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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday, 7th July 2009

The House met at 11.00 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Member, the House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 2nd July 2009.

ANNOUNCEMENTS

Visit of Staff and Students of El-Amin International School and Fransh Bomac International Academy

The Deputy Speaker: We have in the Gallery today staff and pupils of El-Amin International School, Maitama Abuja FCT. You are welcome.

We also have in the Gallery Staff and Pupils of Fransh Bomac International Academy here with us. Can you, please, rise up?

(Staff and Students of the two schools stood up for recognition)

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any member who has a Petition to present may, please, rise up to do so. *(No response)*

PRIVILEGES

Text Message

Hon. Abdul Ahmed Ningi (Ningi/Warji): Point of Order, Mr. Speaker!

The Deputy Speaker: What is the Point of Order, Hon. Abdul Ningi?

Hon. Abdul Ahmed Ningi: My Point of Order is Order V, Rule 3 of our Revised Standing Orders at page

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9 dealing with Matters of Privilege. May I crave the indulgence of the Chair to read the Order that I am trying to raise.

A member raising a matter of privilege shall draw the attention of the House to the provisions of the Legislative House (Powers and Privileges) Act and other statutes breached in relation to him.

I am raising this particular Order in relation to a text purportedly sent by my humble self. May I read the content of this text?

“Noble Colleagues, this is time now for change in the House Leadership.” “We cannot allow tyrants to continue to lead us. Please support the group, ‘Movement for Positive Change’. “It is time for change; it is time for Bankole and cohorts to get out”.

(Signed)
Hon. Abdul Ningi

The Deputy Speaker: Hon. Abdul Ningi, is that your name?

Hon. Abdul Ahmed Ningi: Mr. Speaker, it sounds like my name because there is no other Hon. Ningi in this House but me. This text unfortunately has been outrageous, outlandish and an embarrassment to me because this text was forwarded to me by some Colleagues from this House and some Colleagues also called to clarify this position; that was about ten days ago. Unfortunately, on the day this text was sent I had to travel to Europe.

Let me say, with all sense of responsibility, that I am not the author of that text and whoever did it had no consent from me. Therefore, I see it as unethical and immoral if this text is purportedly done to damage me. A lot of members who happen to stay here with me for a long time know that it is not my style and it is not in my character. If I feel strongly about an issue, I have the capacity to raise such issue on the Floor of the House.

I also call on Members who feel strongly that there are issues to be raised should raise these issues on the Floor of the House because I have seen the entire text in the Internet carrying my name. That is too embarrassing and dangerous.

I have no problem when leaders are called to account but the method employed through this text is really dangerous and we must guard against its occurrence in the future.

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I thought I should have the opportunity to explain things to Members on the text purportedly authored by me and if anybody had done it among us, he should, please, apologise to me, not openly but let him apologise that he has wronged me because I am not that kind of person.

The Deputy Speaker: Fortunately, every Member here knows that you cannot do such a thing. It is rather unfortunate that those who are trying to use your name have picked a wrong name. They should have gone for a name that can do that, not a name of *Abdul Ningi*.

Currently, we have set up a very strong Security Committee to find out who did that mess and we are assuring you and the House that the people responsible for the act will soon be named on this Floor.

Sorry, Leader for that mess that was done to your name.

PRESENTATION OF REPORTS

Report of the Committee on Labour, Employment and Productivity on a Bill for an Act to Repeal the Labour Act, 1999

The Deputy Speaker: Hon. Members, the first Business of the Day is Presentation of the Report of the Committee on Labour, Employment and Productivity on a Bill for an Act to Repeal the Labour Act, 1999 and make Comprehensive Provisions on Minimum Labour Standards for Nigeria and for Matters Connected Therewith, 2009 standing in the name of Hon. Ado Audu Dogo.

Hon. Members would recall that the Bill was referred to the Committee on Thursday, 9th September, 2008. The Report is now ready for presentation. Hon. Dogo is invited to present his Committee's report. (*No response*) Can his Deputy proceed with the presentation, please? (*No response*)

Do we stand this Report down, Hon. Ita Enang?

Hon. Ita Enang: Mr. Speaker, may the Report be stood down.

Hon. Dogo informed us that he would not be in today and that his Deputy will present the Report.

The Deputy Speaker: The Report is stood down.

Report with the leave of the House Stood down.

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Report of the Joint Committee of Labour and Productivity and Justice on Occupational Safety and Health Commission of Nigeria (Establishment) Bill, 2008

The Deputy Speaker: The Second Report of the Joint Committee on Labour and Productivity and Justice on a Bill for an Act to Provide for the Establishment of the Occupational Safety and Health Commission of Nigeria to Promote and Secure the Safety and Health of all Workers and Other Persons from Risks arising out of Work Activities in the Workplace and for Other Matters Connected Therewith is also standing in the name of Hon. Ado Audu Dogo.

That Report is also to be stood down.

Hon. Ita Enang, do we also stand the presentation of this Report down?

Hon. Ita Enang: Yes, Mr. Speaker.

Report with the leave of the House stood down.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Constitution of the Federal Republic of Nigeria, 1999 (Amendment) Bill 2009

A Bill for an Act to alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999 and for Other Matters Connected Thereto, 2009 (HB. 236) -

Order for Second Reading.

The Deputy Speaker: The first Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Matters Connected Thereto, 2009. The Bill was read the First Time on Wednesday, 13th May, 2009.

I now invite the Leader, Hon. Tunde Akogun to move the Motion.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move that a Bill for an Act to alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Matters Connected Thereto, 2009 be read the Second Time.

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Hon. Mohammed Ali Ndume
(Damboa/Gwarzo/Chibok): Mr. Speaker, I second the Motion.

Question proposed.

Hon. Tunde Akogun: Having carried the Leader of the Opposition along whether willingly or unwillingly, I know that it is right for this Bill which seeks to amend the Constitution of the Federal Republic of Nigeria to accommodate the specific constitutional issues relative to the current Electoral Reform in the country to be considered.

The Bill provides for independent candidate thereby expanding the political space for persons seeking election as the President, Governor, Members of the National Assembly and State Houses of Assembly.

Other important high points of the Bill include the amendment of Section 82 of the Constitution on the Remuneration of the President and certain other Officers. This Section is sought to be amended to make the funding of Independent National Electoral Commission (INEC) a First Line Charge on the Consolidated Revenue Fund of the Federation. This is intended to secure the autonomy and to strengthen the true independence of INEC.

Equally crucial is the amendment that seeks to exclude the decision of Administrative Panel of Enquiry as a condition for disqualifying a candidate for election to the Office of Governor.

Other amendment sought is on the provision of the Constitution dealing with the restriction on the formation of political parties. This amendment proposes an additional condition for an Association to function as a political party to check the proliferation and non-functional political parties.

The Bill also seeks to amend the Constitution by providing for an affirmative action for increased women participation in Executive positions.

These amendments go to the root of Electoral Reform proposed by the Government and they are done with the greatest sense of patriotism, selflessness and the desire to engender a sound, efficient and effective Electoral Process in the country.

I therefore call on hon. Members to support the Second Reading of this Bill.

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**Congratulatory Message to all
Hon. Members from Edo State**

The Deputy Speaker: Before we start the debate, let me congratulate all hon. Members of the Edo State that every Member having electoral cases before the Court has scaled through the Court cases. We congratulate you. *(Applause)*

The last case was that of Hon. Abasi O. Braimah and it was decided this morning.

Hon. Mohammed Ali Ndume
(Chibok/Damboa/Gwoza): Mr. Speaker, I rise to make my little contribution on this particular Bill with the intent of reminding our hon. Colleagues of some facts on ground as it relates to this particular Bill.

We are all aware that Nigerians and indeed the Government of PDP are concerned - *(Interruptions)*

Hon. Friday Itulah (Esan North East/Esan South West): Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Itulah, what is the Point of Order?

Hon. Friday Itulah: Mr. Speaker, my Order is on Special Order No. 1 of 2009 dealing with Rules of Debate in the House.

We adopted a Motion last week from which a Resolution was made regarding this Constitutional Amendment. The amendment that was proposed by Hon. Dickson was adopted by all and Item (ii) of the Resolution is to the effect that: *During the debates on amendments proposed to the Constitution, all honourable Members shall be allotted five minutes within which to make submissions in alphabetical order.*

The Deputy Speaker: No. That was not how it was taken. It was not in alphabetical order.

Hon. Friday Itulah: That is how it is here. We have the paper with us.

The Deputy Speaker: No, it was a mistake. I know that five minutes was given to each Member that is willing to speak.

I remember that it was not every Member that was willing to speak on the Third Term Debate, an issue that was more controversial than this.

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We have now started with Hon. Ali Ndume and you have three minutes left.

The resolution on that was that Members would be given five minutes to speak when we are considering the Report. This is just debate on the General Principles of the Bill.

Resolution (i) of the Special Order No. 1 of 2009 states: *The First and Second Reading of any Bill for altering the provision of the Constitution of the Federal Republic of Nigeria shall be considered and preceded with in accordance with procedure on Bills in the*

House Standing Orders. That was part of the Resolution that we passed on Bills.

However, when considering the Report every Member that is willing to speak will be allotted five minutes.

Hon. Ndume, proceed, please. (*Interruptions*)

Hon. Sokonte D. Davies (Degema/Bonny): Point of Order, Mr. Speaker!

The Deputy Speaker: Hold on, Hon. Ndume. Let us take the Point of Order raised by Hon. Sokonte Davies.

Hon. Sokonte D. Davies (Degema/Bonny): If you go to Page 2 of the Votes and Proceedings which we all have, under *Amendments Proposed*: Amendment (i) reads:

Insert a new Prayer (ii) as follows and renumber accordingly:

During the debates on amendments proposed to the Constitution, all Honourable Members shall be allotted five minutes within which to make submissions in alphabetical order.

Question that the Amendment be made put and agreed to.

Therefore, it is not Clause-by-Clause; it is stated in Votes and Proceedings that it is during the debate.

The Deputy Speaker: That is what I am saying. We are not now on the amendment. We are just taking the General Principles. The Amendment will come only after the Committee has done its job, then the Amendment will come. Then Members will be given five minutes each.

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Hon. Mohammed Ali Ndume: I seek your permission to suspend my contribution until after Members have done.

The Deputy Speaker: No, go ahead as the Leader of the Minority and make your contributions.

Several hon. Members: Lead us.

Hon. Mohammed Ali Ndume: Thank you, Mr. Speaker. My contribution is very brief. What I am saying is that everybody has agreed that there is a need to amend this Constitution which we are now operating and Nigerians in general expect that we as their representatives and as the people that are closest to them will lead a reasonable debate and eventually come up with amendments to our Constitution that are generally required to be amended.

Fortunately, a lot has been done on the proposed Constitution amendment. There was the National Conference and they have their Report with us. There was our own aborted Joint Constitution Review (Third Term) led by Ibrahim Mantu. The documents are still there and Nigerians have contributed so much. Now our work has reduced drastically.

