

**VOL. 2
No. 49**

**Thursday
21st May, 2009**



FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

**FOURTH REPUBLIC
THIRD ASSEMBLY
(SIXTH SENATE)
SECOND SESSION**

THE SENATE OFFICIAL REPORT

CONTENTS

**Votes and Proceedings
Announcements
Consideration of a Report
Consideration of a Bill
Adjournment**

01801

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Thursday, 21st May, 2009

The Senate met at 10.12 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Wednesday, 20th May, 2009, before us for approval: Pages 727, 728 and 729.

Senator Adegbo Erhiawarie Eferakeya (Delta Central): Mr. President, I rise to move that the Votes and Proceedings of Wednesday, 20th May, 2009 be approved.

Senator Gyang Dalyop Dantong (Plateau North): Mr. President, I rise to second the Motion that the Votes of Proceedings of Wednesday, 20th May, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 20th May, 2009 be approved.

ANNOUNCEMENTS

Condolence Visit

The President: This is to further remind Members of the Senate Delegation on the condolence visit to the Government and people of Enugu State on the death of Chief C. C. Onoh that the delegation leaves for Enugu on Friday, 22nd May, 2009 at 10.30 a.m. by Arik Airline.

Members of the delegation are advised to be at the domestic wing of the Nnamdi Azikiwe Airport early for departure. The delegation would return to Abuja on the same day.

(Signed)
Senator Victor Ndoma-Egba (San)
Deputy Senate Leader

1802

**Dinner in Honour of the Presiding Officers of
the Nigerian Legislatures**

I wish to cordially invite you, my bosses, distinguished Colleagues to attend a dinner in honour of the Presiding Officers of the Nigerian Legislatures on Friday, 22nd May, 2009 at 7.00 p.m. at the official residence of the President of the Senate, Apo Mansion. All the Speakers in the various State Houses of Assembly are coming for dinner tomorrow at 7.00 p.m. There will be enough food to eat.

Strategic Leadership Conference

This is to inform distinguished Senators that the Parliament Christian Centre is organising its Strategic Leadership Conference scheduled as follows:

Date: 22nd to 23rd of May, 2009

Venue: National Assembly Complex

Time: 9.30 a.m. daily

Distinguished Senators are cordially invited to attend.

(Signed)
Senator Tawar Umbi Wada

**Visit of the Staff and Students of Noble Height
Academy, Karu Site, Abuja ECWA Secondary
School, Miengo, Bassa, Plateau State**

I wish to acknowledge the presence of the Staff and the Students of Noble Height Academy, Karu Site, Abuja and ECWA Secondary School, Miengo, Bassa Local Government Area in Plateau State.

They are all in the Gallery to observe Senate Proceedings. We wish them fruitful observation of our Proceedings. *(Visitors stood up for recognition)*

Thank you very much. Good morning and sit down, please.

1803

ORDERS OF THE DAY

CONSIDERATION OF A REPORT

Report of the Committee on Gas on the Gas Flaring (Prohibition and Punishment) Bill, 2009 (S.B. 126)

(Adjourned Debate on Question, Tuesday, 19th May, 2009)(Second Allotted Day)

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, the first Order of the day is the resumption of the adjourned debate on the Report of the Committee on Gas, on the Gas Flaring (Prohibition and Punishment) Bill, 2009.

You will recall that further consideration of this Bill was deferred to today but in view of the continuing debate on the Electoral Reform Bill, I have sought the consent of the sponsor of the Gas Flaring Bill, distinguished Senator Osita Izunaso that this item be deferred to the next legislative date to enable distinguished Senators exhaustively conclude the Second Reading of the Political Parties Registration and Regulatory Commission, Bill.

On that note, may I move that we stand down this item to the next legislative date.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the Senate do stand down the first item on our Order Paper in order to enable us continue debate on the general principles of a Bill for an Act to Establish Political Parties Registration and Regulatory Commission.

The President: Sorry, before I put the Question, let me just find out something. Senator Bukar Abba Ibrahim, can we not finish both today?

Senator Bukar Ibrahim Abba (Yobe East): Mr. President, we can finish them today but I am going for a Legislators' meeting.

Question put and agreed to.

Resolved: That the first item on the Order Paper be stood down to the next legislative day.

