



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 13 March, 2019

1. The House met at 11.26 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 12 March, 2019.
The Votes and Proceedings was adopted by unanimous consent.
3. **Announcement**
 - (a) **Visitors in the Gallery:**
Mr Speaker recognised the presence of the following:
 - (i) Staff and Students of *Lodestar International Academy*, Kubwa, Abuja;
 - (ii) Staff and Students of *Bethel Livingstone Academy*, Karu, Nasarawa State; and
 - (iii) Staff and Students of *Peacechild International Schools*, Bwari, Abuja.
 - (b) **Bereavement:**
Mr Speaker announced the death of Sen. Joseph Kennedy Waku, a former Senator of the Federal Republic of Nigeria (*Benue Northwest Senatorial District 1999 — 2003*), which occurred on Sunday, 3 February, 2019 at the age of 73.
A minute silence was observed in honour of the deceased.
4. **Matter of Urgent Public Importance (Standing Order Eight, Rule 4)**
The Spectre of Inconclusive Elections in Nigeria:
Hon. Karimi Steve Sunday (*Yagba East/Yagba West/Mopamuro Federal Constituency*) introduced the matter and prayed the House to:
 - (a) consider and approve the matter as one of urgent public importance; and
 - (b) *suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.*

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

The Spectre of Inconclusive Elections in Nigeria:

The House:

Notes that since the November 21, 2015 Gubernatorial Election in Kogi State, the spectre of inconclusive elections has become a demon hunting the Nigerian Electoral System, thus eroding the confidence of the electorates in the Electoral system and has become a tool for subverting the will of the people;

Also notes that prior to the 2015 Gubernatorial Election in Kogi State, there were very few isolated cases of inconclusive and re-run elections in Nigeria due to over and non-voting in some polling units and wards as was the case in Ekiti State in 2009, Anambra State in 2010 and Imo State in 2011, thereby casting a shadow on the neutrality of the Independent National Electoral Commission (INEC) as an umpire in the Nigerian electoral process;

Cognizant that the frequency of cases of inconclusive elections in Nigeria has made the electorates to provocatively refer to the Independent National Electoral Commission as the "**Inconclusive National Electoral Commission**", signalling the lack of confidence of the electorates in the electoral process;

Aware that Section 153 of the Electoral Act confers power on the Independent National Electoral Commission to make Regulations and Guidelines, and also to produce Manuals for the conduct of Elections, as a result of which, the Commission issued Guidelines for the 2015 and 2019 General Elections, as Subsidiary Legislation to the Electoral Act;

Also aware that paragraph 4, Section N of the 2015 Guidelines, directs the Returning Officer to, where the margin of win between the two leading candidates is not in excess of the total number of registered voters of the polling units where elections were cancelled or not held, decline to make a return until another poll has taken place in the affected polling units and results incorporated into a new Form EC 8d, and subsequently recorded in EC 8e for Declaration;

Informed that this provision of the Election Guideline which was reproduced in the 2019 Guidelines is the basis for which the Commission whimsically declared elections in six States of the Federation as inconclusive;

Concerned that the said paragraph 4 of Section N of the 2015 General Election Guidelines is causing apprehension and lack of confidence in the nation's Electoral System, since Sections 134, 179 and 111 of the Constitution of the Federal Republic of Nigeria, 1999, provides for the manner of emergence of the winner of Presidential, Gubernatorial and Area Council Elections in Nigeria;

Further aware that the Constitution provides that the winner of the Elections into the above offices in Nigeria shall emerge where the winner has majority of the total votes cast, scores $\frac{1}{4}$ of votes cast in each of at least $\frac{2}{3}$ of the States, Local Government or Wards respectively, more so, since section 26 (1) of the Electoral Act, 2010 provides that where a date has been approved for the holding of an election and there is reason to believe that there will be serious breach of peace if the election is proceeded with that day, or that it is impossible to conduct the elections due to natural disaster or other emergencies, the Commission may postpone the election and fix a new date for the election;

