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NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Thursday, 25th February, 2010

The Senate met at 10.40 a.m.

PRAYER

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Wednesday, 24th February, 2010 for approval: Pages 439, 440, 441, 442, 443, 444, 445, 446 and 447.

I would like you to check on page 444 to ensure that your names have been correctly spelt.

Senator Dahiru Kuta, you can start on the Amendments.

Senator Dahiru A. Kuta (Niger East): Mr. President, on page 442 where you have *Amendment of Section 145(2)*, the Amendment should read thus: *In the event that the President is unable or fails to transmit a written declaration mentioned in sub-section (1) of this Section within 7*, the correct thing is *within 14 days* and not *within 7 days*.

The President: You are right; it is 14 days. Are there amendments on pages 448, 449, 450, 451, 452, 453, 454?

Senator Osita B. Izunaso (Imo West): Can I make an amendment, Mr. President?

The President: What amendment, Senator Osita?

Senator Osita B. Izunaso: Mr. President, it is the same amendment that was proposed by Senator Kuta; it is supposed to be *14 days* and not *seven days*.

The President: The Secretariat should take note that, it is 14 days. Is there any amendment on page 455?

Senator Zaynab Abdulkadir Kure (Niger South): Mr. President, on page 455, my name as I have noticed all over is not written in full. Every other person has a third name but mine name is written as *Senator Kure Zaynab* while *Abdulkadir* is not there.

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The President: *Abdulkadir* is missing, Secretariat should take note. Is there any amendment on page 456?

Senator Anthony G. Manzo (Taraba North): Mr. President, page 456, Serial No. 65, Senator Otaru Ohize, the Otaru should not be hyphenated as *Ota-ru*.

The President: Although, Senator Otaru himself is not complaining; the Secretariat should take note of this. Is there any amendment on page 457?

Senator Anyim Chukwu Ude (Ebonyi South): Mr. President, I am sorry I waited for you to get to the end. My complaint actually is on Page 441. Two and half years after being in this Senate, I have done everything I can to talk to each staff in the Secretariat to get my name properly spelt as *A-n-y-im*. I have to talk to each one of them more than three times; and I even threatened to go to Court but it is still happening since two and half years after being in the Chamber. My name is spelt *Anyim* and not *Ayim*.

The President: Secretariat, effect the correction on page 441 to read *Anyim* and not *Ayim*. Secretariat, this should never happen again. At this trying moment and difficult period in the country, we need the grace of the Senate to operate all the time. Is there any amendment on page 457?

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I have an observation.

The President: What is the observation, distinguished Senator Bassey Ewa-Henshaw?

Senator Bassey Ewa-Henshaw: Mr. President, what I observed that is missing from the Votes and Proceedings are the Amendments that I proposed as Section 145(3) which was accepted but later withdrawn. No reference was made whatsoever to the processing relating to that Amendment.

The President: I believe it will be reflected in the Verbatim Report as these are the decisions taken. Senator Ewa-Henshaw, if you notice, we normally do not reflect those ones in Votes and Proceeding but when you get your Verbatim Report it will be reflected there.

Senator Grace Folashade J. Bent (Adamawa South): Mr. President, I move that the Votes and Proceedings of Wednesday, 24th February, 2010, be approved as amended.

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I so move.

Several distinguished Senators: She was not there?

The President: You do not move only when you are there. She is a Senator. We need a lot of blessings this time around.

Senator Chris N. D. Anyanwu (Imo East): Mr. President, I rise to second the Motion that the Senate do approve the Votes and Proceedings of Wednesday, 24th February, 2010 as amended.

I so second.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 24th February, 2010 be approved as amended.

ANNOUNCEMENTS

Visit of Councilors from Mekanga Local Government Area, Plateau State

The President: I wish to acknowledge the presence of Councilors from Mekanga Local Government Area of Plateau State who are here to observe Senate proceedings.

Visit of Staff and Students of Ado International School, Ado, Karu

I also wish to acknowledge the presence of Staff and Students of Ado International School, Ado, Karu, Nasarawa State who are here to observe Senate proceedings.

Visit of Staff and Students of Alfa Solutions, Tunga, Niger State

Equally, I wish to acknowledge the presence of Staff and Students of Alfa Solutions, Tunga in Minna, Niger State.

We wish all of them fruitful observation of our proceedings. They are in the Gallery. *(The visitors stood for recognition)*

Good Morning; thank you and sit down please.

Birthday Greetings to Senator Mustapha Ramoni Olalekan

May I, on behalf of all of us, wish distinguished Senator Mustapha Ramoni Olalekan a happy birthday. Today is his birthday, he does not qualify for paid advert from us.

Senator Mustapha, we wish you a happy birthday, God's blessings and protection.

PUBLIC PETITIONS

Petition against ECOWAS Commission

Senator Olorunnimbe Mamora (Lagos Central): Mr. Senate President, I have this petition by Mrs. Tokunbo Lijadu Oyemade. Essentially, it has to do with miscarriage of administrative justice, victimization and wrongful termination of appointment of a Nigerian citizen seconded to ECOWAS Commission by the Federal Republic of Nigeria. The prayers are there seeking the intervention of the Senate.

The President: Make sure that it follows all the rules; signed properly and that you have not signed it yourself. Lay it on the Table.

Senator Olorunnimbe Mamora: Mr. President, I have tried to go through and all righteousness would appear to have been fulfilled in this regard.

I thank you for allowing me to lay the petition.

(Petition accordingly laid on the Table)

The President: The Petition is accordingly referred to the Committee on Ethics and Public Petitions.

(Petition referred to the Committee on Ethics and Public Petitions)

PRESENTATION OF A BILL

Federal Capital Territory (FCT) Appropriation Bill, 2010

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, the first business of the day is the presentation of an Executive Bill standing in the name of the Leader of the Senate on the Federal Capital Territory (FCT) Appropriation Bill, 2010.

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You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Federal Capital Territory (FCT) Appropriation Bill, 2010 – *read the First Time*.