1804

(By leave of the Senate the First Item on the Order Paper accordingly stood down)

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 (SB.275) (Adjourned Debate on Question, 20th May, 2009) (Second Allotted Day)

Senator Victor Ndoma-Egba: Mr. President, the second Order of the day is the Second Reading of the Political Parties Registration and Regulatory Commission) Establishment, etc.) Bill, 2009. You will recall that the Senate commenced debate on the Bill yesterday, Wednesday, 20th May, 2009 and deferred further debate until the next legislative day which is today.

With your permission, may I move that the Senate do resume debate on the Political Parties Registration and Regulatory Commission (Establishment, etc.,) Bill, 2009.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do resume the adjourned debate on the Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Therewith, 2009.

Question put and agreed to.

(Motion made, and Question again proposed that the Bill be read a Second Time)

The President: Yesterday, so many Senators raised their hands and we would start with the names that I have down here.

Senator Ahmed Lawan (Yobe North): Mr. President, I am happy to be the one to speak first today on this debate. If I have my way, I would like to have the Uwais Panel's Report because that would have broaden my understanding of the idea or the mindset of the Panelists and, of course, help me make an analysis and take a position. That has not been possible. Even without that, I have an opinion on this Bill.

1805

Let me start by asking these two questions. Would INEC perform its duties better and satisfactorily if we excise political party's registration without having Commissioners and Chairman who are of proven integrity and we have many of them in this country? The second question is; would this Commission that we want to establish be effective and perform satisfactorily if we do not have people of integrity? People whose action would be characterised by transparency and accountability? I will answer the questions by saying that, in both counts, the answer is in the negative.

My view is that this Bill that seeks to establish this Commission is trying to create a bureaucracy that is unnecessary and not needed in Nigeria. What we need in Nigeria today to reform electoral process is to ensure that we have a truly independent and properly funded electoral body. By appointing people of integrity, the characteristic attitude of the Chairman and the Commissioners; the financial independence, in my view, all these combined would give us an INEC that would not only register political parties but also conduct credible and acceptable elections in the country.

Some other reforms like an Election Tribunal could be all right but I believe that what we need to do is to set aside this Bill and insist on funding INEC properly and getting people to run INEC transparently so that Nigerians can have confidence in the electoral body.

I do not believe that when you create a Commission to register political parties in Nigeria the electoral process would improve. After all, the 2006 Electoral Act has broadened the space. It is not difficult to register political parties. In fact, it is going to broaden further when we have Independent candidates. So, the registration aspect is not a heavy duty to overwhelm INEC.

If I may refer to the submission of the Senate Leader yesterday he said: *The responsibilities among other things, register political parties, monitor the organisation and operation of political parties, monitor political campaigns, and arrange for examination and auditing for funds, and so on.* I do not think we need a Commission for this. A rejuvenated, rehabilitated and enhanced department of INEC can do this very well. So, we should not create a Commission where some elements would now hold every body to ransom. In fact, we would

1806

run the risk of having some elements calling for registration within this Commission what else could you do when you give them this kind of powers?

Finally, my position is, I am not in support of this Bill. However, I will support any political reform that will deepen democracy in Nigeria. But this one, in my opinion, will weaken the democratic process and will not add any value. In fact, the intendment of this Bill being sought by those who brought it in this Chamber does not deserve passage.

Senator Nimi Barigha-Amange (Bayelsa East): Point of Order, Mr. President!

The President: Yes, what is your Point of Order, distinguished Senator Barigha-Amange?

Senator Barigha-Amange: Mr. President, I want us to take a look at the 1999 Constitution of the Federal Republic of Nigeria, Chapter 1, Part 1, Section 1(3) if I may read.

The President: Please, read.

Senator Barigha-Amange: That Section of the Constitution says: *If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void.*

I want to go to Schedule 3, Part 1(f) talking about Independent National Electoral Commission. Under 15 of that it says: *The Commission shall have powers to -*

(b) *Register political parties in accordance with the provisions of this Constitution and an Act of the National Assembly;*

(c) *Monitor the organization and the operation of the political parties, including their finances;*

I found out that from the lead debate, what this Bill tends to establish is what is contained already in the Constitution. According to Section 1(3) if a law is inconsistent it is void. In my opinion, what we are trying to do will negate the provisions of the 1999 Constitution.

1807

The President: That is very eloquently presented, but may I just ask you to conclude if you may. Please, read Section 9 of the 1999 Constitution for me.

Senator Bariga-Amange: Section 9(1) of the 1999 Constitution reads: *The National Assembly may, subject to the provisions of this Section, alter any of the provisions of this Constitution.*

The President: That is all right. What we are trying to do is to alter the Constitution and we would do it in accordance with Section 9. We went through this at length yesterday and the first time that the Land Reform Bill came. All we are doing now is the Second Reading of a Bill that is before us, and we are dealing with the principles, the merits and the demerits of the Bill. We have not altered anything yet.

