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**Tuesday
26th 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**

Tuesday, 26th May, 2009

The Senate met at 10.25 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Thursday, 21st May, 2009 before us for approval: Pages: 731, 732 and 733.

Senator Bala Abdulkadir Mohammed (Bauchi South): Mr. President, I move that the Votes and Proceedings of Thursday, 21st May, 2009 be approved.

Senator Omar A. Hambagda (Borno South): Mr. President, I rise to second the Motion that the Votes and Proceedings of 21st May, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 21st May, 2009 be approved.

A MESSAGE FROM MR. PRESIDENT

The President: There is a letter from Mr. President of the Federal Republic which reads:

*Distinguished Senator David Mark
Senate President,
Federal Republic of Nigeria.*

Dear brother,

**REPORT OF THE COMMITTEE ON
ELECTORAL REFORMS**

I write to acknowledge receipt of your letter requesting copies of the Report of the Committee on Electoral Reforms to facilitate the consideration of the Political Reforms Bills by the Distinguished Members of the Senate of the Federal Republic of Nigeria.

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Copies of the full Report to the Committee are herewith forwarded for your kind attention.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours sincerely,

(Signed)
*Umaru Musa Yar'Adua.
President*

ANNOUNCEMENTS

**Meeting of the Committee on Review of
1999 Constitution**

There will be a meeting of the Senate Committee on the Review of the 1999 Constitution on Wednesday, 27th May, 2009 at 2.00 p.m. prompt at Meeting Room 211, Senate New Building.

(Signed)
Distinguished Senator Ike Ekweremadu (CFR)
(Ikeoha Ndigbo)
Deputy President/Chairman of the Senate
Committee on the Review of the 1999 Constitution

**Birthday Wishes to Senator Joy Ifeyinwa Emodi,
Senator Annie Okonkwo and Senator Sylvester
N. Anyanwu**

I would like to, on behalf of all of us, wish the Joy of the Senate distinguished Senator Joy Emodi and distinguished Senator (Sir) Clement Annie Okonkwo happy birthday. Both of them had their birthday on the 23rd May, 2009. Both Senators are from Anambra State. What birthday has joined together, we should not put asunder. *(Laughter)*

I will also like to, on behalf of all of us, wish distinguished Senator Sylvester Ndubisi Anyanwu whose today is his birthday, a happy birthday. He is still a very young man. He is not 60 years yet.

**Visit of the Student's Representative Council of
the Federal Polytechnic Bida, Niger State**

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I wish to acknowledge the presence of members of the Students' Representative Council of the Federal Polytechnics Bida, Niger State, who are in the Gallery to observe Senate Proceedings.

I wish all of you a very fruitful observation. *(The Visitors stood for recognition)* Thank you very much, good morning and sit down.

PRESENTATION OF BILLS

National Assembly Institute Bill, 2009

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of a Bill standing in the name of Senator Mohammed I. Ahmed.

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

National Assembly Institute Bill, 2009 - presented by Senator Mohammed I Ahmed (Kwara North) - *read the First Time*.

Criminal Procedure Act (Amendment) Bill, 2009

Senator Teslim K. Folarin: Mr. President, the second business of the day is the presentation of a Bill standing in the name of Senator Isiaka A. Adeleke.

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

Criminal Procedure Act (Amendment) Bill, 2009 – presented by Senator Isiaka A. Adeleke (Osun West) - *read the First Time*.

Harmful Waste (Special Criminal Provision, etc) (Amendment) Bill, 2009

Senator Teslim K. Folarin: Mr. President, the third business of the day is the presentation of a Bill standing in the name of Senator Joseph I. Akaagerger.

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

Harmful Waste (Special Criminal Provision, etc) (Amendment) Bill, 2009 – presented by Senator

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Joseph I. Akaagerger (Benue North East) - *read the First Time*.

Explosives Act (Repeal and Re-enactment) Bill, 2009

Senator Teslim K. Folarin: Mr. President, the fourth business of the day is the presentation of a Bill standing in the name of Senator Ibrahim M. Ida.

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

Explosives Act (repeal and Re-enactment) Bill, 2009 – presented by Senator Ibrahim M. Ida (Katsina Central) - *read the First Time*.

ORDERS OF THE DAY

MOTION

Confirmation of Nomination

Senator Teslim K. Folarin: Mr. President, the first Order of the day is a Motion requesting this Senate to consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Dr. Adewumi Abitoye (South West), as a member of the Board of the Fiscal Responsibility Commission (FRC). The purpose of this Motion on the Order Paper is for the request of President to be referred to the relevant Committee for further legislative action.

I move that this Senate do now consider the request of Mr. President, the Commander-in-Chief for the confirmation of the nomination of Dr. Adewumi Abitoye (South West) as a member of the Board of the Fiscal Responsibility Commission.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the Senate do consider the request of Mr. President, Commander -in-Chief, for the confirmation of the nomination of Dr. Adewumi Abitoye, (South West) as a member of the Board of the Fiscal Responsibility Commission, (FRC).

Question put and agreed to.

Resolved: That the Senate do consider the request of Mr. President, Commander-in-Chief for

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the confirmation of the nomination of Dr. Adewumi Abitoye (South West) as a member of the Board of the Fiscal Responsibility Commission.

The President: This is referred to the Committee on Finance to report back in two weeks.

Request of Mr., President accordingly referred to the Committee on Finance)

CONSIDERATION OF REPORTS

Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the Screening of Dr. Casmir I. Anyanwu

Senator Teslim K. Folarin: The second Order of the day is the presentation and consideration of the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission ((RMAFC) in accordance with Section 162 of the 1999 Constitution.

This Report was laid on Tuesday, 5th May, 2009. You may invite the Vice Chairman of that Committee to move the Motion for the presentation and consideration of the Report.

Senator Odion M. Ugbesia (Edo Central): Mr. President, I rise to seek the leave of the Senate to present the Report of the Senate Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu, (Imo State).as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC)

Senator Dahiru A. Kuta (Niger East): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu as a member of the Revenue Mobilisation, Allocation and Fiscal Commission.

Question and agreed to.

Resolved: That the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu as a member

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of the Revenue Mobilisation, Allocation and Fiscal Commission.

Senator Odion M. Ugbesia: Mr. President, you would recall that the Senate of the Federal Republic of Nigeria, at its sitting on Tuesday, 17th March, 2009 considered the request by the President, Commander-in-Chief, for the confirmation of the nomination of Dr. Casmir I. Anyanwu (Imo State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) and referred same to the Committee on National Planning, Economic Affairs and Poverty Alleviation for further legislative action.

The decision was transmitted to the Committee vide letter reference NASS/CS/R/13/214 dated 18th March, 2009. The Committee was given fourteen days (2 weeks) for the assignment.

Screening of the Nominee

The Nominee appeared before the Committee on Tuesday, March, 26th, 2009 to be screened. During the screening exercise, Members interacted with the nominee on a wide range of subjects such as the statutory functions of the Revenue Mobilisation, Allocation and Fiscal Commission, issues on revenue generation, taxation, financial economics and the global economic issues. In all cases, he proffered reasonable and satisfactory answers.

Findings

From the screening exercise the Committee noted as follows:

- (a) Dr. Casmir I. Anyanwu is educationally sound with a Bachelors of Science Dgree in Accounting from St. Joseph's College, Master of Science (M.Sc.) and Master of Business Administration (MBA) Degrees in Accounting and Finance respectively. He also obtained a Doctorate Degree in Philosophy from the University of Missouri in the United States of America (1977);
- (b) The nominee was a Professor of Accounting in Howard University, Washington DC from August, 1996 to August, 2005;

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- (c) He had served as Managing Director/Consultant to various organisations within and outside Nigeria;
- (d) Dr. Casmir I. Anyanwu has bagged several scholarships awards;
- (e) The three distinguished Senators representing Imo State supported his nomination and there were no petitions against him; and
- (f) The Committee also noted that Dr. Casmir I. Anyanwu's nomination is in line with the provisions of Section 153 of the 1999 Constitution of the Federal Republic of Nigeria.

Recommendation

Finally, the Committee deliberated and scrutinised all the relevant documents as forwarded by the Office of the Special Adviser to the President on National Assembly, and hereby recommends that the Senate do confirm Dr. Casmir I. Anyanwu representing Imo State as Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

I so move.

The President: Is there any comment (s) distinguished Colleagues?

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I looked at this Report and I am very disturbed. This is because to me, the Report appears to be a little bit shallow. If you look at what they have recommended in paragraph (f) they said: *The Committee also noted that Dr. Casmir I. Anyanwu's nomination is in line with the provisions of Section 153 of the 1999 Constitution of the Federal Republic of Nigeria.* I had thought that they would have looked up the provisions of that Section and see what it contains. This is because to become a member of the Revenue Mobilisation, the gentleman must have satisfied Sections 65(b) 66, 155, and 156. For them to use only one provision where it lists the names of those bodies is rather shallow.

I really have no objection against the gentleman's nomination being approved by this distinguished House but in future, as a guide to our

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Committees, they should do a more thorough job so that we would be talking from the standpoint of authority.

The President: What are the Sections you mentioned?

Senator Mahmud Kanti Bello: They are Sections 155, 156, 65(b) in particular and 66. All these Sections talk about appointments in these federal bodies which he should have satisfied and not just that Section 153.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I rise to make little contribution to this very important subject before us in approving the nomination of Dr. Casmir I. Anyanwu as a member of this very important Federal Government Agency.

