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**Wednesday
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FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

THIRD ASSEMBLY (SIXTH SENATE)

SECOND SESSION

THE SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 1st April, 2009

The Senate met at 10:20 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Tuesday, 31st March, 2009: Pages 639, 640.

Senator Dahiru A. Kuta (Niger East): Mr. President, on page 640, Item 6 on Committee on Works it says: *Motion made that the Senate do consider the report of the Committee on Works on the screening of the following persons as Chairman and Members in the Governing Board.* Then, second to the last line it says: *Members of ...* I do not know which one is correct whether it is; *in the Governing Board* or *of the Governing Board*.

The President: The first one is on the Motion made, where is the other one? What is in that Motion Paper is it; *in the Governing Board* but when I was reading it I said *of*, I remember that vividly because I made that remark on my own paper. So, what they reflected there is the correct thing. Pages 641, 642.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to move the Motion that the Votes and Proceedings of Tuesday, 31st March, 2009 be approved.

Senator Simon Ajibola (Kwara South): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 31st March, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 31st March, 2009 be approved.

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ANNOUNCEMENTS

The President: All announcements that I will make today are correct and have nothing to do with April fool's day, please.

Birthday Greetings

We want to, on behalf of all of us, wish the following happy birthday.

1. Senator Maccido Mohammed Ahmed was born on 1st April
2. Senator George Thompson Sekibo (JP) was also born on 1st April

We wish the two of them happy birthday.

There is a letter from Senator George Thompson Sekibo which reads:

Birthday Announcement

Your Excellency,

With gratitude to God Almighty, I write to inform you and the entire Senate that I am a day older today Wednesday, 1st of April, 2009. I, therefore, solicit for your prayers for God to grant me more years and good health.

Thank you.

(Signed)

SENATOR GEORGE THOMPSON SEKIBO (JP)
Chairman, Committee on Solid Minerals

Also because we are not going to be here for the birthday of the following person, therefore, it is proper for us to wish them happy birthday in advance.

1. On the 8th of April is Senator David Mark
2. On the 12th of April is Senator Nazif Suleiman Mohammed

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3. On the 12th of April is Senator Tanko Abubakar Ayuba
4. On the 13th of April is Senator Simon Olasunkanmi Oduoye

We wish all of you happy birthday in advance.

PRESENTATION OF BILLS

Debt Management Office Act (Repeal and Re-enactment) Bill, 2009 Senator Teslim Kolawole

Folarin (Oyo Central) Mr. President, the first business of the day is the presentation of an Executive Bill standing in my name on the Debt Management Office Act (Repeal and Re-enactment) Bill, 2009.

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

Debt Management Office Act (Repeal and Re-enactment) Bill, 2009 - *read the First Time*.

Technology Innovation Agency (Establishment, etc) Bill, 2009

Senator Teslim Folarin: The second business of the day is the presentation of a Bill standing in the name of Senator Nimi Barigha-Amange on the Technology Innovation Agency (Establishment, etc) Bill, 2009.

Again, you may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Technology Innovation Agency (Establishment, etc) Bill, 2009 – *read the First Time*.

ORDERS OF THE DAY

CONSIDERATION OF REPORTS

Report of the Conference Committee on the 2009 FCT Statutory Appropriation Bill

Senator Kolawole Folarin Teslim: Mr. President, let me humbly inform my Colleagues that the second Order of the Day is being taking as the first. In order words, we will take the presentation and consideration of the Conference Report on the FCT Appropriation Bill, 2009.

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You will recall that the Senate and the House of Representatives passed different versions of the FCT Appropriation Bill, 2009. The Conference Committee of both Houses has met to harmonise the differences in accordance with the Senate Standing Order 88.

You may now invite Senator Abubakar Sodangi to move the Motion for the Senate to receive and consider the Conference Report.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I humbly request that the Senate do approve and adopt the Report of the Conference Committee on the Federal Capital Territory (FCT) Appropriation Bill, 2009.

The President: Senator Sodangi, what you need to do is to present your Report rather than to move for us to accept it. You will present it; it will be seconded and we will discuss it and put the Question.

Senator Abubakar Danso Sodangi: You may wish to recall that in line with the legislative practice and procedure the Senate at its sitting on Thursday, 19th March, 2009 passed the Federal Capital Territory Statutory Appropriation Bill, 2009. The same Bill was passed by the House of Representatives on Tuesday, 24th March, 2009.

However, there were two areas of differences in Clause 5(1) and (2) of the Bill between the Senate and the House of Representatives versions and the inclusion of the word *Plc* after Aso Radio and Television Services. The Senate and the House of Representatives constituted a Conference Committee to harmonise the differences in the two versions.

Membership of the Committee

The Conference Committee comprising six Senators and six Honourable Members was constituted to harmonise the differences in the two versions of the Bill.

The Members are:

Senator Abubakar D. Sodangi	Chairman
Hon. Atai Aidoko Ali	Vice Chairman
Senator Agbo Oduma Anthony	Member

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Senator Folashade Grace bent	Member
Senator Heineken Lokpobiri	Member
Senator Caleb Zagi	Member
Senator Kolawole Bajomo	Member
Hon. Ibejiako Earnest	Member
Hon. Adamu G. Kalba	Member
Hon. David Idoko	Member
Hon. John Owan Eno	Member
Hon. Emmanuel Omotayo Adedeji	Member

Secretariat

The Secretariat was headed by Alhaji Lawal A. Duduyemi; Clerk Senate Committee on FCT and Mr. Femi Ogunsanya, Clerk House Committee on FCT

Enactment that Governed the Proceedings

The Conference Committee met on Tuesday, 31st March, 2009 and deliberated on the assignment. In the course of deliberations, the Committee made reference to the following documents to guide its proceedings:

- (a) The 1999 Constitution of the Federal Republic of Nigeria; our grund norm;
- (b) Standing Rules/Orders of the Senate, 2007; and
- (c) Standing Rules/Orders of the House of Representatives,, 2006.

Clauses of the Bills

The areas of differences in the Senate and the House of Representatives versions of the Bill were noted by the Conference Committee and made the recommendations stated hereunder:

Monthly Report

In the Senate version, Clause 5(1) and (2) the Minister of the Federal Capital Territory and the Director of Treasury, Federal Capital Territory Administration shall immediately upon the coming into force of this Act furnish the National Assembly on a monthly basis the status of the records of the Federal Capital Territory Statutory Accounts.

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Provision under Clause 5(1) was sustained by the Senate.

Clause 5(2): All Accounting Officers of the Federal Capital Territory Administration, Agencies, Parastatals and Extra-Ministerial Departments who control heads of expenditure shall present to the National Assembly Quarterly Reports detailing the progress of implementation of the provisions of this Act.

Provision under Clause 5(2) by the Senate was sustained.

House of Representatives Version

Clause 5(1): The Minister of the Federal Capital Territory and the Director of Treasury, Federal Capital Territory Administration shall immediately upon the coming into force of this Act furnish the National Assembly on a Monthly basis the status of the records of the Federal Capital Territory Statutory Accounts.

Provision under Clause 5(1) was expunged. In other words, the House of Representatives expunged the monthly report and Clause 5 was retained by them, which I do not have to read. In other words, what we adopted is the version of the House of Representatives as far as that provision is concerned.

The second contention is Aso Radio and Television Services Plc. The Senate version was that the word *Plc* after *Aso Radio and Television Services* was expunged or deleted by the Senate and to read *Aso Radio and Television Services; simpliciter*.

The House Version

In the House version, the word *Plc* after *Aso Radio and Television Services* was sustained by the House of Representatives.

Observations

1. The Conference Committee noted that the request for monthly reportage by the Federal Capital Territory Administration is too short for any meaningful and accurate preparations to be made. In view of the above observation, the Conference Committee sustained the House

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2. of Representatives' version of the Bill by expunging Clause 5(1) from the Bill.
3. The Conference Committee sustained the Senate version, in respect of deletion of the word *Plc* as contained in the Bill.

Recommendation

The Conference Committee hereby recommends that:

1. Clause 5(2) to wit: All Accounting Officers of the Federal Capital Territory Administration, Agencies, Parastatals and Extra-Ministerial Departments who control heads of expenditure shall present to the National Assembly Quarterly Reports detailing the progress of implementation of the provisions of this Act. That is the House of Representatives' version.
2. Aso Radio and Television Services, the Senate's version was accepted.

Conclusion

On behalf of the Members of the Joint Conference Committee, I wish to express our profound gratitude for the opportunity given us to serve. It is our sincere wish that our recommendations would be considered and approved accordingly.

Attached herewith is a clean copy of the 2009 Federal Capital Territory Statutory Appropriation Bill and if it is so approved, we will distribute it later. With your kind permission, may I now lay the Report and the details of the 2009 Appropriation Bill?

Senator Lee Ledogo Maeba (River South-East): Mr. President, while I rise to second that the Report be laid, I am surprised that the debate on this Report does not carry any figure of money. This is because a Report of this nature over years normally carries, at least, the amount so approved with the details attached. This does not mention anything about money. But inasmuch as that is done, I second the Motion that the Report be laid.

The President: Distinguished Senator Lee, you have seconded the Motion. It is just the areas of disagreement that he is to submit. There is no money to be carried there because there was no

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disagreement on figures. (*Interruptions*) No, there are no figures to be attached. We have been doing this in the past. It is a Conference Committee. The area where they differ is what he has brought and there are just two areas; submission of Monthly Report and the Aso Radio and Aso Television Plc. So, as the Report stands, there is nothing wrong with it (*Interruptions*). If you disagree let me know the correct thing Senator Ewa-Henshaw.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, this is a Conference Committee Report on an Appropriation Bill. Even when there is no disagreement with the figures the Clauses that are attached to the figures should accompany this Report. When we passed the Federal Government Budget that was what came.

The President: We have already passed the Bill and the House also has passed the Bill. What happened was that there were areas of differences and those are the areas that would be brought before us. That has been the tradition. Let us not start a new innovation because this is what we have been doing. If there are differences in figures the figures would be shown and those areas would be shown clearly. In any case, the Motion has been seconded.

Senator Omar A. Hambagda (Borno South): Mr. President, mine is just an observation. If you take a look at page 4 about Clause 5(2) and the comments in italics which says: *Provision under Clause 5(2) was sustained by the Senate*. I do not understand what that means. I thought that in the Conference Committee you either say the Senate version was adopted by the Conference Committee or the House version was adopted by the Conference Committee.

