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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Wednesday, 8th July 2009

The House met at 2.40 p.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Colleagues, the House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 7th July 2009.

ANNOUNCEMENT

**Visit of the Speaker and Other Principal Officers
of the Niger State House of Assembly**

The Deputy Speaker: Hon. Colleagues, let me recognise the presence in the Gallery of the Hon. Speaker and Other Principal Officers of the Niger State House of Assembly. In Niger State, within the last three weeks or four they had about three Speakers.

Hon. Baba Shehu Agaie, is he the last Speaker?

Hon. Baba Shehu Agaie: Yes, he is.

The Deputy Speaker: With him is the Deputy Speaker of the Niger State House of Assembly, Hon. Bashir Mohammed and some other Principal Officers of the House. Can you, please rise up for recognition? *(Applause)*

(Visiting Speaker, his Deputy and other Principal Officers of Niger State House of Assembly rose)

The Deputy Speaker: You are welcome.

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has Petition to present to the House may, please, rise to do so.

Wrongful Dismissal by PHCN

Hon Ishaku Joshua Sharah (Askira Uba/Hawul): Mr. Speaker, I have a Petition from one of my

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Constituent, Shettima A. Ibrahim. He is petitioning this House over wrongful dismissal from the service of Power Holding Company of Nigeria (PHCN) and the request is that we should intervene and reinstate him, among others.

Permit me to lay the Petition on the Table.

Petition laid.

The Deputy Speaker: Is there any other Petition? *(No response)*

The petition is referred to the Committee on Public Petitions.

Petition referred to the Committee on Public Petitions.

Hon. Ita Solomon J. Enang (Itu/ Ibiono Ibom): Point of Order, Mr. Speaker!

Privilege

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

Hon Ita Enang: The Point of Order I am raising is a Matter of Privilege. It is the Privilege of the House of Representatives by virtue of Order V, Rule 1 (1) of our Revised Standing Orders at page 9. It reads: *Privileges are the rights enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act, LFN 2004 and other statutes, practices, precedents, usages and customs.*

It is a breach of the Privilege of the House by the President of the Federal Republic of Nigeria in respect of the nomination of the Members and Chairman of the Niger Delta Development Commission (NDDC). This is about the third time this matter is going to be raised because Section 12(1)(c) of the Niger Delta Development Commission Act provides that the appointment of the Chairman, Members and the Managing Director of the Commission are to be subject to the confirmation of the Senate in consultation with the House of Representatives.

And that implies, as it has always been, that the names would be sent to the Senate and the House of Representatives. Mr President has sent the names to the Senate but has not forwarded the same list to the House of Representatives. On two occasions, we raised it before the former President and even before the present President sent the names.

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Therefore, I am praying that this act of the President is a breach of the Privilege of the House of Representatives and that the Speaker draws the attention of the President to this fact.

The Deputy Speaker: Can you, please, read the particular part of the provision of the NDDC Act?

Hon Ita Enang: Section 12 of the NDDC Act says:

There shall be for the Commission a Managing Director and two Executive Directors who shall be indigenes of Oil Producing Areas starting with the Member States of the Commission with the highest production quantum of oil and shall rotate among the Member States in order of production.

The Managing Director shall be the Chief Executive of the Company and Accounting Officer and all of them shall be appointed by the President and confirmed by the Senate in consultation with the House of Representatives.

That is section 12(1)(c) of the Niger Delta Development Commission Act No. 86 in Vol. 11, Laws of Federation, 2004. That is the provision of the law.

The Deputy Speaker: The Order is sustained. Clerk, write to the relevant Authorities and notify them of the correct way of appointing the Chairman, Managing Director and other Members of the Niger Delta Development Commission. The letter should reach the Presidency not later than tomorrow.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Independent National Electoral Commission Act, Cap. 15 LFN 2004 (Amendment) Bill, 2009

A Bill for an Act to Amend the Independent National Electoral Commission Act, Cap. 15 LFN 2004 and for Other Matters Connected Thereto, 2009 (HB. 233) -

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 Amend the Independent National Electoral Commission Act, Cap 15 LFN 2004 and for Other Matters Connected Thereto, 2009. The Bill was read the First Time on Wednesday, 13th May 2009.

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I now invite Hon. Tunde Akogun to move that the Bill be now read the Second Time.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move that a Bill for Act to Amend the Independent National Electoral Commission Act, Cap 15 LFN 2004 and for Other Matters Connected Thereto, 2009 be now read the Second Time.

Hon. Bello Matawalle (Bakura/Maradun) I rise to second the Motion as moved by the Leader.

Question proposed.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, the Amendment of the Independent Electoral Commission Act is proposed to accommodate the far-reaching reforms undertaken by the government in the electoral process in this country. The Bill seeks to increase the Membership of the Commission, Tenure of Members and transfer some functions of the Commission to the newly created agencies in line with the reforms.

The Bill, therefore, introduces additional ground for qualification for the Chairmanship of the Commission. It proposes to have a Chairman that will be non-partisan with unquestionable integrity and possesses commensurate professional, administrative and academic experience. The Bill also proposes severe punishment for any person convicted for electoral offence.

Other highlights of the Bill include a requirement of Political Parties to forward the names, photographs and specimen signatures of their Polling Agents for authentication.

The Bills equally makes ancillary proposals towards aligning the Commission with current ongoing Reform. This Bill forms part of the volume of legislation aimed at enhancing the electoral framework in the country. Hon. Members are, therefore, urged to support this Bill to go through the Second Reading.

The Deputy Speaker: I will now give the Floor to those who want to speak in favour of the Bill.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruku): This Bill has come at an appropriate time. I have gone through the content and the areas proposed for Amendment and it seems to be in agreement with the thinking of my constituency. I therefore urge Members to also look at it that way and considering also that this is an Executive Bill.

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I support the intendment of the Bill and I wish it a safe passage.

Hon Friday Itulah (Esan North East/South East): The Amendment proposed to the Independent National Electoral Commission Bill is timely. I agree that there is need to increase the Membership so that every segment of this country can be represented.

However, in the area of Tenure what we were told was that the Members could be appointed for a Tenure of five years which is renewable. My thinking is that this proposal will not in any way help in the independence of INEC that we seek. The essence of renewing Membership is a way of motivating those that are currently occupying the position. So, if a Member is effective in his representative duties to his people, that in itself is a kind of motivation that could earn him a call for another tenure

But in the area of Independent National Electoral Commission there is the need for us to bear in mind that the Members will, as much as possible, try to be independent and, therefore, if they have a single Tenure of five years the Member will know that he has to put in all that he has without any let or hindrance within that period. This is because it is the belief that you would need to have another Tenure that could lead you not to compromise the position that you held.

That is why today you will find that in most institutions of higher learning, the Vice Chancellorship position is single Tenure. I am not supportive of the idea of having another Tenure after one. I believe that we should have a single Tenure

Lastly, the other Amendment that is sought, the transfer of some functions of INEC to the new Political Registration et *cetera* Commission that is being sought, cannot be possible without a deletion of the provision of Section 222(1)(d) of the Constitution. In other words, to be able to do that, we would need to delete that Section of the Constitution that gives this power to INEC.

Until that is done, any attempt to move some functions of INEC which the Constitution had given to it to another body will be tantamount to a violation of the Constitution.

I am sure that at the Committee stage we would be able to look at this thing closely and critically and know what we are capable and incapable of doing.

Hon. Austine Nwachukwu (Ehime Mbano/Ihitte Uboma/Obowo): Mr. Speaker, I rise this afternoon to support this amendment Bill so long it reflects the true vision and interest of the Nigerian people. The problem

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with Nigerian is not with INEC; the problem of Nigeria electoral system cannot be put on INEC as having been responsible for the lapses therein. I am saying this because INEC is a body charged with organising elections for our dear country but I know that the problems are caused by the Nigerian people themselves and the political class because my father told me, if you allow me to say, that it is not the issue of the barber not knowing how to cut the hair; it is the fact that his scissors is not sharp. We cannot stay and criticize without knowing the crux of the problem. I am of the view that whether you balkanize INEC ten folds or five hundred folds, the problem will still be there. If you do not know the cause of a problem, you cannot solve it.