I subscribe to the recommendation that we should approve him because they have found him worthy of the appointment. I so subscribe looking at his academic pedigree. This is a Professor of Accounts and he has served meritoriously in the past and now he is being asked to come and serve in this very important Commission. So, I would urge my Colleagues to subscribe that we should approve his nomination.

However, my worry, if I may say quickly, the presenter of this very important Report, my brother distinguished Senator Odion Ugbesia among other persons did not sign the Report including Senator Lawan Ibrahim that I know in every assignment he has been involved always do append his signature. He also did not sign. Senator Turaki Saminu, His Excellency now distinguished Senator of the Federal Republic did not sign.. Senator Yisa Braimoh and Senator Suleiman Adokwe from my State did not sign. So, we should find out from them if they have any reservation for not appending their signature to make this Report perfect.

With this few remarks, I urge my Colleagues to approve this recommendation.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, I wish to commend the Committee for a job well done and to lend my support to the confirmation of Dr. Casmir I. Anyanwu because he is eminently qualified to be so appointed. More importantly, the three Senators

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from that State unanimously endorsed him and nobody has reason on this Floor to dissociate himself from that endorsement.

It is presumed that this Senate has judicial notice of every Constitutional provision. It is not all the time that it is necessary for us to refer to Constitutional provisions because it is presumed that we have judicial notice of those provisions. I believe that in this case, we have judicial notice of those provisions.

Secondly, if you look at the number of signatories there, they are five out of ten Members of the Committee and that is more than a quorum which under our Rules is one-third. It is my submission, therefore, that the observations of my distinguished Colleagues notwithstanding that this Senate should go ahead and confirm the appointment of Dr. Casmir I. Anyanwu as recommended.

The President: Senator Ugbesia, why did you not sign?

Senator Odion M. Ugbesia: If you check the copies that were laid, it was signed by, at least, seven Members. The copies for circulation were done by the Secretariat, and I do not know why they did not use the copy that was presented.

The President: Well, Five of you signed but you were the one presenting it and I do not know whether the rest of the Senators have a signed copy, you did not sign my own. So, the signed copy must be missing in transit somewhere. But you had more than a quorum. The important thing is that you have gotten more than a quorum but you as the presenter ought to have signed the copy. Is there any other objection?

Several distinguished Senators: No.

The President: If there is no objection, let us not sing any more praise.

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

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the

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Senate do resolve into the Committee of the Whole to consider the Report.

Question put and agreed to.

Report of the Committee on National Planning Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) –
CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: Is there any more comment before I put the Question in favour of the approval of the nomination?

Several distinguished Senators: No.

Question put and agreed to.

Senator Teslim K. Folarin: Mr. Chairman, you may now report progress.

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

Question put and agreed to.

(Mr. President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the nominee by Mr. President for appointment as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission and approved the nomination of Dr. Casmir I. Anyanwu to represent Imo State. Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nomination

The President: I will put the Question in favour of the confirmation of the Nomination of Dr. Casmir I. Anyanwu.

Question put and agreed to.

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Resolved: That the Senate do consider the Report of the Committee on National Planning and Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a member of the Revenue Mobilisation, Allocation and Fiscal Commission.

The President: Dr. Casmir I. Anyanwu (Imo State) is hereby confirmed as a Member of the Revenue Mobilisation, Allocation and Fiscal Commission.

Congratulations Senator Chris Anyanwu and all the other Senators from Imo State.

Report of the Committee on Foreign Affairs on the Screening of Nominee

Senator Teslim Folarin: Mr. President, the third Order of the day is the presentation and consideration of the Report of the Foreign Affairs Committee on the screening of Professor Tunde Adeniran for appointment as an Ambassador of the Federal Republic of Nigeria.

The Report of this Committee was laid on Wednesday, 20th May, 2009. You may now invite the Chairman of the Foreign Affairs Committee, Senator Jibril Aminu to move the Motion for the consideration of the Report.

Senator Jibril Aminu (Adamawa Central): Mr. President, it is a great pleasure to present to the Senate, the Report of the Committee on Foreign Affairs on the screening of Ambassador designate, Professor. Tunde Adeniran.

The Report was laid last week and I believe every Senator has got it. I now formally seek your permission and that of Senate to present the Report.

The President: Somebody to second the Motion for presentation of the Report.

Senator Wilson Asinobi Ake (Rivers West): Your Excellency, I rise to second the Motion as moved by Senator Jibril Aminu, that the Senate do consider the Report of the Committee on Foreign Affairs on the screening of Professor Tunde Adeniran for appointment as Ambassador of the Federal Republic of Nigeria.

Question put and agreed to.

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Senator Jibril Aminu: This is a relatively straightforward case because the candidate Professor Tunde Adeniran has been screened and passed by this Senate twice before now.

First, was when he was made a Federal Minister in 1999 and second in 2003 when he was screened and made an Ambassador to the Federal Republic of Germany. This time Professor Adeniran hails from Ekiti State. I cannot see distinguish Senator Shola Akere to take note of that. He is being proposed to the Senate to be appointed as a non-career Ambassador of the Federal Republic of Nigeria.

The President of the Federal Republic of Nigeria wrote to the Senate and in accordance with the Constitution, the Senate considered and passed it according to the procedures of the Committee.

The Committee met on 6th May, 2009 and deliberated on the assignment and it took us sometime as always to get all of the relevant documents from the National Assembly Adviser to the President. Eventually we were able to obtain all of the required documents including the Tax Clearance Certificate, the Code of Conduct Slip, the Security Report from the SSS and the Report from the Police and I am delighted to say that all the Reports were positive. There was no problem.

On 11th May, 2009, the Committee met and considered all of these matters and decided that it was in a position to interview Professor Tunde Adeniran who was interviewed on May 13th 2009.

It was a very well represented gathering and he was very much interviewed by all Senators and he answered the questions fairly. I do not think that I need to take the time of the Senate to go through all of his qualifications because as I said, we have seen them before. There is no adverse report in any way about him between 1999 and the present. Therefore, the Committee decided to recommend him to the Senate that the President do appoint him to be a Nigerian Ambassador.

At this moment we do not know exactly where he is going. He is being nominated presumably, to replace the Nigerian Ambassador to the United State of America who had left. But as we know and as it has always been a problem with the Senate, the President can always post him to anywhere and juggle around with his representatives.

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The Committee carefully and thoroughly conducted the exercise and was satisfied with the qualifications, exposure, conduct, character, experience and general performance of the nominee. Accordingly, the Committee hereby recommends him for confirmation by the Senate and we do pray that the Senate do confirm the nomination of Prof. Tunde Adeniran as an Ambassador of the Federal Republic of Nigeria.

As can be seen, all of the Members of the Committees signed except one who was on Senate Services assignment.

The President: Is there any counter view?

Several distinguished Senators: No.

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

Senator Maina Ma'aji Lawan: Mr. President, I second the Motion that the Senate do resolve into the Committee of the Whole to consider the Report of the Foreign Affairs Committee on the screening of Professor Tunde Adeniran.

Question put and agreed to.

Report of the Committee on Foreign Affairs on the screening of Professor Tunde Adeniran as an Ambassador of the Federal Republic –
CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: Is there any comment? (*No response*) I will now put the Question in favour of the approval of the nomination.

Question put and agreed to.

Senator Teslim K. Folarin: I move that the Chairman do report progress.

Senator Maina Ma'aji Lawan: I second the Motion that the Chair do now report progress.

Question put and agreed to.

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(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Foreign Affairs on the screening of Professor Tunde Adeniran and approved the request of Mr. President, Commander-in-Chief to nominate him as the Ambassador of the Federal Republic of Nigeria. Is this the true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nomination

The President: Will the Senate confirm the nomination of Professor Tunde Adeniran for appointment as an Ambassador of the Federal Republic of Nigeria.

Question put and agreed to.

Resolved: That the Senate confirm the appointment of Professor Tunde Adeniran.

Congratulations, Professor Jibril Aminu. Is Professor Adeniran a Medical Professor?

Senator Jibril Aminu: No. He is a Political Scientist.

The President: Congratulations to the Senators from Ekiti State.

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

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the next item on our Order Paper be stood down for another legislative day.

Question put and agreed to.

(*By leave of the Senate the next item on the Order Paper stood down to another legislative day*)

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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 Motion – Thursday, 21st May, 2009*) (*Third Allotted Day*))

Motion Made, and Question again proposed that the Bill be read a Second Time.

Senator Teslim K. Folarin: Mr. President, the fifth and last Order of the day is the Second Reading of the Political Parties Registration and Regulatory Commission Establishment Bill, 2009. You will recall that the Senate commenced debate on this Bill on Wednesday, 20th May, 2009 and deferred further debates till day.

With your very kind permission; I move that this Senate do now resume the 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 debate on a Bill for an Act to Establish Political Parties Registration and Regulatory Commission and for Other Matters Connected Therewith 2009.

I so second.

Question put and agreed to.

Resolved that the Senate do resume Consideration of the Bill for an Act to Establish Political Parties Registration and Regulatory Commission and for Other Matters Connected Therewith 2009.

The President: Distinguished Senators, I have the names of those who are yet to contribute. First, may I know those who are going for ECOWAS meeting? We have to conclude this debate today please so we will be fast about it. I first take those who are going for ECOWAS meeting.