If you go further you will also find where they said provision under Clause ... was sustained by the House of Representatives. I do not understand what those statements are trying to convey.

The President: What has happened is what the lawyers call surplusage. That is what he has done. If, you look at page 6 he has made the recommendations there. What he did was to repeat what the Senate and the House of Representatives agreed on. That is what he did on page 4 showing what the Senate and the House of Representatives agreed upon and then went on to his recommendation. He just did some extra work. That

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is all. You know we cannot really change anything in this Report. So, it is just for me to put the Question, as a matter of fact.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I believe this is the outcome of the Conference Committee Meeting and the Conference Committee is made up of the Senate and the House of Representatives.

If you look at the signature page, you will find that only one person from the House of Representatives signed this Report. My fear is whether this Report is authentic if we accept it the way it is. Senator Grace Bent did not sign it. I will like you to take note of that.

The President: Senator Sodangi, I want to believe that this is the accepted final Report by all of you? The point he has raised is important not necessarily that of Senator Grace Bent but the other Members of the Conference Committee.

Senator Abubakar Danso Sodangi: Mr. President, time is of essence as far as this exercise is concerned. That is why I would beg that the Leadership should allow us to lay this Report. As I speak with you the Chairman, House of Representatives Committee on FCT, Hon. Idoko, has gotten five of his Members who have signed the Report. He has signed and Senator Grace Bent also signed this morning. I am surprised that Senator Barigha-Amange has not confirmed with Senator Bent. The copy I have before me shows that Senator Bent signed. All the distinguished Senators signed the Report.

Hon. Idoko has signed. I phoned him before I entered this Chamber and he confirmed that five hon. Members have signed and he is looking for the rest. By the end of the day the record would be complete. My Colleagues should not have any fear about who has signed and who has not signed.

The President: That is all right. The important thing is that, we should not have Members who would say they do not accept the Report. Everybody must not sign but majority must sign. For Conference Committee it is just simple majority. Senator Barigha-Amange you raised the issue of signature and I am explaining to you what our Rule says. Majority should sign and not everybody. If majority disagree then the Report would not be acceptable. On the copy that I have

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seven of you have signed out of 12. So, even if the other five Members refuse to sign it will not really matter.

I will now go ahead to put the Question in favour of the adoption of the Conference Committee Report as presented.

Question put and agreed to.

Resolved: That the Senate do approve and adopt the Report of the Conference Committee on the FCT Appropriation Bill, 2009.

The President: Please, lay it on the Table.

(Report accordingly laid on the Table)

Report of the Committee on Sports and Social Development on the Screening of Mr. Peter Igho as the Director-General of the National Lottery Commission

Senator Teslim Kolawole Folarin: Mr. President, the second Order of the Day is the presentation and consideration of the Report of the Committee on Sports and Social Development on the screening of Mr. Peter Igho as the Director-General of the National Lottery Commission in accordance with Section 8(1)(a) of the National Lottery Commission Act, 2004.

You may recall that the Report of this Committee was laid in this hallowed Chamber on Thursday, 26th March, 2009. As the Chairman of the Committee is on oversight function and I also understand that the Deputy Chairman of the Committee is not around, you may wish to invite a key member of that Committee, Senator Osita Izunaso, to move the Motion for the presentation and consideration of this Report.

The President: Who is the Vice Chairman of the Committee? Is he on oversight function as well?
(Interruptions)

Distinguished Senator Izunaso, you may proceed with the Motion.

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Senator Osita B. Izunaso (Imo West): Mr. President, on behalf of the Chairman, Senate Committee on Sports and other Members of the Committee, I hereby move that the Senate do consider the Report of the Committee on Sports and Social Development on the screening of Mr. Peter Igho as the Director-General of the National Lottery Commission and approve the recommendations contained therein.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, I rise to second the Motion moved by Senator Osita Izunaso that the Senate do consider the Report of the Committee on Sports and Social Development on the screening of Mr Peter Igho as the Director-General of the National Lottery Commission and approve the recommendations contained therein.

Question put and agreed to.

Resolved: That the Senate do receive and consider the Report of the Committee on Sports and Social Development on the screening of Peter Igho as the Director-General of the National Lottery Commission and approve the recommendations contained therein..

Senator Osita Izunaso (Imo West): Mr. President, this is the Report of the Senate Committee on Sports and Social Development on the screening of Mr. Peter Igho as the Director-General of National Lottery Commission.

The Senate of the Federal Republic of Nigeria at its sitting on Tuesday, 17th March, 2009 considered the request by Mr. President, Commander-in-Chief for the confirmation of the nomination of Mr. Peter Igho as the Director-General of the National Lottery Commission and referred same to the Committee on Sports and Social Development for further action vide Votes and Proceedings of Tuesday, 17th March, 2009. The Committee was given two weeks for the assignment.

The Committee, in carrying out this assignment, requested for and obtained the Curriculum Vitae and other relevant documents from the State Security Department, the Nigeria Police and the Code of Conduct Bureau in respect of the nominee. The Committee invited the nominee for screening on Tuesday, 24th March, 2009 at 2.00 p.m.

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The nominee appeared before the Committee on Tuesday, 24th March, 2009 to be screened. During the screening exercise, Members interacted with the nominee by asking him several questions to which he proffered reasonable and satisfactory answers.

Findings

The Committee is of the opinion that Mr. Peter Igho is educationally sound with a Bachelor of Arts Degree in English from the University of Ibadan, Ibadan, Oyo State in 1972.

There was no petition from either the public or from the three distinguished Senators representing Delta State against his nomination. The nominee is a seasoned technocrat who has served in various capacities within the public sector.

The Committee also observed that Mr. Peter Igho's nomination is in line with the provisions of Section 8 of the National Lottery Act, Cap N.145, Laws of the Federation of Nigeria.

Recommendations

After extensive deliberations and scrutiny of all the relevant documents as forwarded by the Presidency, the Committee hereby recommends that the Senate do confirm Mr. Peter Igho as the Director-General, National Lottery Regulatory Commission.

We so submit.

The President: Is there any comment, distinguished Senators?

Senator Smart Adeyemi (Kogi West): Mr. President, first and foremost, I commend the Committee on Sports for doing a very thorough job. With respect to all the recommendations of the Committee especially as they affect the person of Mr Peter Igho, I want to attest to the fact that he is competent and can be entrusted with the position. I have had the privilege of working with him on quite a number of national assignments when I was in the NTA. I also want to attest to the fact he has great strength of character. I believe very sincerely that if this assignment is given to him the nation will be proud of the Agency in a few years.

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The Committee should equally bear in mind that there is the need to empower the Lottery Commission. There is misconception about the concept of lottery in Nigeria. I believe that it is not as bad as people have made us to believe that lottery is evil. Lottery should equally be seen as a money yielding venture which apart from the fact that it is capable of providing job opportunities for Nigerians, it can equally help in accelerating socio-economic activities of our nation.

I submit that the President, Commander-in-Chief of the Armed Forces actually made a good choice in the person of Chief Peter Igho.

Senator Ayogu Eze (Enugu North): Mr. President, I rise to support the recommendations of the Committee on Sports on Chief Peter Igho. Chief Peter Igho is very well known to me. He is a thoroughly bred professional. He has left his foot prints on the sands of national television programming. Peter Igho was a pioneer member in a lot of television enterprise in Nigeria. He has a lot of vision about life. Wherever he goes he brings in the light of his character, personality and training. I have no doubt that with his appointment in Lottery Commission; that the Commission will not be the same again because wherever he has gone he has always put his Midas touch and change the situation. This is another opportunity for him to demonstrate his ability to make contributions to his fatherland.

I commend the President, just as Senator Smart Adeyemi did, for fishing him out and giving him this responsibility because I believe he will discharge it very well to the satisfaction of Nigerians and do us a lot of good. That Lottery Commission, I dare say with prophetic tinge, will never be the same again after Chief Peter Igho has been there as the Chief Executive Officer.

I congratulate him I support his appointment and enjoin my Colleagues to equally support the appointment of a worthy Nigerian to a worthy venture.

Senator Blessing Chris D. Anyanwu (Imo East): Mr. President, I have just very few comments to add steam to what my Colleagues who are the media people here, Senator Smart Adeyemi and Senator Ayogu Eze.

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I worked for a long time at NTA and I had Peter Igho as my colleague. I can testify to the fact that he is someone you can count on in terms of his sense of responsibility and his ability to deliver. If there is anybody to take the seam out of the business of lottery I think Peter Igho will be the person to do that.

I do not want to go into the wisdom of lottery because one of my Colleagues here will be eyeing me but I think lottery is a money-making business and it is a good way to raise money. I totally support the recommendation of the Committee that he be confirmed for this job. He will be very good for it.

Senator Kanti Bello (Katsina North): Mr. President, I have no quarrel about this recommendation whatsoever but unfortunately I do not know whether or not the *pro tempor* Chairman will help us because the Chairman and the Vice Chairman are not there.

The President: Senator Osita Izunaso he is asking you a question. I know you will not hear the question because you were busy conversing.

Senator Kanti Bello: The law that set up this lottery is very clear. When we passed that Act, we made it very clear that certain amount of money will be given to Nigerian Football Association (NFA) every year. The worst part of it is that we have heard that Government could not fund this or that. I do not know if in the Committee's oversight function, they are aware of the provisions of that Act. The Chairman of the Committee should be aware of that provision.

Again, I do not know if from their oversight functions they were able to get some funds and how much were they able to give to NFA. That is very critical. The Authorities are not enforcing the provisions of the Act but only making appointments. We should clear this because it is very disturbing. We need to have a more serious look at some of the provisions in this Act when appointing people and bring it to their attention. I just want to know from the Chairman if they have done something towards and how far they have gone with regard to that provision.

The President: Has Police got anything to do with lottery?

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Senator Nuhu Aliyu (Niger North): Mr. President, I want to say something about the nominee because I have known him for over 30 years. I know him and his capabilities that is why I stand to say much about him. I had the impression that he was going to be made the Director-General of NTA. However, this is another step and another field and I know that he is capable of handling the situation because he is a very hard working Nigerian. I believe that he will bring credibility to the organisation to which he is being appointed and Nigerians would be very happy about his appointment.

Senator Ike Ekweremadu (Enugu West): Mr. President, I rise to support this recommendation from the Committee on Sports in respect of Peter Igbo. I have known Peter Igbo for many years right from his days as the General Manager of NTA in Enugu when he turned the fortune of that station around and put it on the map as one of the foremost NTA Stations in Nigeria.