ORDERS OF THE DAY

MOTION

Truncation of Democracy in Niger Republic

Senator Ndoma-Egba: Mr. President, the first Order of the day is a Motion standing in the name of distinguished Senator Anthony Manzo and 30 others on the Truncation of Democracy in Niger Republic.

You may wish to invite Senator Anthony Manzo to move his Motion.

Senator Anthony George Manzo: Mr. President, let me start by saying that when I came out with this Motion the Senate Committee on Foreign Affairs under the able leadership of Senator Jibril Aminu had already started something. I met with the Senate Committee on Foreign Affairs and we agreed that I will present my Motion and there is a synthesis of views and opinions of the Committee which I hope that Mr. President will kindly allow the Chairman to talk about during the debate on the Motion.

I want to start by saying a famous Hausa quotation which says; *ngemu dawanka yakena wuta sakawa naka ruwa*.

The President: If there is no water around what will you use?

Senator Anthony Manzo: The translation is, if your neighbour's beard is catching fire, you should look for water or go near water. As Mr. President said, if there is no water look for sand but do not look for petrol.

It suffices to say that Harold Machiavellian said that a week is a long time in politics. Since this apparent truncation of democracy happened in Niger Republic, a lot has also happened. With this few remarks I am going to kindly move the Motion which reads:

The Senate:

Notes with serious concern the truncation of democracy in Niger Republic;

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Notes also that on Thursday 18th February 2010, some troops stormed the Presidential Palace in Niamey in Niger capital during a Cabinet meeting and seized President Mamadou Tandja and his Ministers in a coup-de-tat;

Notes further, that the Junta whose leader is Squadron Leader Salou Djibo set up a government of Supreme Council for the Restoration of Democracy and has already suspended the Constitution of Niger and, indeed, dissolved all democratic institutions;

Observes that the coup appears to be a culmination of several months of heightened tension over President Mamadou Tandja's constitutional reform of 2009 that allowed him to stay in power beyond the end of his second term as allowed by the Constitution of Niger;

Observes further, that the coup-de-tat has attracted international condemnation and the quick response of the Acting President, Dr. Goodluck Ebele Jonathan in condemning the coup-de-tat and also sending the Minister of Foreign Affairs to Niamey, the Republic of Niger.

Considers the action as unconstitutional and undemocratic;

Accordingly resolves to:

Condemn the action by the Junta in its entirety.

Urge the Coup leader to immediately begin the process of returning the country to a democratically elected government.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I would like to thank Senator Anthony Manzo. As he has explained, his effort was parallel to that of the Committee, and he, being a member of the Committee, we merged our ideas. Also because of so many distinguished Senators' names on the list the Committee felt they should be allowed to present it and then we explain.

On Thursday February 18th 2010 the Military in Niger Republic under the auspices of the Supreme Council for the Restoration of Democracy (CSRD), forcibly overthrew the Government of President Mamadou Tandja. The Military were reported to have stormed the Presidential Palace, shooting while the ousted President was presiding over a weekly Cabinet meeting.

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The African Union at its last Summit in Addis Ababa, Ethiopia, resolved among others; to stop military interruption of democratic order in member countries. In the last one year alone, Senate will note that there were four forcible take-overs of government in Madagascar, Mauritania, Equatorial Guinea, and Guinea Bissau and now in Niger Republic, an immediate and close neighbour of Nigeria.

Niger Republic has experienced a long period of Military Rule since its independence from France in 1960. The country is situated in the West African Sub-Region and Niamey is its Capital. The country has an area of 1.3 square kilometers (*Interruptions*).

Senator Heineken Lokpobiri (Bayelsa West): Point of Order, Mr. President!

The President: Senator Jibril Aminu, do not read verbatim but you can refer to your notes.

What is your Order, Senator Lokpobiri?

Senator Heineken Lokpobiri: Mr. President, my Point of Order is predicated on Order 53(1), but I am sure that Mr. President has already pre-empted my Point of Order. Order 53(1) states that: *A Senator shall not read his speech save if he is moving a motion or presenting a bill.*

The linkman and headmaster of the Senate is reading a very lengthy document and I felt it is against our rules, and so he should be called to order.

The President: I did not know that was what you wanted to point out but I felt he could be making occasional references to the paper that he has. But since I have already made reference to that, I think your Point of Order is almost overtaken by event.

Senator Jibril Aminu, make reference to the piece of paper that you have because Senator Manzo has done the reading directly from his Motion already.

Senator Lokpobiri, your point of Order is well noted.

Senator Jibril Aminu: Mr. President. I note your injunction, except that we are explaining what happened. It is not just the usual contribution.

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Secondly, I am highly flattered to be called the linkman, particularly for Rivers and Bayelsa States, and I think my Bank Manager will be very happy if he knows that I am a linkman for Rivers and Bayelsa States. (*Laughter*)

Basically, there is a constitutional crisis and President Tandja is a very senior military officer and he has been ruling Niger Republic by election for two terms of five years. When the second term ended, he wanted a third term (the usual problem) and he dissolved the Parliament, and the Party and embarked on what looked like an autocratic rule. The Opposition Parties rose against him and he clamped down more and more on them.

The ECOWAS, supported by African Union, were very angry at what he was doing and they appointed our former Head of State, General Abubakar Abdulsalam, to mediate and bring about peace. This has been going on for quite some time, but in the end they found there was no likelihood of him changing so the Ministers of Niger Republic were suspended from ECOWAS but asked General Abdulsalam to continue.

President Tandja conducted a referendum which he won so that he can continue. Even though he took three more years for himself there is no indication whatsoever that he is contemplating any term limit for himself. He had abolished that and he is going to continue to rule.

Last week, through the assistance and good office of distinguished Senator Abubakar Sodangi, the former Prime Minister, Mr. Algabi and Hon. Mrs. Salamatu, Member who is also on the ECOWAS Commission, came and we held a meeting in my office. They came with the mission that Nigeria should help them and get their name removed from the suspension. We told them that we can request our people, but what does Nigeria stand to get in return? Will Mr. Tandja agree to restore democratic rule in Niger? Will he agree to observe the three years and thereafter step down? They could not even contemplate asking him to do that. So, we left them.

