

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 19th November, 2009

The House met at 11.15 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday, 18th November 2009.

**MESSAGE FROM THE PRESIDENT OF
THE FEDERAL REPUBLIC OF NIGERIA**

The Speaker: This is from the President.

*Right Honourable Dimeji Bankole, CFR
Speaker of the House of Representatives
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear brother,

**FORWARDING OF A DRAFT BILL FOR AN
ACT TO ESTABLISH THE
ASSET MANAGEMENT CORPORATION OF
NIGERIA 2009**

I forward herewith for your kind consideration and passage into law, a draft Bill for an Act to Establish the Asset Management Corporation of Nigeria, 2009. It is my hope that the honourable Members of the House of Representatives of the Federal Republic of Nigeria would consider and pass the Bill in your usual expeditious manner.

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

Yours sincerely,

Signed
UMARU MUSA YAR'ADUA
PRESIDENT

ANNOUNCEMENTS

Postponement of Budget 2010 Presentation

The Speaker: Dear colleagues, the Budget Presentation stated for today has been postponed. We shall communicate to you on the new date as soon as possible.

**Obituary: Wife of Hon. Baba Gishiwari
from Yobe State**

The Speaker: This is from Hon. Zachari Galadima. Hon. Baba Gishiwari from Yobe State lost his wife yesterday. She has since been buried according to Islamic rites. May her soul rest in peace.

The Speaker: There is an announcement from the Honourable Chairman, Rules and Business, Ita Enang. Hon. Ita Enang, I think it is best to produce copies of this and put it in the mail boxes of Members instead.

Hon. Ita Enang (Itu/Ibiono Ibom): I have done that already in addition to this; it is just for formal information.

OATHS

**OATH OF ALLEGIANCE
AND OATH OF MEMBERSHIP**

The Speaker: We have a Member to be sworn in this morning. I call on the new Member to come forward.

Thereupon, Hon. Folake Olunloyo Oshinowo representing Ibadan South/North West of Oyo State took and subscribe to the Oaths as required by law.

PRESENTATION OF PUBLIC PETITION

The Speaker: Any Member who has a petition to present to the House may please rise to do so.

Payment of Retirement Benefits

Hon. Ralph Udenze Okeke (Anambra East/Anambra West): Mr. Speaker, I have a petition from one of my Constituencies, Mr. Raphael Omanbala. He was employed by the Nigerian Building and Road Research Institute in 1978, as an Assistant Chief Accountant. He voluntarily retired in 1999 but the organization has since then refused to pay him his retirement benefits. The Organisation claimed that he had earlier been retired in the then NEPA which Mr. Omanbala said was not true.

He is therefore making a passionate appeal to this House to compel the organization to pay him his benefits so that he will not die in hunger. If it is your wish, may I lay it on the Table?

The Speaker: Please go ahead.

(Petition laid)

The Speaker: The Petition is referred to the Committee on Public Petitions.

(Petition accordingly referred to the Committee on Public Petitions)

Hon. Igochukwu Aguma (Port-Harcourt I): Point of Order, Mr. Speaker.

The Speaker: Which Order, Hon. Igo Aguma?

Hon. Igochukwu Aguma: It is Order IX Rule 9, it reads:

A member desiring to speaker shall raise his hand in his place, (which I have done), if called upon shall stand and address his observations to the Speaker or the Chairman.

The Speaker: Please, proceed.

Hon. Igochukwu Aguma: It is just a minor observation on our Votes and Proceeding. It has to do with item No. 6 on the Point of Order I raised on the Public Procurement Act compliance. It is the directive therein that I want to refer to. We said that the Committee on Public Procurement should *ensure compliance with the Act* we did not say, *investigate and report back to the House*.

PERSONAL EXPLANATION

Attack by Armed People

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Speaker, I have a Point of Order. I am coming under Order VIII Rule 5 - *Personal Explanation*. If you permit me, I would make a personal explanation.

The Speaker: Please go ahead.

Hon. Terngu Tsegba: On Sunday the 15th of November, 2009, I attended the Thanksgiving Service for the Birthday Party of Governor Gabriel Suswan. When I was leaving by 6 0'clock, Hon. Adikpe requested that I should give him a ride to Makurdi. We had barely left the venue of the Thanksgiving Service when I was attacked by armed people. I had over 15 gun shots on my car and the two tyres by the side where we sat were deflated; but because of the type of car we were travelling in we managed to drive 10 kilometers out of the scene of the attack.

On Monday I drove the car to the Police Station and reported the incident to the Commissioner of Police in Makurdi and I also made a copy of my complaints to the IG and I copied same to the Hon. Speaker.

This morning the Police instead of investigating the issue in Makurdi, called me that my attention was needed to come and provide mobility so that they would go ahead with their investigation.

If we were not traveling in a bullet-proof car, I am sure all of us would have been dead by now. This is a clear case because since I declared my intention to contest for the Benue North/West Senatorial District, I have not been at rest. I believe the internal democracy we are talking about should be a matter of choice; it should not be the fact that an individual is the owner of a particular seat.

I therefore want this honourable House and the Hon. Speaker to take note of the petition I submitted and to compel the Police to investigate this Petition irrespective of whoever is involved. This is because, if I had been driving my Prado car which had an accident or my Land Cruiser on Friday, maybe I would not have been here speaking.

