision based on some facts, and I am sure the Bar Association arrived at their decision based on certain facts. At least, as a matter of courtesy, if nothing else, as a matter of information, this Senate ought to have such information to be—

The President : Order ! Order ! Order ! There are series of them accompanying the nominations which are due for circulation. I am sure that the distinguished Senator recognise that we are not debating the nomination yet. I put the Question that this should be referred to the Committee on Judiciary and I am sure that the Committee on Judiciary would have the relevant series and documents that have accompanied the nomination.

Senator Jaja Wachuku : Mr President, much as I agree that it should go to the Judicial Committee, surely as a matter of information, the Senate should be made conscious and aware of the type of persons that are being presented to it because ultimately, the Committee would report back. I am asking that in future, such information that would be helpful to people concerned should be embodied with the message because that is a way of educating the Senators on the nature, quality and character of the persons.

The President : I assume, distinguished Senator, that there is information embodied with the message and there has always been, and there will always be that information.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think for the information of the Senate, when these messages are being passed on to us, if there are any other particulars which are going to be given to the appropriate Committee to consider them, Senators ought to have them so that they, themselves would know who they are.

Surely, it would not be right that it is after the appropriate Committee has dealt with this that people are going to know for the first time. It just happens that some of us may know these people in their professional life, but that does not mean that our views and knowledge are at the disposal of the Senate.

I think, Sir, for the future, the President might well be advised that when these messages are sent, this information should be included. I do believe, as you yourself have said, Sir, that the appropriate information has accompanied this one, and I think, Sir, we ought to have them so that we can have a better judgment on these nominations.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, and distinguished Senators, this system of government we have adopted in Nigeria, an open system of government, the Presidential system, gives room for anybody, at any stage at the Committee to ask for information about any matter before the Committee. Therefore, if anybody wants to know about any particular nomination for appointment, he is free to ask at any stage or to go to the Chairman of the Committee and say, *Please, I want to know how far you have gone about this matter*; or, *I want an information about a particular matter*; and he must be given. This is the system we have adopted. The President has submitted these names, and these names are accompanied by the necessary information on each and every member on the list. Therefore, I do not think we have to waste time on this. The matter is well looked after by the system we have adopted.

Thank you, Mr President.

The President : Is it the wish of the Senate that we refer the Messages from the President of the Republic to the Judicial Committee?

Several Senators : Yes.

Senator Sola Saraki : Mr President Sir,

The President : I am not too sure I have recognised you yet.

Senator Saraki : Yes, Mr President, there is an omission here that I would like to correct. The Clerk has not read the second message. There are two messages from the President of the Republic.

The President : May I call upon the Clerk of the Senate to read the second message. I think to help quick disposition of these messages, if they are all relating to the same topic, you may read the body of the letter and then just the names instead of going through every message page by page.

The Clerk of the Senate : The main body of the message is as follows :

THE SENATE HOUSE

10th December, 1979.

To the Senate,
Federal Republic of Nigeria

I nominate Mr Justice S. O. Ighodaro to be a member of the Federal Electoral Commission in accordance with sub-paragraph 5 (c) of Part 1 (c) of the third schedule to the Constitution of the Federal Republic of Nigeria.

ALHAJI SHEHU SHAGARI,
President, Federal Republic
of Nigeria

I would now go on to the nominations.

NOMINATIONS, MEMBERS OF FEDERAL ELECTORAL COMMISSION

- | | |
|-------------------------------|----------|
| 1. Alhaji Garba Jabo | Sokoto |
| 2. Chief D. T. Braide | Rivers |
| 3. Alhaji M. B. Ibrahim | Plateau |
| 4. Dr (Mrs) Mabadeje | Lagos |
| 5. Alhaji Umaru Audi | Niger |
| 6. Mr Bola Ajibola | Ogun |
| 7. Dr Kola Ikusemiju | Ondo |
| 8. Mr Justice S. O. Ighodaro | Chairman |
| 9. Mrs Ethel Onwu | Member |
| 10. Mrs Hasu Iro Inko | Member |
| 11. Chief J. B. C. Anyaegbuna | Anambra |
| 12. Mr O. I. Afe | Bendel |
| 13. Brig. I. N. Obeya | Benue |
| 14. Alhaji Mustafa Umaru | Borno |
| 15. Alhaji Muhamadu Kyari | Gongola |
| 16. Alhaji Liman Umaru | Kwara |

These are all the nominations, Mr President.

The President : We have heard the second message dealing with the Federal Electoral Commission. I would suggest that the Clerk of the Senate do make copies of those messages available to the distinguished Senators in view of the fact that the names are so many. Again, I think that this is a case that should be referred to the appropriate Committee

for deliberation and presentation to the Senate floor. The message will, therefore, be committed to the Committee on Public Services.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, I think there is a Report to be laid before the Senate. Senator Ojukwu has a report to lay before we proceed.

PAPERS

Report of Conference Committee

Senator S. M. Ojukwu (Umuahia) : Mr President, Sir, may I have the permission of the Senate to lay on the Table the Report of the Conference Committee of the Senate and the House of Representatives on the Bill for an Act to make provision for the dissolution of the National Science and Technology Development Agency and the transfer of its functions, staff, assets and liabilities to the Minister for Science and Technology and for purposes connected therewith.

The President : You may so lay. In view of the long delay over this Bill, I would request the Clerk of the Senate to list it for disposal by the Senate tomorrow.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I would like to move the first Motion on the Order Paper, but it is important that we proceed as we did the last time. That is to say, we should constitute a Committee of the Whole House to consider the list of the nominees by the President. I, therefore, move that the gallery be cleared so that we can proceed with the business of the day.

The President : If I may just cut in, I think there has not been any communication between you and me ; I received this about fifteen minutes ago and I call on the Clerk of the Senate to read it.

The Clerk of the Senate : The letter is addressed to the President of the Senate and dated 11th December, 1979.

Dear Sir,

Resignation from Leadership of PRP Senator

In obedience to the wish of my party leadership, PRP Party President (Mallam Aminu Kano) I beg to tender my resignation from the leadership of Peoples' Redemption Party Senators with effect from today, Tuesday, 11th December, 1979.

I would like to take this opportunity to thank the President of the Senate, his Deputy and all Party Leaders for the co-operation I have enjoyed in the short period of my stay in office.

Thank you for the co-operation.

I remain,

Yours faithfully,

(Sgd) *Alhaji Ibrahim Barau*

SENATOR

Recognition of New PRP Leader

Senator S. Saraki : Mr President, distinguished Senators, I do not know whether there was a *coup* going on or an election, but I think in the light of this, I would suggest, with the permission of the Senate, that we take item No. 6 first. This would make

our work much more easier so that when there is need for any PRP Senator to speak, you would know who is who, whether he is a new or the old leader. With the permission of the Senate, I suggest we take item No. 6 first so as to know who the leader of the Party is and who are his men.

The President : Is that the wish of the Senate that we take item No. 6 on the Order Paper ?

Several Senators : Yes.

Senator Hamisu Musa (Kano South-West) : Mr President, Sir, I rise to move :

That Senate Resolution No. 22-79 of 21st November, 1979, in which Senator Ibrahim Barau was named as the PRP Senate Leader be rescinded to that extent and that the name be replaced by that of Senator Sabo Bakin Zuwo.

Mr President, I beg to move.

Senator Ahmed Zakari (Kano North-East) : Mr President, I rise to second the motion moved by Senator Hamisu Musa (*Kano South-West*) that in view of the letter of resignation put forward by Senator Ibrahim Barau (*Ikara/Zaria/Birnin Gwari*) former PRP Leader, that Senate Resolution No. 22-79 of 21st November, 1979 be rescinded and the Senate leadership of the Party be conferred on Senator Sabo Bakin Zuwo (*Kano Central*) as the Leader of the PRP in this Senate.

Thank you.

The President : The question of the Motion is that we rescind a decision taken earlier on the leadership of the PRP from Senator Ibrahim Barau to Senator Sabo Bakin Zuwo. I consider this a non-controversial Motion except—

I recognise the distinguished Senator from Anambra, Senator Anah.

Senator N. N. Anah (Anambra South) : Thank you very much, Mr President. This Motion in my view would not have been controversial but for circumstances leading to the resignation. If the letter written by the former leader of the PRP, distinguished Senator Barau, had simply said that he would like to resign his leadership of the PRP, no dust would be raised. Speaking for myself, I think we are creating a very dangerous precedent in the Senate. According to the text of his letter, he said that in obedience to the leader of his Party, Aminu Kano, he is resigning his leadership in the Senate. Mr President, Sir, the point which I am making is that ever before his resignation, it has been circulated in the various national newspapers and announced over the mass-media that distinguished Senator Barau has been removed by the Leader of the PRP, Alhaji Aminu Kano. Mr President, Sir, I must say that personally I was not happy with what happened. What I am saying is, Mr President,—

The President : Point of Order.

Senator Anah : Mr President, I need your protection.

The President : Point of Order.

Senator Joseph Sarwuan Tarka (Benue East-Central) : Order 29. The distinguished Senator is irrelevant. The question has been decided as an internal matter of the PRP. (*Applause*)

The President : The Order is sustained.

Senator Tarka : As far as the civilised world is concerned, that political party is supreme. (*Applause*)

The President : The Order is sustained. I now put the Question.

Question put and agreed to.

Resolved : That Senate Resolution No. 22-79 of 21st November, 1979, in which Senator Ibrahim Barau was named as the PRP Senate Leader be rescinded to that extent and that the name be replaced by that of Senator Sabo Bakin Zuwo.

The President : The Senate congratulates Senator Sabo Bakin Zuwo as the new Senate PRP Leader. I recognise distinguished Senator and Leader of the PRP.

Senator Sabo Bakin Zuwo (Kano Central) : Mr President, I thank you very much. I am grateful for the great honour done to me by my Party and as approved by the Senate. Really, I am appealing to all the Political Parties that are here and their Leaders to forget the past and to let us achieve something significant in this Senate. (*Applause*)

When this Senate was convened for the first time we worked under good relationships. It appears to me now that within the past few days, criticisms have been made against the Leaders of the various Political Parties. If any newspaper publishes anything that conflicts with the law, there is a provision to deal with this under the law such as seditious libel, criminal defamation. So, they can be charged with anything. (*Interruptions*)

The President : Order ! Order ! Do not interrupt the Leader. (*Applause*)

Senator Sabo Bakin Zuwo : Mr President, what I would like to do is to appeal to both the NPN and the UPN to try to work together in harmony in this particular Senate because we are representing the nation. It is not good to bring in the Leaders of the various Political Parties into conflict on the Floor of the Senate. This is the highest legislature in Nigeria and I am praying for peace and harmony in the name of Allah, in the Senate. Thank you very much.

The President : I recognise the Senate Leader.

Confirmation of Ministers

Senator Abubakar Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I think we have to come back to the Order Paper of today. We have an item which is a Motion to consider the nominees of the President of the Federal Republic of Nigeria as Ministers. On the 19th October, we considered a similar list sent to us by the President in a Committee of the whole Senate, and this should be considered likewise. I, therefore move, Mr President, that the Gallery be cleared so that we can continue with the business of the day. I beg to move.

The President : I recognise Senator Jalo Waziri.

Senator Ibrahim Jalo Waziri (Bauchi East) : Mr President, Sir, since the list which is freshly been forwarded to this Senate is so uncontroversial and we all understand—

The President : Are you seconding the Motion ?

Senator Jalo Waziri : I beg to second, Sir.

The President : The question is that the message of the President of the Republic Alhaji Shehu Shagari containing the nominations of Ministers be committed to a Committee of the whole Senate. I recognise the distinguished Senator from Bendel, Senator Akpata.

Senator Emmanuel Idahosa Oluwafemi Akpata (Bendel Central) : Mr President, Sir, on Thursday the 18th October, 1979, in the Official Report of the Debates of the Senate, that is, Volume 1 number 8, I gave an information.

The President : What date ?

Senator Akpata : 18th October, 1979, and with your permission, Sir, may I read just a sentence I made that day. *Mr President, Sir, this matter we are discussing is so important that if at the tail end, we now ask the Nigerian people to be absent during our discussion, no one will blame them if the story gets twisted. Anyone who wants to be a Minister and a public servant should be ready for his affairs to be examined in public. That is my information, Sir. I stand today by what I said that day.*

I stand today by what I said that day and I want to say, Sir, that it is particularly important if we know and note that the Nigerian public had no opportunity whatsoever to consider people who have now been nominated candidates to be Ministers. Indeed, among those who came before them, majority of them, were rejected at the polls.

Secondly, for our own credibility, this is a new system of government, the people ought to see what we are doing. I, therefore, propose an Amendment to the Motion which my very good Friend, the Leader of the Senate has just proposed that the Senate should consider the prospective candidates in a Committee of the whole House ; but with the gallery remaining uncleared and as many people who are here to listen and to know what is going on.

I beg to move, Sir.

Senator Ayo Fasanmi (Ondo North) : Thank you very much, Mr President. I wish to second the amended Motion moved by the distinguished Senator from Bendel, Senator Akpata. The screening exercise which we intend to conduct should be done in the open. Mr President, Sir, we have to respond to articulate public opinion. It is the consensus of public opinion, the press and the public that subsequent—

The President : It is either you second the Motion or—

Senator Fasanmi : Yes, I am seconding it.

The President : But you do not second and start your speech. You have all the time to talk. Let us make progress today.

Senator Fasanmi : Yes, we are making progress, Sir.

Mr President, Sir, I beg to second the amendment. *(Interruptions)*

The President : Order ! Order ! Distinguished Senators may sit down. A Motion has been proposed by the Leader of the Senate that item number one be considered in Committee of the whole House. The procedure governing consideration in Committee of the whole House means that this is done in camera with the gallery cleared. If you intend to effect an amendment as you have rightly done, this would be an amendment to the normal practice and we have first to clear that point before we proceed any further.

Senator Sola Saraki (Ilorin/Asa) : Mr President Sir, Distinguished Senators, I am not prepared to accept an amendment to my Motion. I think we should not adopt a double standard in the Senate. On the 19th of October, 1979, we screened about thirty-four or thirty-five of the nominees of the President of the Federal Republic of Nigeria—

The President : 38.

Senator Sola Saraki : Thank you Mr President. Some of them were interviewed by the Committee of the whole House. I do not see why when you are going to continue with the remaining list you should bring them here and adopt a very different standard in order to please a section of the community. I think it is just fair, Mr President, Sir, that we should respect the privacy of individuals. Until they have passed through this Senate, I think the Constitution is very clear on this, they are entitled to privacy. After they have passed through this Senate and are sworn in as Ministers, there is a code of conduct. You have to declare your assets. Everybody knows the correct procedure. All of us here have to declare our assets. If you want to know how much I have or how many houses—

The President : How much have you ?

Senator Saraki : A kobo, Sir ! *(Laughter)* There is a procedure to go and find out what Mr X has. So, I think it is just important that we must respect the privacy of individuals.

Secondly, as the Leader of the PRP has just said, we must not do anything in this Senate the highest authority in the country that will look as if we are being partial. Therefore, Mr President, we should not waste any more time. I beg that you should put the question so that we can proceed with the business of the day.

The President : Order ! Order ! Distinguished Senators including Leaders may sit. There are two issues before us. The Senate will take a decision. The first question is whether you want us to commit the screening to a Committee of the whole House.

Question put and agreed to.

The President : The second question is whether you intend to hold your deliberations in the Committee of the whole House normally or with an amendment ? The amendment as proposed by the distinguished Senator from Bendel, Senator Akpata

and the distinguished Senator from Ondo, Senator Fasanmi is that even though you sit in Committee of the whole House, you should allow the gallery to stay.

Senator J. A. O. Odebiyi (Egbado North/South) : Point of Order, Mr President.

The President : What is the Order, Senator Odebiyi ?

Senator Odebiyi : Mr President, Sir, Standing Order 20 (1) says :

Where under any standing order (or the practice of the Senate) notice of motions or amendments is required such notice shall be given on a day on which the Senate is sitting, by being handed in at the Table ; or by being received at the office of the Clerk within the hours prescribed by the President for the purpose when the Senate is not sitting.

The Motion that the Leader of the Senate was proposing is quite contrary to what we have here. What he should have done was to have registered another Motion saying that when we are considering this Motion we should not do it in public.

The President : Order ! Order ! I was under the assumption that the distinguished Senator and Leader of the UPN was quoting Order 20 (1) in support of the case of the Senate Leader. On the contrary, I think the people proposing amendments have not filed in amendment notices before now

Senator Odebiyi : Mr President, Sir, it is absolutely necessary that you get the point right.

The President : The point is right, Senator Odebiyi. An amendment has been proposed to the normal procedure. The amendment was proposed by Senator Akintoye, but he did not give notice to propose it.

Senator Odebiyi : The Leader of the Senate has not given notice to propose this amendment, too.

The President : The Leader's case is contained on the Order Paper.

Senator Odebiyi : The Order Paper is quite clear on it.

Senator Uba M. Ahmed (Bauchi South-East) : On a point of order, Mr President. Order 26 (4) will help us to arrive at a more acceptable conclusion. The order says :

It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.

Now, we had already taken a decision on 19th October that the screening of Ministers would be done in camera and for us to rescind that decision, we would need a substantive Motion to be brought on to the Floor of the Senate. Mr President, Sir, this amendment is, therefore, null and void and cannot be entertained.

Senator A. Abogede (Benue North-Central) : Mr President, Sir, I want to draw the attention of the Senate to Section 34 of our Constitution on the right of individuals to privacy and family life. The section says :

The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

Mr President, Sir, if we are going to consider these people and we know that they are Nigerian citizens, we have to accord them some privacy until they become public officers when you can abuse them and expose them as much as you like, but today they are not public servants, yet. They are individuals and their privacy should be protected. This is what I want to draw the attention of my Colleagues to and I hope they are going to abide by it.

Mr President, Sir, it is to our knowledge that any law existing in this country on the 1st of October, 1979, has to be in line with the provisions of our Constitution. Of all the laws existing in Nigeria from that date, the Constitution becomes supreme and the supremacy of the constitution cannot be questioned.

The President : Order ! Order ! I have to give a ruling on the two points raised by the two distinguished Senators. The first point deals with the Constitution as contained in Section 34 which deals with the privacy of the ordinary citizen of Nigeria. I am inclined to think that the citizens who are to be considered are still private citizens of Nigeria (*Interruptions*). Distinguished Senators, you will have a chance to speak. May I please appeal to the distinguished Senators to be orderly and to let us take the business of the Senate in an orderly manner. Section 34 of the Constitution is, therefore, upheld.

Senator A. A. Adesanya (Ijebu North-East) : Section 34 is overtaken by Section 41.

The President : I would come to that if you quote it. Section 26 (4) of the Standing Order of the Senate, inasmuch as it has not been changed is, therefore, upheld also because we have taken a decision in this Senate before to screen Ministers in camera and we conducted the business of the Senate as such. Therefore, I do not see why we should now not uphold the provisions of Clause 24 (4) of the Standing Orders.

Senator Ayo Fasanmi (Ondo North) : Mr President, Sir, the provision of Section 41 of the Constitution reads :

Nothing in Sections 34, 35, 36, 37, and 38 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health ; or

Mr President, Sir, what we are doing today (*Interruptions*).

The President : May distinguished Senators please give whoever is on the Floor a chance to speak.

Senator Ayo Fasanmi : Mr President, Sir, what we are doing today is in the interest of public order and public morality because the public will want to know who their Ministers are. So, I am maintaining that in view of the provisions of Section 41 of the Constitution, Section 34 does not stand. It is overtaken and so, I think your ruling will have to be reconsidered.

The President : May I make an announcement. Will Senators for the time being please refrain from sending me any notes. I am getting confused because notes are flying in from every corner and I am also paying attention to dealing with this delicate issue. You were quoting Section 41 (1) of the Constitution.

