FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 79

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Wednesday, 18 December, 2013

1. Prayers
2. Approval of the Votes and Proceedings
3. Oaths
4. Message from the President of the Federal Republic of Nigeria (*if any*)
5. Message from the Senate of the Federal Republic of Nigeria (*if any*)
6. Other Announcements (*if any*)
7. Petitions (*if any*)
8. Matter(s) of Urgent Public Importance
9. Personal Explanation

ORDERS OF THE DAY

MOTIONS

1. **Receipt and Adoption of Conference Committee Report on the 2014 - 2016 Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP):**
Hon. Adeyinka Ajayi:

The House:

Notes that the 2014 - 2016 Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP), was adopted by the House on Thursday, 14 November, 2013 and transmitted to the Senate for concurrence;

The Senate passed the 2014 - 2016 Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP) with some differences;

The two Chambers met in Conference on Tuesday, 17 December, 2013 and adopted a harmonised version of the Report;

A clean copy of the Conference Report is ready for presentation and adoption;

And in view of the importance of this Report to the development of the country's budgetary system;

Resolves to:

Receive and Adopt the Conference Report on the 2014 - 2016 Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP).

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2. Urgent Need to Suspend the Increase in Import Duty Payable on Used and New Vehicles:
Hon. Nathaniel Agunbiade:

The House:

Notes that the Federal Government, through the Minister of Finance, recently announced an imposition of a new tariff regime on imported used and new vehicles and tyres;

Aware that the percentage increase of the new tariff by 70% would have a multiplier effect of 250% increase on the value of the affected items which will definitely lead to higher prices of vehicles and their components;

Further aware that the reason proffered by the Minister of Finance for the increase in the import duty is to create an environment that would support existing Assembly plants and attract other manufacturers of original equipment who have expressed interest in investing in Nigeria;

Conscious of the fact that the reasons advanced to justify the increase are noble and appear good, if well implemented;

Also aware that even though January 2014 has been set as the commencement date of the policy, so far, none of the Assembly Plants and equipment manufacturers sought to be protected by the policy would have started production or operations in the country by that date;

Desirous of the need to ensure that the implementation of the policy does not bring too much pain to Nigerians, and also curb resort to dealing in smuggled vehicles through the land borders, thereby boosting the economy of our neighbouring countries, with the attendant loss of revenues to Nigeria;

Resolves to:

Urge the Ministry of Finance to suspend the implementation of the programme till such a time the Assembly Plants and equipment manufacturers would have first started the production of Nigerian made vehicles.

BILLS

3. A Bill for an Act to Establish the Chartered Institute of Certified Secretaries and Reporters of Nigeria for the Registration and Discipline of Certified Secretaries and Reporters and Provide for a Governing Board charged with the responsibility among other things, for formulation of Policies for the Institute and for Other Related Purposes (HB. 459) — *Third Reading*.

4. A Bill for an Act to Establish the Nigerian Financial Intelligence Centre as the Central body in Nigeria Responsible for Receiving, Requesting, Analyzing and Disseminating Financial Intelligence Reports, and Other Information to Law Enforcement, Security and Intelligence Agencies and for Other Related Matters (HB. 574) and a Bill for an Act to Establish the Nigerian Financial Intelligence Agency as the Central Body in Nigeria Responsible for Receiving, Requesting, Analyzing and Disseminating Financial Intelligence Reports and Other Information to Law Enforcement, Security and Intelligence Agencies and Other Relevant Authorities; and for Other Related Matters (HB. 495) — *Second Reading*.

5. A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999, to Provide for the Office of the Mayor, Deputy Mayor for the Federal Capital City, Abuja and to Further Provide for Additional National Assembly Seats for the Federal Capital Territory, Abuja; and for Matters Connected Thereto (HB. 188) and a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999, to Provide for the Office of Mayor of the Federal Capital Territory Administration, Abuja; and for Other Matters Related Thereto (HB. 590) — *Second Reading*.