Senator Adeleke Olorunnimbe Mamowora (Lagos East): Mr. President, thank you for granting

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me the opportunity and the privilege based on what you have just said. I also want to thank my colleagues for the opportunity.

I want to observe that our Colleagues have really being forthcoming over this issue. The first thing I want to say is that the Uwais Committee had done a very good job. I am happy that, at least, as at this morning, all of us have copies of this Report which we had earlier on said that it is important for us to have, going by our Order 77 of the Senate Standing Order. So we have been provided with what is referred to as the compendium of background information. I do know that some of our Colleagues would be going through this by now.

I also know that some of us having been following the trend will also have some of this information. The first thing to say is that the Bill has presented to us by the Executive is not in tandem with what was prepared and attached as an annexure to the Uwais Report. You will recall that one of the areas, even though parliamentary procedures is such that we are as much as possible avoid the provisions of the Bill at the Second Reading, we just look at the merits and demerits and principles, but because the Leader in its lead presentation made reference to a particular provision that is offensive in nature which is one that gives Mr. President the powers to remove Members of the Commission, I think that was the starting point of a kind of resentment to this Bill.

I would just want to appeal to our Colleagues on the basis that the Report as presented by the Uwais Committee is based on submissions at Public Hearing, Memoranda and past events in this country. They have distilled all these factors, therefore, come up with a Report. If you take a look at page 269 of the main Report, Volume 1 which is available to all of us right now, Section 55 deals with the Political Parties Registration and Regulatory Commission and item 4 of it is clear that the powers as put in the Bill sent to us by the Presidency are not in tandem with what we have here in this Report.

What I am saying in essence, is that left to me we also need to be sensitive to the aspirations, demands, and of course, the concerns of our people, that is the Nigerian Society as a whole. What we have as presented in the Report is in tandem with

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the aspirations of our people, then we should try as much as possible to, since we are the Representatives of the people, it is important to work as much as possible in tandem along that line.

Yes, there have been arguments that we seem to have been creating too many Commissions, in fact, within the last two years or so, we have considered almost thirty-five Bills on Commissions. But I believe that this particular one cannot be said not to be important. It is very important and it is emanating from the Report of the Committee that there is need to reduce the burden on INEC. That is why the issue of unbundling arose from.

You would recall that we talked of unbundling NEPA, of course, with a view to separating those functions as generation, transmission and distribution which are at different levels. In the same manner, what the Commission is for, as we have been told, is that of registration and regulation. If, based on our experience, on the demand of the people, and on the need to improve the efficiency of INEC as a body, then it is proper, it is right, it is appropriate for us to flow in tandem along that line. But definitely, not in the form as the Bill as sent to us by the President.

My final submission is that this Senate, as a matter of facing the reality and doing our job, particularly as vested in us under Section 58 of the Constitution which is on Legislative Powers, I move that we should adopt the Report of Uwais Panel because this Report has annexures. (*Interruptions*) I am aware that Uwais Report has two annexures. One annexure has to do with Constitution Amendment and the other Annexure has to do with Amendment of the Electoral Act 2006. As much as possible, let us look at this Report and adopt the provisions therein as our working document.

I so submit. Thank you very much.

The President: I just want to appeal to those who may want to leave for ECOWAS meeting that they should just exercise a little patience and listen to contributions from others. I would put the Question on this Recording because we are not going to go beyond it today. I would appeal that you make your contributions brief and direct to the point so that I can put the Question while the majority of you are still around. I want to suggest

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that we should concentrate on the general principles of the Bill rather than details of it. Majority of you got the Report only this morning, but there is very little in that Report that will affect your contributions on this particular Bill. If we make it very precise, it would help the rest of us so that we can take a decision on it.

Senator Enyinnanya H. Abaribe (Abia South): Mr. President, I am going to be very brief and very succinct.

In general, there is none of us who is not very concerned about the electoral system and all the problems that go with it. Therefore, all of us – individually, collectively and those that we represent are all desirous that we try to produce for Nigeria, for the coming elections, an electoral system that would be befitting the status of Nigeria as a giant in Africa.

We are also very desirous to help Mr. President as part of his Seven Point Agenda to deal with this cankerworm that has to do with elections. There is, at least, up to 90 *per cent* of members both here and in the Executive who went through elections one time or the other but were bedeviled by the seeming notion by Nigerians that our elections were not free and fair. Inasmuch as we want to do the best thing for Nigeria, it also behooves on us that we do the right thing and not just go ahead to make laws so that it would look like we are moving forward while we are actually not moving forward.

I am among those that are against this Bill for the reason that I think that the problems of election in Nigeria have little or nothing to do with the registration of political parties. I do not also think that it has much to do with the fact of regulation. If we concentrate on this we would just be missing the trees for the wood.

The trend all over the world and even what we feel today in Nigeria, is that we should reduce the number of political parties. So, if we are talking about reduction, if we are talking about measures that will get us back to a point where the number of political parties are such that we can do elections in a very neat and orderly manner, we cannot talk about setting up a Commission to do more registration of parties.

Registering a party has nothing to do with what the people at the polling booths are doing to our

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electoral system. Registering a political party has nothing to do with those who snatch ballot boxes and run away. Registration of political parties has nothing to do with those who write the wrong results and tell us to go to the tribunals. Therefore, I do feel that rather than going ahead to expend resources to set up a Commission that will, to all intent and purposes be purposeless for the purpose of making sure that elections are free and fair, we should rather concentrate on going to the meat of the matter. We should also look at the rest of other Bills that the President has brought, particularly those that deal directly with making sure that we have one man one vote and ensures that the vote of anyone of us actually counts.

So, without much ado, I would suggest and urge my Colleagues that inasmuch as we want to do the best for Nigeria, the best for Nigeria would be to consign this particular Bill to the trash can and ask that the Executive should send to us the proper way forward.

Senator Iyabo Olusola Obasanjo-Bello (Ogun Central): Mr. President, like every body else that has spoken, every Nigerian feels that something should be done to make elections more credible. So, everybody is looking forward to some form of electoral reform or the other. My concern with this Bill is that I am not sure it will have an y effect at all on the electoral prospects. This is because the problem is actually the conduct of election. That is what people have been complaining about. From the Bills that have been submitted nothing has changed about conducting the election, which is still with INEC and it is still going to have the same problem. That is my concern.

I believe this Bill should actually be for the establishment of political parties' registration and de-registration. Nobody has complained about party registration. What people are complaining about in this country right now is that we have too many political parties. This Bill does not make any room for de-registration of parties. Once your party is registered it is for life. There should be a system for de-registration of parties. We have parties on the books that do not have even a Councilor in any Constituency in the country. We have parties that fielded only Presidential candidates, but did not field any candidate for any of the Assembly seats or Councillorship. This Bill should provide guidelines for de-registration of parties.

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Also this Commission should be a Department under INEC registering and deregistering parties. There should be guidelines which should be part of the INEC law for deregistration of parties.

Some Colleagues have argued that this Bill will help with party internal democracy, but I do not see it. If you take a look at what have been listed as what this Commission shall do from 1 – 8 there is not pertaining to party internal democracy. What this Bill deals with only guidelines for registration of parties. For internal democracy to be sustained in Nigeria in our political parties, it has to do with conduct of elections. If elections are well conducted, parties that do not have internal democracy will stop imposing candidates. If you impose a candidate on the party and the candidate is fielded in the general election he will lose, therefore, it means you have to let party internal democracy be sustained.

If we pass this Bill as it is we are not solving the problem Nigerians want us to solve. What Nigerians want us to solve is the conduct of election. What we are doing here can only be described as a smokescreen. We are just behaving as if we are doing something when, in fact, we are not doing anything to solve the chaos and other things that happen on the Election Day. To conduct credible election in the future, we need to do something critical and this Bill does not solve that problem. I rest my case.

Senator Osita Izunaso (Imo West): Mr. President, I want to go straight to say that I do not support this Bill. I am against this Bill for several reasons.

You will agree with me that for the past three legislative days this Bill has been in coma. It is better that this Bill die now after a brief illness than allowing this Bill to die after a protracted illness because this Bill must eventually die in one way or the other. So it is better it dies now after a brief illness and we finish with it. I know why I am proposing this because (*Interruptions*)

The President: I am sorry that none of the doctors is around. Drs. Manzo, Dantong, and Mamowora are not here only Dr. Jibril is around. (*Laughter*) Senator Izunaso, let us see how long this illness will last.

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Senator Osita Izunaso: Let me take us down to memory lane a little bit. In 1998/99 when we started, we had only three political parties, AD, APP, of course the giant PDP. You could see that the problem was not about political parties, but soon after some people went to court to demand the registration of their political parties. INEC lost that bid at the Supreme Court when the Court ruled that every political party must be registered in tandem with Section 40 of the 1999 Constitution. Today we have over 50 political parties. So have political parties are not the problem in this country as of today.

Why I am talking about this Bill dying after a brief illness is that the Bill is in-between amending the Constitution and the Supreme Court judgment in the sense that if we pass this Bill and have a Commission to register political parties, the Commission will be a toothless bulldog because it will not have the power not to register any political party. There is a pending Supreme Court ruling on this matter.