Your Point of Order is absolutely correct, there is nothing wrong with it, but the conclusion which you want me to draw from it is not correct. What I would do is to sustain your Point of Order and continue with the debate. Your Point of Order is sustained.

Senator Bala Abdulkadir Mohammed (Bauchi South): Mr. President, I have always said that sometimes there is no need repeating what distinguished Colleagues say and which seems to express our own opinion. Distinguished Senator Ahmed Lawal has expressed my opinion. However, I want to discuss not on the legal interpretation on whether or not it is expedient to create a Commission to perform statutory functions that another Commission existing under a legal instrument like the Constitution is discharging. I will leave it to the Lawyers.

However, with your permission, I want to say without any fear of contradiction that what we have here is deceptive and diversionary because the Nigerian people are expecting us and the Government of Nigeria to discuss INEC. It is INEC as an institution that is supposed to provide political reforms. The Justice Uwais Committee discussed extensively on how the autonomy of INEC would be provided; how the appointments of the Commissioners and the Chairman will be guided but these were jettisoned.

Of course, it is their right, from the Executive point of view, to come up with a White Paper and

1808

delineate those things that they feel are important. But we cannot discuss the establishment of this Commission without discussing INEC. INEC has done very well as far as registration of political parties is concerned. No Nigerian, no politician has ever complained about the registration and monitoring of political parties.

Why are you touching things on the surface? What Nigerians are expecting from us is to reposition INEC in terms of the autonomy of their performance and functions; in terms of their creation, that means the appointments of the Board Members, the Chairman, *et cetera*. The Justice Uwais Committee discussed and recommended that the National Judicial Council should be doing this on delegated responsibility within the concept of accepted management concept, that is, delegation of power and authority. But of course, the Executive came out with a joker that this is their executive function and to do that would be usurping their Executive function. I disagree that the President is the only omnibus and all important person especially in this democracy we are practicing. He cannot do everything except through delegation.

What I am saying, as explained by most of our distinguished Colleagues is that this Bill should be thrown away because it is not what Nigerians are expecting. What they are expecting is the repositioning of INEC and re-invigorating it and giving it independence. If you remove these responsibilities from INEC, you are going to create redundancy, malignancy, and a situation where after conducting an election the staff would have nothing to do. After election the next thing INEC does is monitoring and evaluation, and they have a Department for it. It is unnecessary because we should not encourage ourselves to be creating Agencies and Commissions and at the same time creating conflict of statutory responsibilities. We have to be responsive to the expectations of Nigerians, and throw away this Bill, not because it is coming from the Executive, but because it is unnecessary, it is duplicatory, and it is so expensive; we do not need it.

Senator Satty Davis Gogwim (Plateau Central): Mr. President, a lot has been said about this particular Bill to establish Political Parties Registration and Regulatory Commission. I stand here not because I have anything against the establishment of the Commission. I am in support of it because Constitutions are amended in parts,

1809

even the American Constitution which is not as bogus as ours is always amended in parts. In amending this Constitution, we will take cognizance of Section 1 which has been mentioned by Senator Nimi Barigha-Amange. Yesterday, a lot was said about Sections 221, 222, 225, the Third Schedule and Subsection (15) of which take cognizance of what we are discussing.

This particular Bill is just for us to debate it. We are not going to pass it. We are supposed to debate the issues and then pass it to the Constitution Review Committee and there is nothing wrong with that.

Essentially, we have gone through all these Sections to be able to know that the Commission will control the proliferation of political parties. We have many mushroom parties duly registered. This Commission when established would reduce the number of such political parties. So, there is nothing wrong in establishing this Commission to regulate the existence and the registration of political parties.

Therefore, I stand here to lend my support to all the people who have made contributions in favour of the establishment of this Commission. I so support.

Senator Eme Ufot Ekaette (Akwa Ibom South): Mr. President, there is no nobody in this hallowed Chamber that will not support an idea, position, or an activity that would bring credibility to our system. But that process must be such that does not complicate the existing system.

The Bill before us has listed all but one, the functions of INEC in the Constitution and INEC is left just with conducting of election. What we require is an INEC that is independent; INEC that would have its funding not controlled from the outside. Today we are not talking about what happens to the States INEC because when you are talking of election, you must talk of what is happening in the States. When we are talking of credibility of any election we must look at what has happened in the States. This is not addressed in the reform. Reading from the papers which I do not very much sometimes believe in, we learnt that the Justice Uwais Committee recommended the removal of States INEC.

