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FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

THIRD ASSEMBLY (SIXTH SENATE)

SECOND SESSION

THE SENATE OFFICIAL REPORT

CONTENTS

**Votes and Proceedings
Announcements
Presentation of Bills
Presentation of Report
Consideration of a Report
Consideration of Bills
Announcements
Adjournment**

1875

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 27th May, 2009

The Senate met at 11.50 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, before us for approval, is the Votes and Proceedings of Tuesday, 26th May, 2009. We will take the consideration page after page. Pages 735, 736, 737, 738, 739. We start today with words from our, Elder Statesman, distinguished Senator Jibril Aminu.

Senator Jibril Aminu (Adamawa Central): Mr. President, distinguished Senators, I have the honour and pleasure to move that the Senate do approve the Votes and Proceedings of Tuesday, 26th May, 2009.

Senator Nimi Bariga-Amange (Bayelsa East): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 26th May, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 26th May, 2009 be approved.

ANNOUNCEMENTS

Meeting of the Northern Senators Forum

The President: There will be a general meeting of the Northern Senators Forum today, Wednesday, 27th May, 2009, at 8 p.m. in Senate Hearing Room 1.

(Signed)
Senator Bala Mohammed
Secretary of the Forum

1876

Burial of Mr. Sunday Pale Maeba

The next announcement is from Senator Lee Maeba (JP). All my distinguished Colleagues are pleased invited to the burial of my elder brother, Mr. Sunday Pale Maeba, who died on 27th April, 2009 at the age of 54.

Place: Methodist Church of Nigeria, Luwa in Bori, Kana Local Government Area of Rivers State.

Date: 30th May, 2009

Time : 10 00 a.m.

Thank you.

(Signed)
Senator Lee Maeba (JP)

PRESENTATION OF BILLS

**Binding Resolutions of the National Assembly
Bill, 2009 (SB. 2261)**

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of a Bill standing in the name of Senator Bassey Ewa-Henshaw and two others on the Binding Resolutions of the National Assembly Bill, 2009.

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

Binding Resolutions of the National Assembly
Bill, 2009 – *read the First Time.*

**Maritime Offences Court (Establishment, etc.)
Bill, 2009 (SB. 263)**

The second business of the day is the presentation of a Bill standing in the name of Senator Bode Olajumoke on the Maritime Offences Court (Establishment, etc.) Bill, 2009.

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

Maritime Offences Court (Establishment, etc.)
Bill, 2009 – *read the First Time.*

**Code of Conduct Bureau and Tribunal
(Amendment) Bill, 2009 (SB. 266)**

1877

The third business of the day is the presentation of a Bill standing in the name of Senator Patricia Akwashiki on the Code of Conduct Bureau and Tribunal (Amendment) Bill, 2009.

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

Code of Conduct Bureau and Tribunal
(Amendment) Bill, 2009 – *read the First Time*.

**Oil Pipeline Act (Amendment) Bill,
2009 (SB. 279)**

The fourth business of the day is the presentation of a Bill standing in the name of Senator Osita Izunaso on the Oil Pipeline Act (Amendment) Bill, 2009.

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

Oil Pipeline Act (Amendment) Bill, 2009 (SB. 279) – *read the First Time*.

PRESENTATION OF REPORT

**Report of the Committee on National ID Card
and National Population Commission on the
screening of Alhaji Mahdi Bukar**

Senator Teslim Kolawole Folarin: Mr. President, the fifth business of the day is the presentation of the Report of the Committee on National Identity Card and National Population Commission on the screening of Alhaji Mahdi Bukar (Yobe State) as a member of the National Population Commission (NPC).

You may invite Vice Chairman of that Committee, distinguished Senator Satty Davis Gogwim to move the Motion for the Senate to receive the Report.

Senator Satty Davis Gogwim (Plateau Central): Mr. President, I rise to seek the leave and permission of the Senate to receive the Report of the Committee on National I.D Card and National Population Commission on the screening of Alhaji Mahdi Bukar (Yobe State) as a member of the National Population Commission.

I so move.

1878

Senator Dahiru Kuta (Niger East): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Committee on National I.D Card and National Population Commission on the screening of Alhaji Mahdi Bukar from Yobe State as a member of the National Population Commission.

I beg to second.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on National Identity Card and National Population Committee on the screening of Alhaji Mahdi Bukar from Yobe State as a member of the National Population Commission.

Senator Satty Davis Gogwim, you can lay the Report on the Table.

(Report accordingly laid on the Table)

ORDERS OF THE DAY

CONSIDERATION OF A REPORT

**Report of the Committee on National Planning,
Economic Affairs and Poverty Alleviation:**

Senator Teslim K. Folarin: Mr. President, the first Order of the day is the presentation and consideration of the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani of Cross River State as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) in accordance with Section 162 of the 1999 Constitution. The Report of the Committee was laid on Wednesday, 20th May, 2009 in this hallowed Chamber.

You may invite the Chairman of that Committee, Senator Zaynab Kure to move the Motion for the presentation and consideration of the Report.

The President: If Senator Zaynab Kure is not around, I call on Senator Ugbesia to move for the presentation and consideration of the Report.

1879

Senator Elder Odion Ugbesia (Edo Central): Mr. President, I rise to seek the leave of the Senate to present the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross River State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) and approve the recommendation therein.

Senator George Thompson Sekibo (Rivers East): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross River State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) and approve the recommendation therein as ably moved by Senator Elder Odion Ugbesia.

I so second.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross River State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) and approve the recommendation therein.

Senator Elder Odion Ugbesia: Mr. President, you will recall that at the Plenary of Thursday, 30th April, 2009, this nominee was referred to the Committee for confirmation. The Committee was given one week for this assignment.

In carrying out this assignment, the Committee requested for and obtained the *Curriculum Vitae* and other relevant documents from the State Security Services Department, the Nigerian Police and the Code of Conduct Bureau in respect of the nominee through the Office of the Special Adviser to the President on National Assembly Matters.

The Committee invited the nominee to appear before it for screening on Wednesday, 13th May, 2009 at 2.00 p.m. The nominee appeared before the Committee on that day to be screened. During the screening exercise, Members interacted with the nominee by asking him several questions and he

1880

proffered reasonable and satisfactory answers to all the questions.

During the screening exercise, the Committee noted that Elder Bolaji Akpan Anani is educationally sound, having obtained a Bachelor of Science Degree (B.Sc.) from the University of Nigeria in 1978.

The nominee had acquired wide experience from his appointment in various capacities within the public service. He had been a Councillor, Local Government Chairman, Commissioner in Cross River State at various times. He had been a Resident Electoral Commissioner for Taraba, Plateau and Zamfara State (INEC) from 2003 to 2006. He is presently the Deputy National Auditor of our great party, the Peoples Democratic Party of Nigeria;

There was no petition either from the public or from the distinguished Senators representing Cross River State. As a matter of fact, all the three distinguished Senators from Cross River State are in support of his nomination.

The Committee also observed that Elder Bolaji Akpan Anani's nomination is in conformity with the relevant provisions of the 1999 Constitution.

After extensive deliberations and scrutiny of all the relevant documents as forwarded by the Presidency, the Committee hereby recommends that the Senate do confirm Elder Bolaji Akpan Anani, representing Cross River State as Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

The President: Are there comments distinguished Colleagues? (*No comment*)

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

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I second the Motion ably moved by the Leader that the Senate resolves into the Committee of the Whole to consider the Report.

Question put and agreed to.

1881

Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross River State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The President: Distinguished Senators, I call for comments.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. Chairman, this Report reflects the true position in terms of the experience that the nominee has. I have known the nominee for quite sometime and he is a highly respected citizen of Cross River State. All of us as the Report has indicated support the nomination of Elder Anani and we will like to see him there as a Commissioner because he will be an asset to that Commission.

