FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 91

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

FIRST VOTES AND PROCEEDINGS

Tuesday, 21 May, 2013

1. The House met at 12.19 p.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 16 May, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Message:**
Mr Speaker read the following Message from the President of the Federal Republic of Nigeria:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

May 20, 2013

Rt Hon. Aminu Waziri Tambuwal, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

***GAZETTE COPY OF THE STATE OF EMERGENCY PROCLAMATION*, 2013**

In accordance with the provisions of Section 305 (2) *of the Constitution of the Federal Republic of Nigeria,* 1999, *I wish to forward herewith copies of the Official Gazette of the* ***State of Emergency Proclamation*, 2013** *for necessary action by the House of Representatives.*

I wish to particularly commend this Gazette containing the Proclamation to the Honourable Members for consideration and passage by the House as required under the Constitution .

The main features of the Proclamation are as follows:

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(*a*) *a declaration of a State of Emergency in three States of the Federation, namely: Adamawa, Borno, and Yobe*;

(*b*) *the continuation of the administrative structures in the affected States to administer the respective States subject to any order, instruction or regulation as may, from time to time, be issued by me.*

I look forward, Mr Speaker, to the usual kind expeditious consideration of the above request by the House of Representatives of the Federal Republic of Nigeria.

Please accept, as always, the assurances of my highest consideration and esteem.

Yours Sincerely,

(*Signed*)

GOODLUCK EBELE JONATHAN

S. I. 4 of 2013

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

STATE OF EMERGENCY (CERTAIN STATES OF THE FEDERATION) PROCLAMATION, 2013

Commencement: [20*th day of May*, 2013]

WHEREAS the Federal Republic of Nigeria has been experiencing serious crises, internal tension and civil disturbances which presently constitute grave threats to peace, order, good governance, security and safety of life and property;

WHEREAS these crises, internal tension and civil disturbances are currently predominant in the North-East Geopolitical Zone of the country;

WHEREAS these crises and disturbances transcend religious, political and ethnic divide with the perpetrators of the crises utilizing terrorist tactics, thereby occasioning serious breakdown of law and order;

WHEREAS it is evident that the magnitude of the crises in the affected States and Local Government Areas has overwhelmed the response capacities of the concerned State Governments which have accordingly not been able to manage, curtail or eradicate the situation leading to the total breakdown of public order, public safety and security in the affected areas;

WHEREAS extraordinary measures are required to restore peace, order and security in the affected States;

NOW THEREFORE, in exercise of the powers conferred upon me by section 305 (1), (3) (*c*), (*d*) *and* (*f*) *of the Constitution of the Federal Republic of Nigeria*, 1999 *and all other powers enabling me in that behalf, I, DR GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria hereby issue the following Proclamation*:

1. ***Proclamation of State of Emergency.***
As from the commencement of this Proclamation, a State of Emergency is declared in each of the States listed in the Schedule to this Proclamation.

2. ***Administration by a State Governor.***
Notwithstanding the provisions of this Proclamation, the Governor of each State listed in the Schedule to this Proclamation shall continue to administer the respective State subject to any order, instruction or regulation as may, from time to time, be issued by me.

3. ***Citation.***
This Proclamation may be cited as the State of Emergency (Certain States of the Federation) Proclamation, 2013.

SCHEDULE

States:

Barno State

Yobe State

Adamawa State

S. I. 5 *of* 2013

EMERGENCY POWERS ACT

EMERGENCY POWERS (GENERAL) REGULATIONS, 2013

Commencement: [20*th day of May*, 2013]

WHEREAS to pursuant to the provisions of section 305 (1), (3) (*c*), (*d*) *and* (*f*) *of the Constitution of the Federal Republic of Nigeria* 1999, *the President of the Federal Republic of Nigeria has declared that a State of Emergency exists in the States listed in the Schedule to these Regulations:*

NOW THEREFORE, in exercise of the powers conferred upon me by section 3 of the Emergency Powers Act, No. 1 *of* 1961 (*as modified*) *and of other powers enabling me in that behalf, I, DR GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria, hereby make the following Regulations —*

1. ***Interpretation.***
In these Regulations unless the context otherwise requires —

"duly authorized person" means any person designated or authorized to act on behalf of the President of the Federal Republic of Nigeria with respect to the administration of any emergency area; and

"emergency area" means the States listed in the Schedule to these Regulations including the Local Government Areas of the States.

