



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 3 July, 2008

1. The House met at 10.22 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 2 July, 2008.
By unanimous consent, the Votes and Proceedings was adopted,
3. **Announcement:**
House Legislative Calendar:
Mr Speaker announced that the Legislative Calendar had been circulated to Members. He stated that it would be published in the Notice Paper every month and in the House Journal periodically.
4. **Petitions:**
The following petitions were received and referred to the Committee on Public Petitions:
 - (i) Hon. Chukwudi Mayor Eze (*Or/u/Orsu/Oru Bast Federal Constituency*), from the stakeholders forum of the Lagos International Trade Fair Complex, Badagry Expressway, Lagos, praying the House to intervene in the purported concession of the Lagos International Trade Fair Complex to one Aulie Nigeria Limited, with a view to invalidating any such concession and to grant all reliefs sought in their petition;
 - (ii) Hon. Austin Nwachukwu (*EhimeMbano/Ihitte Uboma/Obowo Federal Constituency*), from Okafor Anthony Uzomah, praying the House to investigate his alleged wrongful and unjust disengagement from service by Akanu Ibiam Federal Polytechnics, Unwana, Ebonyi State, with a view to re-instating and paying all his outstanding entitlements;
 - (iii) Hon. Umar Buba Jibril (*Lokoja/Kogi(K.K.) Federal Constituency*), from 2 former employees of the Nigeria Paper Mill Ltd, praying the House to prevail on the Bureau of Public Enterprise to properly recalculate their severance benefits with a view to paying them their due and to grant other reliefs sought in the petition;
 - (iv) Hon. John Halims O. Agoda (*Ethiope East/Ethiope West Federal Constituency*), from Justice and Peace Commission, notifying the House of the extra-Judicial killing of one Friday Uvianene by some officers of the Nigeria Police Force and praying the House to intervene, with a view to seeing that Justice is done.
5. **Presentation of Bills:**
 - (i) Appropriations (Amendment) Bill, 2008 (HB. 100) — *Read the First Time.*
 - (ii) Petroleum Products and Distribution (Anti-Sabotage) (Amendment) Bill, 2008 — *Read the First Time.*

6. Presentation of Reports:

(i) Parliamentary Delegation to Bulgaria:

Motion made and Question proposed, "That this House do receive the Report of the Nigerian Delegation to the Sixth General Assembly of the International Parliamentarians' Association for Information Technology (IPAIT VI) held in Sofia, Bulgaria between 9th - 10th June, 2008" (*Hon. Emeka Ihedioha*).

Question put and agreed to.

Report Laid.

(ii) Committee on Employment, Labour and Productivity:

Motion made and Question proposed, "That this House do receive the Report of the Committee on Employment, Labour and Productivity on the Unemployment Crisis in Nigeria" (*Hon. Ado Dogo Audu*).

Question put and agreed to.

Report Laid.

1. Breach of the 1999 Constitution by the Executive Arm of Government as it Relates to the Excess Crude Oil Account Fund:

Motion made and Question proposed,

The House:

Notes that the National Economic Council on Thursday, 19th June, 2008, approved the release of a total sum of N1.2 Trillion (US\$10.24 Billion) from the Excess Crude Account;

Disturbed that the operation of the Excess Crude Account amounts to a continuous and deliberate breach of the 1999 Constitution of the Federal Republic of Nigeria;

Aware that pursuant to section 162 of the 1999 Constitution, the Federation shall maintain a Special Account called, "the Federation Account" into which "all" revenues collected by the Government of the Federation shall be paid;

Further aware that section 162 (3) of the 1999 Constitution empowers only the National Assembly to distribute funds from the Federation Account to the Federal, State and Local Governments;

Recognizes that section 162 (10) of the 1999 Constitution defines Revenue to include any income or return accruing to or derived by the Government of the Federation from any source;

Appreciates *fat* Supreme Court Judgment in Attorney-General of the Federation vs. Attorney-General of Abia State (2002) where it held that the Constitution stipulates all revenues to be paid into the Federation Account;

Disturbed by the different revelations from the recent power probe of how previous funds disbursed from this account was mismanaged;

Concerned that the recent decision of the National Economic Council would confer legality on this breach of several provisions of the 1999 Constitution if not addressed;

Further appreciates that it is the responsibility of this National Assembly to ensure compliance with the 1999 Constitution by other organs of government;

Resolves to:

- (i) Urge Mr President to suspend the implementation of the said Resolution by the National Economic Council, forthwith;
- (ii) Further urge Mr President not to distribute or authorize spending of monies due to the Federal and State Governments and the Local Government Councils except in such manner as may be prescribed by the National Assembly;

- (iii) Further urge Mr President to transfer all amounts standing to the credit of the Federation in the Excess Crude Account to the Federation Account in compliance with section 162 of the 1999 Constitution of the Federal Republic of Nigeria;
- (iv) Mandate the Joint Committee on Finance, Appropriation and Justice to invite the Honourable Minister of Finance and the Attorney-General of the Federation and Minister of Justice to appear before the Joint Committee with a view to finding the best modalities of carrying out Mr President's laudable intentions of addressing the Power Malaise without necessarily breaching and compromising the clear provisions of the 1999 Constitution (*Hon. Patrick Obahiagbon and 33 Others*).