So, this is a very serious issue and I am happy Hon. Adikpe is here alive; maybe in the course of trying to eliminate me they would have killed an innocent person.

So, this is my Personal Explanation.

The Speaker: Your personal explanation is noted.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Point of Order, Mr. Speaker.

The Speaker: Hon. Dino Melaye has a Point of Order. You may go ahead.

MATTER OF PRIVILEGES

Ratification of Loan by the Federal Executive Council

Hon. Daniel Dino Melaye: I am draw inspiration from Order V Rule 2 on Privileges.

In the Votes and Proceeding of today, page 301, item 5(ii), you would read that a matter was raised yesterday on this House gave a resolution. As a legislator, my presentation to this House was questioned by Hon. Ita Enang. In one minute, I just want to make an official presentation, if the Speaker permits, that here I have with me a DVD tape of the excerpts of last

week's Federal Executive Council Meeting where that loan was ratified by the Council. I also have here the CNN and BBC reportage of that same loan. I have also in Audio and Visual NTA Channels and AIT reportage of that loan.

I also have here four different Newspapers: The Vanguard from the South-South, The Sun, from the South-East, from the North Central, the Leadership and Daily Trust where these loans have been expressly stated.

If I have the permission of Mr. Speaker, I would like to tender these Newspapers to the House because we want to get to the bottom of this matter.

The Speaker: Hon. Dino, the House and indeed myself, asked for you, the Chairman of Committee on Due Process, Chairman Committee on Rules and Business and the Chairman Committee on Debt Management to sit together and get to the bottom of this. I would advise that you take these exhibits if you like and sit with the other three gentlemen and then you will report back to the House as indicated in the Votes and Proceedings.

Thank you Hon. Dino.

Newspaper Publication

Hon. Bitrus B. Kaze (Jos South/ Jos East):
Point of Order Mr. Speaker.

The Speaker: Hon. Bitrus Kaze what is your Point of Order please?

Hon. Bitrus B. Kaze: I come under Order V Rule 4 on Page 10. It is a matter of privilege. Rule 4 says:

Any Member complaining to the House of a statement in the newspaper, book or other publication as a breach of privilege shall produce a copy of the newspaper, book or other publication containing the statement in question and shall be prepared to give the name of the printer or publisher.

This morning the Daily Trust newspaper has a publication on a matter that is pending before this House and it is in their editorial. Page 14 of the Daily Trust Newspaper has an editorial titled: *Dubious Awards by the National Assembly*.

The word *dubious* is not a word that ought to be used in respect of the Members of the House of Representatives and how much less the entire National Assembly. The issue in question is the issue of the awards to the Local Government Chairmen. In fact in one of the Reports in today's Daily Trust one of the

Chairmen said he did not give any kobo for the purpose of that award.

With your kind permission Mr. Speaker if you will allow me, I want to read just a little portion of this editorial. It says:

We note that the National Assembly has taken a depressingly familiar line of undertaking to investigate the scandal among the string of mistakes that are capable of compromising the integrity of the Legislature as a branch of government. Members of the two responsible Committees have behaved in the most deplorable manner.

I do know that you have ruled that this matter be investigated. It is, therefore, only fair for the Media to wait and until the investigation report comes out, we should not be discussing it. This thing is in the internet and many times when people read these types of things, they create bad impression of this country. I believe that this is a breach of privilege not only to me but of this entire House. I thought I should bring this on the Floor.

The Speaker: That matter of course has been referred to the Ethics and Privileges Committee and we would just wait for their conclusions. You can forward that paper to the Committee if you so wish. However, I will also say to you that I get these sorts of attacks even on my person from a particular newspaper almost everyday.

In fact, they even did another one this morning. Therefore, I do not need to give them the unnecessary attention to sell their newspapers. Just, leave it. However, you can still take charge of libel cases between three years. Therefore, I will wait for the appropriate time to take on those people but right now let us stay focused on our business and as the saying goes: posterity will judge them.

Proper Interpretation of Order V – Matter of Privilege

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, my point of Order is Order V on Matter of Privilege. I believe that (*Interruption*).

The Speaker: What order? Is it on Privileges again? Hold on, Chairman Rules and Business I need a proper interpretation of this Order V.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, Order V says:

privileges are the right enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative

Houses Powers and Privileges Act Laws of the Federation 2004 and Other Statutes, Practices, Precedents, Usages and Customs.

When we were amending this Rule in the last amendment, we said that any Member that intends to raise a *Matter of Privilege* should particularly point out the usage or the section of the Legislative Houses Powers and Privileges that has been breached in relation to him or matters of precedent. But the House said that since there is a provision in the Standing Order that we do not need to.

A *privilege* is that which attaches to you as a Member of the House not just anything that happens and all the privileges that attaches to a Legislator - a Member of the House of Assembly, a Member of the House of Representatives, a Member of the Senate are stated in the Legislative Houses Powers and Privileges Act.

And unless such privileges are stated in that Act or can proved to be a custom, a precedent or usage then we cannot take it as a matter of privilege or a breach of privilege.

The Speaker: All right, Hon. Igo, do you seek to clarify something?

Hon. Igochukwu Aguma (Port Harcourt I): I want to say that Order V, Rule 3, is in concurrence with what the Chairman Rules and Business has said. The only thing he did not add is that it includes other Statutes. So it is not limited to the Legislative House Powers and Privileges Act; it includes other Statutes, which also includes the Constitution.