I also want to lend my voice on the issue my Colleague, Hon. Itulah, raised when he said that he would only support tenure of one term. I am of the opinion that the reappointment of individuals into executive offices in Nigeria is part of the prerequisite of Mr. President. You cannot eat the chicken and eat the egg. Chicken or egg, which comes first?

The point I am making here is that Mr. President can appoint. If you excel in your job, for example, you should be given another chance. My father told me too that a woman that gives you rice to eat, if you thank her very well, she would add beans the next time.

In this regard, I do not want us to begin to do what is not our portion because the laws are quite clear. We should limit ourselves to the powers of letting Mr. President to appoint. The power of appointment of any credible and upright individual in Nigeria should be left in the hands of Mr. President.

Hon. Matthew Omegara (Onuimo/Okigwe/Isiala Mbano): Mr. Speaker, I want to lay my support on what my Colleague, Hon. Friday Itulah said that a single tenure is better than having a second tenure. This is because introducing a second tenure will make them compromise.

I also support the increase in the number of the Members of the INEC but I would want to see a situation where the people appointed should be nominated by the groups they are representing. If they are from the zone, they should be selected from there. If they are representing constitutional bodies like NBA, let them be appointed by the body they are representing. That way they are accountable to the body that appointed them.

We can only say that Mr. President shall only appoint the Chairman.

Hon. Patrick Ikhariale (Esan Central/ Esan West/Igueben): I rise to support the proposed

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Amendment. I support the Motion clearly that the Bill to exercise the necessary right over INEC be given all the support it needs. However, the issue of one term for INEC Chairman deserves to be given a second consideration. By so doing we would not be encouraging what is not going to be in the collective interest to the constitutional democracy that we are preaching and we want to see grow in this country.

The essence of second tenure for anybody is to give you the opportunity to serve and deliver as much as is expected. To whom much is given, much is expected as well.

If the Office of the President, which is the highest political office in the country, can have the provision to run for the second time, I do not see the rationale why the office of INEC Chairman should be limited to one tenure.

I would support those that had canvassed that the integrity of anybody to be so appointed as Chairman of INEC must be such that will have the required capacity expected of him. If you put the square peg in a square hole, I do not see the contradiction in terms that will make it impossible for an INEC Chairman to serve the second term if he does well and if he is within the age limit and there is nothing incriminating as to his performances in the first tenure.

I believe also that the issue of INEC and its officials is nothing but to some group of people they have a very biased view about people that are holding some positions. People are not going to come from outer space to hold these positions of INEC Chairman or Commissioners or by whatever designation they may be called; they have to be Nigerians and they are going to be Nigerians. Experience has shown so far that from time to time, we always have catalogue of criticisms; nothing positive is ever seen; everything done by anybody in that position is ever bad. We have a situation where we have comparative analysis that shows that the previous or past office holders of those positions were given better assessment and pass mark than the present ones.

That goes to show that there seems to be what might be called attitudinal problem of some people. Nevertheless, it is appropriate to give sufficient consideration to the fact that we need people of integrity, rightful qualifications, understanding and mental capacity to hold the position of INEC Chairman, Commissioners or whatever position. This is because they are rendering very critical and essential services to this country particularly when it comes to election and electioneering. If they do well, they should be given the opportunity as much as possible to go back for the second term.

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The Deputy Speaker: Hon. Colleagues, can we, please, try to make our debate as brief as possible because it seems everybody wants to speak and I am trying to identify those that did not speak yesterday.

Hon. Henry S. Dickson (Ekeremor/Sagbama): Mr. Speaker, I rise to associate myself with this Amendment. Once again, it is appropriate to commend Mr. President for having the courage to propose this Bill by way of Amendment to the constitution on matters dealing with INEC.

We should pass this Bill and commit it to the

Committee that has responsibility for considering issues that have to do with Amendment of the Constitution. This is a critical aspect of the Electoral Reform proposal. There is no way we can reform the electoral system without reforming the body that has responsibility for conducting elections.

But with due respect, even if I associate with the proposed Bill in principle I would like to say that the ambit of Amendment is rather too narrow and it is within the purview of our power to expand it at the appropriate stage, which means we have to consult stakeholders and, of course, the amendment has to necessarily take account of independent funding of INEC before we talk of tenure. I think we should make it a Civil Service affair. That is the procedure all over the world. There is no way that we will appoint people who are not tied necessarily to the Civil Service system and expect them to serve only for four or five years and thereafter they go.

We need to work out a system that can guarantee a situation where civil servants at the appropriate level will be given that responsibility. Of course it is Mr. President who, by the doctrine of the Separation of Powers, that has the responsibility for making the appointment.

I support this Bill for Amendment and I propose that we commit it to the relevant Committee that this House and the leadership had graciously set up; that is, the Ad-hoc Committee for the Review of the Constitution.

I so support.

Hon. Tunde Akogun (Akoko Edo): Point of Order, Mr. Speaker!

The Deputy Speaker: What is the Point of Order?

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Hon. Tunde Akogun: It is Order XV, Rule 9 of the Revised Standing Orders at page 75. I move for the suspension of Rule 9 of Order XV of our Order to enable the Speaker of the Niger State House of Assembly to sit in Chamber with us.

Hon. Patrick Obahiagbon (Oredo): Mr. Speaker, I rise to second the motion ably moved by the Leader.

Question put and agreed to.

Resolved: That this House do suspend Order XV, Rule 9 of our Revised Standing Orders to enable the Speaker of the Niger State House of Assembly to sit in Chamber with us.

(The Hon. Speaker of Niger State House of Assembly admitted into the Chamber)

Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, this Bill is consistent with the recommendations of the National Electoral Reform Commission set up by Mr. President, a Committee whose report has been widely applauded by Nigerians. I support this Bill because it is to an extent gender sensitive. Both the Chairman and his or her deputy cannot be of the same gender; this is good thinking, it is progressive, it is contemporary and it is in line with international sentiment on gender equity at increasing the number of women in political offices. We may even go ahead to make provision for the inclusion of certain number of women among the 12 members of the new INEC being proposed in order to create gender balance.

We need professionals who are administratively and intellectually sound and honest; and people that will be fair to be injected into this new Commission. With the rebalancing and reorganisation of the INEC, I am sure we will have this product and definitely produce good, fair and credible elections in the future.

Hon. Saudatu A. Sani (Lere): While I align myself completely with my brother, Hon. Soli Sada, I would like to also support the Amendment of the INEC Bill. This is because if we are moving to a real democratic nation, you must strengthen the institution charged with the screening of candidates for elections, conducting elections, bye-elections etc.

I support the provisions in the Amendment that the tenure should be five years and should be renewable. Going by our experiences, the person may do well in the first five years believing that he would be reappointed. If you give him only five years without an option of being reappointed, the person may be inclined to grab whatever he can within those five years and go;

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but if they are given the opportunity to serve for two terms, they will try to serve this nation diligently.

I do not know why we do not have a list of the kind of people that could be appointed. When the women met, we suggested the former CGs because of their résumé of being honest and hardworking and they were also afraid of being ridiculed.

We thought that the quality of the appointee into the Office of Chairman in terms of his qualifications and experience would be explained in the Bill. However, I support this Bill and its initiative. I urge that we commit this Bill for Second Reading.

Hon. Shuaibu Hashimu Abdullahi (Awe/Doma/Keana): Mr. Speaker, it was Hon. Dickson that tried to recognise the fact that what we are trying to do on this Bill involves amending certain sections of the Constitution, albeit one of the Schedules of the Constitution regarding the INEC.

In effect, this Bill should not be about amending the INEC Establishment Act because what it tries to do involves amending the Constitution. For instance, the Constitution, in that Schedule, has already provided for the composition of the INEC. This Bill is trying to say that we should appoint a woman as Deputy Chairman. Therefore, you are actually trying to amend that section of the Constitution.