Senator A. A. Adesanya (Ijebu North-East) : Mr President, there is another constitutional matter which the President may have to consider along with section 41. I refer you to section 82 (1) which reads :

Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into—

(a) any matter or thing with respect to which it has power to make laws ; and

(b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for—

(i) executing or administering laws enacted by the National Assembly, and

(ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

Mr President, there is no gainsaying the fact about it that whoever is appointed a Minister or somebody intended to be appointed a Minister will have the responsibility to do (i) and (ii) as quoted above.

Mr President, it is often repeated that we decided that the screening should be in camera. I stand to be corrected, Mr President—

The President : Order Order. You have quoted Section 82 (1) and you went beyond that. I found it extremely difficult, despite my great respect for your legal experience, that I should concede to this section being relevant to the subject matter. I, therefore, reluctantly find both Sections 41 and 82 of the Constitution as not being applicable in the case for discussion. I am constrained, therefore, to uphold that these two sections are not relevant to the subject matter. The Senate would, therefore, proceed to continue to do the screening in Committee and in camera.

Several Senators : No. No.

The President : If you challenge my ruling, I will put it to a test. You know what the rules are. Members of the public and the Press may now leave the Gallery.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, thank you very much. With your permission, I would like to read a section of the Standing Orders in order to justify your last decision. (*Interruptions*)

Order No. 19 (d) says : *Unless the Standing Orders otherwise direct, notice shall be given of any Motion or amendment which it is proposed to move with the exception of the following :—*

(d) *A motion for the withdrawal of strangers* I, therefore, move that the strangers withdraw.

Senator J. S. Tarka : I beg to second.

Question put and agreed to.

Resolved : That the Senate do now constitute itself into a Committee of the whole to screen prospective Ministers in camera.

The Senate accordingly constituted itself into a Committee of the Whole at 4.05 p.m.

(The Debates of Committee of the Whole Senate exempted)

(The President resumed the Chair : 6.00 p.m.)
Committee report progress.

Senator Sola Saraki (Koni/Asa) : I beg to move that progress be reported to the Whole Senate and that the names of the following Ministers be confirmed by the Senate :

MINISTERS OF CABINET RANK

- | | |
|--------------------------------------|-----|
| 1. Professor Ishaya Audu | NPP |
| 2. Mr I. C. Maduiké | NPP |
| 3. Professor Sunday Mathew Essang .. | NPN |
| 4. Engr. Paulinus Chinulu Amadike .. | NPP |
| 5. Alhaji Umaru Abdurrahman Dikko .. | NPN |
| 6. Mr Samuel Mafuyai | NPP |
| 7. Mr Emmanuel Chuka Osammor .. | NPN |

MINISTERS OF NON-CABINET RANK

- | | |
|-------------------------------------|-----|
| 8. Dr Abubakar Usman | NPN |
| 9. Chief (Mrs) Janet Akinrinade .. | NPP |
| 10. Mr Ademola Thomas | NPP |
| 11. Mr Claudius Agboola Bamgboye .. | NPN |
| 12. Chief Eteng Okoi-Obuli | NPP |
| 13. Dr Paul Michaulum | NPP |
| 14. Mr E. Aguma | NPP |

I move that these names be confirmed.

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

The President : The Question is that the Report of the Senate Committee on the names of Ministers in the Government of the Federal Republic of Nigeria as nominated by the President be confirmed by the Senate. But before I put the Question, Senator Akintoye wanted to ask a question.

Senator S. A. Akintoye (Ondo Central) : Mr President, it is just a question of procedure. The meeting of the Senate decided to set up a Committee of the Whole and also decided to clear the Gallery so that the Committee could meet in camera. Now

that the Committee has adjourned and the Senate is meeting again, I take it that the Gallery can now be opened.

The President : As soon as we are back to the Senate, everything is reverted.

I will now put the Question.

Question put and agreed to.

Resolved : That the following people are confirmed as Ministers :

MINISTERS OF CABINET RANK

- | | |
|--------------------------------------|-----|
| 1. Professor Ishaya Audu | NPP |
| 2. Mr I. C. Maduiké | NPP |
| 3. Professor Sunday Mathew Essang .. | NPN |
| 4. Engineer Paulinus Chinulu Amadike | NPP |
| 5. Alhaji Umaru Abdurrahman Dikko | NPN |
| 6. Mr Samuel Mafuyai | NPP |
| 7. Mr Emmanuel Chuka Osammor .. | NPN |

MINISTERS OF NON-CABINET RANK

- | | |
|-------------------------------------|-----|
| 8. Dr Abubakar Usman | NPN |
| 9. Chief (Mrs) Janet Akinrinade .. | NPP |
| 10. Mr Ademola Thomas | NPP |
| 11. Mr Claudius Agboola Bamgboye .. | NPN |
| 12. Chief Eteng Okoi-Obuli | NPP |
| 13. Dr Paul Michaulum | NPP |
| 14. Mr E. Aguma | NPP |

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I move that the Senate do stand adjourned till 3.00 p.m. tomorrow.

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

Report of the Committee of the Whole

Senator Jaja Wachukwu (Aba) : Point of Order ! The Reports are in two parts ; those approved and those to be invited. It is part of the Report of the Committee and it must go into the Report.

The President : I am inclined to sustain that even though you did not quote the relevant Order number.

Senator Saraki, what has happened to those who have not been cleared ?

Senator Sola Saraki : They are coming tomorrow at three o'clock.

Some Senators : Who are they ?

Senator Sola Saraki : Do you want their names ?

Some Senators : Yes.

MINISTERS OF CABINET RANK

- | | |
|--------------------------------|-----|
| 1. Mrs Adenike Egun Oyagbola | NPN |
| 2. Mr Samuel Adebisi Ogedengbe | NPN |

MINISTERS OF NON-CABINET RANK

- | | |
|---------------------------------|-----|
| 3. Dr Ishmael Jikiri Igbani | NPN |
| 4. Alhaji Iro Abubakar Dan-Musa | NPN |

They will report tomorrow at three o'clock when the business resumes.

The President : This should also be part of our report.

Decorum in the Senate

Senator E. I. O. Akpata (Bendel Central) : Mr President, Sir, I want to make a special appeal to this Senate that we are not helping these candidates by trying to show that we are not a united Senate. As a matter of fact, some of the shouting that goes on may whittle down the chances of some of the candidates, and it may create a situation whereby some people will just get irritated and vote against them because we want to give the proposed Minister the impression that he has some friends and he has some enemies.

Secondly, I would like to suggest to both the President and Senators that if we want to criticize ourselves, we should allow the candidates to go away first because with the way we behave here, when some of them have become Ministers they will start talking to us and about us.

The President : I agree with you.

Senator Akpata : They will think that we are a rowdy group. Incidentally, I want to mention that in this case, there is no hon. Minister and to be honourable you must be a member of a House. It was only the President who was voted for and he is only just showing us the people whom he wants to use. So, there is no more hon. Minister. People who are not voted for cannot be honourable. Do not flatter them. Thank you very much.

Question put and agreed to.

Resolved : That the Senate do now adjourn till tomorrow at 3.00 p.m.

The Senate adjourned accordingly at 6.20 p.m.

NOTION

Ministers of Federal Government

Senator John Sanni (Borno) : Mr President, distinguished Senator, I move that we begin the business of today to consider the remaining members of the Cabinet. I beg to ask the President to clear the way so that we can move into Committee of the Whole Senate.

Senator John Sanni (Borno) : I beg to move.

The President : The question is that the Senate should be asked to consider the remaining members of the Cabinet. I move that we begin the business of today to consider the remaining members of the Cabinet. I beg to ask the President to clear the way so that we can move into Committee of the Whole Senate.

Senator J. A. Shittu-Bay (Lagos) : Mr President, I have an objection to make on the Motion before you on the question.

The President : What is your objection?

Senator Shittu-Bay : Thank you, Mr President. I just want to note that there are two other Ministers in the Cabinet. The point is that if we take a decision now and the Prime is denied, I would like to know Sir, whether the Prime should be invited back when we start with consideration of Ministers. I believe Sir, we should consider and change the list.

Senator John Sanni (Borno) : Mr President, I beg to move.

The President : I beg to ask the President to clear the way so that we can move into Committee of the Whole Senate.

Senator John Sanni (Borno) : Mr President, I beg to move. I have an objection to make on the Motion before you on the question.

The President : I think this thing was resolved in Committee.

Senator John Sanni (Borno) : The Committee reported progress. Mr President, the Committee did report progress. The President asked the Committee to report progress. The President asked the Committee to report progress. The President asked the Committee to report progress.

The President : Is the distinguished Senator happy to discuss his action for giving the Committee report to the House?

Senator John Sanni (Borno) : It was an open session.

Senator John Sanni (Borno) : It was an open session.

Senator John Sanni (Borno) : I understand that there was an open session. I am a very responsible man. Mr President, the only thing was that by the time the Committee reported progress, the Minister had moved from the position of the Minister to the position of the Minister. I believe Sir, we should consider and change the list.

The President : The distinguished Senator has also been a member of the NPP Executive because the President is the President.

Senator John Sanni (Borno) : I may be a little bit of a troublemaker in order to avoid death and to avoid trying.

The President : I suppose that I can understand your position because you had at least NPP Minister in the list and that was sufficient enough to appoint you as...

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Wednesday, 12th December, 1979

The Senate met at 3.30 p.m.

PRAYERS

(The President in the Chair)

The President : Order ! Order ! I recognise the distinguished Senator from Ilorin/Asa and Leader of the Senate.

VOTES AND PROCEEDINGS

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

The President : Point of Order, Senator Jaja Wachuku. What is your Order?

Senator Jaja Wachuku : Mr President, the Votes and Proceedings of yesterday only recorded progress but made no mention of the candidates confirmed, and the other four, two each. This is on page 89 of the Votes and Proceedings.

The President : I think this thing was recorded in Committee.

Senator Jaja Wachuku : The Committee reported progress. Mr President, the Committee did report progress. *The President resumed the Chair, Committee reported progress and asked leave to sit again tomorrow.* The progress reported that some were confirmed, was not reported.

The President : Is the distinguished Senator trying to defend his action for giving the Committee report to the press.

Senator Jaja Wachuku : It was an open session.

Senator Stephen Adebajji Akintoye (Ondo Central) : It was an open session.

Senator Jaja Wachuku : I remember that it was an open session ; I am a very responsible man. Mr President, the only thing was that by the time the Committee reported progress, the Gallery had moved from the direction of the Gallery to the foyer of the building, so that the Gallery changed position.

The President : The distinguished Senator from Aba and Leader of the NPP therefore became the Press Secretary to the Senate.

Senator Jaja Wachuku : I may be a Public Relations Senator in order to avoid doubt, and to avoid rigging.

The President : I suppose that I can understand your position because you had at least 8 NPP Ministers in the list and that was sufficient enough to spur you on.

Senator Jaja Wachuku : That is not enough. I, would like about ten or even Twenty and I would like to recruit Senator Ali. *(Laughter)* However, on a serious note, Mr President, I would like this correction to be made.

The President : From where did you get the list you gave to the Press ?

Senator Jaja Wachuku : From the corrections which I made on the Order Paper. I was present and took part in the whole exercise.

The President : Then you should not query it because you already have the list.

Senator Jaja Wachuku : Mr President, Sir, what I am saying is that this is not the correct report of the progress that was made to the Senate.

The President : Yes, the Clerk should include the progress reported to the Senate in the amendment.

Senator Jaja Wachuku (Aba) : Those confirmed were two with the Cabinet Rank and two with non Cabinet Rank. Unconfirmed to come today. It does not appear in the Votes and Proceedings.

MOTION

Ministers of Federal Government

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I move that we begin the business of today to consider the remaining nominees, and in doing so, I beg to ask Mr President to clear the Gallery so that we can resolve into Committee of the Whole Senate.

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

The President : The question is that the Senate do proceed with the adjourned debate on the question of the President's nomination of Ministers, and that the Senate do resolve into Committee with the Gallery cleared. The Motion has been proposed and seconded.

Senator S. A. Shitta-Bey (Lagos) : Mr President, I have an observation to make on the Motion before you put the question.

The President : What is your observation ?

Senator Shitta-Bey : Thank you, Mr President. I just want to note that there are two other Motions here. The point is this. If we take a decision now and the Press is cleared, I would like to know, Sir, whether the Press shall be invited back when we start with confirmation of Ministers ; Motions for rescission, and things like that.

The President : We are dealing with item number one on the Order Paper. When we come to item number two on the Order Paper, unless the Senate so decide, the Gallery will be back in full swing.

Senator Shitta-Bey : That will be all right.

The President : Do not pre-empt what may take place.

Senator Shitta-Bey : I have a right to know what is going to take place.

The President : I will now put the question on the proposed Motion by the Senate Leader.

Question put and agreed to.

The President : The Senate will therefore resolve itself into a Committee of the Whole.

The Senate accordingly constituted itself into a Committee of the Whole at 3.40 p.m.

(The Debate of Committee of the Whole Senate exempted).

(The President resumes the chair at 6.00 p.m.).
Committee reports progress.

The President : I recognise the Senate Leader to report progress.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I beg to move that progress report be made to this Senate, that Mr Ogedengbe and Mrs Oyagbola be confirmed and this be conveyed to the President of the Republic of Nigeria.

Senator Jalo Waziri : I beg to second.

Senator Jaja Wachuku (Aba) : Point of Order.

The President : I am sure that you are familiar with legislative practice that you will give room for it to be seconded and thereafter the Question would be put.

The Question is that Mr Ogedengbe and Mrs Oyagbola be confirmed as Ministers and that this should be communicated to the President.

Question put and agreed to.

Resolved : That the following persons be confirmed as Ministers of the Government of the Federation and that this be communicated to His Excellency the President of the Federal Republic of Nigeria :

Mrs Adenike Eburn Oyagbola.

Mr Samuel Adebisi Ogedengbe.

Senator B. B. Kajal (Mubi) : On a point of order, Mr President, and my point of order is Order 4. Since it is now 6.00 p.m.—

The President : What is your point ?

Senator Kajal : My point is that the Senate should adjourn without Question put. That is mandatory.

Senator Sola Saraki (Ilorin/Asa) : I think that the Standing Order should be suspended. (*Interruptions*)

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I am sure that the Senators are hungry and they want to go home. I, therefore, move that we adjourn till 10.00 a.m. tomorrow.

Senator J. A. O. Odebiyi (Egbado North/South) : On the Order Paper for today, the Rules and Business Committee will be meeting tomorrow at 10.00 a.m. in the Senate Chamber here. It is here on the Order Paper.

The President : That is today's Order Paper and not for tomorrow.

Senator Odebiyi : It is for tomorrow, and the date is there.

Senator Sola Saraki : Mr President, I think I would like to accept Senator Odebiyi's correction because I am sure that if witnesses have been invited, it will be too late now to cancel the arrangement. Therefore, I move that we resume at 3.00 p.m. tomorrow.

The President : You are making an amendment. Is that seconded ?

A Senator : Yes, it is seconded.

Question put and agreed to.

Resolved : That the Senate do now adjourn till 3.00 p.m. tomorrow.

The Senate adjourned accordingly at 6.07 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Thursday, 13th December, 1979

The Senate met at 3.30 p.m.

PRAYERS

(The President in the Chair)

APOLOGY

The President : Order ! Order ! I think I must first apologise that the Senate is starting some twenty-five minutes late. This is due to the fact that I had an august visitor in the person of the Vice-President of the Republic who came in just about the time I was to come in for the Senate sitting.

ANNOUNCEMENTS

The President : I think that we are going to start right away with a few announcements. During the week, we received two communications from the President of the Republic. The first was the nominations of members of the Judicial Service Commission, while the second was in respect of nominations of members of the Federal Electoral Commission, and we referred both messages to the appropriate Committees. At this stage, since we have not announced the Chairmen of all the Committees, I shall announce *ad hoc* Chairmen of these Committees so that they may be able to proceed with their work, pending when the full chairmanships of all the Committees are announced.

I would, therefore, ask distinguished Senator N. N. Anah (Anambra South) to Chairman the Judicial Service Committee, and the distinguished Senator D. D. Etiebet (Ikot Ekpene) to Chairman the Public Service Committee.

Request for creation of a State

We have also received a request for the creation of a State, and fair enough, from the Cross River State. In compliance with the sections of the Constitution, there is nothing much we can do at this stage except perhaps to inform the Senate and pass the request on. In order for the Senate to deliberate on it, a referendum has to be conducted in the area first before it comes back to us.

I also wish to announce that the President of the Republic has forwarded to the National Assembly in compliance with the resolution taken by the National Assembly, a brief report on the state of the economy. This also will be referred to the appropriate Committee for action and returned to the Senate.

I recognise distinguished Senator Odebiyi.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I think as regards the President's messages to us in respect of the Federal Judicial Service Commission and the Federal Electoral Commission, those messages are just for information only. This is because the President has already made the necessary consultation and the Senate is not even concerned except that it is only for our information. Therefore, referring them to the

appropriate Committees does not arise at all. If you look at Section 141, subsections (1), (2) and (3), you will see that the two bodies have nothing to do with us.

As regards the question of the state of the economy, Section 141 of the Constitution subsection (2) has this to say :

In exercising his powers to appoint a person as Chairman or member of the Council of State, the National Defence Council, or the National Security Council, the President shall not be required to obtain the confirmation of the Senate.

Then it goes further :

(3) In exercising his powers to appoint a person as Chairman or member of the Federal Electoral Commission, the Federal Judicial Service Commission or the National Population Commission, the President shall consult the Council of State.

We are not the Council of State.

Subsection (1) also says :

Except in the case of "ex officio" members or where other provisions are made in this Constitution, the Chairman and members of any of these bodies so established, shall, subject to the provisions of this Constitution, be appointed by the President, and the appointment shall be subject to confirmation by the Senate.

The only ones, Sir, that requires our own consideration are the Police Service Commission and the Federal Civil Service Commission. These are the two.

The President : I am not too sure that the distinguished Senator was proposing that we rescind a decision that had already been taken by the Senate. Otherwise, a decision had been taken earlier that these things be referred to the appropriate Committees. All we are doing now is to accelerate the work of that Committee. There is no need today, distinguished Senators, to want to go over issues and waste a lot of our time.

House Party Leaders

I have also the following announcement. This has been received from the House of Representatives advising us of the position of the leadership in that House.

Alhaji Yunusa Kaltungo—Leader of the House of Representatives ;

Mr B. M. Mabrama Jen—Leader of the UPN ;

Lt.-Col. P. C. Amadi—Leader of the NPP ;

Alhaji Sanda Konduga—Leader of the GNPP ; and Alhaji Muhammed Mustapha—Leader of the PRP.

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, I move that we begin today's business where we adjourned yesterday. There are two more Minister nominees to be considered. I move that the Senate should consider the list in the Committee of the Whole House.

Senator Jalo Waziri (Bauchi East) : In seconding this Motion I would like to bring to the notice of the Senate the necessity for concluding the business which is before us, before we rise for recess. I intend to bring a Motion later today to this effect. My reason is that we have to pass a joint Resolution praying the President of the Republic to allocate six hundred flats in Victoria Island for the use of National Assembly.

Also as you know, distinguished Senators, we have got the Judicial Service Commission Members to approve, which has been submitted to us by the President of the Republic but which we have not concluded. Also the Membership of Electoral Commission has been submitted to us, but we have not also concluded it. And then we have this Bill on Science and Technology. You will agree with me that we should be responsible enough to conclude this business before we rise. So, it is my intention to raise a Motion to this effect, and in doing so, I second the Motion by the Leader of the Senate.

The President : I do not know whether I should accept that as a secondment or a new proposal.

