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**Wednesday
20th May, 2009**

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, 20th May, 2009

The Senate met at 10.15

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Tuesday, 19th May, 2009. We will take it page by page. Pages 717, 718, 719, 720, 721, 722.

Senator Dahiru Kuta (Niger East): Mr. President, on page 722, item 2(b), replace the letters; *ro* with the word; *or*.

The President: You are right distinguished Senator Kuta. Secretariat, the word is *or* not *ro*. Page 723, 724, 725, 726.

Senator Justina Nkechi Nwaogu (Abia Central): Mr. President, I rise to move the Motion that the Votes and Proceedings of Tuesday, 19th May, 2009 be approved as amended.

Senator Zaynab A. Kure (Niger South): Mr. President, I rise to support the Motion ably moved by Senator Nkechi Nwaogu that the Votes and Proceedings of 19th May, 2009 be approved as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 19th May, 2009 as amended is hereby approved.

ANNOUNCEMENTS

**Dinner Party in Honour of the Speaker and
Members of the ECOWAS Parliament**

The President: This invitation is from Senator David Mark, GCON, and President of the Senate.

I wish to cordially invite all of you my bosses and distinguished Colleagues to attend a dinner in

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honour of the Speaker and Members of the ECOWAS Parliament today, Wednesday, 20th of May, 2009 at 8.00 p.m. prompt at the Mansion in Apo Legislative Quarters.

They are our guests and I will urge that we please endeavour to be there on time so that we can start by 8.00 p.m.

There will be a troupe to entertain you. As you know since the DSP became *Ike Oha Ndi Igbo Nile n'uwa*, he now moves about with a troupe. So, his troupe will also be there to entertain you this evening.

Condolence Visit to the Government and People of Enugu State on the Death of Chief C. C. Onoh

This is from the Deputy Senate Leader, distinguished Senator Victor Ndoma-Egba, (SAN).

The Delegation to pay a condolence visit to the Government and people of Enugu State on the death of Chief C. C. Onoh will be leaving for Enugu on Friday, 22nd May, 2009 at 10.30 a.m. by Arik Air. Members should endeavour to be at the domestic Airport Terminal on time please.

Meeting of the Northern Senators Forum

This notice is from distinguished Senator Bala Mohammed.

This is to inform members of the Northern Senators Forum that its general meeting adjourned on 13th May, 2009 is now scheduled as follows:

Date: 20th May, 2009.

Venue: Senate Hearing Room 1.

Time: 8.00 p.m.

Distinguished members are kindly requested to attend, please.

(Signed)
Senator Bala Mohammed

Senator Bala Mohammed, this will clash with the engagement fixed for today.

Senator Bala Mohammed: Mr. President, we will reschedule the meeting.

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The President: Thank you very much. This announcement is suspended until further announcement comes up.

Visit of the Staff and Students of International Community School, Wuse Abuja and National Youth Service Corps Tourism CDS Group

I wish to, on behalf of all of us, acknowledge the presence of staff and students of International Community School, Wuse, Abuja.

We also have in the Gallery, members of the National Youth Service Corps Tourism CDS Group.

They are all in the Gallery to observe the Senate proceedings. *(Visitors stood for recognition)* Good morning, and please, sit down.

MATTER OF URGENT PUBLIC IMPORTANCE

Senator James Manager (Delta South): Point of Order, Mr. President.

The President: Point of Order, distinguished Senator James Ebiowou Manager.

Senator James Manager: Mr. President, I am coming under Orders 42(1) and 52. With your kind permission, I will read.

The President: Read, please.

Senator James Manager: Order 42(1) is on Matter of Urgent Public Importance. It reads:

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

I have fulfilled the commandment in that particular provision by referring this matter very profusely to Mr. President for discussion.

Order 52 reads: *Notice shall not be dispensed with in the case of a Motion or in respect of any other proceeding for which notice is required except with the consent of the President of the*

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Senate and the general consent of the Senators present.

For almost six days now there is turmoil going on in parts of Niger Delta and particularly in Delta State and in Warri South/West Local Government Area. I have been elected to represent these people in this Senate. Baramantu is in Warri South/West. Warri South/West Local Government Area is one of the local government areas that I do represent as Senator of the Federal Republic of Nigeria. By the grace of God, through the Select Committee headed by you, Mr. President, of the Senate, I am the Chairman of the Niger Delta Committee in the Senate.

Although there has been newspaper reports and even in the electronic media about happenings in that part of Nigeria. *(Interruptions)*

The President: Senator James Manager, let me ask you to carry on first because you came in by Point of Order and I have to rule on that Order first.

Senator James Manager spoke to me on the matter and I have no serious objection. You need to hear the synopsis of his Point Order. If you have no objection, I will allow him to give the synopsis of his Point of Order. I have no objection because he showed me a paper this morning.

But Senator James Manager, you read Order 42(1) and you did not read Order 42(2). You just very quietly omitted that one.

Senator James Ebiowou Manager: I restricted myself on Order 42(1) and Order 52.

The President: Yes. But Order 42(2) is also important because it says that if the claim is allowed by the President of the Senate and the leave of the Senate is given by, at least, one-fifth of all the Senators. So, it is not just only me, you have to get the leave of the Senate, too. As I said, he discussed it with me and if I have your leave then he will give the synopsis only of the point. Do I have your leave that he gives the synopsis?

Several distinguished Senators: Yes.

The President: Senator James Manager, so give us the synopsis of your Point of Order.

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Senator Jams Ebiowou Manager: Mr. President, issues about security are very sensitive. As I was saying, I represent these people here and my people are suffering. It is my responsibility to draw the attention of this Senate to the plight of my people and, of course, through the Senate to all Nigerians. But because I want to be guided I have something in writing which I want to read.

Whereas between the 14th and the 17th of May, 2009, communities in the oil rich Baramantu Clan, in Warri South West Local Government Area of Delta, where heavily bombarded by the Nigerian Army by air, by land and by water.

Whereas the communities are the permanent homes of Nigerian old men, old women, women, pregnant women, nursing mothers and children many of whom have died helplessly.

Whereas the communities namely: Okporoza, Burutea, Kunkuloma, Asama, Enekoraha, Ekhrenkoko, Kokodiagbene, Benikurukuru and Okpelama. *(Interruptions)*

The President: Senator James Manager, let me halt you there. I thought that the summary is what you need and not reading from the paper that you prepared. The synopsis of what you discussed with me is the military activities going on at the moment, if any, as reported in the dailies. I thought that was the synopsis of your paper.

My very honest suggestion here and which I think we should all accept, at least, from my background is that the matter at the moment is not something we are very conversant with. We have a Defence Committee and it is only appropriate that we ask that Committee to investigate or have more discussions with the various Ministries and Organisations concerned and then report back to us. But the synopsis of Senator James Manager's Point of Order is the current reported military activities in the Niger Delta area, which we cannot take it in the Plenary. So, we will ask the Defence Committee to investigate and report back to us at an appropriate time. Is that the wish of the Senate?

Several distinguished Senators: Yes.

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PRESENTATION OF BILLS

Federal Colleges of Education (Amendment) 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 Federal Colleges of Education (Amendment) Bill, 2009. You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

The President: Clerk of the Senate, please read the Short Title of the Bill.

Federal Colleges of Education (Amendment) Bill, 2009 –*read the First Time.*

Transfer of Convicted Offenders (Enactment and Enforcement) (Amendment) Bill, 2009

Senator Teslim Kolawole Folarin: Mr. President, the second business of the day is the presentation of another Executive Bill standing in my name, on the Transfer of Convicted Offenders (Enactment and Enforcement) (Amendment) Bill, 2009. You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

The President: Clerk of the Senate, please read the Short Title of the Bill.

Transfer of Convicted Offenders (Enactment and Enforcement) (Amendment) Bill, 2009 –*read the First Time.*

Nigerian Academy of Science (Establishment, etc) Bill, 2009

Senator Teslim Kolawole Folarin: Mr. President, the third business of the day is the presentation of the Bill standing in the name of Senator T. U. Wada on the Nigerian Academy of Science (Establishment, etc) Bill, 2009. You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

The President: Clerk of the Senate, please read the Short Title of the Bill.

Nigerian Academy of Science (Establishment, etc) Bill, 2009 – *read the First Time.*

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PRESENTATION OF REPORTS

Report of the Committee on foreign Affairs on the Screening of the Nominee Senator Prof. Tunde Adeniran as an Ambassador

Senator Teslim Kolawole Folarin: Mr. President, the forth business of the day is the presentation of the Report of the Committee on Foreign Affairs on the screening of Prof. Tunde Adeniran for appointment as an Ambassador of the Federal Republic of Nigeria. You may wish to invite the Deputy Leader of the Senate, Senator Victor Ndoma-Egba, to move a Motion for the Senate to receive the Report.

Senator Victor Ndoma-Egba (Cross river Central): Mr. President, may I, on behalf of the Chairman, Senate Committee on Foreign Affairs, Senator Jibril Aminu, seek the leave of this distinguish Senate to present the Report of the Committee on Foreign Affairs on the screening of Ambassadorial Nominee, Prof. Tunde Adeniran held on Wednesday, 13th May, 2009.

I so move.

Senator Osita B. Izunaso (Imo West): Mr. President, may I second the Motion that the Senate do receive the Report of the Committee on Foreign Affairs on the screening of Prof. Tunde Adeniran for appointment as an Ambassador of the Federal Republic of Nigeria.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Foreign Affairs on the screening of Prof. Tunde Adeniran for appointment as an Ambassador of the Federal Republic of Nigeria.

(Report accordingly laid on the Table)

Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation Screening of Nominee

Senator Teslim K. Folarin: Mr. President, the fifth business of the day is the presentation of the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross

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River State) as a Member in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).

You may wish to invite the Chairman of the Committee, Senator Zaynab A. Kure to move the Motion for the Senate to receive the Report.

Senator Zaynab A. Kure (Niger South): Mr. President, I rise to move that the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Elder Bolaji Akpan Anani (Cross Rivers State) as a Member in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).

Senator Simon Ayogu Eze (Enugu North): Mr. President, I rise to second the Motion ably moved by my Chairman, Senator Zaynab A. Kure that the Senate do receive 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 in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).