It is also trying to say that we should have some persons to be appointed from the six geo-political zones. Again, that is a constitutional alteration. Even though the Bill did not come in that form, we should realise that what we are trying to do is to amend a section of the Constitution.

There is no INEC Establishment Act anymore because when the National Assembly promulgated the Electoral Act 2006, it consolidated the Electoral law and the INEC Establishment Act and repealed the latter. What we have is just the Electoral Act. We are not by this Bill amending any INEC (Establishment) Act.

Having said that, I asked myself the question; what is it that this Amendment Bill is trying to achieve for me to support it? Regarding the way elections had been conducted in Nigeria, does it make a difference if the Deputy Chairman is a woman or is a different gender from the Chairman? What difference does it make if they increase the number of INEC National Commissioners? Will increasing the Membership of INEC make our elections more acceptable and credible? Will election be freer and fairer in Nigeria? These are the issues we should address our minds.

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As a legislature we should not limit ourselves to what the Executive has done by initiating this Amendment. Of course, it will be referred to the Committee to listen to the voices of other stakeholders and Nigerians because the fundamental issue regarding the INEC should not be glossed over.

The issue has to do with their mode of appointment which many Nigerians feel should be more democratised such that the INEC should not owe allegiance to any Authority or Party.

My suggestion is that if we are to listen to what many Nigerians are saying, we should look critically at how to make sure that the power of appointment on the INEC is modified in a way that will inspire the confidence and trust of Nigerians particularly the stakeholders such that if they conduct election there will be no accusation of partisanship.

We can say that the appointee should be non-

partisan and that he should be of unquestionable integrity but the way appointment is made nowadays is that whether you like it or not you have to dance to the tune of those that appointed you.

We should try to learn from the experiences of those best practices from other countries such as the Commonwealth countries and so on that have devised a way of ensuring that the electoral management body is truly independent and neutral

Hon. Alex Ukam Ikor (Akamkpa/Biase): Let me join my Colleagues in support of this Bill to amend the Electoral Act. I agree totally with the submission of Hon. Dickson who described the Amendment as being too narrow. A lot of persons who have so far criticised the way and manner elections have been conducted in this country point to the fact that there are lots of loopholes in our electoral laws. But then, the issue of many people calling for the independence of the Electoral Commission does not arise. Rather what we need to do is to place them on a First Line Charge; that is all. That takes care of the independence.

When it comes to Membership of the Commission, as some of my Colleagues have pointed out, it is in conflict with the provision of the 1999 Constitution; I agree. Thank God enough, we are also in the same process of trying to see how the Constitution will be amended to aid us. We should not throw away the baby with the bathwater; let us carry the two alongside.

Just like I pointed out that the call for the Amendment of this Electoral Act is really narrow because there is this aspect of our development today in human life that a child at 16 is already in the University,

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who by virtue of exposure and so on is qualified to vote but because of limitation is not qualified to register as a voter until he is 18 years. I think these are also some of the areas that we, as a House, should equally look into to bring to bear an Amendment whereby the child at 16 (sixteen) years old can also be eligible to register as a voter.

Hon. Elizabeth Ogbaga (Ohaukwu/Ebonyi): I support the Bill *in toto* for so many reasons.

One is that the INEC Chairman can serve for two terms; it is democracy dividend which is good performance. If a Chairman performs very well, the reward for him is to go for the second term. It is already in the Constitution that the President goes for the second tenure. If this is the case, whoever becomes the Chairman would want to work towards the benefit of Nigeria so that he or she may be granted the second term.

Secondly, the present Amendment Bill seeks to create the Office of Deputy Chairman of the Commission and the women should support it because wherever you have a Chairman of INEC and the Deputy is a woman; whenever the man is misleading, the woman is there to correct him. That is why I am saying that the present Bill should be supported by all women both here and outside.

Thirdly, in the area of six appointments on the basis of geo-political zones, I suggest that the composition should be three (3) women and three (3) men so that it goes together.

With this, I am giving my full support to the Bill and I urge other women to also support it.

Hon. Folake Olunloyo Oshinowo (Ibadan South West/North West): I rise to support this Amendment Bill this afternoon because, first and foremost, the Bill is not only gender sensitive but seeks to give both women and men folk a sense of belonging as the Bill specifies that the Chairman and the Deputy must not be of the same gender which means that the Chairman might be a female whereas the Deputy is a male. What the Bill does is that it builds more confidence in women aspiring to go into politics and it makes we that are already in politics more comfortable.

Secondly, it shows that we are really serious in this country in achieving the first thing - the affirmative action. I support this Bill as well in the sense that it says that a Member of the Commission must not be less than forty years; it shows that we need more matured people that are going to rule the country. Also, it states that the Chairman too must not be less than fifty years, I support that too.

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I implore all my Colleagues to support this Amendment Bill in the sense that when we women are given an opportunity to serve in such a position, we tend to encourage more women to come into politics. Women out there feel that we women here are not helping to bring more women into politics but this Bill will go a long way in giving all women a sense of belonging and making sure that we have more women in politics.

Hon. Mohammed Sani Takori (Gumi/Bukuyum): It is true that within the public domain and indeed in the Court of law, two things have always been cited as constituting goodwill in the progress of democracy in Nigeria: the Independent National Electoral Commission (INEC) and the Electoral Act.

Today, the views of Nigerians have been expressed through the Justice Uwais Report that we are deliberating today and a far-reaching recommendation which has resulted into this proposed Bill has been accepted by many Nigerians who are willing to see that democracy flourishes in Nigeria.

This Proposed Amendment, I am sure, will fashion out a new democratic culture and enhance democracy in Nigeria. I am most particularly interested in the provisions relating to grant to Political Parties in Nigeria. People could recall that the former President of Nigeria, Chief Olusegun Obasanjo, had mentioned that there were some political parties that are liability companies - a man, wife and two children; example, *Takori and Company*. And if this law is now saying that these parties will not be entitled to a grant unless they are able to capture 21/2 *per cent* of the entire Membership of the Parliament in Nigeria, I think it is a far-reaching recommendation because some of them live on this grant and the grant is shared on pro-rata basis.

The second issue is the issue of Directors of Election. The Section falls short of certain insertions which are supposed to give light to this Parliament. These Directors have not been properly defined. Are they Directors within the core Civil Service of the State or the Federation or they are Directors that are going to be employed as Permanent Staff of the National Electoral Commission?

Hon. Mika'il Al-Amin Bmitosahi (Chanchaga): Mr. Speaker, I rise to support the Bill for the amendment of the Electoral Act. In supporting this amendment, I want to raise two issues. The first one will be on the appointment of the Chairman of that Electoral body.

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Section 154(1) of the 1999 Constitution of the Federal Republic of Nigerian says:

Except in the case of ex-officio Members or where other provisions are made in this Constitution, the Chairman and Members of any of the bodies so established shall, subject to the provisions of this Constitution, be appointed by the President and the appointment shall be subject to confirmation by the Senate.

I am proposing that just like the NDDC Act, the confirmation of the Chairmanship of the Electoral body should be done by the two Chambers of the National Assembly. I am bringing up this issue because Members of the House of Representatives are also big stakeholders in the electoral process of this country.

My second suggestion is on the issue raised on age qualification. Section 2 (c) of the Amendment Bill says that: *people not less than 40 years of age but 50 years in the case of the Chairman and the Deputy Chairman*. I do not understand what this Section is trying to say. Are we saying that people of less than 50 years cannot be qualified to lead a body like the Electoral Commission? What is important here is the qualification and integrity of the persons being suggested to lead the Independent National Electoral Commission.

By and large, I support the Motion.

Hon. Abdul Ningi (Ningi/Warji): Mr. Speaker, thank you for giving me this opportunity to speak on a very important matter that is on the front burner in Nigeria today which is a Bill for an Act to Amend the Independent National Electoral Commission Act, Cap 15 LFN 2004.