Senator Victor Ndoma-Egba (Cross River Central): Mr. Chairman, let me start by thanking the Committee on National Planning for a very thorough job and to also join my brother, Senator Bassey Ewa-Henshaw in not only commending the Report of this Committee of this distinguished Senate, but also commending the person of Elder Bolaji Akpan Anani for your kind consideration.

Elder Bolaji Akpan Anani is my Constituent and as my brother Senator Bassey Ewa-Henshaw mentioned, he is a very highly respected Cross Riverian. He is a great member of our political family, the PDP and currently serves as the Party's Deputy National Auditor.

He has held several positions including being a Member of the Cross River State Local Government Service Commission and Resident Electoral Commissioner in a number of states including Taraba and Plateau States. I believe that he will be bringing a lot of experience, wisdom and insight into the work of the Revenue Mobilisation, Allocation and Fiscal Commission.

On that note, I want to urge all of you to support us from Cross River State and, indeed, the Cross State by supporting this nomination.

The Chairman: Any opposing view? If not, I will put the Question.

1882

Some distinguished Senators: Put the Question.

Question put and agreed to.

Senator Teslim K. Folarin: Mr. Chairman, I move that you now report progress.

Senator Kabiru Ibrahim Gaya: Mr. Chairman, I support the move that you now report progress.

Question put and agreed to.

(The President resumed Chair)

The President: Distinguished Senators, the Senate in the Committee of the Whole considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the Screening of Mr. President's nominee for appointment as commissioner in the Revenue Mobilization, Allocation and Fiscal Commission and approved the nomination of Elder Bolaji Akpan Anani, Cross Rivers State. Is this a true reflection of what transpired in the Committee of the Whole?

Some distinguished Senators: Yes.

Confirmation of Nomination

The President: Will the Senate confirm the nomination of Elder Bolaji Akpan Anani of Cross River State, as a member in the Revenue Mobilisation, Allocation and Fiscal Commission.

Question put and agreed to.

Resolved: That the Senate do confirm the nomination of Elder Bolaji Akpan Anani, Cross River as a member in the Revenue Mobilisation, Allocation and Fiscal Commission.

Congratulations, distinguished Senators Gregory Ngaji, Victor Ndoma-Egba and Bassey Ewa-Henshaw.

1883

CONSIDERATION OF BILLS

Remuneration for Former Public Officers Bill, 2009

A Bill for an Act to Provide Remuneration for Former Presidents, Heads of State, Heads of Federal Legislative Houses and Chief Justices of the Federation and Ancillary Matters, 2009 (SB.153)

Senator Teslim K. Folarin: Mr. President, the Second Order of the day is the Second Reading of the Remuneration for Former Public Officers, Bill, 2009. This is an Executive Bill which was read the First Time in this Chamber on Wednesday, 17th September, 2008.

With your very kind permission, I would like to start the lead debate.

The President: Please, start the lead debate.

Order for Second Reading.

Senator Teslim K. Folarin: Once again, I thank you Mr. President, my distinguished Colleagues, for the privilege given to me to lead the debate on the general principles of a Bill for an Act to Provide for the Remuneration of Former Presidents, Heads of State, Heads of Federal Legislative Houses and Chief Justices of the Federation and Ancillary Matters, 2009.

As I said, this Bill was read the First Time in this Chamber on Wednesday, 17th September, 2008. Let me provide a brief historical background to the Bill. This Bill is one out of many other Bills passed by the last Senate and transmitted to the former President for assent. Unfortunately, the President, for inexplicable reasons, could not give his assent to the Bills before the expiration of the tenure of the last Administration.

Those Bills passed by the last National Assembly which were not assented to by the Former President automatically lapsed at the end of the tenure of the last administration. The Bills have to be passed again by the National Assembly and re-presented to the Commander-in-Chief for his assent. However, because of the importance of this particular Bill to the development and sustenance of democratic rule to our beloved fatherland, President

1884

Umaru Musa Yar'Adua deemed it expedient to re-present it and many others to the National Assembly for passage into law.

The thrust of this Bill is essentially to amend Decree 32 of 1999 and ensure that only and I repeat, only democratically elected former Presidents are entitled to benefit from the entitlements and benefits enumerated in the Schedules to the Bill. The Bill automatically shuts out all former Military Heads of State who usurped political power through undemocratic means.

Another important feature of this Bill is that persons who were removed from any of the offices referred to in this Act through the process of impeachment or were compelled to relinquish such offices for breach of any of the provisions of the 1999 Constitution of the Federal Republic of Nigeria are also not in the contemplation of this Bill. The advantages to be derived from this Bill are manifold:

- (i) It will no doubt promote and make democracy attractive, thus making military coup unattractive.
- (ii) It will also encourage dedicated leadership from our present leaders when they know that their efforts will not go unnoticed.
- (iii) It will ensure that altruistic leaders retire with the correct perquisites of office.
- (iv) It will also bring about stability in the polity as leaders will shun acts that will attract impeachment.
- (v) It will definitely entrench good governance in the Federal Republic of Nigeria.

On account of these aforementioned benefits, I implore you to support an expeditious passage of this all important Bill into law.

I thank you for listening.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, I wish to speak in support of this Bill, but before I do so, let me confirm what the Senate Leader said in his lead debate, that indeed, this Bill was thoroughly debated in the last Senate and passed but for some inexplicable

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reasons, it was not assented to by the former President.

I think that the time has come for us as a country to begin to acknowledge the services of people who rise through hard work and commitment to certain positions constitutionally. One way of recognising such persons is to provide for them after office so that there should be a life for them after office.

I believe that if such provisions were made, it would generate greater commitment and dedication to the service of fatherland. It is important for us to note that this Bill relates only to persons who achieved certain offices by constitutional means and not to persons who have violated the Constitution by setting the Constitution aside to enable them assume certain positions. I believe it will discourage violations of our Constitution in future and reward respect for our Constitution.

This Bill does not limit itself to only those who have attained the offices of President or Vice President but it also applies to those who have attained offices as Presiding Officers of both Houses of the National Assembly and who have also attained the position of Chief Justice of the Federation.

It is important for us, especially the Legislative arm because this is the first time that provisions could be made for those who have presided over the affairs of both Houses of the National Assembly especially if they have served their tenure and were not impeached. It would be the first time that we would be making such provisions because the Executive arm has always had a way of taking care of its own. I believe that the Judiciary also has a way of taking care of its own. This arm being the newest among the three arms must create an environment to also take care of those who have presided satisfactorily and meritoriously over the affairs of both Houses of the National Assembly.

It is for those reasons that I support this Bill especially also as it seeks to encourage respect for our Constitution and seeks to discourage disrespect by violation of the Constitution especially setting aside the Constitution when people forcefully take over the reigns of power. I am not referring to anybody in particular; I am just referring to the provisions of the Constitution.

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The President: I am surprised that you have to do extra explanation because nobody has accused you of referring to anybody.

Senator Mohammed Mana (Adamawa North): Mr. President, I rise to support this Bill and in doing so, I want to state that our leaders either in the Legislature, the Executive and the Judiciary deserve to be rewarded after having served this country meritoriously. I want to state, however, that once you are a leader you are a leader. You are a leader in the sense that whether we like it or not, those that were at the helms of affairs of this country in the past have served this country very well. How can you tell me that General Gowon who served this country for nine years and kept this country together, does not deserve pension? How can you say that for goodness sake? What about those Chief Justices that were appointed by General Gowon, are they not also enjoying this benefit? Those Chief Justices that were appointed by General Gowon are to get this pension, why is he not getting it?

Whether we like it or not, this is part of our history and for goodness sake, the era of military government is gone but the history they have left will stand forever. Therefore, I feel that our Heads of State that served this country and kept this country together should be rewarded. It does not mean you are encouraging coup because the issue of coup has gone forever in this country but the legacy they left behind will stand forever.