I got a call and I spoke to the Foreign Minister, Chief Ojo Maduekwe and he told me that he could not intervene on the matter because it is a former Head of State who is handling it but that we could talk to him. But that was late so we left them.

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Our Acting President, Dr. Goodluck Jonathan, had condemned the coup. They all condemned the action of President Tandja and the action of the young soldiers who from the information we have all of them appear to be his own boys. Maybe, that was why he was able to escape with his life and left his predecessor, President Mainasrabari who was killed. They locked him up in some barracks.

They were condemned by African Union, ECOWAS and everybody, but it does not look like what they have done is something which ECOWAS did not like very much because how else could anybody get rid of President Tandja except by this Military Coup? President Tandja, we are told, is a very strong man because he enjoys the support of France. Niger Republic has plenty of uranium and they have also found oil on their own side of the Lake Chad.

Chad Republic has oil and Cameroun has also got oil there which is the logic why Nigeria has also been looking for oil there. But Niger found oil in commercial quantity. In other words, it is a very key country. They have uranium and they have oil. Therefore, France is strongly backing President Tandja. But even more seriously, Libya is also supporting President Tandja. He has got friends among the neighbouring African States that I do not need to mention.

Among the simple people of Niger, because he has been getting a lot of money and he has been doing things for them. They do not know issues about democracy but that he should serve his term and go. They want to look after their own bellies and he seems to be satisfying it in some way. This is the kind of sympathy.

The fear now is that unless those young military people are encouraged, he may return. This is the worry because if he returns, he will continue the way he was doing with all of his friends.

Therefore, the Senate should know that the condemnation by ECOWAS and the African Union is very difficult for us to understand.

ECOWAS called for a meeting; it was the second programme of the mediating team headed by General Abdulsalam. They resolved that the interim government should take over power in Niger for one year to put in place a reconciliation government that will organise elections. Fine! But how would you get rid of Tandja? Who is going to bell the cat? It looks

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like these young soldiers have eventually belled that cat and what remains now is to try to engage them so that they will not insist on staying. You can condemn the coup but work with them very closely so that they can follow the democratic rule. They called themselves *Movement for the Restoration of Democracy in Niger*.

Therefore, they are on the right part. Their hearts and minds appear to be in the right place. What we in the Committee felt is that rather than condemn them and throw them away and allow the danger of Tandja's return, we can engage them and work with them very closely so that they become interim government that was contemplated by ECOWAS and then they would be able to have a transitional programme very quickly within one year for the return of democratic rule in Niger Republic.

Now, in what way would you help them? The ECOWAS said they would help them to reinstate democracy but having said so, the exclusion is still there; they are not in ECOWAS. Sanctions are still there. We feel that while the exclusion can remain pending their seriousness in following the path of democratic rule, then the sanctions would be lifted. That does not mean condoning military coup but it is a way to encourage them to continue to follow the path of democracy and replace Tandja who was the real dictator.

Therefore, we recommend that these sanctions should be lifted but the exclusion should remain pending the progress they would make.

Niger is a very close country to Nigeria and in the last few months the relation between the two countries deteriorated in spite of the fact that General Abdulsalam is there. Niger is important for us and Nigeria is very important for them. A lot of the animals we eat in Nigeria come from Niger. There is a lot of cross border trading and not to talk of cultural links. So, we would also recommend that Nigeria should embark immediately with this new window of the young military people to try to restore normalcy between Nigeria and Niger regardless of whatever we say about ECOWAS.

Therefore, our resolution is that we condemn the coup but we would like ECOWAS to look at these things more creatively and help them along to return to democracy and encourage Abdulsalam and continue to maintain exclusion as they make progress to democratic rule but leave the sanction at this time.

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Nigeria itself should move very rapidly to try to restore normalcy between us and Niger – a country which is very important. I believe that those were the points we made which we are recommending to the Senate as contained in this paper that we have circulated.

Senator Ike Ekweremadu (Enugu West): Mr. President, first, I support this Motion though I have Friends and Colleagues in this Senate who had been linked to coup and counter-coup in the past. I condemn coup, I do not support coup and that is not the best way to have access to government and governance. I, therefore, support this Motion and I join in urging that Niger should return quickly to the path of democracy.

But having said this, I would like to use this opportunity to put the whole thing in perspective because I am the Chairman of the ECOWAS Parliamentary Ad-hoc Committee on Niger crisis. I have followed with keen interest what has happened in Niger since May, 2009. Just to give you a brief background,

President Tandja came into office in 1999 for the first term of five years which ended in 2004. He was re-elected in 2004 which was supposed to terminate on the 22nd of December 2009. In May 2009, Tandja dissolved the Parliament though in accordance with their Constitution. But the Constitution provides that if you dissolve the Parliament you must hold election within two months and President Tandja had no plan at the time to do just that.

To worsen the matter, in June he dissolved the Constitutional Court and under their Constitution no authority can dissolve that Constitutional Court but he proceeded to do that. He then prepared a Constitution which he termed the Sixth Republic and subjected it to a referendum on the 4th August, 2009.

Prior to that, there was a lot of pressure, including the Nigerian Government sending a delegation to dissuade Tandja from that enterprise. He proceeded and concluded the referendum which he claimed was successful and based on that he set out to hold a parliamentary election in October, 2009 and this coincided with the time the Authority of Heads of State of ECOWAS had their Summit in Nigeria. It was at that Summit that a delegation was sent including the President of Liberia to persuade Tandja to stop the election. Of course, Tandja refused to listen to them.

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Again, in that Summit, the ECOWAS Heads of State placed limited sanctions on Niger including that they will not support them in any context in looking for any position in the international community and that no ECOWAS activities will take place in Niger. It was also in that Summit that President Abdulsalam was appointed as a mediator. So, he went into activities.

