



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 26 October, 2006

1. The House met at 11.44 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 12 October, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. Messages:
Mr Speaker read the following Messages from the President of the Federal Republic of Nigeria; (i



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

October 17, 2006

Hon. Bello Aminu Masari, Speaker,
House of Representatives, National
Assembly Complex, Three Arms Zone,
Abuja.

Dear Hon. Speaker,

TRANSMISSION OF VIREMENT/AMENDMENT PROPOSAL

The effective co-operation between Executive and Legislature in the formulation of the 2006 Budget has allowed for an effective implementation of the 2006 Appropriation Act,

Nevertheless, the Executive has found it necessary to submit a Virement/Amendment proposal in respect of the Ministries, Departments and Agencies listed below:

- | | | |
|----|-----------------------|------------------------------|
| 1. | HEAD
230000 | MDA
Police Affairs |
| 2. | 290000 | Water Resources |

3.	320000	Education
4.	360000	Health
5.	390000	Internal Affairs
6.	410000	Justice
7.	40000	Science & Technology
8.	490000	Transport
9.	510000	Works
10.	580000	Solid Minerals
11.	620000	Environment
12.	650000	Culture & Tourism
13.	700000	NSA

Details of the Virement Amendment proposal are set out in Appendix A, attached herewith.

Each substantive Virement Amendment has been developed with the input of your Committees, working together with our Ministries to make the necessary adjustments to their expenditure plans. 1, therefore, sincerely hope that the National Assembly will approve the proposal expeditiously.

Please accept, Mr Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)
OLUSEGUN OBASANJO

Copy to:

1. Hon. Minister of Finance

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PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

October 17, 2006

Hon. Ammu Bello Masari, Speaker,
House of Representatives, National
Assembly Complex, Three Arms
Zone, » Abuja.

Dear Hon. Speaker,

RE: LETTER OF APPRECIATION

I acknowledge, with thanks, your letter of October 6, 2006 expressing appreciation for my support for the successful hosting of the 52nd Commonwealth Parliamentary Conference that was held in Abuja, 1-10 September, 2006.

I am particularly pleased that your colleagues from member-Parliaments have expressed satisfaction and appreciation. This, ultimately, is my satisfaction. That collectively, we continue to join hands to support and encourage each other in the interest of democratic practice and progress.

I trust that the House of Representatives has drawn some very positive lessons from the conference and that this will impact on debates, discourses, and actions as we continue to work to reposition Nigeria for peace, security, stability, growth, development and democracy.

Please, accept my very best wishes.

Yours Sincerely,

(Signed) **OLVSEGUN
OBASANJO**

{iii)



PRESIDENT,

FEDERAL REPUBLIC OF NIGERIA

PRES/134

19 October, 2006

Hon. Aminu Bello Masari,
Speaker,
House of Representatives,
National Assembly Complex,
Abuja.

Dear Hon. Speaker,

**IMPOSITION OF A STATE OF EMERGENCY
IN EKITI STATE**

Attached herewith, in accordance with Section 305 of the Nigerian Constitution 1999, a Federal Gazette of October 19, 2006 on Declaration of a State of Emergency in Ekiti State for the necessary action of the House of Representatives.

I feel constrained to write you this letter on recent developments in Ekiti State, efforts by the Federal government to bring about peace and harmony, and the inevitable resort to the last constitutional option open to me: the imposition of a State of Emergency.

We have all made personal and collective sacrifices not just to enthrone peace, stability and democracy in Nigeria but also to consolidate our democratic enterprise and cultivate new values. It is, therefore, very painful when that new collective commitment to democracy, peace and security is compromised, contaminated or truncated in any way or form.

At this stage, it is the belief of Government, based on available security reports as well as visible evidence on ground, that the situation in Ekiti State, to say the least, constitutes a challenge to our democracy, negates the norms of rational human interaction, contradicts the tenets of civil society, and devalues opportunities for peace, stability, coexistence and social justice. It constitutes a grave threat to law and order and a great danger to security in Ekiti State. It is, therefore, clearly a great threat to the security and unity of Nigeria.