2. ***Administration of the Emergency Areas.***
(1) *A State Governor in an emergency area shall continue with the general functions of administering the emergency area under the control of the President or any person designated or authorized to act on his behalf.*

(2) *A Local Government Chairman in an emergency area shall continue with the general functions of administering the emergency area under the control of the President or any person designated or authorized to act on his behalf.*

(3) *The President may give directions to a State Governor or Local Government Chairman directly or through his designate or a duly authorized person with respect to the administration of the emergency area and it shall be the duty of the State Governor or Local Government Chairman to comply with the directive.*

3. ***Power of President to make orders.***
(1) *The President may, make such Orders as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, public order, public safety and good governance in the emergency area.*

(2) *Any Order made under sub-regulation* (1) *of this Regulation may in particular, if it appears to the President to be necessary or expedient for the purpose mentioned in the sub-regulation —*

(*a*) *make provision for the detention of any person either within the emergency area or elsewhere, removal and exclusion of any person from the emergency area;*

(*b*) *authorize the taking of possession or control of any property or undertaking in the emergency area;*

(c) *authorize the entry and search of any premises*;

(d) *provider for the application of any law (with or without modification), in relation to that area*;

(e) *provide for the utilization of the funds of any State or Local Government in the emergency area*;

(f) *provide for the payment of compensation and remuneration to persons affected by the Order*;

(g) *provide for the apprehension, trials and punishment of persons offending against the Order; and*

(h) *provide for the maintenance of such supplies and services as the President considers essential to the lives of persons in the emergency area.*

(3) *Nothing in sub-regulation* (2) *of this regulation shall authorize the making of provisions for the trial of a person by military courts.*

(4) *An Order made under these Regulations may provide that the Order shall have effect for all purposes as if it were a law made by the House of Assembly of the State of the emergency area concerned.*

(5) *The President shall, as soon as reasonably practicable after an Order has been made under these Regulations, transmit a copy of the Order to each House of the Assembly for approval and if the National Assembly disallows the Order, it shall cease to have effect without prejudice to anything done thereunder.*

4. ***Control of the Police in the Emergency Areas.***
Subject to the provisions of subsection (3) *of section* 215 *of the Constitution of the Federal Republic of Nigeria,* 1999 *and of any direction given in pursuance of that subsection, a person designated or authorized by the President may give to the Commissioner of Police in the emergency area such directions with respect to the maintenance of security, public safety and order as the person considers expedient and it shall be the duty of the Commissioner of Police to comply with the directions.*

5. ***Control of functions of certain authorities in the emergency Areas.***
It shall be the duty of any person holding office —

(a) *as Governor in any of the emergency States*;

(b) *as Local Government Chairman in any of the Local Government Areas in the affected States; or*

(c) *in the public service of the State in the emergency area within the meaning of the Constitution of the Federal Republic of Nigeria,* 1999;

to exercise their functions in accordance with any directions given to them by the President, his designate or any authorized person.

6. ***Authentication of instruments.***
Any Instrument purported to be signed by the President, his designate or a person authorized by him shall until the contrary is proved, be deemed to be signed by the President, his designate or the authorized person.

7. ***Citation.***
These Regulations may be cited as the Emergency Power (General) Regulations, 2013.

SCHEDULE

States:

Borno State

Yobe State

Adamawa State

EXPLANATORY NOTE
(This note does not form part of the above Regulations but is intended to explain its purport)

These Regulations make provisions for the general administration of the emergency areas.

4. Announcement:

(*i*) ***Visitors in the Gallery*:**
Mr Speaker recognized the presence of Students of Federal Government Girls College, Bwari.

(*ii*) ***Bereavement*:**

(*a*) Mr Speaker read a communication from Hon. Albert T. Sam- Tsokwa (*Dunga/Ussa/Takum Federal Constituency*) announcing the demise of a former Member, from his Constituency, Hon. David Hitler Gba'Aondo (1979 - 1983), on Sunday, 19 May, 2013.

(*b*) Mr Speaker also announced with regret the death of the mother of Hon. Kola Olabiyi (*Iseyin/Itesiwaju/Kajola/Iwajowa Federal Constituency*), on Monday, 20 May, 2013.