What I am suggesting is that the only input that is lacking in this constitutional Amendment is the general view of Nigerians, because during the previous Constitution Review, Nigerians in the various zones were given the opportunity to make their contributions. What is now left over is the clean up. That is when we will conduct Public Hearing so that Nigerians who are of the view that certain areas should be amended would be given the opportunity to come before the Committee and submit their memoranda

I am appealing to our hon. Colleagues that Nigerians are so anxious and the materials are also available. Therefore, we should hasten the procedure by taking the Motion through the Second Reading so that the required Public Hearing will be conducted and eventually we will do justice to the review of the Constitution timely and appropriately.

I am appealing to our Colleagues not to extend the Debate because as I said all the materials required are already available and maybe what we need to do is to do some additions and subtractions; to conduct Public Hearing so that we can do the job Nigerians are waiting anxiously.

Hon. Mohammed Abubakar Maifata (Tarauni): Mr. Speaker, this particular amendment is coming at the right time in the history of politics in Nigeria. To be

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specific, this amendment seeks to achieve three things:

- (i) the provision for Independent Candidacy;
- (ii) To guarantee funding to INEC by putting it in First Line Charge; and
- (iii) To prohibit cross carpeting by elected Officers under certain Political Party.

Mr. Speaker, let me start with the issue of funding. This does not require much explanation because the fundamental things that will make INEC to be independent is funding. Such amendment will guarantee INEC or our electoral process to be well funded; they should not be starved of funds from the Executive Arm of Government. If this is achieved, it will go a long way in putting the word *Independence* and making INEC really independent in its activities.

The second issue is the issue of Independent Candidacy. We have said severally that where a potential leader cannot have the opportunity to be a candidate in certain Political Parties, if this Bill is passed, this will create room for everybody who has the potentials to aspire to any office in the country without contesting on the platform of any political party. Not only will this give more freedom and opportunity, it will break the issue of godfatherism in our political system. I urge my Colleagues to, please, pass this Amendment.

The third issue is the issue of cross-carpeting, which is the hallmark of our politics today. We now witness situations where certain officers elected under certain political parties, due to some reasons some of which are personal, decamp to another party not considering that they came under the platform of another party to become whoever they are. This Amendment will strengthen our political parties and bring discipline and confidence to the system. Therefore, I urge my Colleagues to pass this Amendment so that we can strengthen our Electoral Process.

Hon Abdul Ningi: The 1999 Constitution is still the supreme law of our nation and it is a document that a lot of our public commentators have taken pleasure in getting it modeled for the simple reason that it is not a people document. Throughout history there is nowhere in the world where everybody comes into a hall and draft their Constitution. Constitutions all over the world are always representative-driven because it is not everybody that will come to Abuja or go anywhere and sit in a hall to draft a Constitution.

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Therefore, much as I agree that there are lapses in the 1999 Constitution but that Constitution remains the only vital weapon that brings about geo-political development in the democracy that we are practising. While we are discussing the Constitution, we should also give the framers credit for drafting a Constitution that has endured for ten years.

The Leader has brought about some changes that are very positive in nature. One of the issues is the First Line Charge autonomy to INEC. Taking a look at the last nine years or so, you could see that INEC has been unable to discharge its responsibility to the letter because of its inability to access funds as at when due. Therefore, giving INEC First Line Charge will enable it carry out its functions with ease and also asking it to start its job at the earliest possible time.

Another section that has to do with disqualification is this issue of having been accused by a Commission of Inquiry of one thing or the other even though you have not been found guilty by a court of law, it will be a stumbling block between you and contest for an office. It is a good point in the right direction.

It is imperative that quite a number of people who have been accused of doing one thing or the other through this Commission of Inquiry have not been able to contest the various positions because of this particular clause. This particular clause is obnoxious and has no place in our democratic operation right now.

Another issue is the issue of independent candidate. I disagree totally with the submission of Hon. Maifata and even the Bill intending to introduce the concept of independent candidacy. We are a young democracy and in a young democracy that is ill-informed, we are not ready for this independent candidate. Look at what happened to the political parties; we have over 98 Political Parties in our domain out of which only 2, 3 or 4 have been able to do anything tangible.

The Pandora box that you are going to open when you give an independent candidate to contest under no political platform is that in a local government like mine, you will have as many as ten thousand people vying for Chairmanship of a Local Government including those that are on different political party platforms. When you have incongruent number of over 2,000 people just vying for a post in a Ward or in a Local Government, I want us to realise that even in modern developed democracies these independent candidates are not that prominent. I understand the

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argument advanced by quite a lot of people where political party platforms have been denied so many people. Even in the Nigerian operation, where you are denied a platform, you only want a platform probably in PDP, ANPP or AC. There are over 90 political platforms for you to vie but you do not want to go to those parties.

Therefore, introducing independent candidacy at all levels has grave implications and unless we are going to restrict it to the national level, I will tell you that INEC as is presently constituted will never be able to surmount the logistic problems that it may encounter to be able to conduct elections anywhere.

The proliferation of political parties had the legal backing of the Supreme Court. What we are trying to do is to look at the Supreme Court judgment *vis-à-vis* some constitutional clauses. I do not wish that we have more than three political parties in Nigeria. Looking back at history, it is when you have fewer parties that you have real democracy. We should remember the NPN days with PRP, ANPP; and the SDP and NRC days. Those were very good times when the nation was engaging almost everybody into a political divide. When you are to the left; vote SDP and when you are to the right; vote NRC but we have today over 90 political parties many of which have no ideological bearing including the Labour Party. All we know is that we feel that we should form a group and challenge other parties but they ended up just collecting the monies that they were actually looking for at the set up of that political party.

I looked at today's Order Paper and I observed that the Bills that are listed therein are too cumbersome to handle. I would have wished the Rules and Business Committee would have taken just an issue and discuss it thoroughly and then tomorrow they will bring another issue and we would discuss it thoroughly but where you have four very important Bills - (*Interruptions*)

The Deputy Speaker: We can only accommodate what the time will permit us. It is not necessary for us to take everything that is on the Order Paper.

Hon. Abdul Ningi: But you are now dividing my attention because if I am going to speak on one issue you should allow me to speak on one issue. I have already spoken on one issue but what if I am going to speak on two issues? There are 360 Members in the House of Representatives. (*Interruptions*)

The Deputy Speaker: That is what I am saying. We will give Members time to speak on all the Bills.

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Hon. Abdul Ningi: Thank you very much. I will stop here so that other Members will speak.

Hon. Patrick Obahiagbon (Oredo): Mr. Speaker, this is a very serious business that should commend itself to our palette for legislative and parliamentary engineering and re-jigging.

This Bill, as has been aptly stated, has three intentions in mind. The first is to provide for independent candidacy. Secondly, it is to provide for an independent funding of the National Electoral Commission and thirdly, to prohibit cross-carpeting by elected persons.

It is a fact that is too platitudinous to be contested as it has anchorage in our recent political and electoral history and historiography. If the INEC must discharge its onerous responsibilities without fear or favour and without let or hindrance, then its financing must be a First Line Charge on the Consolidated Revenue.

I do recall very nauseatingly that in the last election the Chairman of the National Electoral Commission up to one month to the conduct of the elections called an International Press Conference to say that one month to the election, necessary funds have still not been disbursed to it. I watched that press conference. This is not a good omen for a national electoral body that wants to be independent; a national electoral body that wants to perform its constitutional functions without fear or favour can be castrated by a manipulative Executive organ of Government.

That is what I have always said that if you bring Angel Michael or Angel Gabriel to be the Chairman of the National Electoral Commission without this desperadoes constitutional engineering the nation will still find itself in purposeless purposelessness, conscienceless consciencelessness and directionless directionlessness as it has to do with our electoral trajectory. Therefore, I give a positive vote to funding INEC independently.

As regards the provision for the independent candidacy, the country has witnessed political arrogance; the country has witnessed a situation where managers of Party carry on with bizarre luxury. The country and political parties have witnessed an ambience where you can cancel names and add names at the last minute. That is where we find ourselves today where the Judiciary has been turned into another National Electoral Commission because of the megalomania; a megalomania that borders on monomania, administrative and political arrogance. The provision for independent candidacy would help to checkmate this kind of recklessness in our political life.

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For the last provision, I agree with the sentiments that tend to conclude that the act of cross-carpeting is something that should be deprecated. That is because of the reckless abandon and lack of morality that has come to it. I do not fundamentally agree while I share the sentiments that an elected representative should not have a right to move from one party to another party. No. It goes against the provisions of the Constitution itself which talks about Freedom of Association. What we should be talking about is enforcing the provisions of the Constitution which says that the only condition for which we can cross-carpet is that there must be a genuine decision in your Political Party. That is what is not being enforced by Presiding Officers across the length and breadth of the Federal Republic of Nigeria.

So if in State A, the Action Congress is the dominant Political Party in the Parliament of State A and a PDP Member is decamping to AC without the constitutional requirements, the Presiding Officer closes his eyes to the enforcement of that position and the Constitution itself did not say which body should determine that there is a division in the Political Party you are decamping from. I think we should give that responsibility to the National Electoral Commission so that we can extricate the conditions *sine qua non* upon which you can decamp from the manipulative caprices of Presiding Officers who are normally guided by political nuances.

I am sure if we strengthen and enforce the provision, then we will begin to appreciate the advantage of those circumstances upon which you can move from one party to another party.

Hon. Terngu Tsegba (Gboko/Tarka): I start with Section 16(1)(d), a proviso that states that for you to contest election you must be a member of a political party. I agree with my Colleague that we need to open up the political space to give people opportunity to contest election. Restricting us to political Parties will not bring about true democracy.

I disagree with my Colleague who said that fewer numbers of political parties would be better for this country. A smaller country like Israel has over 100 parties. It is left for the electorates to have their choice. I agree completely that we should open up the political space and create room for independent candidates so that people who are not members of political parties or people who have been denied access to political parties by virtue of arbitrary removal of their names from the Register of other political parties can also have opportunity to contest election. However, we must do this, in my opinion, with a proviso.

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In the Second Republic, there was provision for independent candidate but there was a proviso for deposit and that takes account of what my Friend is running away from of so many people coming to contest. If you contest as an Independent Candidate and you score less than 25 *per cent* or one quarter of the votes cast, you should lose your deposit. This deposit is used to defray the cost of conducting the election in your constituency or your local government as the case may be.

So while providing for Independent Candidate, I strongly suggest that when we come to consider the Bill in detail, we should make a provision for a deposit which the independent candidate must pay as we also pay to the political parties and to INEC for election. The detail of that will be worked out when we are considering the Bill.

Let me also talk about funding. The Nigerian Judiciary is hailed today because it is being funded directly from the Consolidated Revenue Fund of the Federation. The Judiciary had given landmark decisions just as INEC had given very bad electoral results in some instances. This is all because they do not have independence. It is said that he who pays the piper dictates the tune.

I believe that if this Parliament grants independent source of funding to INEC, even the people who are in INEC today whose removal some people are clamouring for will perform a wonderful job. It is because of this that we sincerely appeal to our Colleagues to pass this Bill so that INEC can have independent source of fund and then they can be accountable to the Legislature just like the Judiciary.

