



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 18 September, 2019

1. The House met at 11.15 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 17 September, 2019.

The Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**

Bereavement:

Mr Speaker announced the demise of Hon. Eugene Chukwukere Ebo (*Mbano- East Federal Constituency, 1979 - 1983*), who died on Friday, 9 August, 2019.

A minute silence was observed in honour of the deceased.

5. **Petition**

A petition from Akinola James Oluwatoyin, on his disengagement from the Nigeria Immigration Service and for alleged fraudulent act by First Bank of Nigeria Plc, was presented and laid by Hon. Jimoh Olaifa (*Egbado North/Imeko-Afon Federal Constituency*).

Petition referred to the Committee on Public Petitions.

6. **Admittance into the Chamber**

Motion made and Question proposed, "That the House do admit into the Chamber, Chief Allen Onyema, the Chairman/Chief Executive Officer of AirPeace Airline for the purpose of commending him for airlifting Nigerians from South Africa, following the Xenophobic attacks on them, pursuant to Order 19, Rule 8 (2) of the Standing Orders of the House of Representatives," (*Hon. Garba Alhassan Ado — House Leader*).

Agreed to.

7. **Tribute in Honour of Chief Allen Onyema, Chairman/Chief Executive-Officer, AirPeace Airline for his intervention in evacuating Nigerians following the Xenophobic attacks in the Republic of South Africa**

Mr Speaker recalled the House Resolution of Tuesday, 17 September, 2019, on the Xenophobic attacks on Nigerians in South Africa and resolved to *Commend and honour the Chairman, AirPeace Airline, Chief Allen Onyema for his patriotic act in repatriating Nigerians from South Africa.*

He therefore invited Chief Onyema to address the House.

Remarks by Chief Allen Onyema:

Chief Allen Onyema expressed profound gratitude to the House for the honour bestowed on him.

He stated that his decision to intervene in the ordeal of Nigerians in South Africa, in the wake of the xenophobic attack was spontaneous, triggered by the devastating and gory pictures of what they were passing through in that country. AirPeace took the initiative to evacuate Nigerians from the scene of the attack in order to forestall further loss of lives and embarrassment on Nigeria and Nigerians.

He added that he was overwhelmed with emotion when he received a call from the Honourable Speaker inviting him for this special session and stressed that the invitation by the House was an honour that far surpassed his expectations, and would encourage other doyens of the private sector and indeed, all citizens to selfless service to humanity. He applauded the House for demonstrating exemplary leadership in this regard. He particularly commended the President, Muhammadu Buhari for the maturity displayed in handling the matter to avoid a deepening diplomatic row between the two countries.

Highlighting the need for greater patriotism among Nigerians, Chief Onyema noted that the evacuation of the victims by AirPeace would not have been possible but for the timely approvals by the Director-General, Nigeria Civil Aviation Authority (NCAA). He recounted the difficulty and challenges of the intervention, noting that about 319 Nigerians had so far been evacuated and pledged that AirPeace would continue the process to a logical conclusion till the last Nigerian willing to return from South Africa on account of xenophobic attack is evacuated.

Chief Onyema also applauded the dexterity and sacrifice of the pilots and cabin crew of AirPeace who were subjected to gruelling experience by the South African Aviation Authorities during the evacuation exercise, but who on their return, refused to collect their entitlements for the trips, which they dedicated as their contribution in service to their fatherland.

He reiterated the need for Nigerians to come together in unity to forge a common front for greater national development as the incident has emphasized Nigeria's strength rather than her weaknesses, saying that, at the heat of the crisis, the nation became bonded, jettisoning divisive sentiments along ethnic and religious consideration. He urged all to discard sectional interests which tend to divide Nigeria and work for greater and collective unity of the nation.

The House Leader, Hon. Garba Alhassan Ado and some Members eulogized Chief Allen Onyema and the Management of AirPeace Airline for their efforts and patriotism in the evacuation exercise and other patriotic actions credited to him in the past.

Mr Speaker invited Hon. Namdas Abdulrazak to move a motion on the need to confer a befitting national honour on Chief Allen Onyema in appreciation of this uncommon intervention.