I am not saying this because I was in the military. I am saying this for the good of this country. We should recognise leaders who served this country very well irrespective of under what circumstances they emerged. Some of them found themselves in those positions. They did not put themselves there.

I urge this Senate for the good of this country and for the good of everybody to ensure that our former Heads of State are included in this Bill.

Senator Joseph Iorshagher Akaagerger (Benue North/East): Mr. President, each and every one of us here is popularly elected and it represents also the expression of the votes of our people. Some votes did not come the way this Senate would like the votes to come. There are children of circumstances politically and the political process itself is very dynamic.

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The President: Senator Akaagerger, you must restrict yourself to the subject matter.

Senator Joseph Akaagerger: Mr. President, I stand to support this Bill but with certain limitations. In Nigeria, for example, as a developing country we must acknowledge the process through which we came and where we are today. There are very indelible contributions from certain individuals in this country although they were in uniform and that is the aspect to which I want to emphasise on my contribution this morning.

If certain steps were not taken at a particular time and emergence of certain leaders we will not be where we are today; talking about democracy. This is the experience in advanced democracies like the United States, for example; from where we learn everyday. There are Generals in the United States who have found themselves on the role of honour and they are recognised and respected today. Why would Nigeria be different?

It is on this basis, and for the very wonderful contributions of this category of Nigerians who are part of you that I urge this Senate to expand the scope of this Bill to include former Heads of State and even the Governors as contained in the Constitution.

I wish to say, and I use the words of my senior Brother and Colleague, Senator Sodangi, to say that I beg of you that you should include this category of Nigerians.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, as the previous speakers have said, whoever serves his country should be rewarded and when you serve at the highest level in any of the three arms of government, you should be rewarded accordingly.

My only interest is that when you go through the Bill itself you will find that there is nothing in it that clearly differentiates those who came through the ballot box or any other means. The Bill itself as it stands here takes care of everybody and I do not think, sincerely speaking, that for people who have sacrificed their lives; and in any case how many are they? Their number is not going to increase. They are human beings.

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Senator Smart Adeyemi (Kogi West): Point of Order, Mr. President!

The President: What Order? Is it Order 55(2)?

Senator Smart Adeyemi: Yes, Sir.

The President: You can read it.

Senator Smart Adeyemi: Order 55(2) reads: *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.* Senator Ibrahim Ida is actually speaking against the Bill. He is not telling us whether he is supporting the content of this Bill or making additional contributions to the Bill. We should know whether he is supporting the Bill or he is against the Bill.

The President: Senator Smart Adeyemi, I rule you out of Order. Senator Ibrahim Ida, you can continue, please.

Senator Ibrahim Mohammed Ida: For the avoidance of doubt and for the benefit of the likes of my distinguished Colleague, Senator Smart Adeyemi, I am supporting the Bill. In so doing, what I want to emphasise is that those people who have served this country, leading it to political stability and economic prosperity but simply because of circumstances should not be deprived of the benefits brought about by this Bill. In any event, the military take over is no longer in vogue and we believe that our democracy will be sustained. The number of people involved here is very few and we pray that it will definitely not increase.

Those that will increase are those that would be coming in through proper Constitutional means. So, I do not think that we should deprive those people of the benefit. They have done great things for this country. They deserve to be honoured by this country. We should pass this Bill and make no exception to those who have led this country. We should give honour to whom honour is due. We should support this Bill and I strongly urge this Chamber to please pass this Bill expeditiously.

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Senator Jibril Mohammed Aminu: Mr. President, I support this Bill and I would like at appropriate time propose some Amendments which I think are important. It is very good for the country to reward and to maintain those who have served it in high offices.

Indeed, in a place like Britain, I do not know the position now; if a civil servant worked very hard, very well and praise worthy, they will give him some money to free him from want so that he does not suffer after rendering a very good service. This is a very timely Bill and I sincerely hope that looking at the Bill later on, more and more categories of people would be included such as former professors.

I would like to mention a little alteration which I think is needed. We should include former Heads of State and all former Heads of Government. That is necessary in order to make it comprehensive. I have looked at the entire Bill and there is nothing which particularly excludes certain categories of people but for the avoidance of doubt, this Amendment would be needed at the right time.

Let me appeal to Senate to be merciful and generous to each other. We also need to be realistic and to think of history. I hate to be personal but if you use logic, there is no reason why former President Obasanjo should be on this list because he would never have become elected President if he was not a Military President before. I would like to appeal to us in the Senate to listen to the fact that things have changed now. I cannot say that we could rule out military coup but it appears very unlikely and I will give you one reason why I say so.

In the olden days, if a President and his Vice were arguing that there would be a chance for someone to stage a coup, I would like to remind us that we had a President and his Vice who held each other's throat for more than two years yet nothing happened. So, coup is not fashionable these days and we do not have to fear it. So, simply because of that we should not do what has been proposed. Let me appeal that we should include all those who served in the office of Head of State.

Let me appeal to the distinguished Senators to consider a man like General Yakubu Gowon and what he meant to this country. What was the

1890

country like when he came in? What he did as the Head State and as the leader of this country.

Senator Iyabo O. Obasanjo-Bello (Ogun Central): Point of Order!

The President: Point Order, distinguished Senator Iyabo Obasanjo-Bello.

Senator Iyabo Olusola Obasanjo-Bello: Mr. President, my Point of Order is from Section 84(5) of the 1999 Constitution which reads: *Any person who has held office as President or Vice-President shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Vice-President:* I brought this point because what we are discussing is an additional to the pension. Everybody deserves pension.

The President: Senator Obasanjo-Bello, you are making your contribution and he is also making his contribution. Your Point of Order does not hold here because that is your own view.

Senator Iyabo O. Obasanjo-Bello: There is no need for what we are discussing.

The President: Your Point of Order is not correct. I rule you out of Order.

Senator Jibril Mohammed Aminu: I will be very brief. I appeal to the Senators to look at the individuals. We do have a responsibility if there is any Military Government. In 1976 when Dimka announced a coup, the students of the University of Lagos came out and said *no*; and that coup failed. It means that if there is any coup that was successful, we were as responsible as the people who staged it. But that is not my argument. My argument is that we should please, be sympathetic enough because these are very limited number of people who had rendered great service and we do not want to incense our people in the armed forces now and cause resentment that the people in the National Assembly do not like them. Please, when the time comes let us make this Amendment very clear that all those who served this country in this exalted capacity should be rewarded without any discrimination and without any censor.

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, let me say from the onset that we have great deal of respect for our former

1891

Heads of State. That is the Military Heads of State or Presidents. However, what we are discussing here is about strengthening, deepening and widening democracy and good governance in Nigeria. Therefore, I believe that this Bill should exclude the former Heads of State with military background.

Today, you are the President of the Senate of the Federal Republic of Nigeria. I believe that this is a very good example for any aspiring military person so that you he goes through the democratic route and achieve greatness through the process that is acceptable.

I believe that Nigerians have been magnanimous enough by not even condemning the leaders who led us through the military process. I believe that those former leaders deserve respect but they do not deserve this kind of recognition because it would act contrary to any idea of attaining good governance and democracy.

Therefore, the repeal of the Presidents and Heads of State Act No. 32 of 1999 is a good development for us, not only in the democratic sphere but also particularly in the Legislature. Before this time, only the former Heads of Government were enjoying these benefits. The Legislature was completely ignored and now we have opportunity to have our Presiding Officers enjoy these same benefits.

I have a worry. My worry is that the Bill is scanty and shallow. In Clause 4, for example, it simply defines former Presidents to include former Presidents and Prime Ministers and Heads of Governments of the Federal Republic of Nigeria. That in my opinion is all inclusive and all embracing. There has to be very specific and categorical provision that excludes Presidents or former Heads of Government who did not come through the democratic process.

