SENATE OF THE FEDERAL REPUBLIC OF NIGERIA ORDER PAPER

Thursday, 14th July, 2016

1. **Prayers**
2. **Approval of the Votes and Proceedings**
3. **Oaths**
4. **Announcements (if any)**
5. **Petitions**

PRESENTATION OF BILLS

1. Prevention of Crime Act (Amendment) Bill, 2016 (HB. 233) – *First Reading.*
   Senate Leader
2. Water Resources Act (Amendment) Bill, 2016 (HB. 234) – *First Reading.*
   Senate Leader
3. National Agricultural Land Development Authority Act (Amendment) Bill, 2016 (HB. 237) – *First Reading.*
   Senate Leader
4. Bee (Import Control Management) Act (Amendment) Bill, 2016 (HB. 238) – *First Reading.*
   Senate Leader
5. Agricultural and Rural Management Training Act (Amendment) Bill, 2016 (HB. 241) – *First Reading.*
   Senate Leader

ORDERS OF THE DAY

PRESENTATION OF A REPORT

1. Report of the Joint Committee on Ethics, Privileges and Public Petitions, Appropriations and Finance.
   Sen. Samuel Anyanwu *(Imo East)*
   "That the Senate do receive the Report of the Joint Committee on Ethics, Privileges and Public Petitions, Appropriations and Finance in respect of a complaint from Sen. Matthew Urhoghide against Mr. Babachir David Lawal, Secretary to the Government of the Federation. - *To be laid.*

CONSIDERATION OF A REPORT

1. Report of the Committee on Land Transport
   Nigerian Railway Corporation Act 1955 (Repeal and Re-enactment) Bill, 2016 (SB. 01).
   Sen. Olugbenga Ashafa *(Lagos East)*
   "That the Senate do consider the Report of the Committee on Land Transport on the Nigerian Railway Corporation Act 1955 (Repeal and Re-enactment) Bill, 2016 (SB. 01). – *Adjourned consideration, 22nd June, 2016.*

CONSIDERATION OF BILLS

1. A Bill for an Act to provide for the establishment of the National Research and Innovation Council, National Research and Innovation Foundation and matters related thereto, 2016 (SB. 239) – *Second Reading.*
Sen. David Umaru *(Niger East)*

2. A Bill for an Act to amend the National Open University Act No 6 1983 to provide for the inclusion of ICT as another means of providing tuition towards the advancement of learning throughout Nigeria by the National Open University and for other connected purposes, 2016 (SB. 66) – *Second Reading.*
Sen. Barau I. Jibrin *(Kano North)*

3. A Bill for an Act to amend the Employee's Compensation Act 2010 to include the payment of compensation to Sportsmen who sustain injuries while on National assignment and for other matters connected therewith, 2016 (SB. 170) - *Second Reading.*
Sen. Clifford Ordia *(Edo Central)*

4. A Bill for an Act to Repeal the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, chapter F34, LFN 2004, establish a Foreign Exchange Market and to provide for the Control, Monitoring and Supervision of the transactions conducted in the Foreign Exchange market and for related matters, 2016 (SB. 181) - *Second Reading.*
Sen. John O. Enoh *(Cross River Central)*

MOTIONS

1. Indiscriminate Rock Blasting in the FCT and other parts of Nigeria: Need to respect Nigerian Laws and observe International best practices.
Sponsor: Senator T. A. Orji, CON (Abia Central).

THE SENATE:

Observed the indiscriminate blasting of rocks in the Federal Capital Territory and other parts of Nigeria, in total neglect of NIGERIAN LAWS and Global best practices;

Worried about the danger the host communities in FCT and other communities throughout Nigeria face in terms of environmental degradation and health hazard caused by quarry operators;

Shocked to observe that the international standard requirement of five kilometres away from where people live for location of quarry sites is not being adhered to only in Nigeria;

Concerned at the deadly effects of rock blasting close to human habitation, neglect of the host communities, dehumanization of indigenous workers, pregnant women suffering miscarriages and other birth complications, people developing hearing problems as a result of sudden blasts, little children always being apprehensive of such blasts;