Cross-carpeting is like political prostitution. I agree entirely with my Colleagues that we need to check this issue of cross carpeting. These are people who deny the electorates of their expressed wish. If you are voted into elective post, the people who voted you into that party are expressing their own wish through you. So the mandate is not your own; it belongs to your constituents. It is, therefore, wrong for any elected member of a political party to come to the Floor of the House and take an individual decision to just take a bow; one bow against one hundred thousand votes to say that he has cross-carpeted to the other political party. I believe such a member should lose his seat. If we do this here then no party can come and muzzle opposition as it is done presently.

Even in the States where majority of the Assembly Members belong to another party and the

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Governor came through the tribunal, you will see everybody decamping to the other political party within a couple of months thereby denying the electorates of their votes. If we begin to do that, we will also develop an opposition that will sustain democracy in this country.

Hon. Igwe Paulinus Nwagu (Ezza North/Ishielu): I support this Bill with some reservations. I thank my Colleagues who have aired their views on the issue of funding because once INEC is independently funded the issue of manipulation by the Executive would be a thing of the past. They can then carry on their business without reference to the Executive.

On the issue of cross-carpeting, I also agree with some of our Colleagues who have aired their views on this issue. If we are to tell ourselves the truth about this issue, you will find out that in any government where there is no opposition, that government cannot achieve anything for the people. A situation where a politician, for the fact that he is a member of the opposition, abandons his party whose electorates voted him into office and decamps to another party because he wants to be seen as a *yes Member* is not good for our democracy.

On the issue of independent candidacy, when this Bill is committed to the Committee they should be very careful because what we have been witnessing in this country today is a different thing from what we had expected to see. If INEC found it very difficult to conduct elections into ten wards, I wonder how it will cope with conducting elections if independent candidacy is now part of our law. The fact is that INEC may not have the capacity to deal with it with the way we are seeing it.

I would advise that while the Committee is working on this issue, they should be very careful. Though independent candidature is good since you can go and contest election on your own and win or lose, but the issue is that how do we conduct the election successfully?

If we cannot conduct the election successfully because of problems here and there especially with the forty political parties that we have on ground, how do we cope with problems of election when the gate is now open for everybody to contest election?

I believe some clauses should be inserted in the Bill to make sure that this issue is not abused.

Hon. Leo Okuweh Ogor (Isoko North/South): In the first place, I commend the Authors and Movers of

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this Amendment in line with their interest in bringing out a reform that would put us on the right path.

You all agree that this Bill seeks, amongst other things, to provide for the independent candidate in elections under the Electoral Act. It also seeks to prohibit cross-carpeting by elected persons and guaranteeing the funding of the Commission.

The concept of independent candidate is extremely important. It goes to enforce the right to vote and be voted for. It is important that sometimes you are confronted with a situation where you are deprived of your right to be voted for. Therefore, the idea of establishing the concept of this independent candidate is something we must all try as much as we can to support.

The issue of cross carpeting is another fundamental issue when we all know that self-interest is constitutionally enshrined in representation. When you seek to be elected as a representative, you will also know that it is not you that they are voting for but the political party. I believe that at the end of the day, after getting that mandate, it is wrong of you as an individual to abandon the political party and cross-carpet to another political party.

Therefore, it means that if you intend doing such, it becomes important that you resign, go and re-contest election under the political party that you intend crossing to.

We all know the issue of funding and as my Colleague said; he who pays the piper dictates the tune. If INEC has to be independent, it is important that it should have a First Line Charge.

Free and fair election is another fundamental issue. I say with all humility that all politicians are confronted with a major moral burden of making sure that when elections are conducted, they should be free and fair and it is the elected and the electorates that can handle this situation.

It is moral to all human beings that we should try as a matter of principle to make sure that there is one-man one-vote system of administration. This calls for a new orientation because at the end of the day, if you put all the necessary amendments you intend putting in place; if we are not prepared to enforce the provisions of this law; no matter the level of amendments you put in place; it will all look like a waste. It therefore, means that we must be prepared to search and flush our conscience to allow for the freedom of vote and the right to vote and be voted for. I can assure you that as a nation we will come out with a fair and free election.

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This is one amendment that we must do all we can to support.

Hon. Shehu Garba Matazu (Musawa/Matazu): What we are doing today is very important and historical especially to the development of democracy and democratic rule in Nigeria.

In summary, this constitutional amendment seeks to attain three major objectives and goals. The first one is to make our electoral body truly independent. Secondly, it is to enhance and promote internal democracy and the third objective is to ensure that due process is strictly observed and our rules and regulations are complied with.

Let me start with the first one. We all know that even if you appoint your son to do a job without making him financially independent, he will not be able to do that job with all the fairness and to the best of his ability.

We should know that it is not a matter of appointing who leads or becomes INEC Chairman that matters or makes it a truly independent electoral body; it is by making the electoral body financially independent such that it will stand on its feet to do the right thing without fear or favour. I believe this amendment is trying to make our electoral body independent because funding will not come from any arm of government. It is coming from the First Line Charge. So, INEC will not complain for any kobo before it carries out any election; that will really make INEC a truly independent electoral body.

We have all been complaining that our electoral system is faulty but we have forgotten that, as the previous speakers highlighted, many problems led us to this very important Bill. The only way we can ensure that there is truly internal democracy within our political parties is to allow independent candidacy in our electoral system.

If you feel short-changed or barred from contesting an election even where your people or the electorates want you to contest, you will now have the freedom to contest as an independent candidate as it is obtained in other developed democracies in the world.

Another issue is the problem of cross-carpeting whereby when somebody has been elected under a political party, you find him cross-carpeting from one political party to another.

What we are trying to do today by amending Sections 106, 107 and 109 of the 1999 Constitution is to

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ensure that due process is followed and as elected representatives we must not disobey the law by cross-carpeting from one political party to another because before you were elected you contested under that political party and after you have been sworn in, you cross-carpeted to another political party.

To me due process is not regarded and it is not followed. I believe what we are doing today will strengthen our democracy such that it will be comparable with the most developed democracy like that of the United States of America that has been in existence for the past two hundred years.

I therefore urge my colleagues to support this amendment so that it can go through Second Reading.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, I would like to proceed, first, by saying that I am not aware of any nation that has achieved respected democracy without the willingness of the participants to follow the laws of the land.

When we were elected into office, individually and collectively, we came and swore to uphold, protect and defend the Constitution of the Federal Republic of Nigerian and the law and for those of us in the House, the Rules of the House.

Let me give one example. Section 68(g) of the 1999 Constitution that we have sworn to uphold, protect and defend says:

A Member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a Member, if –

(g) being a person whose election to the House was sponsored by a political party he became a member of another Political Party before the expiration of the period for which that House was elected;

The proviso here says:

provided that his membership of the latter political party is not as a result of the division in the political party of which he was previously a Member or of a merger of two or more political parties or factions by one of which he was previously sponsored and then it goes on and on.

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However, what is important is Section 68(2), which says:

The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall give effect to the provisions of subsection (1) of this section so however that the President of the Senate or the Speaker of the House of Representatives or a Member shall first present evidence satisfactory to the House concerned that any of the provisions of that subsection has become applicable in respect of that member.

Yes, everybody understands the fact that we are at a very critical stage of our democratic history in this country. We must accept as a fact that we have a collective responsibility to consolidate the gains of democracy that we have so far achieved and carry on in such a way that we are capable of securing the future of our political system.

This morning, the Spokesman for the White House specifically said President Barack Obama is going to Ghana because democracy has been consolidated in Ghana. I am not so sure that the Laws that the Ghanaian authorities have or Ghana as a Republic has are better than the ones we have; it is the willingness of the participants to live by the Oath of Office for which they have taken. There has always been a saying that is most respected in political circles; it is that of President Nixon. He says: *If we dodge away from our responsibilities, we certainly cannot escape from the consequences.*

What responsibilities do we have, first as present-day participants in our democracy, to do whatever is humanly possible not only to secure the future of our democracy but also to ensure its consolidation?

I will urge my Colleagues to lean back and accept all amendments and alterations in the provision of our Constitution that will deepen our democracy but it is much more than that.

Shakespeare used to say in Macbeth that

to be a man does not stand within the prospect of belief; otherwise, any other person will believe as a man. It is when it comes to showing who you are that determines really whether you are a man.

We must accept the fact that participants in our democracy have failed to understand two things that are

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fundamental in the practice of democracy. The reason Nigerians never wanted autocracy was that power and authority were vested in one person. They wanted a situation where the authority is vested in one person - the elected official; but the powers remained with them. Any democracy that does not safeguard this cannot truly be called a democracy. That is why today if you find people and interview them whether or not there is democracy in Nigeria, there is some difficulty in committing oneself by saying there is democracy because of the conduct of those who are practising the democracy. Let us be honest and sincere.

I urge my Colleagues to do whatever is humanly possible to accept all necessary and reasonable provision that will safeguard this democracy. We must take our peculiar circumstances equally into effect; it is very important. Ghana does not have more than three or four tribes but we have over 250. What it means is that every participant in our democracy has responsibility to show to the nation that Nigeria must, first of all, exist before you can have a Senate and a House of Representatives of the Federal Republic of Nigerian or hold any other office.

With this few remarks, I hope and express the concern that my Colleagues will see reason and wisdom in allowing this matter to be given expeditious consideration.

Hon. Abdu Auwalu Gwalabe (Katagum): Mr. Speaker, as we all know we cannot say the Constitution of the Federal Republic of Nigerian, 1999 is deficient but we know there are some areas in the Constitution that need to be addressed. It would be addressed by the Members of the National Assembly.

A Colleague of ours was saying that he does not support independent candidacy. If independent candidacy is introduced in our political system today, it will definitely polish the democratic process in Nigerian. If you look at Sections 8 and 9 of the Constitution of the Federal Republic of Nigerian it sealed up the total number of Local Governments and States in Nigeria and except we amend the Constitution there is no way we can create additional States and Local Governments in the country.

Of course, we know that Nigeria is growing day by day and the population is growing to the extent that it is becoming unbearable for Local Government Chairmen to manage the people, not to mention the resources and the State. I therefore call on all my Colleagues to support the Amendment of the Constitution because it is going to polish our democratic system in this country.

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Again, if we look at another section of the Constitution which deals with powers of the National Assembly, we have no limit in altering the Constitution of the Federal Republic of Nigeria so long as what we are doing is for the benefit of all Nigerians because we are all representing Nigerians.

I call on you to, please, support the Amendment of some sections of the Constitution as proposed.

Hon. Samson Raphael Osagie (Orhionmwon/Uhunmwode): I align myself with the views already expressed with respect to this all-important exercise of constitutional amendment and to warn from the onset that we must garner the necessary political will to see this second attempt through because we cannot continue the constitutional amendment exercise in continuous futility.