1810

I know that this Bill before us, from the Executive is not very necessary. We have set up a Committee in this Chamber to review the Constitution, maybe, address cases like this. I would advocate that this Bill be sent to that Committee to look at and come out with their recommendation.

But if we want to follow our Rules, where we should have addressed the issue of the financial implications, you will find out that this Commission that the Executive is seeking to put in place is not necessary when you look at the financial implication of running it. Rather we should put the INEC in a position that it could do its work. We should send this paper to the Committee to address for us.

Senator Adegbo Erhiawarie Eferakeya (Delta Central): Mr. President, I want to remind this Chamber that there are three Bills emanating from Justice Uwais Commission. The first Bill is the Amendment to the Independent National Electoral Commission Act and the second Bill is about Offences and the third Bill is the Establishment of Political Parties Registration and Regulatory Commission.

If you take a look at these three Bills, I would have thought that we would have looked at the Amendments to the INEC Act to ensure, people have said and it is true, that this particular Bill we are considering is an extract from the INEC Act. We should have made sure by considering the Amendment to the Electoral Act, that this Section that is now put here as a Bill, is actually deleted and whether it is necessary to delete it.

From what we have heard so far, I believe that this Bill is unnecessary. It is a deletion from the Electoral Act. As I said earlier, we should have considered that Bill first and agree that this part should be deleted from the Electoral Act.

Secondly, we have to listen to the voices of our people. They want electoral system that is independent. If you take look at this Bill, Clause 3 is talking about Governing Board and the Chairman of that Board will be appointed by Mr. President. It is the same independence that is being interfered with. We also know that Chairmen of Boards are usually political appointments and we are trying to remove people who are partisan from being in INEC or anything that has to do with electoral

1811

system so that it would be purely independent and not partisan.

Therefore, I want to say again that our problem is not really the law. Yes, laws can be amended from time to time. The problem is enforcement of the law. If you look at the Offences, though that is not in place now, are they not in the INEC Act? Have they been enforced? Is it when we move it out that the rule will be enforced? It is the same way I see this particular Bill. If we delete the registration of parties from the INEC Act, is that going to make it a successful body?

The financial implications have been stated since yesterday and repeated this morning. We have been complaining that presidential system of government is very expensive because of so many institutions. Why are we creating more institutions? We should make sure that the institutions we have work and not to create more.

Senator Grace Folashade J. Bent (Adamawa South): Mr. President, I rise to say that I do not subscribe to the establishment of a Commission for the sole purpose of registering political parties and regulating them. For all I care, what we are trying to do today is to treat a wound on the surface and leave the root cause. It is like chasing shadows, because the problem with our electoral system is not about registration of political parties.

Of course, Nigerians are yearning for this Electoral Reform. Electoral Reform is imperative and a must; we must do it if we are poised to consolidate our democracy. Permit me to say that we do not need a Commission for the sole purpose of just registering political parties. That Commission would be rendered redundant. What would they be doing? It is already an existing department in INEC.

America, after whom we fashioned our presidential system, has a Federal Electoral Commission which is solely independent. That Commission regulates the way presidential elections are conducted.

For us to say we want to establish a Commission would be running away from our actual responsibilities. Nigerians are looking up to us and they are sure that it is only the National Assembly that could rise up to the occasion to say,

1812

yes, the time is now for the electoral system to be reformed.

I want to call attention to a very crucial aspect of this Electoral Reform that we must look into and that is talking about independent candidature. As a matter of urgency, it must be included as part of the responsibilities of that department that registers political parties. Independent candidature is a must and it is contained in our Constitution. Chapter IV, Section 35 of Nigeria the 1999 Constitution on the right to personal liberty, reads: *Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.*

Every Nigerian is at liberty to run for any political office in this country once you are qualified in accordance with the rules and the laws guiding the election to the office. No Nigerian should be tied to the apron of any political party. So, I see that as a very crucial aspect of our Electoral Reform.

In the Department for the Registration of Political Parties, independent candidature must be included if we want to strengthen this democracy. The way we are now, if political parties are not serious about the kind of candidates they fielded for political offices they would lose. This is because a lot of awareness has come to the Nigerian populace to the extent that political parties would have to go out of their way to ensure they field very popular candidates that are acceptable to the people. In an event that a candidate who has the support of the majority of his people does not have a good political platform, it behoves on INEC to allow such a candidate to run independently for any political office.