Finally, I want to say that life after office should be a very good one for almost everyone in Nigeria, not necessarily the former Heads of Government or the Legislature, *et cetera*. This is because it is one sure way of ensuring that leaders do govern properly, not thinking of feathering their nests or *saving for the rainy day*. If our leaders know that there is a package like this waiting, the chances are that they will govern properly and of course, Nigeria and democracy will be better for it.

1892

With these remarks, I support this Bill and I urge all of us to support it and pass it.

Senator Kabiru I. Gaya: Mr. President, I support this Executive Bill but for it to be passed, it would require a Constitutional Amendment. I would agree with Senator Mana that every leader that served well needs to be compensated.

Some of my Colleagues have argued in favour of such persons as General Gowon, and I know that General Murtala Mohammed may his soul rest in perfect peace, was the architect of most of our developments in Nigeria. He was the architect of the movement to Abuja, and he was the architect of so many policies that have changed the lives of many Nigerians.

Also, General Badamosi Babangida worked very hard for this nation and was able to establish two political parties which I was a beneficiary. Up till today even in the Constitution Review and Electoral Law, we still think of reverting to the two political party systems. Be it military or civilian, for the fact that they have served very well for this nation, they need to be commended for the services they have rendered. I know we have benefited from their leadership.

As I have said, so many things in this country were initiated by the military. We are a developing nation. Our Senate President was a military officer and we are enjoying his leadership. We should support that all the leaders who served this nation should be remunerated. I wish to also say that those leaders who are alive are members of the National Council of States which means that they are relevant. They are still serving and helping this nation. For this purpose, they should be rewarded according to this Bill.

Clause 2 of this Bill states that: *Members of the families of deceased former President and Vice-President should be entitled to annual payment.* This is a very good provision because I know that the family of the late Murtala Mohammed needs support and assistance.

I support the Bill and I am happy that in the definition of the Bill, it says that *former President includes Presidents, Prime Minister and Heads of Government of the Federation*. It does not discriminate, therefore, we may add *all former*

1893

Heads of State, and all former Presidents. That would take care of that.

Finally, I want to say that I had little problem when it comes to the remuneration of former Governors. I was a civilian Governor duly elected. When it comes to pension, they said that the former Governors would only be entitled when the Constitution comes into effect which means that the pension was paid only from 1999 to date. Therefore, all those former Governors that served before 1999 from my State are not entitled. I support Senator Mohammed Mana that all those who have served this nation should be given remuneration.

The President: Senator Gaya, where do you say implementing it requires constitutional amendment?

Senator Kabiru Ibrahim Gaya: Section 84(5) if I may read says: *Any person who has held office as President or Vice-President shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Vice-President: Provided that such a person was not removed from office by process of impeachment or breach of any provision of this Constitution.*

(6) *Any pension granted by virtue of subsection (5) of this section shall be a charge upon the Consolidated Revenue Fund of the Federation.*

A President or a Head of State that served under the military is not included, therefore, we need to amend this provision.

The President: We have been given sufficient assurance that there would be no more military coup. I do not think it requires Constitutional Amendment. That is the point I want to bring out.

Senator Satty Davis Gogwim: Mr. President, I understand the sentiments of every one that is seated in this Chamber this morning. I stand here to support this Bill, but for some other reasons that the former speakers have spoken. Senator Mana, Senator Ida and Senator Gaya have spoken very well on these issues. When you look at the circumstances under which General Yakubu Gowon came to power it was quite different from those who came through the barrel of guns. The same thing goes with General Obasanjo. He did not

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come through the barrel of guns. It was circumstances that placed him as the Head of State of this country. It is the same thing with General Abdusalami Abubakar.

Some of us who are seated here benefited a lot from those Heads of State that actually served this country meritoriously. Today, for you and for this Senate to exclude them, I do not think it will augur well for this country. There is no reason for any body to exclude those who have actually served this country as Head of State. The reasons are that the present democratic dispensation was installed by the military. This very hallowed Chamber was built by the military.

Senator Anthony G. Manzo (Taraba North): Point of Order, Mr. President!

The President: Yes, Point of Order, Senator Anthony G. Manzo

Senator Anthony G. Manzo: Mr. President. I want to raise Order 53(4). With your permission I will read.

The President: Yes, read.

Senator Anthony G. Manzo: It states: *A Senator must confine his observations to the subject under discussion and may not introduce matters irrelevant to.* We are not talking about who built this Chamber or who built what. We are talking about pension for ex-Presidents. So, I think it is completely irrelevant to the issue we are discussing.

The President: Senator Manzo, the point he is making is whether we should include former Military Heads of Government or not. To support his argument, his was saying that they brought in development in one form or the other. So, I do not think it is totally irrelevant to the issue being discussed. Therefore, I rule you out of Order, Senator Manzo.

Senator Gogwim, you should round up, please. Do not worry about whether this Chamber was built by the military or not. That is not the issue here. The issue is whether you want to include them in this remuneration scheme or not.

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Senator Satty Gogwim: I take judicial notice of that correction. All I am trying to say is that Section 84 of the 1999 Constitution has actually included every person and already I am sure all these Heads of State are drawing from this remuneration and there is no need to exclude them. I support the Bill.

The President: That is not correct. The provision of Section 84 of the Constitution does not include Military Heads of Government. It excludes them because it is specific on who is included there. Read Section 84 properly, it excludes them.

Senator Satty Gogwim: I want to plead that this Bill is passed but it should take cognizance of the fact that most of those military officers had contributed to the development of this country.

Senator Ayogu Eze (Enugu North): Mr. President, first of all, I want to state categorically that I support this Bill and I think that people who have laboured for this country deserve some form of rehabilitation and a sense of our caring for them when they have left office. If you go to America, the American Presidents become very rich after they have left office, simply because the system has been structured in such a manner that it takes care of them. If we are borrowing that idea it is a very worthy step and it is commendable.

The argument as to whether we will include military Heads of State and those who shot their way, to borrow the Leaders words, *by the barrel of the gun*, is a very difficult point to sell in a democratic setting. This is because we must convince ourselves what type of agenda we want to set. Let us look at our political situation.

All the Presidents who were Heads of State before have been striving to legitimise their outing by becoming President. There is hardly any of them who has not contested to be President of this country at one time or the other and some of them are still contesting. If we now give them remuneration that is given to people who occupied that office, it will be a back-handed way of trying to recognise military incursions.

Senator Joseph Iorshagher Akaagerger: Point of Order, Mr. President!

The President: What is your Point of Order, distinguish Senator Akaagerger?

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Senator Akaagerger: Mr. President, I have a Constitutional Point of Order. It is Section 42 of the 1999 Constitution.

The President: Read it, please.

Senator Joseph Akaagerger: Section 42 (1)(a) of the 1999 Constitution states:

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion, or political opinion shall not, by reason only that he is such a person -

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject;

If by reason only that someone was a soldier and he will be excluded from enjoying the benefits provided in this Constitution, it is discriminatory and then reference should not be made to it.

The President: Senator Joseph Akaagerger, a very learned Lawyer, I believe, of course, that it is correct, but I am afraid that every citizen is not entitled to pension and remunerations as the Presidents or Vice-Presidents. It is not every citizen. So what we are discoursing is not applicable to everybody in uniform. We are talking about those who fall into that particular category. The Army is not a Community. So, I rule you out of Order.

Senator Ayogu Eze: I was saying that we must be very careful so that we do not unwittingly try to undo by ourselves what God has taken care of, because it is settled as it has been eloquently said by Mr. President himself, that we have seen the last days of military rule in this country. We must leave a clear message that that past is past and we would not do anything to encourage anybody in that direction any more.

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Those who drafted this Bill were guided by even Section 84(5) of the Constitution which has gone ahead to prescribe democratically elected people who are entitled to pension. The Constitution gives us power to include other people because it gives us power to make Laws.

