



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 17th October, 2017

1. The Senate met at 10:55 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 12th October, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
 - (a) **Meeting:**
The Deputy Senate President read a letter from Senator Aliyu M. Wamakko (Sokoto North) as follows:



**THE SENATE
FEDERAL REPUBLIC OF NIGERIA
AD-HOC COMMITTEE ON THE INVESTIGATION OF
ALLEGATION OF CORRUPTION AGAINST THE NNPC TRADING
LIMITED**

National Assembly Complex

President of the Senate.

17th October, 2017

ANNOUNCEMENT

The meeting of the Ad-hoc Committee on the Investigation of Allegation of Corruption Against the Nigeria National Petroleum Corporation (NNPC) Trading Limited earlier scheduled for Tuesday, 17th October, 2017 has been rescheduled to Tuesday, 24th October, 2017.

(Signed)

SENATOR ALIYU M. WAMAKKO
Chairman

- (b) **Conference Committee:**
The Deputy Senate President named the following Senators as Conferees on 2017 Budget of the Federal Inland Revenue Services:
 - (i) Senator John O. Enoh — Chairman

(ii)	Senator Umaru I. Kurfi	—	Member
(iii)	Senator Joshua C. Dariye	—	Member
(iv)	Senator Hope O. Uzodinma	—	Member
(v)	Senator Nelson A. Efiang	—	Member
(vi)	Senator Usman B. Nafada	—	Member

(c) **Acknowledgment:**

The Deputy Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

(i) Members of the National Association of Delta State Students, University of Benin, Benin City, Edo State; and

(ii) Staff and Students of Doveland International Schools, Wuse II, Abuja.

4. **Committee on Culture and Tourism:**

Report on the Nigerian Tourism Development Corporation Act (Repeal and Re-enactment) Bill, 2017 (SB. 428):

Motion made: That the Senate do receive the Report of the Committee on Culture and Tourism on the Nigerian Tourism Development Corporation Act (Repeal and Re-enactment) Bill, 2017 (*Senator Matthew A. Urhoghide — Edo South*).

Question put and agreed to.

Report Laid.

5. **Joint Committee on Customs, Excise and Tariffs; and Marine Transport:**

Interim Report in respect of a Motion on the urgent need to examine the Operations of the Nigeria Customs Service Revenue Drive:

Motion made: That the Senate do receive the Report of the Joint Committee on Customs, Excise and Tariffs; and Marine Transport in respect of a Motion on the urgent need to examine the Operations of the Nigeria Customs Service Revenue Drive (*Senator Hope O. Uzodinma — Imo West*).

Question put and agreed to.

Report Laid.

6. **Motions:**

(a) **Demise of Lieutenant General Victor Samuel Malu (Rtd.) DSS, MNI, FWC, Psc.:**

Motion made: That the Senate notes with heavy heart and a deep sense of loss, the demise of Lieutenant General Samuel Victor Malu (Rtd), former Chief of Army Staff (COAS) at the early hours of Sunday, October 9th, 2017, at the age of 70 years;

notes also that Lieutenant General Samuel Victor Malu (Rtd), was born on January 15th, 1947; in Katsina-Ala, Local Government Area of Benue State in North Central Nigeria;

notes further that Lieutenant General Samuel Victor Malu (Rtd), enrolled into the Nigerian Defence Academy, Kaduna in 1967 as part of the legendary 3rd Regular Course and was commissioned as a 2nd lieutenant enlisted upon graduation in 1970. He subsequently attended courses at the Command and Staff College (CSC) Jaji, and National Institute of Policy and Strategic Studies (NIPSS) Kuru in Jos;

convinced that through dint of hard work, dedication and commitment to professionalism, Lieutenant General Samuel Victor Malu (Rtd), rose to the pinnacle of his military career. He became Commander ECOWAS Peace-Keeping Force ECOMOG and later Chief of Army Staff (COAS), Nigerian Army;

aware also that Lieutenant General Samuel Victor Malu (Rtd), served the Army and country in various capacities as:

- Chief Instructor, Nigerian Military School, Zaria
- General Officer Training, Army Headquarters
- Commander, 7 Mechanized Brigade
- Commander ECOWAS Peace-Keeping Force ECOMOG (1996 -1998)
- Chief of Army Staff (COAS) 1999 - 2001

observes that Lieutenant General Samuel Victor Malu (Rtd), was a proud Awardee of National and several prestigious military awards/honours such as:

- Force Service Star (FSS),
- Meritorious Service Star (MSS);
- Distinguished Service Star (DSS);
- Member National Institute (Mni); and
- Pass Staff College (PSC);

notes that as Commander ECOMOG, Lieutenant General Samuel Victor Malu (Rtd) is globally applauded for his diligence and professionalism in turning the fortunes of that sub-regional peace force around during the Liberian first civil war;

observes that as Chief of Army Staff, he doggedly canvassed and undertook reforms aimed at preserving apolitical Army with a deep sense of professionalism. It is on record that he did not accept any political appointment throughout his work life; and

aware that his demise is a great loss to the people of Benue North-East Senatorial District in particular, Benue State, Nigeria; and the West African sub-region at large.