Question put and agreed to.

Resolved: That the Senate do receive 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 in the Revenue Mobilisation , Allocation and Fiscal Commission .

(Report accordingly laid on the Table)

Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption Screening of Nominee

Senator Teslim K Folarin: The sixth business of the day is the presentation of the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the screening of Mr. Bako Abdullahi, as a Member in the Independent Corrupt Practices and Other Related Offences Commission, (ICPC).

You may wish to invite the Chairman of the Committee, Senator Sola Akinyede, to move the Motion for the Senate to receive the Report.

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Senator S. Sola Akinyede (Ekiti South): Mr. President, I rise to move the Motion that the Senate do receive the Report of the Committee on Drugs, Narcotics and Financial Crimes and Anti-Corruption.

Senator T. George Sekibo (Rivers East): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the screening of Mr. Bako Abdullahi as a Member in the Independent Corrupt Practices and Other Related Offences Commission.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the screening of Mr. Bako Abdullahi as a Member in the Independent Corrupt Practices and Other Offences Commission.

(Report accordingly laid on the Table)

ORDERS OF THE DAY

EXECUTIVE COMMUNICATION

Soft Loan of US\$10 Million to the Democratic Republic of Sao Tome and Principe

Senator Teslim K. Folarin: Mr. President, the first Order of the day is the presentation and consideration of the request of Mr. President, Commander-in-Chief for a soft loan of US\$10 million to the Democratic Republic of Sao Tome and Principe.

With your permission, I wish to move that this request be sent to relevant Committee for further legislative action.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion very ably moved by the Leader of the Senate, Senator Teslim Folarin.

Question put and agreed to.

Resolved: That the request of Mr. President, Commander -in-Chief to grant a loan of US\$10 million to the Democratic Republic of Sao Tome

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and Principe be sent to the relevant Senate Committee for consideration.

The President: I believe the relevant Committee is Finance.

Senator Victor Ndoma-Egba: It is Committee on Foreign Affairs.

The President: It is Committee on Finance and not Foreign Affairs.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I am confused. This is a Bill. What we have done now is it the First Reading or the Second Reading? I am not quite sure of what we have done.

The President: It is a request from Mr. President, when it goes to the Committee, they would come back to us with their Report and then we would consider the Report. It is not a Bill

So, it goes to the Committee on Finance. Could they report back within two weeks? Who is the Vice Chairman?

Senator Mohammed A. Mohammed (Bauchi Central): I am the Vice Chairman of the Committee.

The President: Please, let us have it back within two weeks.

(Executive Request accordingly referred to the Committee on Finance and to Report back within two weeks)

CONSIDERATION OF A BILL

Political Parties Registration and Regulatory Commission (Establishment etc.) Bill, 2009

A Bill for an Act to establish the Political Parties Registration and Regulatory Commission and for Other Matters connected therewith, 2009.

Senator Teslim Kolawole Folarin: Mr. President the second Order of the day is the Second Reading of the Political Parties Registration and Regulatory Commission (Establishment etc.) Bill, 2009.

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You recall that this is an Executive Bill which was read the First Time in this hallowed Chamber of Senate on Thursday, 14th May, 2009. I seek your permission to start the lead debate.

The President: You may start the lead debate, Senate Leader.

Senator Teslim Kolawole Folarin: I thank you Mr. President, for the privilege to lead the debate on the general principles of a Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Therewith, 2009.

This is an Executive Bill which was read the First Time in this hallowed Chamber on Thursday, 14th May, 2009. This Bill is a fall out of the Report of the Justice Mohammed Uwais Electoral Reform Committee, which recommended the extraction of this role from the Independent National Electoral Commission (INEC). The Federal Government released the White Paper in line with this recommendation and has forwarded this Bill to the National Assembly for promulgation into law. The Bill is a bold attempt at strengthening and deepening our democracy by reforming our electoral system.

This Bill will also establish a separate, distinct and independent body to be known as the Political Parties' Registration and Regulatory Commission, which will now be vested with the sole responsibility of registering political parties. It will allow the Independent National Electoral Commission (INEC) to focus squarely on conducting elections.

This is yet another important move by the Umaru Musa Yar'Adua administration to keep faith with his promise to Nigerians to effect some changes in our electoral system. This will definitely change the tide on electoral matters in this country. This Commission will be expected to be saddled with the following responsibilities:

- (i) Register political parties in accordance with the provisions of the 1999 Constitution and the Electoral Act 2006;
- (ii) Monitor the organisation and operation of political parties, including their finances;

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- (iii) Monitor political campaigns and provide rules and regulations governing the activities of political parties;
- (iv) Arrange for the examination and auditing of the funds and accounts of political parties.
- (v) Accredite domestic civil society groups and organisations working in the area of elections and provide rules and regulations governing their observations of elections;
- (vi) Accredite international election observers and provide rules and regulations governing their conduct and observation of election;
- (vii) Set guidelines for fund raising exercise by political parties from time to time, and
- (viii) Accredite national and international media organisations observing elections.

The Bill also provides for a Board to be composed of a Chairman, Deputy Chairman, six other persons each from the six geo-political zones and a Director-General. These members are to hold office for five years and may be eligible for re-appointment for a further term of five years only.

However, there are some observations, which I would like to make in respect of Clauses 5 and 14 of the Bill. Clause 5 allows the President, Commander-in-Chief to remove a Member of the Board at any time if he so wishes. I feel this will not be good for our democracy. I will recommend that both the appointment and removal of Members of the Board should be done by the President, Commander-in-Chief, subject to confirmation by the Senate.

In addition, Clause 14 provides that the President, Commander-in-Chief may give to the Board, directive of general notice and such directive is mandatory on the Board to comply. I equally feel that the President, Commander-in-Chief should not be allowed to interfere with the activities of the Commission. The Commission should be allowed to conduct its affairs independent of external pressures. The Commission should, however, be subject to the oversight functions of the appropriate Committee of the National Assembly.

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In spite of these reservations, I remain convinced that this is a good Bill. I, therefore, urge you all to critically consider and refer it to the appropriate Committee for further legislative action.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to speak in support of the Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Therewith, 2009. This is an Executive Bill, it is a highly desirable Bill and the Commission itself is one of those emanating from the Report of the Justice Uwais Commission. It is one of the desirable and critical elements of that recommendation that Mr. President has forwarded to us for consideration. I would, however, want to say that this is a fundamental thrust in our journey towards electoral reform, therefore, whatever is worth doing at all is worth doing well.

This Senate deserves to be served with the Justice Uwais Report so that we will be able to go through the Report and have a fuller understanding of the background that informs his recommendations. This is one in the series of sixth very critical Bills. We are very supportive of them. We had experiences in the past about the Constitutional Amendment Bills that were sent to this Senate together with their background Reports.

While supporting the Bill, I very strongly urge the Leadership of the Senate to facilitate the circulation of this Report. As a matter of fact, we should stand down the debate on this Bill until the circulation of that Report to the Members of Senate.

As a matter of fact, I want to suggest that the Report should be circulated widely to Nigerians formally so that this debate becomes all encompassing and all participatory. That is my submission.

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

The President: Yes, Point of Order, distinguished Senator Lee Maeba.

Senator Lee Ledogo Maeba: My Point of Order is a Constitutional Point of Order; they are under Sections 221, 222, 225 and 226 of the 1999

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Constitution. Without bothering you reading all these Orders, I may just read Sections 221 and 225.

The President: No, you will read all of them because you call all of them.

Senator Maeba: I am reading Constitutional Point of Order from Sections 221, 222 and 225.

Section 221 says: *No association other than a political party shall canvass for vote or any candidate or any election or contribute to the fund of any political party or to the election expenses of any candidate at an election.*

Section 222 says: *No association by whatever name called shall function as a political party unless –*

- (a) *the names and addresses of its national officers are registered with Independent National Electoral Commission.*
- (b) *the membership of the association is open to every citizen of Nigeria irrespective of his place of origin, circumstance of birth, sex, religion or ethnic grouping.*
- (c) *a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission;*
- (d) *any alteration in its registered constitution is also registered in the principal office of the Independent National Electoral Commission within thirty days of the making of such alteration;*
- (e) *the name of the association, its symbol or logo does not contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria; and*
- (f) *the headquarters of the association is situated in the Federal Capital Territory, Abuja.*

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Section 225(1) reads: *Every political party shall, at such times and in its own manner as the Independent National Electoral Commission may require, submit to the Independent National Electoral Commission and public a statement of its assets and liabilities.*

I am quoting all these constitutional provisions because I have read through the Bill that has been read the Second Time by the Senate Leader. All these functions are the functions as prescribed by the 1999 Constitution on the Independent National Electoral Commission. It is unless and by an amendment of this Constitution, we cannot assign this power to any other body; we cannot form any other association, either to register or to regulate. When you talk of regulate, the Constitution is very clear about the freedom of this association, that the activities cannot be regulated by any association so formed by government. So, their registration must be done by Independent National Electoral Commission.

I submit that this Bill, so purported to have been read the First Time by the Senate Leader is in total contravention of 1999 Constitution. I believe that it is only by an amendment of this Constitution that we can entertain it. I do submit that this Bill be stood down for constitutional reasons.

The President: Thank you very much, Senator Lee Ledogo Maeba. Your point of Order is sustained. We are in the process of amending the Constitution and that is precisely what we are doing. To say that reading it is out of order, we are not out of order. We are in the process of amending the Constitution and that is what the Second Reading is all about.

Your conclusion is wrong; but every other thing you said is correct. Anything we do tends to amend the Constitution and that is what we are trying to do. What you have said is the correct thing, we are in the process of amending the Constitution and that is what we are doing. I sustained your point of Order and that means you support what the Senate Leader has done. It is only your conclusion that is wrong. Your entire argument was perfect, but the conclusion you drew from it is not the correct one. Therefore, I sustain your point of Order, less the conclusion.

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Senator Ike Ekweremadu (Enugu West): Mr. President, I join the rest of my Colleagues in supporting any move that would give us credible election and transform our electoral system to our credit and the admiration of our friends all over the world.