Senator Saraki : Mr President, I think he was trying to induce me to support, and I am sure the distinguished Senators will agree with me that we can finish all this job by tomorrow, so that we can rise tomorrow. I think, I can get your support that by tomorrow we will finish all these things. If we can move fast today, finish the list of the Ministers and then tomorrow morning the Committee can meet and finish the messages from the President. They are not controversial. They are quite straightforward messages and I am sure that by tomorrow we can finish them and all of us can go and have some rest. Tomorrow is Friday, but we can suspend the Orders and finish all our business.

The President : Well, do I take it that we would come to this problem later? Therefore what is now before us is the original Motion that the Senate should now go back to Committee stage.

May I make the following announcement? The screening of Ministers has so far been in camera and this has been in order to carry the exercise to a conclusion. If and when we are reconsidering the ministerial appointments of those that have appeared here before, and have thus become a matter already of open controversy and of public information, we would carry out the screening, even if it is in Committee, with the gallery in attendance. So, I want to make that position clear. (*Applause*)

Senator Saraki : I ought to have made this Amendment when I rose. One of the candidates, Alhaji Garba Wushishi, I understand, has not withdrawn.

The President : I think you would have got yourself out of fire, Mr Leader of the Senate, if you had allowed me to do it. Distinguished Senators, what actually transpired was that there was some misconception in communication, and the position of the Senate is that we have never been advised in writing that the nomination has been withdrawn.

All we were told was that the candidate had indicated, and when I cleared the matter with the President yesterday, he said he has not been advised to the contrary. So, as far as we are concerned, the President has not withdrawn that nomination. So the nomination still stands. The Senate now moves into Committee stage.

The Senate accordingly constituted itself into a Committee of the whole at 3.50 p.m.

(The Debate of Committee of the whole Senate exempted).

(The President resumed the Chair at 4.10 p.m.)

Committee reports progress.

The President : I think we can now invite the members of the public back to the gallery. (*Interruptions*) Let us make progress. We have a lot of work to do. We must vacate tomorrow otherwise we would be here till next week.

I recognise the Senate Leader.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, distinguished Senators, I beg to move that progress reports of the Committee of the Whole Senate be made to the Senate as follows :

That the three nominees of the President of the Federal Republic of Nigeria be confirmed and these are Alhaji Iro Abubakar Dan Musa, Alhaji Garba Wushishi and Dr Igbani.

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

The President : The question is that the Senate do confirm the appointments of the three remaining Ministers—Alhaji Abubakar Dan Musa, Dr Igbani and Alhaji Garba Wushishi as contained in the progress report of the Committee of the Whole Senate. I now put the question.

Question put and agreed to.

Resolved : That the appointment of Alhaji Abubakar Dan Musa, Dr Igbani and Alhaji Garba Wushishi as Ministers of the Federal Republic of Nigeria be confirmed.

The President : I recognise the distinguished and one and only Leader of the Senate.

MOTIONS

Confirmation of Minister (Motion for Rescission)

Senator Sola Saraki : Mr President, distinguished Senators, I beg to move Motion No. 2 standing in my name :

That the Senate hereby rescinds its decision taken on 19th October, 1979, rejecting the nomination of Chief R. O. A. Akinjide as Minister of the Government of the Federation and the Senate hereby reconsiders the matter and confirms the renomination of the said Chief R. O. A. Akinjide by the President of the Federal Republic of Nigeria as Minister of the Government of the

Federation, in accordance with Section 135 subsection (2) of the Constitution of the Federal Republic of Nigeria, 1979.

The President : I recognise distinguished Senator Jalo Waziri.

Senator Jalo Waziri : Mr President, Sir, I beg to second.

The President : The question is that a Motion which has been brought by the Leader of the Senate is one on the rescission of an earlier decision taken on a prospective Minister, Chief R. O. A. Akinjide.

I recognise the distinguished Senator from Egbado and Leader of the UPN.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, I humbly crave the indulgence of the whole Senate to please grant me audience on this very important and crucial matter. I rise to oppose the rescission of the former decision of the Senate about Chief R. O. A. Akinjide.

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

The President : What is the Order ?

Senator Atake : The Leader of the Senate said that he wants the decision rescinded. The Leader of the UPN said he opposed it. What grounds is he adducing for asking us to rescind? What is he opposing? If you want a decision rescinded, you have to give us reasons—you want this decision rescinded because we have made a mistake in this and that respect. Chief Akinjide told us this before, now, he has got new facts and these are the new facts. He has to give us reasons. You do not just say rescind the decision. When he has adduced his reasons, then Senator Odebiyi can oppose. Now, he is opposing nothing! He is rescinding nothing! (*Laughter*)

The President : I recognise the distinguished Senator Adesanya.

Senator A. A. Adesanya (Ijebu North/East) : Mr President, Sir, as stated by Senator Atake, there were two decisions taken on that day in respect of Chief Richard Akinjide. The first decision is that these people who were rejected can never be brought back here again.

Several Senators : No!

Senator Adesanya : Mr President, Sir, I refer the Senate to the Official Report of the 19th October, 1979, pages 92, 94 and 95.

Senator Abubakar Sola Saraki (Ilorin/Asa) : Mr President, Sir, what he wants to read is from the copy of the proceedings of the Senate in Committee. So, he cannot read that in the Senate.

Senator Adesanya : Mr President, Sir, the decision—

The President : Order! Order! If that was the proceeding that took place in the Senate, there is nothing wrong in citing it but I think that it must

also be borne in mind that before a document can be officially cited, I would have signed it as being the correct minutes of the meeting.

Several Senators : This is the Official Report.

The President : Yes. All Official Reports would have to be signed by me; then they would be tenable. But as I said, there is nothing wrong with quoting from proceedings that took place here.

Senator Stephen Adebunji Akintoye (Ondo Central) : Mr President, Sir, can we then suspend the discussion on this Motion until we have a signed proceedings of the Senate?

The President : There is nothing wrong in quoting from proceedings that took place in the Senate. Are you raising a point of order, Senator Fasanmi?

Senator Ayo Fasanmi (Ondo North) : I have a point of information.

The President : You can bring your information when I recognise you to speak. Senator Adesanya may continue.

Senator Adesanya : I am very grateful, Mr President, Sir. At page 92, starting from line eight, we said: *Those that are rejected will be people who are not to be resubmitted again.* This was said by the Chairman.

At page 94, this is by Senator E. I. O. Akpata; he said: *They have been people who have been seen and we think they are no good material, in other words, they are not the type we want.* These are those that were rejected.

A Senator : That was a personal opinion.

Senator Adesanya : Mr President, the one I first quoted is not a question of opinion, it is a question of the ruling of the Chairman. Then the Chairman again at page 95 said: *All said and done we have agreed that there are three categories of people here, those we confirmed—*

Senator Cyrus Nwidonane Nunieh (Bonny/Bori) : Point of Order.

The President : Point of Order. Senator Nunieh, what is the Order.

Senator Nunieh : Order 26 subsection 4. It says and I read with your permission: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.* What he is reading now, according to him, is what was decided before. This application is coming to rescind what was decided before and the order allows rescission. He is saying only what was said before but under this Order he can rescind what was said before.

Senator Adesanya : Mr President, Sir—

The President : Order! Order! The distinguished Senator has cited a relevant portion in our Standing Rules. I think that it is only fair that I rule on the issue.

Senator Adesanya : You should allow me to reply him before you rule. This is a point of order.

The President : You may speak.

Senator Adesanya : Mr President, Sir, if the learned Senator had listened to me attentively he would know, Sir, that I am not saying that a Motion for Order of Rescission cannot be brought but what I am saying is that two decisions were taken on that day. Number one, Mr Akinjide was rejected then the other one is that those that were rejected cannot come back here again. So, there are two things. Before we can discuss the case of Akinjide again the first decision here that those that were rejected cannot be brought back must first of all be rescinded. It is when we do that that we can bring him in and he will be re-screened.

Senator Cyrus Nunieh : Point of Order again.

The President : Let me get the first one down, that is Order 26 (4). Is it ?

Senator Nunieh : Yes. I submit that Order 26, subsection 4 binds all past actions of the Senate whether it was one decision, or a hundred or unlimited. It means that any decision already taken on a substantive Motion, does not depend on number.

Senator Bitrus Bzigu Kajal (Mubi) : Point of Order. My Order is Order 20 (3).

The President : Order 20 (3).

Senator Kajal : It reads, Sir : *No notice may be given for a day less than five clear days after such notice is handed in, unless the notice is in the name of a Minister, in which case one day's notice shall be sufficient.* What I am saying, Sir, is that we were given notice of the need to rescind our decision on the 11th of this month. We cannot now consider this notice because the five-day requirement has not been fulfilled. Therefore, an attempt to consider this matter now is, in fact, out of Order. Thank you, Sir.

The President : Order ! Order ! Before we get muddled up, there are two issues involved. Section 26 (4) and Section 20 (3) just cited. I believe that there is a case for 26 (4) and I would sustain that Order, that the Senate can rescind any past decision on a substantive Motion.

I am satisfied that that condition has been fulfilled and I would allow this Motion to continue.

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

The President : I recognise Senator Shitta-Bey.

Senator Shitta-Bey : There appears to be a confusion of thoughts. We have to distinguish clearly between two issues. This Order cited relates to one, it does not relate to the other. I am not disturbing your Order, but I am distinguishing the various thoughts. (1) There are two decisions of general application. (2) There is a specific decision rejecting Chief Richard Akinjide, and that is the one they have brought the Motion for, but the one I am talking of is that decision of general application

which is that any person who had been rejected here cannot be brought here again. We have to deal with that aspect if you want to change that decision. If there is an attempt to change that decision then a substantive Motion must come. There is no substantive Motion before us now. If so, how do we change that decision ? This is the issue, Mr President.

The President : I recognise the Senate Leader Senator Saraki.

Senator Sola Saraki (Ilorin/Asa) : Mr President, Sir, Senator Shitta-Bey is trying to confuse the two issues. Section 135 (2) of the Constitution has empowered the President of the Federation of Nigeria to nominate his Ministers, and it is for us here to decide whether to confirm the Ministers or not. I think the President of the Federation has right at any time ; even if we refuse to confirm the nominees ten times, and he can keep on submitting the names, that is left to him.

Secondly, if we decided that anybody rejected should not be re-submitted, I think that will be against the Constitution. Also, it is against the Standing Orders that we have been using in this Senate. Standing Order 26 (4) says that our decision here can be rescinded. If you are saying that we cannot rescind our decision, then it is going against our Standing Orders. Therefore, I think Senator Shitta-Bey must be confused. I think the Motion has been properly brought, and I, therefore, ask Mr President, that we should continue because we have quite a lot to do. Thank you.

The President : I recognise Senator Adebayo.

Senator C. O. Adebayo (Kwara Central) : Mr President, Sir, it is my belief that there is mutual misunderstanding somewhere. Nobody, Sir, on this Side, has said that that decision cannot be changed. The Standing Order quoted by distinguished Senator Nunieh was merely saying that provided there is notice, then any decision of this Senate can be changed by the Senate. But the point on the issue of whether we can reconsider or not reconsider anybody whom we earlier rejected, is that we cannot now alter the decision without a Motion. So, a second Motion is required to alter the decision that whoever we have rejected may not be reconsidered.

The President : Order ! Order ! Distinguished Senators, whatever we have on record as to the past decisions taken and the circumstances of a subsequent or future stand on such decisions are governed by our Standing Orders. The relevant Standing Order here is 26 (4). We can always go back to any decision provided that a substantive Motion has been brought. In these circumstances, it is my considered view that the Motion here satisfies the provisions of Section—(Interruptions) Order ! Order ! The Motion satisfies Section 26 (4) of the Standing Orders. This is, of course, my ruling. If anybody doubts it he can challenge and we put it to test. (Interruptions)

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

The President : Yes, what Order ?

Senator Abogede : Mr President, Sir, I refer to Order 35 which states : *The President in the Senate and the Chairman in any committee shall be responsible for the observance of the rules or order in the Senate and committee respectively, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion made after notice.*

Therefore, if they have any Motion—

The President : Thank you very much, Senator Abogede.

Senator Uba Ahmed (Bauchi South-East) : Mr President, Sir, distinguished Senators, I really want to appeal to Senators to really cool their temper, and let us look at what is before us. This is a matter of principle. We want to go through what decision we had taken in relation to the requirements of the Constitution of this country. Gentlemen, one of the distinguished citizens in this country has been recommended by the President of this country as provided for—

The President : Senator Uba Ahmed, we are dealing with a specific issue. We are not debating the issue yet. I will advise you to limit yourself to the issue, otherwise your time will soon run out.

Senator Uba Ahmed : I am developing my argument, Mr President.

The President : No development. We are dealing with the question of rescinding or not rescinding our previous decision. We have not started looking at the merits or demerits of the issue.

Senator Uba Ahmed : All I am saying, Mr President, is that for us to really determine whether it is necessary to rescind our decision, we have to understand the principle involved. We have to understand whether our decision to rescind is in the ultimate interest of justice and in accordance with the provisions of the Constitution. In this case, it is.

The President : Order ! Order ! I want you to challenge me that my ruling is wrong. I have to refer Senate to Section 61 of the Standing Order. I hope Senators have their copies of the Standing Orders with them. So, there will be no need for me to read the Order out. However, I recognise Senator Obi Wali to read it on my behalf.

Senator Obi Wali : Mr Chairman it reads : *A question, the object or effect of which may be to suspend any standing order of the Senate, shall be proposed only with the consent of the President, either after notice given or after the expression of the general assent of the Senate.*

And so, Mr President, you have to defend yourself.

The President : I, defend myself ? (Laughter) What is important is that phrase *with the consent of the President*. Distinguished gentlemen, we should be serious about this business, and we should go straight to the point at issue dealing with it as quickly as we can.

Senator S. A. Akintoye (Ondo Central) : Mr President, Sir, let us get clear the points at issue in this short debate.

The President : It is not a debate yet.

Senator Akintoye : Well, in this matter we are now discussing, we have to get a few points clear in our minds. What is at issue is that we took two decisions. The first one is a decision of general application to all persons rejected by Senate. The second decision is a decision specifically rejecting Chief Richard Akinjide. May I say that Senate has the power to rescind any of its decisions at any time, but before you can rescind your decision, we have to be confronted with a substantive Motion to that effect.

Now, Mr President, there is a Motion here before us asking us to rescind our specific decision rejecting Chief Richard Akinjide, but there is no Motion here asking us to rescind our other decision of general applicability to all persons rejected. So, Mr President what we are saying is that before we go on to discuss this Motion before us, we must first of all, have a Motion or notice given for five days to be able to rescind decision of general application, and for us to refuse to do this, Mr President, will be to be bending the laws of this country in a very irresponsible fashion. May I say finally. (Interruptions)

The President : Order ! Order ! I hope the distinguished Senator will listen when I call him to Order. You may sit.

Senator Akintoye : I will sit, Sir, but do I understand that I will be allowed to complete my statements:

Senator Victor Akan (Eket) : Mr President, Sir, you have made a ruling here on this subject in accordance with Standing Order 35, and I want to appeal to Mr President to please put the question because I want to say that I support the interpretation and your ruling.

Several Senators : What is the ruling ? What is the ruling ?

Senator Akan : The ruling that the President gave on the matter. If you are challenging the President's ruling on the matter, that is a different thing. (Interruptions) Mr President, may I have your protection ?

The President : You are fully protected. Everybody is protected.

Senator Akan : I thank you, Sir. I want to say with your permission, Sir, that I support your ruling and that the question be put.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I would like to refer the Senate to Standing Order 61. I move that the Motion moved by the Leader of the Senate be considered forthwith.

Senator J. S. Tarka (Benue East-Central) ; Mr President, Sir, I beg to second.

Question put and the Senate divided.

AYES : 48 NOES : 39

Question accordingly agreed to.

AYES

Abdulkarim, Mr Muhtari
 Abogede, Mr Andrew
 Obaro, Mr Isa
 Agwai, Mr Muhammadu Musa
 Ahmed, Mr Mohammed Uba
 Akan, Mr Victor
 Ali, Alhaji Abba
 Ali, Col. Dr A. A.
 Anah, Chief N. N.
 Ansa, Mr Joseph O.
 Anyanwu, Chief Tony
 Audu, Mr Iliya Galiya
 Barau, Alhaji Ibrahim
 Suemo-Chia, Mr

Dada, Col. Garba Musa
 Dafinone, Mr D. O.
 Danbatta, Alhaji Usman Alto
 Daniel, Mr George A.
 Daura, Alhaji Yusuf Aliyu
 Dimis, Alhaji Ibrahim
 Ebute, Mr A.
 Ellah, Mr F. J.
 Etiebet, Mr D. D.
 Gada, Alhaji Garba
 Gilama, Mr Gayus
 Hoomkwap, Mr George B.
 Kolo, Alhaji Ibrahim
 Kware, Alhaji Garba
 Lawan, Alhaji M. G.
 Madaki, Mr Jacob Kure
 Magaji, Alhaji Abubakar
 Gani, Mr Aliu Mohammed

Mu'azu, Alhaji A.
 Muza, Alhaji Haruna
 Nunieh, Barrister C. N.
 Ojukwu, Mr S. M.
 Pam, Mr John Wash
 Rufai, Alhaji A. D.
 Saleh, Alhaji A. Yalwaji
 Salihu, Alhaji Jibrin
 Saraki, Dr Abubakar Sola
 Tarka, Chief J. S.
 Wachukwu, Dr Jaja A.
 Eberewariye, Dr O.
 Waziri, Alhaji I. Jalo
 Yepwi, Mr Thomas
 Zuofa, Mr A.
 Zuru, Alhaji Hassan

NOES

Abiru, Alhaji Mubashir Akanbi Olatunji
 Adebayo, Mr C. O.
 Adegoke, Mr A.
 Adeoye, Dr C. L.
 Adesanya, Mr A. A.
 Adesina, Mr O.
 Ajayi, Mr Adeyiga Omopenu
 Akintoye, Professor S. A.
 Akpata, Chief E. I. O.
 Ani, Engr. I. N.
 Atake, Justice F. O. M.
 Ayantuga, Dr Femi
 Adeleke, Chief A.

Bama, Mallam Umaru Lawan
 Durosimi, Mr A. A.
 Echeruo, Mr E. P.
 Fasanmi, Mr Ayo
 Ikpo, Mr Nosike
 Ilori, Dr C. O.
 Kadi, Alhaji Idrisa
 Kajal, Mr Bitrus B.
 Ladega, Mr D. A.
 Mangga, Mr Ja'afar Jarafu
 Matta, Mr Garba
 Nwali, Dr Offia
 Odebiyi, Chief J. A. O.
 Ogunleye, Mr E. K.

Oke, Professor D. O.
 Okwu, Chief B. C.
 Olu, Mr J. O.
 Onunkun, Mr M. A. E.
 Oyero, Chief Kunle
 Sanda, Mr Bukar
 Saraki, Dr Abubakar Sola
 Shitta-Bey, Alhaji S. A.
 Sogbein, Chief S. O.
 Umolu, Chief J. O.
 Wali, Dr Obi
 Waziri, Mr Mahmud
 Zing, Pastor Luka Zanya

Teller for the Ayes :

Senator Femi Ayantuga.

Teller for the Noes :

Senator Muhtari Abdulkarim.

Resolved : That the Senate hereby rescinds its decision taken on 19th October, 1979, rejecting the nomination of Chief R. O. A. Akinjide as Minister of the Government of the Federation and the Senate hereby reconsiders the matter and confirms the renomination of the said Chief R. O. A. Akinjide by the President of the Federal Republic of Nigeria as Minister of the Government of the Federation, in accordance with Section 135 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

The President : I recognise Senator Atake.

Senator F. O. M. Atake (Bendel Delta) : I made a point earlier on and this is fundamental. I do not mean to be rude to fellow Senators, but it must not be thought that because we have come to the Senate, and we are given a copy of the Constitution and a copy of the Standing Orders, then we all become lawyers overnight. It must not be thought so.