Peter Igbo has produced several TV programmes and documentaries and I can say on very good authority, that he is one of the greatest minds we have ever seen in the Nigerian media. We recall the programme called Cock Crow at Dawn that ran all through the 1970s and part of 1980s. That programme is a product of the ingenuity of Peter Igbo.

I believe too that he also produced the Masquerade which is now the new Masquerade with Chief Zebrudaya. I, therefore, believe that he would take this creativity to his new assignment in the Lottery Commission. Lottery is an area where we all look forward to help especially in these times of recession.

The U.K. Government is looking up to their Lottery Commission to fund the next Olympics to be held in London. We recall, too, that during the recession in the US in the 1930s and, of course, the present recession, the US Government is relying heavily on their Lottery Commission to provide funds for most of the bailout plans. So, this is an area we require a man like Peter Igbo to use his creativity to ensure that that Commission is turned around for the benefit of this country.

I, therefore, support his nomination and I urge the rest of our Colleagues to support it in the interest of that Commission.

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Senator Osita B. Izunaso: Mr. President, let me quickly address the issue raised by the Chief Whip. The Act setting up the National Lottery Commission was signed into law in 2005 and the only registered body at the moment in this country empowered to go into lottery is the National Sports Lottery which for one problem or the other has not been able to take off fully. We have it on good authority in our Committee through our oversight functions that they will roll out on July 5th 2009. By the time they would out in July 5, 2009, we would monitor how much money that would go into sports development.

Only recently, they gave assistance to Yobe State during the late Maman Ali's administration sometime in January, this year. The Sports Committee is monitoring the National Sports Lottery very well. I can assure you that at the end of the day, funding of sports would be a thing of the past if things are properly put in place.

The President: Is it the National Sports Lottery that you said gave assistance to Yobe State?

Senator Osita B. Izunaso: Yes.

The President: Where did they get money from that they are giving money out for assistance?

Senator Osita B. Izunaso: Since 2005, they have been operating skeletally but much as they call it National Sports Lottery, it is not only sports that they ventured into. They have ventured into virtually every other thing and they have a specific amount of money that they are supposed to pay to the Federal Government on monthly basis. That was why when Yobe State had some problems, they offered them some assistance and the former Governor is aware of what I am talking about.

Senator Bukar Abba Ibrahim (Yobe East): Mr. President, initially I did not intend to say anything but since I heard my Acting Vice-Chairman mentioning Yobe State I became interested.

I am a Member of the Sports Committee and I have attended a few meetings. My understanding at the end of the day was that we all understood nothing really about what was happening in the country. My only prayer is that the coming of Director-General, Peter Igbo would not only bring money to the Treasury, even though they told me

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yesterday that out of the 36 States of the Federation, Yobe is the only one that has said no to lottery on the basis that it is gambling. But they told us yesterday that lottery is not gambling. That is an issue which has not been concluded. Actually, so many other issues that have been raised have not been concluded.

So my understanding as at yesterday which was the last day we met, was that something radical would come out of this because the country has been losing billions of Naira from the lottery activities that are going on. They told us that every week about N45 billion exchanges hands in Nigeria on lottery half of it in Lagos yet nothing goes into the Treasury. I was under the impression that the Committee would dig up some information so that we will recover what we have lost as a country and also ensure that in future every Kobo that is due to the Treasury would come in.

Today the Chairman and the Vice Chairman of the Committee are not here and the acting Vice-Chairman has virtually told us nothing. The Report is so skeletal that there is really nothing on the issues themselves. It is one of these Nigerian situations where we say; *the more you know, the less you understand*. It is a magician game that is being played. I hope Chief Igho would bring in something. He should find out how many billions of Naira the Federal Government of Nigeria has lost in the past in terms of revenue. He would also ensure that in future all the billions they say we would realise from the introduction of the Commission would actually be realised.

The President: In the light of this rather very unclear situation whether or not the lottery has been going on, the Committee responsible for it should look at it properly and bring a Report to the Senate before we find that they have made so much money and nobody knows what has happened to it. This is a bit hazy because you said they have been operating on a skeletal manner and Bukar Abba Ibrahim who is a Member said that they have been earning billions of Naira. Let us not allow this to go to a level we will not appreciate before we begin to make enquiries. We should find out exactly what they are doing and if they are earning some money.

Senator Lee Ledogo Maeba: Mr. President, the controversy arose from Senator Izunaso's submission. Senator Bukar Abba Ibrahim said that Yobe State said they do not want lottery because it

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is gambling and against their religion. While Senator Izunaso said that has been the only State they have given money. Lottery is going on in every State. The issue here is, why is Yobe State that does not want lottery be the first to collect huge sums of money from the lottery business? This is a controversy we should set up an Ad-hoc Committee to investigate. I am ready to head that Ad-hoc Committee. *(Laughter)*

Senator Teslim Kolawole Folarin: Mr. President, I wish to move that this Senate do resolve into Committee of the Whole to consider the Report.

Senator Isa Maina: Mr. President, I rise to second the Motion that the Senate do resolve into Committee of the Whole to consideration the Report.

Question put and agreed to.

Report of the Committee on Sports and Social Development on the screening of Mr. Peter Igho as the Director-General of the National Lottery Commission – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The President: Are there any more comments before I put the Question? *(No response)*

Will the Senate approve the nomination of Mr. Peter Igho as the Director General of the National Lottery Commission?

Question put and agreed to.

Senator Teslim Kolawole Folarin: Mr. Chairman, I move that you do report progress.

Senator Isa Maina: Mr. Chairman, I rise to second the Motion that the Chair do now report progress.

Question put and agreed to.

(The President resumed the Chairman)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Sports and Social Development on the screening of Mr President's nominee for appointment as the Director General of the National

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Lottery Commission and approved the nomination of Mr. Peter Igho.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nomination

The President: Will the Senate confirm the appointment of Mr. Peter Igho as the Director General of the National Lottery Commission?

Question put and agreed to.

Resolved: That the Senate confirmed the nomination of Mr. Peter Igho as the Director General of the National Lottery Commission.

CONSIDERATION OF BILL

Independent Corrupt Practices and Other Related Offences Commission (Amendment) Bill, 2009

A Bill for an Act to amend the Independent Corrupt Practices and Other Related Offences Commission (Establishment) Act, 2009 (SB.206)

Senator Teslim Kolawole Folarin: Mr. President, before going further with the Order Paper let me inform my Colleagues that I believe that copies of the Senate Legislative Calendar have been circulated to every body. The key things to note there are Items 3 and 4.

May I request that the fifth Order of the Day which is the Second Reading of the Independent Corrupt Practices and Other Related Offences Commission (Amendment) Bill now becomes the third Order of the Day.

Therefore, the third Order of the Day is the Second Reading of the Independent Corrupt Practices and Other Related Offences Commission (Amendment) Bill, 2009. You recall that this Bill was read the First Time on Thursday, 23rd October, 2008.

You may now invite Senator Sola Akinyede to move the Motion for the Bill to be read a Second Time.

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Senator Steven Sola Akinyede (Ekiti South): Mr. President, I rise to proceed with the lead debate on a Bill for an Act to Amend the Independent Corrupt Practices and Other Related Offences Commission Act, 2000 which is due for Second Reading today.

The President: Yes, you can start with the lead debate.

Senator Steven Sola Akinyede: Nr. President, it is an honour to stand before you to present the lead debate on the Bill for an Act to Amend the Independent Corrupt Practices and Other Related Offences Commission Act, 2000. The Bill was read for the First Time on 23rd of October, 2008. I thank you for the honour and the opportunity.

Just as a preamble. You may recall that on 24th February, 2009, the Bill to amend the Economic and Financial Crimes Commission Act 2004 with a view to streamlining the functions of that Commission as well as those of the ICPC was read the Second Time. The Amendment of the ICPC Act with a view to streamlining the functions of ICPC as well as strengthening it, you will agree, is a logical and necessary consequence of that Second Reading.

ICPC is a body set up in the Year 2000 to combat serious cases of corruption; investigate and prosecute for amount as low as N1,700. While corruption of any nature and by any one both big and small should be abhorred. It is my believe that a body whose annual budget is in excess of N3 billion and whose mandate is to investigate and prosecute serious cases of corruption should not busy itself with what the Director of Public Prosecution in a State would not even concern himself with when we already have a Police Force which can prosecute such cases of corruption.

For instance, the Hong Kong Department of Justice only have few cases which involve loses of , at least, \$5 million. The same thing goes for the Serious and Organised Crimes Agency (SOCA) in United Kingdom. The purpose of one of the proposed Amendments is to provide for a minimum amount below which ICPC cannot investigate or prosecute.

In its over eight years of existence, the ICPC had successfully prosecuted only 150 cases. This is

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an average of 20 cases per annual. One of the reasons this is so is because of the procedural obstacles usually erected by defence lawyers to such trials. The commonest of these obstacles is the filing of frivolous applications to stay proceedings in order to cause delay. The purpose of the Amendment in Section 72 is to remove some of these obstacles by limiting the effect of filing such applications by accused persons by permitting the court to continue with the substantive matter. There is a similar provision in the present EFCC Act.

Another major Amendment relates to strengthening the Commission in relation to its powers to deal with fugitives. The Amendment being sought is in respect of situations where money, stocks, property – real or personal is suspected to have been acquired in breach of the provisions of the ICPC Act. The suspected owner of the property is a fugitive or a person that cannot be located despite the exercise of due diligence or a person who resides outside Nigeria or within Nigeria but efforts at locating the person are unavailing, impossible or unproductive or the suspected owner disclaims ownership of the property and no other person has come to lay claim to the property.

The Amendment is seeking to empower the Commission to apply to the court to have such money, stocks or property forfeited subject to those who have valid claims to be given a fair hearing.

The idea behind this Amendment is to force those who claim to own properties, particularly those who are fugitives or using fronts to come out to lay claim to such properties, if the properties belong to them and were legitimately acquired. It is instructive to note that this type of provision exists in the laws of South Africa, United States of America and the United Kingdom.

I now want to talk on the area of jurisdictional overlap with EFCC. As stated during the lead debate on EFCC Act, there are areas of jurisdictional overlap which need to be addressed. One of the proposed Amendments is to streamline the functions of the two Commissions. It is being proposed that the ICPC primary responsibility would be investigation and prosecution of erring public officers or civil servants and elected or appointed local government office holders while the EFCC will concern itself with money laundering and short term public office holders at

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the Federal and State levels. The idea being that EFCC is more proactive thus it should concern itself with those officers who have short term in office.