Call on the Federal Government to Confer a Befitting National Honour on Chief Allen Onyema:

The House:

Notes that Chief Allen Onyema an astute businessman and Chief Executive Officer of Air Peace was responsible for the evacuation of hundreds of Nigerians that were trapped in South Africa during the recent xenophobic attacks which left many of them dead and several others injured with their properties either looted or vandalised;

Aware that Chief Onyema deployed his personal resources and Airline to undertake that patriotic duty of repatriating helpless Nigerians;

Also aware that none of his family members was directly involved in the attacks, rather his love and sympathy for his fellow Nigerians made him to seek the permission of the Nigerian Authority to carry out the humane action;

Resolves to:

Urge the Federal Government to confer a befitting national honour on Chief Allen Onyema, with a view to encouraging him and other Nigerians to act in similar manner in the future when circumstances demand (*Hon. Namdas Abdulrazak Sa'ad — Mayo Belwa/Ganye/Jada/Toungo Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Chief Allen Onyema an astute businessman and Chief Executive Officer of Air Peace was responsible for the evacuation of hundreds of Nigerians that were trapped in South Africa during the recent xenophobic attacks which left many of them dead and several others injured with their properties either looted or vandalised;

Aware that Chief Onyema deployed his personal resources and Airline to undertake that patriotic duty of repatriating helpless Nigerians;

Also aware that none of his family members was directly involved in the attacks, rather his love and sympathy for his fellow Nigerians made him to seek the permission of the Nigerian Authority to carry out the humane action;

Resolved to:

Urge the Federal Government to confer a befitting national honour on Chief Allen Onyema, with a view to encouraging him and other Nigerians to act in similar manner in the future when circumstances demand (**HR. 81/09/2019**).

8. Matters of Urgent Public Importance (Standing Order Eight, Rule 4)

- (i) ***Need to Investigate the Alleged Negligence by the Federal Ministries of Justice, and Petroleum Resources in the Handling of the Transaction between the Federal Government and the Process and Industrial Development (P&ID) Limited:***

Hon. Julius Ihonvbere (*Owan East/Owan West Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and

(b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

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

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

Need to Investigate the Alleged Negligence by the Federal Ministries of Justice, and Petroleum Resources in the Handling of the Transaction between the Federal Government and the Process and Industrial Development (P&ID) Limited:

The House:

Notes that the recent judgement debt of \$9.6 billion (with daily interest accruing) by a commercial court in the United Kingdom against Nigeria, in a matter between the Federal Government and Process and Industrial Development (P&ID) Limited leaves a very sour taste in the mouth;

Also notes that for a country with a foreign reserve of only \$45 billion and a sovereign debt profile of over \$80 billion, the judgment debt is not only punitive but would devastatingly affect the Nigerian economy;

Aware of the fact that Nigeria has a penchant for disregarding the sanctity of contracts and terms of agreements, coupled with the usual failure of Nigeria's representatives, in many cases, to carefully and diligently scrutinize agreements they sign knowing that the consequences will affect past and future generations;

Also aware that Nigeria had entered into a Gas Supply and Processing Agreement (GSPA) with P & ID Limited, in January 2010, through the Ministry of Petroleum Resources with the understanding that Nigeria would supply natural gas (wet gas) at no cost, through a government pipeline to P&ID's production facility, while P&ID in return would construct and operate the facility, process the Wet Gas and return to the government of Nigeria lean gas for the generation of power at no cost to Nigeria;

Further aware that two years down the line, P&ID had not built any gas plant to which Nigeria could supply wet gas for processing, signifying in the first place that the move to Arbitration was opportunistic and grossly self-serving;

Cognizant of the fact that, the matter went before an Arbitration Tribunal, under the Rules of the Nigerian Arbitration and Conciliation Act, 2004, with London, England as place of Arbitration, and after affirming its jurisdiction in the matter, the Tribunal began hearing to determine whether or not there were any repudiatory breach of contract. At this point, there was an attempt by the Ministry of Petroleum to reach a settlement agreement with P&ID Limited to the tune of \$850 million, payable in instalments which obviously was not diligently pursued;

Concerned that the agreement was somewhat shrouded in secrecy and as such apparently dubiously procured, as those who ought to know about its existence did not and more importantly, the relevant Laws in Nigeria for the transaction to be consummated were not applied especially, Part IV of the Bureau of Public Procurement Act, 2007 which deals with the Fundamental Principles of Procurement;