We recall that after the last election, Mr. President set up a Committee headed by a former Chief Justice of the Federation to advise him on possible electoral reforms. Part of the recommendations of that Committee was to set up a separate Commission to deal with matters concerning the political parties. The Executive has deemed it necessary to send a Bill to the National Assembly as part of its own contribution to the Constitutional Amendment and such Amendments are to help us deepen our democracy and have credible elections.

I believe that the political parties and their activities are part of issues concerning elections to which we need to address. We need to ensure that there is internal democracy within our parties. This is because you cannot put something on nothing and expect it to stand. If we are going to have candidates for an election, we must have such candidates who will emanate from their political parties in a very transparent manner.

Therefore, instead of overburdening the Electoral Commission as it is today with some of these functions, it is better that we have a separate body that would ensure that our political parties function effortlessly and that they are doing the correct thing. This is because if political parties organise their primaries, for instance, in a very transparent manner, some of the pre-election issues would certainly not arise. If you go through primaries which is transparent and you emerge successful and some other persons have been defeated, the person would have a moral burden not to contest such primaries that have been transparent in any tribunal or court.

I agree that the functions this Commission will do are functions already given to the Electoral Commission by our Constitution. Therefore, we are going to amend our Constitution accordingly to remove from the Independent Electoral Commission these functions and transfer them to the new body. The implication, therefore, is that the

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Bill as it is now is not even far reaching because some of the functions provided in Sections 221 to 229 of the Constitution have not been captured by this Bill which seeks to give this Commission powers over political parties. So, I believe that we need to ensure that when people deal with this Bill, we have to transfer all these powers conferred on the Independent National Electoral Commission by Sections 221 to 229 of the Constitution and those contained in the Schedule to the Constitution regarding INEC to this Political Parties Registration and Regulatory Commission.

I have one of two problems and the first one is that the Bill is called: *The Political Parties Registration and Regulatory Commission and for Other Related Matters*. It is also giving them powers to register observers and supervise the conduct of monitors. I cannot really get any connection between the registration of political parties and the observance of elections by International Observers. We may either leave this aspect of this power conferred on them with the Independent National Electoral Commission as it is today or amend the title of this Bill to accommodate such functions as regulation and registering of election monitors and observers. That is also important.

I also agree with the Senate Leader that if we are going to set up a Commission that has to do with elections, we need to ensure that there would be no external interference. If you look at Clauses 14 and 15 of this Bill, talking about the President giving directives of a general nature and regulations concerning this Commission we still need approval of Mr. President in Clause 15 of this Bill. If we must do such thing as this, we must ensure that we are doing the correct thing. We must be sure that it is transparent and independent. Any interference from anybody whatsoever should not be acceptable and I believe that by the time this Bill is considered fully, we would be able to ensure that this body is not only independent, but is seen to be independent.

Senator George Thompson Sekibo (Rivers East): Mr. President, my Point of Order is under the Third Schedule of the 1999 Constitution, F - Independent National Electoral Commission, Section 15 which says:

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The Commission shall have power to –

- (a) *organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State and to the Membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation;*
- (b) *register political parties in accordance with the provisions of this Constitution and an Act of the National Assembly;*
- (c) *monitor the organisation and operation of the political parties, including their finances;*
- (d) *arrange for the annual examination and auditing of the funds and accounts of political parties and publish a report on such examination and audit for public information;*
- (e) *arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under this Constitution;*
- (f) *monitor political campaigns and provide rules and regulations which shall govern the political parties;*

My point is this, if you look at the provisions that I have just read and the intended functions of this new Commission -

- (i) Register political parties in accordance with the provisions of the 1999 Constitution and the Electoral Act;
- (ii) Monitor the organisation and operations of the Political Parties including their finances;
- (iii) Monitor political campaigns and provide rules and regulations governing the activities of political parties;

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It is exactly the functions of INEC as contained in the Constitution that are being provided for this new Commission. This is not a Bill requesting for an Amendment of the Section of the Constitution. Rather, it is an Executive Bill just coming on its own. Except we are saying that we are going to use it to amend the Constitution, otherwise, my point is that since we already have a Committee that is to see the Amendment of the Constitution and because we have seen the duplication of functions both for INEC and this new Commissions, this Bill, without debate on it, should be quietly sent back. This part of the Constitution has not been repealed so also is INEC Act. Why are we duplicating issues?

The President: Distinguished Senator George Sekibo, may I ask you to read Section 9(1) of the 1999 Constitution for me, please?

Senator George Thompson Sekibo: Section 9(1) says: *The National Assembly may, subject to the provision of this section alter any of the provisions of this Constitution.*

The President: This point has been raised over and over and we do not want to go back to it all the time. That is what we are trying to do. We cannot do it unless we take a Bill. I do not understand where the confusion is coming from. What we are doing is the process of amending the Constitution and we cannot amend the Constitution unless we have a debate on the issues that are before us.

There is no other way to amend the Constitution unless you go stage by stage. If you take any point that you want to amend now, you must have a Bill that will be read like a normal Bill. It would lead to the Amendment of the Constitution. There is no other special way of amending the Constitution. Senator George Sekibo, just like Senator Lee's position, your Point of Order is sustained and your Point of Order merely supports the debate that is going on. It is not against the debate. Therefore, your Point of Order is sustained, please.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, Point of Order!

The President: Point of Order, distinguished Senator Ibrahim Ida.

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Senator Ibrahim Mohammed Ida: I want to refer us to Section 9(1) of the Constitution and if you allow me I would like to read it.

The President: Please, read.

Senator Ibrahim Mohammed Ida: Section 9 of the Constitution says:

- (1) *The National Assembly may, subject to the provisions of this section, alter any of the provisions of this Constitution.*
- (2) *An Act of the National Assembly for the alteration of this Constitution, not being an Act to which Section 8 of this Constitution applies, shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the Members of the House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the States. I want to stop there.*

I would recall that in this very Chamber when the Land Used Act was being discussed I raised an issue to the effect that where a Bill intends to alter the Constitution, the provision of Section 9 provides that another Bill should come along side it while the first Bill deals with subject matter, then the second Bill should deal with the satisfaction of Section 9 because Section 9 clearly talks of a Bill.

My point is that this Bill we are about to consider should come along with another Bill that seeks to alter Section 9 of the Constitution and the two should be taken at the same time.

The President: Senator Ibrahim Ida, we keep going over this. The Second Reading of this Bill does not preclude any other Bill from coming. Does it? If it does not then what is the whole debate about?

Senator Ibrahim Mohammed Ida: It must follow a sequence.

The President: There is no sequence. One does not come before the other. We have not passed it yet. We are doing the Second Reading of the Bill.

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Whether we do the Second Reading of the Bill after the one Senator Ida is talking about or before, it really makes no difference.

Senator Ibrahim Ida, once more like the others before you, I sustain your Point of Order because it is in aid of the debate. You are supporting the debate.

Senator Tawa Umbi Wada (Gombe South): Point of Order!

The President: What is your Point of Order, distinguished Senator T. U. Wada.

Senator T. U. Wada: Mr. President, I am not coming by way of Point of Order, I want to explain the sequence in support of what Mr. President is saying. If we are to use Senator Ida's Point of Order, Section 9(2) which says that *a proposal of that House must be approved by Resolution*. The question we need to ask ourselves is, which proposal? Such a proposal must be debated by this House and agreed upon before we send it elsewhere. We cannot send a proposal that has not been debated here. We must debate the proposal before sending it out. That is the process.

What happens if at the end of this debate, this Bill is sent to the Committee and the Committee decides to act? (*Interruptions*)

I can hear a distinguished Senator asking which Committee? There is a Constitutional Amendment Committee. Let the Committee decide that at the end of it Sections 222, 223 and 224 of the Constitution are hereby deleted. If that is done at the end of this debate, we have amended the Constitution and then with that Amendment we now send the proposal for concurrence. What you are proposing is trying to put the cart before the horse.

This is the proper thing. It is only when we agree to the proposal that we then send it out. Therefore, this is the proper way. I support the Bill.

The President: Senator T. U. Wada is very correct, truly. That is the correct thing. There is no Question to be put. The debate continues. He only raised a Point of Order.

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Senator Ahmed Rufa'i Sani (Zamfara West)
Mr. President, I rise to support the position of Senator T. U. Wada because we are just discussing the general principles of this Bill. Once it passes through the Second Reading it is going to be referred to the Constitution Amendment Committee which will now take it along with all the proposals for the amendment of the Constitution.

The President: Distinguished Colleagues, if you engage in a private discussion you cannot listen to what your Colleague is saying. It is not only your personal argument that is important, you must listen to the arguments of your Colleagues, too, whether in support or in opposition. I do not think it is proper to reduce the Session into a kind of local government discussions.

You may continue distinguished Senator Sani.

Senator Ahmad Rufa'i Sani: As I said earlier, I support the position of Senator T. U. Wada because we are disusing the general principles of this Bill, which will be served to the Constitution Review Committee at the end of the day and then the proposal will emerge for the general amendment of the Constitution.

If we do not discuss the general principles of this Bill, how do we express our views which we will forward to the Constitution Review Committee? So, it is after these discussions that it will be forwarded to the Constitution Review Committee, who will now submit its Report and proposal to various other Constitution bodies that are mentioned in the Constitution.

The President: Senator Ahmad Rufa'i Sani is absolutely correct and that is the correct position.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, Point of Order

The President: What is your Point of Order, Senator Mahmud Kanti Bello

Senator Mahmud Kanti Bello: My Point of Order is on our Rule. I wish to draw the attention of my distinguished Colleagues, in particular, the ranking Senators in two rows behind me.

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Order 56(9) says that when a Senator is speaking he should not be interrupted and we have this habit of interrupting our Colleagues when they are speaking. With your permission, Sir, I will read. *When a Senator is speaking, no Senator may converse aloud or make any noise or disturbance to interrupt him.* This is our Rule, and as the Chief Whip, I expect us as the distinguished Senators, to observe this Rule strictly and I will be watching. (Laughter)

The President: Senator Kanti Bello, your Point of Order is sustained.

Senator Ayogu Eze (Enugu North): Mr. President, Point of Order.