I now want to talk on the power of investigation. Under the present law the ICPC apparently cannot initiate investigations on its own. It must wait for a report to be lodged before it can investigate. I refer to Section 6(a) of the Corrupt Practices and Other Related Offences Act 2000. In the face of any corruption, if no report is laid before the ICPC it cannot take any investigative action on its own. You will agree that this is unacceptable if we are to fight corruption seriously.

The Amendment being sought in this regard is to make the Commission more proactive by empowering it to initiate investigations and where reasonable grounds exists to suggest that corruption has taken place in an organisation by an individual.

Once again, we propose to hold Public Hearing on both the Amendment of EFCC and ICPC Acts during which the views of members of the public and all stakeholders would be taken into consideration.

Finally, as this is an Amendment Bill, the financial implication is zero. Once again, I thank you for the opportunity.

Senator Satty D. Gogwim (Plateau Central):
Mr. President, I rise to support this Bill for an Act to amend some Sections of the ICPC Act based on some few points I want to raise. This is because the Bill seeks to make some Amendments to make it more effective and strengthen the acts of the Commission. Hitherto, we have had series of complaints and most importantly it is done only when petitions are written against a person and that is when they become proactive. They do not investigate on their own unless they are prompted by petitions from individuals outside the Commission. The Amendment is also seeking to bridge the gap between the EFCC Act whose actions overlap with that of ICPC.

There are also limitations on the amount it can handle. We actually went to Hong Kong, in their own system they investigate amounts of \$5 million and above. Here you can see ICPC going out to investigate the meagre sum of N1,700 only which to me is a waste of the resources of this country.

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Billions of Naira are being sunk in the Commission and I do not understand why only less than 20 cases are prosecuted each year. In its existence for eight years, only 150 cases had been prosecuted. I do not think it is good enough for them to be receiving billions of Naira for that.

Again, the slow rate of prosecution is very endemic there. It does not augur well that they do not have the power to prosecute. We can amend this Act to expand the scope of their powers of investigation. They need to go beyond investigation to prosecution.

I do not think Section 72 exists in this Act. We need to check the Act properly. It stops at Section 71.

We need to be supportive of this Act to make it work immediately. There was a time we were planning to even merge the EFCC and ICPC because they are neither proactive nor effective but with the Amendment, this Commission can work better than as it is now.

Senator Patrick E. Osakwe (Delta North): Mr. President, I want to comment on the said Amendment of Section 72, that is, the first addition to the existing Section 71.

The distinguished Senator said in the lead debate that they make frivolous applications. I want to say that it is only the court or the judge that will ascertain whether or not an application is frivolous. If we go by this Amendment irrespective of the application that is being made the case should continue suppose that application, if heard, has an effect on the matter then that is not justice. Justice should have two faces. Justice should protect both the plaintiff and the defendant because if we are saying that we should shut out an application, who decides whether or not it is frivolous, it will work against attainment of genuine justice. The judge is saddled with the responsibility of making sure that an application has some merits or not. We should not enact a law that will be very difficult for the presiding judge to follow. It is like we are saying there should be no application at all. If we are not saying there should be no application at all who determines whether an application is frivolous or not?

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If we are going to keep this Amendment, it has to be properly rephrased in such a way that justice should be seen to be done to both parties.

Senator Omar A. Hambagda: Mr. President, I want to make an observation that the problem of jurisdictional overlap with the EFCC first as expounded here is still hazy. Secondly, I believe there is the need to amend the two Acts if proper delineation is to be done. If we just provide for the ICPC, maybe, the overlap will remain in the Act setting up the EFCC. I hope that will also be taken care of.

Senator Eme Ufot Ekaette (Akwa Ibom South): Mr. President, in the first instance, I am happy that these Amendments are being considered because in the operations of the two institutions, we have had very many overlapping situations. Citing the ICPC as an example, there are cases where the same accusation is investigated as many times as they received *petitions* and that becomes a problem because a lot of money is being spent on an issue that could have been addressed. I do not know whether it has to do with the record keeping or just enthusiasm by the persons involved in moving around.

The cases for prosecution have been so limited despite the number of invitations to individuals based on petitions received. Very few cases have been taken to court and judgment given. The same petition could be sent to EFCC and the same set of people are invited over with the result that a lot of money is incurred. Sometimes they will say there are no cases against those petitioned.

In considering these Amendments, I suggest that we look at every Section of the Act and then amend them so that we stop, what I will call, harassments people go through because of the activities of these two agencies.

Senator Ayogu Eze: Mr. President, first of all, I support very strongly the effort to amend the Act to make it more efficient. I have looked through the attached Amendments there is one thing that gave me a little worry which the Committee to which the Bill will be referred should look at in greater detail. The tenor of contributions has shown that besides the law that we have written the human elements

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that work on this law is also another problem. This is because I do not know whether we have to find a way to prescribe the kind of minimum training the staff should have in that place.

In addition to that we also have to provide credible and reliable data process because in today's world you no longer prosecute this type of high-tech cases manually. They have to have some kind of digital computerisation programme that would ensure tracking of cases and the repetitions that Senator Eme Ekaette spoke about do not arise. This is because if they are computerised, they will know at the punch of the button that a particular case has been handled and they do not need to waste their time on it. They have to get a programme that will ensure they do the job very well.

I support the proposition that they can initiate cases on their own but we have to chew that with a lot of caution. This is because we have seen how meddlesome some of these institutions have become even when petitions are coming from outside, not to talk of asking them to initiate investigations on their own. We must handle it in such a way that it will not become an opportunity for them to start harassing citizens who are on their own because we know the experiences some people have had with some of these agencies.

When we debated the proposition on the EFCC we know what we said about when EFCC took off and when it veered off and how on some occasions they tried to use these agencies for reasons other than the reasons for which they were set up. Therefore, in giving them the leeway to initiate cases, we must guide against a situation where they become meddlesome and then go on harassing individuals.

On that note, whatever can be done to streamline the activities of ICPC and that of EFCC and cut a lot of taxpayers' money that is wasted in overlapping cases should be encouraged and supported.

Senator Annie Okonkwo (Anambra Central): Mr. President, I commend my dear friend and brother, Senator Sola Akinyede for bringing up this Amendment. I believe that this Amendment is overdue. We cannot afford to close our eyes to the way the ICPC is operating.

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I believe that the Act needs to be amended to enable them to be more aggressive in doing their duties, especially in terms of asking people to bring petition. What we found now is that sometimes it is difficult to get people to write petition where there is a glaring case of corruption. We should empower the ICPC so that they could fight corruption squarely. We have made a good law and what they need is power to execute the law. If after making the law and there is hindrance in the way they operate then we would be trouble. We made these laws in order to fight corruption. We believe that corruption is endemic in this country and as much as we can we must reduce it because that is the only way we can move forward.

Therefore, this Amendment is necessary. All of us should support it. I take note of the points that were raised. To be honest, that may be the reason they are not operating the way they supposed to operate. If they have handled only 150 cases so far, I believe that is small. In this country, there is so much to do in order to fight corruption. The only way we can do it is to strengthen these institutions so that they would fight corruption in the more effective and efficient way.

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. President, a lot were said during the Second Reading of the Amendment of the EFCC Act. I believe we are basically repeating the same thing. Nobody would oppose any Amendment which would make any agency efficient. I would not want to use the word aggressive because the issue of law is not about aggressiveness, it is about efficiency.

Honestly speaking, the lead debate took exception to the only reference to corruption has to be either political class or the public service which means there is no corruption in the private sector and that is where we are missing the point. These sectors we always talk of interact with the private sector and there are interactions within the private sector itself. If corruption is to be fought in a wholesome manner, there must not be concentration in one area. That is why you find political adversaries finding tools to occupy the agencies with unnecessary petitions and diverting attention from the very laudable objectives for which they were set up. Honestly speaking, we must remove sentiments as we are making or amending laws. Corruption must be fought and

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must be fought in a wholesome manner, whether it takes place in private sector or in the public sector.

I recommend, just as we did with the EFCC Act (Amendment) Bill that when finally committed it to Committee, it should equally be committed to both the Committees on Judiciary and that of the Economic and Financial Crimes and Other Related Matters. This will enable them harmonise the Amendments necessary in these two vital Bills before us so that at the end of the day, we would not be having another problem remaining behind to be handled by either us or some other Senate some other time.

Senator Joseph Iorshagher Akaagerger: Mr. President, I deeply appreciate the sentiments, the worries and the anxieties which I believe would have beclouded Nigerians and also legislators. To make such Amendments is to make the anti-corruption institutions very effective, but I am at some form of disagreement with the law that is sought to be amended as it presently stands and these are the details: The Amendment provides under the new Section 72 of the Corrupt Practices and Other Related Offences Act, 2000 that:

Subject to the provisions of the Constitution of the Federal Republic of Nigeria where an application for stay of proceedings is brought by any person in respect of any matter brought by the Commission before the court, the court shall irrespective of such application continue with the substantive proceeding until judgment is delivered by the court.

There is a similar provision in the Economic and Financial Crimes Commission (Establishment) Act, 2004 and that is Section 40, if I may read: Section 40 of the EFCC Act, 2000 states:

Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 in application for stay or proceedings in respect of any criminal matter brought by the Commission before the High Court shall not be entertained until judgment is delivered by the High Court.

Let us look at the Constitutional provision which, by my submission, this similar provisions in the two Acts seem to offend, which is Section 46(1) which deals with the issue of *Special jurisdiction of High Court and Legal Aid* provides that: Any

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person who alleges that any of the provisions of this Chapter has been, is being or is likely to be contravened in any State in relation to him may apply to a High Court in that State for redress. These are the kind of provisions Section 40 and the new Section 72 seem to take us back to that era of Military days when they were ouster of court jurisdiction. When the courts were stifled and the powers of the courts were wrestled from them by fiat of the gun. That should not be under a Constitutional setting. Nigeria is a constitutional democracy and we cannot allow such provisions to prevail over the rights of Nigerians.

It is therefore, not proper by my submission, to provide for this kind of Section which takes the rights of the people away from the court, let the courts determine.