When we make a Motion for rescission, it means a decision has already been taken—(Interruptions)

Senator Isa Obaro (Kwara South) : Point of Order, Mr President. Mr President, we have just taken a decision on this matter. Order 35 says :

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

The President : Order ! Order ! You will remember that this afternoon, we talked about having work-load. I think we can deal with some important issues before us, rather than dragging up and down all in the interest of semantics. We took a decision as to what should happen today. Quite frankly, when I recognised Senator Atake, I thought he was contributing on the Motion, but I think your preambles call for this Order which has been quoted. It appears that we are delaying matters. You still have, probably, not made your point. If you want to continue, please go straight to the point.

Senator Atake : Certainly, yes. There is a Motion for rescission after a decision has been taken. What it implies is this : We took a decision some time ago. We made an error ; this is the error we made, and I want the decision to be rescinded. We took a decision some time ago ; certain matters were considered which we ought not to have considered. I want the decision to be rescinded. We took a decision sometime ago and ; we did not consider something which we ought to have considered. These are the things which we did not consider. In every case, it is always a new fact emerging.

When you come and tell us that you want a decision to be rescinded, the first thing to do is to give us a catalogue of your reasons for asking us to rescind the decision. Senator Saraki has adduced no reason whatsoever for asking us to rescind our earlier decision. *(Interruptions)*

The President : I will make this the last appeal that we progress with the issues before us. I appreciate the points advanced by the distinguished Senator Atake. I agree that perfection can be achieved as the Senate progresses because we require more legal experts to draft our Bills and Motions and so on. But there has been a clear understanding and we are very clear in our minds as to the decision we had taken here, especially when we also cast our votes. I think we should now proceed with the business of the day. *(Interruptions)*

Senator Sola Saraki (Ilorin/Asa) : Mr President, distinguished Senators, on the 19th October, 1979, this Senate did not confirm the nomination of Chief Richard Akinjide, I refused to use the word *rejection* because our Constitution is very clear on this matter. We cannot reject a citizen of the country. We can only refuse to confirm him. We either confirm or we do not confirm. This is very clear in the Constitution. *(Interruptions)*

When this matter was considered in this Senate, a lot of allegations were made against Chief Richard Akinjide. Few of us asked him a lot of questions. If I may refer to one of them ; he was said to have deposited a lot of money of twenty-three thousand pounds in his accounts, and, of course, we all listened very attentively and we found that there was no substance in questions that were asked.

If you may very well remember, Mr President, they asked him where he got three hundred pounds which he paid into one bank ; where he got one thousand pounds he paid into the other bank. Then we asked the gentlemen questioners where exactly they were going. They said that the total sum of money paid into the various banks was £28,000.

Secondly, we read a lot of publications in the paper accusing Chief Akinjide. The papers said that a contract was awarded by the Ministry, and that he awarded this contract to Jamal Engineering Company and that he had a commission. This was not true. Contracts pertaining to buildings were awarded by the Federal Ministry of Works.

In 1966, immediately after the *coup*, the late General Ironsi instituted an inquiry into all Ministers and Chief Richard Akinjide was one of them. They looked into his accounts and found nothing. I have got the report of the Federal Ministry of Justice. The report was made by the CID and sent to the Ministry of Justice asking whether they could prosecute Chief Richard Akinjide, and they found that there was no substance in all the allegations. This is the report from the Federal Ministry of Justice. *(Applause)*

May I read the letter, Mr President?

The President : You may read.

Senator Sola Saraki : The letter reads as follows:

10th December, 1966

The Deputy Commissioner of Police,
Central C.I.D.,
Lagos

LEGAL ADVICE

I wish to refer to your letter No. CB. 3514/X/170 of 28th June, 1966 and to say that the Attorney-General of the Federation has agreed that this is not a suitable case for prosecution. Certain steps have been taken to get Mr Akinjide to declare his Assets.

I return herewith two duplicate case files as well as the ten Ministry files sent with your letter No. CB. 3514/X/172 of 2nd July, 1966.

Mr President, Sir, you can see that there was no substance in that allegation.

Thirdly, when the matter of Richard Akinjide was considered here on the 19th of October 1979, the matter went on for hours on end. You put the question, Mr President, Sir, and you declared that the Ayes had the day, but a few Senators refused to accept your verdict, and they asked for a division. This was debated for more than three hours and eventually, we on this Side of the Senate said that we had nothing to fear and we agreed to go into a division. But, Mr President, I would like to refer you to Standing Order No. 37. May I read, Mr President?

The President : You may read.

Senator Sola Saraki : It reads as follows :

37 (1) *No Senator may speak to any question after the same has been fully put by the President or the Chairman.*

(2) *A question is fully put when the President or the Chairman has collected the voices both of the Ayes and of the Noes.*

(3) *The result shall be declared by the President or Chairman stating "I think the Ayes have it"*

or "I think the Noes have it" as the case may be, but any Senator may challenge the opinion of the Chair by claiming a division.

38 (1) A division shall be taken by the Clerk calling each Senator's name and asking each Senator separately how he desires to vote and recording the vote accordingly. The Clerk shall then announce the number of those who have voted for and those who have voted against the proposal, and the President or Chairman shall declare the result of the division.

Mr President, Sir, I think this is enough for my case. When we decided here to go into a division, we acted outside the Standing Orders of this Senate. We voted here by show of hands and this was against our Standing Orders in this Senate.

A Senator : Even for those you voted for ?

Senator Sola Saraki : On that day, it was by show of hands and this was against the Standing Orders.

It was also alleged here in the Senate on that day that Chief Richard Akinjide was a tribalist. Of course, we all know him. Chief Richard Akinjide is one of our illustrious sons, a very brilliant and a very successful lawyer. He was the pro-Chancellor of the University of Jos and the National President of the Nigerian Bar Association (one of the very important Associations in the country). Chief Richard Akinjide was, on two occasions, approached by the Western Nigeria Military Governments to be a Member of the Cabinet as a Commissioner but on those two occasions, he refused because he had quite a lot on his plate.

Chief Richard Akinjide is well-known all over the country, and all over the world. He was also nominated as the NPN Gubernatorial Candidate for Oyo State, but of course, we all knew the results. We all knew what happened in that part of the country. Chief Richard Akinjide was a member of the CDC, the founding fathers of this Constitution that we are now using in this country, the laws that bind us and on which we are operating. He was also a Member of the Constituent Assembly and those of us who were lucky to work with him knew his worth.

Mr President, Sir, not to waste your time and the time of the Senate, I would like to appeal to each and everyone of you Senators here to let us watch ourselves, and let us search our conscience whether in Nigeria here Chief Richard Akinjide is not the right person to be a Minister in the Cabinet of Alhaji Shehu Shagari, the President of the Federal Republic of Nigeria. Of course, we all know the answer. Chief Richard Akinjide is one of the best Nigerians that we can produce to be a Member of this Cabinet. I would like to strike a note of warning here that we should not allow our political leanings to overshadow—

Some Senators : No politics here.

Senator Sola Saraki : We should not allow any political vendetta. Chief Richard Akinjide should not be a victim of circumstances. I would like to appeal to each and everyone of us in this Senate this

afternoon that the right course for us to take is to rescind the decision and confirm the nomination of Chief Richard Akinjide to be a Member of the Cabinet of the Federal Republic of Nigeria.

The President : I recognise distinguished Senator from Bendel, Senator Dafinone but before the Senator comes in, I want to make a few remarks about our visitors in the Gallery. You are welcome to listen to the Senate debates but, please, you must refrain from participating ; participating by way of clapping your hands or showing signs that could cause distraction. If I find that this cannot be controlled, I may be forced to ask my Sergeant-at-Arms to do justice. Senator Dafinone, you may speak.

Senator D. O. Dafinone (Bendel South) : Thank you, Mr President. In seconding the Motion, there are very relevant factors which I think this Senate should take into consideration. An individual in this country is not persecuted or condemned unless he has gone through the process of trial and convicted by the courts. Chief Richard Akinjide qualified as a member of the Constitution Drafting Committee, and qualified for election under the electoral laws. Nobody at that time, gave us the impression that Chief Richard Akinjide was corrupt in any form whatsoever.

We have read the proceedings of this Senate of the 19th of October, 1979 in which there were allegations that he made some lodgments in his bank account. But, nobody told the Senate that this money did not belong to Chief Richard Akinjide. There is the assumption that a contract was awarded to Jammal Engineering, and as a result of that, there were alleged kick-backs. Nobody said that Jammal Engineering gave money to Chief Richard Akinjide, and no evidence was adduced nor witness called to corroborate this evidence.

There is now, the Report from the Solicitor-General of the Federation probing the Ministers in this country who held office before the 15th of January, 1966. Incidentally, Chief Richard Akinjide was not found guilty. Those who were tried, and found guilty had their names published on the pages of newspapers in this country and we have no doubt who they are.

There is, relevant to this very matter, the issue of 1965. If we look at the Constitution, events that happened prior to 15th January, 1966, are discounted. If 1965 could be equated to 1956 and 1961, there will be many people in this country behind the bars for want of proper evidence. We have before us or we know as a matter of fact, that there is a procedure for awarding contracts in all Ministries. During the relevant period, I can say categorically, that contracts in excess of the value of fifty thousand Nigerian pounds were awarded by the Council of Ministers and the liaison between the Ministries is well known, and I am not going to comment on it. If the Balewa administration is being called to question or being condemned and if Richard Akinjide is a pivot of that administration, then, most people and perhaps some of those now in the Senate will equally stand condemned.

[SENATOR D. O. DAFINONE]

I have looked into the proceedings and found out that this young man at 28 entered Nigerian politics as a Member of the House of Representatives in 1961. He rose to be a Minister in 1965, and has held many distinguished posts in this country including being a member of the Constitution Drafting Committee. As far as we do know, at the relevant period in time, Chief Richard Akinjide was a member of the N.C.N.C. in which there was a fair proportion of elements from certain areas in this country, and if he discriminated against them, he could not have been in their fold. Time is of the essence on anything. Within the relevant period, 1965, Chief Richard Akinjide has committed no offence. From 1966 till today, he was not a public officer. Chief Richard Akinjide has been accused without corroborating evidence and I, therefore, submit that, firstly, the decision taken by Senate on the 19th of October, 1979—

The President : Did you say you therefore submit ?

Senator Dafinone : I therefore move.

The President : Did you say you therefore move ?

Senator Dafinone : I, therefore, second the motion that the earlier decision taken by this Senate be now rescinded.

The President : I recognise distinguished Senator from Ogun and leader of the UPN.

Senator J. A. O. Odebiyi (Egbado North/South) : Mr President, Sir, thank you very much for giving me the opportunity to speak, and I do hope that, as the Mover and Seconder of the Motion for rescission have been given audience very quietly, so I myself shall be given audience.

Mr President, Sir, on the 19th of October, 1979, the Senate took a decision by rejecting the nomination of Chief Richard O. A. Akinjide. The facts which were mentioned on the occasion are, of course, in the minutes of the Senate-in-Committee when examination of the candidates was being carried out. Later on, when we went for recess and before we came back, there were speculations that the President might re-present Chief Richard Akinjide and Mr Paul Unongo for reconsideration. I, on behalf of my party, then addressed a Press conference that it would be a situation in which a dent to the public image and honour of the Senate would be made if we were to reconsider them for appointment. This was because at the time that we considered these two gentlemen, we did so with analytical objectivity.

Now, the Honourable Leader of the Senate has brought a Motion for rescission of that decision, and he has given reasons why he has done so. When I did address the Press Conference, I did say that if these two gentlemen were renominated for consideration, we ourselves would marshal additional evidence to buttress our stand.

So, when the two gentlemen, were renominated and their names appeared on the Order Paper as a way of Notice, I wrote a letter to the President of the Senate to inform him that in order to buttress our argument with additional information and evidence subpoena should be issued on four people. This

subpoena, the application of which was issued, was addressed to the Attorney-General of the Federation, the Inspector-General, the Permanent Secretary, Ministry of Education, and on the following day, another one was issued to Chief S. O. Awokoya who was then the Permanent Secretary of the Ministry of Education.

Mr President, Sir, it is a matter for very deep regret that after writing these letters for subpoenae to be issued, the President of the Senate himself approved the issue of the subpoenae, and when the matter was to be taken up only two days ago the Leader of the Senate told me that I had not followed the necessary provisions of the Constitution for calling for evidence. He was referring then, Sir, to Sections 82 and 83 of the Constitution ; those Sections were dealing with powers of investigation of the Senate. We have here, Sir—

The President : I have no intention of interrupting you, distinguished Senator, but you are telling the Senate the conversation that took place outside this Chamber.

Senator Odebiyi : Not outside this Chamber, Mr President. I went across to speak to the Leader of the Senate.

The President : I do not think there is any question as to the validity of your report.

Senator Odebiyi : All right, Mr President, let us continue, Sir. In any event, I applied, Sir, for subpoenae to be issued and the position even in a court of law, Sir, is that when you subpoenae witnesses, they should be served.

The President : What I am saying is that there is nothing invalid about your application.

Senator Odebiyi : Let me go on, Sir.

The President : Yes, do.

Senator Odebiyi : As I was saying, the Senate Leader then said I had not complied with the provisions of Sections 82 and 83 of the Constitution, and those Sections deal with the powers of investigation of the Senate on matters of very great importance. Here in the Committees of Senate—Committee on Remuneration and Committee on Foreign Relations—people have been subpoenaed to come and give evidence, and the provisions of the Constitution as demanded by the hon. Leader of the Senate have not been complied with. If the hon. Leader of the Senate knew that the candidates in question have nothing to hide, why was he obstructing the issuing of subpoenae to these people, even when the President of the Senate had himself approved ? The file is there for everybody to see.

Now, what, therefore, emerges from this, Sir, is that the absence of witnesses to confirm or to deny the allegations that we made can only do irreparable damage to the public figure and public image and moral probity of Chief Richard O. Akinjide.

Now, the additional evidence, Sir, which I intend to use to buttress our argument is as follows : When the matter of Chief Akinjide collecting money or receiving bribe from Jamal Engineering Limited was raised, the matter was investigated by the

Assistant Commissioner of Police, Mr R. V. Jones in 1965. Mr R. V. Jones carried out the investigation, and a charge was filed; that charge was to be executed when suddenly, on 15th January, 1966 there was a coup. I then asked, Sir, in my subpoena that the charge-sheet the file and also the D.P.P. of the Department who was to do the prosecution should be brought to the Senate so that we can really ascertain the facts. But what the Leader of the Senate has done is to obstruct me by not serving the subpoena.

Now, it has been said by some people that Chief Richard Akinjide was being victimized because of the part he played in the question of the election petition of Chief Awolowo. You know, we have heard it said in the Holy Writ: *They shall have eyes and not see, they shall think they understand when they do not understand.* The facts are quite clear Sir. Chief Richard Akinjide is not the author of twelve two-thirds, he is not the author of 13 states. The author of 13 states, and of twelve two-thirds, is the Ministry of Justice, to whom a request was made by the Federal Electoral Commission for a proper interpretation of the meaning of two-thirds of 19 states.

Senator Amadu A. Ali (Benue West) : Point of Order!

The President : Point of Order, I recognise Senator Ali from Benue.

Senator Ali : Mr President, Sir, Order 26 (2) says :

A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto. Two-thirds is not what we are discussing. We have beaten you hollow there already. The Presidency is in our hands. What we are talking of here is a single Nigerian that you have maligned, that you produced frivolous evidences that were not in the custody of other people.

The President : Order! Order! I think the Order quoted by the distinguished Senator is being violated by the distinguished Senator himself. Senator Odebiyi may continue.

Senator Odebiyi : Mr President, Sir, the distinguished Leader of the Senate did refer to that section that we were victimizing him. What I am saying is that nobody is victimizing Chief Akinjide because he was not the author of the interpretation of two-thirds of nineteen States. He was only used as a ploy to sound public opinion by announcing it. We know the facts, because we have pieces of evidence in support.

The President : Please, let us have audience.

Senator Odebiyi : I think it was Senator Dafinone who said no corroboration of evidence was made here on that day. What we wanted to do to give an additional evidence to buttress our argument was to bring these people to come and give evidence. That, of course, you have blocked. In criminal offences there is no time bar. This is an elementary principle of law. In any event, Sir, the Senate took a decision after the facts were known. I think it would be a pity when in a country like this, where there are men of honour, men of moral probity, men

who have distinguished themselves both in their public and private lives, we should pick somebody on whom a lot of doubts have been cast.

The fact is this, Sir, whether Chief Akinjide is appointed or not, he cannot live down the allegations which have been made about him because in his Press statement on the 28th of November, he did not mention a word about money. Everything he said was that the Ministry of Works was the only Ministry that was awarding contract, that the only thing that happened was that the Minister of Education only initialled. He did not deny the charge that he paid money to his Bank account and that he could not account for it. As a matter of fact, during Police investigation the serial numbers of the money paid to the Bank, were known and they were paid back into another Bank account. All these were known through investigation. These are the facts we want to present here.

What happened is this, Jamal himself confessed to the Police that he gave money to Chief Akinjide when the Police went for investigation, they took the serial numbers of the money in the Barclays Bank Account.

The President : Order! Order! Distinguished Senators if I may just put in a few words, I am not interrupting you, but I would like to say that if you are pursuing issues that are pertinent you should bear in mind that we can invite the candidate and such issues are better presented; otherwise we are dealing with the Motion on rescission and you should try to confine yourself to the Motion under discussion.

Senator Odebiyi : Thank you, Mr President. You did allow the Senate Leader to give additional reasons why he is bringing the Motion for rescission.

The President : He did it within the time limit.

Senator Odebiyi : I have not talked for forty-five minutes.

The President : Order! Order! The Senate Leader is on the Floor. I recognise the Senate Leader.

Senator Saraki : Mr President, Sir, I would like to move that Standing Order Number 4 be suspended so that the business can continue.

The President : The question is that the Standing Order No. 4 which states that *the Senate shall rise at 6 o'clock* be suspended. I think I ought to put the question. The Motion has been proposed that the Standing Order No. 4 be suspended.

Question put and agreed to.

The President : Point of Order, distinguished Senator from Lagos, Senator Shitta-Bey.

Senator S. A. Shitta-Bey (Lagos) : It is Order 28 (iv) and (v). *During the sitting all Senators shall be silent and shall confer in under-tone.*

Senators shall not make similar interruption while any Senator is speaking.

Mr President, I think you are listening now. The distinguished Leader earlier said that he is entitled to be un-interrupted. When the distinguished

[SENAOTR .S.A SHITTA-BEY]

Senator from the other Side was speaking earlier on, we were silent here.

Mr President, I feel we should behave as matured people.

The President : I am inclined to uphold that Order. Let me say that in upholding the Order, it is applicable to both Sides. I noticed that on my left too, I have some heckling friends. That Order is upheld on the ground that it is for both Sides of the Senate.

Senator Odebiyi : Mr President, Sir, the point I am making is this. Chief Richard Akinjide occupied the post of a Minister in 1965 and he is now being brought back here for the same exercise. He is aspiring to be a Minister and of course what we should do should be to find out whether in the course of the performance of his duties then he did anything that would make him not a suitable person. My own suggestion, Sir, and the case which I am making is that he was a Minister of Education at Federal level. At that time his behaviour was below the normal standard expected of somebody occupying a very high office. For that reason, if he was to be considered again, his activities which he might have learnt then would have been more than perfected fourteen years after. This is why we are saying that he ought not to be considered at all for public appointment. With those few remarks, I beg to oppose the Motion for rescission.

The President : Is anybody seconding that Motion?

I recognise Senator Akintoye.

Senator S. A. Akintoye (Ondo Central) : I rise to second.