This Bill should have come as a memorandum to the Constitution Review Committee not as a Bill. They should have sent their views in a Memo. We are going to call for memoranda very soon. It is not everything that is qualified to come as a full fledged Bill. Some people just want to create an Agency where people will scramble for jobs. That is not what Nigerians are talking about as of today.

Instead of wasting our time, energy and resources on creating new Agency, why do we not reform the Electoral Act to take care of certain aspects that this Bill is talking about? Even the Leader of the Senate when he was proposing the Bill, cited some clauses he as an individual does not agree with. This is an Executive Bill which he is supposed to propose in the affirmative by defending it, but he did not even agree with all the provisions of the Bill. What that means is that this Bill will not succeed.

I believe that in so far as we have not repealed the relevant sections of the INEC Act Section 4(1)(b), (c), (d) and (f) of the INEC Act specifically detailed out all that this Bill is seeking to do. We have not repealed that. We are talking about creating another Agency that would overlap and do the same functions of INEC. I believe that if we allow this Bill to pass we are not being fair to the Nigerian people. What Nigerians want at this

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moment is to reform the entire electoral system, but not to form political parties.

Senator Mamowora has left, if you ask him, they know how to merge one political association to another. AD transformed to ACD, from ACD to AC and they later went back to AD. APP later became ANPP. All these things we know. There are some people all that they want to do is to have a political party. Political Parties are now like Limited Liability Companies. They will tell you that if PDP denies you ticket, just come, they have the ticket for you in a briefcase. Is that the type of thing we should condone?

So this particular Agency when established will have no work. That is the point I want to make because there is a Supreme Court judgment that says that you cannot stop any political party that is seeking for registration. On this note, I believe that it is better we save ourselves plenty of time by nipping it in the bud than allowing it to go after a long time because it will eventually die.

Senator George Akume (Benue North-West): Mr. President, this Bill has generated a lot of comments and interest rightly because all of us sitting here and those sitting over there and people outside of the Chamber and, indeed, all Nigerians are interested. They are interested because they have seen, observed and have been affected by flawed elections in the past. The starting point with the reform of the electoral process, I believe, is the political parties. That is the vehicle that mobilises support for candidates. For the candidates, political party is a vehicle that draws up a programme and sells the programme to the people for patronage, for support and solidarity.

The issue of political parties in the political process in this country is not new. You will recall that in one of the military regimes in which you were also a very active member, there was an attempt to streamline political parties and that was how the issue of the two-party system came about. You will also recall that this was on the recommendation of a panel which was set up by the government which was called Political Bureau Committee. They came up with a recommendation for two political parties which the Armed Forces Ruling Council accepted and that gave rise to NRC and SDP. To most Nigerians, that was a very neat arrangement and under such an arrangement, if you wanted to apply proportional representation, you

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would not even have a problem, particularly with respect to appointing positions.

Today, we are debating this Bill which intention is very clear, establishment of a Commission to register and to regulate political parties. I support this Bill. We live in a country where the literacy rate is very low. Even as an educated man, as someone who has been long involved in the political process, whenever we went to vote, you ran into some problems. The ballot paper is so long and today we have also proposed for the independent candidature. When you add them to the long list of the political parties we have, I do not know whether most of Nigerians will be able to intelligently make a wise choice. A choice they can call their own. Honestly there is going to be some confusion. A system that lacks regulation is a system that also breeds confusion.

When we talk of increasing overhead and so on, I am surprised because it is in this same Senate that we have proposed over forty Commissions. Some of us believe that this is a very important Commission. We should go ahead and establish this Commission to regulate political parties.

We should be looking at who and who will be members of this Commission. Is it a man who has been active party man, a PDP man or AC man in the last ten years, if so, do you bring him on board? No. This has always been a very contentious issue, appointment into these strategic offices. If you give the President wide powers, I am not referring to a particular President, but there are some Presidents who are prone to dictatorial powers, these powers will surely be abused, therefore, to forestall abuse and to ensure that people have confidence in this Commission, I want to advise and propose that these appointments be made by the President in consultation with the National Council of State backed with the approval of the Senate.

We will be doing a lot of good to the electoral process, if we allow this Commission to take off and staffed by people with very high integrity; people who are not partisan politicians, people who are patriotic enough to do this work. I want to rest my case here by saying that I support this in the first move in ensuring that we have a very credible electoral framework to move our country forward.

The President: May I appeal once more that you please make your contribution rather brief

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because there are quite a number of names here who still have to make contributions. I have noted all the points that are in positive support and the ones that are negatively against the Bill. I just want to implore that we give enough room so that almost everybody will make a comment.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I am one of those that oppose this Bill, and I think that in all seriousness we need to listen to Nigerians. We need to listen to what our people want and do precisely what they want. This Bill suggests to me that somebody or some people will prefer to leave the substance and chase the shadow.

There are two areas that people are concerned about, the independence of the electoral body to be able to conduct elections that are credible, fair and acceptable without being influenced by extraneous circumstances or conditions. The second is to ensure that independence to also give them financial independence so that no one, not even the President of our Federal Republic can use the control of the purse strings of our country to influence what the electoral body does. Those in my view are the key elements that Nigerians are looking for.

Therefore, we need to find ways to ensure that the President, the Chairman of INEC and his Commissioners are totally free from any kind of outside influence. They must be as the Uwais Report has suggested, men of integrity. I believe we can find them in this country.

Having said that and looking at the provisions of this Bill, in line with some points highlighted by one of our distinguished Colleagues, in a situation where Nigerians are clamouring for transparency, openness, integrity of the process; somebody decides to send us a Bill that suggests that the President has power to appoint and remove the Chairman and Commissioners of an electoral body; that the President can also give instructions to an electoral body and it must be obeyed. Nigerians are not stupid. What is it that they are trying to achieve?

One of my distinguished Colleagues on my left suggested that perhaps, it is a question of competence but I think it is insincerity. They know what they are doing and somebody is trying to play games with Nigerians. We will not tolerate it. For

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that reason, I believe that this Bill should be thrown out. There is no provision that will make it live. There is no way that it will live given the kind of mood that has pervaded this Senate from when these discussions started.

I will conclude by saying that our Constitution also guarantees freedom of assembly; freedom for people to form political parties and that much has been established by the Supreme Court. So, what are they going to regulate? Will they be able to stop any person or group of persons from registering their political parties? They will not because that matter has been put to rest by our Supreme Court. Setting up this Commission, I sense that somebody wants business as usual, I therefore, oppose it and I suggest that every well-meaning Senator must respect the views of Nigerians and oppose it.

Senator Abubakar Danso Sodangi: I have seen and gone through this Bill proposal before us several times. I have also read the provisions of the Constitution as provided in Section 40 which allows freedom of assembly and association of group of individuals. I have also read Sections 221 to 229 which all equally allow freedom of political association. If we may ask ourselves, what does this Bill intends to achieve? It is to regulate political parties? Can they reduce the number to three, two or one? The answer is, no.

Presently, as one of my distinguished Colleagues has said, we have more than 50 political parties. Is this Bill saying that we should have one hundred political parties? At the end of the day, we will go back to the same one, two or three parties. When we started, we had two or three. The Supreme Court said the doors should be opened for every other person. If this is so, then this Bill has nothing to achieve in terms of getting more political parties. That Supreme Court judgment is subsisting till today.

Again, who is complaining among the political parties? What political parties are complaining about is that they should always be given money. Some of them were registered for the purpose of collecting money. They argued they wanted to open offices in the States which were never opened. If you go to State Capitals you will not see political parties' offices at all. (Interruptions)

I am a member of PDP, I want to believe that whatever PDP or the Federal Government is doing

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should be in consonance with what Nigerians want. Nigerians do not need this Bill. They do not need a Bill to regulate political parties. At the end of the day, if PDP has majority of the people, we will always win. We want a clean and transparent process which I believe we should advocate for and that is what we should do. With due respect to anybody who thinks that we are playing politics, no; we are not.

I want to reiterate that we do not need this Bill. What we need is transparent and credible elections. It can be done in this country by empowering INEC. I was privileged to be in Ghana during their last election as a member of the ECOWAS Parliament to observe. During the election, I asked them how were they able to achieve such great success. They told me that they were funded online just as the judiciary here in Nigeria is funded. They prepared for all the processes right from the beginning. They give money to the political parties and monitor their movements. It is possible that INEC can as well do such monitoring. But the question here is would political parties get their money on time? They do not get their money on time.

With due respect, and with sentiments aside, some of us are die-hard PDP members and we can always subscribe to whatever our Federal Government wants us to do, but at the end of the day, we must do what Nigerians want. If we need positive change, we need transparent and credible process in our electioneering, we should not open door for another kind of scam and complaints about not being registered and people going to the law courts. All these are what we are going to hear. How do you regulate political parties?

Let us be very sincere and do one thing: if the Leadership can withdraw this Bill it would be better. If they cannot, quite a number of us will vote nay to this Bill because it does not need to live. We should give full support to INEC to be truly independent. Let there be true Nigerians with the fear of God in them conduct credible elections where if I fail I will agree that I have failed and when I am declared a winner I will be sure I truly won the election. When that happens my adversary may not even go to court knowing that he would fail also in court. When that happens we will all be clapping for ourselves. We should not as legislators, accept any Bill brought to us. I support those who said we should reject this Bill and with

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due respect to whoever, I reject it. Let us go to the real substance and do justice to the matter.