After meeting with both the Coalition Opposition Parties and President Tandja himself, our former President made a number of suggestions which he placed before the Authority of Heads of State in their last meeting which took place on Tuesday last week. In all these, he suggested to them that there should be a transition government such that the Sixth Republic would now be set aside and there should be a Seventh Republic that would take place within a transitional period of nine to twelve months.

He suggested further that Tandja will still be the Head of State while the Coalition Opposition Parties will either bring a Prime Minister or Tandja will also keep his Prime Minister or a situation where both of them would agree on further constitutional reforms that would still keep Tandja as President within this period. Tandja refused to accept any of the suggestions.

In conclusion, General Abdulsalam became frustrated and said he was withdrawing but ECOWAS persuaded him to continue. They said they would add more people to assist him in doing the work and that was where the President of Senegal decided to join the exercise. It was also agreed in that meeting which I was in attendance that the African Union (AU) should send a Special Envoy to join in persuading Tandja to accept any of those options. It was obvious that Tandja was not listening, there is a maxim that when you make peaceful change impossible, definitely, you are expecting a violent change. So that was what happened in Niger last week.

I join in condemning the coup but I also will add that Tandja invited what happened to himself and to his country. It should be a lesson to all Africans and African leaders that we should make sure that we tow the path of peace in resolving our difficulties and challenges such that we would not make arrangements or positions that would be attractive to our military people to take over government.

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On the issue of sanctions, I support that sanctions should still be in place in Niger because they are in breach of ECOWAS Protocol on good governance and democracy. It is not a matter of Nigeria or anybody having a discretion to lift sanctions but we have to place sanctions where it is necessary to do so because that is the only way we can get our people to obey Laws and other documents which they are signatories to. Niger Republic is signatory to the ECOWAS Protocol of good governance and democracy. So, if they are in default of that text, they should be made to pay for it.

So, I support that the text has to be enforced and Niger should be helped and assisted to return to path of democracy within the next six months.

Senator Enyinnaya H. Abaribe (Abia South): Mr. President, the counter coup that happened in Niger, I advisedly used the word counter coup because if a man suspends Parliament, goes ahead to suspend Constitutional Court and starts to rule by decree, he has already done a coup because it is against the Constitutional Order that is in place. So, what has happened is another group trying to take over power also as forcibly as he himself had done.

I join my distinguished Colleagues to condemn the coup. No coup is good. I believe that every one of us knows that no coup brings anything good to the development of democracy in Africa. We have also seen the impact on developing Niger Republic. Niger Republic is a very poor country, it has potentials quite alright, but it can only realise these potentials if the leaders of that country do the right thing for their citizens.

I support that we should make a strong statement but I do not also think that we have done the right thing. Niger Republic shares border with Nigeria, close to 1,500 kilometers; half of what is used in Niger comes from Nigeria. I am saying very advisedly that Nigeria as a country has the greatest influence on Niger. If we shut our borders to Niger Republic we are going to bring them to their knees and we know that. These are the type of sanctions that we should apply on them because if you do not bring them to their knees they will never agree to do the right thing.

If we had done that with President Tandja, he would have probably come to negotiate with us and we would have told him that the step he had taken was the wrong step.

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The reason we should do that also is in our own self interest because coups tend to be contagious especially when things are not going right within your own country. We should be taking these matters very serious and we should immediately apply things that will make this contagion not to spread beyond the borders of Niger Republic.

Senator Mohammed Mana (Adamawa North): Mr. President, I rise to support this Motion. We know that in actual sense the Legislature suffers most under a military government.

We know for sure that Nigeria's foreign policy objectives are to have cordial relationship with our neighbours. Niger Republic is a very close door neighbour to Nigeria, it has very good relationship with Nigeria, and many of the officers of the Niger army were trained in Nigeria. Therefore, I must condemn this coup in its entirety because the democracy that the people of Niger were enjoying has now been disrupted, first by President Tandja and now by the military.

Coup d'état is condemned all over the world and if there is no peace in Niger Republic it will definitely affect Nigeria because as it has been said, Niger depends a lot on Nigeria and Nigeria, to some extent depends on Niger Republic.

I also want to remember quite vividly the role that country played during our civil war. It helped Nigeria to a great extent in bringing that unfortunate civil war to an end. Therefore, anything that happens in Niger Republic that is not good for the people of Niger must be condemned by Nigerians. If there is no peace in that country, there will be influx of people of Niger into Nigeria. There will be a lot of repercussions and stress on the economy of Nigeria.

Therefore, I want to commend the government of Nigeria for initiating dialogue with the Republic of Niger right from the beginning when President Tandja Mamadou was trying to subvert the Constitution of that country. We already initiated a dialogue with them and unfortunately that dialogue did not succeed and Tandja Mamadou did not do anything to reverse the situation in his country. Now, he has been thrown into detention by those very boys that he was depending upon. We must realise that anybody, whether soldier or civilian who surpasses the Constitution must be condemned with all seriousness.

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It is also a lesson to everybody. The recent incursion of the military into democratic rule in some few countries in Africa should not be countenanced at all. It should be discountenanced completely because no country can develop especially now that we have downward trend in the world economy. Countries are now looking at ways and means to improve upon their economies and some people are busy trying to subvert the democracy of those countries.

I, therefore, support some of the suggestions made that Nigeria must continue to dialogue and encourage these military boys for return of democracy as quickly as possible in that country. I do not believe we should close our borders; that will not do anything. America closed her borders to Cuba for the past 50 years and that has not deterred Cuba from following her own policies. The dialogue is the right way to encourage return of democracy in Niger Republic. We must quickly call the military boys and talk to them and encourage them to return that country to democratic rule as quickly as possible.

Senator Dahiru Kuta (Niger East): Mr. President, for the first time, I am tempted to say that I am not condemning this military take-over in Niger. After suffering three military take-overs in Nigeria, I know the experiences we have gone through and I know what I have suffered. But that of Niger, frankly speaking, President Tandja was completely autocratic and dictatorial. He was not ruling according to the Constitution of that country. There was no difference between suspending the Constitution and what was happening in Niger before now.