Accordingly resolves to:

- (i) observe one minute silence in honour of the late Lieutenant General Samuel Victor Malu (Rtd);
- (ii) send a high powered delegation of this hallowed Chamber to condole with the family, the people and Government of Benue State; and
- (iii) urge the Federal Government of Nigeria to immortalize Lieutenant General Samuel Victor Malu (Rtd); by naming a National monument in his honour (*Senator Barnabas A. I. Gemade — Benue North-East*).

Debate:

Proposed Resolution(i):

Question: That the Senate do observe one minute silence in honour of the late Lieutenant General Samuel Victor Malu (Rtd) — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do send a high powered delegation of this hallowed Chamber to condole with the family, the people and Government of Benue State — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government of Nigeria to immortalize Lieutenant General Samuel Victor Malu (Rtd); by naming a National monument in his honour — *Agreed to.*

Resolved:

- (i) observe one minute silence in honour of the late Lieutenant General Samuel Victor Malu (Rtd);
- (ii) send a high powered delegation of this hallowed Chamber to condole with the family, the people and Government of Benue State; and
- (iii) urge the Federal Government of Nigeria to immortalize Lieutenant General Samuel Victor Malu (Rtd); by naming a National monument in his honour (S/Res/075/03/17).

One minute silence accordingly observed in honour of the deceased.

Senate Delegation to Benue State:

The Deputy Senate President named the following Senators to condole with the family, the people and Government of Benue State:

- | | | | |
|-------|--------------------------------|---|--------|
| (i) | Senator Jeremiah T. Useni | — | Leader |
| (ii) | Senator Theodore A. Orji | — | Member |
| (iii) | Senator Mustapha M. Sani | — | Member |
| (iv) | Senator Fatimat O. Raji-Rasaki | — | Member |
| (v) | Senator Andrew I. Uchendu | — | Member |
| (vi) | Senator Yusuf A. Yusuf | — | Member |

(b) Commemoration of the United Nations International Day for the Eradication of Poverty 17th October, 2017:

Motion made: The Senate notes that October 17th is the day set aside as the commemoration day for eradicating poverty worldwide. This year 2017, marks the 25th Anniversary of the Declaration by the General Assembly of the United Nations in its resolution 47/196 of 22 December 1992, of the 17th October as the International Day for Eradication of Poverty;

notes also that this year also marks the 30th Anniversary of the call to action by Father Joseph Wresinki which inspired the observance of October 17 as the World Day for overcoming of extreme poverty and the recognition by the UN of the day as the International Day for Eradication of Poverty. Joseph Wresinki's personal experience as a child living in poverty and his daily struggle with his family to overcome shame and social exclusion and his lifetime commitment to make families living in poverty worldwide;

aware that the theme for the 2017 commemoration is “Answering the call of October 17 to end poverty: A path towards peaceful and inclusive societies”; and that the theme reminds us of the importance of the values of dignity, solidarity and voice underscored in the call to action to fight to end poverty everywhere;

further aware that the International Day for the Eradication of Poverty and its antecedents, the World Day for overcoming extreme poverty are intended to promote dialogue and understanding between people living in poverty and their communities and society. It is meant to demonstrate the strong bonds of solidarity between people living in poverty and people from all walks of life, and the commitment to work together to overcome extreme poverty, a chance for men to make their concerns heard and a moment to recognize that the poor people are in the forefront in the fight against poverty;

interesting to note that the achievement of a World free from poverty provides a path towards achieving peaceful and inclusive societies as envisioned in goal 16 of the SDG, which key target is to ensure responsive, inclusive, participatory and representative decision making at all levels; and

recalls that the recent data from the Nigeria Bureau of Statistics indicates that no fewer than 112 Million Nigerians representing 67.1 % of the country's estimated population now live below poverty level. Hence the challenge for all to rise to the occasion to vanquish poverty. The passage of the Poverty Eradication Bill has been the right step towards the actualization of the UN Agenda 2030 for sustainable development and meeting the obligation by all countries to end poverty in all forms.