Notes the classical examples of Toge, Baruwa and Pyakassa communities in Abuja Municipal Area Council (AMAC), where the situation is pitiable and calls for urgent attention. Mpape in Bwari Area Council is another case in point; other instances are Ushafa, Bmiko, Bazango extension, Jigo etc;

Further worried that the companies or quarry operators, majority of whom are non-Nigerians, feel unconcerned and do nothing to ameliorate the suffering of the people of the host communities or to improve their lives and in fact treat them as though they are not human beings;

More alarmed, that the quarry companies or operators who are mostly foreigners even carry out such detrimental operations in total breach, neglect and disregard of the laws of Nigeria, particularly the Nigerian Minerals And Mining Act 2007, [S. 118(a)] thereof, and International best practices;
Notes that, if this is the case in the Federal Capital Territory, then the situation could be worse in other parts of Nigeria.

Accordingly resolves to:

i. *Mandate* Committee on Solid Minerals, to, as a matter of urgency, visit the communities mentioned above, and liaise with the Ministry of Petroleum and Solid Minerals to take stock of all the quarry sites in the country and ensure strict compliance with the laws of Nigeria and international standard requirement of five kilometres away from human habitation and make recommendations to the Senate on ways to ameliorate the sufferings of the people of the host communities.

2. Need to Investigate Pre-shipment Inspection of Export Activities in Nigeria
Senator Yusuf Abubakar Yusuf *(Taraba Central)*

Co-Sponsors:	Sen. Bukar Mustapha	Sen. Ali Ndume	Sen. Murray Ben Bruce
	Sen. Adeola Olamilekan	Sen. John Owan Enoh	Sen. Hope O. Uzodinma
	Sen. Abdullahi Adamu	Sen. Enyinnaya H. Abaribe	Sen. Kabiru Gaya
	Sen. Rafiu Adebayo Ibrahim	Sen. Joshua M. Lidani	Sen. David Umoru
	Sen. Akpan Albert Bassey		

The Senate:

NOTES that Pre-shipment Inspection of Export means inspection of goods (oil and non-oil) in Nigeria prior to the shipment of those goods outside Nigeria as provided under the Pre-shipment Inspection of Export Act, Cap P26 Laws of the Federation of Nigeria 2004;

AWARE that the period prior to the Pre-shipment Inspection of Export enactment, export of Crude Oil and Gas was characterized by under valuation, delays in issuance of invoices and payments for goods, sometimes up to 120 days, manipulation of crude oil prices, illegal swaps, deliberate illegal over loadings, topping-up of tanker loads by as much as 1% (against International Standard of 0.1%) and other disturbing leakages and lapses;

AWARE ALSO that the Federal Government instituted two panels of enquiries which were headed by Generals Abisoye and Olanrewaju, in 1994 and 1995 respectively to investigate and determine the truth or otherwise of the sharp practices. The two panels discovered serious leakages amounting to a loss of around 150,000 barrels of crude oil exports per day (i.e about 54,750,000 barrels per year);

FURTHER AWARE that as a result of the recommendations of these panels, the Pre-shipment Inspection Decree No. 10 of 1996 which is now known as Pre-shipment Inspection of Export Act Cap P26 Laws of the Federation of Nigeria 2004 was enacted;

NOTES that the purpose of Pre-shipment Inspection of Export Act is to instill probity and integrity to reduce losses due to sharp practices of employees at the oil terminals, monitor the export activities of the Joint Venture Oil Companies and their agents, to enforce effective supervision of loading and lifting of the Nigerian Crude Oil and Non- oil export based on quantity, quality and value of the product;

NOTES ALSO that Section 11 of the Pre-shipment Inspection Act and Article 26 of the export Policy Guidelines and Procedures for Crude Oil, Gas and Non-oil Goods of the Federal Ministry of Finance makes provisions for repatriation of export proceeds within 90 days of Bill of Lading;

FURTHER NOTES that the Central Bank of Nigeria is empowered to administer the provisions of the Act and the Supervision of Technical Committee comprising of eight (8) Federal Government Agencies and Ministries under its Chairmanship;

AWARE that the Act mandates Central Bank of Nigeria to establish special account and maintain same for the purpose of payment of levies payable by Exporters of all oil and non-oil exports to meet the statutory requirements of the Nigerian Export Supervision Scheme;

FURTHER AWARE that from the commencement and implementation of the Act in April 1996 to March 2000 the following successes were recorded. They are:

a. Nigeria saved huge sums of foreign exchange losses;

b. Reduction in diversion of crude oil from terminals;

c. Reduction of Arbitration on prices, quality and quantity shortfall claims; and

d. Provision of on-the-job training, local seminars and overseas training of Officers working in designated government relevant agencies.