Ordinarily, this Bill, being at a Second Reading stage, we are supposed to look at the merits and demerits of the Bill. The heading of this particular Bill, to my mind, is a misnomer because I know the importance and expectations of Nigerians on the Independent Electoral Commission.

Permit me to also commend Hon. Friday Itulah and Hon. Shuaibu who have highlighted the importance of this Bill but with a caution that says you cannot amend the Independent Electoral Commission Act without amending the Constitution.

Therefore, you must amend the Constitution to give room for you to be able to do what is expected of

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you under the Bill. The mere headline of: *a Bill for an Act to amend the Independent National Electoral Act* is a misnomer in legislative language.

It should read: *a Bill to amend the Constitution in order for the Independent Electoral Commission to be expanded*. This is because the Third Schedule, Part I, 14 (1) and (2)(a) (b) (c) (d) (e) (f) and (g), has specified the Powers and Functions of Members of the Electoral Commission. It has even given tenure.

Therefore, it is important to understand that doing this alone does not make this Bill anything beyond talking about it because you cannot put in whatever this Bill expects you to put without amending the Constitution. That should be understood properly.

The issue that the Bill calls for attention is to understand whether the gender balancing will add value to the Commission or not. As far as I am concerned, this Commission is so important and crucial that we should get the best people that can handle this job, whether man or woman but I do not agree with the saying that it must be a man and a woman even if the man or the woman is useless. We are treading on very dangerous waters to say that we must have that mix. To my mind, we do not need this balancing act in this particular Bill.

Secondly, the increase in Membership is very important and tenable. While you are speaking of the reforms, three factors are necessary. First, who are those going to implement, enforce and oversight?

The Bill brought about qualification, and administrative experience. These are very important ingredients in making a Commission stand in a proper position to work. The provision of the Constitution says 50 years of age. It does not speak about administrative experience and qualification, but this particular one spoke about qualification and administrative experience, which is very good.

It also talked about conviction of electoral officers. For many years, I have not heard of the conviction of any staff in INEC, not even one, but this Bill provides that scenario.

It also provides a kind of data bank of all party agents whereby if you are a party agent in my Local Government, your photograph, bio-data and every relevant data will be in the computer. We are trying to build the system for tomorrow. It is a very good suggestion but we must be aware that we cannot do anything unless we amend the Constitution.

This has given you an added burden because what is necessary is that we must amend the Constitution to be able to carry out some of these prayers.

Hon. Isma'ila Mohammed (Bassa/Jos North): Mr. Speaker, I would like to make a brief intervention with respect to the Bill before us, that is, a Bill for an Act to Amend the Independent National Electoral Commission Act Cap 15 LFN 2004 and Other Related Matters Connected Thereto.

I respect the fact that the President of the Federal Republic of Nigeria means well to amend the Electoral Act 2004 and to state that the items being considered for Amendment are merely cosmetic.

We do submit that if the President means well with respect to the Amendment of the Electoral Act which is aimed at bringing in a truly Independent National Electoral Commission, then he should give up the power of appointing the Chairman of the Independent National Electoral Commission to a neutral body. Anything outside that, the INEC will continue to be subject to the apron strings of the Executive and cannot truly bring about a neutral democracy in this country.

Hon. Okereke Darlington Onuabuchi (Ivo/Ohaozara/Onitsha): Mr. Speaker, I rise to support the Bill, and I am saying that the crisis in nations and countries start from wrong electoral process. For us to get it right, therefore, our electoral process must be right. It is in this regard that I want to very sincerely appreciate the effort of Mr. President for coming up with this reform and Amendment.

The Bill seeks to amend three aspects of the Act:

- (1) Section 2 of the Act seeks to widen the number of Commissioners specifically because of the enormity of the job of this Commission; they need more hands and I sincerely support the Amendment.
- (2) Section 3 seeks to extend the tenure of the Chairman and Members of the Commission. It is important because if the Chairman does very well, there is need for him to come for a Second Term. A good example is the Ghanaian experience. The Chairman has been there for ten years during which he successfully conducted elections in Ghana and the world has applauded these elections.
- (3) The issue of reducing some of the weight on

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these electoral bodies is a right step in the right direction. It is going to help our electoral process and our democracy.

The essence of this Bill is really to strengthen democracy. It is only when democracy is strengthened in this country that we are going to get it right. That is why it is indeed paramount and pertinent for us now to support this Bill and to support Mr. President in this act of getting it right for this country.

With this, I urge my Colleagues to support this Bill for it to go for Second Reading.

Hon. Jerimon S. Manwe (Lau/K/Lamido/Ardo-Kola): Mr. Speaker, I rise to speak in support of these proposed amendments as brought forward to this Chamber by Mr. President. This shows the sincerity of Mr. President when he promised that he was going to make some Amendments to strengthen this institution and indeed he did so.

The problem with the entire law we have in this country is not that they are bad; we need a complete reorientation. I am surprised when my Colleagues said they are not in support of continuity even if the Chairman performed well. I think what we lack is continuity. We are talking of continuity because that is where experience comes. If we appoint someone for five years and he performs credibly well there is nothing wrong in allowing him to do it again. If there were few mistakes that he may have made while in office for the first time, those mistakes would have been corrected when he assumes the second term and that goes to correct the entire process.

In view of this, therefore, I will urge my Colleagues not to further waste time in discussing this issue. I am in support of this Bill to pass through Second Reading.

Hon. Aminu Shehu Shagari (Yabo/ Shagari): Mr.

Speaker, I rise to support this very important Bill which seeks to amend the Independent National Electoral Act to increase Membership of the Commission, Tenure of Members and to transfer some of the functions of the Commission to the new Commission that is created.

Much has been said about the importance of this Bill but I want to comment specifically on subsection (2) which deals with the Membership of the Commission. Subsection (2) says:

(a) *A member shall be non-partisan and shall be a person with unquestionable integrity.*

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(b) *a member must possess commensurate professional administrative and academic experience and in the case of a Chairman he should be not less than 50 years old.*

It is my humble view that it should provide for a retired Justice of the Supreme Court. I suggest that this be clearly spelt out so that it will reflect a retired Justice of the Supreme Court because he is absolutely the right person for this job.

The other issue I want to comment on is the provision for interest groups that will be represented in the Commission. I think this House will do more justice to this Bill if those interest groups are clearly defined so that we curb the abuses to which this Clause could be subjected.

Conclusively, this Amendment will afford this honourable House the opportunity to enact laws that will produce credible elections so that this country can redeem its image.

I urge my hon. Colleagues to support this Bill for Second Reading.

Hon. Mohammed Ali Ndume (Bamboa/Gwaza/Chibok): Mr. Speaker, we are all aware of the events and the international and national attention being paid to particularly the issue of Independent National Electoral Commission. When the last election that we had in 2007 was adjudged as flawed, everybody knew it as such. The fundamental reason that happened was because there are some lapses in the Electoral Act itself.

Now that we have the opportunity to correct these abnormalities that contributed to the flawed elections, we have the responsibility as Members of the National Assembly to do that. Looking at the various Sections of the Act, the Independent Electoral Commission Act requires fundamentally two things to make it truly independent. One is the Funding of the Electoral Commission itself. There is this common saying that he who pays the piper dictates the tune. So long as the Government in power is the one that will dole out funds in order to conduct elections at the time it so wish, so long will this country continue to witness incredible elections.

Secondly, whether we like it or not, the issue of appointment of Members of the Commission is so fundamental because INEC is not independent. When you say the Commission is independent but you attach such independence to the apron strings of the President, the Commission can hardly do its job independently.

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Therefore, I am suggesting that in the appointment of Chairman or whoever is to head the Electoral Commission, the President should forward three names to the participating or registered political parties that have at least a councillor. That means that the party has a stake to nominate one out of the three names that has been forwarded to the Political Parties. Each political Party, whether PDP, ANPP, AC, *et cetera* should have one vote in the decision as to who emerges amongst the three to be the Chairman of the Electoral Commission. That way, we will have a truly independent Chairman who will do his job independently.