Secondly, it says: *Subject to the provisions of the Constitution* which means that the Constitution will always prevail, so why do we even have to provide for it at all when we know that the Constitution will destroy it at the end of the day and move in the right of enforcement of fundamental human rights provided under this Constitution. It is to this extent that as much as I appreciate the anxieties that things should be done right; that we are rushing into conclusion that are not helpful to constitutional democracy.

I, therefore, suggest that when it goes to the Committee, the Committee will look at the appropriate words to fit into the circumstances to match our anxieties and so on.

The emphasis on the issue of government is because government controls almost 90 per cent of public funds and that is why most of the emphasis is there. But the point stressed by Senator Markafi is very important because a lot of fraud is going on in private institutions and it is for these Agencies to go out and tackle these issues. It is not that they are ineffective but that they should be alive to these other situations and aspects of the Law and other responsibilities that they need to address as well.

Senator Iyabo Obasanjo-Bello (Ogun Central): Mr. President, I will start off from where the last Speaker stopped concerning the new Section 72. The right of appeal is already provided in the Constitution. The Constitution says that you have the right to take your case up to the Court of Appeal. This Section is also in the EFCC Act as

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read out by Senator Akaagerger. With this Section in the EFCC Act, the ICPC has actually prosecuted more cases than EFCC even with the fact that there is no stay. Even without ICPC having that Section, it is prosecuting more cases than EFCC. What this does is to remove an individual's right to appeal. There is a classical example in which the person appealed asking for a stay of proceedings and he was denied based on EFCC Act. The Judge said that it was that Section in the EFCC Act that made him not to grant the application. The case was subsequently quashed in the Court of Appeal. But the case was going on in the High Court without stay of proceedings. That person's constitutional right was breached because he went on for months going through a case in which he had no case to answer because the EFCC Act says he must go through the trouble. It is an unconstitutional provision. There is something fundamentally wrong with that.

The second issue I have is Section 73, of this Amendment Bill where it says that:

The Commission may accept gifts of land, money or other properties whether within or outside Nigeria, upon such terms and conditions if any, as may be specified by the person or organisation making the gifts, provided that the terms and conditions are not contrary to the objectives and functions of the Commission under this Act.

This is fundamentally wrong. If a Government Agency can receive gift and it is supposed to prosecute people and it is seeking the power to initiate cases, all an individual needs to do would be to give the Agency gifts and tell them to initiate an investigation against his political enemy. The lawyers here can tell us which Law allows a government agency to initiate cases? There has to be a complainant. This is giving Civil Servants too much power. When they need money either for personal use or for their Agency, they would come against you politicians. That would be the result of this kind of power.

There is nowhere in the world that a government agency initiates investigation unless it is an internal thing. You are asking them to initiate cases and at the same time saying that they could be given gifts. If you give an agency a gift of land or money, of course, they will behold you and when you ask them to chase a particular individual, all

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that would happen would be for them to blow it in the media. There would be no substance in most of such cases. They cannot prosecute them to the end, but they would have gone to the media to embarrass the particular person. That would be the end you would hear of such case. These provisions, that is, Sections 72 and 73 and the right to initiate investigation by the Agency are fundamentally unconstitutional.

Sector Victor Ndoma-Egba (Cross River Central): Mr. President, we must not miss any opportunity to show our seriousness at fighting corruption. For me, the easiest and cheapest way for us to re-brand Nigeria is not the talk about being a changed people; it will be through our commitment to a new set of values and one of those values will be an obvious commitment to fighting corruption.

One of the reasons why the world is cynical about our effort at fighting corruption is the ease with which we frustrate proceedings relating to corruption in this country. I have heard anxiety expressed about the provisions of the proposed Section 72; I do not share those anxieties.

Section 72 does not in any way deprive anybody the right of fair hearing or his right under the Constitution. All that Section 72 proposes is that if you bring an interlocutory application for proceedings to be stayed, the court will still rule on that application but at the same time that it is ruling on the substantive matter. This is because what happens today is that if somebody is taking to court, he brings all sorts of applications, those applications are heard in the court of first instance; there is an appeal and then you go to the Supreme Court; meanwhile, the main case is not being heard. This provision is to avoid that kind of situation where on a frivolity the main substance is forgotten and you begin to chase shadows, sometimes up to the Supreme Court, thereby frustrating the judicial process.

If we are committed to the fight against corruption, we must support the provisions of Section 72 because what that Section seeks to do is to avoid the frills and look at the substance. Whatever applications you bring in the interim, the court will rule on them but at the same time the court is ruling on the main case.

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So, we must do everything to make sure that people have confidence in our judicial process that you cannot suborn the judicial process by just bringing all sorts of distractions. If we are committed to the fight against corruption, we must also be committed to the Amendments being proposed. It does not in any way negate Section 46 of the Constitution. The important thing is; are you heard on that application and is there a ruling on it?

The Constitution envisages the opportunity of fair hearing to everybody; it does not say that you must take advantage of that opportunity. All you need is the opportunity to fair hearing. So, I believe that if we must be seen to be committed to the fight against corruption, we must also be committed to the strengthening of the judicial process and make sure that justice is delivered as quickly as possible and that justice is delivered on the substantive issues and not on side issues.

I get confused sometimes about what the EFCC does and what the ICPC does. So there is need for us to begin to streamline the jurisdiction of these two institutions. Corruption is not entirely a public sector issue. I want to believe that there is as much corruption today in the private sector as you have in the public sector. So, if we are going to address corruption, we must address corruption both in the public sector and also in the private sector, and the agencies responsible for this must be given enough powers for them to be proactive. They must not wait for third party to tell them that this man is corrupt before they begin to take action.

When I was born, the entire society took interest in how people lived. If you lived above your means the first questions came from your own family. Where are you getting this money from? If a Civil Servant lived above his income questions were asked by his immediate family and community. Today, we are indifferent. You see somebody with no visible means of livelihood living a very flamboyant life and questions are not being asked rather such persons are being celebrated. We must go back to those days when questions were asked from our immediate families and immediate communities. Let us not begin to celebrate through Chieftaincy titles and honours in Churches of people with questionable means of livelihood. We must go back to those days. I do not believe that a report must be given to somebody before questions are asked. We must return to those days when questions were asked even by our

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immediate families. I support the removal of the requirement for a report. It does not offend anybody's rights.

Lastly, whatever Amendments we are going to make we must ensure that they conform to the constitutional provisions. The Constitution provides for presumption of innocence and we must ensure that people are presumed innocent until they are found guilty. I make this point because the amount of celebration we read in the dailies when EFCC or ICPC is investigating a person leaves such people with no opportunity to reclaim their dignity if they are found innocent.

When EFCC goes to investigate somebody it is reported in the front page of the dailies, yet we hear nothing about conviction. The statistics given here about 150 convictions in eight years is very telling. Why are we not celebrating the convictions? Why are we rather celebrating investigations? Investigation is routine, as far as I am concerned and that is why in the Constitution, it talks about conviction. We do not celebrate convictions. When somebody is arrested or invited for questioning it is front page news; the person is already stigmatised, he has become a convict in the eyes of the public and when he is cleared he is allowed to go home like a rat with his dignity and reputation taken away from him. This is an opportunity for us to appeal to both the EFCC and ICPC that Nigerians are interested in convictions.

Let us celebrate convictions and not invitations for investigations because the person is still presumed innocent. He is innocent in the eyes of the law but the way we go about it, it is as if the moment you are invited you are already convicted. Press statements are issued that so and so has been invited for discussion with EFCC but when the person is cleared no Press statements are issued. The man goes away diminished; he has lost his reputation; he has lost his standing in the society. I think that we must appeal to the EFCC and the ICPC that Nigerians are interested in convictions and not invitations for investigations.

The statistics that have been shown in this Report do not justify the celebrations that we give to these invitations. We must remind these institutions that every Nigerian whether he is being investigated or not, is presumed innocent until he is pronounced guilty by a competent court of law.

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I support these Amendments. I support every effort that will strengthen these institutions in fighting corruption but at the same time, I also support the right of Nigerians to be presumed innocent until they are convicted by courts of law.

Senator Sylvester N. Anyanwu (Imo North): Mr. President, this is a good Bill and I totally support what Senator Ndoma-Egba has just said especially in the area of celebrating investigations because at the end of the day all those newspaper publications never give us what the end result is. The Committee has a duty also to ensure that investigations are not published or celebrated until that person is found wanting.

In developed countries like the United States or the United Kingdom, you hardly see the face of the Chief Investigator. You hardly see who is investigating who but everyday in Nigeria our investigators are in the pages of newspapers and in the television screens. That is not how to investigate matters. Investigations are silent and quiet ways of finding facts. You do not destroy the innocent person before you find the facts. This should be part of the Amendment and it should not even be urging; we cannot urge them rather we should put it as a law.

Secondly, I want to support Senator Obasanjo-Bello on Section 73 that there is no where in the world where we can allow an investigator to accept gift. If they do that they have compromised. I do remember that EFCC when they started returned the gifts of people who sent them Christmas gifts or Easter gifts and they were warned not to do it again. Today, it has all changed. We should never allow EFCC, ICPC or the Police Investigating Team to accept gift from anybody at all. We should enact it as a law. If we allow them to accept gifts then the whole exercise has been compromised.

I want to also say that we had all these Departments in the Police Force. Why are they not working? Why are they not doing what they were supposed to do before the creation of the ICPC and the EFCC? The Committee should also look into those areas, because all these collection of Investigators and Prosecutors sometimes compound the problems. You move from one agency to another at the end of the day you do not know when or how the case would end. In all honesty, some of these Amendments are welcome and I support those ones.

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Senator Maina Ma'aji Lawan: Mr. President, I rise to support the Amendments sought in this Bill by the Chairman, Senate Committee on Anti-Corruption. This effort is very commendable and it is one of the best efforts I have seen in this Chamber. The Amendments deserve the support of every distinguished Senator of the Federal Republic because it is for public good.

I realise that there is a lot of overlap between the jurisdictions of the two bodies; the ICPC and the EFCC. You will recall that in a number of situations we had cases being handled simultaneously by the two bodies and there was confusion. The irony of it all is when the EFCC bared its teeth people cried that their cases were before the ICPC therefore EFCC should stay away. That is by the way. The issue is any effort aimed at streamlining the operations of the two organisations is very important because it enhances the efficiency with which the war against corruption is prosecuted.