WORRIED that the Joint Venture Oil Companies have refused to repatriate crude oil export proceeds of over USD850 billion between 1996 to 2014 in total contravention of Section 11 of the Pre-shipment Inspection of Export Act and Article 26 of the Export Policy Guidelines and Procedures for Crude Oil, Gas and Non-oil goods of the Federal Ministry of Finance which mandates Exporters thus, as provided in Section 11 of the Act as follows:
"An exporter of goods, including petroleum products, shall open, maintain and operate a foreign currency domiciliary account in Nigeria into which shall be paid all exports proceeds corresponding to the entire proceeds of the exports concerned",
AND
Article 26 of the Guidelines provide thus:
"Repatriation of Export proceeds":

a. Within 90 days from the date of export, all exporters (whether oil, gas or non-oil) shall ensure that the export proceeds are repatriated and credited into their domiciliary account opened with a bank in Nigeria.

b. It is the responsibility of the Central Bank of Nigeria to monitor the repatriation of all export proceeds

FURTHER WORRIED that there is no congruence in the data for Nigeria export earnings published by various relevant Federal Government Agencies namely: Central Bank of Nigeria (CBN), Department of Petroleum Resources (DPR), National Bureau of Statistics (NBS), on one hand, with those published by the Nigerian National Petroleum Corporation (NNPC), on the other;

CERTAIN that the enforcement of this Act and the punishment of the violators will certainly boost the foreign exchange inflow and reduce pressure on the meagre foreign exchange supply, which will go a long way in increasing foreign exchange liquidity in the economy which will strengthen the value of the Naira and to also generate more income for banks and insurance companies;

CONCERNED that in this period of Micro economic crisis characterized by unwarranted devaluation of the Naira, where our dear country is exploring all areas to survive, we cannot continue to allow Operators of our survival kit (sources of our foreign exchange) to ignore our Laws and Regulations with impunity.

Accordingly resolves to:

i. Mandate the Senate Committees on Finance, Trade and Investments, Oil and Gas, Petroleum Upstream, Banking and other Financial Institutions, Judiciary, Customs and any other relevant committee to;

a. Conduct investigative hearing as a matter of urgency to determine the exact amount of crude oil and gas, and non-oil export proceeds un-repatriated since the inception of the Act in April 1996 to date;

b. Ascertain why the relevant Government Agencies usually have conflicting data of same product value published in Nigeria on one hand while those published by NNPC, are different on the other;

c. Engage experts to conduct forensic reconciliation of the Export proceeds of both Crude Oil, Gas and Non-oil Export into their Domiciliary Accounts since the inception of the Programme in 1996 and ascertain the exact amount due for repatriation;

d. Engage Experts to conduct forensic reconciliation of the Accounts of Nigerian Export Supervision Scheme and Comprehensive Importers Supervision Scheme domiciled with the Central Bank of Nigeria;

e. Investigate and ascertain the proper or otherwise of the usage of the payments into the Nigerian Export Supervision Scheme and Comprehensive Import Supervision Scheme; and

f. Direct the Central Bank of Nigeria which is saddled with the responsibility to administer the Nigerian Export Supervision Scheme (NESS) under the Technical Committees to forthwith comply strictly with the Provisions of the Act and the Guidelines for maximum benefit to Nigeria and Nigerians.