What we are facing in this country today is a very serious issue. Electoral Reform is a must. Nigerians are looking forward to 2011 and if we do not stand up as representatives of the people to ensure the reformation of the electoral system then we will have ourselves to blame. That is the only way we can have a successful election in the year 2011.

Having said this, I want to submit that establishing a Commission for the sole purpose of regulating political parties is unacceptable to me; it

1813

is unwarranted, not necessary and as such I urge my Colleagues to ensure that this Bill is rejected in totality and taking back to its source.

Senator Smart Adeyemi (Kogi West): Mr. President, I rise to speak the mind of millions of Nigerians who are looking forward to a peaceful and prosperous nation.

I want to begin by commending President Umaru Musa Yar'Adua for his determination in ensuring that we have credible elections and political stability in our nation. When evil men seek to perpetuate injustice in the status-quo men of honour and women of substance will rise towards bringing and ensuring justice, equity and fairness for the sake of the generations yet unborn.

I want to submit that, perhaps, to a large extent, the Advisers and the Lieutenants of our President are not sincere with him. We all aspire and look forward to a stable polity in our system. Perhaps, the greatest threat to the Nigeria's survival as a nation is not even the so-called disease epidemic such as HIV/AIDS or the problem in the Niger-Delta, but the problem of conducting credible elections that will usher in men and women of vision and substance who are determined and ready to move this nation forward. Unfortunately, we have so many people who were elected through unquestionable manner; men who were imposed on the majority of the people.

Senator Ayogu Eze (Enugu North): Point of Order!

The President: Point of Order, distinguished Senator Ayogu Eze.

Senator Ayogu Eze: Your Excellency, It is Order 53(7) and with your permission I will read.

The President: Read, please.

Senator Ayogu Eze: Order 53(7) says: *It shall be out of order to use offensive and insulting language.* Your Excellency, the comment made by my very good friend and Colleague and the representative of the masses at Hilton (*Interruptions*)

Senator Smart Adeyemi: Mr. President, Point of Order!

1814

The President: I have to rule on a current Point of Order before you can come up with another one. Let me rule on his own first..

Senator Ayogu Eze: Mr. President, this Point of Order was supposed to be a cautionary one but based on the uneasiness of my Colleague who is sitting in front of me, I want to withdraw it.

(Point of Order, by leave of Senate withdrawn)

The President: Thank you for withdrawing your Point of Order. Senator Smart, your comment is that INEC has not been able to conduct a credible election that has brought in credible men and women. I have asked this question a hundred and one times, your own election, was it credible?

Senator Smart Adeyemi: Mr. President, with due respect, mine was very credible.

The President: All of us who are here are by virtue of the fact that INEC signed our certificates. So, for us to repeatedly say that INEC has not conducted a credible election, if we are men and women of honour then we should go. Saying that INEC has not conducted a credible election, in my very candid opinion, is not the correct thing. I believe that all of us who are here are here because INEC conducted a credible election that brought us here. The emphasis is not in our best interest. We have not thought through it properly and repeating it is not in our best interest. That ought to have been the Point of Order which Senator Ayogu Eze should have raised.

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

The President: Yes, what is your Point of Order?

Senator Lee Ledogo Maeba: Mr. President, it is Order 1(b) of our Standing Orders and with your permission I read: *In all cases not provided for hereinafter, or by Sessional or other Orders of practice of the Senate, the Senate shall by Resolution regulate its procedure.* Our Rule talks about swearing in of new Senators but the Rule does not talk about resignation of Senators who feel that their Oath of Allegiance of being sworn in was wrongly administered.

1815

The statement made by Senator Smart Adeyemi that his election and the like of other elections were not credible and when you asked him he said his election was credible, he was speaking from the both sides of his mouth. He had already said that INEC had not conducted any credible election including his own. By that statement, the certificate given to him by INEC falls under what Senator Chris Anyanwu was talking about men and women of integrity. By your challenge, somebody like Senator Smart Adeyemi representing the masses should be a shining example of the integrity we are looking for.

By this Rule, I urge the Senate in Session to encourage Senator Smart Adeyemi to resign and wait for a credible election before he can come back so that he can put his integrity into test. I move that we should regulate ourselves by asking him to resign honourably so that we can prove that INEC does not conduct any credible election so that we can take up the issue of credibility from here.