CONSIDERATION OF REPORTS

6. *Ad-hoc* Committee on Malabu Oil and Gas Limited:
Hon. Leo Ogor:
"That this House do consider the Report of the *Ad-hoc* Committee on Transaction involving the Federal Government and Shell/Agip Companies and Malabu Oil and Gas Limited in respect of Oil Block OPL 245 (**HR. 111/2012**) and approve the Recommendations therein" (*Laid*: 9/7/2013):

(*i*) That the Federal Government of Nigeria should cancel OPL 245 recently granted to Shell Nigeria Exploration and Production Company Ltd (SNEPCO) (50%) and AGIP (50%), as it was based on a highly flawed 'Resolution Agreement' entered into between Malabu Oil and Gas, Shell Nigeria Exploration and Production Company Ltd (SNEPCO) and Nigeria Agip Exploration Ltd (NAE) with the Federal Government acting as Obligor. The 'Resolution Agreement' ceded away our National Interest and further committed Nigeria to some unacceptable Indemnities and liabilities while acting as an Obligor. Indeed, Clause 17 of the 'Resolution Agreement' commits the Federal Government of Nigeria to indemnify, and even defend Shell Nigeria Ultra Deep Ltd (SNUD), Shell Nigeria Exploration and Production Company Ltd (SNEPCO) and Nigeria Agip Exploration Ltd (NAE) from and against "all suits, proceedings, claims, demands, losses and liability of any nature or kind, including but not limited to all litigation costs, attorney's fees, settlement payments, damages and all other related costs and expenses, based on, arising out of or in connection with" the 'Resolution Agreement' and or the issuance of the Oil Prospecting License in respect of Block 245;

(*ii*) That the Federal Government through the Ministry of Petroleum Resources and the Office of the Attorney-General of the Federation facilitates a new 'Resolution Agreement' in line with the Petroleum Act, and the Indigenous Concession Programme (ICP) of Government that guided the initial allocation of OPL 245 to Malabu Oil & Gas, as a situation where the 'Resolution Agreement' diverted 100% of the beneficial ownership to two foreign based companies is contrary to our national aspirations. Indeed the 'Resolution Agreement' should acknowledge Nigeria's National interest in the huge deposits existing in the Block;

(*iii*) That the House should direct the Committees on Petroleum Resources (Upstream), Petroleum Resources (Downstream), Gas Resources and Local Content to liaise with the Ministry of Petroleum Resources to make available a comprehensive list of similar ventures with Petroleum Sharing Agreement or contract without Nigerian National Petroleum Corporation (NNPC) participation, for necessary remediation;

(*iv*) That the Nigeria Agip Exploration Ltd (NAE) be formally censured or reprimanded by the House for its role in the 'Resolution Agreement' which lacked transparency and did not meet international best business practises. The 'Resolution Agreement' was meant to resolve existing disputes between the various parties, which even by AGIP's acknowledgment, they were not parties to the disputes, in the process, they cornered 50% equity in Block 245;

(*v*) That Shell Nigeria Ultra Deeps (SNUD) be censured or reprimanded by the House for its lack of transparency and full disclosure in its bid to acquire OPL 245;

(*vi*) That the ownership structure of Malabu Oil and Gas Ltd, flowing from our findings and the Economic and Financial Crimes Commission (EFCC)'s interim report, is as follows:

(*a*) Mohammed Sani (Abacha) (or his Successors in title) — 50%,

(*b*) Kweku Amafegha (Dan Etete) (or his Successors in title) — 30%, and

(*c*) Pecos Energy Ltd — 20%,

Consequently, the Office of the Attorney General of the Federation, the Ministry of Petroleum Resources and the Ministry of Finance should take this into consideration in any dealings with respect to OPL 245;

(*vii*) That the Nigerian Police Force should take over the on-going investigation on the matter of forgery and alteration of documents indicting some Directors of Malabu Oil & Gas Ltd who resigned their positions or transferred their appointments or shares without authorisation, and initiate prosecution of any person indicted;

(*viii*) That in line with global best practices, accountability and transparency, individuals and financial institutions linked with and found culpable by the Economic and Financial Crimes Commission (EFCC) of receiving and transferring money unlawfully with respect to or arising out of the 'Resolution Agreement' should be charged to a court of competent jurisdiction, and any such monies unlawfully transferred should be recovered;

(*ix*) That in the redraft of a new 'Resolution Agreement', Nigeria's tax laws should be respected, and consequently where applicable, the Federal Inland Revenue Service (FIRS) should take all necessary steps to impose Capital Gains Tax on Shell (Shell Nigeria Exploration and Production Company Ltd (SNEPCO) — Shell Nigeria Ultra Deep Limited (SNUD) transaction as the payment or reimbursement of $355,000,000 from Shell Nigeria Exploration and Production Company Ltd (SNEPCO) to Shell Nigeria Ultra Deep Limited (SNUD) contained in the 'Resolution Agreement' is clear evidence of some form of alienation or transfer of interest that satisfies the requirement for tax purposes.