3. The need to sustain the laudable Anti-Polio campaign in Nigeria.
Sen. Nelson Efiong *(Akwa Ibom South)*

The Senate:

Notes that Poliomyelitis (Polio) is a highly infectious viral disease, which mainly affects young children;

Notes further that the virus is transmitted by person –to –person spread mainly through faecal-oral route or less frequently through contaminated water or food and multiplies in the intestine, from where it invades the nervous system leading to paralysis;

Recalls that in 1988, the World Health Assembly resolved to interrupt wild poliovirus(WPV) transmission worldwide and by 2006, the annual number of WPV cases had decreased by more than 99% and only four remaining countries had never interrupted WPV transmission-Afghanistan, India, Nigeria, and Pakistan with India being removed from the list of endemic countries in March 2014;

Regrets that wild polio virus has taken a lot of toll on our country in terms of human and material resources;

Recalls with nausea the serious challenges encountered in the noble campaign against polio-immunization boycott, a brutal Boko haram insurgency, killing of vaccinators, the challenge of reaching every child in even the most remote villages, armies of women mobilized alongside religious and community leaders, etc;

Aware that as recently as 2012, Nigeria accounted for more than half of all polio cases worldwide which necessitated a more concerted effort by Government, civil society, religious leaders and tens of thousands of health workers to stop polio;

Glad that due to the concerted efforts and national persistence, no new cases of the disease has been reported in the past 15 months;
Pleased that on Monday, October 26th 2015, Nigeria received a delisting certificate from the World Health Organization indicating the removal of Nigeria from the list of polio-endemic countries;

Notes however that the certification is with a proviso that if the current efforts were sustained till 2017, Nigeria would be completely de-listed from among polio infected countries of the world;

Satisfied that this feat represents a triumph for Nigerians, for Africa and for the millions of people around the world who have committed themselves to eradicating this ancient, cruel disease,

Accordingly resolves to:

i. *Commend* vaccinators, community mobilizers, parents and care givers, traditional rulers and religious leaders for their support in making Nigeria Polio free;

ii. *Congratulate* the Global Polio Eradication Initiative, comprising of the world Health Organization, Rotary International, UNICEF, Bill and Melinda Gates Foundation and other development partners for leading the largest collective public health movement in history; and

iii. *Urge* the Federal Government and other relevant agencies to sustain the current momentum and continue to regard the anti-polio campaign as an emergency until Nigeria is completely free in 2017.

4. Need to include Pan- Africanism in Nigerian Secondary Schools Curriculum
Sen. Shehu Sani *(Kaduna Central)*

The Senate:

NOTES that the concept of Pan Africanism started in the 19th Century as an ideology and movement that encouraged the solidarity of Africans worldwide based on the general believe that unity is vital and pertinent to economic, social and political progress for the people of African descent. In 1900, the Trinidadian Barrister-Henry Sylvester Williams called a conference that took place in Westminster Hall, London to "protest stealing of lands in the colonies, racial discrimination and deal with other issues of interest to Blacks";

NOTES also that in 1958, Kwame Nkrumah, the first leader of independent Ghana, called a meeting of all independent African states in Accra, comprising of Sudan, Egypt, Tunisia, Ethiopia, Liberia and Morocco in order to recommit themselves to support agitation for independence for the rest of the continent;

AWARE that as a result of the 1958 meeting in Ghana, by 1963 there were 31 independent nations in Africa and consequently the Organization of African Unity (OAU) was formed in May, 1963 to further galvanize African countries;

WORRIED that the struggle for the unity of Africa, as championed by the founding fathers of the African continent like Chief Nnamdi Azikiwe and others has rapidly evaporated from the psyche of the present and up-coming generation;

CONCERNED that if our children are not inspired about Africanism, the dream of our founding fathers about the unity of Africa will be a mere folk tale and will continue to remain a reference for historical purposes;

COGNISANCE that Julius Kambarage Nyerere, in 1966, while addressing African leaders said -

"---Your Excellency's, we have achieved many things in Africa in recent years, and can look back with pride at the distance we have travelled. But we are a long way from achieving the thing we originally set out to achieve, and I believe there is a greater danger that we might now voluntarily surrender our greater dream of all";

COGNISANCE ALSO that Nigeria as the giant of Africa which has helped many African countries to attain self-rule, there is the need to inculcate the spirit of Pan- Africanism in the Nigerian child to be nurtured in a manner that we can continue to be "our brothers' keeper" and foster the objective of our founding fathers; and

CONSCIOUS AND DETERMINED to ensure that we do not voluntarily surrender the dream of the founding fathers of Africa and considering the strategic importance of Nigeria in global affairs in general and Africa in particular,

Accordingly resolves to:

i. *Urge* the Federal Ministry of Education to include Pan- Africanism in Nigerian Secondary Schools curriculum; and

ii. *Observe* a minute silence in honor of late Pan- Africanists.