I want to harp on two of the major issues raised in the Amendment. The first issue is the issue of the independence of the Independent National Electoral Commission (INEC). It has to do with funding, which has been amply emphasised. The other issues are those of the Membership and the non-description of INEC as an Executive body. These two issues are quite fundamental to guaranteeing the independence or otherwise of the electoral management body. For example, it has been argued by analysts that the qualification of Membership of INEC, which puts it as the same qualification of Membership of the National Assembly, automatically transmutes that body into a partisan electoral management body. This is not correct and it is not good for the system.

It is therefore, important and commendable that the Electoral Reform Committee had identified this flaw and has decided that the clause; *Membership of the Commission shall not be non-partisan* be included in the Constitution so as to remove the ambiguity that can lead to the enormous capacity of the political players to manipulate the process in order to appoint their party chieftains.

The second point, which I earlier mentioned, is the description of INEC as an Executive body. I believe

this is very important. It has to go to the States, which also describes the State Independent Electoral Commission as an Executive body. Because of the nascent nature of our democratic experience, the larger population of this country is more Executive-minded and believes that power begins and ends with the Executive. Therefore, the mere description of INEC as an Executive body impinges on its independence and the Electoral Reform Commission with its eagle eye

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had seen and recommended that it be removed as one of those Executive bodies and become a National body.

I also want to add quickly to the fact that the concept of independent candidacy and the prohibition of cross-carpeting are two issues that would create an ideological atmosphere for players in the political system to do what is right. This idea of individuals seeking platforms upon which to win an election is inimical to the political health of this country and our democratic culture. It is very important that this be carried out in order for candidates who believe in their abilities and have programmes to sell to the electorates to have the opportunity to showcase themselves if they get the requisite number of nominations from voters that have been registered so that you do not leave such egg heads; good brains and good materials at the whims and caprices of political parties that would manipulate the process in order to bring on board mediocres who probably do not have anything to offer.

Again, the issue of playing politics from ideological standpoint is very important for us to attain both political and economic emancipation in this country. It need not be emphasised that during electioneering campaigns, issues are hardly canvassed; personalities are the issues of electioneering as against an issue-based political debate. I believe that this is also very important. On the whole, it is very important that we muster the necessary political will to carry this process to its logical conclusion. This Bill is worth supporting and we must support it through and through for it to come to reality.

Hon. Albert Abiodun Adeogun (Ile-Ife): I support the intendment of this Amendment. In all, there are about 17 sections and the Third Schedule that these amendments touched. The earlier speakers had reinforced the fundamental issues raised in this amendment; the question of the INEC's financial autonomy. We have also spoken about independent candidature. I want to say with emphasis that the question of independent candidature is not new to Nigerian politics.

In the First Republic, we had the experience of independent candidature. It is best practice to give opportunity to people who felt deprived of nomination to stand out and contest election on their persons. We would enlarge political landscape by giving opportunities to individuals to contest without being on any Party platform.

We have also spoken about the independence of INEC in terms of financial independence. That is the best that can happen to the Electoral Commission and

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particularly the officers. They are going to be independent from the influence of the Executive.

I want to mention also that we should collaborate with the Executive for having the courage to bring this Bill before the Parliament. Before they appreciate what they are doing, I want us to collaborate with them because it is very important that INEC is free from the claws of the Executive.

Beyond the main issues that have been canvassed on the Floor of this House, it is also important to mention that the removal of the issue of Administrative Panel as a condition for disqualification is also very important because what we discovered was that people abused the question of Administrative Panel. People set up Administrative Panel in order to make sure that their opponents are incapacitated in contesting election. Even the Supreme Court has ruled that it is the pronouncement of a Court that can disqualify a candidate from participating in an election. Therefore, it is very important that we delete this aspect.

In addition, I also want to mention that this Amendment will also provide for participation of women because if we look at the Amendment, it is saying that the Deputy to the Chairman of the Electoral Commission is going to be a female. This is very important because we should give opportunity to women participation in politics.

In addition, we will find also that this will encourage participation at all levels. Some of the issues that had been raised about independent candidature and all others can be looked into if this Bill is allowed to be read the Second Time. I therefore urge everybody to support this Bill.

Hon. Faruk Abdullahi Umar (B/Kebbi/Kalgo/Bunza): Mr. Speaker, I am in support of this constitutional Amendment Bill the reason being that the lessons and experiences we have in governance actually gave rise to the need for the amendment of certain provisions.

Many contributions have been made but I hasten to say that the provisions that linked the State and Local Governments in terms of funding and expenditure for projects execution need to be amended as well so that the autonomy of Local Governments provided in the Constitution can be actualised. Therefore, I will want very specific provisions that will give the local

government the autonomy of using all the resources and funds that are due to the Local Government tier of Government.

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On the issue of cross-carpeting that has been discussed, if we can make a provision that will guarantee independent candidacy it will, to a large extent, solve that. For example, Governor Yuguda of Bauchi State particularly used ANPP as a platform but he is indeed a PDP man. If we go by that then it means if independent candidature existed, he would have preferred to be an independent candidate and actualise his dream. So, I wholeheartedly support that issue.

I will also want the Constitution to make provisions to mitigate the effect of natural disasters. We have areas in this country that are very prone to desertification and as much as we want these areas to develop, they cannot develop if the country as a whole does not recognise them considering the lean resources at their disposal.

There is this part of the country that is educationally backward. We cannot move forward as long as we have not imbibed the concept of developing the country as a whole because the concept of development is holistic. If one section of the country will continuously drag other sections of the country back then we will not attain the desired speed of development. I will also want certain provisions to be made to take care of educationally backward States.

On the issue of Education, you will agree with me that no nation can actually develop and actualise its dreams if its literacy level is not above 50 *per cent*. In this country, we cannot boast of more than 35 *per cent* literacy level. I will also want the provisions under the Fundamental Objectives and Directives Principles of State Policy particularly Section 18 on Education to be reviewed so that certain specific role will be given to each tier of government so that at any level we find ourselves wanting educationally we will blame that particular tier of government.

Hon. C.I.D Maduabum (Nnewi North South/Ekwusigo): Mr. Speaker, I will start from the Explanatory Memorandum in the Bill, which says that *the Bill seeks to amend the 1999 Constitution of the Federal Republic of Nigeria to, among others, provide for Independent Candidate in Election under the Electoral Act, 2006; prohibit cross-carpeting by elected persons, guarantee the funding of Independent National Electoral Commission (INEC) in line with the Electoral Reform of 2009.*

Why I associate myself with allowing this Bill to go to Second Reading, I must say that I have not seen anywhere in the Bill where the funding of INEC was mentioned; maybe our Colleagues can correct us. Even though it is stated in the Explanatory Memorandum, I

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have not seen any Section where it is mentioned; I stand to be corrected. It does not mean that we cannot include it at the Committee stage.

Secondly, if you look at the issue of independent candidacy, I think there is merit in having independent candidates but we must have some caution here. We already have fifty political parties and it is already a nightmare finding the name of a political party. When you have independent candidates without strong qualifications to become an independent candidate because the qualifications now to make you an independent candidate is not strong enough, you will have instances where you will have 1,000 candidates on a ballot. First of all, it will be a nightmare for anybody conducting the election to print the ballot papers and it will be a calamity for even an ordinary voter to see the name of the candidate or the party he is voting for. Therefore, we must specify the qualifications that will allow anybody to become an independent candidate even though there is a lot of merit in it. At least it will remove a bit of arrogance from the political parties so that they can search for members who can deliver the goods to them in the various electoral areas.

I am also impressed with the removal of the Administrative Panel of Inquiry as a disqualifying element for a candidate. It more or less codifies the decision of the Supreme Court in the Atiku case.

I would submit that we allow this Bill to go through the Second Reading. Whatever problem we have, we can resolve it at the Committee level.

Hon. Henry S. Dickson (Sagbama/Ekeremor): Mr. Speaker, I rise to lend my voice in favour of the passage of the Bill sent by the Executive for the amendment of certain Sections of the Nigerian Constitution.

Before I say more on this, permit me to urge us and by extension the people of the Federal Republic of Nigeria and lovers of Nigeria to commend the President of the Federal Republic of Nigeria who has deemed it fit and proper to take this very far-reaching and commendable step.

This is the first time within my recollection and knowledge that a sitting President of the Federal Republic deems it fit to initiate legislative measures aimed at addressing very fundamental areas that clearly have been impeding on the development of this country. It is proper for us to state it and put this on record.

Having said so, I support in totality the Bills that the President of the Federal Republic of Nigeria has sent for our consideration. However, I want to align

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with the submissions and views canvassed by my Colleague and Friend, Hon. C. I. D. Maduabum. I agree with him that we need to qualify, for example, the conditions under which the right to contest an election as an independent candidate can be exercised. I believe that that is the case even in very advanced democracies.

Before we allow somebody to exercise the right of independent candidature for any election, we need to spell out stringent conditions that must be fulfilled. Otherwise, in trying to provide and protect the freedom including the right to contest for an election and to vote and be voted for, which is good and it is what we would want to address, we will open up a window by which people will abuse the independent candidacy clause. In a country of 140 million Nigerians, let us not wake up one morning and discover that we have 140 million Presidential candidates.

Therefore, those are matters of detail which I believe that at the Committee stage and in the course of the interactive sessions that this Parliament and the appropriate Committees shall have with relevant stakeholders, we will fine-tune the appropriate terms and conditions that we must put there to enable anybody to exercise the right of independent candidacy.

In my view, the Bills that have been submitted by the President although commendable and a step in the right direction are not far-reaching enough in most of the important particulars. Whether you are talking about a time frame for the conclusion of electoral disputes or about guaranteeing the financial autonomy and independence of INEC or even about the independence of the security operatives, at the appropriate Committee stage, we need to sit down, streamline and expand these things for the benefit of this country and for posterity.

I urge us all to support that these Bills do pass through the Second Reading.

The Deputy Speaker: Hon. Abdul Ningi first raised the issue of independent candidacy where he expressed fears that in Ningi Local Government, he may have over 2,000 people contesting for the Chairmanship of Ningi Local Government.

In the same vein, Hon. Tsegba has attempted to answer that question by saying that we may introduce a non-refundable fee. I am raising this issue for the benefit of those who are just coming now and raising the issue. They did not hear that.

Hon Tsegba suggested the introduction of a non-refundable fee for a candidate who could not score more than a certain number of votes; that was his suggestion

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as far as that area is concerned. However, I believe this issue will be dealt with at the Committee level.

Hon. Isah Idris Umaru (Igabi): First of all, I would align myself with Hon. Tsegba but I believe what he said on the issue of independent candidate was that there should be a proviso that will compel those intending to contest as independent candidates to deposit some money which is refundable after the candidate had scored certain minimum percentage of votes; it is not that it should be deposited as non-refundable fee.

Having said this, I would also align myself with all the speakers who spoke in support of INEC having a First Line Charge. In all sincerity, Hon. Patrick has said it all about INEC. I am sure history will be kind to Maurice Iwu if we go down memory lane and remember how INEC, as it is, conducted 2007 Elections under stringent and very harsh condition of non-releases of funds on time.