Accordingly resolves to:

- (i) urge the Federal, State and Local Governments of Nigeria to henceforth designate and observe October 17 as World Poverty Day in-line with the United Nations resolution;
- (ii) appeal to Community based Organizations, the Media - both conventional and social to step up discourse and discussions on the scourge of poverty and its debasement of human dignity;
- (iii) ensure that the policies and programmes evolved by the Federal Government through the Social Investment Programmes and other poverty alleviation and eradication measures are vigorously pursued; and
- (iv) urge the Federal Government of Nigeria to implement the necessary Sustainable Development Goals (SDGs) that will eliminate poverty in line with goal 16 (*Senator Mallam A. Wakili — Bauchi South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do c urge the Federal, State and Local Governments of Nigeria to henceforth designate and observe October 17 as World Poverty Day in-line with the United Nations resolution — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do appeal to Community based Organizations, the Media - both conventional and social to step up discourse and discussions on the scourge of poverty and its debasement of human dignity — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do ensure that the policies and programmes evolved by the Federal Government through the Social Investment Programmes and other poverty alleviation and eradication measures are vigorously pursued — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Federal Government of Nigeria to implement the necessary SDGs that will eliminate poverty in line with goal 16.

Amendment Proposed:

Leave out the words “ to implement the” and *insert* the words “to fund” instead thereof (*Senator Atai A. Aidoko — Kogi East*).

Question that the amendment be made, put and agreed to.

Additional proposed Resolutions:

Insert Additional proposed Resolutions as follows:

- (i) “That the Senate do urge the Federal, State and Local Governments to insist on free and compulsory education for all Nigerians” (*Senator Bukar A. Ibrahim — Yobe East*).

Question that the amendment be made, put and agreed to.

- (ii) “That the Federal Government should strengthen its policy of creating a strong, robust and virile economy in Nigeria as the best way of eradicating poverty” (*Senator Barau I. Jibrin — Kano North*).

Question that the amendment be made, put and agreed to.

Resolved:

- (i) urge the Federal, State and Local Governments of Nigeria to henceforth designate and observe October 17 as World Poverty Day in-line with the United Nations resolution;
- (ii) appeal to Community based Organizations, the Media - both conventional and social to step up discourse and discussions on the scourge of poverty and its debasement of human dignity;
- (iii) ensure that the policies and programmes evolved by the Federal Government through the Social Investment Programmes and other poverty alleviation and eradication measures are vigorously pursued;
- (iv) urge the Federal Government of Nigeria to fund necessary Sustainable Development Goals (SDGs) that will eliminate poverty in line with goal 16;
- (v) urge the Federal, State and Local Governments to insist on free and compulsory education for all Nigerians; and
- (vi) That the Federal Government should strengthen its policy of creating a strong, robust and virile economy in Nigeria as the best way of eradicating poverty (*S/Res/076/03/17*).

- (c) *The need to sanction private companies and institutions that disallow workers' unionism in their companies:*

Motion made: That the Senate notes with profound distress the deteriorating conditions under which the workers of this country function particularly with the recent downturn of the fortunes of the Nigerian economy;

worried that their very dismal condition is now increasingly compounded by the unacceptable practices and policies of some private companies and institutions that disallow labour unionism and related forms of workers' associations;

aware that Section 40 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides that:

Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any association for the purpose of his interests ...

aware also that global best practices as well as myriad international labour laws and conventions, many of which Nigeria has acceded to and is a Party, recognize this inalienable right of the worker to unionize and associate freely;

recalls that sometime in early 2017, the Nigeria Labour Congress organized a mass picket of the corporate headquarters of the telecom giant MTN Nigeria, to protest the decision of the company to proscribe unionism in the company;

worried that the intolerance of unionism has become increasingly rife among private companies and institutions in Nigeria, including private universities, in blatant disregard of the Constitution of the Federal Republic of Nigeria;

recognizes that this practice, having effectively silenced and weakened the voice as well as the collective platform of workers' power, leaves them vulnerable to super exploitation and work place victimization; and

contends that this ignominious act infringes on the fundamental rights of the Nigeria worker and ought therefore to be challenged, halted and reversed in the present democratic dispensation, and under the watchful eyes of this Distinguished 8th Senate who, by the express Will of the People and the Divine Will of the Almighty God, are the elected representatives and voice for the Nigerian people, workers inclusive.