On the issue of stay of proceedings and interlocutory injunctions I am fully in support of the Amendment sought. It is a reaction to the frustration of all true patriots who want prosecution of those who loot the treasury of this country. It is clear that issues of fundamental rights enshrined in Section 36 of the Constitution may appear to come in but I am very happy that our distinguished SAN has thrown more light on that by saying that the Amendment being sought in no way compromises them and it is not in conflict with them. We should never allow people to exploit the loopholes in the provisions of the law. Section 36 of the Constitution never intended that people should exploit it and run away with our common patrimony.

We all know, for instance, very obvious cases of corruption that are very palpable and evident. People rush to court to obtain perpetual injunctions not to be investigated or arrested and it goes on and on. At the end of the day, they seem to be getting away with it. As a matter of fact, out there it came to a point that Nigerians lost faith in the effort of even the EFCC because they saw people were getting away with it. In fact, at a point the cynicism outside was so much that there was a perception that there is war against the war on corruption. When this kind of noble effort comes from a very distinguished Senate Committee we should throw

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our support behind it and plug all these loopholes that are being exploited.

Lastly, all these matters boil down to the disposition of powers that be. At the end of the day, if there is the will and the commitment to prosecute offenders and corrupt public officers, it can be done and the EFCC of the old with all its force was doing a wonderful job notwithstanding the other side. But we have a situation where such loopholes within the law in the name of the rule of law were being exploited. The perception came to a point that the law was leaning more towards protecting the looters than prosecuting them. These perceptions arose from palpable lack of will that is visible to the public. They see and know us; if we are serious we can do it.

For God's sake while supporting these Amendments I am appealing to my Colleagues to throw their weight behind it. I want to use this opportunity to appeal to the powers that be; the Office of the Attorney-General in particular as the Chief Law Officer to at all times be seen to be fighting the war against corruption so that the international community will take us seriously. They see and know us. When we are serious they know just as the Nigerian public is aware.

With these few remarks, I completely support the Amendments sought by Senator Sola Akinyede in his effort to strengthen the hands of these institutions and wage war against corruption.

The President: The remarks should be truly few. Lengthy remarks cannot be called few remarks just by mere pronouncement. In the same way that if we want to fight corruption we should be seen to fighting, not by pronouncement.

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, the lawyers have spoken but I will focus my address on two issues. One, I commend Senator Sola Akinyede for bringing those Amendments which I believe are right and should be looked at.

I want to address the issue of duplication of duties. We have just passed the budget and that budget has a deficit. About 68 *per cent* of the total budget for this year is on Recurrent Expenditure while only about 32 *per cent* is on Capital projects. So, we have duplications of institutions by the government. If those duplications could be trimmed

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down by having EFCC and ICPC merged, it will save cost because generally the budget for each organisation is over ₦3 billion and we can put that ₦3 billion under poverty alleviation. I want us to look into the issue of merging the EFCC and the ICPC.

I also want to say that justice delayed is justice denied. I am very much disturbed and worried on how cases have been lingering on in court for years unattended. I do not know where else somebody should go when his case has been pending in court for ten years. The cases of Al-Mustapha and Jibril Yakubu are good examples. These cases have been pending in court for over ten years. When the matters are brought out for continuation another lawyer would come up with an injunction and the cases are suspended causing delay.

These people have been remanded in prison for years and I believe the matter should be addressed. I am calling on the Attorney-General of the Federation to truly look at the issues of Al-Mustapha and Jibril Yakubu.

I am in support of this Amendment Bill.

Senator Ahmad Rufa'i Sani (Zamfara West): Mr. President, as a Member of this very powerful Committee chaired by Senator Sola Akinyede, I want to support the Amendment especially with the eloquent submission by my brother Senator Ndoma-Egba (SAN). I believe these Amendments are very important for strengthening the efficiency and effectiveness of the Commission. We want ICPC to operate and fight corruption efficiently. We should support the Amendment.

Senator Ibrahim Lawan (Yobe North): Mr. President, at the risk of calling for a revolution in Nigeria, I believe Nigerian leaders have never been sincere and honest in fighting corruption. I have no apology in saying this because we are all living witnesses to the way and manner Nigerian masses were not sensitised. There is no way Nigeria can win the fight against corruption without the involvement of the ordinary people. Whether the ICPC could initiate investigations or not is not the real issue, the real issue as pointed out by Senator Ndoma-Egba, is that the people should identify the facts in the lives of people that are in public offices.

When the ICPC Act of 2000 gives the people of Nigeria the power and mandate to initiate

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investigation, I am sure the intention is that the ordinary people should serve as the means of identifying corruption and complain about it. However, we have witnessed in this country where some public servants were accused, tried and convicted for corruption but because the ordinary people have not been sensitised they were received after their release by their communities with drums and festivities and everything. That goes to show that the people do not identify with the fight against corruption and that is because people do not think the leaders of this country are serious about this.

We have so many people perceived to be corrupt judging from their means of livelihood that are completely against the established remunerations of their offices yet we select few and labeled them corrupt and the rest are saints. Why should anyone support this kind of attitude?

I do not support the Amendment sought in section 6(1)(a) of the ICPC Act. The Nigerian people should be sensitised. It is the role of the government and leaders to orientate people to fight alongside government institutions. So long as the people are not involved, this war will never be won.

Whoever is accused should be able to have a means of seeking redress. There is no way we could say that we should not allow people to go to court and seek injunctions. This is against their fundamental human rights. So long as we trust that the Judiciary is up to the task, then that provision should be allowed to subsist. If, however, we think our judges are frivolous in granting injunctions, then it is up to us to ensure that they do not and we could effect this through legislation.

In summary, I do not support this Amendment Bill. What we need to do in this country is to be sincere; the government must be honest. Let us enlighten our people that corruption is evil and that they should come along to fight along government institutions rather than seeking legislations to the detriment of the participation of the people.

Senator Danso Sodangi (Nasarawa West):
Nr. President, I support this very important Bill that is before us. Before I start, let me emphasise that the issue of fighting corruption in this country should not be left either at the Federal or State level but that the private institutions and individuals must be involved.

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Secondly, our younger ones in schools whether secondary schools or tertiary institutions must also be involved, in other words, ICPC or EFCC must find an avenue of going round the universities and schools to tell our younger ones the ills of corruption; how it would affect them and the generations yet unborn if it continues. Once we orient them like the last speaker says, definitely they will fight it among the family members and in the society.

Thirdly, the society generally must be sensitised on what corruption is, and its ills to the society? The common man will continue to suffer because the money the government would have used to do certain jobs for the society if there is corruption would always go to the individuals, which is very unfortunate.

Again, one of the aims of these Amendments is to bring our legal instrument, all those inhibitions and legal technicalities that have constituted problem in getting the EFCC or ICPC convict people as Senator Ndoma-Egba has said were taken away. It is a common principle of legal jurisprudence that technicalities should not defeat justice. With due respect to the SAN, you are a Senior Advocate that is why you are bringing in technicalities, you should not be allowed. The only way to allow that is that you do not allow frivolities and that is why Clause 72 is coming to say, no matter whatever frivolities or applications, the substantive case must go on and it will go to conviction.

You do not say a lawyer should not challenge the jurisdiction of the court. You have no right to say so. They should not challenge the jurisdiction of the court on technicalities because if they do and they were overruled they will go on appeal up to the Supreme Court and that may take five years or more before the matter is disposed of. That is just on technicalities. Therefore, I will say that technicalities should not be used to defeat justice. If we want to do justice to the EFCC and other agencies and to this country, we must allow those who are found guilty to be convicted. Those who are not found guilty should go.

Senator Gaya said very important thing, that there are some Nigerians that have been detained innocently for upwards of 10 years. He has mentioned some of such persons. Why not allow

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the course of justice to go on and if there is no case against them, let them go but if there is, convict them. That is what we are saying.

If you allow Clause 72 to go through it will surely help EFCC and ICPC and all other agencies of government to prosecute their cases to logical conclusion. The innocent ones would be free in no time while the guilty ones would be convicted and Nigeria will be seen as being serious. All these talks about re-branding, let us re-brand ourselves and re-visit all our laws that are inhibiting smooth delivery of justice. That is what our Colleagues are telling us to do.

The other thing which is very important is gift or assistance to either the EFCC or the ICPC. If you want to be sincere, no government agency whether Police, EFCC or ICPC should be allowed to accept any gift in whatever form no matter whatever. If they have no money let the Federal Government finance them. Once that is done, pay them remuneration so that they would not be enticed if they go on investigation. We should not allow them to collect any gift. We should pay them reasonable remuneration that will sustain them to do their job so that we can sanitise this country.

This is the Senate of the National Assembly, I believe that Nigerians have faith in us and in the jurisprudence of this country. Let us do legislative surgery to see that justice is done to this Bill. I support this Bill. We should all support the Bill. We should not let anything that would torpedo the people's right. Everybody has the right to take a lawyer but whatever you are going to do should not defeat justice at the end of the day. We should, therefore, do justice to this Bill and allow it to sail through.

Senator Kanti Bello (Katsina North): Mr. President, when I read the Constitution, I always try to find out what exactly it says so that I can have an understanding. The Senior Advocate of Nigerian has spoken but I am sorry I am at variance with him on this issue. This is because by inserting Clause 72 to the Act which says:

Subject to the provisions of the Constitution of the Federal Republic of Nigeria where an application for stay of proceedings is brought by any persons so that any matter brought by the Commission before the Court; the Court shall irrespective of such

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application, continue with the substantive proceeding until judgment is delivered by the Court.

The Constitution is very clear on the right to fair hearing. With your permission, I will read it and it says:

1. *In the determination of his civil rights and obligations including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a manner as to secure its independence and impartiality.*

2. *Without prejudice to the foregoing provisions of this section, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person if such law:*

(a) *provides for an opportunity for the person whose rights and obligations may be affected to make representations to the administering authority before that authority makes the decision affecting that person.*

This is what the Constitution says and they will make judgment on you without bothering about this. We should be very careful distinguished Senators. This is clear. I have read it and anybody can read it. Being a simple engineer, I believe with Clause 72 we should be careful.

Senator Joy Emordi (Anambra North): Mr. President, I stand to support this Amendment Bill. Let me say that corruption is a cankerworm that has eaten deep into the body fabric of this country. It has stolen our national pride; insulted the psyche of Nigeria and Nigerians. But my fear is that the fight against corruption in this country is weak. It has been weakened by the mentality of the fighters and some citizens of this country by the way we perceive wealth. We honour and celebrate wealth irrespective of how the wealth is acquired and that is the main problem.