The President: All right, Senator Lee Maeba, you have come by Point of Order and it is Order 1(b) of our Standing Orders. Unfortunately, there is provision for us to resign, so that is covered. There is provision for a Senator to resign, constitutionally and even by our Standing Orders. So the Order through which you have come is not the relevant one and you know what the consequences of that is.

However, I support your argument that if any body here feels very strongly that INEC has not conducted a credible election that warrants him being in this hollowed Chambers should demonstrate it by resigning. Truly that will be a mark of honour, otherwise to get up and say INEC has not conducted a credible election, is joining a bandwagon without substantiating it and we should not really go on about that.

Anyway, Senator Lee, I rule you out of Order. Your argument was very sound and solid, I support it, but the Order under which you have come is not the correct one. You can still search for the Order that will ask Senator Smart to resign. Senator Adeyemi, you may continue with your contribution.

Senator Smart Adeyemi: My intention is not to castigate or to undermine the integrity of my Colleagues. When we talk about elections, we are not talking about the Senate election alone; we are talking about elections in all its ramifications.

1816

People should not limit my argument to mean that I was talking in relation to the Senate of the Federal Republic of Nigeria. There were also local government elections for Councillorship. I am sorry, if I am misunderstood.

I want to believe that what we actually require is not a Bill to establish a Commission for the sole aim of registering and regulating political parties. What we rather need in order to save the situation and stabilise the polity is for us to first and foremost look at the Act that established INEC itself. I am sure quite a number of my Colleagues will agree with me that there is the need for purification of INEC in such a manner that it is going to be in a position to conduct elections that are acceptable to all.

I want to submit too that today, in our country, we do not have politicians based on ideologies because of the manner at which political parties emerged. What we have is a group of people who claim to be in the Opposition but, off course, they were part and parcel of PDP, but out of misunderstanding and grudges they somersaulted into Opposition. If you look at quite a number of them in the Opposition, by spirit and content of their contributions here, they are more or less part and parcel of the ruling party, the PDP.

What we actually require to make the polity better is for us to have politicians and political parties on ideologies. Therefore, it is not enough having a Bill. INEC could still be positioned so that we have a very strong department that would be in charge of registration and regulation of political parties' activities. We may probably, just have about three political parties and a platform for independent candidate.

I want to submit that all us here are determined and committed towards having a stable polity that can usher in peace and prosperity in our nation. But that can only be achieved when we have a total reform of the electoral process.

Nigerians are not complaining about the formation of political parties. They are complaining, of course, quite a number of us share in that complaint that the process of conducting elections in this country, is questionable. I stand by that. Of course, there have been a lot of rigging against our Party in a number of States and you know our Party has not been rigging elections. It is

1817

the Opposition that has been rigging elections. I am sure the President of Senate agrees with me on that.

The President: Senator Smart, when you are right, I agree with you always. *(Laughter)*

Senator Smart Adeyemi: There is the need for us to reform the electoral process.

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

The President: Yes, what is your Point of Order?

Senator Ahmad Ibrahim Lawan It is Order 53(4) and with your permission, may I read?

The President: Please, read.

Senator Ahmad Ibrahim Lawan: Order 53(4) reads: *A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.* What we are discussing here is the Bill on political party registration and INEC.

The speaker and my distinguish Friend, Senator Smart Adeyemi was completely off the mark. He was talking irrelevant matters, in fact, castigating some of us who do not belong to that side. Senator Smart Adeyemi should be directed or advised to confine his debate and contribution to the subject matter.

The President: The problem with the Order under which you come is that, it is one Order where my interpretation is most final. In others you can even debate my interpretation but in this one my judgment is final.

The point that Senator Smart Adeyemi made is to say that PDP has never rigged an election. *(Laughter)* I suppose that is the one you refer to as a digression. He did not accuse any other party. He only defended his own political party and because we are discussing INEC, reference to election results would not be totally out of the line of debate.

1818

However, Senator Smart Adeyemi, you should not digress too much. Your digression at the moment is within limits but a little more you will be off the limit. *(Laughter)*

Senator Ahmad Lawan, I rule you out of Order.

Senator Adeyemi: Mr. President, in summary, I want to submit that there is need for us to take a critical look at INEC and the process of conducting elections. More importantly, the Bill that will be of interest to us, and indeed, to Nigerians is that which will address the process of conducting a free and credible election. Therefore, I submit that this Bill be sent back to the Presidency so that they can fine tune their position in order for it to meet the needs and aspirations of the Nigerian people.