Also concerned that it took the new Nigerian government more than 4 months to respond to the arbitration judgement of about \$6 billion on the ridiculous excuse that there had been a change of administration in Nigeria and that Ministers, including the Attorney General of the Federation had only just been appointed, hence the request for an extension of time to act on the outcome of the Arbitration;

Further concerned that rather than engage P&ID in the matter before the Tribunal with robust legal arguments and interpretations, Nigeria was busy shopping for a favourable forum to plead her case in a court in Lagos;

Worried that the lack of diligent prosecution of cases in which Nigeria is involved by those whose duty, it is to do so, is due to our tendency to either politicise everything or focus more on personal interests, or failure on the part all parties involved;

Observes that Judge Butcher, in his August 16, 2019 ruling made heavy weather out of several acts of omission on the part of the Nigerian authorities, especially when he noted that " ... the FRN had remedies for many procedural unfairness, but it did not utilise them", further, Nigeria could also have objected to Procedural Order No. 12 or question the Final Award, but according to Judge Butcher, "it did neither and the time for doing so is long past", all of which showed serious indictments of the incompetence and gross negligence displayed by our representatives/agents/arbitrators in the matter;

Also observes that this embarrassing judgement exposes a deep decay in our governance and leadership infrastructure with far-reaching implications for the credibility of the country's capacity to handle business and legal cases;

Resolves to:

- (i) mandate the Committees on Justice, and Petroleum Resources, and other related Committees to as a matter of urgency, invite the Hon. Attorney-General of the Federation and Minister of Justice, and Minister of Petroleum Resources as well as other officials of the ministries, saddled with the responsibility to negotiate the agreement with P&ID and the prosecution of the matter before the tribunal to give situational report on the matter and explain the lapse in judgment of time and due diligence in the (miss)handling of the case with a view to finding lasting solutions to the avalanche of extant and future cases;
- (ii) recommend appropriate sanctions, where necessary, without fear or favour or preference for status in line with Order 14 of the Standing Orders of the House; and
- (iii) initiate a process of reviewing all Agreements and Treaties signed by Nigeria through the appropriate committees to create opportunities to discover anomalies and avoid a repeat in the future (*Hon. Julius O. Ihonvbere — Owan East/West Federal Constituency*).

Debate.

Amendment Proposed:

Leave out Prayer (i), and insert a new Prayer as follows:

"Set up an *Ad-hoc* Committee to investigate the matter and report back" (*Hon. Benjamin Kalu — Bende Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion amended — Agreed to.

The House:

Noted that the recent judgement debt of \$9.6 billion (with daily interest accruing) by a commercial court in the United Kingdom against Nigeria, in a matter between the Federal Government and Process and Industrial Development (P&ID) Limited leaves a very sour taste in the mouth;

Also noted that for a country with a foreign reserve of only \$45 billion and a sovereign debt profile of over \$80 billion, the judgment debt is not only punitive but would devastatingly affect the Nigerian economy;

Aware of the fact that Nigeria has a penchant for disregarding the sanctity of contracts and terms of agreements, coupled with the usual failure of Nigeria's representatives, in many cases, to carefully and diligently scrutinize agreements they sign knowing that the consequences will affect past and future generations;

Also aware that Nigeria had entered into a Gas Supply and Processing Agreement (GSPA) with P & ID Limited, in January 2010, through the Ministry of Petroleum Resources with the understanding that Nigeria would supply natural gas (wet gas) at no cost, through a government pipeline to P&ID's production facility, while P&ID in return would construct and operate the facility, process the Wet Gas and return to the government of Nigeria lean gas for the generation of power at no cost to Nigeria;

Further aware that two years down the line, P&ID had not built any gas plant to which Nigeria could supply wet gas for processing, signifying in the first place that the move to Arbitration was opportunistic and grossly self-serving;

Cognizant of the fact that, the matter went before an Arbitration Tribunal, under the Rules of the Nigerian Arbitration and Conciliation Act, 2004, with London, England as place of Arbitration, and after affirming its jurisdiction in the matter, the Tribunal began hearing to determine whether or not there were any repudiatory breach of contract. At this point, there was an attempt by the Ministry of Petroleum to reach a settlement agreement with P&ID Limited to the tune of \$850 million, payable in instalments which obviously was not diligently pursued;