I agree that within the next six months, the military should return the country to a democratically elected government. In Niger Republic, 61 *per cent* of the 15 million people are living below poverty level. If that is true, it means that the President who has now been overthrown had actually outlived his importance.

I do not want to condemn this coup, but I support that within the next six months, the military junta should hand over power to a democratically elected government. There is a lot of insecurity in that place. There are problems all over and people are actually suffering. It is important that Niger for the first time becomes politically stable.

Since 1996, it has been coup after coup, assassination after assassination and time has now come for the people of Niger to come together and give peace a chance, so that the West African sub-region will also have peace.

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I am not condemning this coup, but I am supporting that the military junta should return Niger Republic to a democratically elected government.

The President: Are you supporting it?

Senator Dahiru Kuta: I am not supporting it.

Senator Heineken Lokpobiri (Bayelsa West): Mr. President, I rise to very strongly oppose this Motion in its roots, stem and branches. My first question is whether there was democracy in Niger. If you look at the title of the Motion, which says: *Truncation of Democracy in Niger Republic*. My question is whether in the first instance there was a democracy in Niger. If you examine the graphic account given to us by the Deputy Senate President, nobody here will disagree with me that there was no democracy in Niger. So, what democracy are we talking about that has been truncated? As far as I am concerned, there was no democracy in Niger that was being truncated.

What happened in Niger was a coup overthrowing another coup. President Tandja was not legitimately President of Niger; he foisted himself on the people of Niger, perpetrated himself as a dictator over the people of Niger.

I am not supporting any coup anywhere, but it is imperative for us to look at every matter on its merit. As lawyers, you do not have a fixed position; anytime an event occurs you have to look at the matter on its own merit. As far as I am concerned, if there is one coup like Buhari's coup that was overthrown by IBB's coup, which of them would be condemned or supported? As far as I am concerned, there was a civilian coup by Tandja in Niger and then there was a military coup by a group of young men who have come to salvage the country and to enthrone democracy. So, what we need to do as a country would be to support the new military regime so as to return democracy within the shortest possible time.

I believe that what happened in Niger is very commendable. A group of gallant young men came to restore the dignity of the people of Niger and we saw them jubilating and demonstrating in support of what the young men had done. I believe that it is something that needs support. I am not supporting military coup, but that he who comes to equity must come with clean hands. President Tandja's hands were very filthy and dirty and so there is no equitable benefit that should accrue to him.

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I am saying that this Motion is absolutely unnecessary and so it should be thrown into the dustbin so that we can carry on with very other important matters that are confronting this country.

Senator Mustapha Mohammed Mujitaba (Jigawa South-West): Mr. President, I want to differ from the two previous speakers, though they are my immediate neighbours.

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, I have a Point of Order.

The President: Point of Order, Senator Ahmed Lawan.

Senator Ahmad Ibrahim Lawan: Mr. President, Order 55(2) and with your permission I read: *During the debates on all Motions and bills, the President of the Senate shall allow speeches for the proposal first followed by speeches against the proposal.* There is need to take contributions for the Motion then followed by those against the Motion.

The President: That is the correct thing, but when people raise their hands, they do not say whether they are *for* or *against*. Therefore, it is only when they start their speech that you can know. What of those who are neutral? When Senator Kuta finished, he was neither here nor there.

Your Point of Order is noted, but it is very difficult to observe it. That is one Order that we cannot rigidly obey.

The Motion is against the coup; if you are for the Motion you are against the coup. But if you are against the Motion, you support the coup. So what I am asking for now are those who support the coup – (*Interruptions*) I have only asked; I have not taken a decision yet. I want to see hands.

Senator Lawan, I have noted your Point of Order, but we have to continue the way we are going.

Senator Olorunnimbe Mamora: Mr. President, I have a Point of Order which is on Order 55.

The President: Raise your Point of Order.

Senator Olorunnimbe Mamora: Mr. President, my understanding of Order 55 is that when a Senator indicates to speak on a Motion before the Senate, the Senator is asked by your good self whether he is for

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or against the Motion before he starts making his or her contribution and that is the way to know those for or against.

The President: That is also noted just like Senator Ahmed Lawan's Point of Order that was noted. I believe that we can carry on the way we have been doing. If you are speaking for, you go ahead and speak for and if you are speaking against, you do so. I think we better have this mix-grill rather than going for and against.

Senator Mujitaba Mohammed, you have to wind up your comments and we have to shorten the debate also because I understand that most of us are going to Uyo this afternoon and the flight is for 1.30 p.m. Therefore, I will take few contributions now.

Senator Mustapha Mohammed Mujitaba: Mr. President, in view of the time constraint, I rise to make my little contribution. First of all, I want to differ from Senator Dahiru Kuta for not condemning the coup. I want to condemn the Military take-over in its entirety because Military coup-de-tat, no matter how expedient, is reprehensible and stands condemned.

I also want to say that there was really democracy in Niger Republic and that is where I differ with Senator Heineken Lokpobiri. This is because democracy as we see it goes in phases. We have party, electoral, constitutional and liberal democracies. Niger Republic was in a stage of electoral democracy. Inasmuch as we condemn military coup, we must also look at the root causes or reasons for military coup in the West African Sub-region because political struggling or contest for power between political elites, inability of the political leaders to resolve their differences amicably, give rise to military coup-de-tat in the West African Sub-region. Rhetoric can never be an antidote to coup-de-tat in West Africa. We must adopt radical approaches that will be pre-emptive in nature.

In this regard, let me quickly quote Mr. Kofi Annan when he was commenting on the 2003 military coup-de-tat in Guinea Bissau. He said and I quote:

The recent removal of the democratically elected President in Guinea Bissau, however reprehensible, should not be seen as a single event in interrupting an ongoing democratic process, but as a culmination of an untenable situation during which constitutional norms were repeatedly breached.