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Another one is the watering down of the laws setting up these institutions. At times I wonder whether the setting up of these institutions; EFCC and ICPC are necessary or do we resort to the regular courts? It is unfortunate that since both institutions were set up, not much progress has been made. Imagine ICPC for the past eight years was able to secure only 150 convictions. When you look at those convictions who and who were those convicted? Most of the time they were the small fries. There was a time it was heavily celebrated that a Councillor was convicted for stealing over N1 million and another one, a clerk was convicted for stealing over N2 million. I read them in the newspapers. Corruption is corruption but these are not the targeted victims. What of the big guns in the society? We only celebrate the investigations as my good friend the Deputy Majority Leader said. We celebrate investigations but not convictions.

Let me tell you one thing that pained me. Last week, I had the privilege of being on the Federal Government delegation to meet with the Secretary of State of America; she appreciated the fight against corruption but she said why is it that there is not much progress in the fight against corruption by the EFCC because she had not heard about convictions by this corruption fighting institution. It was a food for thought and we could not say anything.

We have to be careful. We should try and see how we can, as great patriots of this country, come together and fight the cankerworm that is stealing our national pride. I support anything we can do to strengthen these institutions.

It is also important for the Committee to look at the possibility of merging the two institutions because I see them as a mere waste. It is necessary that we merge the two. Maybe, make one a department instead of the two running counter to the other without achieving anything. Economically, it is not sound for us.

The need to amend Section 6(a) is very important because it pains to see corruption being celebrated; to see ill-gotten wealth being celebrated knowing that those properties were acquired illegally and these institutions would not be able to do anything because of legal emasculation. It is high time we amend that Section to give them the power to initiate investigations. This is because it is not always that you get people with courage to

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write petitions to all these institutions for fear of repercussion by those big people they would write petition against. So, it is necessary to amend that Section and give adequate powers to this corruption fighting institution, ICPC to initiate investigations into ill-gotten wealth by some citizens of this country.

I support this Amendment and anything we can do to fight this cankerworm.

The President: I know that so many people would like to speak on this but I think it is only proper that we bring this debate to a close. Can I get your views DSP since you are a lawyer also. In a normal criminal case not brought by EFCC or ICPC, would it be right to apply this same rule that once there is an application for an injunction do not entertain the case but just carry on. I do not know if you can address that issue because that is what the Clause 72 is implying.

Senator Ike Ekweremadu (Enugu West): Mr. President, this is exactly where I want to sound a note of caution because as we say in law, it is better that a hundred guilty persons go free than for one innocent man to suffer injustice. The bottom line should be substantial justice. In this country we have a Human Rights Commission and even the United Nations has a Human Rights Commission. The essence is to ensure that the fundamental human rights as guaranteed by the national Laws and the once guaranteed by the Universal Declaration on Human Rights and other such Conventions are protected. One of the major ones is the issue that has to do with fair hearing. We have had this attempt in the past of trying to give the courts the power to proceed with matters to conclusion irrespective of applications from parties in the cases.

I recall the Failed Bank Tribunal where there was a similar provision and it worked a whole lot of hardship. This is because what you are saying in essence, for instance, is that if I am charged as a Minister for an offence and the case is saying I was a Minister between 2001 and 2006 and my lawyer comes up and says no, I was Minister for that particular portfolio between 1999 and 2000 and you are saying that should not be entertained until you have laid all the evidence. If you do that and at the end of the day it was found that the particular time I was a Minister was between 1999 and 2000 how do you explain it? All the negative publicity I have

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received and all the prejudices I have suffered how do you explain them? So, it is wrong for us to allow a court to proceed where we have matters which they can determine. As they say in law you cannot put something on nothing and expect it to stand. If you have an application before a court it is proper that it is determined before you go into the substantive matter otherwise you are going to put people in serious prejudice and jeopardy. That is my stake on that.

I also believe that in respect of EFCC and ICPC at this time of economic recession, Nigeria cannot afford to have such big institutions doing almost the same thing. It is time we consolidate them into one body and they can have the capacity to deal with the issues. This is the situation in most parts of the world. It is causing confusion among lawyers who are supposed to know more about these things. They are still confused about where ICPC stops and where EFCC starts. We need to enact a law that would consolidate these institutions and bring all the powers and jurisdictions of these two agencies together under one umbrella, then we can have departments within that agency that will deal with corruption for public servants, economic frauds and so on. By so doing we could save some funds for the country in a time such as this.

I support the Amendment but we need to apply some measure of caution in dealing with some of these Clauses in order not to be in haste to ensure that those who are being charged with corruption are tried and convicted immediately and then we do substantial miscarriage of justice. That is not what we should be emphasising at this time. We have to take the stand that justice is better when it serves the ends of those for whom it is meant. It does not make any sense for us, to be in haste in order to prove to the world that we are serious about fighting corruption and then jail innocent people, prejudice them and create criminalities around them in a situation where otherwise they are innocent, especially on matters they have nothing to do with. I suggest that we take these into consideration as the Committee deals with the matter.

The President: May I have the last contributions from Senator T. U. Wada, Senator Ewa-Henshaw, Senator Joel Danlami and Senator Blessing Anyanwu in that order. Please let us make it short.

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Senator T. U. Wada (Gombe South): Mr. President, I want to address the proposed Amendment of Clause 72.

Personally, I do not consider this Amendment salutary. There are two things in this Amendment. There is a situation where a stay of proceedings has already been granted and then where there is only an application for stay of proceedings. What is envisaged in this Clause is not where a stay has been granted but a situation where an application has been brought before the court. Let me deal with the situation where the stay has been granted.

The court themselves, particularly in the celebrated case of Ojukwu, always frown at parties not obeying court orders. If an order has been granted everybody is expected to obey it including the courts themselves. That is a different matter all together. I believe that we all agree that once a stay has been granted whether it is a court or a person or whoever, that court order must be obeyed. There is no two ways about that.

In a situation as it is drafted in this Bill that when an application has been filed and there is subsisting case, the court should refuse to hear the application but continues with the substantive case until judgment. The meaning of this is that if somebody brings an application that the court should refuse to listen to such application. If we allow this provision we would be creating a very dangerous precedent.

There is no way you can shut a person from being heard. Constitutionally, left, right and centre, you cannot shut a person from being heard. This provision is saying that nobody should hear that application. If it is saying that the application should be heard concurrently with the substantive case, all well and good until one takes precedent over the other. If the application is delivered before the substantive case then the decision of the application takes precedent over the substantive case. If in the process of considering the application the substantive case is disposed off, the application is overtaken by event. This is not what is envisaged in this Clause. What is envisaged is that nobody should bring such application at all.

The way this Clause is drafted cannot pass through this Chamber because it amounts to shutting people from bringing applications or

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instructing courts that if an application is brought the court should not hear it but jettison it and continue with the substantive case. That is not salutary.

Senator Nimi Barigha-Amange: Point of Order, Mr. President!

The President: Yes, Point of Order, Senator Barigha-Amange.

Senator Barigha-Amange: I am coming under Order 55(2) and with your permission I read. The Order says: *During the debate of all Motions and Bills the President of the Senate shall allow all speeches for the proposal first followed by speeches against the proposal.*

I am strongly opposed to this Bill and the way you have picked some of my Colleagues, I may be sidelined. That is why I am bringing this Point of Order as a notice. *(Laughter)*

The President: Senator Barigha-Amange, your Point of Order is sustained because that is precisely what I have been doing. I have listened to distinguished Senators who have spoken in support of the Bill and those who have spoken against the Bill. So, no party will be sidelined.

Senator Bassey Ewa-Henshaw: Mr. President, let me start by saying that the EFCC is one of the agencies I think the Judicial Service Commission should be doing the appointment of the Chairman and Members, not the President. Section 3(6) of the Act gives power of appointment to the President subject to confirmation by the Senate. Section 52(1) allows the Commission to appoint an independent Counsel to investigate the President, the Vice President, the Governors and so on and so forth. I just wonder how people appointed by the President can find the courage to appoint an Independent Counsel to investigate the President that appointed them in the first place. There is an anomaly. This is where I believe the Judicial Service Commission can be useful in nominating people for confirmation by the Senate.

I am also advised by the fact of the crisis that erupted between the incumbent Attorney-General of the Federation and the former Chairman of EFCC over the issue of whether or not the EFCC has the right of its own to prosecute and I remember that the Attorney-General was quite

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strong about this and said that it was he that would have to approve any prosecution. ICPC has the same Clause in 61(1) where it says that *prosecution can only take place with the consent of the Attorney-General.*

If we want to fight corruption, we must find ways to give these agencies total independence particularly from the Executive to fight corruption. This is the time we need to make the necessary legislation that allows for the appointment of an independent prosecutor who would then take charge of issues raised by EFCC, ICPC or both merged together as some of my distinguished Colleagues have suggested.

There is also a practice that I find a bit difficult to understand and accept. These agencies including the Police work on anonymous petitions. What usually happens is that somebody who has a bone to pick with you whether political or otherwise will write spurious petition to any of these agencies and they are sent on wild goose chase. They spent time, money and energy investigating something that does not exist. In the meantime, there is plenty of publicity in the Press as distinguished Senator Victor Ndoma-Egba (SAN) has said. You have been crucified because of the publicity. In the end they find nothing and nobody says anything about the fact that you have been exonerated. They just leave you quietly with your image bruised or damaged completely.

I believe that the law should be amended such that these agencies must obtain information about whoever is writing a petition. They do not necessarily have to expose it to the person against whom the petition is written but the agencies must have the data of whoever is writing a petition against another person so that if that petition fails or is found to be spurious, they can get back to the petition writer. It is very important to ensure that we adopt practices that will protect innocent people.

Let me say that I also oppose this idea of gift. It is a way of compromising these agencies. They should be funded by the government and government alone.

A couple of my distinguished Colleagues have mentioned how we glorify ill-gotten wealth. When you have stolen money and the authorities come after you, your kith and kins take you in and asked

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if it is only their son that has stolen money and they protect him. The public must understand that when people are corrupt and steal public money, it is your money that they have taken and when they come back to your homestead they give you handouts and you glorify them. In fact, some people go as far as saying that this man was appointed Minister, he has been in the Senate, he was this and that for so many years and he has come back poor. They expected him to have gone there and steal.

