SENATE OF THE
FEDERAL REPUBLIC OF NIGERIA
ORDER PAPER

Tuesday, 24th October, 2017

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

PRESENTATION OF REPORTS

1. Report of the Committee on Tertiary Institutions and TETFUND
Sen. Jibrin Barau *(Kano North)*
-That the Senate do receive the reports of the Committee on Tertiary Institutions and TETFUND on the following Bills:

   a. Federal University of Education, Zaria (Establishment, etc) Bill, 2017 (SB. 400);
   b. Alvan Ikoku Federal University of Education, Owerri (Establishment, etc) Bill, 2017 (SB. 398);
   c. Federal University of Agriculture, Kabba (Establishment, etc) Bill, 2017 (SB. 402);
   d. Federal University of Education, Kano (Establishment, etc) Bill, 2017 (SB. 397);
   e. Adeyemi Federal University of Education, Akure (Establishment, etc) Bill, 2017 (SB. 399);
   f. Nigeria Arabic Language Village, Ngala (Establishment, etc) Bill, 2017 (SB. 386);
   g. Nigeria French Language Village, Badagry (Establishment, etc) Bill, 2017 (SB. 387); and
   h. Federal Polytechnics Act CAP F17 (Amendment) Bill, 2017 (SB. 241) -*To be Laid.*

2. Report of the Committee on Poverty Alleviation and Social Welfare
Constituency Sustainable Development Fund Bill, 2017 (SB.103)
Sen. Malam Ali Wakili *(Bauchi South)*
-That the Senate do receive the report of the Committee on Poverty Alleviation and Social Welfare on the Constituencies Projects (Budgetary Provisions) Bill, 2017 (SB.103) - *To be Laid.*

3. Report of the Joint Committee on Land Transport, Marine Transport and Aviation
National Transport Commission Bill, 2017 (SB. 242)
Sen. Olugbenga Ashafa *(Lagos East)*, Sen. Ahmed Rufai Sani *(Zamfara West)* and Sen. Adamu Aliero *(Kebbi Central)*
-That the Senate do receive the report of the Joint Committee on Land Transport, Marine Transport and Aviation on the National Transport Commission (Est, etc) Bill, 2017 (SB. 242) - *To be Laid.*

ORDERS OF THE DAY

MOTIONS

1. The need for Senate's Intervention in the recent ETISALAT (Nigeria) $1.2 billion debt crisis.

   Sponsor: Sen. Adeola S. Olamilekan. *(Lagos West)*

The Senate:

Notes that Etisalat Nigeria, a Telecommunication Company operating in Nigeria has in recent times been in the public eye over it's $1.2bn loan crisis;

Understands that the syndicated loan was acquired in 2013 as a medium-term, seven-year facility to fund expansion of the network from a consortium of 13 Banks in Nigeria;

Notes that Etisalat ownership comprises of 3 Shareholders, the United Arab Emirates Sovereign Wealth Fund through Mubadala Development Comp Abu Dhabi (45%), Emirates Telecommunications Group Company (40%) and Myacinth (15%) through Emerging Markets Telecommunications Services;

Notes that as of 2016, the Company had started defaulting on its $1.2 billion loan obligations leading to a few bailouts from its Parent Company in Abu Dhabi;

Understands that only about 42% of the loan has been repaid, remaining an outstanding debt of $696 million representing 58% of its Capital, which Etisalat has failed to service since 2016;

Understands that since this year, the Banks have been moving to take over the Telecommunications Company in order to recover their funds;

Notes that the Nigerian Communications Commission (NCC) and the Central Bank of Nigeria (CBN) have intervened and raised issues of regulatory compliances in trying to prevent a takeover by the banks, but the intervention has failed to produce an agreement on the debt restructuring;

Observes that all UAE shareholders of Etisalat Nigeria, including state-owned investment fund Mubadala, had exited the company coupled with the resignation of top key management officers of the Company- the Chief Executive Officer - Mr. Matthew Willsher, Chief Financial Officer - Mr. Wole Obasunloye, Director and the 3rd Shareholder/Partner- Mr. Hakeem Belo Osagie;