Another pertinent issue which the Leader mentioned and which we must address is that the funding of the Commission should not be coming from the Executive. This is a rare opportunity for all of us. Many of us have been victims of the defects that are there in the Electoral Act. If you are the beneficiary of the flawed system today, tomorrow you may be the victim.

Therefore, it is very important for us to be honest, sincere and be nationalistic in this approach.

Hon. Abike Dabiri Erewa (Ikorodu): Mr. Speaker, I just want to touch on two points. The first is to continue from where the Minority Leader stopped. We talked about the Independent National Electoral Commission but we really do not have an Independent National Electoral Commission. For the Commission to be independent it has to, first and foremost, be independent financially. That is why I support the fact that it should be on First Line Charge, which is very important.

Secondly, concerning the issue of appointment of the Chairman, I want to support the views as canvassed by the Uwais Panel on Electoral Reforms. I will go the way of that Panel which has done a beautiful job in its Electoral Reform Report.

Finally, on the issue of tenure, I believe that experience really does count. If you have done a term and you have done well and you do another term, it is just as well. Those are my short comments.

Hon. Muhammed Sani Abdu (Alkalari/Kirfi): While supporting the Amendments to the Electoral Act through this Bill, I also wish to add my voice to some substantive issues that we need to look at carefully.

I am a little bit disturbed that we are moving the hands of the clock backward by introducing this issue of gender into the Amendment. I believe, for example, that we the Members of this National Assembly and in particular the House of Representatives do not

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discriminate based on gender. We believe that whoever is here has been so elected on merit irrespective of gender. I believe that whatever national bodies that we have: Chairman, Deputy or whatever, whoever goes for it must qualify. If it is a *she*, she gets the office. If it is a *he*, then he gets it.

I challenge this issue of trying to push into the Constitution through the backdoor this issue of gender and bringing a female Deputy Chair because it is like Affirmative Action. Affirmative action is at the initial stage of development and we have passed that stage.

Secondly, this issue of age is also coming through the backdoor. We have seen people like Bill Clinton of the United States; Tony Blair of the United Kingdom and right now Barack Obama and so on. They are all under their fifties when they took office and they have performed wonderfully well.

Therefore, I do not see any reason for this discrimination or this dichotomy between the Membership of the Commission and the Chairmanship. Must I respect somebody because he is older than me? If, by all criteria, he is a deviant or something like that, he does not deserve my respect. This issue should not be condoned at all.

Finally, on the proposed Amendment to have a Chairman that will be non-partisan with integrity and commensurate professional administrative and academic experiences, I remember that last week when we started this issue, I challenged the issue of even this secondary school leavers coming to the House of Representatives for example. This is a good thing but we need to define these professional, administrative and other academic bottom lines so that it will be very clear as to what we are saying. Otherwise, these are very big and vague allusions, which I do not subscribe to.

Finally, whatever Amendments are made as proposed by this Bill, if the fundamental issues such as the independence of the Chairman and Commissioners; placing the Commission on First Line Charge within the consolidated Revenue and that of independence in conducting the process and procedures of the Commission, are not sufficiently addressed, then we need to go back to the drawing board.

Hon. Johnson Aigbodu Abolagba (Owan East/West): I support that this Bill should go for Second Reading but I am going to restrict myself to comments on the tenure only about whether it should be a single tenure of five years or a tenure that is renewable. I support that the tenure should be renewable for the reason that you spend so much money to train those who are in office.

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If you train a man and he serves for a term and goes away, you will have to train the next one and therefore the money you spent for training is wasted. If a man spends only five years, he may conduct only one election and the experience gained from that election would not be used for the next election because his tenure would have come to an end.

So I support that the tenure should be renewable tenure of two terms of five years each.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): I want to lend my support to this Bill that seeks to increase the Membership of the Commission, as well as regulate the Tenure of Members of this Commission and also the proposed Amendment on the issue of gender.

Firstly, if you increase the Membership of this Commission, you are making it possible for every zone to be represented. As regards the tenure, I think it serves as an incentive for us to say that after five years if somebody has performed creditably, you can reappoint or extend the person's tenure. It will serve as an incentive because if I know that I am not going to be reappointed after five years, I can rig very well and enrich myself very well and leave after five years but if I know that I still have the opportunity to prove and correct certain things that I did not do very well in the first term, I will try and work very well so that I would be reappointed.

On the gender issue, I do not quite agree that a woman has to be Deputy. A woman can be Chairman unless they are saying that we are just fit to be Deputy Chairman of INEC Commission. I am saying that if a woman is qualified to be Chairman of INEC, a woman should be so appointed. I am also saying that if you say President should not appoint, you will still have windows of throwing back the person that the President has appointed through screening because the person would come to the Senate for screening. I know that for each Member of any Commission that is being appointed they will have to go through screening; they will have security report and every other thing concerning them. So, one can still reject anybody that is not credible.

I do not believe that it is solely for the President to appoint. The person would still go through screening and the Senate is there to screen and members of the public can come and say this person is not credible and he is not qualified to be appointed.

I also hold the opinion that of the 12 Members of the Commission women should be given more chance. Dr. Sani said that it is discriminatory to say that a

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Woman should be Chairman and all that.
(Interruptions)

The Deputy Speaker: Do not join issues with any Member; just speak on the issues under consideration.

Hon. Nkiruka Onyejeocha: It is all right, Mr. Speaker. Today, we know in this House that everybody has equal opportunity but how does it reflect in appointment and elective positions. I believe that if we say that we are not going to be gender sensitive because everybody is open to equal contest or appointment, we might be making a mistake.

We should support this Bill and increase the number of women in the Commission and allow women also to become Chairman of the Commission. Also since we have passed a Bill yesterday for Second Reading that had taken care of funding; I think the issue of who pays the piper dictates the tune is taken care of.

Hon. Haruna Ibrahim (Toro): I respect the courage of the Executive by introducing this Bill. Nigerians have been waiting for this golden opportunity that the Amendment should come so that we can have credible elections; elections that can be accepted by Nigerians and respected by the international community.

There is an important issue; the granting of financial autonomy is a welcome development but then we did not go far enough to say that the appointment should also be independent because he who appoints can also dictate the tune. Why can we not go totally in support of Uwais Report and adopt same Report when it comes to appointment of the INEC Chairman?

Hon. Abba Anas Adamu (Birniwa/Guri/Kiri-Kasamma): I note the contributions so far made and I concur. Therefore, I am in support of the proposal to amend the Independent National Electoral Commission Act.

I would also like to make it very clear that it is not who appoints the National Chairman that matters but who is that person, what is his level of integrity and what are his antecedents?

The point is that all of us are involved in the election process. At every electoral voting point, members of that particular area are involved. If you move from that point to the Ward level, you have also a representation from all Political Parties, including the Non-governmental Organisations (NGOs); so also at other levels.

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Those who are saying that the Chairman of INEC should come from somewhere are trying to tell us that their election into this honourable House was questionable and I believe it is not. If they agree that they came here freely without any fraud, it means that still the President of the Federal Republic of Nigeria should have that power to nominate and as a Colleague of mine rightly pointed out he is not just going to be nominated and confirmed by the same President but his name will be submitted to the Senate for screening and confirmation. Therefore, if there is any reason to doubt the level of his integrity and record, that person will be dropped because those issues would be raised.

What matters most, therefore, is that we should be concerned about how good are we; how good are the members that will, for instance, appoint members at the various levels of the electoral process? That is the most important thing, not that the President should not nominate the National Chairman.

The Deputy Speaker: The question is that the Bill be read the Second Time?

Question put and agreed to.

Bill read the Second Time and referred to the Ad-hoc Committee on the Review of the 1999 Constitution.

Electoral Offences Commission (Establishment) Bill, 2009

A Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Therewith, 2009 (HB. 238) –

Order for Second Reading.

The Deputy Speaker: The second Order of the Day is Commencement of Debates on the General Principles of a Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Therewith, 2009. The Bill was read the First Time on Wednesday, 13th May, 2009.