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Mr. Kofi Annan then invited the international community to consider how to deal preventably with situation where government, although democratically elected, defied Constitution orders, flouted practice of governance and became an added source of instability.

It is unfortunate that in the past decade, military coup-de-tat used to be a threat to democracy in Africa, but unfortunately the situation now is that sit-tight leaders are becoming threats to democratisation efforts in West African Sub-region.

Along this line, I condemn the coup in its entirety and at the same time I also appeal to political power elites within the West African Sub-region to practice and imbibe true spirit of ideal democracy.

Senator Olorunnimbe Mamora: Mr. President, so much have been said about the situation in Niger Republic and it is quite unfortunate. As a democrat, I must condemn any coup. Unfortunately, in this particular circumstance and as a member of the ECOWAS Parliamentary Committee on Niger Republic Ad-hoc Committee, we were fully briefed as to the goings on. The first thing to say is that, let all those who stand beware, least they fall. Let all those masquerading as democrats whereas they are dictators, have a re-think wherever they may be because it is important to say this. President Mamadou Tandja surrounded himself with sycophants who would only tell him what he wanted to hear to the point that he became omniscient and virtually omnipotent, believing that nothing would happen but we now know better.

I believe what has happened in Niger Republic, much as one can see it as a bitter pill, is a bitter pill that has been garnished with honey so it is easier to swallow. That was what has happened. As one of my Colleagues said, it is a counter-coup. President Mamadou Tandja was not only belligerent, he was recalcitrant and totally unrepentant and now he has seen the situation. It is a lesson for other leaders who would want to convert the country into their own private estate and do what they like believing that they can get away with these things.

That reminds me, as a student of literature, it was like a case of Macbeth in Shakespeare book, where Macbeth was deceived by the *Weird Sisters* who continued to tell him: *the lion etude, bold and resolute, laughs to scorn the power of man but none of human born shall harm thee.*

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That was what happened and that was the kind of thing President Mamadou Tandja was doing in Niger Republic; but we now know better.

Much as we have condemned the situation, we also have to support what is on to ensure democratisation within the shortest time possible in Niger Republic.

I so submit and support this Motion.

Senator Joy Emodi (Anambra North): Mr. President, let me identify with previous speakers who saw what happened in Niger Republic as counter-coup. What happened is actually a counter-coup.

As a member of ECOWAS Parliament, when the then President Mamadou Tandja took over power forcefully, we all condemned that on the Floor of the ECOWAS Parliament but the man was so recalcitrant and stubbornly held onto power. He even detained the Opposition Leaders and some of our Parliamentarians ran away and stayed back in Nigeria. He carried out a controversial referendum just to perpetuate himself in office.

In all honesty, we know that coup is bad, out-modelled, anti-development and a primitive instrument employed by tyrants to unleash tyranny on the governed. But, in this case, can we really say that we were condemning this coup in its entirety to the extent of the point I made earlier about coup being bad? I say, yes. To the extent of seeing this coup as a redemptive coup, can we really condemn it? It is neither here nor there.

If it is a redemptive coup, why must we condemn it? If it is a coup carried out to put Niger Republic back on the path of democracy, can we really condemn it? This is because there is no other way the President could have been removed from power. The only way to stop this tyrant is through a coup. He carried out a civilian coup while these people carried out a military coup. They told us, based on what I read in the newspapers that, they did it in order to set them on the path of democracy.

So, I urge Nigerian Government to very understand in this matter, encourage the Military Junta to set up an Interim Government soon in order to carry out a free and fair election; the type that we experienced in Anambra State.

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Inasmuch as I support this coup, at the same time, I do not support coup because coup is bad, but this is a very unique situation. I condemn it to the extent that coup is bad but at the same time, I support it because I believe that it is a redemptive coup.

Senator John Nanzip Shagaya (Plateau South): Mr. President, I am one of the sponsors of this Motion as you can see, that means I stand on my two feet to condemn the coup on behalf of those who have sent me here. I condemn the coup because anywhere in Nigeria and in the world, coup or coup making or change of government through the barrel of the gun is an aberration.

Secondly, even in the Military all over the world, there are military democrats and I think that is where I belong. I condemn the coup for quite a number of reasons. The first is that, Niger could have drawn from the example of Nigeria of recent when a sit-tight government in the last administration was almost through its second term moved to extend its tenure and I believe that it was this same Senate Chamber that stood against that extension and, of course, the Lower Chamber supported. Niger Legislators would have used the public to unseat an unpopular government. After all, how many military officers do they have as it relates to the entire population of the Republic of Niger?

I condemn the coup because, coup making, change of government through violence could be infectious. If you look at the trend of events in the 1970s when coup making was the in-thing in Africa, at the end of the day, almost 50 years after, we all returned to the path of democracy.

However, having condemned it; the act has been done and so, as a nation, I would be guided by the suggestions or the conclusions of Senator Jibril Aminu, that we should use diplomatic means to make the coup makers in Niger Republic to understand that they might think they have acted rightly, but they should tow the path the people of that country would want.

What do I mean by that? Some Colleagues stated that we have very tight relationship with the Republic of Niger. Outside that, the mainstay of Kainji Dam, the Futajalon Island takes its source in Niger and so, the non-usage of diplomatic approach in condemning and in causing people who have lost the path to come back on track could result to something that may be very unpalatable for Nigeria.

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I will suggest that in as much as we condemn it on the Floor of this Chamber we should leave Senator Jibril Aminu, Chairman, Committee on Foreign Affairs, to use the diplomatic means to convey our message because 109 of us cannot change the situation in Niger; but through diplomatic means and taking other Member countries of ECOWAS Sub-region along, we can turn the table.

My advice using this Chamber is that the young adventurous coup makers in Niger should listen to the voice of reason from this country, from ECOWAS, African Union (AU) and from the world to return that country at the shortest time possible, to democracy.