Debate:

Question put and Negatived.

8. Erosion Disaster Threatening Lives and Properties in Nanka Community in Anambra State:

Motion made and Question proposed,

The House:

Notes the disturbing news of Isiakupenu gully erosion in Ifite village, Nanka in Orumba North, Orumba South Federal Constituency of Anambra State, as reported on page 13 of the Vanguard Newspaper of Wednesday 25, 2008;

Worried that the gully erosion which has ravaged the community for years and has claimed several lives, destroyed buildings and trees of economic value, could result into possible landslide in the area;

Aware that the only road leading to Ifite and Amakor Villages in Nanka Community has been destroyed, thereby cutting off the area from the rest of the Community, thus paralysing economic activities in the area;

Further aware that the erosion which has displaced over three hundred families is part of the Agulu/Nanka gully erosion, and has attracted the attention of the State Government, the Federal Government as well as some international bodies;

Concerned that all efforts made to curtail the gully erosion has proved abortive;

Resolves to:

- (i) Call on the Federal Government to direct its appropriate agencies to carry-out an environmental impact assessment of the area with a view to curbing the menace of erosion;
- (ii) Call on the National Emergency Management Agency (NEMA) to come to the aid of the affected communities and victims displaced by the erosion disaster;
- (iii) Urge the National Assembly to reflect this project in the 2008 Appropriation (Amendment) Bill. (*Hon. Uche Ekwunife and 21 Others*).

Debate:

Amendments Proposed:

- (;) *Leave out* all the words in Prayer (;) and *insert* the following instead thereof:
"Direct the Federal Ministry of Environment to carry out an Environmental impact assessment of the area with a view to presenting it to the National Assembly for appropriation" (*Hon. Olumuyiwa Bamidele Obadina*).

Question that the amendment be made, put and negatived.

- (ii) *Leave out all* the words in Prayer (iii) (*Hon. Olakunle Salako*).

Question that the amendment be made, put and negatived.

- (Hi) *Leave out all* the words in Prayer (iii) and *insert* the following instead thereof:
"Urge State Governments to use the regular ecological funds on ecological and erosion projects" (*Hon. Samuel Sejoro*).

Question that the amendment be made, put and agreed to.

(iv) *Insert a new Prayer (iv) as follows:*

"Call on the Federal Government to direct its appropriate agencies to carry out environment assessment of all area affected by erosion throughout Nigeria with a view curbing the menace of erosion" (*Hon. Austin Nwachukwu*).

Question that the amendment be made, put and negatived.

Main Question as amended, put and agreed to. The

House:

Noted the disturbing news of Isiakupenu gully erosion in Ifite village, Nanka in Orumba North, Orumba South Federal Constituency of Anambra State, as reported on page 13 of the Vanguard Newspaper of Wednesday 25, 2008;

Worried that the gully erosion which has ravaged the community for years and has claimed several lives, destroyed buildings and trees of economic value, could result into possible landslide in the area;

Aware that the only road leading to Ifite and Amakor Villages in Nanka Community has been destroyed, thereby cutting off the area from the rest of the Community thus paralysing economic activities in the area;

Further aware that the erosion which has displaced over three hundred families is part of the Agulu/Nanka gully erosion, and has attracted the attention of the State Government, the Federal Government as well as some international bodies;

Concerned that all efforts made to curtail the gully erosion had proved abortive;

Resolved to:

- (i) Call on the Federal Government to direct its appropriate agencies to carry-out an environmental impact assessment of the area with a view to curbing the menace of erosion;
- (ii) Call on the National Emergency Management Agency (NEMA) to come to the aid of the affected communities and victims displaced by the erosion disaster;
- (iii) Urge State Governments to use the regular ecological funds on ecological and erosion projects (**HR. 33/2008**).