Concerned that the agreement was somewhat shrouded in secrecy and as such apparently dubiously procured, as those who ought to know about its existence did not and more importantly, the relevant Laws in Nigeria for the transaction to be consummated were not applied especially, Part IV of the Bureau of Public Procurement Act, 2007 which deals with the Fundamental Principles of Procurement;

Also concerned that it took the new Nigerian government more than 4 months to respond to the arbitration judgement of about \$6 billion on the ridiculous excuse that there had been a change of administration in Nigeria and that Ministers, including the Attorney General of the Federation had only just been appointed, hence the request for an extension of time to act on the outcome of the Arbitration;

Further concerned that rather than engage P&ID in the matter before the Tribunal with robust legal arguments and interpretations, Nigeria was busy shopping for a favourable forum to plead her case in a court in Lagos;

Worried that the lack of diligent prosecution of cases in which Nigeria is involved by those whose duty, it is to do so, is due to our tendency to either politicise everything or focus more on personal interests, or failure on the part all parties involved;

Observed that Judge Butcher, in his August 16, 2019 ruling made heavy weather out of several acts of omission on the part of the Nigerian authorities, especially when he noted that " ... the FRN had remedies for many procedural unfairness, but it did not utilise them", further, Nigeria could also have objected to Procedural Order No. 12 or question the Final Award, but according to Judge Butcher, "it did neither and the time for doing so is long past", all of which showed serious indictments of the incompetence and gross negligence displayed by our representatives/agents/arbitrators in the matter;

Also observed that this embarrassing judgement exposes a deep decay in our governance and leadership infrastructure with far-reaching implications for the credibility of the country's capacity to handle business and legal cases;

Resolved to:

- (i) set up an *Ad-hoc* Committee to investigate the matter and report back;
- (ii) recommend appropriate sanctions, where necessary, without fear or favour or preference for status in line with Order 14 of the Standing Orders of the House; and
- (iii) initiate a process of reviewing all Agreements and Treaties signed by Nigeria through the appropriate committees to create opportunities to discover anomalies and avoid a repeat in the future (HR. 82/09/2019).

Ad-hoc Committee on the Alleged Negligence by the Federal Ministries of Justice, and Petroleum Resources in the Handling of the Transaction between the Federal Government and the Process and Industrial Development (P&ID) Limited:

Mr Speaker announced the membership of the Committee as follows:

(1)	Hon. Soli Sada	—	Chairman
(2)	Hon. Osoba Olumide Babatunde	—	Member
(3)	Hon. Babajimi Benson	—	Member
(4)	Hon. Omowunmi Olubunmi	—	Member
(5)	Hon. Olododo Cook S. Abdulganiyu	—	Member
(6)	Hon. Fulata Abubakar Hassan	—	Member
(7)	Hon. Julius Ihonvbere	—	Member
(8)	Hon. Moxammed Shehu	—	Member
(9)	Hon. Ali Ahmed	—	Member
(10)	Hon. Aliyu Magaji Dau	—	Member
(11)	Hon. Dederi Haruna Isa	—	Member
(12)	Hon. Bamidele Salam	—	Member
(13)	Hon. Hekry Okon Archibong	—	Member
(14)	Hon. Uju Kingsley	—	Member
(15)	Hon. Luke Onofiok Akpan	—	Member
(16)	Hon. Benjamin Kalu	—	Member
(17)	Hon. Namdas Abdulrazak Sa'ad	—	Member

(ii) *Need to Control the Devastating Flood Threatening to Destroy Some Communities in Dukku/Nafada Federal Constituency of Gombe State:*

Hon. Aishatu Jibril Dukku (*Dukku/Nafada Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

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

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

Need to Control the Devastating Flood Threatening to Destroy Some Communities in Dukku/Nafada Federal Constituency of Gombe State:

The House:

Notes that due to torrential rain experienced in the recent weeks, the towns of Dukku, Nafada and neighbouring villages of Dukku and Nafada Local Government Areas of Gombe State have been ravaged by flood;

Aware that many buildings and farmlands have been submerged, many buildings have collapsed and several others completely wiped out and properties worth millions of Naira have been washed away;