So, I think it is proper that we use the opportunity given to us by the Constitution to include those who have contributed positively in deepening our democracy. Nobody is saying that the military did not make one form of improvement or the other in this country. Nobody is writing off the military, but we did not elect them. They took power by force. Even the Constitution we are quoting today has prescribed sanctions against people who take power by force. The same Constitution has provided sanctions against people who take power by the barrel of the gun. I think that the lead debate on this law was very clear.

I am also very happy that the people who have military background are using the leadership training they got to dance onto the democratic stage, just like our President, and we can see the effect of his military training on the leadership that he has provided here. Nobody is writing off the military, but we should not do anything that would encourage the military to think that taking power by force is legitimate. That is all we are trying to say.

I support this Bill, but I do not support that people who did not come to power legitimately should be entitled. Therefore, I support the lead debate and I support that we keep the military Heads of State where they belong; which is in our past.

Senator George Thompson Sekibo: Mr. President, I rise to completely support the Bill in its entirety. On payment of remuneration to Presidents and former Heads of State, there is nothing that happens in any system without the knowledge, acceptance and agreement of God. If God does not approve, even today as we are here, you may not be the Senate President of this Chamber, but because it has been approved and ordained, that is why we have series and different sets of leadership. That is why we have different classes or categories of leadership from the beginning. I will take you through the Constitution and say why both former Presidents and Heads of State are eligible and qualified for payment.

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Firstly, the Constitution gives a little problem. With your kind permission, Section 1(2) states: *The Federal Republic of Nigeria shall not be governed (futuristic) nor shall any person or group of persons take control of the Government of Nigeria or any part thereof, (futuristic) except in accordance with the provisions of this Constitution.* By this provision, those who have ruled the country even through the use of the barrels are not exempted.

In Part 1(b) of the Third Schedule, it gives us the provision of the Council of State Membership. With your permission, I will read: *The Council of State shall comprise the following persons:*

(a) *the President, who shall be the Chairman;*

(b) *the Vice-President, who shall be the Deputy Chairman;*

(c) *all former Presidents of the Federation and all Former Heads of the Government of the Federation;*

This simply indicates that Section 1(2) is a futuristic provision. With the taking-off of this Constitution no other person outside being democratically elected shall be the President of this country. It does not say that those who have ruled before are to be punished for one reason or the other or attacked in any way.

How can you give somebody an assignment of including him in the Council of State of a country and you are not giving him remuneration? It is not justifiable. If they are not included in this Third Schedule, Part 1(b) one can understand it as because they came in through the barrel of guns. Though they came through the barrel of guns, they have done their own work, and they did some good jobs. Again, we are still using them. If we are not using them or if they are nonentities or not accepted by the society, why do we include them to be part of the Council of State.

I support the Bill and we should also put them as part of the Bill. That is where I come to look again at the lead debate by the Leader of the Senate. At page 2, paragraph 3, the Bill automatically shuts out all former Military Heads of State who usurped political power through the barrel of the gun and not via through the ballot box. The Bill does not

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rule them out. Looking at the Bill itself which was read for us here, Clause 4(1) states: *In this Bill unless the context otherwise requires, former Presidents include former Presidents and Prime Ministers and Heads of Government of the Federal Republic of Nigeria*, Heads of Government

Senator Gyang Dalyop Dantong (Plateau North): Point of Order, Mr. President.

The President: Raise your Point of Order, Senator Dantong.

Senator Gyang Dalyop Dantong: Order 80 of our Rules states: *On the order of the Second Reading of a bill being read, a motion may be made 'that the bill be now read a second time' and a debate may arise covering the general merits and principles of the Bill.* We are getting into Clause by Clause consideration of the Bill.

The President: This is a bit dicey. In the issue he raised he wanted to buttress his point that the Bill does not exclude former Military Heads of Government. That is the point he was making. Although Senator George, you could have made that point without taking us to the Clauses. Even though the point you are making is not correct. The Constitution excludes former Heads of Government who were not elected. The Constitution clearly specified it in Section 84. But the point you are making is that the Bill has included them. You can make that point without taking us to the Clause. That is the point the Senator Dantong has made.

Senator Dantong, this is a fairly difficult one to rule. But I think you should withdraw the Point of Order, otherwise I have noted it. *(Laughter)* Your Point of Order is noted. Senator George, you need to wind up, please.

Senator Isiaka Adeleke (Osun West): Mr. President, Point of Order!

The President: Read your Point of Order.

Senator Isiaka Adeleke: Mr. President, this is Constitutional Point of Order. Section 4(9) of the 1999 Constitution states: *Notwithstanding the foregoing provisions of this section, the National Assembly or House of Assembly shall not in relation to any criminal offence whatsoever, have*

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power to make any law which shall have retrospective effect.

By excluding any body that has been President before 1999 because he had been in the military is what we call an *ex post facto* laws. Those were laws that were not criminal when they were committed. So, you can not make a retrospective law. So, I support this Bill.

The President: Distinguished Senator Adeleke, I do not know why you came by this Point of Order; but if you read it, it says: *Notwithstanding the foregoing provisions of this section, the National Assembly shall not in relation to any criminal offence whatsoever have power to make any law which shall have retrospective effect.* That does not really apply to what we are discussing. It does not. It is the qualification for remuneration that we are discussing. Senator Adeleke, I rule you out of Order.

The President: Senator Sekibo could, please, wind up your contribution.

Senator George Thompson Sekibo: It is my candid opinion that both former Presidents and Military Heads of Government be included as part of this law. I want to go further. I appreciate that the Bill includes Heads of Legislative Houses. It means there is hope for, at least, the Senate President.

But I want to suggest; if you look at the American Congress, there is a Congressional pension that is granted to Members of the Senate of the Congress when they finished their tenure based on how old they are. Here we are with you, we are going to serve, maybe, eight or 12 years or as much as possible with you and then we would go back home. By the provision of this law, the Senate President would be entitled to this remuneration so also the Speaker of the House of Representatives. What happens to the distinguished Senators who have served this country meritoriously? I think that as the Heads of Senatorial Districts, they should be considered in a form and be given some provision.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, let me first of all make my position very clear. That the military of Nigeria have distinguished themselves in many areas in the

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history of this country. They have acquitted themselves very well, and among them, we do have distinguished officers.

But this Bill is about illegality, and not allowing people to benefit from the illegality that they have committed. All over the world, military coups are regarded as illegal. In fact, they are anathema to democracy and good governance. People who commit coups cannot in good conscience be allowed to benefit from this illegality. It is an issue of principle, not the individual.

Let me also say that I support the Bill because the intention is to discourage this type of behaviour; the tendency to commit military coup. There are still military regimes all over the world and we can see what is happening to people like Ansan Suchi. We want to discourage this type of behaviour.

I believe that Generals do receive military pensions. I know that when you retire, you retire with your salary, with your ADC, *et cetera*. You go home with those. This will be duplication because they are already benefiting from some kind of remunerations when they retire. None of them who has been a Head of State has not been a General. All of them are Generals and so they retire with everything that they were in office with.

The last point I want to make is the point that my distinguished Colleague has alluded to, and that is the issue of whether or not Members of the National Assembly should deserve some kind of retirement benefit. Even in ordinary business, as in the Public Service, when you have spent five years; in some cases 10 years, you are automatically enrolled in the Pension Plan of the institution or organisation and you become entitled to pension. Therefore, I believe that the Bill should be extended to cover people in the National Assembly that have served a minimum of three terms. (*Interruptions*)

What I am saying is that the term is something that is debatable because I have given an example that in some organisations, after five years you are registered in the pension; after 10 years you are registered. It varies, some people take seven years. I am suggesting that after giving 12 years of your time in service to a nation, you deserve some kind of pension because that is a substantial part of your life. So, I would like to see that this Bill is extended in that regard.

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Senator George Anthony Martins Manzo:

Mr. President, I want to support this Bill but it is a pity that the argument is shifting towards whether the beneficiaries should include Military Heads of State. The principle of this Bill is to really give recognition beyond GCON and GCFR that people are given. This is because those titles do not put food on the table.