Hon. Solomon U Agidani: Mr. Speaker, the issue in question here is the issue of our joint sitting which I believe is a matter of Members' privilege and also the privileges of the Senators whether to sit in Chamber (*Interruption*)

The Speaker: Honourable please, I am going to appeal to you and your privileges that we discuss this immediately after sitting before you take it. Thank you.

PRESENTATION OF REPORTS

Report of the Joint Committee on Police Affairs and Justice on Police Act, Cap. P19 Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2008

The Speaker: The only business of the day is the presentation of a Report of the Joint Committee on Police Affairs and Justice on a Bill for an Act to Amend the Police Act, Cap. P19 Laws of the Federation of Nigeria, 2004 by Transferring the Prosecutorial Right of

the Police Officers to the Ministry of Justice and for Related Matter, 2008 standing in the name of Hon. Abdul A. Ningi.

This Bill was referred to the Committee on Thursday 23rd October, 2009. The Report is now ready and Hon. Abdul Ningi is invited to proceed with his presentation.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, I move that this House do receive the Report of the Joint Committee on Police Affairs and Justice on a Bill for an Act to Amend the Police Act, Cap. P19 Laws of the Federation of Nigeria, 2004 by Transferring the Prosecutorial Right of the Police Officers to the Ministry of Justice and for Related Matters, 2008.

Hon. Umaru Ibrahim Kurfi (Dustin-Ma/Kurfi): I rise to second the Motion moved by Hon. Ningi.

Question put and agreed to.

(Report laid)

ORDERS OF THE DAY

MOTIONS

Attacks on Nigerians Living in Bakassi by Camerounian Gendarmes

The Speaker: The first Order of the Day is a Motion on Attacks on Nigerians Living in Bakassi by Camerounian Gendarmes standing in the name of Hon. Beni Lar. Hon. Beni Lar, please move your Motion.

Hon. Beni Lar (Langtang North/Langtang South): My Motion is on Attacks on Nigerians Living in Bakassi by Cameroonian Forces.

The House:

Notes that both Nigerians and Camerounians had always laid claims to the ownership of the Bakassi Peninsula;

Further notes that Nigeria and Cameroun have had several border skirmishes regarding the said Peninsula;

Observes that the International Court of Justice (ICJ) finally ceded the Bakassi Peninsula to Cameroon;

Aware that Nigeria's sovereignty over Bakassi was transferred to the Republic of Cameroon on the 14th August, 2008, following the signing of the Green Tree Agreement on the 12th June, 2006 in New York, USA;

Further aware that the Green Tree Agreement protects the rights of Nigerians living in the Bakassi Peninsula;

Concerns that the Cameroonian Government has blatantly refused to obey the Green Tree Agreement by allowing her gendarmes to constantly harass and brutalize Nigerians living within the territory;

Worried that Nigerians living in Bakassi have been sneaking out of the territory and rushing back to Nigeria, through the sea, without their properties and are now refugees living in camps, in Cross River State, Nigeria;

Resolves to:

- (i) Urge the Federal Government to ensure that the Cameroonian Government do abide by the provisions of the Green Tree Agreement; and formally report this matter to the United Nations Organization (UNO), African Union (AU) and other relevant International bodies;
- (ii) Call on the Ministry of Foreign Affairs to take up this matter with his Cameroonian counterpart;
- (iii) Further call on the Federal Ministry of Interior and the Fast Track Team under the SGF's Office comprising the Federal Ministry of Interior, Boundary Commission and other agencies to immediately intervene in the matter;
- (iv) Call on the National Emergency Management Agency to provide relieve materials to the 700 returnees that have returned in the last two weeks. And also call on *(prolonged interruption)* No, this is on my own it is not there *(interruption)*

The Speaker: Can you please stick to what is on the Order Paper.

Hon. Beni Lar: All right Mr. Speaker, I so move.

Hon. Warman W. Ogoriba (Yenagoa/K/Opokuma): I rise to second the Motion as moved by Hon. Beni Lar.

Question proposed.

Hon. Beni Lar: Mr. Speaker, this Bakassi Peninsula has been in contention for a while but with the ceding of the Peninsula to Cameroun an agreement was signed by both countries called the Green Tree Agreement. Article 3 of the Agreement states that

Cameroun after the transfer of authority to it by Nigeria, guarantees to the Nigerian nationals living in the Bakassi Peninsula the exercise of the fundamental rights and freedom enshrined in the International Human Rights Laws and in other provisions of the International Law.

It further states that Cameroun shall not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality. It further states that Cameroun shall respect the culture, language and beliefs of those Nigerians living in the zone. It states also that their right to continue their agricultural and fishing activities shall be protected. It also states that their property and their customary land rights shall be protected. It provides freedom from discrimination in any manner relating to taxes, dues and other levies on Nigerians living in the zone.

It mandates the Cameroonian Government to take every necessary measure to protect Nigerians living in the zone from any harassment or harm. Unfortunately, this has not been the case. It is disheartening to know that Cameroonian Government has blatantly refused to abide by the Green Tree Peace Agreement. It has consistently harassed and brutalized Nigerians living there. Two days ago, an article appeared in This Day with the headline that says; *Nigerians flee Bakassi as Cameroun attacks.*

Mr. Speaker, seven hundred returnees, mainly fishermen have been forced out of that zone and they have been subjected to all forms of torture by the Cameroonian Government. They have to sneak out and run out of the zone without their properties and many of them are in the refugee camp in Cross River State. This I believe is a gross breach of the International Human Rights Laws, the various Laws that had been signed under this Treaty.