Let me give you some insights into direct efforts made by me and the leadership of our Party, the PDP. After the Economic and Financial-Crimes Commission, EFCC, had submitted its report on Governor Ayo Fayose's proven corrupt acts, I summoned the leadership of the Party for the consideration of the Report. We concluded that Ayo Fayose could no longer put himself up as a gubernatorial candidate of PDP, anywhere in the country. We made him to understand this point, which he accepted. Secondly, we made him to understand that he had to face up to EFCC's follow-up actions. The State House of Assembly requested the EFCC for the

Report. On receipt of the Report, the State House of Assembly decided that they would carry out their constitutional duty and responsibility. Nobody in the face of the Report stopped them from carrying out their constitutional responsibility as they deemed fit. At this stage, to save the State from the agonising experience of impeachment, some leaders of the Party at State and national levels counseled Ayo Fayose to reign but he decided to see the impeachment process through.

Mr Speaker, the situation in Ekiti State which culminated, on Monday, in the Speaker of Ekiti State House of Assembly being sworn in as Acting Governor is patently unconstitutional and, on that same day, the Attorney-General of the Federation issued a statement to that effect. Let me say from the onset that, for us at the Federal Government level, the issue is not the constitutional right of a State House of Assembly legitimately removing the State Chief Executive or Deputy Chief Executive for misconduct, the issue clearly is the due process and the constitutional and legal procedure to be followed without violating the Constitution and without breaching the rule of law. As at today, we have three people laying claim to the governorship of the State — a State of anarchy.

I am sure that you can, fully appreciate the grave situation I have described thus far. You can also see evidence of gross abuse of rule of law. This must not be allowed to crystalise and to be consolidated. The time to save our democracy from being undermined and badly eroded is now. We must save our democracy and preserve our Constitution and that was the oath of office I took. We must save Ekiti State from anarchy. From what is on ground at the moment, we need to take very serious action.

Mr Speaker, the Nigerian Constitution 1999 foresees the ultimate of emergency in part or all of Nigeria and provides for it as the last resort. Therefore, by virtue of Section 305 of the Constitution of the Federal Republic of Nigeria (1999), I have to declare a State of Emergency in Ekiti State with effect from today, 19 October 2006. This declaration has been published in a Federal Gazette as of today.

The Governor and his Deputy, by this declaration, cease to be in charge of the affairs of Ekiti State for six months in the first instance. An Administrator to manage the affairs of Ekiti State in the person of Brig-Gen. Tunji OLURIN (rtd) is nominated.

The Ekiti State House of Assembly also ceases to exist as the formal legislative body of the State with immediate effect. Having a State Assembly in position under a State of Emergency is incongruous and may not allow for the expeditious actions that the Administrator will need, to put the State back into a situation of peace, harmony, security for all and maintenance of law and order throughout the State.

It is the hope of the Federal Government that the Administrator will not need new laws for the administration of the State. But if he does, it will be in the form of a regulation which he will submit to the President for consideration by the federal Executive Council and promulgated by the President for the State.

The decision to impose a State of Emergency in Ekiti State was based on the collective desire to strengthen our democratic practice, institutions, and values. This decision would, without doubt, enhance security as well as protect the stability and corporate existence of our nation for which many have died.

It is my hope and prayer that this 6-month period will be used by the Administrator and all peace-loving people in and outside the State to bring peace and join hands to promote democratic values and enshrine the values of transparency, accountability, social justice, love, good neighbourliness and good governance.

I thank you for your understanding and appreciation of the reasons why the State of Emergency had to be imposed in Ekiti State. I am certain that we shall all come out of this stronger, more united and more committed to democracy and good governance.