A minute silence was observed in honour of the deceased.

5. Closed Session:
Motion made and Question proposed, "That the House do resolve into a Closed Session" (*Hon. Mulikat Adeola-Akande — House Leader*).

Question put and agreed to.

House in Closed Session — **12.30 *p.m.***

House in Open Session — **3. 49 *p.m.***

(HOUSE IN PLENARY)

Mr Speaker reported that the House in the Closed Session, considered the State of Emergency (Certain States of the Federation) Proclamation, 2013, and amended paragraph 4 of the Preamble. The House also considered the Emergency Powers (General) Regulations, 2013, and approved Clauses 1 - 3 as amended, approved clause 4, approved Clause 5 as amended, and approved clauses 6 - 7; as follows:

S. I. 4 of 2013

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

STATE OF EMERGENCY (CERTAIN STATES OF THE FEDERATION) PROCLAMATION, 2013

Commencement: [20*th day of May*, 2013]

WHEREAS the Federal Republic of Nigeria has been experiencing serious crises, internal tension and civil disturbances which presently constitute grave threats to peace, order, good governance, security and safety of life and property;

WHEREAS these crises, internal tension and civil disturbances are currently predominant in the North- East Geopolitical Zone of the country;

WHEREAS these crises and disturbances transcend religious, political and ethnic divide with the perpetrators of the crises utilizing terrorist tactics, thereby occasioning serious breakdown of law and order;

WHEREAS it is evident that the magnitude of the crises in the affected States and Local Government Areas have overwhelmed ***the current response measures of the Government, leading to the total breakdown of order, public safety and security in the affected areas***;

WHEREAS extraordinary measures are required to restore peace, order and security in the affected States;

NOW THEREFORE, in exercise of the powers conferred upon me by section 305 (1), (3) (*c*), (*d*) and (*f*) of the Constitution of the Federal Republic of Nigeria, 1999 ***as amended***, and all other powers enabling me in that behalf, I, DR GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria hereby issue the following Proclamation:

1. **Proclamation of State of Emergency.**
As from the commencement of this Proclamation, a State of Emergency is declared in each of the States listed in the Schedule to this Proclamation.

2. **Administration by a State Governor.**
Notwithstanding the provisions of this Proclamation, the Governor of each State listed in the Schedule to this Proclamation shall continue to administer the respective State subject to any order, instruction or regulation as may, from time to time, be issued by me.

3. **Citation.**
This Proclamation may be cited as the State of Emergency (Certain States of the Federation) Proclamation, 2013.

SCHEDULE

States:

Barno State

Yobe State

Adamawa State

S. I. 5 of 2013

EMERGENCY POWERS ACT

EMERGENCY POWERS (GENERAL) REGULATIONS, 2013

Commencement: [*20th day of May*, 2013]

WHEREAS to pursuant to the provisions of section 305 (1), (3) (*c*), (*d*) and (*f*) of the Constitution of the Federal Republic of Nigeria 1999 ***as amended***, the President of the Federal Republic of Nigeria has declared that a State of Emergency exists in the States listed in the Schedule to these Regulations:

NOW THEREFORE, in exercise of the powers conferred upon me by section 3 of the Emergency Powers Act, No. I of 1961 (as modified) and of other powers enabling me in that behalf, I, DR GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria, hereby make the following Regulations —

1. **Interpretation.**
In these Regulations unless the context otherwise requires —

"duly authorized person" means any person designated or authorized to act on behalf of the President of the Federal Republic of Nigeria with respect to the administration of any emergency area ***on public order, peace and security only; and***

"emergency area" means the States listed in the Schedule to these Regulations including the Local Government Areas of the States.

2. Administration of the Emergency Areas.

(1) A State Governor in an emergency area shall continue with the general functions of administering the emergency area.

(2) A Local Government Chairman in an emergency area shall continue with the general functions of administering the emergency area.

(3) The President may give directions to a State Governor or Local Government Chairman directly or through his designate or a duly authorized person with respect to the administration of the emergency area, ***in matters of public order, peace and security only*** and it shall be the duty of the State Governor or Local Government Chairman to comply with the directive.

3. Power of President to make orders.

(1) The President may, make such Orders as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, public order ***and*** public safety in the emergency area.