Without saying much more, I believe that the Federal Government should formally report this matter to the United Nations, the African Union and other relevant bodies. I believe the rights of Nigerians especially in our neighbouring countries must be protected. And we cannot sit down and watch Nigerians being harassed and tortured by the Cameroonian forces.

I also believe that the Cameroonian Government should be made to pay full and adequate compensation to these displaced Nigerians. Some of my prayers were not included in that Order Paper but I wish to add some prayers.

Emergency funds should be released immediately to the National Refugees Commission because as it is now, the camp is so full and they do not have the capacity to deal with the influx of the returnees. I also wish to have the National Emergency Management

Agency to provide relief materials to them and the Cameroonian Embassy to Nigerian should immediately be summoned by the Federal Government to resolve this issue.

The Ministry of Foreign Affairs should take up this matter seriously and the SGF has a Fast Track Team that consists of different Government Agencies to resettle those Nigerians. But what is most important is that, going by the agreement, the Ministry of Foreign Affairs is supposed to have a Consulate in the Bakassi Peninsula. Now we do not know whether that Consulate is present and functioning because that Consulate seems to have not reported anything on the Peninsula.

The Speaker: Chairman of the Committee on Foreign Affairs.

Hon. Umar M. Bature (Sokoto North/South): I am not too clear on the issue of consulate as it affects the agreement. But regarding what she is praying for, I beg the House to give us another one week to really get to the bottom of this issue and understand what exactly the situation is in the Bakassi Peninsular.

Hon. Abdul Ahmed Ningi: Let me commend Hon. Beni Lar for this very important Motion. I saw the pictures; the deplorable condition of the returnees from Bakassi over the weekend in a national Newspaper and I was really sad. Any time I remember this particular matter, I feel moral guilt in me that as a Member of this House and more importantly, a House Leader; that this matter is taking place during my time. Though we had sat down and passed a resolution against President Obasanjo on this particular matter in the name of the diplomacy of the International Community, in fact, *where is the international community and where is the Court of Justice now?* We saw this matter a long time ago.

We have reneged in our basic responsibilities of securing lives and property of Nigerian. We ceded part of our land and we asked people to stay with them. After two years of ceding that piece of land, nobody bothered to go back and find out where these people were and we have been hearing stories and no government official has ever made comment of the deplorable conditions of these returnees who are Nigerians.

Any government that fails to provide security and protection of lives and property of Nigerian citizens that government does not and must not just exist. What has happened, even though it was history, it was a personal ambition of the then President in making sure that he become a statement that will hold our conscience. *(Interruptions)*

Hon. Igochukwu N. Aguma (Port Harcourt I): Mr. Speaker, I have a Point of Order.

The Speaker: Hold on Hon. Abdul Ningi, there is a Point of Order against you. Which Order, could you read it, please?

Hon. Igochukwu N. Aguma: My Point of Order is Order IX Rule 5(1) on Relevancy in Debate which reads:

Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, except in the case of a substantive motion for the adjournment of the House.

I believe that when we are making our point in our debates, we should confine ourselves to the issues and not casting aspersions on the decisions made by any past leader.

The Speaker: Hon. Abdul Ningi, you will observe the Rules of the House as contained in Order IX Rule 5(1), please.

Hon. Abdul Ahmed Ningi: We should never again cede any of our land to any other country. We must institute a Committee of this House and should not allow the prayers as canvassed by Hon. Beni Lar to just be the prayers that we will rely upon. This is because, if we look at the prayers there are Agencies of Government that are responsible for the well-being of this particular people, yet, nothing has happened. So what we need to do as a Parliament is to constitute a relevant Committee to go and find out in details what is on ground *(Interruptions)*

The Speaker: You are suggesting an amendment?

Hon. Ahmed Abdu Ningi: Yes.

The Speaker: All right, I would give you an opportunity to suggest your amendment when it comes to that time.

Hon. Ahmed Abdu Ningi: Finally, I would call on members to look at this issue from Nigeria and patriotic perspective.

The Speaker: Where is the Member representing the Bakassi Constituency? Hon. Bassey Otu, please

Hon. Bassey Edet Otu (Calabar Municipal/Odukpani): Mr. Speaker, anytime the topic

is about Bakassi it is really an emotive one. I speak as a Representative who has some people from Bakassi and I also speak as a Nigerian.

My Leader was not out of place when he said some things but I will not go to that line. And I want to put this House on the same page with the people of Bakassi. The people of Bakassi to date have never accepted that judgment that was passed on in Berlin. That judgment negates the very essence of social and political economic issue (*Interruptions*)

The Speaker: Hon. Bassey Otu, before a member raised a Point of Order on relevancy, this Motion is about those people from Bakassi that are suffering or have been maltreated by Camerounian Forces.

Hon. Bassey Edet Otu: You have to know why these Nigerians are being mistreated and hunted every day. I believe this is a history but it is not history because it is very difficult to take people out of their own land without their consent. There was no privacy or nothing of that nature; it was said there was a Treaty but nothing like that has ever happened anywhere in the world.