Observes that the combined effect of Sections 134, 179, 111 of the Constitution and Section 26 (1) as well as Section 53 (2) - (3) of the Electoral Act, 2010 shows that inconclusive elections are not envisaged in our laws, except where there was over-voting in a polling unit, not where votes already cast were cancelled;

Worried that in the 9 March, 2019 General Elections, out of the 29 Gubernatorial Elections conducted, 6 were declared inconclusive: in Sokoto, Benue, Bauchi, Kano, Plateau and Adamawa States despite the leading candidates having met the provisions of Section 179 (2) of the Constitution, thereby causing apprehension, insecurity and erosion of the confidence of the electorates in the Commission, which is now being seen as a biased umpire in the electoral process;

Resolves to:

Call on the Independent- National Electoral Commission not to subvert the will of the people by resorting to the provisions of the Guidelines (relating to inconclusive elections) but to adhere to the Constitution and allow aggrieved Parties to proceed to the relevant Election Tribunals in order to ensure peace and security and to promote the credibility of the Electoral Process (*Hon. Karimi Steve Sunday — Yagba East/Yagba West/Mopamuro Federal Constituency*).

Debate.

Amendment Proposed:

Insert a new Prayer (ii) as follows "Set up an Ad-hoc Committee to ~~review~~ and review the Electoral Act, in order to address all the electoral shortcomings witnessed in the 2019 general elections" (*Hon. Bashir Baballe — Minjibir/Ungogo Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that since the November 21, 2015 Gubernatorial Election in Kogi State, the spectre of inconclusive elections has become a demon hunting the Nigerian Electoral System, thus eroding the confidence of the electorates in the Electoral system and has become a tool for subverting the will of the people;

Also noted that prior to the 2015 Gubernatorial Election in Kogi State, there were very few isolated cases of inconclusive and re-run elections in Nigeria due to over and non-voting in some polling units and wards as was the case in Ekiti State in 2009, Anambra State in 2010 and Imo State in 2011, thereby casting a shadow on the neutrality of the Independent National Electoral Commission (INEC) as an umpire in the Nigerian electoral process;

Cognizant that the frequency of cases of inconclusive elections in Nigeria has made the electorates to provocatively refer to the Independent National Electoral Commission as the "Inconclusive National Electoral Commission", signalling the lack of confidence of the electorates in the electoral process;

Aware that Section 153 of the Electoral Act confers power on the Independent National Electoral Commission to make Regulations and Guidelines, and also to produce Manuals for the conduct of Elections, as a result of which, the Commission issued Guidelines for the 2015 and 2019 General Elections, as Subsidiary Legislation to the Electoral Act;

Also aware that paragraph 4, Section N of the 2015 Guidelines, directs the Returning Officer to, where the margin of win between the two leading candidates is not in excess of the total number of registered voters of the polling units where elections were cancelled or not held, decline to make a return until another poll has taken place in the affected polling units and results incorporated into a new Form EC 8d, and subsequently recorded in EC 8e for Declaration;

Informed that this provision of the Election Guideline which was reproduced in the 2019 Guidelines is the basis for which the Commission whimsically declared elections in six States of the Federation as inconclusive;

Concerned that the said paragraph 4 of Section N of the 2015 General Election Guidelines is causing apprehension and lack of confidence in the nation's Electoral System, since Sections 134, 179 and 111 of the Constitution of the Federal Republic of Nigeria, 1999, provides for the manner of emergence of the winner of Presidential, Gubernatorial and Area Council Elections in Nigeria;

Further aware that the Constitution provides that the winner of the Elections into the above offices in Nigeria shall emerge where the winner has majority of the total votes cast, scores $\frac{1}{4}$ of votes cast in each of at least $\frac{2}{3}$ of the States, Local Government or Wards respectively, more so, since section 26 (1) of the Electoral Act, 2010 provides that where a date has been approved for the holding of an election and there is reason to believe that there will be serious breach of peace if the election is proceeded with that day, or that it is impossible to conduct the elections due to natural disaster or other emergencies, the Commission may postpone the election and fix a new date for the election;