Accordingly resolves to:

- (i) mandate the Committee on Employment, Labour and Productivity to as a matter of urgency, draw up measures of ensuring compliance with labour unionism in work places; and
- (ii) urge the Committee on Employment, Labour and Productivity to ensure that companies who have proscribed unionism in their companies are appropriately sanctioned (*Senator Shehu Sani — Kaduna Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committee on Employment, Labour and Productivity to as a matter of urgency, draw up measures of ensuring compliance with labour unionism in work places — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Committee on Employment, Labour and Productivity to ensure that companies who have proscribed unionism in their companies are appropriately sanctioned — *Agreed to.*

Resolved:

- (i) mandate the Committee on Employment, Labour and Productivity to as a matter of urgency, draw up measures of ensuring compliance with labour unionism in work places; and
- (ii) urge the Committee on Employment, Labour and Productivity to ensure that companies who have proscribed unionism in their companies are appropriately sanctioned (S/Res/077/03/17).

(d) ***Update on Lead poisoning in Zamfara State and the need to prevent further propagation of the resource curse theory:***

Motion made: That the Senate received with great distress, updates on lead poisoning which occurred in 36 villages and communities in Zamfara State;

recalls that in 2014, 38 villages including Anka, Abare, Bagega, Bukkuyum Dareta, Duza, Maru, Sunke, Tungar Daji, Tungar Guru, and Yargalma etc. were reported to have been affected by the effects of artisanal mining, unwholesome mining practices and the resulting processing of gold;

with varying effects ranging from blindness, infertility, neurological defects etc., over four hundred (400) children casualties were recorded with many others needing treatment;

sequel to this, a Motion was moved by Senator Sahabi Ya'u in the 7th Assembly;

recalls that in June 2016, Senator David Umaru moved a Motion on "Urgent Remediation of Lead Poisoning in Shikira Community of Niger State, Nigeria";

further recalls that the motion prayed amongst other things for the Federal Government to urgently approve and release needed intervention funds from the Ecological Funds Office for urgent remediation of areas affected; and the Committee on Solid Minerals to review the 2007 Mining Act to reflect present realities in the sector as it affects local communities;

disturbed that reports show that only eight (8) of the thirty eight (38) affected communities in Zamfara State have had any remediation carried out with the effect that too many Nigerians are suffering, unable to access effective medical treatment for the resulting ailments, losing loved ones and suffering deformities of varying degrees;

notes the report of Medecin Sans Frontier (MSF) wherein thousands were reported to have been affected and in need of treatment;

notes also that due to paucity of funds, the MSF and several other Civil Society Organisations have had to pull out of the area;

aware that Bagega, the largest community affected in Zamfara State has been remedied. However, with no alternative source of livelihood for these artisanal miners, a repeat scenario is in the offing;

observed that besides Zamfara, mining host communities in States like Kogi, Niger etc. have also been affected by the negative effects of mining practices;

notes that Nigeria does not qualify as a mining State. The 2016 Gross Domestic Product breakdown shows the mining sector's contribution to the nation's GDP to be abysmal;

further notes that the nation's mining sector is almost redundant, that the Honourable Minister of Solid Minerals, Dr. Kayode Fayemi, is working to resuscitate the sector; and that the Ministry has approved a mining road map;

worried however that even though mining is yet to make economic impact, symptoms of the resource curse have begun to be evident particularly in the communities blessed, or cursed if you will, with these natural resources and mineral ore;

further worried that if we do nothing, we may well be on our way to creating a 'Niger Delta' situation except on a larger scale as nearly every State of the Federation will be affected; and

mindful that these environmental abuses negate and breach the rights of citizens to life, dignity of person and other fundamental rights as enshrined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

Accordingly resolves to:

- (i) invite the Minister of Solid Minerals to appear before the Senate in plenary to deliver a brief on its mining roadmap, implementation framework and how it intends to ensure protection of the residents of mining host communities;
- (ii) mandate the Committees on Environment; and Solid Minerals to visit the affected communities to ascertain the level of damage done and report to the Senate;
- (iii) urge the Minister of Solid Minerals to ensure adoption of safer mining methods by mining concerns; and
- (iv) mandate the Committee on Environment to investigate the activities of the Ministry of Environment as it affects the mining sector (*Senator Oluremi S. Tinubu — Lagos Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do invite the Minister of Solid Minerals to appear before the Senate in plenary to deliver a brief on its mining roadmap, implementation framework and how it intends to ensure protection of the residents of mining host communities — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate the Committees on Environment; and Solid Minerals to visit the affected communities to ascertain the level of damage done and report to the Senate — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Minister of Solid Minerals to ensure adoption of safer mining methods by mining concerns — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do mandate the Committee on Environment to investigate the activities of the Ministry of Environment as it affects the mining sector — *Agreed to.*

Resolved:

- (i) invite the Minister of Solid Minerals to appear before the Senate in plenary to deliver a brief on its mining roadmap, implementation framework and how it intends to ensure protection of the residents of mining host communities;
- (ii) mandate the Committees on Environment; and Solid Minerals to visit the affected communities to ascertain the level of damage done and report to the Senate;

- (iii) urge the Minister of Solid Minerals to ensure adoption of safer mining methods by mining concerns; and
- (iv) mandate the Committee on Environment to investigate the activities of the Ministry of Environment as it affects the mining sector (*S/Res/078/03/17*).