Also notes that the flood has cut off several access roads within the two Local Government Areas, thereby making it difficult for people to move from one area to another;

Further notes that the flood has destroyed two trunk A roads linking Gombe, Yobe and Bauchi States;

Concerned that if an urgent action is not taking to arrest the situation, the economic and social security of the people in these communities may face inherent danger of being adversely affected and may be severed from other communities;

Worried that flood water has opened up graves in a cemetery in Nafada town, exposing corpses buried therein;

Disturbed that failure or delay in arresting this situation could cause outbreak of diseases, and further destroy lives and properties beyond what is envisaged;

Resolves to:

- (i) urge the National Emergency Management Agency (NEMA) to provide immediate assistance to the victims;
- (ii) also urge the Federal Ministry of Works to re-construct the roads and bridges; and
- (iii) further urge the Federal Roads Maintenance Agency (FERMA) to refurbish the road as an immediate intervention on the affected points on the road (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Debate.

Amendment Proposed:

Insert a new Prayer (iv) as follows:

“Still urge the Ministry of Works, NEMA and FERMA to provide immediate relief and interventions to all other areas affected by flood in other Federal Constituencies in Nigeria” (Hon. Henry Nwawuba — Mbaitoli/Ikeduru Federal Constituency).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that due to torrential rain experienced in the recent weeks, the towns of Dukku, Nafada and neighbouring villages of Dukku and Nafada Local Government Areas of Gombe State have been ravaged by flood;

Aware that many buildings and farmlands have been submerged, many buildings have collapsed and several others completely wiped out and properties worth millions of Naira have been washed away;

Also noted that the flood has cut off several access roads within the two Local Government Areas, thereby making it difficult for people to move from one area to another;

Further noted that the flood has destroyed two trunk A roads linking Gombe, Yobe and Bauchi States;

Concerned that if an urgent action is not taking to arrest the situation, the economic and social security of the people in these communities may face inherent danger of being adversely affected and may be severed from other communities;

Worried that flood water has opened up graves in a cemetery in Nafada town, exposing corpses buried therein;

Disturbed that failure or delay in arresting this situation could cause outbreak of diseases, and further destroy lives and properties beyond what is envisaged;

Resolved to:

- (i) urge the National Emergency Management Agency (NEMA) to provide immediate assistance to the victims;
- (ii) also urge the Federal Ministry of Works to re-construct the roads and bridges;
- (iii) further urge the Federal Roads Maintenance Agency (FERMA) to refurbish the road as an immediate intervention on the affected points on the road; and
- (iv) still urge the Ministry of Works, NEMA and FERMA to provide immediate relief and interventions to all other areas affected by flood in other Federal Constituencies in Nigeria (HR. 83/09/2019).

9. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Nigerian Film Corporation Act (Repeal and Enactment) Bill, 2019 (HB. 324).
- (2) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2019 (HB. 325).
- (3) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2019 (HB. 326).
- (4) Firearms Act (Amendment) Bill, 2019 (HB. 327).
- (5) Chartered Institute of Management Information Technology of Nigeria (Establishment) Bill, 2019 (HB. 328).

- (6) Chartered Institute of Public Administration of Nigeria (Establishment) Bill, 2019 (HB. 329).
- (7) Nigerian Press Council Act (Amendment) Bill, 2019 (HB. 330).
- (8) Fiscal Responsibility Act (Amendment) Bill, 2019 (HB. 331).
- (9) National Broadcasting Commission Act (Amendment) Bill, 2019 (HB. 332).
- (10) Border Communities Development Agency Act (Amendment) Bill, 2019 (HB. 333).

10. A Bill for an Act to Repeal the Export Prohibition Act, Cap. E22, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 29) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Repeal the Export Prohibition Act, Cap. E22, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 29) be now read a Second Time” (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency and 1 other*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Commerce.

Motion made and Question proposed, “That the House do set down items 2 - 9 on the Order Paper to another legislative day, pursuant to Order Eight, Rule 6 (3)” (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

11. Adjournment

That the House do adjourn till Thursday, 19 September, 2019 at 11.00 a.m. (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

The House adjourned accordingly at 2.34 p.m.

Femi Hakeem Gbajabiamila
Speaker