Observed that the combined effect of Sections 134, 179, 111 of the Constitution and Section 26 (1) as well as Section 53 (2) - (3) of the Electoral Act, 2010 shows that inconclusive elections are not envisaged in our laws, except where there was over-voting in a polling unit, not where votes already cast were cancelled;

Worried that in the 9 March, 2019 General Elections, out of the 29 Gubernatorial Elections conducted, 6 were declared inconclusive: in Sokoto, Benue, Bauchi, Kano, Plateau and Adamawa States despite the leading candidates having met the provisions of Section 179 (2) of the Constitution, thereby causing apprehension, insecurity and erosion of the confidence of the electorates in the Commission, which is now being seen as a biased umpire in the electoral process;

Resolved to:

(i) call on the Independent National Electoral Commission not to subvert the will of the people by resorting to the provisions of the Guidelines (relating to inconclusive elections) but to adhere to the Constitution and allow aggrieved Parties to proceed to the relevant Election Tribunals in order to ensure peace and security and to promote the credibility of the Electoral Process; and

(ii) set up an *Ad-hoc* Committee to revisit and review the Electoral Act, in order to address all the electoral shortcomings witnessed in the 2019 general elections (HR. 4/03/2019).

5. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Institute of Chartered Mediators and Conciliators of Nigeria Bill, 2019 (HB.1605).
- (2) Federal Polytechnic, Kado, Kano State (Establishment, Etc.) Bill, 2019 (HB.1606).
- (3) Federal Polytechnic, Langtang, Plateau State (Establishment, etc.) Bill, 2019 (HB.1607).
- (4) Federal College of Education, Usugbenu, Irrua, Edo State (Establishment, etc.) Bill, 2019 (HB.1608).
- (5) Federal Polytechnic, Ikom, Cross River State (Establishment, etc.) Bill, 2019 (HB.1609).
- (6) National Institute of Construction Technology and Management (Establishment) Bill, 2019 (HB.1610).
- (7) Federal University of Education, Aguleri, Anambra State (Establishment, etc.) Bill, 2019 (HB.1617).
- (8) FCT University of Science and Technology, Abaji (Establishment, etc.) Bill, 2019 (HB.1612)

- (9) Federal Polytechnic, Aba, Abia State, Bill, 2019 (HB.1613).
- (10) Federal Polytechnic, Silame, Sokoto State, Bill, 2019 (HB.1614).
- (11) Federal College of Education, Gumel, Bill, 2019 (HB.1615).
- (12) Federal College of Education, Sabon Birni, Sokoto State, Bill, 2019 (HB.1616).

6. Presentation of Report

Committee on National Planning and Economic Development:

Motion made and Question proposed: "That the House do receive the Report of the Committee on National Planning and Economic Development on a Bill for an Act to Repeal the Nigerian Council for Management Development Act, Cap. N99, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Council for Management Development Bill; and for Related Matters (HB. 461)" (*Hon. Bashir Baballe — Minjibir/Ūngogo Federal Constituency*).

Agreed to.

Report laid.

- 7. A Bill for an Act to Repeal the Nigerian Law Reform Commission Act, Cap. N118, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Law Reform Commission Bill to Facilitate the Effective Implementation of the Commission's Law Reform Proposals and Enhance its Performance; and for Related Matters (HB. 1577) — Second Reading**

Order read; deferred by leave of the House.

- 8. A Bill for an Act to Provide for Establishment of the Nigeria Arabic Language Village as an Inter-University Centre for Arabic Language Studies; and for Related Matters (HB. 1489) — Second Reading**

Order read; deferred by leave of the House.