Senator Joseph Tarka : Mr President, Sir, it was originally not my intension to come into this debate at all because it involves the feelings of my old and new friends. It also involves the character of a great friend of mine who is being vilified by some colleagues of mine.

May I say, Sir, when we look round this Senate, we see distinguished Senators as strange bed fellows. And when the relationship becomes so strange, people will take it upon themselves to make true or wild allegations to destroy the character of their old friends, friends of today or even brothers.

I know that my Yoruba language is not perfect. If it were, I would have referred to a Yoruba saying which is very common. However, I hope you will forgive my poor intonation. It reads :

Gambari pa Fulani ko lejo ninu.

The meaning is this. When an Hausa man kills a Fulani man, there is no case. If Akinjide's brothers want to destroy him, that is their own business. But then it has become a national issue so we are all concerned with it. If we go by the Jewish law which is being propounded today, a pound of flesh for a pound of flesh, I would ask you to let no blood. An eye for an eye, I would say a tooth for a tooth.

I would like to say, Sir, that as far as we are concerned, Akinjide has not been prosecuted, he has not fallen within the new period of dispensation which we are now discussing. Therefore, any destructive argument adduced against him should be regarded by all Senators as a nullity.

I may also add, Sir, that we should remember that we shall apply the same yardstick in 1983. People who have been probed and found guilty—

Senator Adebajji Akintoye : Persons who have been imprisoned !

Senator Joseph Tarka : I was imprisoned too !

Sir, there are many presidential aspirants on this Side and there are many on the other Side. We shall look back into their past records and we shall say : *We will judge ye according to the various Inquiries, as Members of the National Assembly, as Commissioners, as Ministers, et cetera, et cetera.* I hope we shall remember this day.

I therefore appeal to all my colleague Senators to let us ignore detractors, people who want to destroy the character of eminent big brains of Nigeria. No one is saying *I must be a Minister*, and I think Chief Akinjide is not one of those who is saying *I must be a Minister*. He is not saying so. There are many people in this Senate including the distinguished Senator George Hoomkwap, who said : *I do not want to be a Minister, I can wait.* There are some of us here, if they wanted to be Ministers, who could pick and choose, but they said : *We do not want to be Ministers.* I, therefore, appeal to you to judge Richard Akinjide on his merit and not on sentiment and vote to rescind the previous decision which we took and confirm the distinguished gentleman's nomination, and recommend him to be made a Minister of Cabinet Rank in the Federal Republic of Nigeria. Thank you.

Senator Sola Saraki : Mr President, Sir, distinguished Senators—

Senator John Umolu (Bendel North) : Point of Order. Our manner of procedure is being altered. Is he winding up ?

Senator Sola Saraki : I want to wind up.

The President : Order ! Order ! What is the point of Order ?

Senator John Umolu : It is a point of Procedure.

The President : What is the Order number ?

Senator John Umolu : It is procedural. He cannot speak on the matter again expect he wants to wind up.

Senator Emmanuel Ogunleye (Ondo East) : Point of Order. It is Order 26 (11), it reads :

Except when the Senate be in committee no Senator shall speak more than once on any proposition before the Senate except in explanation if the Senator than addressing the Senate chooses to give way or to

a point of order or, in the case of the mover of a substantive motion or of an order of the day, in reply, but any Senator may second a motion or amendment without prejudice to his right to speak at a later period of the debate if he does so formally by saying "I beg to second".

There is somebody on this Side who has seconded the Motion. He has not spoken and this is a controversial matter. It is a very important matter and the whole world is looking at us. We have taken a decision, people are saying we have taken a wrong decision, and the Leader of the Senate has made his case. It is for us now to make our own case on the case he has brought up. Furthermore, there has been a suggestion that Chief Richard Akinjide should be brought here. If you want to bring him here, by all means bring him.

Senator John Umolu : I made a point of procedure and I want a ruling.

The President : To rule on what ?

Senator John Umolu : That the Senate Leader cannot speak on this matter except he is winding up, and the case has not been fully debated. The President indicated that this is an important matter and that this matter is going to be fully debated. We have been accused of so many things and we have to refute this accusation.

Senator Adebajji Akintoye : Mr President, Sir, we are appealing to the President on point of order to let more Leaders speak on this Motion before the Senate Leader winds up.

That is what we are saying Mr President, especially, bearing in mind that only one person has spoken against the Motion.

The President : I agree with you. In that case, if you want to speak now, I would allow you to do so.

Senator Akintoye : Mr President, I do not want to speak at this point. I would like to give my place to Senator Oke.

The President : If the distinguished Senator does not wish to speak, I would be free to recognise anybody who wants to. I recognise distinguished Senator Kolo.

Senator I. Kolo (Bida) : Mr President, Sir, I rise to support the Motion which seeks the appointment of Chief R. O. Akinjide. My reasons are as follows.

Firstly, he is a good man. (Applause) : Secondly, he is an honest man. Thirdly, he is a reliable man. Fourthly, he is a dependable man. Fifthly, he is a learned man.

A Senator : You are reading from a note.

Senator I. Kolo (Bida) : I am not reading anything. I am speaking from my brain.

The President : Wind up. I am putting the question.

Senator Kolo : Sixthly, he is first of all a Nigerian. That is not being disputed. Then, Mr President he is a Yoruba man. Mr President, nobody can argue on this. Seventhly, he is to the Yoruba man, what they themselves call *Omo Iya*, (Applause) which means he is the son of my mother. There are a lot of situations in the world. There is war, and many things like that which are bad for human beings but when it comes to *Omo Iya* we on this Side, have witnessed this sort of thing when it comes to divisions in the Senate several times. We have seen our *Omo Iya* walking to your Side. We did not resort to blows.

Senator O. Adebayo (Kwara Central) : Point of Order !

The President : What is the Order ?

Senator Adebayo : Order 26 (6)—No Senator shall impute improper motives to any other Senators.

The President : I am afraid, your Order is not referring to anything. I fail to sustain your Order. He is talking about Chief R. O. A. Akinjide.

Senator Kolo : I am talking about a Yoruba man called Richard Akinjide. When an Hausa man is shot by a soldier, tears would come out of my eyes but the extent, Mr President, to which our distinguished friends on the other Side have been taking their rejection, refusal, and so on clearly shows their hatred for him.

Senator Adebayo : Point of Order, 26 (2) (4)—

Senator Kolo : It is too much. It is un-Nigerian.

The President : Please wind up.

Senator Adebayo : This is a share waste of our precious time. Mr President, Sir, I was referring to Order 26 (2).

The President : Is it still relevant now as he has finished speaking ?

Senator Adebayo : It is still relevant for the President's information and education on this issue.

The President : I rule you out.

Senator Adebayo : Yes, you may.

The President : You may sit down Senator Adebayo. I think I am educated enough to sit here. Senators should guard their language. I will now put the question. (Interruptions)

Order ! Order ! Distinguished Senators may sit. Distinguished Senators, you may not speak until you are recognised. We have been debating, talking about this topic for quite some time in this Senate Chambers and outside the Senate Chambers, in the mass media, virtually it is on the mouth of every Nigerian. We will continue to talk if we still want to talk in the years and years to come. No matter how we speak and how we continue to talk, there is only one thing that we are going to do, and that is to take a decision. The grounds for decision has been well established in my judgment. (Interruptions)

THE PRESIDENT

Distinguished Senators, you may sit, please. There has been press conference called on this matter, there has been newspaper reporting, there has been discussions on the Floor of this Senate, and I am inclined to think that the time has come for Senators to decide once and for all on this matter. I am therefore, going to put the question. The question now is the Motion as contained in the Order Paper of today, item 2.

Question put and agreed to.

Resolved: That the Senate here rescinds its decision taken on 19th October, 1979, rejecting the nomination of Chief R. O. A. Akinjide as Minister of the Government of the Federation and the Senate hereby reconsiders the matter and confirms the renomination of the said Chief R. O. A. Akinjide by the President of the Federal Republic of Nigeria as Minister of the Government of the Federation, in accordance with Section 135 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

(Some Senators walked out) (Prolonged Interruptions)

The President: Order! Order! I will maintain order and discipline in this Senate. The Senate continues in session. I recognise the distinguished Senator from Ilorin/Asa.

Confirmation of Minister (Motion for Rescission)

Senator Sola Saraki: Mr President, Sir, distinguished Senators, I beg to move—

That the Senate hereby rescinds its decision taken on 19th October, 1979, rejecting the nomination of Mr Paul Unongo as Minister of the Government of the Federation and the Senate hereby reconsiders the matter and confirms the renomination of the said Mr Paul Unongo by the President of the Federal Republic of Nigeria as Minister of the Government of the Federation, in accordance with Section 135 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

The President: Order! Order! I would like the roll to be called to see if the Senate still forms a quorum.

ROLL TAKEN

Order! Order! Just for the purpose of record, at the time some Senators walked out following the decision on Item 2 on the Order Paper, the Senate continues sitting with 56 Senators in attendance. I recognise the distinguished Senator from Ilorin Asa and Leader of the Senate.

Senator Sola Saraki: Mr President, Sir, distinguished Senators, I have moved the Motion standing in my name on the Order Paper under Item number 3, that the Senate hereby rescinds its decision taken on 19th October, 1979, rejecting the nomination of Mr Paul Unongo as a Minister of the Government of the Federation.

Senator Andrew Abogede (Benue North-Central): Mr President, Sir, point of order.

The President: Point of order, Senator Abogede.

Senator Abogede: When we go wrong we should call ourselves to order. There are some Senators who walked out. There was a decision that was arrived at which made them walk out. This decision should be re-committed and votes taken so that we know the exact position. Mere counting of Senators present is not enough. The remaining Senators may not associate themselves with the decision taken.

The President: I will only put that to test if my decision was challenged.

I recognise Senator Adegoke.

Senator Ademola Adegoke (Oyo): Mr President, Sir, distinguished Senators and members of the public in the gallery.

Several Senators: No.

The President: I take it that the Senator speaking knows that he is a Senator of this Senate, and that you do not address members of the public or spectators in the gallery. I would like you to re-take your address properly to entitle you to continue to speak.

Senator Ademola Adegoke: Mr President, distinguished Senators, I would want to support the suggestion of Senator Abogede that we move an adjournment for today.

Senator Andrew Abogede (Benue North-Central): I did not say that.

Senator Adegoke: What have you said please?

Senator Abogede: I said that the votes should be taken so that we know those who are in favour of the decision taken and those who are against.

Senator Adegoke: Even if we have not made that decision, I would just want to put forward my observation that we suspend all hearing of today till tomorrow. I have my reasons. My sitting down here does not make me a black leg, but various distinguished Senators here have reasons for joining politics and one of the reasons why I personally have opted for it is that it is a calling to contribute in a small way by which there could be peace and stability in this country. If we look back at this country, we will find that nineteen years ago we had independence but virtually we have achieved nothing. It is always a confusion caused by tribalism or one form of allegation or the other. Now, all of us cannot speak alike otherwise we would not have prophets, we would not have spiritualists and we would not have all these type of people around.

Now, my humble appeal is that a small Committee be set up to speak to the Side that was annoyed and walked away from the Senate. It is an appeal that we should not even cry over spilled milk. Somebody like Richard Akinjide is a Nigerian, but I believe by conscience that a good warrior should know when to retreat. Chief Akinjide is the choice of the President of this country and it is our responsibility to let the President work with those type of people he feels he can work with.

There is a proverb in Yoruba land which says : *Let the child die in the mother's hands*. We personally would not want to contribute to his failure and besides that, there is a section of the Constitution which says that all of us should forget the past taken effect from 15th January, 1966. This humble appeal is to all Sides of the Senate. Good and well meaning Nigerians should make sure that this does not generate into a loss of opportunity of democracy. (Applause)

The President : I recognise distinguished Senator Jaja Wachuku.

Senator Adegoke : Point of Order, Mr President. On my suggestion, please I just want somebody to support otherwise, I want to press for a Division on this my suggestion.

The President : You are pressing for a Division because nobody is seconding you.

Senator Uba Ahmed (Bauchi South-East) : I am seconding him, Sir.

Senator Jaja Wachuku (Aba) : Mr President, you have recognised me.

The President : Order ! Order ! I will come back to the distinguished NPP Leader. I think that we must clear the grounds so that there will be no ambiguity. Distinguished Senator Adegoke spoke and insinuated a Division. Are you calling for a Division or not ?

Senator Adegoke : I am calling for a division.

The President : Order ! Order ! I ruled that the Ayes had it in reference to the consideration of item number 2 on the Order Paper, and my decision has been challenged. I submit to that challenge that there should be a division. Those for the Ayes should go to the right side—

Senator Jaja Wachuku : Point of Order, Mr President. You recognised me.

The President : Yes, I have recognised you.

Senator Jaja Wachuku : Mr President, Sir, this is the highest part of the legislature of this land and, therefore, whatever we do here we must do it with every sense of responsibility. When the Motion was being debated, I asked the Senate Leader what was being discussed because I came in a bit late and we agreed that we were discussing the subject of rescission of a decision which was taken by the Senate following which the question of confirmation will arise. But there seems to be a confusion here. What is the decision that has been arrived at, Is it the rescission of the decision that has been arrived at or confirmation ? That is a point which has to be made clear. There is another complaint, Mr President, which I was informed of when I came here because I asked what caused the rumpus. The complaint is that the opponents of this Motion were not allowed the freedom to give

expression to what they had to say. Mr President, Sir, I would say most seriously and with a great sense of responsibility, that listening to the debate here—

The President : That I should have allowed you to contribute too.

Senator Jaja Wachuku : It is quite clear—

The President : But you did not stand up. If you had stood up I would have recognised you.

Senator Jaja Wachuku : Mr President, what we are saying here is this. There is a principle that the minority or the opposition can have its say and the majority can have its way.

The President : Order ! Order ! May I just save some time for the Senate. The distinguished Senator said he was not in, so he conferred with the Senate Leader. Maybe you were not here to see a lot of things that transpired.

Senator Jaja Wachuku : But he assured me of that.

The President : Well, whatever was your private conversation is different from what we have been seeing here on the floor. If you have any other thing to add, please do, otherwise I would call for a Division as has been pressed for by the distinguished Senator (*Ademola Adegoke*).

Senator Jaja Wachuku : Mr President, what I want is a clarification on the decision which was taken.

The President : You were voting on what is contained on the Order Paper you have. That is what you are voting for. It is item No. 2.

Senator Jaja Wachuku : Mr President, Sir—

The President : I hope that this is not degenerating into a dialogue between the distinguished Senator and the President of Senate.

Senator Jaja Wachuku : Mr President, Sir, we will like what has to be done to be done aright. Whatever we are to do in this Senate, we should do aright.

The President : What are you asking for ? You are wasting the time of the Senate. I do not know what you want. Are you supporting a Division or opposing it ?

Senator Jaja Wachuku : Surely, Mr President, if the President collected the voices of the Senators, and then there was opposition to it and a division called, I think that that would have been the proper thing to do, to decide it once and for all.

The President : That is what I am doing. Somebody has challenged my decision, and called for a division. The Ayes should go to the right side of the lobby and the Noes should go to the left side of the lobby. Mr Clerk, will you organise a division and ring the bell.

Question put and the Senate divided.

AYES : 48 NOES : 1 ABSTENTIONS : 8

Question accordingly agreed to.

AYES

Abdulkarim, Mr Muhtari
 Abogede, Mr Andrew
 Obaro, Mr Isa
 Agwai, Mr Muhammadu Musa
 Ahmed, Mr Mohammed Uba
 Akan, Mr Victor
 Ali, Alhaji Abba
 Ali, Col. Dr A. A.
 Anah, Chief N. N.
 Anyanwu, Chief Tony
 Audu, Mr Iliya Galiya
 Bakori, Mr Bello
 Barau, Alhaji Ibrahim
 Chia, Mr Suemo
 Dada, Col. Garba Musa
 Dafinone, Mr D. O.
 Danbatta, Alhaji Usman Alto
 Daniel, Mr George A.
 Daura, Alhaji Yusuf Aliyu
 Dimis, Alhaji Ibrahim
 Ebute, Mr A.
 Ellah, Mr F. J.
 Etiebet, Mr D. D.
 Gada, Alhaji Garba
 Gilama, Mr Gayus
 Hoomkwap, Mr George B.
 Ansa, Mr Joseph Oqua
 Kolo, Alhaji Ibrahim
 Kware, Alhaji Garba
 Lawan, Alhaji M. G.
 Madaki, Mr Jacob Kure
 Magaji, Alhaji Abubakar
 Gani, Mr Aliu Mohammed
 Mu'azu, Alhaji A.
 Muza, Alhaji Haruna
 Nunich, Barrister C. N.
 Nwali, Dr Offia
 Ojukwu, Mr S. M.
 Rufai, Alhaji A. D.
 Saleh, Alhaji A. Yalwaji
 Salihu, Alhaji Jibrin
 Saraki, Dr Abubakar Sola
 Tarka, Chief J. S.
 Eberewariye, Dr O.
 Waziri, Alhaji I. Jalo
 Yepwi, Mr Thomas
 Zuofa, Mr A.
 Zuru, Alhaji Hassan

NOE.

Adegoke, Mr A.

Abstentions

Senator Isaoah N. Ani
 Senator B. C. Okwu
 Senator U. L. Barma
 Senator L. Z. Zing
 Senator E. P. Echuero
 Senator Jaja Wachuku
 Senator Garba Matta
 Senator Obi Wali

Tellers for the Ayes

Senator A. Adegoke.

Tellers for the Noes

Senator Muhtari Abdulkarim.

Senator A. Abogede (Benue North-Central) : Mr President, Sir, I will be very much grateful if the President will see with me that abstentions are recorded properly so that we have correct recording of proceedings of today.

In any case, when a group of Legislators walked out the way they did, it is proper to get the full record of what transpired in the Senate at the material time.

The President : I think that Senator Abogede is raising a very fundamental point. You cannot be in the Chambers of the Senate and shirk the responsibilities of a Senator, if you signed the Register as being present. A decision has to be taken as to whether you are for the Motion, against the Motion or that you have declined to vote. In which case, you are neutral. It is a responsibility and I will ask the Clerk of the Senate to so record, very quietly, those who have abstained in this instance.

Senator S. M. Ojukwu (Umuahia) : Mr President, Sir, I want to draw attention of the Senate to Order 38 (2) which says :

Every Senator present, unless he expressly says that he declines to vote, shall record his vote either for the Ayes or the Noes. The Clerk shall enter in the Minutes of Proceedings the record of each Senator's vote, and shall add a statement of the names of Senators who decline to vote.

Mr President, Sir, there are a lot of people in the Chambers here who did not vote. The roll should be called. We know those who went out, we know those who are remaining here, then their names can be recorded.

The President : I think I am inclined to sustain that Order Number.

Senator Jaja Wachuku : Mr President, yesterday, I wanted to raise that Order but I was not allowed. I raised the Order twice, and I was not allowed. Now, a certain procedure has been carried out and I do not know how it has been concluded and the results.

The President : Yesterday is not today.

Senator Jaja Wachuku : I know, but on this same Order I wanted to speak three times yesterday.

The President : But you did not speak on it.

Senator Jaja Wachuku : I shouted Point of Order! Point of Order! three times—

The President : I have no record that you spoke on it.

Senator Jaja Wachuku : Mr President, then, I was not allowed to speak so that we might know how this is done. Now, a division has been forced, tellers have reported. Under what procedure are we now going to get the people to record their names against their line of voting ?

The President : Under the very Order that has just been quoted, by distinguished Senator Ojukwu from Imo. I am recognising distinguished Senator from Imo, Senator Jaja Wachuku.

Senator Jaja Wachuku : Yes. So, Mr President, Sir, some of us have abstained from voting in protest.

The President : I am not concerned with individual reasons. That is irrelevant.