Regrets that although it should ordinarily not be the duty of the Senate of the Federal Republic of Nigeria to wade into individual debt crisis of private sector businesses; but the Senate is convinced that if this situation is not properly handled, it will have negative implications for the Nigerian Business Environment and on Foreign Investments in Nigeria in general;

Regrets that a loan of this magnitude has the capacity of setting off another Banking crisis in Nigeria, with Banks looking for bailout funds once again;

Believes the Nigerian Business Environment must be protected and insulated from all forms of fraudulent dealings in order to advance the Government's drive towards promotion of genuine investments in Nigeria;

Regrets that about 4000 jobs are at stake as a result of these suspicious dealings;

Notes that the decision of the core investors to pull out of Nigeria raises issues of suspicion, on the intent of a Company in obtaining a loan facility, defaulting and then pulling out of the country, hoping that their shares would be used to write off the debts;

Aware of allegations that the loans have been diverted to other uses not related to the business for which the huge loan was obtained, as there was no evidence of what the Company did with the loans,

Accordingly resolves to:

i. Mandate the Committees on Banking, Communications, Capital Market and National Security and Intelligence to investigate the management and utilization of the $1.2billion loan facility obtained from the 13 Nigerian Banks;

ii. Mandate the above Joint Committee to make recommendations on ways the Nigeria Financial Governance Structure can be strengthened by legislations to prevent any future similar reoccurrence; and

iii. Urge the relevant Financial Intelligence Agencies of the Federal Government to investigate the Management of Etisalat Nigeria and hold the defaulting parties accountable for their actions.

2. The need to review the privatization of Public Enterprises in Nigeria.

Sponsor: Senator Umaru I. Kurfi *(Katsina Central)*

Co-Sponsors:	Sen. Abu Ibrahim *(Katsina South)*	Sen. Yahaya A. Abdullahi *(Kebbi North)*
	Sen. Mustapha Bukar *(Katsina North)*	Sen. Abubakar Kyari *(Borno North)*
	Sen. Tijjani Yahaya Kaura *(Zamfara North)*	Sen. Andy Uba *(Anambra South)*

The Senate:

Notes that privatization of public enterprises is a bye product of global economic recession in the 80s where Nigeria and other African countries where advised by the Bretton Woods Institutions (International Monetary Fund, (IMF) and the Word Bank, (WB)) to divest from their public enterprises as one of the conditions for economic assistance;

Further notes that privatization was institutionalized as a viable economic reform policy that would help cut the inefficiencies of the public sector, provide greater scope to the private sector, attract more investments, and also revive the failing economy;

Recalls that as far back as 1981, the Gamaliel Onosode led Presidential Commission on Parastatals has revealed that the problems confronting public enterprises in Nigeria include: defective capital structures resulting in heavy reliance on the national treasury for financial operations; mismanagement of funds for operations; corruption; misuse of monopoly powers; and bureaucratic bottlenecks characterized with appointment of management team based on political interference in the management of public enterprises;

Cognizance that in response to the increasing challenge of public sector failure in managing public enterprises, the Federal Government promulgated the Privatization and Commercialization Decree of 1988 which established the Technical Committee on Privatization and Commercialization (TCPC) which was repealed by the 1993 Decree that established the Bureau of Public Enterprises as replacement of the TCRC and the 1999 Act repealed the 1993 Degree and further recreated the BPE in addition to the National Council on Privatization as the main organs of the programme;

Aware that through Initial Public Offer, Sale by Competitive Bid, and Sale through Direct Negotiation to core investors, the Federal Government had, between 1989 and 1993 privatized 111 public enterprises and commercialized 35 others with 67 in the first category comprising hotels, breweries, insurance companies and other similar light industries;

Further aware that the second category consist of 43 enterprises including oil marketing companies, the still rolling mills, Nigeria Airways, Fertilizer Companies, the Paper Mills, Sugar and Cement Companies; the third category consisted of 11 Parastatals, including the Nigerian National Petroleum Corporation (NNPC), the Nigerian Telecommunication Plc. (NITEL), and National Electric Power Authority (NEPA), later transformed to Power Holding Company of Nigeria (PHCN) while the last category consisted of 14 other Parastatals including the Nigerian Railways, the Delta and Ajaokuta Steel Rolling Mills;