You moved these people out of their natural abode without asking them, are you ready to leave your home or not to go and be a refuge in Nigeria? Of course, they obeyed the orders of Nigeria. They moved to a location which the government of Nigeria has given to them; today Nigeria has said nothing. Nigeria has disappointed Cross River on several occasions. But this particular occasion is so serious that it could be looked at as State murder because even the oil wells that we were getting from Bakassi which was part of Cross River State, was now quickly taken from Cross River State. And even the earlier commitments that were based on those oil wells, of which the debt component was going to be settled from what accrues from there, have gone.

Cross River State has no budget; we are paying so many loans yet the burden of these same people is left on the Cross River State Government that is almost dying because they can hardly take care of those people.

These people left their homes to come and stay in tents and so and so forth without being asked are you going to leave or not? Yet we have got soldiers in that land; in debt, we become Nigerians; there was no need for Nigerians to leave a serious economic asset like that. But to worsen it all, you now take it up; Cross River State is suffering from it. It is not just Nigeria alone, the International Community who took this decision, should have been able to come to the rescue of these people who left their homes to come and stay in tents.

I have a lot to say on this but I would not take you time; let me allow other Members to contribute. It is Bakassi today; it might be any other body's turn tomorrow.

I rest my case.

The Speaker: Are the Chairmen Committee on Defence, Army and Navy here? (*No response*). All right, I am going to give the Floor to Hon. Patricia Etteh.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): I have gone through the preamble of this Motion moved by dear Colleague and I quite sympathize with our brothers and sisters living in Cross-River State. We are supposed to be our brothers' keepers and I believe it is the responsibility of our government to take care of our brothers that were moved from Bakassi back to Cross-River State.

Again, there should be a division of labour, and the issue is who is supposed to handle what? Who is actually saddle with the responsibility of taking care of these people that are being moved back to Cross-River State, whether it is going to be the State Government as regards or Federal Government? I think they have to take a decision on who is going to take care of them.

Most importantly, a decision has been reached and as hon. Members of this House and with my Leader here, I want to say that the issue of Bakassi Peninsula has gone beyond this honourable House; it has gone to the world generally. Mr. Speaker, I do not think we should be here talking about a decision that is beyond Nigerians and Cameroonians. If there is a problem somewhere, both countries accepted it that time and since we did not complain then, we should take the case back to the right channel. The most important this is I think we need to take care of our brothers.

Mr. Speaker, when I saw that paper I was disappointed, seeing my own brothers and sisters suffering because of the case that is none of their own fault. I want to please advice the Federal Government and the Cross River State should both join together to take care of the people.

Thank you very much indeed.

The Speaker: Hon. Binta you want to make your contribution?

Hon. Binta Masi Garba (Madagali/Michika): Yes Mr. Speaker, I am a victim of circumstances too as my brother representing the Bakassi there were certain villages that were ceded from the Camerounian side to the Nigerian side, unfortunately those villages never

accepted to be part of Nigeria, and the Nigeria Government has never done anything wrong to them. I remember vividly just like what Hon. Ningi said, the last Assembly we were those people that were part of the Ad-hoc Committee that was sent to look into Bakassi problem. The question we asked was whether the people were allowed to be part of the Cameroun and the Boundary Commission Chairman (*Interruption*)

Hon. Yusuf Maitama Tuggar (Gamawa): Mr. Speaker, Point of Order.

The Speaker: Yes Hon. Tuggar What point of Order?

Hon. Yusuf Tuggar: Mr Speaker, my order is Order IV.

The Speaker: Are you referring to where she is?

Hon. Tuggar Yusuf Maitama: Yes.

The Speaker: Hon. Binta, please move to your sit.

Hon. Binta Masi Garba: Yes Sir, I have been authorized to move to the seat quietly.

The Speaker: Hon. Yusuf Tuggar the seat is now assigned to Hon. Binta? So Hon. Binta you have to minutes to go. Please rap up.

Hon. Binta Masi Garba: Thank you very much Sir. The question is that the people of Bakassi came in to tell the Committee that they will not be part of the Cameroon Government. So the Boundary Commission Chairman then said, that all what they are looking for is not the resettlement of the people but the carnal that is assigned to them. What we asked the government was if this Bakassi people do not want to be part of Cameroun, at least the government should take care of the Bakassi people within the confines of the Nigerian boarder.

What I am saying Sir, is that about 11 villages were ceded to Madagali, Michika and even Mubi local governments. Yet these people refused to be part of the Nigerian Government. And the Nigerian government had never done anything wrong to them. So, why is Camerounian government destroying the Bakassi people? I think Nigeria should now come to the aid of the Bakassi.

The Speaker: I will now allow for Amendments. Hon. Abasi Braimah, could you move your amendment?

Hon. Abasi Ogwime Braimah (Etsako East/West Central): My amendment is on Prayer No. (i) Instead of urging the Federal Government to ensure that the Camerounian Government do abide by the provisions of the Green Tree Agreement, it should actually read:

To formally report this matter to the United Nations Organization (UNO), African Union (AU) and other relevant International bodies; to ensure that the Camerounian Government do abide by the provisions of the Green Tree Agreement.

Hon. Abubakar Shehu Bunu (Bungudu/Maru): Mr. Speaker, I stand to Second the amendment as moved by Hon. Abasi Braimah.

Amendment put and agreed to.

The Speaker: Hon. Abdul Ningi your amendment please.

Hon. Abdul Ningi: Mr. Speaker my amendment is:

That the House should constitute the relevant Committee to investigate and get back to the House on the deplorable and hopeless condition of the people of Bakassi.