The President: Point of Order, Senator Ayogu Eze

Senator Ayogu Eze: In addition to Sections 211, 212 and 222 pointed out by Senator Lee Meaba I want to draw attention to Section 15 of the Third Schedule which was read early by Senator George Thompson Sekibo, if you permit me I will read, Sir.

The President: That is the same Section that Senator George Thompson Sekibo read. Is it not?

Senator Ayogu Eze: Yes, it is, but I want to make a point there. I am entitled to read it 20 times if I have a different point of view.

The President: Just hold on first, because I want to find out what your entitlement is. Read 25(f) and (h) of our Standing Rules for me.

Senator Ayogu Eze: I have withdrawn that statement. Order 25(h) says you interpret the Rules.

The President: So, leave that to me, please. Just make your Point of Order.

Senator Ayogu Eze: Let me not read the whole process again but the point I want to make is to emphasise that going by these Sections I have alluded to, it would be illegal for us to attempt to create this Commission without first of all amending the Constitution. It will be an illegality because the role of INEC is clearly spelt out in the Constitution and unless there is a Bill as Senator

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Ida has suggested seeking to amend the Constitution.

If you had listened to the tone of the lead debate by the Senate Leader, he was not talking about amending the Constitution. He said that the body he is trying to create by his lead debate is in accordance with the 1999 Constitution. He made that allusion. It will be illegal for us to create this Commission without first of all bringing about the condition upon which we can create that Commission because the Constitution is very clear on this.

Anything that we do that goes against what has been provided for in the Constitution is illegal. I agree with your point of view that to amend the Constitution, we must debate it here and agree on it but the issue of amending the Constitution is not before us, rather we are trying to create a Commission that is against the structures set up in the Constitution. So it is an illegality. That is the point I want to make.

The President: I must draw your attention for those who still want to go on the same Point of Order, either by virtue of Sections 221, 222 and 225 or the Third Schedule of the 1999 Constitution dealing with INEC. If you go through our Sanding Rule, Order 64, I have ruled on this. So, if you whip whatever you are saying 100 times over, it is not going to change the ruling. Senator T. U. Wada and Senator Ahmad Rufa'i Sani were right.

If we are going to amend the Constitution, will there be a separate Bill saying that we are now authorised to amend the Constitution? The answer is, No. You take a Section of the Constitution and then you start the process of Amendment. What you are asking me to do is to get a Bill that authorises you to amend the Constitution that is what you are saying and that is not the correct thing. I have ruled on this hundred times and I am referring you now to Order 64. So, do not take me to Section 222 or 221 of the Constitution any more because we have ruled on this matter.

Senator Ayogu Eze, along with your Colleagues, what you are saying is correct, and it supports the debate that is going on now. So, I sustain your Point of Order.

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Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, Point of Order.

The President: Point of Order, Senator Bassey Ewa-Henshaw.

Several distinguished Senators: Put the Question.

The President: There is no Question to be put yet.

Senator Bassey Ewa-Henshaw: I would like to go to Section 9(3) of the Constitution and with your kind permission I would like to read.

The President: Read, please.

Senator Bassey Ewa-Henshaw: Section 9(3) of the 1999 Constitution says:

An act of the National Assembly for the purpose of altering the provisions of this section, section 8 or Chapter IV of this Constitution shall not be passed by either House of the National Assembly unless the proposal is approved by the Votes of not less than four-fifth majority of all the Members of each House, and also approved by resolution of the House of Assembly of not less than two-thirds of all the States.

We are in the process of doing a Second Reading of the Bill which requires us to discuss a proposal, not a Bill, which must be passed by four-fifth majority of the two Chambers of this National Assembly, and also by two-thirds of all the States Houses of Assembly. It should be a proposal and not a Bill.

The President: Distinguished Senator Ewa-Henshaw, if you read it and understand it correctly it says:

An Act of the National Assembly for the purpose of altering the provisions of this section, section 8 or Chapter IV of this Constitution shall not be passed by either House of the National Assembly unless the proposal is approved by the votes of not less than four-fifth majority of all the Members of each House and also approved by a resolution

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of the Houses of the Assembly of not less than two-thirds of all the states.

We have not reached the stage that you brought up yet because we are still discussing the principle. Are we not allowed discussing or we just come and vote? Is that what the Constitution is saying? The answer is, no. We are discussing the principles of a Bill that is before us. When that Bill goes to our Committee, it is what our Committee brings that we are now going to raise the issue that you are raising. So, like those who have spoken before you, yes, your Point of Order is sustained because it supports what we are doing. That is the truth. So, your Point of Order is sustained to encourage the discussion to go on. Are we going to make any progress?

Senator Olorunnimbe Mamowora (Lagos East): I want to thank Mr. President and the entire Senate, because what is happening shows that we are very much alive to our responsibilities and nobody has monopoly of knowledge that is why we share ideas among ourselves.

Let me start with Order 77(3) which says: *A compendium of the background information and financial implication shall accompany every Bill* but I am interested in the background information because that is where the whole thing started from Senator Maina Ma'aji Lawan. The background information is in the Uwais Committee Report, so we need to have it. Having said that let me proceed to say that whether we have it at this point or later, that would be decided by the Senate.

But let me now proceed to Order 80 of our Rules says: *On the order for the Second Reading of a Bill being read, a motion may be made that the Bill be now read a second time and a debate may arise covering the general merits and principles of the Bill.* Even if we go ahead to discuss the general merits and the principles of this Bill at this point in time is not out of place.

Now let me also go to Section 58 of the Constitution which says:

The power of the National Assembly to make laws shall be exercised by Bills passed by both the Senate and the House of Representatives and except as otherwise provided by subsection (5) of this section,

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assented to by the President. A Bill may originate in either the Senate or the House of Representatives and shall not become law unless it has been passed and except as otherwise provided by this section and Section 59 of this Constitution assented to in accordance with the provision of this section.

Why I raised this Section is to share with us that even if the Executive fails to send an Amendment Bill to this Senate, the mode of exercising Executive powers rests with the Legislature. It is not out of place for us to initiate a Bill to that effect. It is within our legislative competence to do so.

What I am saying again is that time is not our friend, we are limited in time, if we do not do something substantive between now and the end of this year, I am afraid, by the time we move on to 2010, there will be political activities and we will not have enough time. We should please, in all sincerity, because the Electoral Reform we are talking about at this point in time is the most critical reform in this dispensation and we need to get it right.

Lastly, the issue of procedure and from my earlier submission, whatever the procedure we want to adopt, what is important is that at the end of the day we must be seen to follow the position of the Constitution as we have it under Section 9. A Bill is a proposal. What I am saying in essence is that we could continue the Second Reading of this Bill, of course, we have made a demand for the complete Report of Uwais Committee so that every Member must have it to enable us argue on it in our various Committees

Senate President: Senator Mamowora, your Point of Order is very well sustained because that is the correct position. There would be no Question to be put. He made that suggestion which is all right but that does not stop the debate now. So, I want those who want to contribute to the debate.

Senator Victor Ndoma-Egba: Mr. President, I have a Point of Order.

The President: What is your, Point of Order, distinguished Senator Victor Ndoma-Egba.

Senator Victor Ndoma-Egba: Mr. President, before I rely on the Point of Order, let me clearly

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state the intention for raising this Point of Order. It is to rest the issue on whether or not we can proceed with the debate on the general principles of this Bill. I am raising this Point of Order in the hope that we would rest that issue so that we can continue the work that we need to do.

I am relying on Order 53(6) and Order 64 of our Standing Rule. With your kind permission I read: Order 53(6) says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

Order 64 reads: *The President of the Senate in the Senate and the Chairman in any Committee shall be responsible for the observance of the rules of Order in the Senate and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion after notice.*

The issue has been raised in various forms, in various guises as to whether or not we can proceed with this debate, and Mr. President has ruled on that point. The essence of this Point of Order is for you to make a definite ruling that that issue cannot be raised again under any guise. That is my Point of Order.

The President: Distinguished Colleagues, I read the same Order 64 before and it is only proper that we obey the Orders that we set for ourselves. I raised it before, but people kept coming under different orders. When you say, Point of Order I do not know what Order you are going to raise. If at the end of the day it is to stop the debate we had ruled on that. We should continue, please. We are debating the principles of this Bill. If you say Point of Order, by our Order, I must take the Point of Order you want to raise so that we do not stall what we are supposed to do.

Senator Victor Ndoma-Egba: Mr. President, let me start by saying that I commit myself unequivocally to any steps or measures that would reform our electoral process. We need the reforms so that Nigerians and, indeed, the world can have faith in how people come to power, therefore, have respect for the legitimacy that their various offices confer on them by virtue of our electoral process.

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Nigerians are already groaning under the weight of the cost of our democracy. Nigerians are complaining that our democracy has become too expensive and it is becoming unbearable for Nigerians on the streets. Therefore, we have a responsibility as we reform our electoral processes to also look at the cost of those reforms to the average Nigerian. We must make sure that the cost of those reforms are efficient and are bearable by the Nigerian on the street.

The trend all over the world today is for government to shrink. People are looking at smaller and smaller governments because it has been agreed that the size of government determines the level of its efficiency, and it is the level of its efficiency or inefficiency that also determines the level of corruption in the system. So, the bigger the government, the bigger the corruption.

Day in, day out, we come here with Bills. Some Bills were generated by distinguished Members of this Senate other by the Executive. But one trend is evident from all of these Bills. They seek to enlarge government, to enlarge the bureaucracy, and again increase the burden on the average Nigerian. This Bill seeks to increase government and the bureaucracy.

I have looked at the proposed responsibilities of this Commission in the Bill. I do not think that those responsibilities justify a Commission. They are not enough, in my view, to justify what the Bill seeks to get us to do – of increasing the size of government. Those responsibilities can conveniently be carried out by a department of an existing body.

Therefore, my suggestions is that all of these Bills that originate from the Justice Uwais Panel relating to reforms of our electoral process should be consolidated and handed over to the relevant Committee which I believe is the Committee on Constitutional Reform so that they can be streamline and harmonise them. Let us take a holistic look at all these Bills at the same time so that we do not repeat ourselves. As Senator Mamowora said, time is of essence here. So, I would suggest that we should find a way of taking all of these Bills that have their origin in the Justice Uwais Panel and we look at them together holistically, once and for all. This is to avoid duplicating or replicating commissions. So, that would be my suggestion.