The President: Once more I want to make the same appeal. There is no need for much emphasis. We have all heard a lot of the opposition. I will now put the Question. There is no running away from it. It is too late now for any withdrawal by the Leader.

Senator Ganiyu O. Solomon (Lagos West): Mr. President, I am benefiting from the advantage of having the Reports distributed this morning. Before now I was part of the opposition that the Bill should be sent back, but having taken a brief look at the Report, I think I am swayed by the Report to change my position this morning.

I have gone through the Report and I have particularly taken notice of pages 160 and 161, Sections 5554 and 5555 on the observations and recommendations. I noticed that the recommendation was premised on the observation that one of the reasons for the poor performance of the INEC is inability to cope with broad and demanding functions. That is very important. You also take cognisance of the fact that those people that constitute the Electoral Reform Committee are eminent Nigerians with vast background and they went round throughout the nooks and crannies of this country and did wide consultations before coming up with this particularly position.

I believe very strongly that this Bill is the first major step towards electoral reform. If we believe that a periodic election is germane to democracy, then we should also support their position; and what are they saying? They are saying that the present INEC, judging from its past performances has not been able to do justice to what is expected of it, giving their functions as stipulated both in the Constitution and the Electoral Act. They came to the conclusion that why do we not unbundle what we presently have by giving certain functions to other bodies. What other bodies can we give those functions to? A well constituted Commission has been proposed. Maybe there is an error that can be considered as a procedural in the way the Bill came about; perhaps in conflict with amendment whether the proposal should be now or later.

But apart from that, the intention of the Bill to have a separate Commission to look into the functions of the INEC is good. We are not saying

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that the Commission is coming up to scrap the political parties already in existence or even to create more. That will be as stipulated by the laws or even by the activities of the Commission itself. But right now, what it is saying is that let us have a separate Commission and see whether the unbundling of INEC will go a long way in letting us achieve what is expected of INEC.

The President: Is the general complaint the registration of political parties or the conduct of our elections?

Several distinguished Senators: It is the general conduct of our elections.

The President: I asked this question because we appear to just be going round in a circle. Everybody is saying virtually the same thing. This Commission is basically to register political parties. I am just saying what is stated in the Gazette. Everybody will speak but I want us to listen very well so that we do not digress and get into other issues that are not involved in the Bill here. This Commission is to register, regulate and do all those things that have been specified in the Bill. Is that what the major problem or the complaints of the public is?

Several distinguished Senators: No.

The President: I want the issues addressed, therefore, we will give everybody the chance to speak.

Senator Dahiru A. Kuta: Mr. President, I am in complete support of this Bill. As a result of long military rule which has systematically destroyed all our political successes, what the military handed over to us was a very weak political organisation. As such, we require a body that will do everything possible to ensure that we have political parties that are focused, well organised; and have respect for internal democracy. We do not want parties that will still have military hangover and dictatorial. We require a body that will actually ensure that the parties conform to the norms of this nation. I, therefore, support that this Commission is necessary in order that it would register and regulate as well as oversee the funding of political parties.

The President: Distinguished Comrade, which of the Clauses do they say that the Commission will

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run the political parties? *(Laughter)* That is not inferred from the Bill. In fact, it is extraneous to the Bill. I do not think that Senator Mana or Senator John Shagaya will support you on the issue of the military hangover.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, a lot of my Colleagues have spoken on this Bill and in line with the mood of the Senate, I also think that this Bill is not necessary. It is not what we are looking for in terms of political reforms that Nigerians presently require.

During the process of the debate, Mr. President, you asked some of our Colleagues question on whether their elections were actually credible or not. Of course, they answered you that their elections were credible, but the major problem we had was that where the majority has its way, it will never allow the minority to have its say and that is what Nigerians are asking for. We all know that we went for elections and most of those elections were actually credible. We fought for elections but when we go outside people ask us questions.

I remember after I won my Senatorial election, I was in the United States where I met a friend who shook my hand and asked how far? I told him that I am now a Senator of the Federal Republic of Nigeria. He found it very hard to congratulate me and I asked him what the problem was. He asked me if I was from the PDP and I said yes and he said no wonder. That is the belief and the impression in the eyes of the public.

So, what we are saying is that we all went through those elections and I know what it cost me and what I went through during the election. But for somebody to have that impression outside is not good enough. What Nigerians are complaining is that the way we set up INEC – there is no party in that can withstand PDP in terms of number and strength, but that does not mean that we should impose everything on the other people. That is what we are saying. Let us have INEC that is sincere. That will not stop the majority party from winning elections, but we must allow the minority its say.

The President: I am sorry; I do not know which side of the divide you stand on. Are you supporting the Bill or you are opposed to the Bill?

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Senator Andrew A. Babalola: I am against the Bill.

Senator Ahmed M. Makarfi (Kaduna North): Mr. President, the advantage that those of us speaking now have is that we have heard both sides of the coin. I have great sympathy for those who have spoken for good reason against the Bill; and the simple reason is that it was poorly drafted, in my opinion. If it is intended to achieve certain purposes it is shallow and poorly drafted.

It is not true that Nigerians are only complaining about the conduct of general elections, political parties are also complaining about the conduct of party affairs. you lose credibility of election beginning from what happens in your party. If the purpose of this Bill is to separate the affairs of dealing with registration, supervision and everything that will ensure internal party democracy, I am sorry to say, the Bill has failed in bringing out that clearly. The question is, because it has not, do we say that we do not need internal party democracy? Do we mean to say that we should put everything together in one place? It might not be so in all honesty and this is not the end of it.

We are talking of what the Constitution has provided in terms of registering any political party, but we shall even come to the issue of independent candidates. So, the question of party may not even arise, but under what condition. Are we going to end up after listening to Nigerians to limit the number of parties and provide for independent candidates? We do not know, we are just at the beginning and people said, we have listened to Nigerians, when? We listen to Nigerians through Public Hearing and we have not done so in this case.

Please, let us not be moved by passion because it is shallow and say, we should discard it. Let us try to look at other things. If we should have it at all, the time to decide is not now. It should be subjected to further processing to see how we could have both internal party democracy and also credible conduct of general elections. These are two broad objectives if we are to achieve true democracy in Nigeria.

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Senator Sola Akinyede (Ekiti South): Mr. President, I want to start by saying that I am against the issue of registration of political parties, but I am in support of the issue of regulation of political parties. In saying so, I would like to invite the attention of my distinguished Colleagues to the provision of Section 222(a) of the Constitution, which states: *No political associations by whatever name so-called shall function as a political party unless the names and addresses of its national officers are registered with the Independent Electoral Commission.* It is only the names and addresses of members that should be registered with INEC. The Supreme Court has said in the case of INEC versus Balarabe Musa, that in spite of the provision that says that INEC has power to register, it has no power to stop parties from existing and to deregister political parties.

Therefore, there is no need to have a body that would be registering political parties, because again, Section 40 makes it mandatory when it gives the citizens the right to form and belong to political parties and that section is so fundamental that it requires four-fifth amendment by the National and State Houses of Assembly. So, I am against the issue of registration of political parties, but I am in support of the issue of regulation of the activities of political parties.

I support what Senator Makarfi has said. The functions of INEC are many. They relate to conduct of elections and Voters registration, not just that of national election but even local government elections. Under the Electoral Act 2006 it has the responsibility of monitoring the activities of political parties, monitoring the finances of political parties and monitoring the finances of candidates.

The question we should ask ourselves is, is it possible for INEC to oversee all these issues? The law also says that the political parties must audit their finances. Is it possible for INEC to be seriously involved in auditing the finances of political parties?

The genesis of this problem is our Constitution which for the first time in the history of our country says that a person cannot contest for a political office unless he belongs to and he is sponsored by a political party. So, the only way by which a person can contest for election is to belong to a political party that is why the issue of regulation of political parties is so fundamental. There should be a body

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that should be regulating the activities of political parties particularly, the issue of finances of political parties.

I want to move to the issue which is very fundamental to the issue of credible elections in Nigeria and that is the cost of getting elected into public office. The cost of getting elected into public office in Nigeria is phenomenal. I believe that it is one of the reasons that is responsible for rigging and violence in election. The reason is because if a person spends three quarters of his investment or borrows money to finance his campaign, it becomes impossible for him to imagine losing an election and accepting the result of an election where he has lost. I believe it is important that we reduce the cost of getting elected into public office.

I want to give the example of Singapore, everybody talks of Singapore. The former Prime Minister of Singapore, Lin Quain Yuu, said in his book how he was able to convert Singapore from a Third World country to a First World country and addressing the issue of corruption. He said that the bane of most South Asian countries is the high cost of getting elected into public office. He said that haven spent so much money to get elected into public office politicians have no choice than to recoup their investments and prepare for future elections. That is the story of Nigeria. That is the reason why today we cannot have headmasters and teachers running for election. *(Interruptions)*

The President: Senator Akinyede, please, how is that relevant to the Bill? There are so many Senators who still want to talk so, you have to come back to the Bill, please.

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

The President: Yes, what is your Point of Order, distinguished Senator Ahmed Lawan?

Senator Ahmed Ibrahim Lawan: My Point of Order is Order 53(4) with your permission I read: *A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.*

The President: Your Point of Order is sustained. Senator Akinyede please, come back to the Bill.