To attempt to exclude the Military Heads of State would be to completely deny our history. Whether we like it or not, the military played a not too insignificant role in the development of this country. The Bill itself does not make any differentiation at all.

I can hear a distinguished Senator asking if I were a Commissioner under the military administration. Yes, I was and we did a lot of good things for our people. I have no apologies for that.

This is a very good Bill and I believe that at the end of the day it is going to make sure that we fight corruption. This is because if people leaving office know they have specific encouraging package the temptation to take public funds would be very low.

As a result of Section 84(5) that denies this Military Heads of State pension that is the real essence why we should positively include them in this package. After all, when they were Presidents, they signed laws for this country and entered into several Treaties on behalf of this country. In fact, they performed legitimate roles for this country. So, it would be a mistake to deny them.

Senator Iyabo Obasanjo-Bello:

Mr. President, thank you for this opportunity. I want to start from where Senator Manzo stopped, in terms of the military. The Military Presidents and the Civilian Presidents are starting from the same point. This is because the military leaders have their military pension, depending on when they got into the military and the Constitution already has given pension to the Civilian Presidents. What we are debating now is not their pension. What we are debating now is in addition to their respective pensions. That is what I want to make clear.

To me, we are moving away from the issue of whether or not we should include the Military Presidents in this Bill. The Military Presidents must be included because it is an addition to their

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pension. What we should be discussing either is whether or not they need an addition to their pension. Their pensions have already been taken care of against inflation because what they get is the salary of the current President. That is what ought to debate. We are debating it as if this is their pension. I want to make that clear.

If we say they deserve the addition other than their pension, maybe, if Nigerians agree with us that they deserve it we will understand that. The average Nigerian Civil Servant gets only his pension. Are we saying that because they did an extra job hence they deserve extra upkeep? That is the significant point for consideration. If they deserve this extra upkeep, then we are on good footing to see it through but we have to be careful because the average man out there; all he is looking for in life is pension. He is not looking for an addition. Somebody said to me that this is to cover for things like healthcare and everything. We should name those things that this extra upkeep covers. Other than the spouse and the education of the children, it does not say what this addition upkeep is for.

As far as I am concerned, we should really debate whether or not this Bill is necessary for the nation at this time. It should not be whether or not the military personnel should be covered. The military personnel are Nigerians and they deserve to be compensated as much as the civilians, as far as I am concerned. But I am not sure that Nigerians want us to give additional upkeep to our former leaders at this time.

The President: Are you saying that you do not support the Bill?

Senator Iyabo Obasanjo-Bello: Absolutely, Sir. I do not support the Bill.

Senator Adegboye E. Eferakeya (Delta Central): Mr. President, I stand to support this Bill. Firstly, you would find that people who were not covered by the Constitution are now covered by this Bill and those are our Principal Officers of the Legislative body of this country that is the National Assembly.

My worry is that the Heads of State is not defined in the Bill. You will remember that during military regime, they always talk of Military Heads of State and Military Governors. Here, it is just

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said; Heads of State; which means that every one who has been a Head of State is included in this Bill. Some of my Colleagues have argued that yes, some people came in using the barrel force, but they have served this country as Heads of State and I think they should be included.

The next point is that Presidents of this country and others have been included in pension according to Section 84(5) of the 1999 Constitution. In this remuneration Bill, they are also included. Are they going to enjoy pension and remuneration at the same time? If it is so, it means that if we have to pass this Bill that Section of the Constitution has to be amended because I cannot see the same person benefiting financially twice from the same government. So we have to look at that critically.

The other aspect I want to point out is that somehow during the military regime, some people have ascribed themselves to be Presidents which is very illegal. This is because it is my understanding that a President of this country has to be elected. It is an abnormal which persisted. Such people can only come in as Head of State, and not as President. It is an abnormality. People are still referring to them as Presidents. Such nomenclature should not come in at all.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I am in support of this Bill. But, of course, I know that we sympathise with a lot of people that feel that the former Military Heads of Government should be compensated for what they had done. I sympathise with them. We give them due recognition as our leaders, but they do not deserve to get this benefit.

When the Constitution of this country was being written by our elders, even though it was done under the military regime, they made it abundantly clear in Part 1(2) that: *The Federal Republic of Nigerian shall not be governed, nor shall any person or a group of persons take control of the government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution.*

So, coup is completely removed. For those people that used the barrel of the guns to kick out a government, they should not benefit from this remuneration. I was elected in 1992, I was sitting in NICON, they came in, kicked me out, removed my car, they did not even allow a simple car to take

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me back home and you want us to compensate this type of people.

With all due respect to the military, we should remember that if we look again at Section 16 of the Constitution on the economic objectives it is very clear. Section 16(2) (d) states that: *The state shall direct its policy towards ensuring suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and the pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens.*

Now we are treating those people who have suffered us as special citizens when the Constitution is very clear that the ordinary people of this country should be adequately compensated within the ambience of this Constitution. This Constitution is a semi-social Constitution that helps the ordinary people to have a reasonable living wage, a reasonable pension and with all due respect; every General is living very well. All the retired Generals and the former Heads of State are all living very well, with all due respect to you, Sir. *(Laughter)*

The President: Why do you say with all due respect to me? Am I one of them? *(Laughter)*

Senator Mahmud Kanti Bello: But you are a General, Sir and I know that you are now a full fledged democrat and I really honestly view that the Heads of Legislatures should be included in this particular Bill. This is because this is an institution that every time there is a *coup-d'état*, a change of government; it is the Legislature that normally suffers. There is always the Executive arm of government and the Judiciary but it is always the Legislature that suffers. So, I believe that this particular Bill should adequately compensate the Presiding Officers of our Chambers.

But for the Members of the Legislature, with all due respect, I believe that Nigerians would not take it lightly with us because we are being paid severance allowance. What we need to do is to collect severance allowance each four years we finish. If we are lucky to get elected back and after another four years we collect another severance allowance.

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As I said, we respect all the former Military Heads of State, we would give them all the necessary protocols but we cannot and we should not allow them to get unnecessary money for something that they would be getting double pensions because they are Generals and Generals are well paid. More so, the Constitution is very clear that we should not encourage *coup-d'état* in any form. For that reason, I support this Bill in totality as put up by the Leader.

The President: Senator Kanti Bello, what year did you say you were elected but was removed while at NICON?

Senator Kanti Bello: In 1992 I was elected and I was in NICON, we thought that General Abacha would go along with us but at night there was a broadcast and before we what we were doing *(Interruptions)*

The President: You have answered my question. Distinguished Senator John Shagaya, please make your comment. I know you would address the issue raised by Senator Kanti Bello.

Senator John Nanzip Shagaya (Plateau South): Mr. President, on the issue raised by distinguished Senator Kanti Bello, distinguished Senator Sani is his brother, he could address that.

I support this Bill because its intendment is good except that there are contradictions here and there. To my mind, the Bill, to my mind, is addressing purely issues of remuneration. I do not think that the Bill is attacking the personalities of individuals and the ranks they attained while in the service of this great country, in the three armed services they belong.

If one, therefore, takes a look at the Decree No. 32 of 1999 which this Bill seeks to abrogate you will find that I feel comforted as a former military man. This is because going to Clause 4 of this Bill it does not really preclude them; it includes them. To my mind, the only quarrel here and I support the position of my Colleague, Professor Eferakeya completely to the extent that I believe the sentiment there is to remove the word *President* as ascribed to one of the former military leaders. That is simple.

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If that is the case, in that same Decree 32, while we abrogate, it would have been simpler for this hallowed Chamber to make a law to say that since the word *President* offends certain Section of the Constitution, it could in retrospect be amended to say that *all those who were Heads of Government as Military Leaders should be addressed as former Heads of State* that the exclusivity of the name *President* can only be enjoyed by an individual who is so elected by Nigerians. That is the contradiction.