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I agree with the point that had been made that for us to do justice to this Bill and other Bills relating to electoral sector reforms, we would need the Report of the Justice Uwais Panel. I want to believe that since that Report was debated by the Federal Executive Council, it qualifies to be a public document so there should be no reason why the Report of that Panel should not be available to this Senate. So, for us to do justice to all of these Bills, the Report of the Justice Uwais Panel is very critical and important.

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I appreciate the discussions by my Colleagues because of their interest in this very important review of our electoral process.

I support the views raised by the Deputy Senate President, Senator Maina, Senator Victor, Senator Mamowora, Senator Ida and all other Colleagues who suggested that for us to contribute effectively on this debate, we need to have a copy of Uwais Report. It is important to us because Nigerians have made comments. This Committee went round the states of the federation and got information from Nigerians on how they want the Constitution, especially the Electoral Reforms. So, we need the Report.

Order 77(3) states that each report should come with background information. That is why we need this background information. Secondly, it should also come along with financial backing. This Bill does not come with financial backing. It does not saying that it is amending the Constitution but that is what it is doing. So, for us to contribute effectively, we should have that Report and we must have the Report. I propose that this debate be deferred until we have that Report.

Senator Mujitaba Mohammed (Jigawa South-West): Mr. President, I will first begin by expressing my support to this very important Bill that is before this respected Senate. What we are discussing today is just to kick-start the process of the much talked about Electoral Reforms.

Democracy is a process and not an event. Also Electoral Reform is a process and not an event. The process of registering political parties *vis-à-vis* the strength possession and functions of political parties are *sine qua non* for a virile democratic system. There is no way we can run away from having an independent and competent body that

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will be charged with the responsibility of registering political parties.

I want to also observe that having credible and viable political party system in the country will actually facilitate the conduct of a free and fair election. We must do all we could to ensure that our elections are free and fair. This is because Nigeria is a signatory to various regional and international instruments that guarantee the conduct of democratic elections, particularly the Convention on Civil and Political Rights, African Charter for Human and People's Rights, 2001 EOWAS Protocol on Good Governance and Democracy.

Nigeria being a signatory to these important regional and international instruments is duty bound to respect their provisions. So, the conduct of free and fair elections will earn the government credibility not only in the eyes of the citizens, but also in the eyes of the international community. As we go on to discuss this critical reform which is a process, reforming the registration of our political parties; and unbundling of INEC to make it independent, create a Commission to try electoral offences, all these are part of the wider concept of electoral reforms. We must not treat them in isolation. We should look at the process as a whole.

With all due respect to my Colleagues who spoke before me, we do not need to wait for Uwais Report before we begin to discuss the principles of this Bill. This is because Uwais Report or no Uwais Report nothing precludes the National Assembly from subtracting or adding to this Bill. Therefore, I do not want to use offensive words, but I think it will amount to intellectual laziness on our part to demand for Uwais Report. Nothing precludes the National Assembly, because the only difference we have between (*Interruptions*)

Mr. President, I need your protection, please.

Senator Ahmad Lawan (Yobe North): Point of Order, Mr. President.

The President: Senator Ahmad Lawan, what is your Point Order.

Senator Ahmad Lawan: Mr. President, Order 77(3). I believe that any one of us here who does not support this Bill may not be telling the truth.

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The President: Sorry, you said Order what?

Sen. Ahmad Lawan: Order 77(3) which says: *A compendium of the background information and financial implications shall accompany every Bill.* Every one of us in this Chambers will support this Bill because we support reform. But in debating a Bill for an Act that will usher in electoral reforms, we need to have background information and the background information is just one; the Report of the Uwais Panel. Why can we not have it? I am coming under this Order so that we suspend this debate, get the Uwais Panel Report, come out later and debate this particular Bill successfully.

The President: This is not the only Bill that is coming out from the Uwais Report, many more Bills will come. We started with this and we have gone this far, why do we have to suspend it now to wait for that Report. I have listened to your Point of Order Senator Ahmad Lawan, your Point of Order is sustained. We would ask for it but this debate will continue.

Senator Mujitaba Mohammed: Mr. President, as I was saying, nothing precludes the National Assembly from subtracting or adding anything to this very important Bill. In doing so, I want to urge my distinguished Colleagues, to please, belt up and attend to the challenges of the Electoral Reform Bill that is before us.

Senator Smart Adeyemi (Kogi West): Point of Order.

The President: Please make sure that your Point of Order is likely to be sustained. You know any Senator that raises a Point of Order, I have to recognise the Senator to speak.

Senator Smart Adeyemi: My Point of Order is under Order 53(7) and (8) dealing with offensive and insulting language. Order 53(7) says: *It shall be out of order to use offensive and insulting language.*

Order 53(8) says: *No Senator shall impute improper motives to any other Senator.* My Colleague here in the first ten minutes of his presentation, said that it would amount to intellectual laziness on our part to request for Justice Uwais Report, which to me is offensive to

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my person, integrity and intellectual capacity. He also said that we should belt up. Every one of us that is here is prepared to serve this nation, for any Senator to ask us to belt up will amount to him questioning our integrity and standing as Senators of the Federal Republic of Nigeria.

The President: Senator Smart Adeyemi, I am sure that you listened to him very carefully, he was very careful to say that he does not want to use any word that will be offensive. He did not say that requesting for Justice Uwais' Report amounts to intellectual laziness. That was not what he said. He said, to say that we should not continue this discussion that was the way he put it. I listened to him very well. (*Interruptions*) Senator Ayogu Eze you must learn not to interpret the Rules for me.

Secondly, if he says that we need to belt up, I do not think that it is really a bad language because we all need to belt up. In a way, Senator Adeleke Mamowora and Senator Victor Ndoma-Egba have said nearly the same thing.

So, Senator Smart Adeyemi, you have stood up here several times to say that we must live up to our expectations. That is not in any way offensive. So, even though there are no sit belts on your seats, I believe the terminology is well understood. Senator Mujitaba Mohammed is quite careful with his choice of language and even his presentation.

You know what my answer is after this explanation. I rule you out of order, Senator Smart Adeyemi.

Senator Mujitaba Mohammed, you have to wind up before you run yourself into any other crisis.

Senator Mujitaba Mohammed: Mr. President, I have to, maybe, apologise to my Chairman. He has to sympathise with me because I was neither a labour activist before nor an NUJ Chairman, so he has to bear with my choice of words.

To round up, what we are doing now is very crucial to the survival of democracy in this nation. This is the hallowed Chamber of the National Assembly, so we must pursue this debate with full determination, which I believe we have been doing before.

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More especially, I want to draw our attention to the provision of our Order 56(10) and (12) on the observance of rule of debate. We have to observe orders of rule of debate. The only difference between the debate within the National Assembly and any other place is strictly the observance of the rules of debate. Once we cannot observe our rule of debate, then we are finished. So, we have to be conscious of this fact.

The President: Senator Mujitaba Mohammed, again the interpretation of the Rule is mine. If I have not said that we have not been obeying the rule of debate, then you have no right to say so. We have been obeying the rule of debate and what is happening to me is quite lively and I have no problem with it at all. People should be allowed to express their opposing views.

Senator Kanti Bello (Katsina North): Mr. President, first, I would start by thanking the Leader for strictly observing our rules and the procedure on Bills. If you look at Order 77 of our Rules, it says:

Notice of presentation of a government Bill shall be given by publication of the provision proposed to be embodied in such a Bill in an issue of Official Gazette or National Assembly Journal of which a copy shall be sent to every Senator.

Our great leader had done that about seven days ago. So, I believe every Senator has got a copy.

I feel that it is very important for us to remember that the foundation of any democracy is free and fair election and a competent body to conduct that affair. Based on that, if you take a look at Section 226 of the Constitution, with all sincerity, it contains part of the job of INEC. That Section reads thus:

The Independent National Electoral Commission shall in every year prepare and submit to the National Assembly a report on the accounts and balances of every political party.

Because of the volume of work that has been enshrined in the Constitution and supposed to be performed by the INEC, I have been in this Chamber for the last couple of years, almost six

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years, I have not seen a copy of that Report, and that is part of the requirements of the Constitution. It is my belief that it is this type of lapses that made Justice Uwais to recommend for another electoral body that will guide and probably monitor and conduct the affairs of the political parties as enshrined in the Constitution that is why that is being proposed.

So, if that is the case, we owe it as a duty to look at this objectively and then make sure that it is referred to the Committee on Constitutional Review, so that they can do justice to it.

There is no harm in any body contributing contrary views, because at the end of the day, it is my opinion that when this Bill comes back here, unless it is passed by two-thirds, whatever is proposed by the Constitution Amendment Committee have to be passed by, at least, two-thirds of the Members of this hallowed Chamber, and the same thing with the House of Representatives after which it will be submitted to the States for their own legislative action as enshrined in Section 9 of the Constitution.

I tend to agree, even though with a little bit of reservation that the Uwais' Report has been serialised in the newspapers. Of course, that is true. With some reservation, I will agree that we could request for the copies of that Report so that every Member could look at it because this is very important for us and for the country. There is no harm in any body asking for any extra document, but that does not mean that we should stop this debate until such a time we are able to get the Report. I repeat, as a matter of fact, that Report has been serialised in the newspapers. That is a fact. The absence of the Report at this time should not stop us from considering the Bill. *(Interruptions)*

The problem is that Senator Aliyu is still not observing our Rule. *(Laughter)*

It is my view with all sincerity, that we should support this particular Bill to get to the relevant Committee, and when it comes back, we will do justice to it in the normal way as enshrined in the Nigerian Constitution.

Senator George Thompson Sekibo: Mr. President, I know that every person in this country needs electoral reform. The issue of electoral reform is not something that we should assume that

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we are not welcoming it. I welcome it; I welcome every attempt from the Executive to bring a reform to our electoral processes because of the clamour for it by the people we represent.