(e) ***The Falling Standard of Education in Nigeria:***

Motion made: That the Senate notes the falling standards and poor quality of education in Nigeria;

observes that the prescribed standards for Primary, Secondary and Tertiary Education are not being attained by educators and policy makers as pupils and students do not possess or demonstrate the knowledge and skills expected of them at critical points in their educational career;

observes also that the educational standards and quality of education in the country as shown in public examinations are declining in such an alarming rate that if nothing is done now, the education sector is most likely to descend into crisis;

aware that curricula and assessment systems for Primary, Secondary and Tertiary educational standards are not working effectively and are not producing the desired results;

worried that the declining standards and poor quality of education are already adversely affecting all other sectors and facets of the economy and society;

further notes that the causes of the falling standards and quality of education in the country include poor funding and neglect of the education sector by the Federal and State Governments that have over the years allowed basic school infrastructure and facilities across the country to run down to the point of sordid decay;

aware that the distasteful state of teaching, a profession that has become very unattractive to undergraduate and postgraduate students, which in turn has denied the profession the quality of the teachers and educators it requires for it to deliver the prescribed standards and quality for Primary, Secondary and Tertiary Education;

worried that pervasive poor infrastructure and the lack of teaching tools and research facilities at all levels of education in Nigeria, which is frustrating those in the teaching profession and putting off those who would otherwise be attracted to it; and

convinced that sound education provides the most reliable foundation for the country's growth, development, the ability to compete effectively in the modern age of science and technology and the ability of the country's students and graduates to succeed in our global economy.

Accordingly resolves to:

- (i) urge the Federal and State Governments to declare a state of emergency in the education sector;
- (ii) urge the Federal and State Governments to restore the glory of the teaching profession by improving the status of teachers through building capacities to deliver better quality education;
- (iii) urge the Federal and State Governments to be more involved in early childhood education, seeing that it is the foundation of every level of education; and

- (iv) urge the Nigerian Teachers Registration Council to evolve more vibrant methodologies for delivering on their mandate (*Senator Adamu M. Aliero — Kebbi Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Federal and State Governments to declare a state of emergency in the education sector.

Amendment Proposed:

Leave out the words “and State” and *insert* the words “State and Local” instead thereof (*Senator Mustapha Bukar — Katsina North*).

Question that the amendment be made, put and agreed to.

Proposed Resolution(ii):

Question: That the Senate do urge the Federal, State and Local Governments to restore the glory of the teaching profession by improving the status of teachers through building capacities to deliver better quality education — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal, State and Local Governments to be more involved in early childhood education, seeing that it is the foundation of every level of education — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Nigerian Teachers Registration Council to evolve more vibrant methodologies for delivering on their mandate — *Agreed to.*

Additional proposed Resolution:

Insert Additional proposed Resolution as follows:

“That the Senate do urge the Federal Government to properly fund the educational sector” (*Senator Ibrahim A. Gobir — Sokoto East*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the Federal, State and Local Governments to declare a state of emergency in the education sector;
- (ii) urge the Federal, State and Local Governments to restore the glory of the teaching profession by improving the status of teachers through building capacities to deliver better quality education;
- (iii) urge the Federal, State and Local Governments to be more involved in early childhood education, seeing that it is the foundation of every level of education;
- (iv) urge the Nigerian Teachers Registration Council to evolve more vibrant methodologies for delivering on their mandate; and
- (v) urge the Federal Government to properly fund the educational sector (*S/Res/079/03/17*).

(f) ***The need to establish and delegate Special Purpose Vehicles to execute and operate Major Power Sector Development Projects:***

Motion made: That the Senate notes that the National Assembly enacted the Electric Power Sector Reform (EPSR) Act, 2005 on March 11, 2005, which kick-started the process of privatization of the Nigerian Electricity Supply Industry (NESI) towards developing a Competitive Electricity Market with the establishment of the Nigerian Electricity Regulatory Commission (NERC) to provide for the licensing and regulation of the entire value chain of the Nigerian Electricity Market (NEM);

also notes that the privatization exercise became effective on November 1, 2013 when the unbundled Power Holding Company of Nigeria (PHCN) was sold and transferred to successful bidders of the 6 Generation Companies (GENCOs) and the 11 Distribution Companies (DISCOs), while the ownership and control of the Transmission Company of Nigeria (TCN) was retained by the Federal Government for strategic reasons;