Hon. Ahman-Pategi Aliyu Bahago (Edu/Moro/Pategi): I support the amendment as moved by Hon. Ningi.

Amendment put and agreed to.

The Speaker: Hon. Yakubu Umaru Barde do you have an amendment?

Hon. Yakubu Umaru Barde (Kajuru/Chukun): Yes Mr. Speaker. My amendment is that we should direct the Committee on Foreign Affairs to investigate why there is no consular in the Peninsula who is supposed to take charge of the place.

The Speaker: But their relevant Committee had been mentioned by Hon. Ningi which includes Foreign Affairs. So, that has been taken care of.

Hon. Yakubu Umaru Barde: All right.

The Speaker: Hon. Jime you have an amendment?

Hon. Emmanuel Jime (Makurdi/Guma): Yes Mr.

Speaker and my amendment is on Prayer (i). I propose that Prayer (i) should be amended to read:

Urge the President of the Federal Republic of Nigeria to ensure that the Camerounian Government do abide by the provisions of the Green Tree Agreement and formerly report this matter to the United Nations Organization (UNO), African Union (AU) and other relevant International bodies.

The Speaker: Prayer (1) has been amended already. We cannot amend an amendment; unless you want to bring in a new prayer to satisfy your request.

Hon Emmanuel Jime (Makurdi/Guma): What I propose is actually an additional prayer.

The Speaker: Go ahead then.

Hon Emmanuel Jime: The prayer I propose would read thus:

That this House resolves to urge the President of the Federal Republic of Nigeria to ensure that the Camerounian governments do abide by the provisions of the Green Tree Agreement.

Hon Mustapha Ahmed (Bauchi): I rise to second the amendment proposed by Hon. Jime.

The Speaker: Prayer 1 is seeking to urge the Federal Government but Hon. Jime is seeking to urge the President. The Federal Government includes the Judiciary, Legislature and the Executive; he is asking the head of the country and the head of executive. Anyway we will put it to vote.

Amendment put and negatived.

Motion as amended, put and agreed to.

Resolved to:

(i) Urge the Federal Government to ensure that the Camerounian Government abides by the provisions of the Green Tree Agreement and formally report to the UNO, AU and other relevant international bodies to ensure that the Camerounian Government abide by the provisions of the Green Tree Agreement;

(ii) Call on the Ministry of Foreign Affairs to take up the matter with its Camerounian counterpart;

(iii) Further call on the Federal Ministry of

Interior, through the National Emergency Management Agency (NEMA), to immediately resettle the Nigerian returnees from Cameroun;

(iv) House to constitute an *Ad-Hoc* Committee to investigate the deplorable and hopeless situation of the Nigerians in the area and to report back to the House.

Hon. Mohammed Sani Abdu (Alkaleri Kirfi): Mr. Speaker, I have a Point of Order and my Order is Order IX Rule 3(3). It says;

The Speaker shall allocate one-half of such time to be given to debate in favour of and one-half to debate in opposition to such proposition

The Speaker: Your Order is noted Hon. Sani. So, I stand corrected.

Near Air Mishap at Nnamdi Azikiwe International Airport, Abuja

The Speaker: The second Order of the Day is a Motion on the Near Air Mishap at Nnamdi Azikiwe International Airport, Abuja, standing in the name of Hon. Austin Nwachukwu. Hon. Nwachukwu please move your Motion. *(Interruptions)*

Hold on Hon. Nwachukwu. Chief Whip, you may need to invoke the relevant Rules of the House so that I can ask one or two Members to leave this Chambers today. My dear Colleagues, I am not quite sure of what is going on today but whatever it is, you are displaying it to the rest of the world live. Please, I appeal to you once again.

Hon. Nwachukwu you have the Floor.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): My Motion this morning is captioned Near Air Mishap at Nnamdi Azikiwe International Airport in Abuja.

The House:

Notes the number of lives and properties that have been destroyed in Nigeria during air disasters in the past;

Further notes the negative impacts of air disasters to the economy and the image of our country;

Cognizant that it is unprofessional to have given clearance to an Arik Aircraft on the runway to take-off while a Chachangi Aircraft was heading for landing;

Worried that Chachangi Aircraft was carrying over 140 Lagos – Abuja bound passengers including myself who might have met their untimely death if the incident had not been averted.

Resolves to:

Mandate the Committee on Aviation to carry out a detailed investigation on the incident and report to the House within one (1) week.

I so move.

Hon. Godfrey Ali Gaiya (Jaba /Zango Kataf): I rise to second the Motion as raised by Hon. Austin Nwachukwu.

The Speaker: I am going to allow one person to speak for and one to speak against. What is your contribution to this near tragedy, Chairman Committee on Aviation?

Hon. Bethel Nnaemeka Amadi (Mbaitoli/Ikeduru): The issue here is very similar to the issue that was raised here last week and the Committee asked the Director-General of the NCAA to summon NAMA and FAAN to look into this issue.

They had several meetings last week. I think the problem with the Air Traffic Control in Nigeria is an issue of aging work force. Fifty per cent of the Air Traffic Controllers in this country are going to be due for retirement in the next two years and we have not had any recruitment in that sector for the past fifteen years. Only this year, we started the renewal of the work force especially of the Air Traffic Controllers to ensure that we are able to put this very critical aspect of the Aviation Sector in place.

