

NATIONAL ASSEMBLY WATCH

**(A twice-monthly focus on Nigeria's National Assembly.
Period ending November 10, 2012)**

Constitution review: Senate says no to referendum:

Should the on-going efforts by Nigeria's National Assembly to amend the Constitution end with a referendum to legitimize the process? This is the question that has brought sharp disagreement between the Senate and the Nigerian Bar Association (NBA)

The bar association stressed that mere legislative tinkering with the document would not be enough to make the outcome a true reflection of the people's wish. But the Senate, speaking through its leader, Sen. Victor Ndoma-Egba (PDP, Cross River) would not hear of such suggestion.

Ndoma-Egba, himself a member of the NBA and a senior advocate of Nigeria disagreed with the body and said the legislature was bound to follow the letters of the Constitution as to the procedure for its amendments and any procedure outside that would likely lead to confusion and more complications.

House takes Constitution review to the grassroots:

The House of Representatives made good its promise to hold simultaneous public hearings on the review of the Constitution in each of its 360 federal constituencies on Saturday. In a marked departure from the six geopolitical zonal consultations, Saturday's event was meant to reach more citizens and free the process from the alleged hijack of the vocal elite class.

It turned out however that most of the events lacked depth as what has so far been reported indicates that several issues were merely mentioned and voice votes taken in support or against.

The bigger task now would be the process of synthesizing and harmonizing the variety of views to form a common position by the House of Representatives. That would still be subject to concurrence by the Senate and further concurrence by two thirds of the houses of assembly of the 36 states.

Meanwhile, the Senate would in the new week take its public hearings on the review of the Constitution to zonal hearings at six geopolitical zones.

House berates aviation minister over denial of flights to Kano:

The House of Representatives has berated the Minister of Aviation, Stella Oduah over her alleged refusal to grant permit to four airlines seeking permission to start commercial flights to the Mallam Aminu Kano International Airport Kano.

A motion brought by Rep. Aliyu Sani Madaki (xxx, Kano) had claimed that four airlines, Ethiopian Airlines, Emirates, Turkish and Skyline had indicated interest in operating flights to the airport in

Kano but the minister denied them approval, a situation the House said was contrary to country's attempt to boost business growth and investments.

The House therefore resolved to direct its Committee on Aviation to investigate the matter and report back within four weeks.

Senate angry with foreign airlines:

As far as Nigerian senators are concerned, many of the foreign airlines operating in Nigeria are exploiting our citizens by charging 'arbitrary fares'. What to do? The upper chamber of the National Assembly recently asked its committee on aviation to investigate these fares and last week, the committee headed by Sen. Hope Uzodinma (PDP, Imo) submitted its report.

In it, the committee found that the high fares were caused by the monopoly of British Airways on the Abuja-London route although Arik Air now flies that route. The committee then recommended that "Arik airline with over 26 new aircraft in its fleet and any other local airline with similar capacity which must have operated in Nigeria for a minimum period of five years should be granted National Flag Carriers status."

While this suggestion may be a quick fix to a bigger problem, it again throws up the issue of what the country did to its once vibrant national flag carrier, Nigeria Airways and why it cannot get back another state-run national airline, just like the Ethiopian Airlines.

House considers Petroleum Industry Bill:

The House of Representatives is to commence consideration of the Petroleum Industry Bill (PIB) in the week beginning November 13.

Speaker, Aminu Waziri Tambuwal had in the previous week advised members who wish to contribute in the debate to notify the leadership of the House through the respective Whips in the Chamber.

Meanwhile, two bills are being consolidated for consideration in the next week. They are those for an Act to provide for the establishment of a Legal, Fiscal and Regulatory Framework for the Petroleum Industry in Nigeria and another for an Act to Establish the National New Frontier Exploration Agency. The agency is for the purpose of exploration and production of oil and gas in the frontier of Chad Basin, Dahomey Basin, Imo Basin, Benue Trough, Bauchi Basin and Sokoto Basin. This is meant to expand the petroleum treasure base of the country.

Senators may limit presidential powers under the Customs Act:

The wide and enormous powers granted the president under the current Customs Act were on focus within the week as the Senate considered the amendment of the Customs Act 2004.

But the position of the senators was opposed by the Minister for Finance, Ngozi Okonjo-Iweala, who attended the hearing on the bill.

Specifically, the senators want to whittle the powers of the president to grant waivers for the payment of customs duty and strip the minister of finance of the power to appoint members of the Customs board. They also want to end the fusion of both policy and executive powers in the Customs administration as proposed in the new bill.

At the hearing, it was noted that the Nigerian Customs Service (NCS) lost about N58.7billion to waivers last year alone but Okonjo-Iweala corrected that the loss was by the country, not by the NCS.

At the same hearing, the representative of the NCS, Deputy Comptroller of Customs in charge of Corporate Support Services, John Atteh, Dikko said: "a cursory look at the current law reveals a number of deficiencies arising from the fact that many actions currently being undertaken by the NCS are not provided for or codified in any law and, therefore, do not have a proper legal basis".

Also speaking at the hearing, the Central Bank of Nigeria (CBN) and the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) made a case for their inclusion in the board of the NCS.

Senate urges CJN to swear in Justice Ifeoma Jombo-Ofo:

The Senate has disagreed with the Chief Justice of Nigeria (CJN), Justice Aloma Mukhtar over her refusal to swear in Justice Ifeoma Jombo-Ofo as a justice of the Court of Appeal, having been previously cleared by all the necessary bodies.

Justice Jombo-Ofo, from Anambra State is married to a man from Abia State and has been a high court judge in Abia State for many years from where she was nominated by Abia State for appointment to the Court of Appeal, which is a federal court.

It turned out however that, after having been cleared for such elevation by the National Judicial Council (NJC) and later nominated by President Jonathan and cleared by the Senate for appointment, Jombo-Ofo has been denied the swearing in by the CJN on account of an alleged petition disputing Jombo-Ofo's state of 'origin' as Abia. There is also the argument that having previously claimed Anambra as her state of origin, Justice Jombo-Ofo could not now turn around to claim Abia as her state of origin for the purpose of taking up the 'slot' of Abia State.

Senate's position was premised on a motion brought by Deputy President of the Senate, Ike Ekweremadu (PDP, Enugu) and seconded by Senate Leader, Victor Ndoma-Egba (PDP, Cross River) who reminded his colleagues that what has happened had real life practical implications for him because his wife comes from Anambra, a different state from his.

Ndoma-Egba cited the case of Justice Kanu Anya (an Igbo man), who was the chief judge of Borno State alongside a Yoruba man as the Attorney General of that state some years back.

Is the Farouk Lawan case over?

Questions are still being asked nearly two month after the House of Representatives' resumption, what has happened to the 'celebrated' case involving Rep Farouk Lawan (PDP, Kano) and businessman, Femi Otedola who accused him of corruption.

Otedola claimed he was pressured by Lawan to pay a bribe of \$620,000 to the lawmaker to secure a clean bill from the House on an alleged involvement in petroleum subsidy scam while Lawan said he only collected the money (on Otedola's insistence) in order to expose the businessman for corruption.

As at the time of going on recess, the matter was stalemated because, after a committee of the House questioned Lawan in private, Otedola refused to have a private session with the committee, insisting on a public hearing.

Many citizens look forward to a speedy conclusion of this matter, but that doesn't seem feasible now, even as there is no information that security and the law enforcement agencies are doing anything about the matter.

This would go down as one in a long list of 'celebrated' corruption allegations involving the National Assembly, which fizzles out or gets overshadowed when another controversy erupts, no thanks to many citizens' apparent short memory, when it comes to matters of public interest.