The President: It is all right. I know that many people would like to contribute, but we should conclude this debate and go to the Prayers, please. In Prayers, we can still contribute because the Prayers are going to take a while, knowing the way we say our Prayers.

Starting with Senator Manzo's submission that we accordingly resolve to:

Condemn the action by the Junta in its entirety

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, from the debate that we have heard, it would be unfair to condemn just the Military Junta. President Tandja himself was a military man who dropped his uniform and took on civilian clothing. He was the one that conducted the first coup. So, the Prayer should be; to condemn all unconstitutional, unlawful and undemocratic methods of changing government not just the Junta.

The President: You have to reword it and tell me how you want it expressed. I cannot put the Question from here. I got the point you made, combine it with the first resolution from Senator Jibril. You reword it and let me write it down.

Senator Bassey Ewa-Henshaw: It should read thus: *Accordingly resolve to condemn all unconstitutional and unlawful acts of changing government in Niger Republic generally.*

The President: What you want to state here is including the attempt by Tandja to extend his tenure.

Senator Bassey Ewa-Henshaw: Yes,

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The President: So, we condemn all unconstitutional, illegal and unlawful acts including the attempt by Tandja to extend his tenure and that of the Junta.

Several distinguished Senators: Yes.

The President: Then Prayer one will be:

Accordingly resolved to:

Condemn all unconstitutional, illegal and unlawful acts to change a democratically elected government including Tandja's action to extend his tenure.

Amendment put and agreed to.

Prayer (ii) **says:** *Urge the coup leader to immediately begin a process of returning the country to a democratically elected government.*

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, from the report so far, they have already started the process but one thing that is missing in the process is the announcement of a definite date of returning to democracy. So, I am proposing an Amendment to read: *Urge the coup leaders to immediately begin a process and announce a definite date of returning the country to a democratically elected government.*

The President: The addition there is *leaders and to announce a definite date.*

Senator Ibrahim Ida: Yes, Sir.

Senator Bukar Abba Ibrahim (Yobe East): I have further Amendment, which should read thus:

Urge the coup leaders to release all civilians including President Tandja, and to immediately release a programme to begin the process of returning the country to a democratically elected government.

Mr. President, this is because all the problems in Niger happened much earlier. If you arrest too many civilians and keep them for long it could attract a counter coup. There were such cases when counter coups occurred because the arrested people were kept too long a period. Niger Republic is one country which in a way is very democratic, people within a

very short time can change their minds against even the government that appears to be popular. If they keep the civilians with them for too long there could be very unpalatable follow-up coup as a result of keeping them for too long. The earlier they release them the better.

The President: The only Amendment that you have added is the release of the civilians but I do not know whether we want to go into those details here.

Several distinguished Senators: No.

The President: Where is Senator Turaki, you were on the phone with the man on the day of the coup?

Senator Ibrahim Saminu Turaki (Jigawa North-West): Mr. President, the issue of Niger Republic started from Nigeria. If you look at what happened during the third term campaign, the Prime Minister, who was very strong and also the number two citizen, was arrested on corruption charges. He was taken to court when there were no charges and was imprisoned for almost 90 days and later they allowed him to go to France. The Speaker of the House of Assembly and some others were also arrested with the same EFCC that we have.

The President was advised by people from here that if he could form a Police Force to fight the political class which is not up to 5,000 people then he would continue ruling forever. So, when he called the political class using the EFCC in Niger Republic that was how the Parliament initially supported him to change the Constitution but it was not enough. It was the Court that actually ruled against the Parliament. The Parliament supported the President to change the Constitution after he had removed the Prime Minister.

It was the Court that ruled against him and he suspended the Court and the Speaker supported him. That was why out of about 5,000 the senior military officers almost 3,000 supported the former President. It was a 28 year old boy that carried out the coup; not the senior military officers.

The President: Sorry, I thought you were amending Prayer (ii).

Senator Ike Ekweremadu: Mr. President, I do not think there is much problem with the Prayer. What is required is to fix a time frame. I suggest that the Prayer should read:

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Urge the coup leaders to take steps to return the country to democratic rule within six months.

The President: Do we want to announce a date or leave it the way Senator Ibrahim Ida has said it; that they should give a definite date? We can amend it in line with Senator Ida's suggestion rather than asking them to give a definite date. Because of the situation on ground, let them decide whether they want to return it within six months or nine months or one year. In my opinion, if they give a time-table which gives an impression that they want to stay longer in power, it would be unrealistic. You are more conversant but I just have the feeling that those youngstars want to do something to bring the country back on track. At that age and level they would be anxious to hand over as quickly as possible.

With your intervention and the intervention of General Abdulsalam and other ECOWAS countries, there is enough pressure on them and I am sure they would set a target very soon. I listened to BBC this morning and two countries have offered to take Tandja on exile. They are contemplating on doing that. Once he gets out of the country they would bring up a time-table. So, rather than fix a date, we would ask them to give us a definite date. Can I read it the way I have written it down?

Urge the coup leaders to immediately begin a process and announce a definite date of returning the country to a democratically elected government. (Interruptions)

If we must give time then I think we must give them up to twelve months because there are structures that they have to put back. We do not know the local situation and that is what worries me about giving a date. We do not know the local situation there.

Several distinguished Senators: Put the Question.

Amendment put and agreed to.

The President: Do we have additional Prayer?

Senator Teslim Folarin: Mr. President, my additional Prayer would read thus: *urge the international community particularly ECOWAS and AU to assist the Military Government in Niger to return to the path of democracy.*

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Question put and agreed to.

The President: Is there any more additional Prayer?

Senator Bassey Ewa-Henshaw: Mr. President, my additional Prayer reads thus: *Encourage ECOWAS and AU to evolve a clear cut policy to discourage sit-tight leaders in Africa.*

The President: Sorry, say that again, Ewa-Henshaw.

Senator Bassey Ewa-Henshaw: My additional Prayer reads thus: *Encourage or urge the ECOWAS and the AU to evolve a clear cut policy to discourage sit-tight leaders in Africa.*

Question put and negated.