5. Need to revisit the regulatory conflict between Joint Admission and Matriculation Board (JAMB) and Universities in offering admissions in Nigeria.
Sen. Umaru Ibrahim Kurfi *(Katsina Central)*

The Senate:

Notes that the Joint Admissions and Matriculation Board (JAMB) was established in 1976 and saddled with the responsibility of streamlining and coordinating admissions, as well as determining who is admitted into universities and other tertiary educational institutions in Nigeria;

Further Notes that the Nigerian Universities Commission (NUC) is the Federal umbrella organization which oversees the administration of higher education in Nigeria, and prior to 2005, the only criteria needed for candidates seeking admission into tertiary institutions was for such candidate to possess a certain score at his or her JAMB examination;

Aware that the laudable objectives of JAMB began to suffer retrogression shortly after its inception as some universities admitted students outside the list sent by JAMB, and rejecting candidates with admission letters from JAMB on the ground that they had to comply with their own internal quota and catchment criteria, coupled with the issue of malpractice that plagued the JAMB examination;

Further aware that as scores of successful JAMB candidates turned out to be ill equipped for university education, the Federal Government, in 2005, under the leadership of President Olusegun Obasanjo, introduced the policy of post - JAMB screening by universities, which made it compulsory for tertiary institutions to screen candidates after JAMB results and before giving admission;

Worried that while this new development was aimed at addressing the problem of student quality, it re - introduced and entrenched many of the problems sought to be eliminated through JAMB;

Cognizant that while the executives introduced the post - JAMB policy to remedy the decay in educational standard in higher institutions of learning, there have been public outcry of extortion from candidates despite the rigorous test they pass through at JAMB;

Disturbed that as the integrity of the post - JAMB examination is open to questions, as the pecuniary motive of the respective institutions has become so visible to the fore that there is little pretence about maximizing income flows through these internal examinations;

Regrets that the introduction of the Post - JAMB examination has to a large extent failed to remedy the problems associated with the JAMB and as such, its continued existence posed more challenges for Nigeria's educational system,

Accordingly resolves to:

i. Urge the Senate to direct JAMB to develop strategy to ensure efficiency in the conduct of JAMB examination;

ii. Urge the Senate to pass a resolution to direct the Nigerian Universities Commission to scrap the Post - JAMB exercise in its entirety; and

iii. Urge the Senate to make such further directives as it deems expedient in the circumstance.

COMMITTEE MEETINGS

	Committee	Date	Time	Venue
1.	Poverty Alleviation and Social Welfare	Thursday, 14th July, 2016 (Joint Committee)	2.00pm	Committee Room 224 Senate New Building
2.	Diaspora & Non-Governmental Organizations	Thursday, 14th July, 2016	2.00pm	Committee Room 305 Senate New Building
3.	Appropriations	Thursday, 14th July, 2016	3.00pm	Committee Room 224 Senate New Building
4.	Poverty Alleviation & Social Welfare National Planning & Economic Affairs	Thursday, 14th July, 2016	2.00pm	Committee Room 117 Senate New Building
5.	Ad-hoc Committee on North East Development Commission Bill	Monday, 18th July, 2016	1.30pm	Committee Room 438 Senate New Building
6.	Industries	Monday, 18th July, 2016	1.00pm	Committee Room 224 Senate New Building
7.	Science & Tech and Defence	Tuesday, 19th July, 2016 (Joint Committee)	2.00pm	Committee Room 117 Senate New Building
8.	Finance	Tuesday, 19th July, 2016	2.00pm	Committee Room 204 Senate New Building

PRINTED BY NATIONAL ASSEMBLY PRESS, ABUJA