Concerned that while the objectives of privatization are noble, the exercise is not accompanied or preceded by an articulated and properly phased public sector reform in addition to several other challenges which makes the programme unable to facilitate efficient production of public goods or make any significant impact to fiscal balance;

Observed that since privatization of public enterprises is marred by varied administrative, regulatory and financial irregularities, some experts are of the view that policy makers should consider non-traditional privatization methods such as deregulation, leasing, management contracting and franchising of monopoly rights at least in the short run than relying heavily on full divestiture as the primary mode of privatization in Nigeria;

Worried that inspite of the fact that the report of the 2011 Senate Ad-hoc Committee which investigated privatization and commercialization of Public Enterprises since the return to civil rule in 1999 as contained in Senate Votes and Proceedings of Wednesday, 14th December, 2011 as a monumental failure due to corruption-inspired undervaluation of privatized enterprises, sale of the undervalued enterprises to cronies and political associates, asset stripping, clear breaches of due process, regulatory inefficiency, e.t.c, the Senate resolution in support of the laudable recommendations of the committee has not been implemented;

Disturbed that while the objectives of privatization has not been realized to stimulate economic growth or welfare of the people, the exercise seemed to make the poor poorer by increasing unemployment and reducing access of the poor to basic goods and services through increase in prices in addition to the fact that most of the privatized firms went into comatose after the privatization;

Regrets that the current economic challenges may continue to aggravate with monumental effects on human survival, welfare and development if privatization and commercialization carried out from 1999 – date is not revisited to rectify anomalies as alternative for diversified economic reform,

Accordingly resolves to:

i. *Direct* the Committee on Privatization to have an interface with the National Council on Privatization and the Bureau of Public Enterprises to receive and examine a comprehensive report of current privatization status of Nigerian Public Enterprises;

ii. *Direct* the Committee to conduct a public hearing to determine the public enterprises privatized/commercialized, current status of privatized enterprises, extent of due process in the conduct of the exercise, enterprises whose privatization where reversed by the Federal Government, extent of compliance with post privatization conditions by core investors, and the impact of privatization/commercialization of public enterprises on the Nigerian economy; and

iii. *Make* appropriate recommendations that will ensure functionality of the privatized/commercialized enterprises to realize the objectives of the exercise which will among others reduce the impact of current economic challenges.

CONSIDERATION OF A REPORT

1. Conference Committee Report
2017 Budget of Federal Inland Revenue Service
Sen. John Owan Enoh *(Cross River Central)*
-That the Senate do consider the Conference Committee Report on the 2017 Budget of Federal Inland Revenue Service.

CONSIDERATION OF BILLS

1. A Bill for an Act to establish the Nigerian Tax Academy in order to provide training, develop standard curriculum for continue education of tax administrators and collectors to facilitate effective service delivery and for other related matters, 2017 (SB. 330) - *Second Reading*
Sen. Aliyu Abdullahi *(Niger North).*

2. A Bill for an Act for the regulations of in-vitro fertilization, to prohibit certain practices in connection with in-vitro fertilization to establish an in-vitro fertilization authority to make provision in respect of children born of in-vitro fertilization process and for connected purposes, 2017 (SB. 127) - *Second Reading*
Sen. Barau I. Jibrin *(Kano North).*

3. A Bill for an Act to provide for the regulation and supervision of Assisted Reproductive Technology and for matters connected therewith, 2017 (SB. 325) - *Second Reading*
Sen. Lanre Tejuoso *(Ogun Central).*

4. A Bill for an Act to amend the Agricultural Research Council of Nigeria and for related matters, 2017 (SB. 315) - *Second Reading*
Sen. Abdullahi Adamu *(Nasarawa West).*

5. A Bill for an Act to amend the Legal Practitioners Act CAP C11 LFN 2004 and for other connected matters, 2017 (SB. 435) - *Second Reading*
Sen. Godswill Akpabio *(Akwa-Ibom North West).*

6. A Bill for an Act to establish the National Tea and Coffee Development Council and for other connected matters, 2017 (SB. 462) - *Second Reading*
Sen. Yusuf Abubakar Yusuf *(Taraba Central).*

7. A Bill for an Act to amend the National Orientation Agency Act, CAP N100 and for other connected matters, 2017 (SB. 333) - *Second Reading*
Senator Dino Melaye *(Kogi West).*