Therefore, for Mr. President at this juncture to come up with an Executive Bill towards addressing that issue and coming with a proposal to give INEC a First Line Charge needs to be commended. We need to commend His Excellency, Umar Musa Yar'Adua for coming up with this Bill at this crucial time. That shows the sincerity of the Executive.

With regard to the issue of cross-carpeting, Section 68 of the Constitution has adequately taken care of that particularly as it affects legislators. What the Constitution has not done which we need to do is taking a second look at the elective posts in the Executive arm. Proviso 2(g) to that Section has adequately taken care of the problem of cross-carpeting by legislators.

As Hon. Patrick Ikhariale said, there is no institution vested with the responsibility of determining whether this party has a division or that party has a merger. I believe that the Executive arm should be brought in under the review when considering it at the Committee level and that proviso is now made to encompass the entire elective process, the issue of cross-carpeting will also be resolved.

Hon. Ihiabe S. A. Positive (Dekina/Bassa): This is a very wonderful approach to constitutional Amendment and all the provisions here today for discussions are well taken. As regards granting financial autonomy to INEC, I am totally in agreement with all the provisions.

On independent candidature, I agree even when people are say some two to three thousand people were going to contest one elective position. It does not matter

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because if you have a right to vote, you equally have a right to be voted for. Therefore, certain provisions should be done within the framework of the system and appropriate things put in place.

However, I am afraid of one element. This is the issue of cross-carpeting; leaving a party to join the other one at will. In the first instance, in the course of amending the Constitution, we must comply with the provisions of the Constitution too. Freedom of Association is in the Nigerian Constitution, for example. If you have joined a party and you are barred from leaving; that does not agree with the Constitution. In the second instance, you are joining a party at your own free will, *ab inito*. Therefore, if you the right to join a Party at your will, subject to Section 65(g) of the Constitution you can leave when these divisions as Hon. Isah said. We have to allow INEC to take the responsibility to determine when a political party is in division.

If we do not allow people to cross carpet, it means it is at variance with independent candidature. You are telling somebody who is in a political party that he has to die there. It does not tally; you have a constitutional right to associate with any organisation of your choice and we have to allow that to prevail.

In Nigeria, we have over 50 Political Parties. Having made a mistake of joining one or there is a problem in the party you are in, it becomes an offence for you to leave there; it does not augur well for a good system. We should allow cross-carpeting as a result of division and ensure that there is discipline in Political Parties. The moment you are not organised or you are involved in wrangling or jumping on one another and fighting over one issue or the other and the Secretariat is getting broken, you are in danger because your membership will deplete; it would make them very disciplined.

I would want to look at this matter with all level of sincerity and ensure that this is allowed, subject to the provision of Nigerian Constitution based on the fact that the Constitution emphasises Freedom of Association. Where these provisions in the Constitution are not adequately in place, you should be allowed to leave your Party and join the other one where you feel you belong.

I am tempted to make an observation here on the presentation of the Bill. I do not know whether or not it is correct. If you look at the way it is being presented in the Chamber, I am tempted to believe that the totality of the Constitution is supposed to be amended the way it is being written here. I discussed with one or two of my Colleagues and I felt I should bring to the Floor.

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If you look at Clause 1 of the Bill, it says: *A Bill for an Act to alter the provisions of the Constitution of the Federal Republic of Nigeria*. In any case, I am of the opinion that it should read: *A Bill for an Act to alter certain provisions of the Constitution*.

Hon. Sokonte H. Davies (Degema/Bonny): From the very beginning, I want to say that I support the Amendment so canvassed. The problem we have with our democracy has been that the crafters of the 1999 Constitution have, in my opinion, started by thinking that we already have a developed democracy in place.

In the process of democratic development, every democracy has started with a method where many of the people are allowed to canvass for votes to represent them. That is the issue about independent candidature. When so many people are allowed to canvass and they are really the representatives of the people, then they will be accountable to the people. Unfortunately, apart from the First Republic when that was tried, all other Republics we have practised in this nation had thought that we are already a developed democracy whereas we do not have democracy. Therefore, the amendment so sought in the 1999 Constitution making provision for people to be independent candidate is proper.

The only thing which our Colleagues have canvassed which I strongly support is that distinct provision should be made to make sure that it does not just encourage everybody to participate. Why I am saying so? Today we have 50 political parties. The reason we have 50 political parties is that some persons have already within themselves believed that the major political parties they belong to will not give them tickets and, therefore, they decided to float parties. Today you hear there is CNPP; a conglomeration of parties joining to form one party to attack one party. It means that something is wrong. However, if we have provision for independent candidate, then these candidates will go.

Let us take a developed democracy like the United States as an example. When the Mayor of New York was elected as a Democrat but eventually did not agree with Democratic Party, he became an independent person. After that when he started election as a Republican and he disagreed with the Republican Party, he became an independent candidate. It gives provision for people to freely associate with themselves.

The Democratic Party denied Senator Lieberman a ticket. He ran election as an independent candidate but today he is with the Democratic Party. When you make such provision, it gives the political party robust ability to grow and to develop. I want to align myself with Hon. Isah and Hon. Positive that it is not actually proper to throw every section that deals with cross-

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carpeting away. Instead, we should define the condition. Not only that, we should also define who has the responsibility to ensure that that condition is complied with. Otherwise, it negates the provision of our Constitution itself. The Party does not make the people; people make the Party. We are tired of protest votes; people have won elections because of protest

votes. It is because the people believe in the person and if the person now decides that it is no longer appropriate for him to remain in that party, there should be a provision for him to maintain his mandate but in accordance with the provision of the Constitution.

Therefore, with this submission, I support the amendment so sought.

The Deputy Speaker: I have about 17 hon. Members on this particular column willing to speak. So, I will take every Member one by one but you have to exercise some patience.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, let me start by saying that there is so much wisdom in the Bill under consideration. The Bill seeks to address three critical and fundamental issues in our democracy. Number one is the provision of independent candidature to prohibit cross carpeting by elected persons and to guarantee the funding of the INEC.

I align myself completely with the funding of INEC because if INEC has First Line Charge and they have their money coming directly from the Consolidated Revenue that will be free from any form of encumbrance.

I want to deviate a little from the submissions of the previous speakers on the issue of cross-carpeting and that of independent candidacy. Cross-carpeting is actually self-decision by politicians. We have up to 50 political parties in the country and each political party has its own manifesto and programmes. Every one of us usually signs and takes oath of confidence to protect the interest of the manifestos and programmes of our political parties. I want to know, if a Political Party is deviating from its programmes and manifestos does it mean that you must sink with that Political Party? I do not subscribe to this particular option at all. I think what we should do is to find a way of making it possible for anyone who feels that he or she is uncomfortable with the Political Party he or she has been elected into, to join another Political Party of his choice.

On independent candidature, we have over 50 political parties in the country. The time has come when we need to consolidate political parties into either

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two or three in order to give room for independent candidature, not when we have up to 50 political parties somebody will now come and be an independent candidate in an election. The time to consolidate all the political parties is now. We need to use this time that we have in order to achieve this purpose once and for all.

On the issue of funding of INEC we know that today's INEC, to some extent, is not independent. They are not independent in the sense that before any election, they usually go for the release of funds and other things. That invariably affects the conduct of election in the country. Therefore, if INEC becomes independent financially, that will help us to entrench true democracy in the country.

I align myself with the first one but I am completely not in support of the last two points.

The Deputy Speaker: Let me just make this point clear, hon. Colleagues. If the Bill passes through Second Reading, and is referred to the relevant Committee, you can introduce anything at that time. Any section that you want to amend can be accommodated at that level.

Hon. Olajumoke Okoya-Thomas (Lagos Island 1): The passage of this Bill is germane to the amendment of the Constitution proposed by Mr. President. Without this Bill, the proposed amendment to the Constitution would not be possible.

I am especially interested in Section 17. From the debate that is going on, a number of Sections have been covered but Section 17 which tries to amend Section 222 of the Constitution is particularly interesting given the fact that it added new subsections (g) and (h) to this Section.

The new sub-section (h) stipulates that the Association maintains 20 *per cent* of women in the membership of its Executive Committee. Since the Beijing Conference, Nigerian Women have been agitating for at least 30 *per cent* representation in the Executive or generally but as it is we have only been given 20 *per cent* here and I would expect by now that after all these years this would be increased from 20 *per cent* to 30 *per cent*.

We also need to think about the less privileged people. They have not been recommended at all for anything. I believe 5 *per cent* of the less privileged people should be accommodated in this Amendment.

I would like to touch on the issue of cross-carpeting. I believe we should all be around our Parties

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and cope with difficulties. When your roof is leaking, you have to be in that house to take care of your roof. Nobody will come from outside to take care of your roof for you. I believe that we should stick to our Parties and take care of whatever is wrong in the Parties.

Hon. Olufemi Gbajabiamila (Surulere 1): I will only speak to the issue of independent candidacy and the position canvassed by several Colleagues including Hon. C.I.D. Maduabum, Hon. Abdul Ningi and their fears on the number of candidates that could present themselves as independent candidates if the conditions are not stringent enough.

Good as that may be there is a problem and it is a constitutional one. I assume that if somebody puts himself up as an independent candidate, it could be because he does not share the same political thoughts and opinions as the existing Parties and, therefore, decided to go on his own. That being the case, how do we reconcile a position where we canvass different rules for an independent candidate as opposed to somebody who has a different political opinion and who is on the platform of another party?

Section 42 of the Constitution says:

1. *A citizen of Nigeria of a particular community, ethnic group, places of origin, sex, religion or political opinion shall not by reason only that he is such a person –*
 - (a) *be subjected either expressly by or in the practical application of any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or*
 - (b) *be accorded either expressly by or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex religions or political opinions.*

In other words, the very Constitution that we are trying to amend already precludes us from applying

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restrictions and differences for somebody who has a different political opinion as opposed to another person. Whilst the submissions of Hon. C.I.D. Maduabum, Hon. Abdul Ningi and the rest of them are understandable, unfortunately they are in breach of the Constitution. Therefore, if you want to restrict the conditions for an independent candidate, the same rules must apply to anybody who is running on the platform of the political party for equality.

Hon. Igochukwu Aguma (Port Harcourt 1): I believe that this Bill which seeks to amend the Constitution will not work. Hon. Olufemi Gbajabiamila has highlighted one example. I want to highlight yet another example and that is the issue of gender. We are very passionate about gender representation.

We also know we are a country of minimums. Even in gender issues, you say a minimum of 20 *per cent*. You are already saying it is 20 *per cent*. I can use my own region as an example in the case of the minimum of 13 *per cent* derivation. We see 13 *per cent* as absolute.

Whatever differences have arisen that has made our Constitution Review Committee not to move forward, it is time for us to take a look at that issue again and move forward. Piecemeal amendment of this Constitution will only reveal clauses that will fight against themselves in the Constitution. This is because the Constitution as a document was not drafted piecemeal. We do not have the type of British Unwritten Constitution; we have a Constitution that people sat down and holistically wrote. We must look at it from the beginning to the end.

The problem of my own region is derivation. I know that South East problem is States. I know that women have problem with women and gender; the less privilege people have their own problems too in the Constitution.