In doing that we should have enough information to work with, except it is a rule that the Senate itself is bringing up and, perhaps, guided by what we have discussed earlier. Here we have a Bill that is scanty, its provisions have been noticed to have been duplicated by an existing Federal body as enshrined by the Constitution?

Again, in the lead debate by the Leader of the Senate, he said; *However, Mr. President of the Senate, distinguished Colleagues, there are some observations which I would like to make in respect of Sections 5 and 14 of the Bill.* He went on to say: *Section 5 allows the President C-in-C to remove a member of the Board at any time if he so wishes.*

Again, Section 14 provides that the C-in-C may give the Board directives of general notice and such directives are mandatory on the Board to comply. These are very important issues to look at. I still believe that the Motion the distinguished Senator Gaya moved is very important and critical. I thought that after he had moved that Motion and in the course of the debate on this Bill, a Seconder should have been called to second his Motion and nobody seconded his Motion. When I raised my hand to second him, I was not called upon and Senator Obiora did the same and was not recognised. I am now seconding that Motion that we stand down this very important Bill and let us get the Report of that Commission, so that, side by side, we will look at the Report and the Bill itself and then come to a better conclusion on it. .

The President: Senator George Thompson Sekibo, this is very interesting. You made your contributions, everybody has listened to you, and then you think others should not make contributions. What would you say about this yourself? You are a Justice of the Peace.

Senator Umaru Dahiru (Sokoto South): Mr. President, I have been itching all along to make my contribution. I fully subscribe to the views expressed by the leadership that there is every reason to start debating the general principles of the Bill, which we are doing now. By virtue of Section 9(1) the National Assembly has every reason, if it deems it fit to amend the Constitution, but

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unfortunately, it could not do it alone. By virtue of Section 9(3) it has to get the mandate of the States to amend the Constitution.

The attempt being made by this Bill is to amend the powers given to the Independent National Electoral Commission which is very important. Any Amendment that would usher in a free and fair election will certainly be welcomed in this country, because it will ensure accountability. It will be a government of the people, for the people and by the people. It will also make the government to sit up. The people would feel that they have a government and they would need development here and there. They would also be free to ask questions. The only way we can achieve that is when we have free and fair elections. This attempt is now being made to break INEC into three compositions. One of the compositions is to allow them conduct elections. The other one is dealing with political party registration, which this Bill is talking about, while the other one talks about electoral offences.

By virtue of the Third Schedule, paragraph 15(b), (c), (d), (e) and (g) if you take a look at these provisions you will discover it is about the work of INEC as at now. They have the responsibility to register political parties in accordance with the provisions of the Constitution and also an Act of the National Assembly. Now, since INEC has got that mandate, what could be done? However, I feel that the establishment of this Commission is highly welcome.

Some people are saying that it is going to be costly, would we continue to conduct elections that will belittle us? We recently conducted an election in Ekiti State and you can see what happened there. Let us go the whole hog to ensure that we achieve a credible government. That is what is required of us. We should institute a government that we would be proud of.

What I am saying in essence is that time is against us. We are already two years in office and within the last year of our tenure, we will all go back to our Constituents asking for their votes. So, we better hurry up. We are not the only one to be involved in this Amendment because it is constitutional. I, therefore, support the Bill and I urge everybody to make his or her contributions so that we can speed up the Amendment process.

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Senator Joy Emodi (Anambra North): Mr. President, I will start by expressing my worry about the quality of this Bill without going into the Constitutional aspect which had already been discussed. As Senator George Sekibo said, everybody in this country wants strong democracy because we know what it is costing us in this country. Whatsoever we can do to strengthen our democracy is welcome, especially the internal democracy that we can only get from the political parties, especially, the ruling Party. Internal democracy in a political party is a microcosm of the national democracy.

I do not know what this Bill seeks to achieve. Maybe, the intention is to achieve democracy. If that is the intention, why do we have Sections 5 and 14? Honestly, we do not even have to talk about getting the Uwais Report, we are Nigerians and we know what we want.

Section 5 gives the sole authority to the President to dismiss a member of the Board at any time without any reason. He says and it is final. Section 14 provides that: *The President, C-in-C, may give to the Board directives of general notice and such a directive is mandatory on the Board to comply.* Could you imagine that and we are talking about democracy in Nigeria? It is a paradox.

Honestly, I am worried about the quality of the legal institution in the Presidency for them to have brought this thing here. As far as I am concerned, this is fit for the trash. Do we actually need a Political Party Commission? As far as I am concerned, this is an era for stopping wastages, given the global meltdown and its effect on the economy and the innocent people of this country. Having a Commission to deal with political parties is a waste. We have to stop proliferation of Commissions. There is no need for this Commission. What we need in this country is to strengthen INEC by making it independent and impartial. We will achieve that by the removal from the Executive arm of Government the power to appoint the Commission's Chairman and its Commissioners. That power, maybe, could be given to the National Judicial Commission. Of course, that will be a subject of debate for another time. We could as well allow INEC a first line charge for their budget. What we have here is making a caricature of this very important Chamber.

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It is necessary to advise the people responsible for bringing Bills here to please, bring quality Bills that will agitate our minds and exert our brains. I do not see why we should be wasting our time on this. *(Interruptions)*

Senator Olorunnimbe Mamowora: Point of Order, Mr. President!

The President: What is your Point of Order, distinguished Senator Mamowora.

Senator Mamowora: I am coming under Order 55 and with your kind permission I will read.

The President: Read, please.

Senator Mamowora: Order 55(1) states that: *The Rules and Business Committee shall allocate time to all sequence of speeches, motions on bills coming before the Senate.*

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

It appears to me that Senator Joy's proposal is against and I would think it should come after those who are supporting. I want to be guided.

The President: Because I have not been asking that people should raise hands up according to whether they want to support or oppose, I have been doing it at random. It is difficult for me, if I do not ask specifically who wants to oppose or support a Bill. Since we have started this one in this particular procedure, I would like to continue in that manner.

The ruling is that I will continue the way I have been doing. Senator Joy Emodi, you can continue with your debate.

Senator Emodi: Thank you Mr. President. I urge all of us to throw out this Bill.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, thank you for giving me the opportunity to speak on this. It is a very important Bill. The people I represent from the Taraba South asked me to say what I want to say now. After getting this Bill, I went home and did a lot of

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consultations and they said I should support this Commission.

They said that since I represent them that I should support that the Commission should be saddled with the responsibility of registering only two political parties and independent candidates. They noted that since the inception of this country, parties have been formed along ethnic line. We have had parties for the Yorubas, for the Hausas and for the Igbos and it has been so from the beginning.

The intendment of this Commission is to give credible registration to political parties. I am satisfied with some of the functions for the Commission which I have seen.

Senator Ikechukwu John Obiora: Point of Order, Mr. President!

The President: Yes, Point of Order, Senator Ikechukwu Obiora.

Senator Obiora: Mr. President, I am relaying on Order 77, Rule 3 and with your kind permission, may I read.

The President: Please, read.

Senator Obiora: Order 77, Rule 3 says: *A compendium of background information and financial implications shall accompany every Bill.* The issue of background information relates directly to paragraph 3 of the lead debate and with your kind permission may I read. It states:

Mr. President, distinguished Senators, this Bill is fall out of the Report of the Justice Mohammed Uwais Electoral Reform Committee which recommended the extraction of this role from the Independent Electoral Committee (INEC). The Federal Government released a White Paper in line with this recommendation and has forwarded this to the National Assembly for promulgation into law.

That is on one aspect. The other aspect is the compendium of financial implications. Many Bills have suffered sudden death in this Chamber because of the fact that they were not accompanied by financial implications. I wonder why this particular Bill is different. Certainly, it has not

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complied with the strict provisions of Order 77, Rules 3. I would, therefore, suggest that this Bill be stood down or withdrawn to enable the Leader of the Senate to bring it back with the compendium of financial implications.

This is even more so because the Uwais Report is very important due to the controversy it has generated. The general public is out there thinking that this impartial organisation which the political class has set up to advise on political reforms is being neglected after they have taken so much effort in listening to the views of the cross sections of Nigerians.

So, on the point of background information and the lack of financial implications, I do suggest that we withdraw this Bill or stand it down so that we can comply with these provisions.

The President: Senator Obiora, you know I listened so attentively and I am sure you observed the concentration with which I listened to you. Now, I also advise you to listen to me. I want you to read Order 53(6) to me.

Senator Obiora: Mr. President, should I prefix the reading or read it directly?

The President: Read it directly.

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

The President: Please, I listened to you and I did not interrupt you. Read Order 64 for me, please.

Senator Obiora: Order 64 states: *The President of the Senate in the Senate and the Chairman in any Committee shall be responsible for the observance of the rules of Order in the Senate and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion after notice.*

The President: I have ruled on this issue. If you bring a substantive Motion I will take your Point of Order. I am sure you know what to do and you know what a substantive Motion is. Bring your

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substantive Motion, please. This is not subject to just a verbal Motion anymore. I will take your Point of Order on a substantive Motion. So, I rule you out of Order.

Senator Kanti Bello: Mr. President, with all due respect, we should really be serious about this thing, though I am not saying that we have not been serious about our work here. The President of the Senate or Chairmen of Committees should, perhaps, start using Order 67 of our Rules to call the attention of a Senator who persists in irrelevance or tedious repetition either of his own argument or the argument of other Senators in debate. In that instance you may direct such a Senator to discontinue his speech. This is the third time you have ruled on this matter. It is high time you start applying that Order.

The President: Senator Obiora did not argue about my ruling rather he was very senatorial in accepting my ruling. He did not persist at all. He was absolutely senatorial in my ruling.

Senator Ikenya, like Senator Mujitaba, you should wind up because you might be heading to some crisis.

Senator Joel Danlami Ikenya: I take your advice, Sir. As I said the history of political parties in this country has been very clear. Some of the registered political parties go to corner shops to solicit for funding. Some of them are family party members and at the end of the day they end up not filing candidates into elections. There are 50 political parties in this country and the only about three of them are making positive contributions to this country either in or out of government. I believe that having two parties and independent candidates is the only way to achieve credible elections.