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Senator Sola Akinyede: In coming back to the Bill I will like to invite the attention of my distinguished Colleagues to the provision of Clause 2(9) of the Bill which says that one of the functions of that body would be to set guidelines for the fund raising exercise by political parties and that is what I am talking about. So, I am not out of Order with due respect. I am referring to issue raised by my distinguished Colleague.

One of the functions of this Commission is to set guidelines for fund raising exercise by political parties and it says also to; *perform all the functions listed under Sections 46, 78 and 105 of the Electoral Act*. I know that one of the provisions of the Electoral Act is that nobody can donate more than ₦100,000 to a candidate and that is within the provision of this Act. With due respect, that is why I am saying that it is not possible for INEC to conduct elections, monitor the finances of political parties and (*Interruptions*)

The President: Senator Sola Akinyede, when I ruled you out of Order it is not for you to be contesting that. To take me back to the Bill itself and point out specific areas in the Bill to me, let me also take you to our Standing Rule, Order 80 and I want you to read it to me.

Senator Sola Akinyede: Order 80(1) reads: *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.*

The President: It is not the specifics of the Bill but the general merits and the principles of the Bill. In refuting your Point of Order under which I have ruled. I ruled when the point of Order was made and I sustained it. But you felt that the ruling was not all right and to counter that you told me that I should go to certain Clauses of the Bill. Why do you have to address an issue that is not involved? The ruling is between me and Senator Ahmed Lawan and I have ruled. In any case, please, do not go into specifics. Carry on and conclude your submission.

Senator Sola Akinyede: I would conclude by saying that the functions of INEC are so many and some of the fundamental issues, like reducing the cost of election in this country, is so fundamental, because it relates directly to credible elections in

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Nigeria. These functions are so many that I do not know whether we should create a body within INEC, but we should have a body, it might be an agency that looks at these issues, so that we can have credible elections.

Senator Caleb Zagi (Kaduna South): Mr. President, first and foremost, I want to thank you for the opportunity given me to contribute on the Bill. I want to place it on record that I do not object to Political Reform, Constitutional Amendment, Democratic Reform, *et cetera*, but what is worrisome on this Bill is that, in my opinion, the entire Bill is summarised on Clause 2(1) and 2(8).

You would notice that these major functions to be performed by this Commission if it is allowed, are already being done by an existing Commission and this is clearly stated in Section 2(1). All these Sections say that the registration of political parties should be done in accordance with the provision of 1999 Constitution and the 1999 Constitution has stipulated a body that is saddled with the responsibilities of conducting these functions.

If you go to Clause 2(8), it says the Commission would also perform all the functions listed under Sections 46, 78 and 105 of the Electoral Act 2006. You would also find out that these functions have already been assigned to a Commission and that body is INEC and all of us have confirmed that there are no evidence whatsoever to show that the work being saddled by the Constitution and the Electoral Act to INEC is too much for INEC. We have all agreed that the scope of work that INEC so far, has been doing, as provided for in the Constitution and the Electoral Act and the Act itself establishing the Body is not too much for INEC, therefore, to want to unbundle INEC at this point, I feel that it is not proper. INEC with the functions assigned to it is not similar with the situation of Power Holding Company of Nigeria where we have seen that that body was saddled with lot of responsibilities that it cannot handle, therefore, it needs to be unbundled.

In the case of INEC, I disagree that the scope of work as saddled by INEC to perform today is too much, therefore, requires an additional Commission that would now separate the functions of the registration and regulation of political parties.

I have gone through the Report of Justice Uwais on Electoral Reform, particularly those areas

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that made reference to political parties' registration and regulation. The Report is of the opinion that INEC had not performed creditably, therefore, another Commission should be established to take away certain responsibilities from INEC. From all the debates that we have been having in this Senate, nobody has confirmed the fact that INEC has not lived up to expectations, rather, what most Senators had argued was that INEC has not been given the opportunity and all the resources and equipment it requires to perform creditably. I would like to share that idea with those categories of Senators that that is what INEC and this country require. We do not require another structure, because as it is, the tendency is that you duplicate all the structures that INEC has in the country. You have a body and you would have branches everywhere. That takes us to where most Senators were asking about the financial implication of this particular Bill and none has been given.

In this era of economic meltdown, it is unlikely that this country would be able to saddle itself with the business of managing an additional Commission when in real fact, the existing one that we have has not been proving that it is incapable of performing these functions. Therefore, I want to join my Colleagues in saying that this particular Bill is unnecessary. INEC rather than this Bill is the body that ought to be strengthened in order to carry out these functions effectively.

The President: May I see the hands that have not spoken? (*Several Senators raised up their hands*) Well, from the number of hands, may I once more appeal that you keep your contributions very direct to the point.

Senator Joseph I. Akaagerger (Benue North-East): Mr. President, for the avoidance of doubt, *ab initio* I stand to support the Bill on Political Parties' Registration and Regulatory Commission. Recognising the work and wisdom on issues so far eloquently and brilliantly articulated by my Colleagues, I am constrained to reduce my debate to just three issues.

First, will be the statistics from the existing laws, the Electoral Act, which itself justifies the establishment of this Commission. Second, I have been looking at the organic linkages of the popular opinion inclusive of the opinion of Civil Society Organisations and the role of this Senate which

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tend to support the establishment of this Commission. Lastly, I will look at the issue of an umpire in a situation like this.

I have two presumptions: one, that everyone in this country is agreeable that there is need for reforms. Two; I am standing on the premise that the hope of democracy depends on the choice of representatives and leaders which in turn is directly and organically linked to the way political parties function and conduct their affairs.

We are all living witnesses of what we have seen in the previous elections where some persons or elected representatives came because of some confusion in some political parties and were replaced by those who contested the elections. I believe that it was the inability of the INEC at the moment to carry out proper regulatory functions that landed us in that confusion. Therefore, there is need to establish a Commission of this nature.

With respect to statistics, I hold a copy of the Electoral Act of 2006. If you take a look at Part V which deals with Section 78 to 105 which forms part of the proposals under this Bill and then Sections 38, 46 and 161 which deal with the regulations of the Electoral Act, 2006, you would discover that besides Part IV which deals with procedure of elections, the gamut of these provisions have given about 20 *per cent* or more if we include it to the functions outlined in this proposed Bill. About 20 *per cent* of the provisions of this Act relate to political parties. I believe this is the importance to which the political parties occupy in the electoral process that this has come.

I like the transparency of Mr. President that INEC did not find itself a representation on this Electoral Reform Committee of Justice Uwais and I think. this openness should be rewarded with support from this Senate for electoral reforms in this country.

Apart from Part IV which deals with the procedure of elections, 52 Sections, the exhaustive substantive provisions in Part V justifies this.

The President: Distinguished Senator Joseph Akaagerger, you have an opportunity to talk and you must make sure that your Colleagues are given the opportunity to talk. Again, you are going into the specifics of the Bill by going into the various

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Clauses. We want to discuss the general principles, the merits and demerits of the Bill only. If we go to line by line, section by section, you are going into the specifics of the Bill.

Senator Joseph I. Akaagerger: I will now try to give a decent burial to my contribution by taken a quote. I rely on Order 53(2) which says: *A Senator may have right to read a short extract.* I have a short extra here which will conclude my debate this afternoon.

I was talking about the linkages between popular opinion and the duty of this Senate and I have this to say. *It behooves on the National Assembly and the relevant agency of government to ensure that the people's will for fundamental electoral reforms become a reality.* I was looking at one quotation here which is very relevant to my Colleagues and it says:

Let me give you a word on the philosophy of reform. The whole history of the progress of human liberty shows that all conceptions yet made to her august claims have be borne of earnest struggle. The conflict has been exiting, agitating or absorbing and for the time being putting all other Thomas to size. It must do this or it does nothing. If there is no struggle, there is no progress. Those who profess to favour freedom and yet depreciate agitation and men who want crops without plowing up the ground; they want rain without thunder and lightening. They want the ocean without the awful role of its many waters.

Two questions arise from my debate. Have we really tested this Bill with the will of Nigerians whether or not they want it? I think it will be necessary for us to send this Bill to the Committee on Constitution Review to test the waters and come back to us. Lastly, is the Senate to stop it at this point or to allow Nigerians to make input at Public Hearing and come back to report to this Senate.

On this note, I support this Bill fully and I support that it goes to the Committee on Constitution Review so that the will and opinions of Nigerians will be tested before we conclude on this matter.

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The President: Should I put the Question now? Does anybody really have a new thing to add? If you are raising your hand on an issue that has not been addressed, I will call you.

Senator G. Anthony Manzo (Taraba North): Mr. President, the premise of this Bill must be understood. The path as followed is not too straight but that does not mean that we should kill the Bill at this stage. We have not had sufficient scientific evidence to show that Nigerians have spoken against this Bill at all. The only way we can do this is to refer this Bill to the Committee on Constitution Review where Nigerians during Public Hearing will have the opportunity to say their minds.

The President: That issue was very well addressed by Senator Joseph Akaagerger, the speaker before you.

Senator G. Anthony Manzo: I also want to add that it is quite unparliamentarily, I believe, generally speaking, we should avoid killing Executive Bills.

The President: That issue has not been addressed but that statement is also not correct.