We cannot sit down here as politicians and take out only the ones that will guarantee our political future; it is not fair. This document should be thrown away and let the Committee go and complete their assignment.

Hon. Ahmed Idris Wase (Wase): I wish to humbly submit my contribution in support of the alteration of this 1999 Constitution. I am a democrat. I believe in democracy and I believe that if this institution is strengthened, a lot of things that could be done for Nigerians will be gotten. It is on this basis that I want to support that there should be a true independent Electoral Commission for Nigeria.

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We should go beyond funding; we should also look critically at how the appointments are going to be done; how they are going to manage their resources and fund themselves. It is only when we have credible people in place; people devoid of political inclinations that we can guarantee true independent Electoral Commission. The present situation where you appoint card-carrying members as Chairmen or Resident Electoral Commissioners in the states will not guarantee that.

I also want to comment on the issue of cross-carpeting. We should do everything possible to put a stop to that as it will help us in developing our democracy. We must do it in a well fashioned out way such that we could guarantee the position of the opposition not to be viewed and seen as enemies of the people who are in authority. It can also be done through enhanced internal democracy. With that in place, cross-carpeting will be a thing of the past.

I also want to lend my support to the issue of independent candidature. I would not like the issue of stringent position as proposed by some other hon. Colleagues. Rather, I will pray that we include a condition that is going to guarantee the political aspiration of every Nigerian under a good atmosphere. When we use the word stringent, people get scared that we are not going to allow true democratic process.

I so submit and I urge my hon. Colleagues to support this process. Even if it means doing this alone we should be seen to be doing it and we should do it.

The Deputy Speaker: Is it the wish of the House that I put the question?

Some hon. Members: No!

Some hon. Members: Yes!

Hon. Patrick Ikhariale (Esan Central/West/Igubebe): I stand this afternoon to support the proposition to amend or alter the provisions of the 1999 Constitution. Certainly, I listened very carefully to the submissions of Hon. Ugo Aguma. As much as he has his views, I believe that we need to take a step forward in this direction.

I want to start from the issue of independent candidacy. When my Colleague was making reference to Section 42 of the Constitution, I was on the edge of the seat because I do know very clearly also that if we look at Section 65(2) of the 1999 Constitution, it would appear that as it is today there is basically no room for

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independent candidacy and for that to happen that particular Section will need to be amended. A look at that Section will enable this august House take a final position on qualifications for people intending to contest into various positions.

As it is today, it is in a state of flux; nothing is certain. Part of the qualification there is simply that you have attained or attempted a certain level of examination like School Certificate. So the categories of what amount to equivalents in Nigeria today are not closed. It has led to a situation where you see people that you can at best be described as charlatans attempting to vie for the highest position in this country; people who basically do not have the mental capacity to govern their immediate family want to be President or Senators as it were. This is, of course, because of the lapses that we have at the moment in the Constitution.

I do not want to say that the position of those that are against cross-carpeting is wrong because by their own estimation they have their reasons but if you ask me, I believe it is part of constitutional democracy. We should allow as much as possible for flexibility, particularly when people get themselves into a political party not necessarily because of any ideological stand but simply because that is the only means by which they think they can achieve their desire and once that is done it becomes imperative, if necessary, for them to jump ship provided in their own estimation they are moving to a different party where they feel they can serve the people of this country better. So to restrict will, to some extent, amount to an infringement of their fundamental human rights that is well entrenched in the Nigerian Constitution.

So I do support with all sense of sincerity, humility and understanding that so many aspects of the 1999 Constitution as it is today, deserve and indeed require to be given a second thought and be amended.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue): I have made my position known to this House that I completely and vehemently oppose any attempt to alter, change or amend the present Constitution of the Federal Republic of Nigeria. I am urging that Nigerians should be patient and we should indeed experiment this Constitution for at least 25 years.

Therefore, I stand by my earlier submission and pray this House to follow that way, Sir.

Hon. Friday Itulah (Esan North/Esan East): Mr. Speaker, there are many items that were sent to the House by the Executive for Amendment in the

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Constitution and I believe they all have to do with making the electoral system work in this country. The realisation of this will, to some extent, allow for true politics in this country. There are some parts of the Amendment that are being sought that will not help in that direction.

Let me take the issue of independent candidacy, which is Section 65. Yes, there is no doubt that I am in support of the issue of independent candidacy as it will allow individuals who do not belong to political parties or that do not have accommodation in political parties to come out on their own. However, if you go to Section 68 dealing with cross-carpeting, it talks about what disqualifies you from contesting for an election. If we are to take the Amendment that is proposed by the Executive to Parliament, it will mean that if you are a member of a political party, that in itself is a disqualification.

Read Section 68 and remove the area that they are asking to be deleted. Section 68 says:

1. *A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if –*
 - (g) *being a person whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which he is a Member of that House.*

Now, they are asking us to delete in line 2 the words *if he becomes a member of another political party before the expiration of the period for which that House was elected* and the proviso thereof. Therefore, the following will be left: *being a person whose election to the House was sponsored by a political party*. If we allow that, the meaning is that you are disqualified if you are a member of a political party. Let us read what we are talking about critically.

Secondly, Section 66(d) is increasing what disqualifies you from contesting an election. If you have been sentenced to death or for whatever reason, you cannot contest election until after ten years.

Let us look at this thing critically. If, for example, you have already been convicted for an offence and have been sentenced to five years imprisonment, the meaning is that that tenure you have served imprisonment suffices for the offence you have committed. If after the period that you have been sentenced you are disqualified from contesting an

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election as a result of your having been an ex-convict that is double jeopardy. It means that you are suffering twice for the same offence and instead of allowing that in the Constitution, it should be removed.

Lastly, the issue of expansion of registration of Political Parties in Section 222 is increasing the percentage of women for a political party to be registered. If you look at item 2 in the Order Paper that we already have, it is talking about Political Parties Registration and Regulatory Commission.

If we are to have that Commission in place, that function is already given to INEC in Section 222 of the Constitution. In other words, if that is to take place what is required is for that Section in the Constitution to be deleted so that that function can be transferred to the Commission that is in charge of the registration of political parties.

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Speaker, the Bill before us essentially deals with the issue of independent candidacy, carpet crossing and funding of INEC.

On the issue of independent candidacy, we can only commend the initiative in the proposal. It is a matter which has been called for over the years and it should be able to streamline and reduce the tensions that are created within parties for people who feel they have sufficient popularity vote alone without the platform of a political party.

I also support the fact that a person who is elected on the platform of a political party where he decides not to continue his membership of that political party should also relinquish the office to which he has been elected. This is because the electorates have an intention. Even though we may say we are not following strict ideologies but the electorates put a person up, their expectation is that he would pursue the agenda that is contained in the Manifesto of that political party and once the person decamps, he denies the people of their expectation because he will no longer be in a position to pursue the agenda in the Manifesto of the Political Party on which he was elected.

I also want to refer to the issue of people who have been convicted being disqualified from contesting public office for a while. My Colleagues spoke on the matter but the issue of double jeopardy which he was about to refer to does not apply in the circumstance.

We are talking about a person who commits a criminal offence. The Constitution and other statutes

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have defined the kind of offences which will bar you from contesting office for a while. They are not simple traffic offences or things like that. They are things which have put your integrity on the line and the person whose integrity is questionable *ab initio* disqualifies himself from contesting election and we would be lowering our standards in terms of integrity if we suggest that that should be removed.

I strongly recommend that persons who are convicted for crime should be allowed sometime to reform sufficiently before they are allowed to hold public office.

Hon. Independence Ogunewe (Ahiazu Mbaise/Ezinihite): Mr. Speaker, much as I appreciate this Bill and perhaps its importance, I have some reservations and to say the least, with due respect to my Colleagues, I smell a rat.

In the last Session, this House and indeed the National Assembly embarked on the project of comprehensively reviewing the 1999 Constitution. We all appreciate and indeed Nigerians know that the Constitution we operate today is flawed with many *lacunae*. However, we are also aware that that exercise was not thrown overboard or botched because Members

did not believe in the more than 106 Clauses that were supposed to be amended but there appeared to be one clause that was offensive, if I must use that language, not only to Members of the Parliament but the general public. That was the issue of Tenure Elongation.

I thought that in the spirit of comprehensively reviewing this Constitution so that we would come up with a document that can actually address some of those problems that have made this country difficult to move forward, we could have done a fine laser surgery and remove that Tenure Elongation item in that list and then package that list back to the Constitution Review Committee that we had set up. They would work on it and then submit it as a proposal to this Parliament either by way of a Bill or something of the sort.

If we go by the way of this amendment or alteration as has been put by the Committee on Rules and Business, what it amounts to is that we want to engage in piecemeal approach to the Amendment of the Constitution. It may sound good because perhaps a country like the United States of America has what they call the fifth, sixth and twentieth Amendments but the issue is that if you have gone through the Constitution that came into being in 1776 – (*Interruptions*)

Hon. Soli Sada Jibia (Jibia/Kaita): Mr. Speaker, Point of Order!

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The Deputy Speaker: Go ahead.

Hon. Soli Sada Jibia: Order IX, Rule 1(4) of our Revised Standing Orders at page 31 says:

A Member must confine his contribution to the subject under discussion and may not introduce matter irrelevant thereto.

We are debating alteration of the Constitution through the Constitution Amendment Bill (HB. 236) and he is referring us to a Report that has passed; something that has completely been dealt with by this House. We are talking on the general principles on the alteration of HB. 236.

I think he is not confining himself to the subject of discussion.

The Deputy Speaker: You are ruled out of order, Hon. Jibia. You may go ahead Hon. Ogunewe.

Hon. Independence Ogunewe: Mr. Speaker, I thank you for giving me the opportunity to go ahead. Earlier on in my presentation, I said I smelt a rat and it has just played out. If we allow a piecemeal Amendment to this Constitution, certain issues that are very critical to the survival of this nation, which this Constitution seeks to put in place and stabilise, may not be easily addressed.

Hon. Leo Ogor: (Isoko North/Isoko South): Point of Order, Mr. Speaker!

The Deputy Speaker: Hold on, Hon. Independence Ogunewe. What is your Point of Order, Hon. Leo Ogor?

Hon. Leo Ogor: My point of Order is on Section 9 of the 1999 Constitution. With your permission I read:

The National Assembly may, subject to the provision of this Section, alter any of the provisions of this Constitution.

It means that what we are doing today is in consonance with the provision of the Constitution.

The Deputy Speaker: Hon. Colleagues, every Member should be allowed to speak the way he likes. If this is the fashion that you want to speak, you speak in that fashion. If this is his fashion you should allow him to speak in that direction

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Go ahead, Hon. Ogunewe.

Hon. Independence: Thank you for giving me the privilege to continue with my presentation. As I was saying, if we go ahead with this idea of piecemeal Amendment or altering of the provisions of this Constitution, certain issues for which my own people that elected me to represent them here may not come up as fast as it is expected.