Senator Tawar Umbi Wada (Gombe South): Mr. President, the bone of contention for the propriety of this Bill before this House bothers more on procedure rather than on substance. Most of us here agree that in substance there is nothing wrong with the Bill. *(Interruptions)*

The President: Senator T. U. Wada, actually you are not audible. Could it be your microphone or your voice?

Senator T. U. Wada: I said that the bone of contention generally is on procedure rather than on substance. This is because in terms of substance many of us agree with the fact that there is nothing wrong in divesting INEC of the enormous powers of registering political parties, funding political parties, monitoring elections, primaries, *et cetera*. All those are enormous powers that are vested in INEC. Some Senators have argued that that is not their contention, that if the law is to divest INEC of those things, well and good, but they have been quarrelling with the procedure and I want to address the issue of procedure first before grinding the area of the substance of this Bill. *(Interruptions)*

Senator Nimi Barigha-Amange: Point of Order.

The President: Go ahead with your Point of Order.

1819

Senator Nimi Barigha-Amange: I am coming under Order 53(11) of Senate Standing Orders, 2007 as amended which states that:

No Senator shall speak more than once on the same question without leave of the Senate, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply but not until those chosen to speak shall have spoken.

Senator T. U. Wada spoke on this particular matter yesterday and I wonder why he is still on the speaking on the same matter today.

The President: No, he came by Point of Order yesterday. He did not submit anything on the debate. He did not make any contributions to the debate yesterday. He came by way of Point of Order to explain an issue that was on the ground. I did not tick him yesterday. Senator T. U. Wada, in case I made a mistake, did you comment on it yesterday?

Senator T. U. Wada: I did not speak on it. In fact, I was to be the first person to speak this morning on the matter, but I was held up by a hold-up on my way here.

The President: That is all right. You did not speak on this subject yesterday and I did not mark your name as one of those who spoke. Senator Barigha-Amange, I rule you out of Order, please.

Senator T. U. Wada: I want to urge my Colleagues to realise that there is maxim that says: *Equity has no delight in formalities but in substance.* If we ground ourselves here that the substance of this Bill is really to divest INEC and to give credibility much needed, much cherished to our elections, we should all support this Bill. We should divest ourselves of the formality of how the Bill came in or whether it is seeking to amend the Constitution or not, but to stick to that one. I repeat, *Equity has no delight in formalities but in substance.*

The other legal maxim which I will want to urge my Colleagues to also adopt says: *We should not sacrifice substance on the altar of technicalities.* In ordinary parlance it means, *we should not throw the baby away with the bath water.* If there is anything that is wrong with the processes, we should allow the Committee that has

1820

been saddled with that responsibility of fine tuning Bills, to do that. Fundamentally, what we are concerned with here is to look at the merits of this Bill. I want to urge my Colleagues to know that the merit of this Bill is something that is substance.

With regard to our Rules, Order 80(1) states that in a stage when we are in the Second Reading, Members should confine themselves with the principles of the Bill. Most of the arguments against have been on procedure rather than on substance. Procedure is correctable. With these three reasons I urge my Colleagues to disabuse their minds of any procedure and address the substance of the matter.

Talking of the substance of the matter, I am of the opinion that first and foremost from the lead debate this Bill came as a result of wide consultation conducted by the Justice Uwais Committee. That Committee toured round the world. They said that one of the best ways to ensure conduct of credible elections is to make sure that INCE is divested of the responsibility of party registration.

There is a maxim that says, *nemo judex in causa sua* you cannot be a judge in your own cause. It simply means that INEC has been, more or less, a judge in its own cause. It forms the political parties, register and fund them as well as conduct the elections. That is too much for it. Fundamentally, they should be divested of those functions.

There are examples, one of such is the relationship between the NFF and NFL in terms of choosing referees. NFF chooses referees while NFL conducts the League as a result there has been very relative peace. In a situation where NFF chooses the referees and conducts the League there will be accusation of corruption.

Another example is the case of WEAC and NECO and the schools. The schools prepare the children but independent bodies conduct the examinations. That is the position. An independent body should conduct the parties, register and prepare them while INEC should be saddled with the singular responsibility of conducting a creditable election. If we do not do that we would be unwittingly shooting ourselves on the foot. I am definitely sure that most of us have not consulted our Constituencies. The result of this Bill is as a result of wide range consultation from outside.

1821

I would urge us to agree that this matter be sent to the Committee for it to conduct Public Hearing. Let us hear the public also because good governance entails four things; accountability, transparency, rule of law and participation. Let us allow the public to participate in this debate. If we shoot this Bill without opening the door for the public to participate in the Public Hearing definitely, prosperity will hardly forgive us. I would urge that we allow the Bill to go to the Committee to conduct Public Hearing and let us hear the people's views, thereafter, we decide what to do.