I now invite Hon. Tunde Akogun, the Leader to move that the Bill be now read the Second Time.

Hon. Tunde Akogun (Akoko Edo): I rise to move that a Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Therewith, 2009 be read the Second Time.

Hon. Umaru Ibrahim Kurfi (Dutsin Ma/Kurfi): I rise to second the Motion.

Question proposed.

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Hon. Tunde Akogun: This Bill seeks to enforce the provisions of the Electoral Act, 2006. Of course, it is one of the five Executive Bills sent to this House for Constitutional Amendment and for Electoral Reforms. It is a straightforward Bill whose main intention is to create an independent body to enforce punishment for Electoral Reforms.

Mr. Speaker, if I have your permission, I will read the main Functions directly from the Bill itself. It is as follows:

That the Commission shall be charged with the responsibility of enforcing the provisions for this Act and of the Electoral Act, 2006 in so far as they relate to investigation, prosecution of Electoral Offences set out in Part A of the Electoral Act, 2006 and as Other Matters as may be amended from time to time.

As I said, it is a short Bill and not controversial. Therefore, I seek the support of my Colleagues that this Bill passes smoothly and quickly through the Second Reading stage.

Hon. Ita Enang: I speak in support of this Bill which seeks to create a Commission to enforce the provisions of the Electoral Act, 2006. I stand on this plank to say that I commend the drafting and presentation of this Bill.

In commending this Bill, I want to say the Attorney General of the Federation should in matters and measures sent to the Floor of this House take appropriate care to ensure that Bills and Acts are properly referenced. This is because one of the Bills he sent to the Floor of this House - HB. 233 is a reference to the 1998 Electoral Act which was repealed by the 2002 Electoral Act, which was further repealed by the 2006 Electoral Act. Nevertheless, that being said, it is just a little word of caution.

The functions of this Electoral Reform Commission are well set out but I pray that this Bill do pass the Second Reading. *(Interruptions)*

The Deputy Speaker: Hon. Ita Enang, are you talking about Electoral Act on this second Bill?

Hon. Ita Enang: Mr. Speaker, I am saying that this is a well drafted Bill because it is making reference to the appropriate Act.

The Deputy Speaker: It is all right.

Hon. Ita Enang: When this Bill goes to the appropriate Committee, let the Committee examine whether the Functions said to be given to this

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Commission are not repeated in the existing laws and whether as it were in the Electoral Act, the Penal Code, the Criminal Code, the Code of Conduct and other laws are not repetitions and whether or not they will be enough functions even in the Police Act for this Commission to do. These are the functions that will be fully examined by the Committee after hearing the Public. I will not prejudge the issues. The public will make their presentation.

Therefore, I pray that this Bill do pass the Second Reading.

Hon. Bamidele O. Obadina (Ifo/Ewekoro): Mr. Speaker, there is no doubt that the Bill is a very good one. However, I have some reservations from three Clauses in the Bill.

The first is in Clause 9, which has to do with the funding of the Electoral Commission. I am afraid of a situation where the Executive does all the funding because the matter of he who pays the piper dictates the tune will come into it.

The second objection is on Clause 4 that has to do with the arbitrary power of Mr. President to remove any Member of the Commission from office. The same principle of he who pays the piper dictates the tune will also come into it.

The last objection is in Clause 26, which has to do with the power of the Attorney General to make regulation without recourse to the National Assembly or without subjecting the process of making regulations to public opinion. This is not too good and I strongly object to these three Clauses. I wish that it should be amended or deleted.

Hon. Sadiq Asema Mohammed (Ajaokuta): Mr. Speaker, notwithstanding the submissions of Hon. Ita Enang, I support this Bill. I look at this Bill and see it from the point of view that the security agencies, especially the Police have not been doing their job properly. Also, the dispensation of justice as it affects election matters especially the criminal aspect of it has not been adequately taken care of by our existing laws. For instance, if there were Election Tribunals in the past, maybe that would have served as adequate administration and deterrents to the criminals in terms of electoral malpractices.

Having said this, the Bill is very straightforward and I support it.

Hon. Abdulkadir Mohammed Nasir (Kafur/Malumfashi): I am in total support of this Bill seeking to establish the Electoral Offences Commission

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for so many reasons. Why we have electoral offences, in the first place, is because there were no punishments meted out to electoral offenders. There were no specialised Courts or Commissions to punish electoral offenders. For example, when Party A contests an election and then Electoral Tribunals ascertain wrongdoing from such a party or the conductors of such an election or the candidates and then that election is quashed for whatever of the three reasons, if that particular person or the Political Party or the Electoral Officer that conducted the election is not punished, then electoral offences will not stop.

Therefore this Commission will come in very handy considering the fact that it will check all those Electoral offences that are perpetrated by Political Parties, by candidates and by Electoral Officers. I am in total support of this Bill and I wish all my Colleagues to also support it.

Hon. Shehu Garba Matazu (Musawa/Matazu): Mr. Speaker, this is a straightforward and simple Amendment that is crucial to the development of democracy in Nigeria. Even though we are celebrating for the first time ten years of uninterrupted democratic rule in Nigeria, before now we have never had any Commission or any specialised Court that will be charged with punishing Electoral offenders. Now that we have the opportunity taking into consideration that democracy has come to stay in Nigeria, this is the right time to establish a special Commission to deal with Electoral offenders.

If this Commission is put in place, I believe some of the ills of our Electoral processes in the past will be corrected and those who used to be or who have become professional Electoral offenders will have to change gear because they know that there is a special Commission whose eyes will always be on them and that they could be caught and dealt with according to the provisions of this law.

I therefore urge my Colleagues to support this Amendment so that we can strengthen our electoral process.

Hon. Aminu Shehu Shagari (Shagari/Yabo): I wish to support this Bill because it seeks to establish the Electoral Offences Commission and vest with it powers to investigate offences relating to the conduct of General Elections and prosecute same.

There is no denying that if we are to have credible elections, we must have sanctions and there must be punishment for contravening the provision of the law. I cannot remember anywhere where a person has been tried and convicted for electoral offences in this country; maybe we have just a handful.

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If we are to have credible election this must change because everywhere you hear of ballot boxes being snatched and stolen; people stuffing ballot boxes and election results being overturned, nullified and courts and tribunals make references to anomalies in

elections but you will never hear of perpetrators of these acts being punished. I think that the establishment of this Commission will go a long way in curbing these vices.

I strongly support the establishment of the Commission and I urge my hon. Colleagues to do same.

Hon. Uzoma Nkem-Abonta (Ukwa East/West): I strongly support this Bill for obvious reasons. It is quite a straightforward Bill. For us to have a credible election in Nigeria this Commission must come to stay. The Commission must be with full capacity to investigate forensic evidence and so on.

I do not only want to support this Bill but I want to urge Members in considering the Bill to give it accelerated hearing and consideration; and, if possible, it should come in place before other Elections.

The Deputy Speaker: The Rules of the House are very clear. At this stage there will be no time to speak against or for. So if you want to speak against you should wait until another time but if you want to speak on the General Principle you can say anything that you feel like saying.

Hon Abike Dabiri Erewa (Ikorodu): So far I do not think anybody has been punished for electoral offences. However, I believe that if we have the political will, we can do it right but we do not have the political will yet as a nation and it is a matter of leadership.

Setting up a Commission might be all right but with what intentions? When EFCC was set up we all applauded and we were happy about it but eventually it became a political machinery to deal with people that you do not like. While I am not opposing the Commission, I want to say that the motive is important and I still believe that we do not lack the laws in this country; it is about implementation. Even with the tribunals now, there is nothing stopping somebody who is guilty of an electoral malpractice to be punished. We are supposed to be the way but we are not because we are poor and there are no sanctions. Establishing a Commission is all right but with what intention? If you hit your opponent, you can send it to the Commission and nothing happens. Therefore, we have to be cautious.