Senator Jaja Wachuku : We want it put on record that the proceedings in this Senate must be conducted in accordance with the provisions of the Standing Orders.

The President : Do I consider that to be an indictment? I want you to answer that question, and I am prepared to submit myself, if it is.

Senator Jaja Wachuku : All I know is that—

The President : I want the distinguished Senator to answer my question. Is that an indictment? I am prepared to submit myself, if it is an indictment.

Senator Jaja Wachuku : I am telling Mr President that yesterday when I raised this Point of Order—

The President : I want you to answer my question, distinguished Senator from Aba. Is that an indictment because if it is, I am prepared to submit myself.

Senator Jaja Wachuku : Submit yourself to what, Mr President?

The President : To the decision of the Senate as to whether or not the Senate had been properly conducted today.

Senator Jaja Wachuku : Mr President, I am saying that—

The President : I want you to answer my question categorically.

Senator Jaja Wachuku : I am saying that this Senate, today has not been conducted in accordance with the rules. That is what I said.

The President : Therefore, I take it as an indictment (*Interruptions*). Order! Order! I will put the question before the Senate. The question is that the Senate has not been properly conducted today. Is that the wish of the Senate?

A Senator : It has not been seconded, Mr President.

The President : So, it is a one man's view. The question is, therefore, dismissed. Thank you very much.

Senator N. N. Anah (Anambra South) : Mr Chairman, Sir, this Motion which was proposed by the NPP Leader of the Senate is not seconded. In view of the fact that it is a consensus of this Senate that the Senate was properly conducted, and a time has been reached when we must show maturity in the highest Legislature of this land. No one section of this Senate can hold others to ransom. Dialogue is the best way of solving any problem, and on problem has ever been solved by walking out.

If anybody knows that he will be defeated, the best way of showing it is not by walking out. You must show some maturity, go to the polls, and vote. I think when the first voting was made the hand writing was boldly written on the wall because the second voting would necessarily follow the same pattern as the first. It is because these people saw that they were defeated in the first voting, which necessarily predicted the trend of the second voting that they had to walk out.

That is the reason why they walked out, and for anybody to say that this Senate was not properly conducted, I do not associate myself with that view because many people were given opportunities to speak and as a matter of fact, if I were the President of the Senate, I would not have had the patience which he had by allowing scores of people to speak, in fact, to a point of repeating themselves. We must show some maturity and nobody can hold others to ransom. We have formed a quorum and I beg to move that we get on with the proceedings of this Senate.

Senator Sola Saraki : Mr President, distinguished Senators, I beg to move the Motion standing in my name on the Order Paper.

Senator Ojukwu (Umuahia) : Mr President, I raised a point of Order which was upheld. Division has not been completed because we have not got the names of those who abstained (*Interruptions*). Let me make a statement. The names should be announced.

The President : May I call on the Clerk of the Senate to announce the names of Abstentions? (*Division List Read*)

Senator E. P. Echeruo (Okigwe) : Mr President, Sir, I refer the Senate to Standing Order 38 (1) which says:

A division shall be taken by the Clerk calling each Senator's name and asking each Senator separately how he desires to vote and recording the vote accordingly. The Clerk shall then announce the number of those who have voted for and those who have voted against the proposal, and the President or Chairman shall declare the result of the division.

The President : I sustain that Order. I call on the Clerk to call the names. (*Division List again Read*)

Senator Sola Saraki : Mr President, distinguished Senators, I rise to move Motion No. 3 in my name—

That the Senate hereby rescinds its decision taken on 19th October, 1979 rejecting the nomination of Mr Paul Unongo as Minister of the Government of the Federation and the Senate hereby reconsiders the matter and confirms the re-nomination of the said Mr Paul Unongo by the President of the Federal Republic of Nigeria as Minister of the Government of the Federation in accordance with Section 135 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

Senator Jaja Wachuku (Aba) : I beg to second the Motion.

The President : The question is that Item No. 3 on the Order Paper as proposed by the Senate Leader and seconded by the NPP Leader is for the rescission of the decision earlier taken on the President's nomination of Mr Paul Unongo as Minister.

Senator Amadu A. Ali (Benue West) : Thank you very much, Mr President. I rise to move a counter Motion to the effect that having done very well for today, we suspend the business of the day and reconvene tomorrow to continue from where we have stopped.

The President : You are now moving a counter Motion to the Motion on the Floor ?

Senator Ali : I am, Sir.

The President : You are suggesting an Adjournment.

Senator Ali : All right, Sir, I am moving a Motion for Adjournment then.

The President : Then you have to wait. I am still dealing with the Motion in question.

Senator Ali : If I wait, you will not give me a chance. Mr President, Sir, I would like us to feel that the Senate, as the Upper House of this nation, has always operated in a spirit of continued co-operation, of collaboration and concensus.

The President : Are you suggesting that that has not been ?

Senator Ali : Have I finished, Mr President ? Let me land first, I am still in the air. In view of this, Mr President, we have done very well so far and very democratically, and everybody knows that, at the moment, everybody is tired and fatigued. I, therefore, suggest that we do not want to be *Nunished* on the way, we would like to suspend the business of the day and go home and reconvene tomorrow.

The President : Order ! Order ! There is Item No. 3 on the Order Paper, proposed and seconded. We may dispose of that Item before we proceed further. I recognise Senator Dafinone.

Senator Dafinone (Bendel South) : With all due respect, Mr President, when we considered the previous case, there were valid reasons why we moved the Motion for rescission. The Senate Leader has not given us any reason whatsoever why Senate should reconsider its decision. On this ground, Mr President, unless he gives us any reason, I ask that the decision be not rescinded.

Senator Anah (Anambra South) : Mr President, Sir, I feel really dismayed by the argument of some of the distinguished Senators. My good friend, Senator Ali, said we have done very well today. We have two Motions on the Order Paper, and we have done very well because we have disposed of the Motion which he sponsored. Therefore, we have done very well, we have to think of collaboration. *(Laughter)*

With due respect this is not a laughing matter. I am sure that some people will not take us for a ride here—we on this Side of the Senate. You should not take us for a ride at all.

I have always been acting on principle, and it is this principle which regulates my life all through. I do hate applying double standards. If the Leader of the Senate found it neat and proper to put two Motions on the Order Paper, and if he found it neat and proper to change the Order of the Day to extend the time, I think really it is taking some people for a ride when, after we have disposed of one Motion, somebody will say that we have done so very well today.

Mr President, Sir, we are not going to apply double standards. Both of them were rejected during the last sitting of the Senate. The President has found it neat and proper to re-present them for reconsideration by the Senate. Their names have appeared on the Order Paper. It will be applying double standards, and I must say that people who contribute to this application of double standard are not showing a good act. *(Interruptions)*

Mr President, I am really bereft of words, because some people start to behave in a manner which will cause—*(Interruptions)*

Senator Magaji Abubakar (Suleja, Formerly Abuja) : Mr President, I rise to support Senator Anah.

The President : He has not finished yet. Senator Anah, you may continue.

Senator Anah : Thank you very much, Mr President. I am saying that we are distinguished Senators. We have all our local problems everywhere, and if we are to succumb to local problems which are hunting each and everyone of us here, we cannot arrive at a right decision in this Senate. We must really apply justice in the determination of what we do here. Twice beaten, thrice shy. This is just my warning. Another thing is coming up. Thank you.

Senator John Wash Pam (Jos) : Mr President, Sir, perhaps unless when I am presiding, this is the first time I am speaking on the Floor of this Senate. I rise to associate myself completely with the stand taken by the distinguished Senator Anah from Anambra. Some of us feel very strongly about this, and I think this is the time when people who have principles in this Senate must come up and say something.

Mr President, Sir, it will be seen that when the two names, the names of Chief Richard Akinjide and Mr Paul Unongo were first presented to this Senate, the order was Mr Paul Unongo first, and Chief Richard Akinjide second. Before that, we had Mallam Adamu Ciroma and Prof. Iya Abubakar, and no sooner had we approved the first two, when it got to Mr Paul Unongo the accord that many of us here had sacrificed a lot to accommodate was abandoned. It is because of this that I rise to say that if this Senate should be taken seriously at all by the generality of the populace of this country, it is time that we do and act so that we will be treated as such

It was also noticed yesterday or two days ago that when the list was re-submitted, Mr Paul Unongo's name changed position; Chief Richard Akinjide's name came first, and Mr Unongo's name came second. My suspicion was that there was something up the sleeves of our partners in this accord. It appears now, unless something happens, this stand is being vindicated. As it would appear now, since our brothers in the accord—

The President: I hope that the distinguished colleague and my Deputy will restrict his speech to what is relevant on the Floor of the Senate.

Senator John Wash Pam: I consider this most relevant, Mr President.

It now appears that since Chief Richard Akinjide has gone through, nobody is interested in the case of Mr Paul Unongo.

The President: I think that is to pre-judge the issue.

Senator John Wash Pam: At least, the first few speakers on this issue have indicated so. I just want to sound a note of warning, and I hope in the spirit of this accord, that what is good for the goose is also good for the gander.

In fact, Mr Paul Unongo is a debtor and every businessman in this country is a debtor, but there has not been any White Paper in this country on Mr Paul Unongo to the effect that he has either received bribe or has been found corrupt in any quarters. For this reason, I would ask Senators to consider Mr Paul Unongo just as they have done with Chief Richard Akinjide. In fact, I think they are both good and if we were to give them marks, Mr Paul Unongo could have come first and Chief Akinjide could have come second. Mr Paul Unongo would have got ninety per cent and Chief Akinjide eighty-five per cent.

Senator J. O. Ansa (Calabar): Mr President, Sir, a situation like this requires strong minds, maturity and cool-headedness. We have foresights, and we must use them very effectively. The opportunity this occasion has presented must have to be utilised in all its ramifications. The fact that we have had two people who have been re-presented here for rescission of the Senate is the very reason that we have seen the need to do that. And since even the architects of non-intervention maintain that what is good for goose is good enough for the gander, we are duty bound to do justice to the issue here on this Paper.

I, therefore, crave the indulgence of Senators to please make sure that the time which we have extended in this Senate is properly utilised, knowing fully well that tomorrow, (Friday) is half a day, and the Senate will be rising at Mid-day. I, therefore, wish to say, except the Leader of the Senate (*Senator Saraki*) has some further particulars to bring to the Senate, that the very reason that made Mr Paul Unongo's name to be sent back by the President should be the very reason at the back of our minds in giving it our due consideration; otherwise, we will actually be injecting much bitterness in this Senate.

I, therefore, crave the indulgence of Senators to please do justice and leave it where it belongs.

Senator Sola Saraki (Ilorin/Asa): Mr President, distinguished Senators, I feel very disturbed to hear all that your Deputy has said. I would like to assure him that we on this Side of the Senate are men of honour, and I am sure all the Senators in this Senate are men of honour. Therefore, there is no trick in our attitude or in our action this evening. It is true that there is an understanding between us, and that notwithstanding, you should have waited to see how we are going to react later on.

Be that as it may, Mr Paul Unongo came before us here on the 19th of October, 1979, and he was interviewed by a few Senators. It was true that Mr Unongo was not found guilty of any criminal offence or of any corruption. What they alleged, which they could not substantiate, was that he borrowed ₦8 million from the bank, and they wondered how the money would be refunded when it was time to pay it. It was true that he was a businessman and I am sure he is still a businessman; until his nomination is confirmed by this Senate, he remains to be a businessman, and he is entitled, like anybody else, to go to the bank or to any financial institution to borrow money for business. I am sure some of us here who were in business before the elections did get money from the banks and I am sure—

The President: I do not know whether that includes you.

Senator Sola Saraki: I have this fact because I used to be a banker.

I think it will be wrong of us here to pre-judge the issue. It is unfortunate that our Colleagues on the other Side of the Senate have walked out, but I am sure—

The President: They have retired, they did not walk out. They took part in the deliberations of the Senate today.

Senator Sola Saraki: But I think we are mature enough and we should be able to learn how to be democratic. We should learn that if a result does not go in the way we want it, we should have a big heart to contain it.

I am sure that tomorrow morning my Colleagues would have slept over the matter and would come back to apologise for withdrawing from the business of today.

Mr President, Sir, Mr Paul Unongo is a businessman and now, his name has been resubmitted to us for confirmation as a Minister of the Federal Republic of Nigeria. We have nothing against him, and I can assure you that we on this Side of the Senate would vote for him. But I think that whatever we do in this Senate should be done in a legal manner. What worries me very much now, Mr President is whether we have got the quorum now? I have sent one of my whips out—

The President: Do not worry about that, I shall come to that.

Senator Saraki : I have sent out one of my Whips to bring other Senators in to come and vote. What some of them suggested me as the Leader of this Senate was it would be better to get other Senators in tomorrow and the matter put before them. We are in majority and as long as we practise democracy in this country, the majority will always win.

Therefore, I would like to appeal to our Colleagues on the other Side of the Senate that we are going to vote for Paul Unongo ; we are committed to vote for him. He is a businessman and he has not been found guilty of corruption nor found guilty of any offence. What right have you got in this Senate to say that you will not vote for Paul Unongo to be a Minister of the Government ?

Some Senators did refer to some of his activities in 1965. Mr President, Sir, you were also a member of the Constituent Assembly ; I was there also. Some of us were against a provision to be inserted in the Constitution that anybody found guilty of any offence after 1960 should not be allowed to come in. You, Mr President, Sir, were one of those who opposed the Motion and I also was one of those who opposed that part of the provision. If that provision had been allowed to stay in the Constitution today, I know so many people who would not have been able to contest the elections. How can anybody come here and adopt double standards in the consideration of this exercise we are performing this afternoon ?

Therefore, once we can get the quorum, I can assure you, we on the NPN Side would vote one hundred per cent for Paul Unongo so that he will become a Minister of the government.

The President : Order ! Order ! I shall recognise the distinguished leader of the NPP in a moment, but I want the Clerk to the Senate to take the attendance again because the issue of quorum has been raised.

The Clerk of the Senate : There are forty-two Senators in the Chamber.

The President : There are forty-two Senators in the Chamber and that is more than enough to form a quorum. I now recognise the distinguished leader of the NPP.

Senator Jaja Wachuku (Aba) : Mr President, Sir, I am grateful to the Leader of the Senate for his last speech. I know that we have good friends on the other Side of the Senate. We may disagree over certain things but when it comes to a question of fundamentals particularly, this Senate had moved on the basis of the spirit of the Accord.

Mr President, Sir, as has been mentioned, the fact that nobody has presented anything against Paul Unongo now shows that we have nothing against him. The last time, it was a question of business transactions by his company. The facts were clear, and the young man said *if I am appointed a Minister and I am asked to hands-off all these, I am prepared to do that*. He also said that he had set up the machinery to deal with the business. I think distinguished Senators will all remember that, and I am sure they have this at the back of their minds.

As the distinguished Leader of the Senate has said, I do not think we should waste the time of the Senate.

So, with these few remarks, I move that the question be now put.

Senator J. S. Tarka (Benue East-Central) : Mr President, before the question is put, I would like to be chanced to speak. Mr President, we have the so-called accord which influences some of us to come to this Senate to work for the accord from hospital beds, and all of you have seen what some of us have contributed towards the passage of the various Ministers.

I am a very disciplined party man, a disciplined Senator and a leader in my own right anywhere in the world. I must make a plea. I ask if this Senate has become a rubber-stamp, and there is a letter from our Chairman talking of Accord, a lopsided one. When it is convenient for the distinguished Leader of the NPP, the Accord works. When it is not convenient, he votes across there against important issues and against Ministers proposed by us. He did it yesterday in respect of a Minister we had coming through the passage of this Senate.

And today he has shown his Accord by abstaining. Today, he abstained from voting on another Minister whom he says he paired with Paul Unongo, and he influenced a lot of Senators either to walk-out or to abstain or to vote against. That is the gentleman, the distinguished Senator, who talks of an accord. The spirit of the Accord is only in your favour ; his demand for Chairmanship of this, demand for this Ministry, demand for that concession, demand for leadership of the House of Representatives about which he has no right to talk, and demand for Speakership, *et cetera, et cetera*. I have a right of hearing.

An hon. Senator : Point of order.

The Deputy President : Senator Tarka, Please wind up.

Senator Tarka : I am winding up. Mr President. I am giving a very grave notice to various Senators especially on this Side of the Senate. If you do not adjourn and get on with the matter tomorrow, if you insist and vote you have yourselves to blame. You will lose one-third of your Membership, including myself, and we will seek what is known as children's hundred. If you think it is an empty threat, dare you. We had won our State and the other States around us. You want to lose all those States in the future for reasons of an Accord which does not exist. We know how many of our people were thrown in jail, we know what we went through, and why some of us are so tired and sick.

Senator N. N. Anah (Anambra South) : A serious point of order.

The President : Point of order, Senator Anah to speak.

Senator Anah : What we are discussing now is whether or not we are going to rescind the decision which we took here. We are not discussing accord or no accord. You may have certain things against

some of our Members but you will realize that there are some of us who have been consistent and we cannot be sacrificed on the altar of consistency or inconsistency.

The President : Your Point of Order is on relevancy. I uphold it.

Senator N. N. Anah : Thank you, Sir.

Senator J. S. Tarka : Mr President, Sir, I would hardly have mentioned the accord except that it was mentioned by my distinguished colleague from Aba (*Senator Jaja Wachuku*). I have expressed my feelings to my colleagues and I appeal to them that if there is an insistence to take a vote, they should vote on that side "NIL".

Senator Offia Nwali (Anambra East) : Point of order.

The President : I recognise Senator Nwali to speak.

Senator Nwali : Thank you, Mr Chairman, I would like to inform the Senate that the last time that distinguished Senator Tarka talked about the accord he had to apologise to the whole Senate after he had made his statement, that was some weeks ago.

The President : But we ruled that that was irrelevant.

Senator Nwali : I wish to inform the Senate that if he continues in that vain, we would not accept the apology the second time.

The President : That is still irrelevant. I think I had better put the question now. (*Interruptions*) I recognise Senator Abdulkarim to speak.

Senator Muhtari Abdulkarim (Sokoto East) : Mr President, Sir, I think we had better leave this matter until tomorrow.

Several Senators : No.

The President : Is that a Motion? The question as I was briefed by my Deputy was that it was time to put the question. I would now put the question. The question is that Item No. 3 as contained in the Order Paper of today, calling for a Rescission on the question of the President's nomination of Mr Paul Unongo be so upheld.

Question put and the Senate divided.

Ayes ; 28 Noes ; 6 Abstentions; 6

Question accordingly agreed to.

AYES

Abdulkarim, Mr Muhtari
Agwai, Mr Muhammadu Musa
Akan, Mr Victor
Anah, Chief N. N.
Ansa, Mr Joseph O.
Anyanwu, Chief Tony
Dada, Col. Garba Musa
Daniel, Mr George A.
Daura, Alhaji Yusuf Aliyu
Dimis, Alhaji Ibrahim

Echeruo, Mr E. P.
Etiebet, Mr D. D.
Hoomkwap, Mr George B.
Kware, Alhaji Garba
Magaji, Alhaji Abubakar
Gani, Mr Aliu Mohammed
Mu'azu, Alhaji A.
Musa, Alhaji Haruna
Nunieh, Barrister C. N.
Pam, Mr John Wash
Saleh, Alhaji A. Yalwaji
Saraki, Dr Abubakar Sola
Wachukwu, Dr Jaja A.
Wali, Dr Obi
Eberewariye, Dr O.
Waziri, Alhaji I. Jalo
Yepwi, Mr Thomas
Zuofa, Mr A.
Zura, Alhaji Hassan

NOES

Abogede, Mr Andrew
Ali, Alhaji Abba
Audu, Mr Iliya Galiya
Dafinone, Mr D. O.
Ebute, Mr A.
Tarka, Chief J. S.