But I support completely some of the views that have been expressed here as a result of this minor contradiction in this Bill to the effect that we cannot re-write history. Whether we like it or not, those former Heads of Government of this great country Nigeria have held international roles at the United Nations; their views have been heard and respected as Nigerian Leaders at African Union now or former Organisation for African Unity. They were Chairmen at various times of this organisation that ran the political system in Africa. They were also Chairmen at one time or the other of the great sub-region that we belong, ECOWAS; and so, we cannot re-write history but accord them that right of position.

In concluding, let me plead with the Senate Leader that in receiving Bills like this from the Executive, we should thoroughly as a Senate go through and advise the removal of certain offensive languages. We had a long debate of over three days on the electoral issues just because of the way that Bill was presented. Here, if you look at page 2 of this Bill, it states: *The bill automatically shuts out*, it is too offensive. It is not a legal language. To me, it could have been *excludes*. It is a more descent language that could be discussed on the Floor of the Senate. Some of our staff and operatives could be advised to choose certain conveyance of languages in this Senate.

The President: Distinguished Senator Shagaya, I do not think you should comment on the Leader's presentation. That is his style. It is not reflected in the Bill. That is what he said that the Bill has done. If he said that it *shuts out the military* that really is not offensive to anybody.

Senator John N. Shagaya: Mr. President, thank you for the correction. I support the Bill and I would ask that it should be passed but if there is need to amend the only one offensive language of the leadership in the Presidency that can come as a

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special item under Decree No. 32. But going to the section of the remuneration that affects our former leaders and especially the deceased, they are not precluded; they are accommodated and I am happy with that.

Senator Bala A. Mohammed (Bauchi South): Mr. President, the issue of exclusion or removal has been well exhausted and I do not have to belabour you with any opinion on that. However, the general principle of the Bill is of great concern to me. As democrats, there are some other categories of beneficiaries that we must have excluded or failed to remember; especially those Nigerians who contributed positively to the cultivation of democratic culture in this country.

We have the regional leaders that were in their own rights, leaders of this country, but they have been excluded. Whatever way we are developing as democrats, we are building on what they have done. They laid the foundation in the First Republic.

So, I am craving the indulgence of the distinguished Colleagues to look at the relevant Sections, especially Parts I and IV to include the regional leaders, if there is any.

Again, as explained by distinguished Senator Iyabo Obasanjo-Bello, this is an additional remuneration for families of the former Presidents and other categories of officers. It is in addition to the pension. I want to lament and re-call that I come from a Constituency where the former President served. Are we going to address the problem of those living or dead? This is because, those who are dead, their families are living in absolute poverty and we have not really addressed the issue.

I want to make a categorical statement. We should make some clarifications on whether this remuneration we are talking about is for those living or dead. We as democrats have the responsibility not to sit down and denigrate and beguile our former Presidents. The families of our regional leaders are suffering. The families of our patriots are suffering. The great Eyo Eta was there; the great Saduana was there, Tafawa Balewa served this country meritoriously, Awolowo served this country, Eyo Eta served this country. What have we done as democrats to help their families? We do not have to come here and be saying that the former Generals are leaving well. These families have been abandoned by us. We have not done anything. The

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family of the great patriot, the voice of Africa, Sir Abubakar Tafawa Balewa in Bauchi where I come from is suffering. When you go there you will shade tears. Nobody remembers them. They are living in abject abandonment.

This Bill is a very welcome because it is going to take responsibility by the Government which otherwise we as democrats should have taken. So, I plead that we clearly include the families of former regional leaders because they are in dire need of benefits derivable from these remunerations.

Senator Smart Adeyemi (Kogi West): Mr. President, first and foremost, this Bill is a bit contradictory going by its title. I want to submit that we should expunge *Heads of State* rather it should be *remuneration of former elected Presidents and Heads of Federal Legislative Houses*. At least, that makes more sense than including Heads of State. It is contradictory because if the Bill is to be amended we should expunge the words; *Heads of State*.

We have all agreed and with the assurance of Mr. President that we are not going to witness any military government in this country again, so, we should just forget about the Heads of State and let us have *former elected President*. In essence, I am saying and submitting that I am in support of this Bill. I respect the concept of this Bill and I commend President Musa Yar'Adua.

Having said so, it would amount to betrayal of my background as a journalist to give any support to any military government as a Senator of the Federal Republic of Nigeria. You will agree with me that military government is an illegal government, an un-constitutional government, a very draconic government, a government that is un-biblical and equally un-Islamic. Military Government by all yardsticks is an abnormal system of government. With due respect, military government is a government that is not for the people. I am amazed as I sat down here and I heard quite a number of my Colleagues saying there is the need for us to equally make sure that this Bill covers former military Heads of State or Presidents. We will be making a mockery of this Chamber if we say that military Presidents and Heads of State should be covered in this Bill.

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Mr. President, many of your former colleagues were against the restoration of democratic government in this country. It will, therefore, amount to asking people to eat a food from a poisonous tree because these are the people who were opposed to the enthronement of democratic government. It caused the lives of so many patriots, activists and journalists for us to be seated here as Senators of the Federal Republic of Nigeria.

Senator Joseph Akaagerger: Point of Order, Mr. President!

The President: Senator Akaagerger, what is the Point of Order?

Senator Joseph Akaagerger: Mr. President, it is Order 53(4) which states: *A Senator must confine his observations to the subject under discussion and may not introduce matters irrelevant thereto*. When you raise issues on murder and manslaughter you are introducing criminal issues and those people are not here.

The President: Your Point of Order is sustained. *(Laughter)* Senator Smart, confine yourself to the issue we are discussing.

Senator Smart Adeyemi: Mr. President, all what I am saying is that for a democratic institution like ours to be seen to be appreciating those who perpetrated illegality in Nigeria will be against the norms of democratic government all over the world.

In the first instance, all the former Heads of State, I want to believe that none of them is complaining. I would not want us to open the Pandora boxes as how they managed the affairs of our nation but I do believe that they are comfortable enough and if we have not called them to give account of the period of their administration, we should not be reminded of some of the evils that took place when we had Military Government. I want to believe that this Bill should be for former elected Presidents of the Federal Republic of Nigeria. I say this because there are still some of the younger ones in the barracks who are still looking forward for the possibility. Do not let us send a wrong signal to them that we appreciated their predecessors. We should let them know that *(Interruptions)*

1911

Senator George Thomson Sekibo: Point of Order!

The President: Senator Smart Adeyemi, there is no need for this anticipatory statement. What is your Point of Order, Senator George Sekibo?

Senator George Sekibo: Mr. President, Order 53(4) and (7) which state that: (4) *A Senator must confine his observations to the subject matter under discussion and may not introduce matter irrelevant there to.*

(7) It shall be out of order to use offensive and insulting language when debating.

The President: Distinguished Senator Smart Adeyemi, you should not anticipate. Your debate is becoming really anticipatory and there is a proper Order for that Senator Sekibo and I suppose that in addition to the two Orders you raised, that also covers it. We should not by extension begin to infer that the younger ones are out to do anything. The Military is very well educated, very comfortable in democracy and there is no indication at all that they would do otherwise. Inferring it is not appropriate. We should give them that respect that the Nigerian Armed Forces are very well educated group. Through their various trainings they understand that democracy is the order of the day and they will defend democracy with the last pint of their blood.

I sustained your Point of Order, Senator George Thompson Sekibo.

Senator Smart Adeyemi: Thank you Mr. President, and it is gratifying to hear this from you.

On a final note, I want to submit that we should not be seen to be appreciating those who truncated the effort to enthrone democracy in Nigeria. We thank God for the services they rendered to Nigeria but I want to believe that we should just close that chapter. If we, in any way try to allow this Bill to cover them, it will amount to us saying that those who make efforts to truncate democracy, those who jailed so many statesmen who are here are being appreciated. This is my submission.