Senator G. Anthony Manzo: I agree with you but let me conclude. We can kill Bills at several stages. If you go to Order 82 it reads:

Scope of Amendment in Committees. Any Committee to which a Bill is committed shall have power to make such amendments therein as they shall think fit provided that every amendment shall be relevant to the subject matter of the Bill and to the subject matter of the clause to which it relates but if any such amendments shall not be within the title of the Bill, they shall amend the title accordingly and shall report same especially to the Senate.

The point I am making is that, the Committee that this Bill will go to still have the power to kill it.

Senator Jibril Mohammed Aminu: Mr. President, I could have been satisfied with what the distinguished Senator said but let me raise a few issues which I think were not raised. Number one, we must pay tribute to President, Umaru Yar'Adua. His heart is in the right place about public morality,

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integrity in leadership and justice including free and fair election. I do not think that there is any doubt about that. Therefore, there cannot be any disagreement with him in his Seven Point Agenda or what he stands for.

People are worried about this Bill because of some specific aspects which they consider objectionable and believe that the Bill does not in totality add much to the political reforms we require in elections. That is the way we should look at it. People talk a lot about registration of political parties that the Supreme Court said no. As a layman, I know that the Supreme Court cannot say a registration is illegal. This is because without registration, you cannot contest election. What the Supreme Court said was that you cannot deregister a party. A party cannot say it wants to be registered and you say no. Therefore, there is need to register. The issue here is, whether you need a new body or INEC as it is can do so. Some of us hold it that INEC can still do so.

In all the catalogue of complaints, there has been no mention of the issue of registration. There is also no management of political parties. What is needed is for political parties to be allowed to grow and manage themselves and obey their own laws. Parties do not even obey their own laws; including my own Party, (PDP). It is true. They have laws which they do not obey. Also, parties should be able to adjust to the requirement.

I was a member of the Committee on Political Parties of the Constitutional Conference. The problems the political parties have are about two. One of them is the relationship between elected officials and their party, for instance, the Governor and the party. The Governor seems to lord it over the party and he ignores the party. This cannot be solved by this Bill. It has to be solved in some other ways.

The other problem the political parties have is the question of obeying their own laws. A lot of the political parties do not function as political party. Only the PDP looks like a political party. *(Interruptions)* The other parties have no cards, they hold no meetings, no conventions and no nominations. They sit in somebody's parlour and nominate everybody, including the President. So, the problem is whether these political parties should obey their own laws and run themselves very well

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as political parties. That is what we really require. I do not believe that this Bill constitutes more to it.

The next point is electoral expenses. In the world of global meltdown, you try to get two for the price of one and not one for the price of three. Now, we have INEC, this Commission and only God knows which other one again they feel is needed. When you say what is needed, you should have three for the price of one. This is why I object to this Bill.

The President: The issue of expenses has been very addressed and covered by almost all the speakers.

Senator Jibril Aminu: Another one is the political behaviour. The political behaviour of all politicians is very poor. It arises from lack of democratic instinct; that this other fellow has as much right as I have. It arises from obsessive desire to win. If they do not win, it is the end of the world. And from apocalyptic attitude to elections; if I lose this time, I have lost for ever. It would never come again and so, I must win this time.

Then the issue is sycophants. Sycophants who helped elected people to pervert. They make Governors, Presidents and Ministers feel that they are special people and not ordinary. How do you solve all these with a Bill like this one? What you need is political education. Political education is needed and that is why I think the most important ingredient is the Institute of Democracy which has been formed. I have read the Bill and I must say it does not solve the problem. The Senate would need to look at this particular aspect of how to educate and indoctrinate people. The military has what they call TRADOC (Training and Indoctrination). I think politicians need that. Unless we have this, we are not going to solve this problem.

Let me say that the disagreement here should be based on just Bill. It is not correct to pass innuendoes by saying that some people are trying to take the country for a ride; people are trying to cheat, *et cetera*. That should not come from Senators and that should guide the way we vote. That is wrong. Basically, people have genuine and honest disagreement with the Bill and that is what it should be like.

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We are not talking about the Justice Uwais Report but from the contributions of some Senators, it looks like already, we are debating the Uwais Report. Let me just warn us. In 1964, I was the President of a ruling Political Party Branch in University of Ibadan. I witnessed how the 1964 elections were conducted. If you allow people to nominate members of Commissions, you are going to stop elections in this country because they will stop them going to meetings. In 1964, some Regions stopped their members attending the Electoral Commission meetings and the whole election was stalled. Some parts of the country held elections whilst some did not hold. We cannot afford that in this country. The whole point of adopting the presidential system is how to eliminate the census and also to elect somebody who can represent the spirit of this country because he was voted for according to the Constitutional provisions of enjoying, at least, a quarter of two-thirds of states in this nation.

Therefore, you have somebody who is the embodiment of this country and now you are beginning to say that he cannot nominate people. If you have a Report, you appoint a Commission, no matter how powerful and you say nobody can change it, then I think we should take the Uwais Report and declare it a law and no court would change it because it was headed by a former Chief Justice. There is no way a President can appoint a Commission/Committee and fail to change and they say accept or reject this recommendation. There is no way this will ever happen in this country for this system to continue to work.

So, I would like to appeal to us, when we are discussing this Bill and the other Bills that are coming, that we should have an open mind and not just think of our own opinion, party opinion or how we are goaded by the Press but to think of this country Nigeria, which is in our hands, which we have to handover to succeeding generations and some of us are very near to that. I just want to appeal to us, to please be a bit more careful and generous in our contributions.

I would recommend, that the President takes back his Bill and make whatever recommendations or changes he wants to in matters of registration in the Electoral Bill which has already been passed by this House and which we can amend. That is all. It does not really mean that we disagree with the President or we have no respect for him or we do

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not like him. No. This is a reality and I will appeal to the Senate to do that.

The President: During this historical lecture, I was looking at the date of birth of so many of us here, 1964. Majority of the distinguished Senators were just about six or seven years old then. So, after this historical lecture, I think we should really put the Question. However, because it has to do with constitutional Amendment if you have an issue that has not been addressed we will listen to you. But please, I repeat, make sure that you have an issue that has not been addressed.

Senator Isiaka A. Adeleke (Osun West): Mr. President, my first comment on this Bill is that it should not have come at this time because if it is killed today, majority of members of the public would have a different opinion about our intentions. This is because we have other Bills that are coming on the Electoral Reform Act. I want to add that most of the problems that arose from our elections statistically emanated from our internal democracy.

The President: That is a point which have been very well made and emphasised many times over. Internal democracy, we have over-emphasised that. In fact, all the speakers today have over-emphasised internal democracy within the parties.

Senator Isiaka A. Adeleke: Mr. President, I want to propose an Amendment to this Bill. My proposal should be that the Bill should not have suggested a Commission. We can have a Board under INEC just like they have Electoral Institute. There is an Institute under INEC that is called Electoral Institute which has a Board with a Chairman who is a staff of INEC. If you go through Sections 78 to 105 of the Electoral Act, it has sufficiently taken care of the registration and regulation of political parties. If you go to Sections 221 to 229 of the Constitution of the Federal Republic of Nigeria, they have equally taken care of the regulation and registration of political parties. What we need now is to enhance the internal democracy through certain details that cannot be discussed now. That is my humble suggestion.

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The President: All right, you are not supporting the Bill and that is the summary of it.

Senator Garba Y. Lado (Katsina South): Mr. President, I rise to support the Bill. I support it because for me, it makes sense for the Executive to establish this Political Parties' Registration and Regulatory Commission. Looking at how elections are being conducted in this country, we cannot correct the conduct of our election without starting from how our political parties behave. We can clearly understand that what generates election malpractices begins from our political parties because some of the political parties would leave the candidates of the people's choice and impose candidates that are not acceptable to the people.

The President: Distinguished Senator; that is called internal democracy and that has been over-emphasised. Replacing candidates, ringing within the parties during primaries are all parts of internal democracy.

Senator Garba Y. Lado: Mr. President, I want to clearly explain my own understanding. In my view, that should be corrected because it is what is generating malpractices during the general elections. That is why I said, this Bill is very important and welcome. We cannot succeed in conducting free and fair elections without starting from this area. For me, the government has thought wisely by bringing up this Bill. We need a body that would regulate our parties. It looks some how the way and manner parties are being registered in this country. There are over 50 registered political parties some with offices by the corner shops for the purpose of collecting subvention given by the government and not participating in the elections. So, if government should establish a body that would regulate those activities, it would be a good plus.

In view of this reasons, I am absolutely in support of this Bill and urge my entire Colleagues to give it all the necessary support so that it would sail through.

Senator Anthony O. Agbo (Ebonyi North): Mr. President, I reluctantly want to support this Bill for one indirect reason and the reason is that the Senate in particular and the National Assembly in general should not be made the scape goat of the continuous failure of our electoral system.

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Yesterday night, I got text messages pleading that we should not fail Mr. President in his effort to reform the Nigerian electoral system. This is the kind of propaganda that spreads very easily across the length and breadth of Nigeria.

I want to tell Mr. President that the problems of the electoral system in Nigeria are not divorced from the problems of Nigeria itself. The problems of Nigeria have never been lack of laws to be obeyed by Nigerians, but lack of obedience to the existing laws. For this reason, I want to say that if we succeed in sailing this Bill across the ocean of opposition facing it, Mr. President has a lot of supportive roles to play to see that all these Electoral Reform Bills can achieve their purpose. He has to come up with some revolutionary actions that can address the problem of the psyche of Nigerians so that Nigerians can start thinking and acting right. I am aware that at a certain point in the history of this country, a government was able to put a programme in place that made Nigerians to obey laws and act as civilised people.