We are also tackling the issue of infrastructure and the Tracon Project which has been on for years is almost completed for this year. Lagos Radar is up but Abuja – Port Harcourt had been installed and would become operational in the next few weeks.

This kind of incident is highly regrettable and we are working to ensure that this is taken care of and such incident would not occur. I believe that the process we need to go through is the process of gradually replacing obsolete equipment that are in that industry especially for navigation and communication equipment.

This year's budget provided a lot of funds for that and we have implemented a lot of that especially for communication and navigation equipment. We are hoping that next year we would complete some of these critical projects that would ensure that the sky is safer for Nigerian passengers to travel in safety.

The Speaker: Chairman, Judiciary please speak first; I believe you are a pilot. Is that right?

Hon. Henry Dickson Thank you very much Sir. I am equally a Member of the Aviation Committee. And I am very sure that may be this is the right time to say that I have equally have the privilege of flying the Hon. Speaker one time.

On a very serious note, however, from the way this Motion is presented there is a problem because firstly, it would not be right for us to say that it is unprofessional to give clearance to an aircraft on the runway for take off while there is one approaching. It is a technical aspect. If an aircraft is on take off roll, that means the intention is entirely to vacate the runway. If there is an aircraft on approach the intention is to make use of the same runway. And in sequencing aircrafts, account is normally taken of the approach speed and the distance of every aircraft. The Abuja approach is very clear and has always been for you to come overhead the *Usman Dam* which is about fifteen miles to the touch down zone of the landing runway two, two. So, if there is an aircraft on take-off roll, it is going to vacate the runway. The one that is coming is going to make use of the same runway. But if for example, there is an aircraft on the landing roll then you do not clear the one approaching to land because you have to wait for that aircraft to vacate the runway. And there is a rule that says; as soon as it vacates it calls the tower and say a particular aircraft *out of active* meaning it is out of the active runway. This gives the controller the comfort to now clear the landing runway.

So, it is not correct, with the greatest respect to my Colleague, to say that it is unprofessional to do that. I have been cleared to land several times when aircrafts are on take-off roll. That is normal.

The second aspect (*Interruption*)

The Speaker: Hon. Chairman, from what you said and from my view point, there is nothing technical there; it is just commonsense. Move out of the runway for another aircraft to land. Anyway, what is the second point?

Hon. Henry Dickson: We have to be a bit careful. Anytime you talk about safety of aviation, it is a very serious matter because aviation is one all over the world. Everyday there are landing and departures of international aircrafts on the Nnamdi Azikiwe International Airport. If for example we sit here and give the impression that we have a workforce that is not competent we might be running into some technical problems. But that the Motion has said that it should be investigated I am comfortable with that because that can be done and we report to the House.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, it is very important here that we call *a spade a spade* and be able to address issues as they come. The Hon. Member is trying to tell us that there would have been a major accident that would have occurred due to a major error by the air control people allowing a plane to be on the runway while at the same time giving another one clearance.

Inasmuch as I am not a pilot, I know very well that the security and welfare of the citizens is our primary responsibility as government. I think the statistics he has given is that we had more than 240 people that were actually on this flight. Let me with due humility state very clearly here that there is a major error here. There is an error that was committed by the air control people. What this Hon. Member is trying to call here is that; find out precisely where this error occurred from. We should not give room for such situation where we will now give reasons or stating that either because we do not have equipments or either because people were about leaving or we lacked the human capacity so we should allow such an occurrence to be a reoccurring decimal in our system. I intend to totally disagree with that particular submission.

I would appeal that please let us look at the prayer. It is a very straightforward prayer. Let us set up the investigator team which is led by the Committee on Aviation and let them bring the facts before us so that we can avert such a situation from reoccurring tomorrow.

The Speaker: I am going to put the question now. (*Interruptions*) All right, I am going to give the right of reply to the mover of the Motion.

Hon. Austin Nwachukwu: I do not want to bore you, my dear hon. Colleagues; because you have already said that this is a straightforward Motion. But I just want to give us a chronology of some mishaps in Nigeria. (*Interruption*)

What I am trying to say is I was inside this flight in question and I can give a vivid account of what transpired. I said on Tuesday that I would have been gone if not for God's intervention. This Arik aircraft was taxiing to take off and we have already been cleared to land; it would have been a head-on collision. In all honesty I would crave the indulgence of this House to commend the pilot of *Chachangi airline*. I do not know him; he saved well over 140 passengers by veering off the runway through the grass and powered off again to the sky. But for that maneuvering we would have all gone; including the Arik flight because it could have been a head-on collision. So, I want to see it that there are errors that we need to look into and find a way to solving them.

The Speaker: Hon. Bitrus, what is your amendment.

Hon. Bitrus B. Kaze (Jos South/Jos East): My amendment is that *this House do resolve to commend the pilot for a show of gallantry*.

The Speaker: Is there any Seconder to that amendment?

Several Members: No!

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I have another amendment please.

The Speaker: The next amendment is coming from Hon. Friday Itulah.

Hon. Friday Itulah: Mr. Speaker, my amendment is on the first prayers to the effect that the one week will not be enough for the Committee to do a thorough job. I am therefore suggesting that *we give them a minimum of two weeks so that they can bring good report to the House*.

Hon. George Ford Nwosu (Etche/Omuma): I second the Motion as moved by Hon. Friday Itulah.

Amendment put and agreed to.