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. President, I rise to support the Bill but I have some observations. Somewhere in

1912

the Bill there is this phrase; *except those who were impeached*. The Bill as it is includes the military and the military once overthrown means impeachment. We have to take note of that. Removal through whatever means is impeachment. *(Laughter)* We have to technically look into this. That is removal from office. Once you are removed from Office whether it is impeachment, vote-of-no confidence or *coup d'état* all amount to removal from office. We need to define very clearly what actually we mean by impeachment. In my understanding, impeachment includes removal through coup and counter coup.

Also, it would be wrong to say that past military leaders should not derive these benefits; but a way of drawing a line is to have a provision in the Bill which will clearly state that from 1999 only democratically elected individuals shall benefit from the remuneration to be stated in this Act. In that way, we would have given recognition to the past and also the Bill would have seriously discouraged any thinking of tampering with the present and the future.

Again, we need to define remuneration more clearly so that the Revenue Mobilisation, Allocation and Fiscal Commission can be well guided. Otherwise, we can end up with a lot of duplications in terms of remunerations. Whatever we do we should conserve public funds and meet the objectives of the Bill as well as streamlining what should be done without causing serious confusion.

Senator Mujitaba Mohammed (Jigawa South-West): Mr. President, before I begin, let me make it clear and unequivocal that I am not a military apologist but at the same time, as a student of Political Science, I cannot out rightly dismiss the contributions of the military to the political development of this country.

I want to concur with the submission of distinguished Senator Ahmed Makarfi that we should equally recognise our past military leaders so that they can also enjoy these remunerations but we can do that by making a distinction, maybe, restricting it to certain period of our political history. I support this Bill and I do urge my Colleagues to give it all the necessary support.

1913

Senator Bode Olajumoke (Ondo East): Mr. President, let me foremost acknowledge the tremendous services of our military men to the development of this great country. In history we have all sorts of atrocities committed against democracy dating back to the era of slavery, apartheid, coup and genocide. These are heinous crimes against democracy. They are against civilised society and this is why civilised societies condemn this act. I believe that our country Nigeria is striving to be part of the civilised societies hence the essence of this Bill.

Chapter 1, Part I, Section 2 of our Constitution stipulates that *The Federal Republic of Nigeria shall not be governed nor shall any person or group of persons take control of the government of Nigeria or any part thereof except in accordance with the provisions of this Constitution.*

The Bill tends to write history properly by ensuring that those who took government in this country by illegal means are punished or penalised. It is well stated in the lead debate that *only democratically elected former Presidents are entitled to benefit from the entitlements and benefits enumerated in the Schedules to the Bill; and it automatically shuts out all former military Heads of State who usurp political power through the barrel of the gun and not via the ballot box*

As some of my Colleagues have stated, some of the former military Heads of State are now on this side of the divide, that is, fully active in the involvement of democracy. I am certain that some of them would not be unfavorably disposed to the Bill.

The other point I want to mention is that the Bill, to my mind, talks about better life after service. Senator Iyabo Obasanjo-Bello mentioned that it would amount to double benefit because the former Heads of State and the Presidents are taking their pensions. Therefore, we should now ask them to take additional remuneration. I am glad that this Bill is also talking about taking care of the Legislature in terms of Principal Officers. What about the ordinary citizens of this country; men and women who have served in various capacities but who were not elected or have the opportunity to become Heads of State? What about our women who have served in the Civil Service and in other aspects of our economy? We are not talking about them. I even heard some of our Colleagues here talking about all the Senators enjoying the same

1914

perquisites as the former Heads of State. That sounds to me extremely ridiculous. We should limit it only to the Principal Officers and do not carry it to the extent of all Senators enjoying it.

I honestly support this Bill. It is very timely and I urge all my Colleagues to support it.

Senator Heineken Lokpobiri (Bayelsa West): Mr. President, I rise to support this Bill and enjoin all my Colleagues to pass it into law without any further delay.

I support the Bill because I believe it will promote democracy and discourage corruption. If leaders know that when they leave office, they are going to be taken care of there would be no reason for everybody to amass wealth to enjoy his life after leaving office. This Bill is very meritorious and we should be passed it into law.

I also belong to the school of thought that says that those military Presidents or Heads of State should not benefit from this Bill. Military governments are illegitimate governments because they are not government of the people by the people and for the people. They are government of a few and for a few people. I want to say that you cannot place something on nothing and expect it to stand. If those governments were illegitimate, illegal, null and void from the beginning and so, you cannot place something on nothing and expect it to stand. Therefore, I am also in support of my Colleagues who have said that military Heads of State or Presidents should not benefit at all from this Bill.

Looking at the Bill, it is not elegantly crafted. For example, Clause 2 is talking about families of former Presidents or Vice-Presidents should be paid some amount of money that would enable them take care of their family expenses. In Nigeria, families are very large, which person in these families will collect this money? It is possible that some former Presidents even their wives may have died, the children too may be from different mothers; and if we are not careful, and if this Bill is not elegantly crafted at the Committee Stage, we would end up causing some family war. In spite of that I believe that this Bill is very timely and I support it.

I would like to say that the military former Presidents have already settled themselves. All of them are very wealthy. By the time democracy

1915

came in 1999, we had a debt profile of over \$30 billion where did that money go to? That was the money that some military leaders used to settle themselves. Today we are not even talking about probing them. We do not intend doing that. I support this Bill in its entirety.

Senator Joseph Iorshagher Akaagerger: Mr. President, Point of Order? He is going against our rules.

The President: Senator Akaagerger, your Point of Order is sustained. *(Laughter)* Senator Heineken, the debt profile in this country is not necessarily because the former military Heads of State have put the money in their pockets, we still have debts to pay. I do not think that that is a very correct statement.

We have had enough contributions on this issue and I should put the Question now. Before that, this Bill was actually debated and it took as much as this in the last Session when we debated it. It was exactly the same line of debate that we went through as to whether military Heads of State should be included or not. At the end of the day when this Bill goes to the Committee, they would take a wider cross section view of the public to be able to bring the Bill back to us.

There are issues that have been raised here, particularly the issue of crafting, and I also believe there is a bit of a problem there so that it is properly explained and leaves nobody at all in doubt as to whether former military Heads of Government should benefit or not. But as it stands at the moment, it is for elected Presidents and all those who had been elected democratically. When it goes to the Committee, they would be able to come back with a Bill that would meet all our aspirations and the desires of Nigerians because that is what we are out here to do.

Unless there is any other serious objection, I should put the Question now in favour of the Second Reading of this Bill.

Question put and agreed to.

The Bill is referred to the Committee on National Planning, Economic Affairs and Poverty Alleviation. The Committee is given four weeks to report back.

1916

Bill read a Second Time and referred to the Committee on National Planning, Economic Affairs and Poverty Alleviation to report back in four weeks time.

Deferment of Items in the Order Paper

Senator Teslim K. Folarin: Mr. President, I move that we step down the last items on the Order Paper to another legislative day.

Senator Adeleke Mamowora (Lagos East): Mr. President, I rise to second the Motion as moved by the Leader.

Question put and agreed to.

Resolved: That the Senate steps down other items on the Order Paper to another legislative day.

ANOUNCEMENTS

Meeting of the Constitution Review Committee

The President: The Constitution Review Committee will meet at 2:00 p.m. at the new Senate Building, Room 211, today, 27th May, 2009.

Democracy Day Celebration

I know that majority of you will travel home for Democracy Day. I wish all of you safe journey to your various states, for those who can go to their states for Democracy Day celebration on 29th May.

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till next week Tuesday, 2nd June, 2009, at 10 a.m.

Senator Adeleke Mamowora: Mr. President, I rise to second the Motion that the Senate do adjourn till next Tuesday, 2nd June, 2009, at 10:00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Tuesday, 2nd June, 2009 at 10:00 a.m.

The Senate adjourned accordingly at 1. 13 p.m.