further notes that in its quest to bridge the power gap for sustained economic growth in Nigeria by adding significant new generation capacity to Nigeria's electricity supply system, the Federal Government conceived the National Integrated Power Project (NIPP) in 2004, which metamorphosed into Niger Delta Power Holding Company Limited (NDPHC) incorporated in 2005;

aware that this institution oversees Generation portfolio consisting of 10 gas-fired power plants with cumulative design capacity of 4,774 MW; Total Asset value of \$8.5 Billion including generation projects accompanied by supporting transmission, distribution and gas infrastructure projects and due to gas supply shortage and uncompleted transmission projects, only about 1,200 MW was accessible to the national grid at that time;

consequently upon the commencement of the privatization and establishment of the Nigerian Electricity Market, the role of the Federal Ministry of Power, Works & Housing (FMPW&H) was restricted to Policy and oversight of the autonomous agencies operating in the Nigerian Power Sector; these are the:

- Transmission Company of Nigeria
- National Power Training Institute of Nigeria
- Nigerian Electricity Liability Management Limited (NELMCO)
- Nigerian Electricity Management Services Agency (NEMSA)
- Rural Electrification Agency

notes that considering the need for continuous development of the Power Sector infrastructure, the Federal Government remains committed to developing project initiatives in order to increase generating capacity and diffuse the energy mix beyond thermal generation to renewable energy, such as hydro-power, solar power and wind energy. Consequently, certain project initiatives were retained for direct supervision by the Federal Ministry of Power. These included, but are not limited to:

- 3,050 MW Mambilla Hydropower project
- 700 MW Zungeru Hydropower project
- 215 MW Kaduna Thermal Power project
- 50 MW Katsina Wind Power project

further notes that annually significant and incremental sums are appropriated towards these projects and the National Assembly has been approving such appropriation in the interest of conceived intention to improved generation capacity to the Nigerian citizens;

worried that there are challenges of managing such projects because the Federal Ministry of Power, as currently constituted, does not have the required professional competence and resources to effectively execute these projects, hence they resort to engaging contractors and consultants for every project development activity;

also worried that the implementation of large scale projects is always fraught with the risk of cost and schedule overrun, with attendant consequences on overall contract sum;

notes that Turnkey Engineering, Procurement & Construction (EPC) projects have FIDIC Conditions of Contract being applicable with strict provisions for liquidated damages, such as fixed contract sum and set delivery period. Unfortunately, these conditions of contract cannot be met under the setting of a ministry;

further notes that necessary project management controls needed for effective delivery are not enforceable on the Federal Ministry of Power; these are:

- Cost Control
- Schedule Control
- Quality Assurance (Q-plan, Q-criteria, etc.)
- Procurement Control (personnel, inspection and expedition)
- Design Control (Design compliance and value engineering)
- Change Order Control (Management of scope variations)
- Document Control (Review & timely approval of designs).

worried that with the engagement of multitudes of consultants, there is a risk of lack of ownership and knowledge transfer upon completion and commissioning of the projects, which would hamper proper management of the facilities when in operation. This is the current situation being experienced at the 215 MW Kaduna Power plant under construction by the Ministry;

aware that Nigeria has had successful record of implementing several mega infrastructure projects to completion and it is imperative to draw on such models utilized for refineries, fertilizer plants and steel mills (Kaduna and Port Harcourt Refineries, National Fertilizer Company of Nigeria Plc. (NAFCON), Delta Steel Company Limited and the 3 Inland Rolling Mills). Each of these Special Purpose Vehicles (SPVs) had full management team and foundation staff to manage the execution of the project on site. Upon completion, the Project Managers were appointed as the Managing Directors, while full-stream staff members were recruited prior to commissioning the projects;

further aware that when the Federal Government was keen to build Gas based power plants, it created the Niger Delta Power Holding Company of Nigeria (NDPHC) to build, manage and operate these schemes. Although some of the power generating plants have been sold, NDPHC has continued to own and run these plants while the Government is preparing to sell the remaining plants; and

worried that with the privatization of the power sector, the Federal Ministry of Power, Works & Housing is rapidly expanding its project implementation activities rather than limit its role to General Policy direction pursuant to Section 33 of the EPSR Act 2005. This attitude has not given the regulatory body, Nigerian Electricity Regulatory Commission (NERC) and other agencies created by the Reform Act the enabling environment to develop their capacity to regulate and create the electricity market required to attract investment in the sector. This assertion is evidenced by the fact that over ₦100 billion has been provided for the construction of power projects by the ministry under the 2017 budget. Recently, the Federal Government announced the approval of over \$5billion for the construction of the Mambilla Hydro Project under the Ministry.