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Hon. Abdul Sani Mohammed (Alkaleri/Kirfi): I stand here to speak against the formation of this Commission in the sense that we are establishing another executive body that will drain on the little purse of the Nigerian corporate revenue. We have too many so far and there are many of them that do not function to actualise the aspirations of our nation and this will be one of them.

Secondly, I wonder how this Commission will be able to discharge its responsibility as stated in Part I, Section 3. It says: *The Commission shall be charged with the responsibility of enforcing the provisions of this Act in so far as it relates to a, b, c, d.*

The point that I am trying to make is how this provision can be enforced when it is passed into law. This is because the Police are constitutionally empowered to enforce the law. Are we saying that we will remove the powers of investigation of the Police, the powers of the Tribunals and so on and confer it on this Commission in which case it is absent within the body of this Bill as presented so far?

I can see that there is going to be a clash; it is going to be another moribund body and it is going to go against majority of the silent Nigerians and it will be used as an instrument of oppression. I am, therefore, against the formation of the Commission and I will so solicit my reasonable, responsible and rational Colleagues in this House to throw this Bill out.

Hon. Igwe Nwagu Paulinus (Ezza North/Ishielu): I agree with those who are supporting the passage of this Bill because of the experiences we have gathered in the past about electoral offences in this country.

Many people have been committing all sorts of crimes in the name of elections and at the end of the day they will go unpunished. I am of the opinion that if anybody is caught committing electoral offences, he should be investigated and prosecuted. If he is found guilty he should be punished according to the provisions of this Act.

If you look at what happened in 2003 and 2007 elections, you will agree with me that the Bill is very important for this country especially to curtail the opposition parties.

Even though the appointment of the members of Commission will be within the purview of Mr. President of this country since we believed that our President believes in the rule of law, it will help us a lot if we pass this Bill because he will respect it.

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The only thing I want to propose that we remove in this Bill is the appointment of a retired Police Officer to this Commission. I believe that those who will be appointed into this Commission as members should be serving Police Officers. This is based on our experiences. I know where I am coming from.

The Deputy Speaker: I want to also believe that you too believe in the rule of law.

Hon. Igwe Nwagu Paulinus: Yes, Mr. Speaker.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): I am using this opportunity to commend some members that have remained in this Chamber to consider these very important Bills despite certain engagements that had taken many of us out. That shows the level of seriousness we individually attach to events here. It is commendable.

The first question I will ask is; what is the Bill trying to achieve? As the name implies, it says; *Establishment of Electoral Offences Commission*; if you look at these offences, they are criminal in nature and we have an established institution that is saddled constitutionally with the responsibility of doing that and that is the Police and other law enforcement agents. We have to be very careful in the sense that we should not allow ourselves to create a monster that may eventually consume us. If an offence is committed at the spot of election and you cannot report to the Police but to a Commission what happens between the day that that offence is committed and the day that the Commission takes up the case? For example, in my constituency, I have over 560 polling units.

The Deputy Speaker: How many Local Governments?

Hon. Mohammed Ali Ndume: There are three Local Governments. What I am saying is that if an electoral offence is committed on the spot, you report to the Police there. When we create such a Commission, are they going to send an agent to each of the polling units as a representative of the Electoral Offences Commission during elections in order to determine whether or not electoral offence has been committed?

The fundamental problem that we have at the aftermath of our election or during election is lack of quick dispensation of justice in the Electoral Tribunals that are normally saddled with the responsibility of addressing or looking into the various election cases.

I do not think that the establishment of Electoral Offences Commission will in anyway solve the electoral problems or offences that we have in this country. Instead this House should look at the Electoral

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Act and strengthen the Tribunals that are charged with handling electoral Petitions so that after election, the electoral Petitions will be immediately discharged. It does not need to take two or three years before judgment is eventually passed. That is what Nigerians want.

Hon. Tayo Fawehinmi (Ondo East/West): I want to join other Members who are supporting this Commission. We are all aware of the problems we had during elections of politicians and other members of the society snatching Ballot Boxes and committing other offences. I do not think there is any problem with

charging these people to the Commission.

If the offence is committed at the Polling Booth, the Police are still there at that point in time to arrest them. If it is a case for the Commission, of course, they would be transferred to that Commission and would be charged. So the establishment of this Commission will bring sanity to the politics of the nation.

Therefore, I support it and I hope that my Colleagues would also support it and give it speedy consideration.

Hon. Ahmed Idris (Wase): I rise to support the Bill for the following reasons.

I believe that this Bill is going to deepen and develop our democracy. My hon. Colleague, Hon. Fawehinmi, did mention the electoral offences political thugs and politicians committed at the various polling units. There are provisions amply provided in the Electoral Act for punishment and prosecution. Unfortunately, our Security Agencies have not been complying with the provisions because they are no courts established for the purpose of trying these offenders.

I believe a lot of statements have been made about the last election. I want to believe that the people who came on board had the capacity to win their election without necessarily committing any offence. Let me say that the actions of some overzealous people down the ladder who want to snatch ballot boxes and inflate figures have brought our election into disrepute. With this I want to believe that by the time we have Electoral offenders tried and convicted possibly, it is going to massively reduce election rigging and other manipulative tendencies for the purpose of securing offices unjustly.

It is in this regard that I am urging my hon. Colleagues to support this Bill and that we should put the Question. The fear expressed by some Members is about what may possibly happen to the EFCC at the

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first stage. I want to believe that today the EFCC is developing and we have seen a lot of changes in terms of compliance with the rule of law. I also want to believe that by the time we have this kind of Commission and as we go on with time there will be perfection in our system.

We should all support it.

The Deputy Speaker: One of the problems with this column is that every Member wants to speak unlike the others. So, you have to, please, give us some time so that we take it one by one.

Hon. Isah Idris Umaru (Igabi): I have listened to my Colleagues on the issue of this Bill. I am supporting the Bill but with a question.

There are some fundamental questions that we need to ask. Is this Commission going to have staff at every polling unit all over the country when election is being held so that they can now identify electoral offenders and probably investigate them and send them to court? If the answer is yes, then it means we are duplicating the work of the Police. If the answer is no, how are they going to get the information as to who actually committed any electoral offences? Are they going to wait for somebody to come with a complaint and then they go into investigating that complaint and probably prosecute that person? If the answer is that they are going to use that method of gathering the information of who actually committed an offence during an election, then we have to be careful because the system can be used for political reasons to possibly take on somebody on political grounds or for other political gains.

It is my humble opinion that at this moment we do not need a Commission. What we need is a Special Court to actually prosecute offenders at every election. The Police who are vested with this constitutional power to investigate all criminal offences should be able to now take cases of electoral offences directly to this Special Courts and these courts would carry out the necessary prosecution.

Hon. Chile Igbawua (Lwamde/Ishongo): I rise to support this Bill. As most of my Colleagues who have spoken before me have stated, we already have ample provisions in the current electoral law but the problem is that since INEC tends to be a party to cases after the electoral process they spend all their time defending themselves before tribunals and they lack the time to pay attention to prosecuting those who have committed offences during the electoral process. Without making excuses for them, I think that is one of the reasons they have been unable to effectively handle the provisions of the Electoral Act. I think that providing a separate body

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to handle this will not only bring specialist in that area but will give them a task upon which they will be evaluated.

Beyond that we have a problem of law enforcement in this country. I am wondering if it will not be appropriate for this honourable House not only to stop at the provisions that have been made in this Act but to go ahead and provide for liabilities for negligence which can be deemed to be criminal for those who will be in this Commission. This is because we have had cases in the past where people were appointed to offices and whose duties were to prosecute but they did not carry out these prosecutions and considered it as mere official negligence.

When we come to the Third Reading, we will be trying to look at how we can ensure that those who are supposed to enforce these laws are compelled to enforce it by putting sanctions for negligence that can be confirmed to be criminal. I think it is one of the Commissions coming out from the existing Independent Electoral Commission and this is very important. When we come to the issue of the political registration it would be a different thing because I do not see the need for that.