My area of concern in this Bill which has been expressed by other Colleagues is Section 14. My President said he wants credible elections in this country but for him to have the sole power of hire and fire is not fair. The fears of Senators and the public should be allayed by the President on this. As we observed during the elections of 2003 political parties were changing candidates even on the day of election. In 2004 there was a major Amendment to Section 34(1) and (2) of the Electoral Act. It was as a result of that Amendment

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that some of us were able to be here today. That Amendment requires political parties to give cogent and verifiable reasons for changing a candidate to an election. This Bill is before us and it is left for us to conduct Public Hearing on it. The Committee on Review of the Constitution is saddled with the responsibility of altering the Constitution and this Bill should be referred to it.

On the issue of Uwais Report, what we are doing now is not a Public Hearing. The Report could only come when we organise a Public Hearing. It is only then that everybody would have a copy. That is my view.

The President: Can we settle on one thing. The issue of getting Uwais Report is important. There is no running away from that, but that does not stop the debate from going on. That is the point we must make. But to say, stop the debate until we get Uwais Report is not the correct thing. We are entitled to Uwais Report. It is a public document. Demanding for it is necessary, there is nothing wrong in that so that we do not waste valuable time emphasising on that and advancing reasons why we need it.

Senator Justina Nkechi Nwaogu (Abia Central): Mr. President, I thank you for given me the opportunity to contribute on this very important topic on the establishment of Political Parties Registration and Regulation Commission.

I have gone through the summary of the lead debate. It has already been acknowledged that we do not have adequate information for proper contribution to this very important Bill. We need to see the financial compendium that is required to help us make informed decision as to whether or not this Commission is truly necessary in view of the fact that we already have a Commission in existence which is INEC. There is nothing wrong in taking away some of the INEC's responsibilities and establishing another Commission to handle those responsibilities.

But my worry over this proposed Commission is its responsibility of registration and regulation of political parties. Once a party is registered, it has its own constitution that guides its activities. I do not think that a Commission solely established for the purposes of registering and regulating political parties is justified.

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Everybody acknowledges that there is need for electoral reform. The problem we have been having, we all know, has been people not comfortable with the conduct of election and its outcome. Do we truly need a Commission just for registration and regulation of political parties? It looks like we are running into duplication. If we do, then we need to have the financial compendium as I have said.

When this Commission is established what will be the reporting line? INEC reports to the Presidency. To whom will this new Commission report? Would it still be to the Presidency? If we are talking about reform and we want to show the world that we are craving for good governance, do we still need to crowd everything that has to do with election process unto the Presidency? I do think that this Senate owe Nigerians the duty to strengthen INEC and take a look at those areas that have become contentious such as the appointment of Resident Electoral Commissioners and Chairman of INEC. We should probably also strengthen the Department or the Unit that is responsible for registration and regulation of political parties.

I am in support of reform, but in view of the quest of having a team government, a lean government and an effective government, we do not need to replicate Commissions solely for the purposes of registration and regulation of political parties. I, therefore, submit that what we need is strengthening what we have at this moment which is INEC.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, I want to join my Colleagues to say that the effort to reform is a welcome one. In saying so, I am speaking the minds of my people.

My people said that they want reform, but they are not in support of a reform that is going to create additional problem. They are not in support of a reform that will become difficult to track. To establish an institution solely for what is listed in the lead debate, registration of parties, monitoring of parties and funding, to me are not intended to solve the real problem we have. I am yet to be convinced that the failure of INEC is because they have too many responsibilities. I believe that the issue of INEC has been how to conduct credible election.

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The registration of political parties has never been a problem. Monitoring of political parties has never been a problem. It is how to conduct an election that is acceptable to all Nigerians and the international monitoring observers that has always been the major problem. To establish a Commission solely for all these activities will be a waste. We may have a situation where we may be having double reports on elections. While this Commission is reporting differently the INEC is reporting another. One group will be depending on one report why another group will be depending on another report. I believe that the best thing to do about INEC is to, as my Colleagues who spoke before me had said, strengthen INEC. We should make INEC truly independent so that it will conduct elections without any undue interference.

PHNC as an institution has been split for purposes of effectiveness but instead of having light, darkness has been the order of the day. If we split this institution, there is no guarantee that they will do better than what we have today.

What I am suggesting, is that let the mode of appointing members of INEC be made to involve larger members of the society. For any person to become a Commissioner in INEC he should be subjected to an examination of his or her records before being made a Commissioner.

To make INEC's job easier, each department should be strengthened. The Department that registers political parties should be strengthened so also is the department that monitors these parties. All we need is to strengthen INEC and appoint credible persons into INEC positions. We should appoint people that have self respect and integrity to handle INEC in future.

I support that this very Bill should be removed from this Chamber so that we focus on the true problems of INEC. We should keep this one by the side. Let the true issues concerning INEC be brought to this Chamber so that we can do a good job on them.

The President: Senator Wilson Asinobe Ake just out of curiosity, may I ask you a fundamental question. Was your election into the Senate a proper one?

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Senator Wilson Asinobi Ake: Mr. President, because I am a man of integrity I allowed a free and fair election in my place.

The President: So, did every other Senator here. When we are talking about free and fair election from INEC, it is so for the 109 Senators in the Chamber here.

Senator Mohammed Mana (Adamawa North): Mr. President, after operating this system for 10 years from 1999 to date, the time has come for us to review the operations of INEC and this has been rightly done by bringing this Bill that will split INEC into three groups.

I want to support that the decentralisation of INEC will allow INEC to concentrate and allow the three different bodies to perform their responsibilities very well. I remember very well in the re-run elections where INEC conducted different elections which they handled very well. These were the elections in Adamawa, Ekiti and many other States.

The issue of non-interference by the Presidency in INEC is very essential and this has been aptly captured in this Bill. Total independent of INEC is very necessary. Granting of first line charge for INEC to run its affairs is very essential. So, the issue of decentralisation of INEC is very important.

The issue of Uwais Report has been laid to rest. We should not stop this debate because we have not got the Report. This is the first of the Bills emanating from that Report as the Senate President has said. Perhaps, before we get the next Bill the Uwais Report should be made available to all the Members of this hallowed Chamber.

The issue of internal democracy for political parties is very essential. I believe this is one of the main reasons this Bill was brought up. Internal democracy of the political parties will ensure that the candidates who will contest elections are properly seeded. Perhaps, for now it is only PDP that seems to be very democratic.

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I wholly support this Bill. I urge that all necessary documents are made available to the Joint Committee on the Review of the Constitution for them to come to a very just conclusion.

Senator Chris B. N. Anyanwu (Imo East): Mr. President, as you can see from the enthusiasm of Members virtually everybody wants to speak on this Bill. That is indicative of the fact that most people want an atmosphere in which we can bring a return to sanity, have safe, free and fair elections in this country.

Much has been said about the fact that many of the Bills that we are introducing here have been creating institutions and putting more burden on the taxpayers. There is need for us to move away from that and move towards smaller government to seek higher efficiency by reforming institutions rather than creating new ones.

Of course, it is true that INEC as it is presently constituted is more like an octopus going too many different directions and not carrying out the functions effectively. That is why everybody seems to be in agreement on the need for reform but what direction to take in that reform is the point of disagreement.

I agree with the Motion that there ought to be a body to take care of this. What essentially this Bill is doing is creating a policing organisation to police political parties to ensure that certain elements of the electoral reform, especially election spendings are adhered to so that if the law says that the maximum contribution a person can make towards his election is N10 million that organisation will zero in on it. As INEC is now with multi-faceted responsibilities it is inconceivable that it will have the time or the way to zero in on these details, which eventually shape the outcome.

I am fully aware of the Uwais Report says on this. I am also aware of what the consortium of Civil Society Organisations inputted into the Uwais Committee's Report. Neither the Uwais Report nor the contributions call for the creation of a Commission for the sole purpose of registering and monitoring political parties. What, in fact, they called for is either a parastatal of INEC by a way of a Committee or Board to undertake this responsibility. They also called for an Electoral Institute.

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They said that the parastatal should have its Independent Board and the Chairman of that Board will be a Commissioner in INEC so as to have a harmony between the two Institutions. You can see how their submission flows. But when the Report got to the Executive, they yanked it out and made it independent and that is where the problem is.

Going into this Bill, I found certain elements of it rather laughable and I suspect, in fact, that these mistakes were drawn from the original INEC Bill. For instance, paragraph 9 is talking about the composition of the Governing Board. It says: *A Chairman who must be a person of unquestionable integrity*. It keeps repeating the phrase; *unquestionable integrity*. Who in Nigeria is of unquestionable integrity?

When they talk like this, the mind always goes to Judges, Magistrates and people who ideally, should be of unquestionable integrity. But history has proved that neither in the Executive, the Legislature the Judiciary or in the larger society can you find men and women of total unquestionable integrity unless you have to go to people's kitchens to find men and women of unquestionable integrity. If, perhaps, this Bill scales through that aspect of the condition must be clarified.

Another thing is what Senator Joy Emodi had said which I think would come later when we deal with how to re-create INEC that is totally detached from the Executive. This is the fact that Members of this organisation are supposed to be appointed by the President and they are answerable to him. Also, the source of their funding is as given by the President. That argument would come later, when the major Bill comes.

I want to point out the point of departure between the Uwais Report and this Bill. If we must have a body like this, it should not be a Commission rather it should be a Committee or just a Board.

Senator Nuhu Aliyu (Niger North): Mr. President, I speak in support of the Bill. A lot of our Colleagues have made very positive contributions. You gladden my heart when you said that eventually we are going to have the Justice Uwais Report. The Report is very necessary as highlighted by a number of my Colleagues. I am sure before the Federal Executive Council and the Council of

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States came to the conclusion for this Bill, they must have gone over the Uwais Report and I do not see any reason we should not equally go through the Report. It is absolutely necessary that we need to know everything.

More so, you said that a number of other Bills have been sent by the Executive to the National Assembly for passage. They could only be passed if we have the necessary information most of which are probably contained in the Uwais Report. *(Interruptions)*

The President: Distinguished Senator Aliyu, please hold on a bit. Distinguished Senator Ewa-Henshaw, it seems your attention is being diverted from the debate on the Floor. Please, let us give the speaker attention.