Finally, the Committee would do two things to rectify the procedural anomalies complained about. If it goes to the Committee and it is satisfied that the Bill is salutary, the Committee could do one or two of the following: It can add another Clause to say that this Bill seeks to repeal Sections 221, 222 and 223 of the Constitution and it becomes a Bill to repeal the Constitution. That will cure the abnormally.

It can also correct the Long Title by adding that this Bill seeks to amend the Constitution by removing the powers of registration from INEC and saddling it with the Commission for political parties. These two things will correct the anomalies complained of rather than throwing away the baby with the bath water.

I urge my Colleagues to please, allow this Bill go to the Committee, allow the public make their inputs and allow the Committee to do the two corrections and we will succeed.

Senator Adamu Garba Talba (Yobe South): Mr. President, first of all, I would like to say kudos to Mr. President of the Federal Republic of Nigeria for forwarding this Bill to the National Assembly. The issue is that Nigerians are in total support of the Justice Uwais Committee's Report and this is a fall out of that Report. If we could go for a referendum on this, I am sure Mr. President would win.

Are we fighting for Nigerians or for our own interest? The issue is that we should fight for Nigerians because we are here for Nigerians. Therefore, the decision of Nigerians should be strictly adhered to and I believe that Nigerians support the Justice Uwais Committee's Report. Since this is a fall out from that Report we ought to

1822

support it and support Mr. President. We are here for reform which is part of Mr. President's effort.

Establishment of this Commission would mean decentralisation of INEC functions. We have been criticising INEC that it could not conduct creditable election. If that is the case, then we should decentralize it. It is really cumbersome for it to handle all the election matters.

As we know that the people are in support of Justice Uwais' Report, I urge my Colleagues to join hands with Nigerians and support this effort. We should equally support Mr. President in his moves to effect reform in the electoral structure.

Furthermore, this Bill will remove the cumbersomeness in the job of INEC. There is nothing wrong in decentralising INEC. In fact, there will be another Bill in the same pattern that seeks the establishment of Democratic Center. That Bill is on its way to this place. The number of responsibilities is enough to constitute a Commission. The Commission would have enough responsibilities to handle. It will handle such responsibilities as registration of political parties, monitoring political campaigns, auditing, accreditation of domestic civil society groups and international election observers, setting guidelines for fund raising and accreditation of national and international media. This number of responsibilities is enough to constitute a Commission and there is no problem in that.

The only thing I am against is that Clauses 5 and 14 where Mr. President reserves enormous power is against democratic norms of the nation. So, I feel Clauses 5 and 14 of this Bill should be done away with, please. With these remarks, I am in total support of this Bill and I will continue to support it.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, I know that this is a very important Bill and from the nature of contributions I believe that virtually every Senator would like to contribute but we are constrained because as I speak ECOWAS Parliament is in session and quite a number of us here are members of that Parliament. I am told that it is a key session that is going on and that the presence of Nigerian Members of that Parliament is very important. For that reason and the reason that we have two or three

1823

key Committee assignments that must be concluded before Tuesday, may I now move that we suspend further debate on this Bill until the next legislative day.

Senator Ganiyu O. Solomon (Lagos West): Mr. President, in the absence of the Leaders here, may I second the Motion of the Deputy Senate Leader that the item under discussion be suspended until the next legislative day.

The President: The point the Deputy Senate Leader has made is not that we are going to stop the debate but to discontinue it today and then reschedule for the next legislative day, which will be Tuesday. I still have a number of names who have not spoken and as I said yesterday this is an important Bill. Any Senator who wants to speak should be allowed and be given an opportunity to speak but a situation where the Deputy Senate President, the Senate Leader and other Principal Officers will leave for ECOWAS Parliament will not be a very healthy one for us to continue with the debate. So, I will put the Question, please.

1824

Question put and agreed to

Resolved: That the Senate do suspend further debate on the Bill to the next legislative day.

ADJOURNMENT

Senator Victor Ndoma-Egba: Mr. President, having exhausted all the items on the Order Paper may I now move that this Senate do now adjourn till Tuesday, 26th May, 2009 at 10.00 a.m. prompt.

Senator Ganiyu O. Solomon: Mr. President, I rise to second the Motion that the Senate do adjourn till Tuesday, 26th May, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Tuesday, 26th May, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 12.05 p.m.