The President: Is there any further additional Prayer?

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I have an additional Prayer. One of the Protocols of ECOWAS is to allow free movement of goods and persons. As it has been canvassed, Nigerien would suffer if this sanctions that have been placed on them is allowed to continue. Because of this, my additional Prayer would read thus: *Urge the African Union, particularly the ECOWAS community leaders to lift the sanctions against Niger Republic to allow the Military rulers to conduct free and fair elections to return the country to a democratic government.*

I know as at today Nigerien people are suffering because they have to come to Nigeria to buy toiletries. If the sanctions continue they would suffer more. I urge my Colleagues to accept this so that ECOWAS community would lift the sanctions.

Question put and negated.

The President: Senator Jibril Aminu, do you have any further additional Prayer?

Senator Jibril Mohammed Aminu: I have information to give. The new Military Junta has appointed a civilian Prime Minister. I hope Senators have heard that and this is an indication of their move.

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As I said at the beginning, we merged our report with that of Senator Manzo and they committed a lot of Prayers. Some of them might pass while some of them might not pass but with all due respect, we should consider all these Prayers. Those that have already been addressed or those that have been rejected should be rejected. We have about five or six Prayers from the Committee. So, if you will agree, we need to raise some of them.

The President: Sorry Prof., I read them. They have all been virtually covered, because these Prayers come out in prose form and you know that they cannot come out in this way. For instance, if you take this one that read thus:

Senate calls on mediating ECOWAS leaders to immediately engage strongly with the new administration in Niger Republic in order to persuade the new administration to do whatever ECOWAS has contemplated by proposing an interim government.

That one is proposing an interim government. We are urging these people now. We do not want to propose an interim government again. These proposals came in a prose form but almost everything there has been reasonably covered in the Prayers.

Senator Smart Adeyemi (Kogi West): Mr. President, I would just give a brief explanation. This Prayer is coming against the background of the success we recorded in the crusade against the Third Term and of course, you know that the Third Term succeeded in Niger. So, I want to add that:

Urge civil societies and the media in the West African sub-region to be more proactive towards ensuring good governance and the protection of human rights.

Question put and agreed to.

The President: Any further additional Prayer?

Senator Julius Ucha (Ebonyi Central): Mr. President, my additional Prayer reads thus: *Urge Parliamentarians in Africa and West African Sub-region to resist attempts of being used as instruments of elongation of power.*

Question put and negatived.

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The President: Is there any more additional Prayer?

Senator Mohammed Kabiru Jibril (Kaduna Central): Point of Order, Mr. President!

The President: Yes, Point of Order, distinguished Senator Mohammed Kabiru Jibril.

Senator Mohammed Kabiru Jibril: Mr. President, my point of Order is predicated on Order 56(13) and with your kind permission, I read. Order 56(13) reads thus: *Senators shall attend the sittings of the Senate properly dressed.*

It is my candid observation, Sir, properly dressed in this respect means formal dressing either in the western or in national mode or in any recognised traditional mode. I respectfully wish to observe that distinguished Senator Kuta is not properly dressed. He is neither in formal, western, traditional or any recognised traditional form of dressing in the country.

The President: Senator Kuta, to the best of my knowledge what you are wearing is not recognised as peculiar to Niger State.

Senator Kuta: It is peculiar to Gwari people.

The President: This is not the Gwari dress that I know. Like Professor's own, you know Professor has been here for a couple of times in wrapper. That has been accepted. Senator Mohammed Jibril, you are right. Senator Kuta, because of that Point of Order, you know you are not properly dressed. You cannot make a comment but you can observe the proceedings. So, that concludes all the additional Prayers.

Senator M. K. Jibril, you are right.

One thing we can do not officially but privately because nearly 80 *per cent* of those young officers who are involved in this coup were trained in Nigeria Defence Academy (NDA) I think it was when Senator Mana was there as an instructor. Privately, through the Deputy Senate President and his team we can let them know that if they do not make an effort to hand over as quickly as possible to a democratically elected government, we will come down heavily on them. It would be in their interest to return government to democratically elected government as quickly as possible. It is necessary to do that.

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For those of you who have had time to train them in NDA, I hope this was not a carry over in any means but it is a lively debate. The fact of the matter is that democracy is the order of the day today. When Senator Shagaya, Senator Mana and others were on the stage it was, perhaps, not as bad but these days there is no room for military to take over any government. It is even more condemnable when a military democrat suddenly begins to take over and elongate his tenure like what Tandja was doing, that was very bad. That is why this coup had not received the total condemnation it could have otherwise received from the general public.

Thank you very much for the very robust and wonderful debate.

Main Question on the Motion as amended, put and agreed to.

Resolved: That the Senate do:

- (i) *Condemn all unconstitutional, illegal and unlawful acts to change a democratically elected government including Tandja's actions to extend his tenure;*
- (ii) *Urge the coup leaders to immediately begin a process and announce a definite date of returning the country to a democratically elected government;*
- (iii) *Urge the international Community particularly ECOWAS, AU to assist Military Government in Niger to return to the path of democracy.*

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- (iv) *Urge civil societies and the media in the West African sub-region to be more proactive towards ensuring good governance and the protection of human rights.*

Suspension of Items on the Order Paper

Senator Teslim Folarin: Mr. President, I want to move that we step down all other Items on the Order Paper till another legislative day.

Senator Omar Hambagda (Borno South): Mr. President, I second the Motion that other Items on the Order Paper be stepped down till another legislative.

Question put and agreed to.

Resolved: That the other Items on the Order Paper be stood down till another legislative day

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till Tuesday next week, 2nd March, 2010 at 10.00 a.m.

Senator Omar Hambagda: Mr. President, I second the Motion that this Senate do adjourn till Tuesday, 2nd March, 2010 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do now adjourn till Tuesday, 2nd March, 2010, at 10.00 a.m.

The Senate adjourned accordingly at 12.50 p.m.