8. A Bill for an Act to amend the Federal Capital Territory (FCT) Act CAP F6 LFN 2004 and for other matters connected therewith, 2017 *(SB. 115)* – *Second Reading*
Sen. David Umaru *(Niger East).*

9. A Bill for an Act to establish the National Youth Development Commission and for other matters connected therewith, 2017 (SB. 385) - *Second Reading*
Sen. Ogba Obinna *(Ebonyi Central).*

10. A Bill for an Act to establish the Nigerian Bank of Industry charged with the responsibility of providing capital to indigenous entrepreneurs, corporate bodies and persons for medium and long term investment for industrialization and for related matters , 2017 (SB. 366) – *Second Reading*
Sen. Sam Egwu *(Ebonyi North).*

11. A Bill for an Act to Amend the Nigerian Institute of Management Act No14 2003 and for other matters connected thereto, 2017 (SB. 13) – *Second Reading*
Sen. Mao Ohuabunwa *(Abia North).*

12. A Bill for an Act to provide for the regulation and effective monitoring of Metallurgical activities in the Mines and Steel Sector, Metallurgical inspection and raw materials development in Nigeria and for other related matters, 2017 (SB. 260) – *Second Reading.*
Sen. Theodore Orji *(Abia Central).*

13. A Bill for an Act to provide for the Establishment of National Institute of Credit Administration and for other Matters Connected Therewith, 2017 (SB. 153) – *Second Reading*
Sen. Ben Murray-Bruce *(Bayelsa East).*

14. A Bill for an Act to provide for the establishment of the Nigerian Council for food Science and Technology and for allied matters connected therewith, 2017 (SB. 92) – *Second Reading*
Sen. Ajayi Boroffice *(Ondo North).*

COMMITTEE MEETINGS

No.	Committee	Date	Time	Venue
1.	Drugs and Narcotics	Tuesday, 24th October, 2017	2.00pm	Committee Room 327 Senate New Building
2.	Petroleum Downstream	Tuesday, 24th October, 2017	2.00pm	Committee Room 224 Senate New Building
3.	INEC	Tuesday, 24th October, 2017	2.00pm	Committee Room 431 Senate New Building

4.	Ad-Hoc Committee on the Investigation of allegation of corruption against the NNPC Trading Limited	Tuesday, 24th October, 2017 (Inaugural Meeting)	12.00noon	Committee Room 117 Senate New Building
5.	Joint Committees on Customs, Excise & Tariff and Marine Transport	Tuesday, 24th October, 2017	11:00am	Committee Room 324 Senate New Building
6.	Special Duties	Tuesday, 24th October, 2017	2.00pm	Committee Room 313 Senate New Building
7.	Interior	Tuesday, 24th October, 2017	2.00pm	Committee Room 327 Senate New Building
8.	Ethics, Privileges and Public Petitions	Tuesday, 24th October, 2017	3.00pm	Committee Room 120 Senate New Building
9.	Tertiary Institutions and TETFUND	Tue. 24th & Wed. 25th October, 2017	2.00pm	Conference Room 022 Senate New Building
10.	Agriculture and Rural Development	Tue. 24th & Wed. 25th October, 2017 (Oversight)		
11.	Capital Market	Wednesday, 25th October, 2017	2.00pm	Committee Room 117 Senate New Building
12.	Judiciary, Human Rights and Legal Matters	Wednesday, 25th October, 2017	1.00pm	Committee Room 313 Senate New Building
13.	Ad-hoc Committee to Investigate the various Allegations Levelled against the Police, Inspector-General of Police and Police Service Commission	Wednesday, 25th October, 2017	2.00pm	Committee Room 438 Senate New Building
14.	Appropriations	Wednesday, 25th October, 2017	2.00pm	Committee Room 224 Senate New Building
15.	Diaspora and Non-Governmental Organizations	Wednesday, 25th October, 2017	2.00pm	Committee Room 313 Senate New Building
16.	Ad-Hoc Committee on Alleged Mis-use, Under-Remittance and other fraudulent Activities	Tue. 24th – Thur. 26th Oct, 2017 (Public Hearing)	12.00noon	Committee Room 204 Senate New Building

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