Absentions 6

Nwali, Dr Offia
Obaro, Mr Isa
Salihu, Alhaji Jibrin
Lawan, Alhaji Mohammed Girgiri
Gada, Alhaji Garba
Zing, Pastor Luka Zanya

Tellers for the Ayes :

Senator V. Akan

Tellers for the Noes :

Senator Muhtari Abdulkarim.

The President : I recognise the distinguished Senator from Ilorin/Asa, the Leader of the Senate.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa) : Mr President. distinguished Senators, I beg to move that the Senate stand adjourned till tomorrow at 9 o'clock in the morning so that we can finish in time.

Senator M. Abdulkarim (Sokoto East) : I beg to second.

The President : The question is that the Senate do stand adjourned till 9 o'clock tomorrow morning.

Question put and agreed to.

Resolved : That the Senate stand adjourned till 9 o'clock tomorrow morning.

The Senate adjourned accordingly at 8.00 p.m.

SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

Friday, 14th December, 1979

The Senate met at 10.30 a.m.

PRAYERS

(The President in the Chair)

QUORUM

The President : I recognise the distinguished Senator from Bendel State, Senator Dafinone.

Senator D. O. Dafinone (Bendel South) : I, with due respect, submit that, in view of the absence of a quorum, the proceedings of the Senate today should stand adjourned.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I would like, first of all, to say that it is wiser to take the count before we take in his Motion.

The President : Well, I know that in the past that we have always been lenient to late comers and that the bell went for quite a short time. I know that there are some few people here who have not shown up in the Chamber yet.

However, will the Clerk take a count for the time being ?

Where is the Senate Leader ? He has been in my office. I left him behind. Let us allow another five minutes.

Will the Serjeant-at-Arms ring the bell ?

Senator Jaja Wachuku rose.

The President : We have not started the business of the day. I gave a space of five minutes.

Senator Wachuku : Well, that is exactly what the Standing Order says. The time to start business when we adjourned yesterday was to be nine o'clock. The time now is going to 11 o'clock.

The President : What does the Standing Order says ?

Senator Wachuku : In the first place, the Senate adjourned to meet at 9 a.m. The Standing Order says, if I may read—

The time is going to 11 o'clock and up till now there is no quorum formed.

The quorum of course is one-third under Section 504 of the Constitution. Subsection 2 of that Constitution says :

If any Senator draws the attention—

The President : You should read Standing Order 8.

The quorum of the Senate shall not be less than one-sixth.

Senator Wachuku : It is one-third, according to Section 504 of the Constitution.

The President : It is the Constitution and not the Standing Order.

Senator Wachuku : The Constitution amends this. It overrides the Standing Order.

The President : What Section of the Constitution ?

Senator Wachuku : 504.

The President : Where do you get 504 ? I am not sure you have 504. It does not exist.

Senator Dafinone : It is 50 Subsection 4.

The President : It is 50 Subsection 4, and not 504.

Senator Wachuku : It is 50 Subsection (1). I did not see the bracket they put there.

If objection is taken by any Member of the Senate or of the House of the Representatives present that there are present in the House of which he is a Member (besides the person presiding) fewer than one-third of all the Members of that House and that it is not competent for the House to transact business, and after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of Members present is still less than one-third of all the Members of the House he shall adjourn the House.

The President : I think you are right but before we do that let me ask the Clerk of the House to check the number.

Senator Wachuku : I think that will be proper.

The President : Let us get the count first. Count the people in the Chamber.

The Clerk : They are 33.

The President : 33 forms a quorum. We can continue with the business of the day. I think you know that 33 forms a quorum. So, we have formed more than a quorum.

Senator Wachuku : The Senate Leader should not be included.

The President : You think the Senate Leader should not be included in the count. He is a Senator.

Senator Sola Saraki (Ilorin/Asa) : Mr president, distinguished Senators, I think my colleague the NPP Leader, is anxious to go to Aba to celebrate for Miss Oyo !

The President : I think, first, that I must mention that we have not got the printed Order Paper this morning because of the late sitting yesterday and because the Printers are still operating from Apapa end of the city. As soon as they move the Press to our premises, which is under construction, this kind of delay may not necessarily arise again. So, we would have to make use of the cyclostyled Order Paper this morning.

MOTIONS

Accommodation for Members of National Assembly

Senator Saraki : Mr President, distinguished Senators, I would like to move this Motion—

That in view of the unsuitability of Members present accommodation along Badagry Road, this Assembly calls upon the President of the Federal

Republic of Nigeria to allocate without delay 600 flats at Victoria Island to Members of the National Assembly.

Mr President, Sir, this issue has caused a lot of controversy and I do not think we need to flog it any longer. The President has agreed to accept our request provided a joint Resolution is passed by the National Assembly.

This morning, from what I have heard, the House of the Representatives has passed a Resolution to this effect, and I, therefore, call upon distinguished Senators to pass this Resolution so that Members can settle down as quickly as possible and carry on the functions of the National Assembly.

We all know how it has been very difficult for us to settle down at the moment always journeying from here to Badagry. Also, I had the opportunity to spend the night at the Flat at Badagry two nights ago and I could see the difficulties confronting the Senators.

Mr President, Sir, I beg to move that this Motion should be carried by the Senate and a letter should be immediately sent to the President so that everybody can settle down. Thank you, Mr President.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to second.

The President : The question is that a Joint Resolution calling on the President to make available 600 flats in Victoria Island for use of the National Assembly be approved by the Senate.

Senator Simeon Ojukwu (Umuahia) : Thank you, Mr President. This is not a Motion that calls for very long debate. The matter has been flogged and over-flogged. Our desires have been made known even in the National Press, but it must be stated and re-stated that distinguished Senators and Members of the House of Representatives cannot adequately discharge their duties properly and efficiently unless they have comfortable accommodation, and other facilities that will make them do their work.

We do not want only to do the work. We want the nation to know that we are doing the work. Therefore, the sooner we settle down to business, the better it will be for this nation. We should, as a matter of urgency, send this Resolution, when passed, to the President. The nation will realize that we are responsible people who have come to work and that we want to work. We want to work, but we want the facilities to be made available.

Mr President, Sir, I support the Motion.

Senator Ahmadu Rufai (Bauchi Central) : Thank you, Mr President. I rise to support the Motion which, as was said by the previous speakers, is non-controversial, and I do not think we should dwell very much on it. The only thing that I would like to say here is this. I do not seem to like the wording here *without delay* : this Assembly calls upon the President of the Federal Republic of Nigeria to allocate *without delay* 600 flats. I do not seem to like this.

The President : You think the words *without delay* should be struck out? I agree with you. Is that an Amendment?

Senator Rufai : It is an Amendment.

The President : Is anybody seconding the Amendment?

Senator Aliyu Gani (Kwara North) : I am rising to second the Amendment, and also to add that the present accommodation we have, if it is comfortable, it is not adequate. I can say straight away that up till tomorrow no one can cook in that place. You have to go to the restaurant to eat and I do not think Members have enough money to pay Ten Naira everyday to eat with their families. It is really very costly and we cannot afford it. So, the sooner this accommodation can be provided for us in Victoria Island where we will be able to cook and enjoy certain other facilities for our easy access to the Assembly as well as to everywhere, it will be best for us.

I am supporting the Amendment and the Motion.

Senator Joseph Ansa (Calabar) : Thank you, Mr President. The issue of settlement is giving most of us here a lot of anxiety. Most of us who came here to do real work find ourselves in great difficulty to do the work for which we were voted here. A lot of things has piled up, we do not have accommodation, we do not have convenience and so on and so forth. So, we are really in a muddle.

I hope by now that some of our friends outside who do not actually know the issues involved and what we have been talking about have been sneaking in one after the other to see exactly what is happening at that place. Most of them have expressed concern and that they did not know the situation was like that. They are really supporting us now.

I would very much like that if this Senate is resuming, we should be able to find ourselves in a new accommodation, with at least, facilities to do the work. After sleeping, if it is a double-room accommodation, let there be facilities for you to do your work, your reading, and study what you are required to do, so that you can contribute effectively to the upliftment of the system which we have come here to operate.

The system we have come here to operate is not like the former system we had. We are quite new in the system in the country, and unless we actually have time to read the rudiments, understand exactly what is involved in the system, I do not think we shall be able to contribute effectively to the system we are now running.

We do not want to over-emphasize this point, but only to say that we are very concerned that up till now, nothing has been done about this situation and what ever element led to that delay is very much regretted. We hope there will not be a further delay. Mr President, Sir, I hope this matter will be treated with priority and despatch.

Senator Usman Danbatta (Kano North-Central) : An Amendment, Mr President.

The President : I recognise Senator Danbatta.

What is your Amendment? Is it an Amendment on the already existing Amendment?

Senator Danbatta : It is an Amendment of the number of flats required by Members of the National Assembly.

The President : What is your Amendment?

Senator Danbatta : My Amendment is this. The idea of this proposal is to meet the demands of the National Assembly. The National Assembly had made a request; the total request is for 600 flats. I am sorry that the Chairman of the Housing Committee is not here, nevertheless our main request is that this honourable Senate require houses that are commensurate with their dignity. Mr President, Sir, the requirement of this Senate which has gone through and adopted is for 76 duplexes, one block of flats of 24 out of the five blocks of flats in Victoria Island.

This was our first Resolution but we were forced to have a joint Resolution which we have had Mr President. The joint Resolution is that the House of Representatives require only 500 flats of the 1004 flats at Victoria Island. What we require at the Senate are 76 duplexes and one block of 24 out of the five blocks in Victoria Island. This is what the members of the Committee having the responsibility for the welfare of the National Assembly Members have agreed, and the Resolution that has been passed by this Senate is that our requirements be met.

I now understand that the House of Representatives are asking for the same thing. They have made some slight mistake but this slight mistake is in the process of amendment. If we agree now on how this requirement is put, we are going to differ from the House of Representatives. So, I feel that we should not accept, discuss or approve this requirement because we have already made our stand known and that was our resolution, which is going to be adopted by the House of Representatives.

Thank you, Mr President.

The President : I got the impression that you wanted to make an amendment. Just before I recognise you, Senator Abogede, let me clear a point. As I said, I got the impression that you wanted to make an amendment to the number of flats, but you have not. In fact, the purpose of this Resolution is to try and harmonise a simple joint Resolution in place of all the various requests and Resolutions that have been passed by different Houses in the past. The same Resolution that is being passed here is the same that has been passed over there today. So, there is no difference.

Senator A. Abogede (Benue North-Central) : Mr President, Sir, I rise to support the original Motion and the words therein. At times, one wonders what we are really doing here after passing so many Resolutions and so many Motions without the Executive taking cognisance of them and getting them implemented. We passed a Resolution here some time ago about these houses in Victoria

Island. We were told that we needed a joint Resolution and this joint Resolution we met and passed again. Today, we are here again for a Resolution. This, now is not a joint Resolution of the National Assembly. I wonder whether we are going to really get what we are requesting for, because we are being dribbled from one side to another. This is how I look at it.

The Motion being presented by the Senate Leader today for our adoption has the words without delay in it. An amendment has been proposed that we should not put *without delay* in it. One begins to wonder whether we really have an authority to pass a Resolution here. What will that do to the Executive.

If you demanded something yesterday or day before and you did not get it and today you say, *well, I want this thing*—

The President : Distinguished Senator, let me make some explanation. This Resolution has come about as a result of ambiguity that arose in the various Resolutions for accommodation thus making it impossible for the Executive to implement our Resolutions because there are differences between the Resolution we passed and the one the House of Representatives passed. Today, the same text of the Resolution you are passing here is the one they passed over there. So, there is no longer any ambiguity and the Executive can act.

Senator Abogede : Thank you, Mr President, for your clarification. But, Mr President, Sir, in my own opinion, it seems that they are forcing the Senate to accept their own view, what they require for us and not what we require for this body. That is how I see it. The House of Representatives agreed to get the flats, the Senate agreed to get the duplexes and one block of flats and these were clearly passed. The ambiguity in it is what I do not know, and that is why I am trying to come out and then make this point clear.

If the Executive thinks that the Senators are not entitled to duplexes in Victoria Island or Ikoyi, but that they should be dumped in the flats around Victoria Island or anywhere in this city of Lagos, as long as there are sufficient spaces for distinguished Senators to keep their families in and to have working facilities and quarters for their boys, then that is all right. I am emphatic on this because all those with cars will bring their drivers, and at least, we are entitled to a steward of our own, and also a servant.

If they are giving us accommodation, they should take cognisance of these requirements because officers on Grade Level 08 and above in the Civil Service are never given one room apartment. It is an abuse on the distinguished Senators to be given one room apartments, Mr President. This point should be hammered to the Executive very clearly. The whole situation is an irony and is confusing. That is what I am trying to say so that we do not have the same trouble we got at Badagry Road. When we get to Victoria Island and are faced with the same trouble there, people would say, *look, they were at Badagry Road, they asked for Victoria Island which they were given and they are still complaining*

and all sorts of things like that. This is how to ridicule this august Senate. But if this situation does not arise, then, it will be better for us.

Mr President, Sir, I wish this point is clearly brought to bear on the Executive so that they could take cognisance of our problems. We do not want all these luxurious furniture. We want places to accommodate our family. This is all I believe in, Mr President. Mr President, with these few remarks, I beg to support.

The President : I recognise the distinguished Senator from Rivers, Senator Obi Wali.

Senator Obi Wali (Port Harcourt) : Thank you very much, Mr President, I beg to oppose this Motion. I am opposing it in the sense that the President has quite a lot to do and I think that any vague Motion will not be helping either himself or ourselves. Like one or two speakers have pointed out, I do not think that we are quite sure of what we are asking for. I would have thought that before we pass any other Resolution here upon all the other ones that we passed which practically have had no effect, we should have asked the Chairman of the Housing Committee or Senator Jalo Waziri who knows about these things, to tell the Senate exactly what they have done about accommodation.

Most of us have now resigned ourselves to our fortunes at Badagry Road and frankly, we would not like to start another painful process of adjustment without knowing exactly what we are trying to do. If I may recall in some of the earlier reports, there were points made about water not being there, about insufficient electricity and all those things as handicaps to the quarters that we are supposed to be going to. Except those things are really ready and we are quite clear in our minds about the things we are demanding, such as Senator Dambatta mentioned here, we cannot do our work properly. Are we demanding for flats or are we demanding for duplexes or what? I do not think that it is necessary to bother the President with a Motion that is not even clear in the minds of its proposers.

Mr President, Sir, what I am saying is that we still have a little more work to do, the Housing Committee has some work to do, and once we are sure of that, irrespective of what the other House is passing, Senate must be satisfied, it is clear about the recommendation about these Houses. Then, of course, the question of passing a Motion is quite an easy thing. It is a matter of our President communicating with the President of the Republic to implement what we have asked for as and when due. I do not think we can go on with this matter at this stage. That is why I am opposing this Motion so that more work can be done. Thank you.

Senator David Omueya Dafinone (Bendel South) : I beg to second the opposition.

The President : Is anybody supporting the opposition to the Motion?

Senator Dafinone : I do support, Mr President.

Senator Usman Alto Danbatta (Kano North-Central) : Mr President, Sir, I have a point of information.

The President : What is your information, Senator Danbatta?

Senator Danbatta : The information is that Senator Jalo Waziri has no authenticity in making any remarks about the committee's work unless the Committee has brought a report because he is not a Member of the Committee. This is what I am trying to say. The authorised Members are here and I am saying that I have the opportunity in the absence of the Chairman, to claim the authority for what has been done or what the Committee is doing. I have been opportuned to serve as the Secretary of the Committee, Mr President. I want to tell Senator Obi Wali that Senator Jalo Waziri is not the right person to answer his questions. I have made it clear, Mr President, that the requirement of this Senate is for 76 duplexes and one block containing 24 flats. We therefore require 100 flats which are sufficient for the Members of the Senate. These are our requirements.

The President : Order! Order! I do not think that any other person will know about the function than myself. I appointed the Committee and I appointed the Chairman of the Committee.

Senator Danbatta : I am sorry.

The President : I am also in communication with the President of the Republic and I have also authorised this Motion to be brought before the Senate. Now I may give some background to it. The House of Representatives passed a Motion calling on the President to make available 500 flats in the Victoria Island block of flats complex. The Senate passed a Resolution calling for certain number of duplex Houses and a certain number of flats. The President replied to these two resolutions, (a) stating that there are no such duplexes available to be allocated to Senators and (b) stating that in order to facilitate the consideration of alternative accommodation for Members of National Assembly, a Joint Resolution should be passed by both the House of Representatives and the Senate.

It is in compliance with that request that this Resolution has been brought before the Senate this morning. The House of Representatives, I am informed, has passed a similar Resolution and what the Senate is being asked to do this morning is to pass the same Resolution. If these Resolutions have been passed by the two Houses they become a Joint Resolution and it will automatically nullify previous Resolutions on the issue. Thus, all previous Resolutions will become obsolete as this will supercede them.

That is exactly the position in which we are now. I hope that I have made the position quite clear. As a matter of detailed information, I am aware also that certain accommodation that are being made available in Victoria Island are in excess of three to four bedroom flats. I mean, for Senators. So, I think that this additional information will help us. I think personally that this is a non-controversial Motion.

I have received so far one amendment and I may read the amendment. *That in view of the unsuitability of Members present accommodation along Badagry Road this Assembly calls upon the President of the Federal Republic of Nigeria to Allocate—strike out the word without delay—600 flats at Victoria Island to Members of the National Assembly.* That is the text of the Resolution and I do not think that it is ambiguous.

Senator Sola Saraki (Ilorin/Asa) : I would like to ask the Senate, Mr President, that we should not delete the words *without delay*, otherwise we are coming back to square one. In the House of Representatives this morning, they passed the resolution as it is here. If we delete the words *without delay* it means we have not agreed and this will drag on and on and the President will not be able to implement what we are asking. Maybe when we write the letter to the Executive we can draft the letter in a way that will not convey that we are compelling him to do this. We are not compelling him.

The President : You will have to send the full text of your Resolution.

Senator Saraki : Be that as it is may, Mr President, Sir, I think if we delete these words it means that we have not agreed on exactly what to do.

The President : However, there is no danger in leaving them there.

Senator Saraki : Exactly and I think you should put the question because we have quite a few things to do this morning.

The President : Yes, I agree with you.

Senator A. D. Rufai (Bauchi Central) : Mr President, Sir, In the light of the Senate Leaders' explanation, I would like to withdraw my amendment.

The President : Thank you very much.

Amendments by leave withdrawn.

Senator Victor Akan (Eket) : Mr President, I want to say that I am a member of the Senate House Committee and when we considered this question of accommodation for members, we took several things into account and consideration, Sir. If we are asking Senators to move into one thousand and four flats that is to say the six hundred flats we are requesting for will be from there.

The President : I beg your pardon.

Senator Akan : I am asking, Sir, that in the light of your explanation, am I to understand that the 95 or 100 flats that will be required for use by Senators will be from one thousand and four flats complex? Mr President, it is my duty to sound a note of warning to Senate that in sharing this complex with nationals of other parts of the world, one is not saying that everybody there is undesirable as neighbours to Senators but one wants to warn of the danger in doing that.

So, Sir, I agree that the Motion is not controversial except to let Senators know and impress upon the Leader of the Senate or whoever it is that will discuss this with the Executive, the danger in Senator's living next door to people from other parts of the world who undoubtedly will be interested in the movement of Senators.

So, Mr President, I want to associate myself with the amendment that was brought by the Secretary of the Senate House Committee.

The President : What is the amendment? Is it that you want duplexes?

Senator Akan : Yes.

The President : I have given you an answer that you have already got a negative answer from the Executive that there are no duplexes unless you want us to wait until they build some.