Nigerians must understand that when he steals it is the money that is intended to build their roads that he has stolen. It is the money that is intended to give them power in their houses that he has stolen. Therefore, by protecting him, they are cutting their noses to spite their faces.

The President: Your suggestion is that the nomination should be done by the Judicial Service Commission.

Senator Bassey Ewa-Henshaw: Yes.

The President: What happens if they also have to investigate because the Judicial Service Commission is made up of the Chief Justice of Nigeria, the President of the Court of Appeal, Attorney-General of the Federation, Chief Judge of the Federal High Court, two other persons and all that.

I do not think it is really the appointing body that is the problem. Once we trust that the characters will do what they are expected to do, it does not really matter who appoints them.

Senator Bassey Ewa-Henshaw: In the case of investigation, there is a standard that has been set elsewhere around the world. If you want to initiate investigation, you can take the facts you have and place them before a judge and obtain approval that yes; there is enough information here to allow you to investigate and prosecute and you can then carry on with this.

The President: No, I thought that your line of argument is because this is appointed by the President that when there is something against the President, they may not have the courage to appoint impartial independent counsel.

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Senator Bassey Ewa-Henshaw: I gave an example. In one section they are appointed by the President and in another section they are being asked to appoint somebody that will investigate the President and I am saying that it is going to be difficult if you have been appointed by the President for you to find the courage to go after the same President that appointed you in the first place.

The President: I am saying that if you have to go against the Chief Judge, for instance, will you have the courage because the Judicial Service Commission is chaired by the Chief Judge and any of these other members as in Section (e) of the Third Schedule. It does not really matter, in my opinion, as to who appoints but once you appoint Ewa-Henshaw if he has the integrity to prosecute he will do what is right whether he is appointed by the President or by the Judicial Service Commission.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, I thank you for giving me the opportunity to speak on this matter. A lot of people have said good things about this Amendment and I, too, want to add my voice.

You are aware that the sponsor of this Bill told us about the 150 convictions by the ICPC and the annual budget of this institution which is in excess of N3 billion. Some of these convictions are against people you cannot understand.

During the life of the last Senate I was a Member of the House of Representatives, Mr. Nuhu Ribadu came and told you that 28 Governors were indicted but the Immunity Clause in the Constitution was an obstacle to prosecute them. These Governors are no longer protected by Immunity Clause in the Constitution. I noticed that less than six of them are being prosecuted. Mr. Nuhu Ribadu said that some of them committed direct stealing. The way he said it gives you the impression that he already had incontrovertible evidence against them. But some of those he said committed direct stealing are sitting here in the Chamber. They have not stolen anything since nobody has charged them to court or convicted them.

The fight against corruption cannot be in the pages of newspapers. It cannot also be a political

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issue. If I can borrow from my sister's language, we must face this cankerworm headlong and we must ensure that we are doing the right thing. The image of these former Governors had been dented. They have been termed as corrupt Governors and called all sorts of names. Only six of them are being prosecuted. Are we sincere in this country even as Members of the Senate?

I nearly lose my seat because somebody petitioned against me. My name was also among those who were called corrupt politicians. They immediately substituted my name. It was only by the grace of God because He has the power to give whom He wants to give and through the instrumentality of the judiciary I was able to be cleared and today, I am here representing people who have given me their mandate. I believe that the fight against corruption must be total and sincere.

When Mr. Nuhu Ribadu appeared here he said a lot of things, but today he is running from pillar to post because he, himself is not clean. There is this legal saying that: *He who goes to equity must also go with clean hands*. The unfortunate situation we find ourselves is that people who are in authority to fight corruption are not sincere, You can see how the trend is going today in this country. The tempo is very slow. Some people believe they can use people in various positions so that when they are doing wrong things nothing will happen. We must be very serious and must be seen to be so. As people's representatives we must work seriously.

Lastly, Clause 73 on the issue of gift, it says that the conditions of the gift should not conflict with the objectives and functions of the Commission. I believe that we are moving ahead. One day we would have people who are credible and ready to fight corruption. The provision does not offend the Constitution, therefore, I am of the opinion that it should stay.

Senator Chris N. B. Anyanwu (Imo West): Mr. President, one of the major planks of democracy is free speech and the idea is that in a situation like this all shades of opinion would come out. You will agree with me that all shades of opinion have come out today and being the last person I have nothing else to say but to thank the Senate on behalf of Nigerians for allowing it flow out.

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There is no doubt that we all are very deeply concerned about the state of corruption in this country. Like many others, I support what the proponent of this Bill is trying to do which is to bring life out of ICPC. However, I want to prefix my support by saying that it would seem as if we in Nigeria tend to respond to external pressure. Many of these institutions have come out of external pressure rather than internal conviction. We must begin to act out of internal conviction rather than external pressure. We do not want to do things because America said so or doing it or because Britain is doing it or someone outside this country tells us to do it. We are concerned about ICPC and corruption and that is why many of us support the fact that we really have to amend its Act.

Again, because this thing is not internally generated, we now created two institutions without a clear vision where they are going to head, therefore, we now have conflicting or overlapping jurisdiction. I am glad that he has brought it up and I would hope that one of the things he is calling for is a Public Hearing and in that Public Hearing, he would allow the injection of wider pool of ideas so that in the end we would have an ICPC or EFCC or a structure for fighting corruption in this country that would last longer than 10 years. It is, in fact, too early, eight years to begin to amend that means the ideas were not really exhausted.

I do not want to repeat the idea that ICPC was limited in terms of finance and the level of corruption it can fight. It is like setting up an institution and having it going after flies when there are bigger things to fight. With this Amendment they are going to be able to expand. I agree that they should not have any financial limitations.

I am so thinking about 150 cases prosecuted not convicted. It is a waste of tax payers' money. We do not want to waste our money setting up institutions only to ham stream them. We must untie ICPC and anti-corruption institutions so that they can actually fly and achieve the goals of the people who started them.

One important thing I want to say a word of caution is the idea of fugitives. The idea of if somebody has taken flight and he is not coming to acknowledge that he owns whether money, stocks or property, ICPC can impound it.

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I want to give ICPC tips but I want to caution that we cannot guarantee that ICPC would not abuse that power and in the end do injustice. We have seen it happen with EFCC. Somebody talked about what happens to the nature of people we have in these institutions. Some of them are very insular thinking and should have some work done on them in terms of broadening their view because there are a lot of problems there. I do not support that part. I want us to be circumspect about that and, maybe, during the Public Hearing this should be exhausted so that when we take that decision we know we have taken it and that it would endure.

Finally, I agree that we ought to have a very exhaustive Public Hearing with the lawyers stating their views on the legal aspects and with the common man and those who have had very bad experiences arguing some of these things. In the end it might pay Nigeria well to bring the activities of ICPC and EFCC under one roof with demarcation in terms of departments seeing to these levels. I do not I do not agree with what Senator Sola Akinyede has proposed in terms of dividing jurisdictions between the two Organisations. The whole thing about corruption should be under the same roof, but with departments handling certain things including the private sector as had been pointed out by the others.

The President: The number of contributions is a clear indication of the interest that this has generated. It is also a clear indication of the concern that all of us here have for the fight against corruption. It is a fight that must involve everybody. I believe that that is why we have so many people wanting to contribute. I have more names here than I can call today, but I believe that we are all determined to fight the cankerworm.

I should now put the Question.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, I have Point of Order.

The President: Yes, Order what, Senator Lee Maeba?

Senator Lee Maeba: Orders 1(b) and 55(2). I will start from Order 1(b) and with your permission, I read:

Order 1(b): *In all cases not provided for hereinafter, or by Sessional or other Orders of*

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practice of the Senate, the Senate shall by resolution regulate its procedure.

Order 55(2): *During the debate on all motions and bills, the President of the Senate shall allow speeches for the proposal first followed by speeches against the proposal.*

Why I have raised this Point of Order is that I cannot find in this Rule where it says that I as a representative of my Senatorial District should not be allowed to say anything because the Senate President does not want me to say it; when my people asked me to say specific things on this very issue.

The President: Any time there is a Point of Order, I have to rule on it. Senator Lee Maeba, I also want you to add Order 53(10). Could you just read that out for me, please?

Senator Lee Maeba: Order 53(10) says: *If two or more Senators rise at the same time the President of the Senate or Chairman shall call on the Senator who first catches his eye - and then catch the other one later - (Laughter)*

The President: Senator Lee Maeba, your own is the amended version; my own does not say; *and then catch the other one later*. Unfortunately, in fact, I do not even have your name down because my eye has not caught you raising your hand. On that basis, I simply ruled you out of Order.

The Amendment truly has generated a lot of interest and it is because we are all very interested in ensuring that the battle is logically carried out and concluded. On this basis, I should not put the Question that the Bill be read the Second Time.

Question put and agreed to.

It is referred to the Committee on Drugs, Narcotics and Anti Corruption to report back in four weeks. Please take note of all the points that have been raised particularly when you subject it to a Public Hearing. There are very serious legal issues that have to be addressed. In the course of fighting corruption, let us not create another monster, or in fact, create another legal problem that may not be in our best interest.

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Bill read the Second Time and referred to the Committee on Drugs; Narcotics and Anti-Corruption to report back in four weeks

ANNOUNCEMENT

Meeting of PDP Senators

The President: There would be a meeting of Senators of the greatest Party in Black Africa tomorrow morning, Thursday, 2nd April, 2009 at 9.00 a.m. prompt in Senate Hearing Room 1. Very important issues would be discussed and I will advise all PDP Senators to please be there. We would start by 9.00 a.m. so that we can join the Session by 10.00 a.m. They are issues that affect our Party and affect us as Senators, so please endeavour to be there by 9.00 a.m.

For those who want to come as observers, you are also free to come, particularly, the Minority Whip who has been very friendly and who campaigned vigorously sometime ago for PDP Governorship candidate somewhere in the North West.

Senator Teslim Folarin: Mr. President, for time constraint, I move that other items on the Order Paper be stood down till the next legislative day.

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Senator Ahmad Rufa'i Sani: Mr. President, I rise to second the Motion that other items be stood down till the next legislative day.

Question put and agreed to.

Resolved: That the other items on the Order Paper be stood down to the next legislative day.

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do adjourn till tomorrow, Thursday, 2nd April, 2009 at 10.00 a.m.

Senator Ahmad Rufa'i Sani: Mr. President, I rise to second the Motion that the Senate do adjourn till tomorrow Thursday, 2nd April, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till tomorrow Thursday, 2nd April, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.35 p.m.