After all, if we say the Constitution allows the Parliament to alter *any of the provisions of this Constitution* if we aggregate all *any of the provisions of this Constitution*, it would amount to all alterable portions of the Constitution.

Much as I appreciate the Bill that is before us, I submit that if we go back and aggregate all the issues that are begging for attention and amendment and get them here through the Committee that has been established to look into them such as the issues of States creation, derivation, Local Government rationalising and creation - several issues that would stabilise this country - we would be doing ourselves more good than harm.

I want to believe that the problem with the country is not necessarily caused by our electoral system. This is because our electoral system is only a reflection of the dissatisfaction and disenchantment of members of this country who now because they feel cheated or short-changed go all out to find a way to muscle themselves into the mainstream.

If these things are taken care of holistically, I can assure you that we may not even have need for these particular item that has been brought before us for amendment.

The Deputy Speaker: Leader, can you please move for the suspension of the relevant Rules to enable us to continue?

Extension of sitting time

Hon. Akogun Tunde (Akoko Edo): Mr. Speaker, I move that the relevant section of the Rules be suspended to enable us to sit beyond the stipulated time today.

Hon. Shehu Baba Agaie (Agaie/Lapai): I rise to second the Motion moved by the Leader.

Question put and agreed to.

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Resolved: That the relevant section of the Revised Standing Orders of the House be suspended to enable us sit beyond the stipulated time today.

Hon. David Idoko (Ado/Ogbadibo/Okpokwu): I believe that what we are about to do is to express our desire to open the political space enough to accommodate each other and accommodate our different opinions in politics. That is why we have sought to amend the Constitution and to also appreciate and accept independent candidates.

Generally, what we seek to do will not only deepen democracy but also stabilise it. I am more concerned with the fact that as we amend these items, it will probably give us a leeway or the character to further amend the Constitution to the extent that we would accommodate some of those things that are affecting our people. If we are able to amend these areas particularly the Electoral Act, we may also find the need to call for further Amendments over time. I do not know how long it would take us but the points Hon. Independence made should not be discarded; they are very important.

I believe that any *Idoma* man whom I represent would want me to ask for the Constitution to be amended to the effect that States should be created. We are clamouring for the creation of more States; we are also clamouring for the amendment of our Constitution to accommodate creation of Local Governments. These are the things that would stabilise democracy.

However, I wish to make the point that if we amend the Electoral Act, particularly the issue of the funding of INEC, it will be a major way of solving the problem of INEC because this has led to the crisis we experienced in the electoral system.

Funding of the Independent Electoral Commission (INEC) from the First Line Charge, will enable it develop the capacity to conduct elections and finance activities without having to go cap in hand to the Executive to ask for funds. Therefore, that takes away the vulnerability of the leaders of INEC and stabilises INEC and in effect will stabilise the electoral system.

Over time, we had experienced this Constitution and the things we have learnt from it have deepened our knowledge of what democracy should be. That is why we are calling for these Amendments because we have learnt what should be the content of democracy. We are, therefore, calling for these Amendments to ensure that we have a stabilized system in place.

I urge my Colleagues to also support the Amendment of our Electoral Act to increase the

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capacity of who leads INEC by the way his appointment is being done.

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): I believe that the Amendment of the 1999 Constitution is one of the most sacred responsibilities conferred on the National Assembly of Nigeria and State Legislatures across the country. I also believe that this Amendment Bill has come at the right time as there are some subsisting issues in the Nigerian Electoral System that need to be addressed.

I believe also that one of the conditions for the sustenance of our democratic dispensation is the entrenchment of a free, fair, transparent and credible electoral process. The issues being addressed by this Bill such as direct funding of INEC is one major issue that an independent and credible electoral process will be built upon. When you have an electoral body that goes cap in hand begging the Executive to give money for each operation, that body can never be independent.

Like the Judiciary that is now on First Line Charge, if the INEC is put on First Line Charge through this Amendment Bill, I am sure that the INEC would be as independent as we imagine that it should be.

Of course, we also have to address the issue of the appointment of Members of INEC. I also believe that the prohibition of cross-carpeting and independent candidature will also add to the quality of our politics and quality of the electoral process that we are going to have.

I appreciate the concern expressed by my Colleagues over how to manage the number of candidates that will naturally join the race if the concept of independent candidacy is entrenched in the Constitution. I also believe that this issue could be addressed at the Committee stage because the issue of prohibition of cross carpeting and independent candidature would give rise to the return of politics of ideology and principles.

However, if we are not going to adopt Hon. Independence Ogunewe's proposal, I would request this House not to allow the Amendment or alteration of the Constitution to be confined to these three or four items. We should allow the Committee at the Committee stage to expand the scope of this exercise to address some other issues for my people one of which is the creation of additional States that is very dear to us in the South East. If anybody is discussing the Amendment of the Constitution without bringing in the issue of States creation, the person is doing a great disservice to the people of the South East of Nigeria.

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I seek the indulgence of this House to allow the Committee to expand the scope of this exercise so that issues of States creation and Derivation Principle and some other similar issues are addressed and the Report brought back to this House. These are germane issues. We should not just pick this one and abandon other serious matters.

The Deputy Speaker: The issue was first raised by Hon. Igochukwu Aguma. Before he raised the issue, I did say that all matters that need constitutional review or Amendment could be accommodated in the course of this exercise.

Therefore, the fear that you are expressing is not there. The 13 *per cent* derivation, creation of more States and any other thing that you think of can be included.

Hon. Ahmed Njidda Gella (Miaha/Mubi North/Mubi South): My contribution is on the disadvantaged Nigerians to which I belong. The issue of States creation in the Constitutional Amendment is of paramount importance. If we acknowledge and address that, I will no longer have any issue to raise here.

With respect to all the issues raised, I support them. On the issue of States creation I had earlier mentioned, I am working in tandem with my Colleagues from the South East.

The Deputy Speaker: It is not only the South Easterners that are agitating for a State. I heard Hon. David Idoko talk about State creation. I know Hon. Auwalu Gwalabe from Bauchi who spoke on the issue of States creation was referring to the creation of Katagum State. Many of us will want additional Local Governments in our constituencies.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Speaker, let me start by lending my voice to those who are clamouring for a holistic review of the Constitution. In view of the fact that I have limited time within which to make my presentation, I would like to dwell a little on what I consider the most serious single aspect that is threatening the stability of this country.

Every country that is stable is a progressive one and in order to guarantee the progress of our nation, we must take steps to ensure the sanctity of elections and the whole electoral process. We must make sure that the will of the people is reflected in elections. As representatives of the people we must demand and insist that the right things are done when it comes to ensuring the independence of INEC.

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INEC as it is presently constituted is a mere contraption; an evil agenda against the Nigerian people. We must move to make sure that we correct this abnormality.

Hon. Kayode Idowu (Odo Otin/Ifelodun/Boripe): It is very important for me to say that on a more serious note, we do not really have problem with the Constitution of the Federal Republic of Nigeria but it is unfortunate that the people operating it are the major problem we have in this country.

Despite the large number of churches, mosques and religious activities in this country, the attitude of the people refused to change. Until we actually customise the mind of the people towards thinking right for this country and finding a way to actually move forward, only then will we begin to progress. Unfortunately, we do shift the responsibility of performance of the Government to problems caused by constitutional provisions, which is not really the case.

I want to say with all humility that it is important for us to see the process by which we actually elect our leaders into governance so that by the time that particular process is genuine and constructive enough, we would guarantee good governance in this country.

On the issue whether or not to introduce independent candidature, there are certain things that must be put in place for it to work properly in this country. Unfortunately, today, we do import policies and ideas from other nations and we want to implement it here notwithstanding the fact that we do not have conducive environment for such policies to thrive; this will never work. We have to look at the whole process of amending the Constitution of the Federal Republic of Nigeria holistically. It will be a shame on us if we cannot actually amend the Constitution of this Republic on the basis that the Military which was not democratically elected was able to give us a Constitution which we are using. It is a shame.

I urge everyone to support the holistic review of the Constitution of the Federal Republic of Nigeria.

Hon. Olufemi Gbajabiamila (Surulere I): Point of Order, Mr. Speaker!

The Deputy Speaker: Yes?

Hon. Olufemi Gbajabiamila: Mr. Speaker, it is Order XII, Rule 6 of our Revised Standing Orders at page 49. It says:

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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.

All I am trying to do is to understand the procedure you have announced that once this matter is sent to the Committee, then other issues can be brought in. If I understand you correctly, that goes against this Rule.

The Deputy Speaker: What is the subject matter?

Hon. Olufemi Gbajabiamila: The subject matter is Electoral Amendment.

The Deputy Speaker: The subject matter is Constitutional Amendment.

Hon. Olufemi Gbajabiamila: If I bring in something that has to do with State creation, it would be irrelevant to what we have debated here today.

The Deputy Speaker: The subject matter, as far as this debate is concerned, is constitutional Amendment.

Hon. Olufemi Gbajabiamila: I believe we should look at this holistic Amendment again.

Hon. Yakubu Umaru Barde (Kajuru/Chukun): Mr. Speaker, as much as we want to continue to exist as a country, all issues that are affecting us today have to do with leadership. What Mr. President intends to do by bringing this piecemeal Amendment is to make sure that the process through which a leader emerges is transparent and fair.

If you talk about the independence of INEC it is all about choosing a leader. If you talk about independent candidature, it is all about the process of choosing a leader. If you talk about cross-carpeting, it has to do with choosing a leader. If I leave this National Assembly today and I know that the process of electing Members of the National Assembly is transparent, I am sure that all other issues affecting us today will be put in place.

I want us to support the Amendment that has been brought to us to make sure that the processes whereby leaders emerge in Nigeria are transparent and fair. The laws cannot be implemented if we do not have the right leaders.

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I commend Mr. President for saying that the Election that brought him into power was flawed. It takes a leader who truly loves this country to say that and if he wants that section to be amended, we should support it so that tomorrow all other issues that are affecting us can be put in place.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): I would like to support that we should review the Constitution of this country but I am not of the opinion that we should do it piecemeal. I believe we should look at the totality of the Constitution and correct it in such a way that the country would be a beautiful place for everybody to live.

I am in support of the independent candidacy Clause and we should not put any lacuna in it. Whatever that is good for the goose is also good for the gander. They should make sure that at least what is applicable to the people who are contesting under political parties should be applicable to those that would be contesting as independent candidates.

On the issue of cross-carpeting that some of my hon. Colleagues mentioned, I had cross-carpeted in this honourable House and I have no regret. Besides, my constituents never complained about it. I did that on conviction of not trying to be a selfish person. At the time I did it, it was winner takes it all at the Federal level. They believe that some Capital cities deserve more attention than rural areas and I am from a rural area where Federal presence was not felt at all. I believe that for me to really make an impact and input in my constituency, I have to play good romance with the ruling party. That was the reason I decamped and I enjoyed the support of my constituents. Now that we are having a unity government in place, it is a good thing that we should look into it and allow it to rest.