Senator U. A. Danbatta (Kano North-Central) : Mr President, Sir, in that Committee I can point out a few others who went with me. Some of these duplexes have not been completed. But what is left for them is to white-wash the buildings. Many of these houses have been vacated and some were being occupied by tax Commissioners, Mr President, and they have left the buildings.

The President : Order! Order! We may talk on this till tomorrow. I will put the question. You can reject the Resolution if you want.

The Question is that this House do pass a resolution as contained in today's Order Paper. I will read the resolution :

That in view of the unsuitability of Members present accommodation along Badagry Road, this Assembly calls upon the President of the Federal Republic of Nigeria to allocate without delay 600 flats at Victoria Island to Members of the National Assembly.

Question put and negatived.

The President : Item No. 2.

Membership of Inter-Parliamentary Union

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I beg to move :

That in order to promote personal contact between Members of Parliament/National Assemblies the world over and in order to foster and enhance international peace and co-operation through such contacts, it be resolved by the Senate and the House of Representatives of the Federal Republic of Nigeria as follows :

(a) that the Nigeria National Group renews its Membership of the Inter-Parliamentary Union ;

(b) that the Group do pledge its support and co-operation for the aims and objectives of the Union ; and

(c) that the annual subscription of the Nigerian National Group be paid to the Secretariat of the Union as soon as possible.

The President, Sir, the Commonwealth Parliamentary Association is well-known, I believe, to Members of the Senate. In this Association, the Parliamentary Group of Nigeria was a member when there was a Senate and a House of Representatives before the Military rule. In fact, Nigeria took very active and useful part in the Association. Now, that we have a National Assembly with a Senate, a House of Representatives, as well as State Assemblies, it will be in the interest of Nigeria to be a Member of this group again. This group serves a very useful purpose for promoting understanding, co-operation and goodwill among the member States. Besides, there is a lot of mutual benefit obtained in addition to the very useful contribution the Union has for the whole world in many aspects. Mr President, Sir, we do not wish to escape from the activities of the Union and I recommend to the Senate to approve of our membership in that capacity. I beg to move.

Senator Ibrahim Dimis (Bauchi South) : I beg to second.

The President : The question is that of membership of inter-parliamentary union for the National Assembly of all the legislatures in Nigeria. I believe this is a non-controversial one too.

I recognise Senator Abdulkarim.

Senator Muhtari Abdulkarim (Sokoto East) : Mr President, Sir, I really support the spirit of this Motion in view of the fact that in the Preamble of our Nigerian Constitution, it says :

To live in unity and harmony as one indivisible and indissoluble Sovereign Nation under God dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding.

This *international co-operation* is very good, but Sir, I would like to know the aims and objectives of this inter-Parliamentary Union, to the headquarters, its the current Chairman or President and the General Secretary. I would further like to know how much is the subscription to this organisation because you cannot support any organisation without knowing what it is or where it is or who are the leaders that are running the organisation.

Likewise, here in Nigeria, I do not know which is the Nigerian National Group. That does not exist as far as I am concerned. Who are they now ? Let them be re-constituted and known to the public and to the Members of the National Assembly. They can then come together and make resolution which will be passed to us here and upon our agreement, we can go ahead with joining the Inter-Parliamentary Union which I do not know where it is now.

Mr President, I beg to support the spirit of the Motion.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, the National Assembly and the State Assemblies, as constituted are qualified to be Members of this

Association. We only need to constitute ourselves formally with a President and a Secretary. The President of the Senate or the Speaker of the House of Representatives should be chairman of the Association in Nigeria. I think it is only a matter of formality that we sit down to so constitute ourselves. I believe, according to the Constitution of the country, the Leader of the National Assembly is normally the Leader of our group.

The Headquarters of this Association is in Geneva. The President of the Association normally resides there and he is elected from the various Inter-Parliamentary Groups. By Parliamentary groups, we mean, the Senate, the House of Representatives, the State Assemblies, will form the Nigerian group.

Mr President, Sir, this formality, which is a matter of our sitting together, should be effected so that we would be properly formed ; but this should not prevent us, in any case, from being a Member of the Inter-Parliamentary Union.

Senator A. Zuofa (Rivers III (Brass/Sagbama/Yenogoa) : Mr President, Sir, I rise to make some comments on the Motion before this august Senate. I have listened to the explanatory remarks made by the last Speaker and I believe that if there has to be a Nigerian National group and some people are to constitute themselves into this group, we should formalise it. Let us form ourselves into such a group first.

On the aims and objectives of the Union, maybe it is being assumed that we are an extension of the Parliament of the first Republic. There are materials that are available somewhere in this country and we should be informed by circulating these materials to let us know what the Association is all about. By rising on the Floor of the Senate and making a few remarks by way of explanation is surely not good enough. So, it appears to me that these two things must be properly done before this Motion becomes completely acceptable.

The President : I would put the question unless you have an additional information or proposal.

Senator Jalo Waziri : I have an additional information, Mr President. I believe that it is the intention of the President to call a meeting of Speakers to discuss this issue shortly. When the meeting is arranged, I hope we would have more information on this issue. Surely, you will agree with me that we should participate in a World Organisation like this. This is one of our constitutional aims and aspirations, that is, to work in harmony with the United Nations and its various Organisations one of which is the Inter-Parliamentary Union.

By the way, you may, for information, wish to know that the chairmanship and the secretaryship of the Association rotate among Members and it may not be impossible to have our President of the Senate elected the chairman of the Inter-Parliamentary Association.

The President : I think you have made one or two statements regarding the future. This will come in the form of an announcement before we adjourn formally for recess. For the time being, I will put the Question.

Question put and agreed to.

Resolved : That in order to promote personal contact between Members of Parliament/National Assemblies the world over and in order to foster and enhance international peace and co-operation through such contacts, it be resolved by the Senate and the House of Representatives of the Federal Republic of Nigeria as follows :

(a) that the Nigeria National Group renews its Membership of the Inter-Parliamentary Union :

(b) that the Group do pledge its support and co-operation for the aims and objectives of the Union ; and

(c) that the annual subscription of the Nigerian National Group be paid to the Secretariat of the Union as soon as possible.

Christmas Recess

Senator Sola Saraki (Ilorin/Asa): Mr President, Sir, distinguished Senators, I beg to move : That the Senate suspends its earlier Order to rise on the 17th of December, 1979, for the Christmas Recess and to resolve to rise instead on the 19th of this month in order to take and complete its unfinished business. This is necessary, Mr President, Sir, because if you look at the Constitution—

The President : Do not mention that yet ! *(Laughter)* You mean that you have plenty of work to do which you have not finished ?

Senator Sola Saraki : Yes. I better keep it to myself.

Senator Jalo Waziri : Mr President, Sir, I beg to second the Motion.

A Senator : What are you seconding ? He has not finished moving the Motion.

Senator Jalo Waziri : Mr President, Sir, in view of the fact that we have a number of things that we ought to do before we rise, such as consenting to the submission of the Membership of the Judicial Service Commission, consenting to the President's submission of Membership of the Electoral Commission and to consider the report of the Committee on Science and Technology Bill which are all hanging on us, I would suggest that we reconsider our earlier decision. I think we would probably have no time between now and 12 noon which is the time for rising this day to complete these issues which are very urgent. Therefore, Mr President, Sir, I beg to second.

The President : I may also add that there may be need to call another Conference Committee on the question of accommodation since there are differences between the Resolution you have passed today and the one passed in the House of Representatives.

Senator Ibrahim Kolo (Bida) : Thank you, Mr President. I would want to inform the Senate that Christmas is very important, and it is very sweet. It needs to be prepared for. The Bills and the other things that are brought by the President can wait. If we can wait for three months without a House these Bills can wait for three months or one month before we deal with them. They must wait until we come back. We are going to have our Christmas first. *(Laughter)*

Senator Onyeabo Obi (Anambra West) : Mr President, I wish to speak against the Motion. I would like to say that I fully agree that the business which is sought to be considered is very important, and that is why I am begging to oppose the rush of concluding these matters between Monday and Tuesday.

I would like to say also that in the Constitution, there is no time limit for the consideration of the nominations which have been received, contrary to the situation which applies to Ministerial nominations where there is a time limit of 21 working days. Therefore, there is no prejudice to our considering these nominations when we resume in the new year.

I would like to say also, Sir, that during the course of this week, Mr President, you referred these nominations to the Judicial Service and the Public Service Committees. These Committees have not yet sat. I would like to think that they give such important bodies serious consideration, and their membership serious attention before they make recommendations which this Senate can properly consider.

I do not think that these Commissions when constituted have any important function to perform in the next two weeks which cannot wait for the resumption of the Senate.

Finally, I would say that the other point mentioned about the Conference Committee, both on Housing and Science and Technology, are matters which have to be carefully deliberated upon. We have rushed these two matters before, and the result is that we are still considering them. The less speed we apply in dealing with them, the more salutary and dignified the resultant process of the Senate would be. I would strongly suggest that the Senate proceeds as already decided and that these matters come up as the first business when we resume in January.

Mr President, I beg to oppose.

Senator Jalo Waziri (Bauchi East) : Mr President, Sir, I just want to explain to my colleague, Senator Onyeabo Obi who has the impression that these Commissions, when established, are not likely to perform very important functions before we resume should we rise today. I do hope that my distinguished colleague understands that the establishment of the Judicial Service Commission will set the ball rolling for the establishment of a Code of Conduct Bureau and the Code of Conduct Tribunal. In any case, we are required to declare our assets before the 5th of January, and if the

machinery is not set moving, then it would be impossible for us to do so in accordance with the Constitution. I believe that you do not want to violate the Constitution deliberately by so doing.

Senator Obi, I do put it to you that it is very important to have this cleared before we rise.

Senator N. N. Anah (Anambra South) : Mr President, I really would have loved—

The President : Sorry to interrupt you. I know that you have just come in. I hope you are with us.

Senator Anah : I know, Sir.

The President : The subject is that if we go on break today, we shall all be caught by the three months limit within which we must declare our assets. We must stay here to get that law through.

Senator Anah : I do follow. As I said, I would have loved to go home for my holidays as I have already completed the arrangements as to what I shall do in my Constituency. But in view of the exigency which is being imposed on us by section 11 of the 5th Schedule of the Constitution, I think we shall be running a very terrible risk if we should go on break now. Section 11 says :

Every public officer shall within 3 months after the coming into force of this Code of Conduct or immediately after taking office and thereafter—

(a) *at the end of every four years ; and*

(b) *at the end of his term of office ;*

submit to the Code of Conduct Bureau a written declaration of all his properties, assets and liabilities and those of his spouse, or unmarried children under the age of 21 years.

Before we come back we shall have run out the three months or just be at the nick of running out the three months. So, Mr President, it is my humble submission that it is necessary that we make more sacrifice in as much as most of us have arranged for our flights today or latest tomorrow or Monday,—we should put in extra two days so as to tidy up these two things.

As a matter of fact, having known the implications of our not extending the time, I, as the Chairman of the Judicial Service Commission, have arranged for a meeting of a Committee on Judiciary to hold the meeting on Monday so as to submit a report to the Senate for approval so that these things can get on, that is the Code of Conduct Bureau and all the rest of them. I am speaking strongly in favour of an extension of two days.

I beg to second.

Senator Isa Obaro (Kwara South) : I would want to associate myself with the sentiments expressed by the last speaker by forcefully supporting the idea of rescinding our former decision to go on recess from the 17th to the 19th December. One of the reasons for my supporting this idea is to reconcile our own time-table with that of our brother's house that is, the Lower House. They are going on recess from the 19th of December.

In supporting this in the spirit with which I am supporting it, I would also want to very humbly bring it to the notice of the Leader of Senate that instead of the Senate going on recess for two weeks we should go on three weeks recess to be in line with the Lower House. They are going recess from the 19th December for three weeks. So, if the Senate Leader would be good enough to change his mind from the 17th to the 19th, I would also urge him to consider the second leg of the case, which is the duration of three weeks.

It is with this spirit that I am supporting the Senate Leader's suggestion.

The President : The question is that the Senate business should be extended, and that an earlier Motion calling on the Senate to go on recess on the 17th should now be the 19th December.

Senator D. D. Dafinone (Bendel South) I quite agree that there is a need for this Senate to extend the period of sitting if we are to cope with our responsibilities. But looking at the paper before me I have found out that the tax clearance certificates in respect of the officers concerned are not enclosed therein. Are we prepared to waive them in this case ? If so—

The President : Which officers ?

Senator Dafinone : I mean officers both for the Judicial Service Commission and the Electoral Commission, as they are necessary for appointment to every public office since the 1st of October. I am only making an observation for the President to look into.

The President : I think that the appointments to these two bodies have been referred to the relevant Committees. I am sure that the Committees will come to the Senate with their recommendations which may include that the documents were not in order.

Senator Andrew Abogede (Benue North-Central) : Mr President, I think there are at times when we try to be childish in this Senate. Otherwise, you appointed some Committees yesterday and named their Chairmen to deliberate on these issues before bringing them to the Senate ; now, there is a Motion that the Committee should work on Saturday or Sunday and bring their reports on Monday for us to consider and that we will go away on the 19th. This is self-defeating. When we are here, we do not want to speak the truth, and we do not want to listen to the truth. This is my opinion. Even if we stay till the 19th, the Committees cannot finish their work for us to deliberate upon.

Again, Mr President, we always refer to the Constitution, but the Constitution which we stated to operate since the 1st of October is always given different meaning, I have noticed that if you want anything you will knowhow to interpret the Constitution to suit you. Otherwise, if we were to declare our assests since the 1st of October when we came to office, there had been chance for us to do so, and the Excutive shoulf have informed us since

that time. But, they left it till only yesterday before sending us the forms. Who on earth would accuse us of not declaring our assets now as required by the Constitution?

Some of us should tell the people that the Constitution empowers the Executive to appoint the Judicial Service Commission and the other bodies, but the recommendations came late and, therefore, the declaration of assets is also late. So, the nation will blame the Executive and not the Senate.

I think we are tired of passing resolutions and then bringing them back for purposes of rescission of our decisions. So, I strongly oppose the idea that we should not go on Christmas recess on the 17th. We will go on the 17th and come back on the 4th of January, and if there is anything for us to do, we will do it when we resume.

Senator D. D. Etiebet (Ikot Ekpene): Mr President, it is unfortunate that we have earlier on decided to go on break today but nevertheless, we seem to have been caught by many provisions of the Constitution and they will frustrate much of what we have been going. I will draw the attention of the Senate to Section 11 of the 5th Schedule which requires the establishment of the Code of Conduct Bureau within three months. If we agreed to go on holidays, it then means that we shall be working within a period that has elapsed. I also wish to draw the attention of the Senate to Section 16 (2) of the 5th Schedule, Part I which requires an Act of the National Assembly for the establishment of the Bureau, but that Act has not been in existence yet. But, if you go on break before we come back to pass the Act, we shall be out of time. Therefore, it is in accordance with the Constitution and it is necessary that we stay a bit longer to have the Act passed.

The President: Why not appeal to Senator Abogede to withdraw his stand because it may be easier for us.

Senator Etiebet: Apart from withdrawing his stand, these points are very important because they come within the provision of the Constitution. These are not Standing Orders, and Mr Abogede should have known this point long before this time. I say so because Section 16 (2) of the Constitution is so important that it must be followed to the letter. Section 11, of the fifth Schedule of the Constitution is also important and must be followed to the letter. Fortunately, Sir, the Chairman of the Judicial Service Committee and the Chairman of the Public Service Committee are both lawyers. They can help draft the Bill to help the Senate if need be, and they are prepared to take it upon themselves to do so in order to help the Senate so that we may not be frustrated.

Mr President, I so submit.

The President: The question is that the Senate do extend its sitting till the 19th of December. I did not hear it well but I think the Ayes have it.

Order! order! Those who kept silent and have not made up their minds, I think it will be clearer

now, that the Motion is that the Senate should extend its sitting by another two days so that we can tidy up our work. I shall now put the question.

Question put and negatived.

ADJOURNMENT

Senator Sola Saraki (Ilorin/Asa): Mr President, Sir, distinguished Senators, I move that the Senate do now stand adjourned.

Senator Cyrus Nunieh (Rivers II (Bonny/Bori)): I beg to second.

The President: The question is that the Senate do now stand adjourned. To what date Senator Saraki?

Senator Saraki: To the 7th of January, 1980.

The President: What time on that day?

Senator Saraki: 3 p.m., because there are Committee meetings in the morning.

The President: What Committees?

Senator Saraki: The Judicial Service Committee, the Public Service Committee and the Rules and Business Committee. These Committees have a lot of work to do.

Mabarolo—Sokoto State

Senator Muhtari Abdulkarim (Sokoto East): In supporting the Motion on adjournment, I wish to draw the attention of the Federal Government of Nigeria to the situation in which the people of Mabarolo Local Government have found themselves because of the construction of a Dam by the S.R.B.B.A.

The President: It is twelve o'clock and unless somebody moves that the time be extended I shall interrupt business.

Senator Abdulkarim: Mr President, Sir, for many years now a Dam has been under construction and for the past four years the people of Maradum, Birnin, and Gaye have—

Senator Isa Obaro (Kwara South): Point of Order, Mr President.

The President: What Order?

Senator Obaro: Order 4, Rule 2.

The President: What does it say?

Senator Obaro: On Fridays and Saturdays the Senate shall meet at 9. a.m. and if not previously adjourned shall sit till noon. It is now after noon.

The President: So, you are saying that I should uphold the Order?

Senator Obaro: Yes, Sir.

The President: My wrist-watch still has one minute.

Senator Obaro : Not by the public clock.

The President : Senator Abdulkarim was still speaking when you interrupted, and it was not time yet. Before you read your Order, I did mention that unless somebody moved that we suspend the relevant Standing Order, I shall have to interrupt business.

Senator Obaro : I wanted to forestall that.

The President : To forestall the President ?

Senator Obaro : To forestall somebody who may wish to move the Order.

Senator J. A. O. Odebiyi (Egbado North/South) : President, I should have thought that the proceedings of the Senate should have been stopped.

say around quarter to twelve noon, so that Senators who may want to raise matters of importance during the Motion for Adjournment could do so. I did give an indication earlier that I wanted to raise a very important matter during the Motion for Adjournment. As it is now, it is past twelve noon. However, I just want this to be noted.

The President : There has always been the practice in this Senate that during discussions, if the presiding officer does not want to interrupt the business of the day, a Motion for the suspension of Standing Order 4 (2) has always been moved on the Floor of this Senate. We have always done

so. I think that it is up to any distinguished Senator who has any relevant issue to raise on the Floor of the Senate to move that the Standing Order be so suspended and it will be so suspended.

I think also, that I reminded this Senate just before noon that unless somebody moved for the extension of time, I would have no choice but to suspend the business of the day. At this stage it is past twelve noon, and the business of the day would have to be suspended. When do we meet ?

Senator Sola Saraki (Ilorin/Asa) : By my time we have three minutes more.

The President : No ! It is two minutes past twelve on the public clock. Order ! Order ! when does the Senate stand adjourned to ?

Senator Saraki : We shall resume on the 7th of January, 1980 at 3 p.m.

The President : The question is that the Senate stands adjourned till the 7th of January, 1980 at 3 p.m.

Question put and agreed to.

Resolved : That the Senate do adjourned to the 7th of January, 1980 at 3 p.m.

The Senate adjourned accordingly at 12.05 p.m.

FEDERAL REPUBLIC OF NIGERIA

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SENATE

OFFICIAL REPORT

FIRST ASSEMBLY' FIRST SESSION

3rd-14th December 1979

Explanation of Abbreviations

Bills : Read First, Second or Third Time—IR, 2R, 3R

Com—Committee

FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

TO : SAC, NEW YORK

FROM :

SUBJECT :

RE: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

APPROVED AND FORWARDED: [REDACTED]

SPECIAL AGENT IN CHARGE

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