Accordingly resolves to:

- (i) urge the Federal Government to immediately incorporate Special Purpose Vehicles (SPVs) for the implementation of the following alternative energy projects:
 - a. Hydropower Projects;
 - b. Solar Power Projects; and

c. Wind Power Projects.

- (ii) urge the Federal Ministry of Power, Works and Housing to use gas as the source of Energy for the Kaduna Project in accordance with the original project concept and the Memorandum of Understanding (MOU) signed with gas suppliers to complete the project as adequate provision has been made for the project in the 2017 Budget;
- (iii) urge the Federal Government to employ qualified management team to take charge of the project development in the Special Purpose Vehicles (SPVs) and gradually resource the companies in readiness for full operations when the projects are commissioned;
- (iv) urge the Federal Government to transfer all generation, transmission and rural electrification projects to the respective agencies for proper administration; and
- (v) urge the above-named SPVs when created to comply with the provisions of the Electric Power Sector Reform (EPSR) Act by applying to NERC for the generation licenses and to the Transmission Company of Nigeria (TCN) for Grid inter-connection approval (*Senator Mustapha Bukar — Katsina North*).

*Debate:****Proposed Resolution(i):***

Question: That the Senate do urge the Federal Government to immediately incorporate Special Purpose Vehicles (SPVs) for the implementation of the following alternative energy projects:

- a. Hydropower Projects;
- b. Solar Power Projects; and
- c. Wind Power Projects.

Amendment Proposed:

Immediately after item "c" insert item "d" as follows:

- "d. Coal Power Projects" (*Senator Philip T. Aduda — FCT*).

Question that the amendment be made, put and agreed to.

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Ministry of Power, Works and Housing to use gas as the source of Energy for the Kaduna Project in accordance with the original project concept and the Memorandum of Understanding (MOU) signed with gas suppliers to complete the project as adequate provision has been made for the project in the 2017 Budget — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government to employ qualified management team to take charge of the project development in the SPVs and gradually resource the companies in readiness for full operations when the projects are commissioned — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Federal Government to transfer all generation, transmission and rural electrification projects to the respective agencies for proper administration — *Agreed to.*

Proposed Resolution(v):

Question: That the Senate do urge the above-named SPVs when created to comply with the provisions of the Electric Power Sector Reform (EPSR) Act by applying to NERC for the generation licenses and to the Transmission Company of Nigeria (TCN) for Grid inter-connection approval — *Agreed to.*

Additional proposed Resolution:

Insert Additional proposed Resolution as follows:

“That the Senate do urge the Federal Government to appoint a separate Minister for the Ministry of Power” (*Senator Francis A. Alimikhena — Edo Central*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the Federal Government to immediately incorporate Special Purpose Vehicles (SPVs) for the implementation of the following alternative energy projects:
 - a. Hydropower Projects;
 - b. Solar Power Projects;
 - c. Wind Power Projects; and
 - d. Coal Power Projects.
 - (ii) urge the Federal Ministry of Power, Works and Housing to use gas as the source of Energy for the Kaduna Project in accordance with the original project concept and the Memorandum of Understanding (MOU) signed with gas suppliers to complete the project as adequate provision has been made for the project in the 2017 Budget;
 - (iii) urge the Federal Government to employ qualified management team to take charge of the project development in the SPVs and gradually resource the companies in readiness for full operations when the projects are commissioned;
 - (iv) urge the Federal Government to transfer all generation, transmission and rural electrification projects to the respective agencies for proper administration;
 - (v) urge the above-named SPVs when created to comply with the provisions of the Electric Power Sector Reform (EPSR) Act by applying to NERC for the generation licenses and to the Transmission Company of Nigeria (TCN) for Grid inter-connection approval; and
 - (vi) urge the Federal Government to appoint a separate Minister for the Ministry of Power (*S/Res/080/03/17*).
- (g) *The Need for all to preserve and protect the Core Values and benefits of NYSC by implementing Presidential Directives to strengthen the unity of the Nation:*

Consideration of Motion deferred to another Legislative Day.