You may continue Senator Nuhu Aliyu.

Senator Nuhu Aliyu: I do not intend to waste too much time in this particular case because a lot has been said about it. I am in full support of what has been said.

The President: Before I call the next person, this Bill is generating a very useful debate and it is necessary that as many Senators as possible speak on it. Apart from the importance of the intent of the Bill which is on the electoral reform and credible elections, there are other connected issues that also need to be emphasised. I have written down the names of all the Senators who have raised their hands and they are quite a number. Two more Senators have just raised their hands and I will write down their names as well. However, I will call on Senator Mohammed A. Mohammed to speak thereafter, I would allow the Leader to say a word or two.

Senator Adeleke O. Mamowora: Mr. President, I want to draw your attention to part of the submission of Senator Chris Anyanwu, which I urge should not go into the records of this debate. She referred to the Justice Uwais Report in saying that someone of unquestionable integrity and she submitted that none of such can be found either in the Executive, in the Legislature or in the Judiciary. I think that should not be part of the proceedings of the Senate.

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The President: This is the problem when people make contributions and go away immediately. She is not here now.

Senator Mohammed A. Mohammed (Bauchi Central): Mr. President, we the masses of this country and also those of us from the Opposition have been yearning for a free and fair election in Nigeria. The name of this country has been bastardised because of the way in which elections are conducted. In fact, in many places, there were no elections. So, the Electoral Reform is a welcome development for all of us. This is because we hope that future elections in Nigeria would be conducted in a fair manner and those who are appointed to run the affairs these electoral bodies are people of integrity.

We do not want in 2011 to conduct elections where the ballot papers are not serially numbered. I do not know how you will count them. We do not want an election in 2011 with ballot papers that are not serially numbered.

The President: Senator Mohammed, during your election, were the ballot papers all right?

Senator Mohammed: Yes.

The President: Are you saying that while your election was all right that of the other 108 Senators were not?

Senator Mohammed: I am talking about where the ballot papers were not numbered.

The President: That is not the subject matter before you.

Senator Mohammed: It is all part of free and fair elections. I do not believe in creating the Registration and Regulatory Commission for political parties. I do not think it is necessary. All we need is to strengthen Independent National Electoral Commission (INEC) and appoint people of integrity to run the affairs of INEC. All those functions listed are not so much. We do not need all those functions listed for the new Commission. What we need is proper running of the electoral body and manning it with people of high integrity.

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At the beginning of the debate there were arguments on whether or not we could go ahead with the various Bills coming under the Electoral Reforms or to amend the Constitution. The lawyers pitched their tents into two camps. It is a question of which camp do you belong to, the chicken or the egg.

Whatever we do, we will come to a standstill as long as we have not got the Committee on the Constitutional Review. Once that Committee is not in place and working, all the exercises we are doing on these Bills will stop at a point as you have to amend the Constitution before passing the Bills into law. Really, we would like to know what is happening to the Constitution Review Committee which the Senate has set up. The Senate Leadership should liaise with our brothers and sisters in the House of Representatives so that this Committee can begin to work otherwise, whatever we do here will not be effective without the review of the Constitution.

The President: For the avoidance of doubts, the Senate has a Senate Constitution Review Committee. The one that has not taken off is the Joint Constitution Review Committee. We have our own Constitution Review Committee which is composed of a Senator per state and six other members on interest basis. So, we have a Constitution Review Committee in place.

As I said earlier, we have to discontinue the debate now to continue tomorrow. So many Senators have raised their hands and they want to speak, I have written down the names of the Senators who have not had the opportunity to speak today. They are as follows:

1. Senator T. U. Wada
2. Senator Ahmed Lawan
3. Senator Bala Muhammed
4. Senator Satty Davis Gogwim
5. Senator Enyinnanya Abaribe
6. Senator Adegbo Eferakeya
7. Senator Iyabo Obasanjo-Bello
8. Senator Ufot Ekaette
9. Senator Grace Bent
10. Senator Smart Adeyemi

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11. Senator Bode Olajumoke
12. Senator Garba Talba
13. Senator Osita Izunaso
14. Senator Olorunnimbe Mamowora
15. Senator Ayodele Arise
16. Senator George Akume
17. Senator Uche Chukwumerije
18. Senator Abdulaziz Usman
19. Senator Sola Akinyede
20. Senator Caleb Zagi
21. Senator Joseph Akaagerger
22. Senator James Manager

We will continue the debate tomorrow. Those whom I have not called, if they raise their hands tomorrow, I will include them. Senator Buka Ibrahim, your hand was half way up on and off. So, I will include Senator Babalola and Senator Ehinlanwo.

Senator Adeleke Olorunnimbe Mamowora: Mr. President, I request for your ruling over the matter I raised because it is very important. We need to be careful as Senators. I feel very strongly about that issue. I did not bother to raise it under privileges or rules of debate. I just felt that I should call your attention, unfortunately, Senator Chris Anyanwu is not here. I am insisting that it should be retracted from the proceedings of this Senate to say that in the whole of Nigeria there is no one of unquestionable integrity. That is the statement and I think it is not right.

The President: The statement is simply not correct. It should not have been made. It will not be recorded but I thought that if you had come by way of Point of Order then I would have ruled on the Order. It did not come under any particular Order that is why I did not rule on it. I agree with you entirely that the statement is wrong and we should not have it recorded. But if you come by way of Order or a Motion, then I will rule on it.

Senator Mamowora: Mr. President, I can still come under Order 15 which is on a Matter of Privilege. Order 15 says:

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Any Senator may rise at any time to speak upon a matter of privilege suddenly arising, and he shall be prepared to move without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee on Ethics and Privileges, but if the matter is raised in Committee of the Whole Senate, the Chairman shall leave the Chair to report progress.

My Motion is that this Senate do ask Senator Chris Anyanwu to withdraw that statement and that the statement should not be taken as part of the proceedings of this Senate. That is my Motion.

Senator Kabiru I. Gaya: Mr. President, I rise to second the Motion ably moved by Senator Mamowora that Senator Chris Anyanwu should come and withdraw her statement.

Question put and agreed to.

Resolved: That Senator Chris Anyanwu be made to retract her statement about the issue of whether or not we can get people of unquestionable integrity in Nigeria.

Senator Nimi Barigha-Amange: This is not an issue of the statement not being recorded because I was in the PDP National Secretariat when I saw her live saying it. So, it is not a matter of not being recorded. It has gone wide. It would be better she retracts it on Wednesday under live coverage so that everybody knows that she has retracted it.

The President: We have carried the Motion that she should retract it and we would communicate that to her appropriately. What were you doing at the PDP National Secretariat?

Senator Teslim K. Folarin: Mr. President, in that case, I move that we defer further debate on this Bill till the next legislative day which is tomorrow.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that further debate on this Bill be deferred to the next legislative day. In doing so, I most passionately appeal to you to make available copies of the Justice Uwais Report to all

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Senators as it is clearly the desire of this distinguished Chamber to have the benefit of the background information.

Question put and agreed to.

By leave of the Senate, further debate on the Bill stood down till the next legislative day.

Senator Chris N. D. Anyanwu: Mr. President, I understand that some issues have been raised about what I said during the course of my submission.

The President: The issue raised was that you said that we cannot find people of unquestionable integrity neither in the Executive, nor in the Legislature, nor in the Judiciary and the Legislature felt it was extremely offensive and that you should retract that statement. A Motion was raised and it was carried in the affirmative. We sent a message to you in the Tea Room in case you were there.

Senator Lee Ledogo Maeba: Point of Order, Mr. President!

The President: Senator Lee Maeba, what is your Point of Order?

Senator Lee Maeba: It is Order 73 and with your permission, may I read.

The President: Please read.

Senator Lee Maeba: Order 73 says: *Any Senator may challenge the opinion of the President or the Chairman by claiming a division.* The ruling you just gave about the question as to whether the debate be stood down till another legislative day or not, I am challenging it by calling for a division.

The President: That is all right. The Lobby should be cleared and we go for a division. He has asked for a division and it is proper that we go for a division. I am sure that he knows why he asked for a division, whether we should suspend debate now and continue on the next legislative day and he said he does not want to. When we clear the Lobby and vote, even if you win, I wonder how you are going to conduct it.

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Senator Lee Maeba: Mr. President, by the popular demand by my Colleagues, distinguished Senators of high integrity, I hereby withdraw the request for a division.

The President: Senator Chris Anyanwu, please, you wanted to say something.

Senator Chris N. D. Anyanwu: Mr. President, let me just preface my contribution by saying that perhaps, I over spoke. If you recall, during the course of my submission, I said that that particular phrase needed to be re-phrased because it is difficult to establish people of unquestionable integrity because it is very oblique, very subjective and very difficult. That is what I was saying. I thought that it should have been re-phrased to mean, maybe, people of long experience and good record and that is where the integrity aspect lies. If I over spoke, I withdraw it.

The President: Senator Chris Anyanwu, there was a Motion on the Floor and I put the Question and the Motion was in the affirmative that you should retract that statement completely. It is not a conditional. Your retraction is attached to a condition that if you over spoke, that is not what the Motion says.

Senator Chris Anyanwu: Mr. President, that statement is withdrawn.

Senator Teslim Folarin: Mr. President, I move that we stand down the last item on the Order Paper till another legislative day.

Senator Maina Ma'aji Lawan: Mr. President, I second the Motion as moved by the Senate Leader.

Question put and agreed to.

By leave of the Senate, other item on the Order Paper accordingly stood down to another legislative day.

1800

ANNOUNCEMENTS

Dinner

The President: Before the adjournment, may I appeal to you that the Dinner this evening is at 8.00 p.m.

Notice of Meeting

The Senate Committee on the Review of the 1999 Constitution will hold a meeting today, Wednesday, 20th May, 2009 at 3.00 p.m. The venue is Committee Room 211 of the Senate New Building. Members should please, endeavour to attend.

(Signed)

Senator Ike Ekweremadu
Deputy Senate President

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do adjourn till tomorrow, Thursday, 21st May, 2009 at 10.00 a.m. prompt.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do adjourn till tomorrow, Thursday, 21st May, 2009 at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 21st May, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.30 p.m.