Yours sincerely,

(Signed) **OLUSEGUN**

OBASAN JO

Extraordinary



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Government Notice No. 35

The following is published as Supplement to this *Gazette* :

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21	State of Emergency (Ekiti State) Proclamation 2006	B 135
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S.I. No. 21 of 2006

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999,
STATE OF EMERGENCY (EKITI STATE) PROCLAMATION 2006

[19th October, 2006] Commencement•

WHEREAS there is a manifest collapse of the orderly machinery of Government in Ekiti State of Nigeria ;

WHEREAS the Government of Ekiti State has been incapable of managing the situation as there is no discernible Constitutional authority in place in Ekiti State of Nigeria;

WHEREAS there is a clear and present danger of an actual breakdown of public order and public safety in Ekiti State of Nigeria which require extraordinary measures to avert such danger;

WHEREAS there is a clear and present danger of the crisis in Ekiti State which, if left unchecked, could degenerate, leading to massive loss of lives and property and create serious humanitarian calamity within and outside the State ;

WHEREAS extraordinary measures are required to restore peace, security, order and discernible authority in Ekiti State;

Now THEREFORE, in exercise of the powers conferred upon me by section 305 (1), (3) (d) and (e) of the Constitution of the Federal Republic of Nigeria 1999 and of all other powers enabling me in that behalf, I, **Olusegun Obasanjo**, *President of the Federal Republic of Nigeria* hereby make the following proclamation:

1. As from the commencement of this Proclamation, a State of Emergency is hereby declared in Ekiti State (in the Proclamation referred to as "the State").

Proclamation of
State of
Emergency in
Ekiti State.
- 2.As from the commencement of this Proclamation, the Office of the Executive Governor of Ekiti State and the State House of Assembly are hereby suspended.

Suspension of
Governor and
the State House of
Assembly.

3. The State shall for the duration of the emergency, be administered by an Administrator, who shall be appointed by me and operate on the basis of such Regulations that may, from time to time, be issued by me. The State to be administered by Administrator.

4. This Proclamation may be cited as the State of Emergency (Ekiti State) Proclamation Citation. 2006.

MADE AT ABUJA this 19th day of October, 2006.

OLUSEGUN OBASANJO
President of the Federal Republic of Nigeria

4. Announcements:

(i) *Obituary:*

Mr Speaker acquainted the House with the death of Chief (Mrs) Dorcas Oni-Ladepe Oke, the grandmother of Hon. Oluwole Oke, which occurred on Wednesday, 9 August, 2006. She would be buried on Saturday, 28 October, 2006.

(ii) *Notification of Award:*

Mr Speaker announced the nomination of Hon. Azimi Bebeji by the Northern Nigeria Women of Merit for an Award on Saturday, 28 October, 2006 at the Merit House, Abuja.

5. Imposition of a State of Emergency in Ekiti State:

Motion made and Question proposed, "That this House do approve by Resolution, pursuant to the provisions of Section 305 of the Constitution of the Federal Republic of Nigeria 1999, the Proclamation of a State of Emergency in Ekiti State" (*Hon. Gilbert Nnaji*).

Question put and agreed to.

Executive Session — 11.58 a.m.

House in Plenary — 3.30 p.m.

Question that the House do resolve into the Committee of Whole to consider the Proclamation, agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

Debate:

Question put:

The House Divided:

Count Taken:

Ayes 268

—
Noes 27

Chairman to report progress:

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(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in the Committee of Whole, considered a Motion on the Imposition of a State of Emergency in Ekiti State. The House appraised the situation in Ekiti State and the events that led to the Proclamation of a State of Emergency in that State. It noted with concern, the judicial dimension assumed by these events and advised the Judiciary to take urgent steps to resolve the legal impasse resulting therefrom. The House also noted with concern the situation in Plateau State pending the receipt of the Report of a Five-Member Committee of the House constituted to inquire into the crisis. In the best interest of the people of Ekiti State, the House approved by 268 Votes, the Proclamation of a State of Emergency in Ekiti State, pursuant to Section 305, subsections (1) and (2) of the Constitution of the Federal Republic of Nigeria, 1999.

6. Approval of Votes and Proceedings:

Motion made and Question proposed, "That this House do adopt the Votes and Proceedings of This Day, Thursday, 26 October, 2006" {Hon. Gilbert Nnaji}.

Question put and agreed to.

7. Adjournment:

And it being 3.45 p.m., the House adjourned till Tuesday, 31 October, 2006 at 10.00 a.m.

Aminu Bello Masari
Speaker