The President: Senator Agbo, political education was what Senator Jibril Aminu who spoke recently just said and you are addressing the same issue.

Senator Anthony O. Agbo: The second point is that the government should address the political will to punish offenders. With this, I call on my Colleagues to join me in supporting the Bill. We should not be made the scape goat of the failure of the democratic system.

Several distinguished Senators: He has spoken on this before. He has made his contribution on this Bill before.

The President: Senator Ida, was what you did a Point of Order or a proper contribution? Please, remind me.

Senator Ibrahim M. Ida: Mr. President, mine was a Point of Order. I have not made my contribution on the Bill.

The President: That is all right. You may go ahead and make your contribution.

Senator Ibrahim M. Ida: Mr. President, I want to make a very briefly contribution. What are

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the complaints being leveled against INEC? Very briefly, these are; elections not being well prepared for, voter registration not being well conducted and even where it is, it is not being updated. By-elections are not being done on time; time spent on so many mundane things to the detriment of the core functions; partiality in its relationship with some political parties with bias allegedly being shown towards the ruling party and no attention given to the internal democracy of the political parties. Why all these? It is simply because INEC is overwhelmed by the functions it is performing, so much so that it does not really devote attention to its core function of arranging and conducting credible elections.

The intent of this Bill is purely and simply to ensure that all those functions that distract INEC from performing that core role are taken away and given to this particular Commission which is a standing Commission that will continuously and continually see to the performance of these. Then INEC will be given the responsibility of conducting credible elections and have enough time to prepare for elections as time goes on. This is the reason for which I am strongly supporting this Bill. I believe that the new Commission should come into being while INEC should remain conducting elections.

I so submit.

Senator Mohammed Kabiru Jibril (Kaduna Central): Thank you Mr. President for giving me an opportunity not to be the odd man out.

I would have really agreed with my leaned Friend, distinguished Senator Ida who has highlighted the fundamental failures of INEC that had also been pointed out by every one in this country. Certainly, INEC has failed the nation. There is no doubt about it.

I would have also supported this Bill 100 *per cent* because of the important role that the Commission has been highlighted to do in the proposal to such extent as to relieve INEC of some of the mundane issues that, perhaps, hampers it from conducting credible elections and will pave way for the reforms not necessarily electoral, but election reforms in this respect that is coming soon pursuant to the Report of the Electoral Reform Committee set up by the Federal Government. This would have been a good idea, unfortunately, against all odds, the time is wrong.

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The Bill has come at a time when we have not had the opportunity to amend the Constitution to give us the opportunity to sub-divide the functions of INEC between it and other organs that could be created. This is very fundamental and we cannot shy away from it.

The President: I have actually addressed that issue by way of Point of Order several times. So many Senators came by way of Point of Order about the timing or whether they should come before or after the Amendment of the Constitution, and that was addressed hundred and one times over.

Senator Mohammed Jibril: I will now round up.

The President: Before you round up, you made a very categorical statement that INEC has not conducted a credible election, and the question I have asked, though you were not here then, but I will like to ask you that same question is. Your own election, the one that brought you, was it credible enough, for you to be here?

Senator Mohammed Jibril: Nobody has argued the point that has been made times without number in this country that INEC has failed and failed again.

The President: That is all right. Senator Mohammed Jibril, I am asking you specifically now, your own election, was it credible enough?

Senator Mohammed Jibril: People have gone out to examine generally, what had happened in most of the elections, from local government elections (*Interruptions*)

The President: No, please, do not mix the things. Local government elections were conducted by State Independent Electoral Commission. Let us not mix the two issues. I have asked, specifically, if your own election as Senator Mohammed Jibril was credible enough for you to be here.

Senator Mohammed Jibril: My election was very credible. (*Laughter*)

The President: All right, do you know anybody here whose election was not credible? If all of us are here by virtue of credible elections, the sweeping statement that INEC had failed and has

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not conduct a credible election, is not right. You can infer other things but that statement is not right.

Please, I would like you to complete so that I can put the Question, please.

Senator Mohammed Jibril: The fact is that so much have been said and agreed upon, and I am not likely to go against the time that has been proven times without number that there is, in fact, the need for political reform. Therefore, the fact that INEC has been at the centre point of election and conduct election in this country is not in doubt to me or to anybody.

The fact that I am raising, at this moment is that Sections 222, 224, 225 226, 227, and 229 of the Constitution will not permit us to continue deliberations on this Bill because they have provided otherwise that the functions are already with another body established by the Constitution itself and accordingly, whatever we do in respect of this Bill will remain null and void, *ab initio*. Therefore, it is better that the Bill be put aside and let us go to fundamental things that will open the door for bringing in issues like this. Otherwise, we are totally contradicting the grundnorm of the nation and we cannot succeed in doing it and we cannot succeed in carrying it along. The nation will simply laugh at us. The constitutional provisions with regard to the powers and functions of INEC are so clear and I do not see how this august body can continue to conduct itself, obviously in total disregard of (*Interruptions*)

The President: Senator Mohammed Jibril, we want you to round up, please. I can hear Senator Wada shouting Point of Order, there is no need for that, the last Speaker is already on his feet. So, let him conclude.

Senator Chimaroke Nnamani (Enugu East): I crave the indulgence of the Senate President and my Colleagues, to go on record on this issue of party politics and elections. The vibrancy of the debate here today and the vigor of the debate outside are consistent with the freedom on the land and Constitutional democracy.

Political parties do not have to contest elections. They are political associations set up to foster agenda. We hope that as our democracy develops we can have issue-based mandate on the ballot so that they can contest that. I just want to

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say that the emphasis on election is also part of the problem in the land. On the Bill itself, I believe, it will create another bureaucratic monster, therefore, I would not support it.

The president: Well, I am going to put the Question, but before I do so, I would like to, at least, make some clarifications or contributions or ask some questions that would agitate our minds. One, is INEC truly over-burdened? Has INEC been given the opportunity to do what it wants to do? Two, the issue of rigging in the field, people carrying away ballot boxes; people not allowing others to vote, is there anything in INEC that authorises that type of situation?

Several distinguished Senators: No.

The President: So that cannot be a reason to begin to create other bodies. We have all spoken about internal democracy in this country. Has INEC really told any political party not to do its own internal democracy? (*Interruptions*)

I can hear Senator Kanti Bello shouting Point of Order, what is it?

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I have a Point of Order and it is the Third Schedule. All I am trying to say is that, you have asked a question and that Point of Order is that, INEC is supposed to monitor political campaigns and also do auditing of the political parties and submit the Audited Reports to the Senate, but they have never done so for the last six years. So they have not been performing their duty very well. That is all I am trying to say.

The President: All right, the Chief Whip of the National Assembly do not let any body else check you because you raised a Point of Order and I have to rule on it. INEC has been given these Constitutional responsibilities and they are supposed to do them. Whether or not they have done them, we the Senators have not raised the issue, so who are we blaming? We have an oversight function and we have not brought it up. We have a Committee on INEC and that Committee has not done what they are supposed to do. Is that the responsibility of INEC?

Several distinguished Senators: No.

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The President: If it is a failure on our part, we should not shoot ourselves on the foot and begin to open it up here. I do not think that is proper. In any case, your Point of Order is an answer to my rhetoric question and I rule you out of Order because that did not need an answer.

Back to the issue that I want to raise, there are lots of complaints, some genuine and some not truly very genuine, but I do not think that the issue really is one that bothers on whether we registered our parties properly or not. They are issues that bother on different topics entirely. They may or may not be related to INEC. The point I am trying to make is that if you aggregate all the discussions here since we have had this, I have allowed everybody to talk in the last few days, so that Nigerians, too, can listen to what we say. It is not a matter of a Bill just surfacing here and then we accept or do not accept, but let us also reason along with the entire intent of the Bill and if the entire intent of this Bill is to free INEC from some of the burdens so that another Commission entirely can begin to take it, then we should ask a fundamental question. INEC failure, has it been really in areas enumerated in the Bill?

Several distinguished Senators: No.

The President: If those are not the areas enumerated, then what are you doing with the Commission? I think these are the things we should look at. It is not the propaganda outside; the propaganda outside can go ahead and say that Uwais Report has suggested this. Uwais Report may suggest something but we are also Nigerians and we represent our people and I do not think that what has been brought is what Uwais Report has exactly suggested.

I make this contribution so that people do not believe that we based our judgment on those things.

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We based our judgments on the fact that we represent our people and at the moment we are their representatives, not one or two voices outside that may be vocal but may not necessary be representing anybody. I think the issue we want to look at critically here is whether this Bill would solve the problems. If this Bill solves the problem, then we should vote yes; if this Bill is the only way to attain the Electoral Reforms that we are talking of, then our answer would be yea when I put the Question. If it is not, then of course, the answer cannot be yea when I put the Question. I make this summary so that we are very clear in our mind on what we are doing. I will now put the Question in favour of the Seconding Reading of the Bill.

Question put.

It is not very clear to me. I will put the Question again.

Question again put and negatived

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow, Wednesday, 27th May, 2009 at 10.00 a.m.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion.

Question put and agreed to.

Resolved: That the Senate do stand adjourned until Wednesday, 27th May, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.35 p.m.