I want to talk about equity. When we are talking of reviewing the Constitution, I believe we should

factor all the necessary issues into it. There are some areas that have not been visited that deserve the creation of more States and there are some States that are larger than they should be now. This is because creation of State is based on land mass and population. A place like Lagos State deserves an extra state. So also is a State like mine; Osun State. So also the people of the South East are advocating for the creation of more States and they deserve this. I believe we cannot just pick these issues piecemeal and believe that we can do it.

Finally, when we are talking of revisiting the issue, at one time or the other we had all criticised this

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Constitution as being an imposition. If we believe that it is an imposition, what can we do? All we could do is to ensure that we look at all the relevant Sections and review them. The Constitution has been extremely silent as far as gender is concerned and while one of my Colleagues was making his contribution, he was even advocating for women; he said that it is in the Constitution that a woman should be Deputy Chairman of INEC. Who is saying that a woman cannot be the Chairman of INEC?

I am surprised and it is like we are just looking at issues and not really looking at how we can amend and make sure that everybody is happy and the country is good for everybody to live in. I must tell you that there are many issues we need to re-visit. We need to re-visit the issues of religion imbalance, gender and culture. When you are affected once, you should be bold to stand up and talk about these issues. I have been affected and till tomorrow I am still very hurt about the issue because while some people hide under one obnoxious issue to crucify others, they do not know how other people feel. I still believe that the truth will come out tomorrow.

The Bible that I read says; *you shall know the truth and the truth will set you free*. The issue is: say the thing the way it is. There is no point believing that when you are reviewing the Constitution it is then you start talking of women being subject to men. I know that men are the heads of the family but when it comes to the issue of training women equally and all of us are sitting here on the basis of one representative per constituency; you do not look at issues like that. We must see ourselves as Colleagues. I do not believe in people pitying women and believing they should be specially considered and given something. No! Give people their rights on merit. That is the only way the country will be a beautiful place for all of us to live in.

The Deputy Speaker: Is it the wish of the House that I should put the question?

Several hon. Members: Yes!

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Point of Order, Mr. Speaker!

The Deputy Speaker: Let us take the Point of Order first.

Hon. Austin Nwachukwu: Mr. Speaker, my Point of Order is Order IX, Rules 9 and 10 of our Revised Standing Orders on page 31. The one that is

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very particular to me is Rule 10 which reads thus:

If two or more Members raise their hands at the same time the Speaker or the Chairman shall call on the Member who first catches his eyes.

Mr. Speaker, your eyes and my eyes have been catching each other.

The Deputy Speaker: It is not only that. You even came here and complained; which is out of order.

Hon. Austin Nwachukwu: Exactly. This is a constitutional issue and I have to contribute. People from my constituency want me to talk about their issues here. I think that you are not being fair to me.

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Point of Order, Mr. Speaker!

The Deputy Speaker: What is your Point of Order, Hon. Betty Apiafi?

Hon. Betty Apiafi: Mr. Speaker, last week we all sat down in this House and amended the House Rules on how the Constitution should be amended. It was stated that during the debates on the proposed amendment to the Constitution, all hon. Members shall be allotted five minutes within which to speak and I have not spoken.

The Deputy Speaker: Hon. Betty Apiafi, that one has been discussed before you came in.

Hon. Betty Apiafi: No. Mr. Speaker, if I cannot speak on this constitutional amendment then there is no point of amending the Constitution because I have to represent my people and speak on their behalf.

The Deputy Speaker: The point you are raising was discussed at the beginning of the debate. What we said was that it would be at the point of amending the Constitution and it was discussed on this Floor today.

Hon. Betty Apiafi: Mr. Speaker, does it mean that we have changed the Rules we adopted last week?

The Deputy Speaker: No.

Hon. Betty Apiafi: That is what you are saying because we adopted these Rules last week and I was in the House.

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The Deputy Speaker: Look at this: *The First and Second Reading of any Bill for altering the provision of the Constitution of the Federal Republic of Nigeria, 1999 shall be considered and proceeded with in accordance with the procedure of Bills in the House Standing Orders.*

That was what we discussed in the morning. The second one that you are referring to is when we are taking the Bill. We are not taking the Bill now; this is just for the general principles.

Hon. Betty Apiafi: What I have here is a memo from the House of Representatives. It says:

During the debate on Amendments proposed to the Constitution, all honourable Members shall be allotted five minutes within which to make submissions in alphabetical order.

The Deputy Speaker: It is on *amendment proposed* but this is debate on the general principles.

Hon. Betty Apiafi: Mr. Speaker, this is a proposed Amendment on the Constitution. It is a Bill proposing to amend the Constitution.

Hon. Ita Enang: Mr. Speaker, I want to submit that President Umaru Musa Yar'Adua, Bankole Sabor Oladimeji, the Deputy Speaker, Hon. Usman Nafada, Hon. Ita Enang and even the Minority Leader did not contest election. It is the Political Party that contested the election. We were simply candidates of those Parties.

When you look at the Return Certificate and the seats, the seats are the seats of political parties. Therefore, I want to submit that under the Constitution, it is only the Political Parties that can contest election. That is why we are now introducing an Amendment to allow independent candidate to contest election.

Secondly, if a Member of the legislature is cross-carpeting you cannot cross the carpet with the seat of your political party because that seat belongs to your party. I beg to also say that there is a provision of funding of Political Parties. It is politics for men and women and nobody can negotiate with God to be made a man or woman. I do not agree with the provisions that say that deputy position must be given to women. I

oppose the Amendment as proposed except the amendment of Item D, Sections 221 to 229 of the Constitution relating to Political Parties.

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As a Member of this House, I have the right to make contribution on issue of law. Mr. Speaker, please let me speak on the Floor of this House on this matter with your leave.

The Deputy Speaker: Hon. Ita Enang, you are on your own because I have told you to stop but you refused.

Hon. Ita Enang: Mr. Speaker based on this, I support the Amendment to the Constitution and the submissions I have made.

The Deputy Speaker: As Chairman, Committee on Rules and Business, I thought if I ask you to stop, you would stop.

Hon. Ita Enang: Mr. Speaker, I did not hear you. I apologise.

The Deputy Speaker: How can you hear me when you were not willing to hear me?

Hon. Ita Enang: I apologise. I did not hear you.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Point of Order, Mr. Speaker!

The Deputy Speaker: What is the Point of Order, Hon. Minjibir?

Hon. Sani Sale Minjibir: I rise to raise Order IX, Rule 1(7) of our Revised Standing Orders at page 31. It says:

It shall be out of order to use offensive and insulting language on Members of the House.

I believe that Hon. Ita Enang was totally out of Order in making reference to how we got elected into this House. I stood for elections. I printed posters and went round individually and collectively with members of my party to campaign for the office of the hon. Member of this House. He cannot come out here to try and stand truth on its head and say that it is – *(Interruptions)*

The Deputy Speaker: Order sustained, Hon. sustained.

Hon. Friday Itulah (Esan North East/South East): Point of Order, Mr. Speaker!

The Deputy Speaker: What Order?

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Hon. Friday Itulah: Order X, Rule 1 of our Revised Standing Orders at page 37. It says:

Whenever the Speaker or the Chairman rises during a debate, any Member then speaking or offering to speak shall sit down and the House or the Committee shall be silent so that the Speaker or the Chairman may be heard without interruption.

When the Chairman, Committee on Rules and Business was speaking, the Speaker rose to address him but he defied the Speaker and continued with his speech in violation of Order, Rule 1 on page 37 of the Rules of the House.

If Hon. Ita Enang is the Chairman and the custodian of the Rules of the House, he ought to show a shining example. As a result of what he has done, I move that Hon. Ita Enang should stand up and apologise to the House openly.

The Deputy Speaker: Order sustained.

Hon. Igochukwu N. Aguma (Port Harcourt 1): Point of Order, Mr. Speaker!

The Deputy Speaker: Go ahead with your Point of Order, Hon. Aguma.

Hon. Igochukwu Aguma: My Point of Order is Order V, Rule 3 of our Revised Standing Orders dealing with Matter of Privilege. I want to say that my Colleague, Hon. Ita Enang has infringed tremendously on my Privilege by saying that I neither contested nor won election.

He said that every Member neither contested nor won election. Please, Sir, in spite of the fact that our Chamber here allows us to make comments at will I believe that where his freedom starts is where mine stops and where my own stops is where his own starts.

Please, for Christ sake, Hon. Ita Enang, the people of Port Harcourt Federal Constituency 1, having been duly nominated by Peoples Democratic Party, voted for me. I was sworn in here and I have my INEC Certificate to show. Hon. Ita Enang, I contested an election!

I know that he ran for Senate even though he is here. If that is what he is talking about, I do not know but I ran for House of Representatives, won the election and I am here.

Hon. Betty O. Apiafi: I want to lend my voice to

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the debate that has been going on here today. I actually agreed with what the President has done because Electoral Reform is so crucial to Nigeria and it is important that we entrench democracy properly in Nigeria.

Having said that, I want to say that I support every other issue that has been stated in this Bill but I want to talk about section 22(h) of the Bill which talks about 20 *per cent* Membership of Women in Executive positions of Political Parties. I do know that Nigeria is a signatory to various protocols which talked about proportional representation and under-representation of Women and the Disadvantaged people. We know even as at today that some Political Parties are already doing 30 *per cent*. I would like to suggest that this 20 *per cent* position be increased to 30 *per cent*.

Nigeria should be seen to be in the front burner of international consensus on issues of women and disadvantaged people.

The Deputy Speaker: Hon. Barnabas, Hon. Austin, Hon. Nkiru and all other hon. Members who are raising their hands, please, permit me to put the Question.

Question put and agreed to.

Bill read the Second Time and referred to the Ad-hoc Committee on Constitution Review.

ANNOUNCEMENTS

Meeting of the ANPP Caucus

The Deputy Speaker: I have some announcements, please. Meeting of ANPP Caucus will hold in the Chamber immediately after Sitting.

(Signed):
Mohammed Ali Ndume
ANPP Leader

Meeting of South East Caucus

There will be a meeting of the South East Caucus immediately after Sitting today at Room 415, New Wing.

(Signed):
Chief Whip

Collection of Copies of 2009 NDDC Budget for Members from the South-South Geopolitical Zone

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Members from the South South Geopolitical Zone are to pick up copies of 2009 NDDC Budget in the Office of the Chairman, Room 428, New Building.

Why should it be Members of South-South only? I thought the Budget is for everybody but the Budget is to be passed by the entire House. I do not know who wrote this announcement. Where is the Chairman?

This announcement is null and void. Every Member should be given a copy of the Budget, not only Members of the South- South.

Hon. Colleagues, we will take one or two of the remaining Bills that we have on the Order Paper tomorrow Wednesday, 8th July 2009 for Second Reading.

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ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adjourn till tomorrow, Wednesday, 8th July 2009 at 2.00 p.m.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I do second the Motion that this House do adjourn till tomorrow, Wednesday, 8th July 2009 at 2.00 p.m.

Question put and agreed to.

Resolved: That the House, do stand adjourned till tomorrow, Wednesday, 8th July 2009 at 2.00 p.m.

The House adjourned accordingly at 2.05 p.m.