9. Implementation of the Green Tree Agreement and the Ceding of Bakassi to the Republic of Cameroon:

Motion made Question proposed,

The House:

Afore? that on October 10th, 2002 the International Court of Justice in its Judgment ceded Bakassi Penninsula to the Republic of Cameroon;

Further notes that pursuant to the said Judgment the Federal Government entered into the Green Tree Agreement with the Republic of Cameroon on the modalities and implementation of the judgment;

Worried that the Executive Arm of Government has begun the implementation of the Green Tree Agreement and dislocation of Nigerians from Bakassi without ratification of the Treaty by the National Assembly;

Aware that pursuant to Section 12 of the 1999 Constitution of Nigeria and Order 16(1) of the Standing Orders of the House of Representatives, no bilateral or multilateral Treaty or agreement can be effected or executed without the approval of the National Assembly and that all such Treaties are to be subjected to the same procedure as every other Bill and enacted into law;

Further aware that all Laws, Treaties and Agreements must conform with the 1999 Constitution of the Federal Republic of Nigeria;

Acknowledges that the Court Judgment and the Green Tree Agreement are premised on boundary adjustment exercise;

Recognizes that section 8 of the 1999 Constitution of Nigeria provides for the only way and manner any boundary adjustment can be effected;

Regrets the gradual and systemic erosion of the Powers of the National Assembly;

Resolves to:

- (i) Urge the President to discontinue the implementation of the Green Tree Agreement;
- (ii) Call on the President as an advocate of the principle of Rule of Law and Due Process to forward a Bill on the Treaty to the National Assembly for further Legislative action as required by law (*Hon. Femi Gbajabiamila and 80 Others*).

Debate:

Amendments Proposed:

- (i) *Leave out all the words in Prayer (i) and insert the following instead thereof:*
"The Federal Government of Nigeria should continue to provide security to the people of Bakassi to ensure safety of their lives and properties until they secure proper resettlement" (*Hon. Chile Igbawua*).

Question that the amendment be made, put and agreed to.

- (ii) *Leave out all the words in Prayer (ii) and insert the following instead thereof:*
"Direct the Attorney-General of the Federation and Minister of Justice, and Minister of Foreign Affairs to brief the Joint Committee on Foreign Affairs, Justice and Cooperation and Integration in Africa on the various issues concerning the Green Tree Agreement and the Joint Committee to submit Report within one (1) month" (*Hon. H.S. Dickson*).

Question that the amendment be made, put and agreed to.

- (iii) *Inserts, new Prayer (Hi) as follows:*
"Urge the President to forward the Treaty to the National Assembly for Ratification" (*Hon. Leo Ogor*).

Question that the amendment be made, put and negatived.

Main Question as amended put and agreed to. The

House:

Noted that on October 10th, 2002 the International Court of Justice in its Judgment ceded Bakassi Peninsula to the Republic of Cameroon;

Further noted that pursuant to the said judgment the Federal Government entered into the Green Tree Agreement with the Republic of Cameroon on the modalities and implementation of the judgment;

Worried that the Executive Arm of Government has begun the implementation of the Green Tree Agreement and dislocation of Nigerians from Bakassi without ratification of the Treaty by the National Assembly;

A ware that pursuant to Section 12 of the 1999 Constitution of Nigeria and Order 16(1) of the Standing Orders of the House of Representatives, no bilateral or multilateral Treaty or agreement can be effected or executed without the approval of the National Assembly and that all such Treaties are to be subjected to the same procedure as every other Bill and enacted into law;

Further aware that all Laws, Treaties and Agreements must conform with the 1999 Constitution of the Federal Republic of Nigeria;

Acknowledged' that the Court Judgment and the Green Tree Agreement are premised on boundary adjustment exercise;

Recognized that section 8 of the 1999 Constitution of Nigeria provides for the only way and manner any boundary adjustment can be effected;

Regretted the gradual and systemic erosion of the Powers of the National Assembly;

Resolved to;

- (i) Urge the Federal Government of Nigeria to continue to provide security to the people of Bakassi to ensure safety of their lives and properties until they secure proper resettlement;
- (ii) Direct the Attorney-General of the Federation and Minister of Justice, and Minister of Foreign Affairs to brief the Joint Committee on Foreign Affairs, Justice and Cooperation and Integration in Africa, on the various issues concerning the Green Tree Agreement and the Joint Committee to submit Report within one (3) month (**HR. 34/2008**).

10. A Bill for an Act to Establish the National Industrial Crops Development Agency and for Related Matters, 2008 — Second Reading:

Motion made and Question proposed, "That a Bill for an Act to Establish the National Industrial Crops Development Agency and for Related Matters, 2008 be now read a Second Time" (*Hon. Abubakar Shehu Bunu*)

Debate:

Question that the Bill be now read a Second Time, put and agreed to. Bill

read a Second Time and referred to the Committee on Agriculture.

11. Adjournment:

And it being 1.47 p.m. the House adjourned till Tuesday, 8 July, 2008 at 10.00 a.m.

Dimeji Sabur Bankole
Speaker