Hon. Sokonte Davies (Degema/Bonny): I rise to support that this Bill be read the Second Time. This is because this is the first time this country will take the issue of electoral offences very seriously. It has been taken for granted that you can do anything and get away with it. A lot of us in this country have exploited the weakness in the Electoral Act in the past and the capacity or lack of it to pursue and appropriately apprehend and prosecute those who offend during elections. That is why some of us think that it is not necessary.

Indeed it is true. There are laws generally there to address criminal activities but there are no such laws specifically to address electoral activities for a given period. The establishment of a Commission of this nature which will draw expert knowledge and expert skills to punish people will actually go a long way to reducing the tensions we experience during elections because our elections have become too violent and too volatile.

People do these things with impunity because they believe that there is no consequence to it. But now, when we set up a Commission of this nature people will think twice before they get themselves involved in election offences or before they are lured into it at whatever cost.

Therefore, I urge my Colleagues to support this Bill to pass through the Second Reading.

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Hon. Umar Ibrahim Kurfi (Dutsin-Ma/Kurfi): My Speaker, this Bill is actually a very good Bill and we should support it. However, the only conflicting issue now has to do with the duties of the Police. This is because most of the offences committed by this Electoral Commission are Police cases such as rigging, thugery and stealing of Ballot Boxes. The Police should handle all these cases.

These issues should be demarcated so that we give the Electoral Commission its exact job. Even now that we are talking of swapping of results, it is actually an electoral offence and issues that occur physically during elections are offences which the Police should handle.

I support that this Bill be passed but then we should demarcate these two jobs so that there will not be any overlapping of duties.

Hon. Kolawole Ismaila (Boluwaduro/Ifedayo/Ila): Mr. Speaker, I rise to add my voice to those that have spoken in favour of this Bill. The question to ask ourselves at this particular point in time is whether or not this Commission is desirable. This is because there are a number of comments being made by our people. They are sceptical about the performance of the Commission when established. That should not be our duty.

Our duty is to ask ourselves whether or not this kind of Commission is desirable now. If it is desirable, let us sit down and arm the Commission with necessary provisions to enable it carry out its functions. As far as I am concerned, if this Bill is passed into law, it is going to be one of the steps taken towards Electoral Reforms in Nigeria and it will definitely bring sanity into the electoral practice and exercise in Nigeria. In addition, it would check the deliberate acts of some people to commit electoral fraud.

You will agree with me that in the past when some people were caught by the Police, they were released the following day. This was because the Police did not have relevant provisions to charge those people. At the same time, the Police are already preoccupied with criminal and civil cases and you cannot expect them to prosecute these people.

Therefore, when we have a Commission in place, definitely people will have it at the back of their mind that if they commit any electoral malpractice or offence they will be made to face the music.

In view of this, I urge my Colleagues to support this Bill and let it sail through.

Hon. Joseph Jaiyeola Ajatta (Oshodi Isolo II): I

would like to support this Bill because it is one of the items recommended by Hon. Justice Mohammed Lawal Uwais Committee Report. I want everything that he has recommended to be put in practice rather than we trying to bend them.

I am supporting it again because the way we conduct elections in Nigeria is such that the Police are not empowered to do much on it. I remember that during my election one of the boxes was stolen. I had to beg the Police to help me chase the person who stole it. We chased him to his house and were able to recover and brought it back but nothing was done to him.

Another problem that we need to tackle is that if fighting breaks out between two parties and you go to the Police, the Police would detain the two parties. The Police would tell both parties that they were being detained because they were fighting in the public. The Police would ask them to go and call the persons they are supporting. The persons would come and bail them.

So, with the establishment of this Commission we would now have a place to report electoral offences. Again, we have to be sure because when electoral malpractices are being done, they use to end up in the Police Station to announce the result of the elections there, which should not be. We therefore believe that they should be able to go to the right place and announce it and not in the Police Station. Police Station is not an electoral centre. Therefore, if we have a place to go, which is this Commission, we can proudly say that we have credible results.

Again, we have to find out what this Commission will be doing. Are they going to be involved in the punishment? If not, why are we having the Commission? This is because the problem we have is that there is law and people are being prosecuted but there is no punishment.

I believe that there should be punishment for electoral offences and this Commission should carry this out.

Hon. Abubakar Shehu Bunu (Bungudu/Maru): Mr. Speaker, there is no doubt that this Bill is a very important Bill and I am supporting it wholeheartedly. Every Member of this House should identify himself or herself in support of this Bill.

It is even in the acknowledgement of the Electoral Law Reform Commission of Alhaji Mohammed Uwais that several cases of electoral offences are being made in this country over the years but nothing had been done on them or the people who committed the offences are not being convicted by any person.

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0300

It is a fact that offences are being committed during and after the election. Therefore, it is very important for this House to support this Bill *in toto* and abide by it.

Hon. Njidda Ahmed Gella (Miaha/Mubi North/Mubi South): Mr. Speaker, sincerely I would like to oppose this Bill in the sense that we are usurping the powers of investigation. We have all it takes because there are structures on ground to regulate investigations, arrest and punish electoral offenders.

By establishing this Commission, it means that we are incurring more expenditure to the government. Sincerely, I am against this Bill. There is enough structure and regulatory agencies to tackle this issue.

Hon. Abdul Ningi: Mr. Speaker, we are at the crossroads of history. As Members of the National Assembly, our role is distinguishable from that of the Executive. What is before us, of course, is a proposal by the Executive. Whether it is from Uwais, what is before us is a proposal by the President of this country. As Members of this honourable House our role is to put Nigeria first and every other thing second and third.

Being a Nigerian and seeing what I saw, I think we have been pushed to a degree that we must reform and completely overhaul our electoral system. It took Britain 1,800 years to be in the league of advanced democracies yet they are also undergoing reforms. So also is the United States of America.

Where you push a reform to an issue that we do not limit and dichotomise, I see a very dangerous collision between this Commission and the Independent Electoral Commission. How big is this Commission? Are we saying we need a Commission similar to INEC where offices would operate in cities and in all the Local Governments just like INEC? How viable and independent is this Commission?

A lot of people talked about the independence of INEC and a lot of people who are supporting the establishment of this Electoral Offences Commission were on the other hand saying INEC is not independent. Who appoints the Members of this Commission and how are they appointed? At a given time we must not chew more than we can bite. We must take it step by step.

If you look at the Electoral Act, 2006 it has stipulated the offences and the remedies. What has happened? The Police that has been charged with this responsibility has its roles constitutionally enshrined to investigate, enforce and prevent crimes. What we are trying to do is to say yes; Police thank you very much; you have not been able to do this job. As a Member

said, how successful is the EFCC? At the same time, we are all accusing the Police of being unable to do it.

Mr. Speaker, show me your Police and I will tell you who you are. How many of us have not attempted to compromise the Police during election? I think we do not need to hide things and assume everything is a gift. I find it very difficult to understand and support this particular Bill.

I have not been educated enough by the proponents of this Bill to support it. I think it is a Bill that contains a lot of danger. Even though the wordings are beautifully made what about the implementation?

The Speaker: Hon. Colleagues I will now put the Question?

Question put and agreed to.

Bill read the Second Time and referred to the Ad-hoc Committee on the Review of the 1999 Constitution.

The Deputy Speaker: Let me thank hon. Members who have remained behind for us to debate this very important Bill. I also to thank hon. Members for supporting that this Bill be read the Second Time.

ANNOUNCEMENT

The Deputy Speaker: Hon. Colleagues, two Bills are to be considered tomorrow; the Police Act (Amendment) Bill and Legislative Institute of Democratic Studies Bill.

If time permits, Motions will be taken and Reports will be considered tomorrow.

ADJOURNMENT

Hon. Tunde Akogun (Akoko-Edo): Mr. Speaker, I move that this House do stand adjournment till tomorrow Thursday, 9th July, 2009 at 10.00 a.m.

Hon. Saudatu A. Sani (Lere): Mr. Speaker, I rise to second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow Thursday, 9th July, 2009 at 10.00 a.m.

The House adjourned accordingly at 5.10 p.m.