(2) Any Order made under sub-regulation (1) of this Regulation may in particular, if it appears to the President to be necessary or expedient for the purpose mentioned in the sub-regulation —

(*a*) make provision for the detention of any person either within the emergency area or elsewhere, removal and exclusion of any person from the emergency area;

(*b*) authorize the taking of possession or control of any property or undertaking in the emergency area;

(*c*) authorize the entry and search of any premises;

(*d*) provide for the application of any law, in relation to that area;

(*e*) ***provide for the protection, documentation, return, re-integration, resettlement, rehabilitation, compensation and remuneration of persons affected by this Order***;

(*f*) ***provide for the apprehension, trials and punishment of persons offending against the Order***;

(*g*) provide for the maintenance of such supplies and services as the President considers essential to the lives of persons in the emergency area; and

(*h*) ***provide for the payment of compensation to victims of terrorism on or before the emergency proclamation***.

(3) Nothing in sub-regulation (2) of this regulation shall authorize the making of provisions for the trial of a person by military courts.

(4) The President shall, ***within seven days*** after an Order has been made under these Regulations, transmit a copy of the Order to each House of the Assembly for approval and if the National Assembly disallows the Order, it shall cease to have effect.

4. Control of the Police in the Emergency Areas.

Subject to the provisions of subsection (3) of section 215 of the Constitution of the Federal Republic of Nigeria 1999 ***as amended***, and of any direction given in pursuance of that subsection, a person designated or authorized by the President may give to the Commissioner of Police in the emergency area such directions with respect to the maintenance of security, public safety and order as the person considers expedient and it shall be the duty of the Commissioner of Police to comply with the directions.

5. Control of functions of certain authorities in the emergency Areas.

It shall be the duty of any person holding office —

(*a*) as Governor in any of the emergency States;

(*b*) as Local Government Chairman in any of the Local Government Areas in the affected States; or

(*c*) in the public service of the State in the emergency area within the meaning of the Constitution of the Federal Republic of Nigeria 1999, ***as amended***;

to exercise their functions in accordance with any directions given to them by the President, his designate or any authorized person as ***it relates to matter of public order, peace and security only***.

6. Authentication of instruments.
Any Instrument purported to be signed by the President, his designate or a person authorized by him shall until the contrary is proved, be deemed to be signed by the President, his designate or the authorized person.

7. Citation.
These Regulations may be cited as the Emergency Power (General) Regulations, 2013.

SCHEDULE

States:

Borno State

Yobe State

Adamawa State.

EXPLANATORY NOTE
(This note does not form part of the above Regulations but is intended to explain its purport)

These Regulations make provisions for the general administration of the emergency areas ***in relation to security matters***.

Motion made and Question proposed, "That the House do adopt the Report of the Consideration on the State of Emergency (Certain States of the Federation) Proclamation, 2013" (*Hon. Mulikat Akande-Adeola — House Leader*).

No. of Members: **253**

No. of Ayes: **253**

No. of Noes: **0**

Abstention: **0**

Question put and agreed to.

6. Mr Speaker's Closing Remarks:
Mr Speaker commended the officers and men of the Nigerian Armed Forces and other Security Agencies for their efforts in restoring peace, law and order in the States affected by the Proclamation of Emergency, stating that their efforts would not be in vain. He however cautioned that care should be taken to ensure that lives of innocent citizens are not endangered in the course of the operation. He further enjoined the insurgents threatening the security of the people and the nation in the affected States to take advantage of the Amnesty offered by the Federal Government and drop their arms.

6. Conference Committee on the State of Emergency (Certain States of the Federation) Proclamation, 2013:
Mr Speaker announced the appointment of the following Members of the Conference Committee:

(1)	Hon. Albert T. Sam-Tsokwa	—	*Chairman*
(2)	Hon. Ali Ahmad	—	*Member*
(3)	Hon. Aminu Shehu Shagari	—	*Member*
(4)	Hon. Ken Chikere	—	*Member*

(5)	Hon. Nkoyo Esu Toyo	—	*Member*
(6)	Hon. Nathaniel Ogunbiade	—	*Member*
(7)	Hon. Ben Nwankwo	—	*Member*

7. **Adjournment of First Sitting:**
That the House do now adjourn the First Sitting till 4.50 *p.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 4.48 *p.m.*

Aminu Waziri Tambuwal
Speaker