Hon. Vitalis Okafor (Ihiala I): Mr. Speaker I want prayer No. (iii) to be removed completely since people have been appointed to investigate the incident.

The Speaker: Is there any seconder to that amendment requesting the deletion of Prayer No. (iii)?

Several Members: No!

The Speaker: Hon. Member which amendment are you seeking to delete?

Hon. Vitalis Okafor: The resolution; that it is unprofessional to have given clearance to an Arik Aircraft on the runway to take off while Chachangi Aircraft was landing (*interruption*).

The Speaker: Hold on Hon. Vitalis. There is a point of Order. What point of Order?

Hon. Ita Enang: Mr. Speaker my Point of Order is that you do not amend the preamble to a Motion; you can only seek to amend the prayers of the Motion. The preambles are just matters of statement by Mover of the Motion.

The Speaker: Hon. Vitalis you are seeking to amend something that is not there.

Hon. Vitalis Okafor: All right I withdraw my amendment, Mr. Speaker.

The Speaker: Hon. Members please in your attempt to speak on live TV, you need to restrict yourselves.

Hon. Shehu Garba Matazu (Musawa/Matazu): Mr. Speaker my amendment is to delete *the only prayer of the Motion because the Committee on Aviation is already making an investigation* as said by the Chairman of the Committee.

Hon. Emmanuel Y.O Jev (Buruku): Mr. Speaker I second as ably moved that the only prayer be deleted.

Amendment put and negatived

Main Motion as amended put and agreed to

The House:

Noted the number of lives and properties that have been destroyed in Nigeria during air disasters in the past;

Further noted the negative impacts of air disasters to the economy and the image of our country;

Cognizant that it is unprofessional to have given clearance to an Arik Aircraft on the runway to take-off while a Chachangi Aircraft was heading for landing;

Worried that Chachangi Aircraft was carrying over 140 Lagos – Abuja bound passengers including myself who might have met their untimely death if the incident had not been averted.

Resolved to:

Mandate the Committee on Aviation to carry out a detailed investigation on the incident and report to the House within two (2) weeks.

ANNOUNCEMENT

The Speaker; Hon, Members please listen to the following announcement. This is with reference to a former Speaker of this House and it goes like this:

**RESTORATION OF RIGHTS AND PRIVILEGES OF
RT. HON. BENJAMIN AKAHI CHAHA FORMER
SPEAKER HOUSE OF REPRESENTATIVES,**

FEDERAL REPUBLIC OF NIGERIA BETWEEN OCTOBER TO DECEMBER 1983

Hon. Colleagues,

It has been observed that Rt. Hon., Benjamin Akaai Chaha's name and photographs are not found in all documentations and achieves of the House of Representatives. This is considered a breach of his rights and privileges as a former Speaker of the House of Representatives and it is highly regretted.

In consequence it is noted that during the recent celebration of Ten Years of uninterrupted Democracy in Nigeria by the House of Representatives when all former Principal Officers of the House were invited to participate in the occasion, the former Speaker, Rt. Hon. Benjamin Akaai Chaha was regrettably not invited to the occasion.

It is therefore acknowledged that Rt. Hon. Benjamin Akaai Chaha was Speaker of the House of Representatives, Federal Republic of Nigeria between October to December 1983.

In the light of the above therefore, I hereby direct the Clerk of the House of Representatives to write to the former Speaker conveying the acknowledgement and regrets of the House on the breach of his rights and privileges as a former Speaker of the House of Representatives

I also direct that the Management of the National Assembly and all Ministries, Departments and Agencies (MDAs) of Government concerned should correct this omission and include Rt. Hon. Benjamin Akaai Chaha in all correspondences and documentations as a former Speaker of the House of Representatives forthwith. It is again particularly directed that the Rules and Business Committee of the House of Representatives should ensure that all records of the House are corrected to reflect the due place of the former Speaker in all history books and pictorial collections of the House.

Finally, I would like to acknowledge the efforts of Hon. Chile W. Igbawua, a member of the House Representing Kwande/Ushongo Federal Constituency of Benue State and Hon. Mzenda Iho, representing the constituency of the former Speaker for bringing up this matter to the attention of the Leadership of the House of Representatives for consideration.

Thank you.

Hon. Emeka Nkem Ihedioha (Aboh/Mbaise/Ngor Okpala): Mr. Speaker I listened carefully to the letter you read and it is important to state that in the course of the 10th Year Anniversary

celebration we indeed reached out to the former Speaker Benjamin Akaai Chaha and indeed we asked Hon. Herman Hembe to personally visit him. He visited him and he said to us that he could not come because of his health condition. We even offered to provide a vehicle that will bring him to Abuja.

I think it is important we state this correction.

The Speaker: Chairman Rules and Business how come you do not have these things in your record?

Hon. Ita Enang: Mr. Speaker that was just an error on the part of Hon. Chile Igbawua. It was correct and we apologise for that mix-up Sir.

The Speaker: So can we make all necessary corrections please.

Hon. Ita Enang: All right Sir.

ADJOURNMENT

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker I

move that the House do now adjourn till Tuesday, 24th November 2009 at 10.00 a.m.

Hon. Emeka Ihedioha Nkem (Aboh/Mbaise/Ngor Okpala): Mr. Speaker I do second the Motion as moved by House Leader.

Question put and agreed to

Resolved: That the House do stand adjourned till Tuesday, 24th November 2009.

The House accordingly adjourned at 12.43 p.m.