- 9. A Bill for an Act to Provide for Establishment of the Nigeria French Language Village as an Inter-University Centre for French Language Studies; and for Related Matters (HB. 1490) — Second Reading**

Order read; deferred by leave of the House.

- 10. A Bill for an Act to Amend the Federal Colleges of Education Act, Cap. F8, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 1452) — Second Reading**

Order read; deferred by leave of the House.

- 11. A Bill for an Act to Amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, to establish Special Trafficking Court and a Mandatory Annual Codified Training on the Subjects of Human Trafficking, Modern Day Slavery and Protection of Victims, Expand the Composition of the Governing Board of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) by including Members from the Economic and Financial Crimes Commission (EFCC), increase Penalties and Criminalize certain Offences including the Patronage of Commercial Sex; and for Related Matters (HB. 1559) — Second Reading**

Motion made and Question proposed: "That a Bill for an Act to Amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, to establish Special Trafficking Court and a Mandatory Annual Codified Training on the Subjects of Human Trafficking, Modern Day Slavery and Protection of Victims, Expand the Composition of the Governing Board of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) by including Members from the Economic and Financial Crimes Commission (EFCC), increase Penalties and Criminalize certain Offences including

the Patronage of Commercial Sex; and for Related Matters (HB. 1559) be now read a Second Time" (*Hon. Ikon Samuel Okon — Etinan/Nsit Ibom/Nsit Ubium Federal Constituency and 2 others*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Human Rights.

12. Re-Committal of the Agriculture Credit Guarantee Scheme Fund Act (Amendment) Bill, 2018, the National Broadcasting Commission Act (Amendment) Bill, 2018, the Federal Polytechnics Act (Amendment) Bill, 2018 and the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2018

Motion made and Question proposed:

The House:

Notes that the above Bills were severally passed by the National Assembly and transmitted to the President for assent;

Recalls that the Bills were returned with some observations on some clauses of the Bills which need to be addressed;

Resolves to:

Rescind its decisions on the affected clauses of the Bills as passed and re-commit same to the Committee of the Whole for reconsideration and passage. (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency).

Agreed to.

13. Consideration of Reports

(i) Committee on Tertiary Education and Services:

That the House do consider the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Establish Federal College of Education (Special), Birnin Kudu, Jigawa State to Provide Full-Time Courses, Teaching, Instruction and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management; to Establish College of Education (Technical), Onna, Akwa Ibom State to Provide Full-Time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Science, Humanities and Management; and to Provide for the Establishment of Federal College of Education, Lissam, Taraba State for the Purposes of Providing Qualitative Education in Science, Arts, Social Science and other Technical Knowledge; and for Related Matters (HB. 1441, HB. 1304 and HB. 1042).

Order read; deferred by leave of the House.

(ii) Report on the Petition by Iwere Mashark and Others against the Nigeria National Petroleum Corporation (NNPC) on the disengaged NNPC Staff, Warri Zone and approve the recommendation therein (Committee of the Whole):

Order deferred by leave of the House.

(iii) **Committee on Public Petitions:**

Petition by D. D. Okoroma and Sons:

That the House do consider the Report of the Committee on Public Petitions on the Petition by D. D. Okoroma and Sons against Total E & P Nigeria Limited over non-compliance with compensating Odiemenyi Community in Ahoada East Local Government Area of Rivers State for Oil spill which occurred on 15 June, 2006 from its pipeline, and approve the recommendation therein.

Order read; deferred by leave of the House.

14. That items 10 to 14 on the Order Paper be set down to the next legislative day, pursuant to Order Eight, Rule 6 (3) (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency) — *Agreed to.*

15. **Adjournment**

That the House do adjourn till Tuesday, 19 March, 2019 at 11.00 a.m. (Hon. Femi Gbajabamila — House Leader).

The House adjourned accordingly at 2. 02 p.m.

Yakubu Dogara
Speaker