7. **Committees on Justice and Judiciary:**
Hon. Ali Ahmad:
"That this House do consider the Report of the Committees on Justice and Judiciary on the Urgent Need to investigate the activities of the Nigerian Copyright Commission (**HR. 109/2013**) and approve the Recommendations therein" (*Laid*: 11/12/2013):

(*i*) That, given the state of the law and available technology, the Nigerian Copyright Commission (NCC) is not justified in refusing to register the Musical Copyright Society of Nigeria (MCSN), one of the two *de facto* Collecting Societies, as another Collecting Society in the music industry in Nigeria. Thus the Musical Copyright Society of Nigeria (MCSN), having satisfied all the requirements of the law, should be registered by the Nigerian Copyright Commission (NCC) forthwith;

(*ii*) that the continued refusal to register the Musical Copyright Society of Nigeria (MCSN) is casting Nigerian Copyright Commission (NCC), a regulatory agency as having been compromised and pursuing only the interests of a particular section of the industry;

(*iii*) that the Nigerian Copyright Commission (NCC) should be urged to rise above board in order to be seen as fair and just;

(*iv*) that the Nigerian Copyright Commission (NCC) should revisit the application of other organisations which applied to it for licence as Collecting Societies for Performing and Mechanical rights in musical works with a view to determining whether or not, based on the provisions of the Copyright Act and its Regulations, they presently qualify for licence as Collecting Societies, regardless of the existence or non-existence of a licensed Collecting Society for musical works in Nigeria;

(*v*) that in considering applications for grant of licence under the Copyright Act and its Regulations, the Nigerian Copyright Commission (NCC) should desist from giving consideration to extraneous matters;

(*vi*) that the Committees on Justice and Judiciary should liaise with the Hon. Attorney-General of the Federation and the Minister of Justice, the Nigerian Copyright Commission (NCC), the Nigerian Institute of Advanced Legal Studies (NIALS), the Nigerian Law Reform Commission (NLRC) and all stakeholders in the Copyright sector with a view to carrying out a review or reform of the Copyright Act and its Regulations in order to, amongst others:

(*a*) align their provisions with the provisions of the Constitution of the Federal Republic of Nigeria, 1999,

(*b*) clear any inconsistencies, ambiguities or vagueness relating to registration and licensing of multiple Collecting Societies,

(*c*) make operations of the Nigerian Copyright Commission (NCC) transparent and accountable to the citizens "particularly Article 5 of the Berne Convention, the Rome Convention and WIPO Copyright Treaty" to which Nigeria is a signatory; and

(*e*) make the Act and its Regulations acceptable to stakeholders and Nigerians generally.

8. **Committee on Public Petitions:**
***Report on the Petition by Mr Tamuno Inabiebu Taylor*:**
Hon. Uzo Azubuike:
"That this House do consider the Report of the Committee on Public Petitions on the Petition by Mr Tamuno Inabiebu Taylor (a Distance Learning Student) against the University of Abuja on his Alleged Expulsion by the University of Abuja Authorities and approve the Recommendation therein" (*Laid*: 14/3/2013):

Urge the University of Abuja to absolve the petitioner, Inabiebu Taylor of the alleged offence of examination malpractices and the consequent punishment, and release petitioner's Degree Result and Certificate.

9. **Committee on Public Petitions:**
***Report on the Petition by SPR Tuku Paul*:**
Hon. Uzo Azubuike:
"That this House do consider the Report of the Committee on Public Petitions on the Petition by SPR Tuku Paul against the Nigerian Army on Alleged Non-Reinstatement into the Nigerian Army and approve the Recommendation therein" (*Laid*: 27/3/2013):

The House discountenances the petition for lack of merit, since it was clearly established that the petitioner was on AWOL/desertion from the Army for over three months and other acts of indiscipline while in the service.

COMMITTEE MEETINGS

	Committee	*Date*	*Time*	*Venue*
1.	Rules and Business	Wednesday, 18 December, 2013	2.00 p.m.	Committee Room 06 Assembly Complex
2.	Finance (*with the Accountant-General of the Federation (Revenue Projection and Actual Receipts)*)	Wednesday, 18 December, 2013	2.00 p.m.	Committee Room 019 New Building (House) Assembly Complex