(h) ***The Anchor Borrowers Programme and its benefits to farmers:***

Motion made: That the Senate is aware that the Central Bank of Nigeria (CBN) in line with its developmental function established the Anchor Borrowers Programme which is intended to create a linkage between anchor companies involved in processing of key agricultural commodities and small holders farmers;

worried about the unpredictable price of crude oil and its resultant effect on the revenue profile of the country;

concerned that there is need to boost agricultural production and non-oil exports in order to diversify the economy from solely depending on oil revenue;

further concerned that there is need to create economic linkage between small holder farmers and reputable large processors with a view to increasing agricultural output;

notes that there is the need to assist rural small-holder farmers to grow from subsistence to commercial production in order to reduce agricultural commodity importation and conserve external reserve and also increase capital utilization of agricultural firms;

recognizes that the thrust of the programme is the provision of farm inputs in kind and cash (for farm labour) to small holder farmers to boost production of these selected commodities, stabilize inputs to agro-processors and create a new generation of farmers/entrepreneurs thereby assuring employment;

notes that loans granted to the small-holder farmers under this programme are to be repaid with harvested produce delivered to the anchor and must cover the loan principal and interest which must not be above 9% per annum;

concerned that the Central Bank of Nigeria (CBN) and the Presidential Committee on Rice Production launched the programme in some States like Kebbi, Jigawa, Ebonyi, Sokoto, Imo and Cross River which has led to massive production and exportation of rice in 2017; and

aware that the programme has led to massive cultivation, self-sustenance in food production and job creation for the unemployed youth through farming in the selected States where the programme is being practiced.

Accordingly resolves to:

- (i) urge Government at all levels to embrace the Anchor Borrowers Programme;
- (ii) urge the Federal Ministry of Agriculture and Rural Development, Presidential Committee on Rice Production and other Agencies concerned to sustain the momentum in States where the programme is already launched; and
- (iii) mandate the Committee on Agriculture and Rural Development to investigate the circumstances surrounding the delay in extending this laudable intervention programme to other States and the Federal Capital Territory (*Senator Mohammed S. Lafiagi — Kwara North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge Government at all levels to embrace the Anchor Borrowers Programme — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Ministry of Agriculture and Rural Development, Presidential Committee on Rice Production and other Agencies concerned to sustain the momentum in States where the programme is already launched — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do mandate the Committee on Agriculture and Rural Development to investigate the circumstances surrounding the delay in extending this laudable intervention programme to other States and the Federal Capital Territory —
Agreed to.

Additional proposed Resolution:

Insert Additional proposed Resolution as follows:

“That the Senate do urge the farmers to insure their produce against natural occurrences ” (Senator Umar I. Kurfi — Katsina Central).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge Government at all levels to embrace the Anchor Borrowers Programme;
- (ii) urge the Federal Ministry of Agriculture and Rural Development, Presidential Committee on Rice Production and other Agencies concerned to sustain the momentum in States where the programme is already launched;
- (iii) mandate the Committee on Agriculture and Rural Development to investigate the circumstances surrounding the delay in extending this laudable intervention programme to other States and the Federal Capital Territory; and
- (iv) urge the farmers to insure their produce against natural occurrences (S/Res/081/03/17).

7. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do consider the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (a) Mr. Abu Timothy Achile on behalf of his Late Father S. O. Abu, against the Nigerian National Petroleum Corporation (NNPC) for non-payment of his benefits, entitlements, pension and gratuity;
- (b) Mr. Arinze John, against Nigerian Prisons Service (NPS) for alleged wrongful retirement from the Service;
- (c) ASP Anthony Igwe Mgbeojirikwe, against the Nigeria Police for unlawful suspension from duty by the Police;
- (d) Comrade Princewill Okorie on behalf of the Association for Public Policy Analysis, against the Federal Medical Centre, Owerri, over the crisis between the Hospital Management, led by Dr. Angela Uwakwem and the Hospital Staff Union which crippled service delivery at the Centre;
- (e) Jude Anyanwu on behalf of TransGlobal Insurance Brokers Limited, against National Identity Management Commission for refusal to pay outstanding premium;
- (f) Lekan Alabi, Esq. on behalf of Mr. Aina Isiaka Babalola, against Federal Housing Authority (FHA) for alleged unlawful termination of his appointment by the Authority;
- (g) PC Celestine Williams, against the Nigeria Police for unlawful dismissal from the Police;
- (h) PC Ovuomariani Akpometeaho, against the Nigeria Police for alleged unlawful dismissal from the Police;

- (i) Complaint of breach of personal privilege by the Senate Leader, Senator Ahmad Lawan, against ThisDay and Punch Newspapers for publication of untrue and damaging stories about his person;
- (j) Complaint from Senator Matthew Urhohide (*Edo South*), against Mr. Babachir David Lawal, Secretary to the Government of the Federation (SGF), over a publication in the Daily Trust Newspaper of 28th June, 2016 which allegedly infringed on his privilege and threatened his representation as a Senator of the Federal Republic of Nigeria; and
- (k) Sergeant Biyo Ladong, against the Nigeria Police for unlawful verbal dismissal from the Police.

Consideration of Reports deferred to another Legislative Day.

8. Committee on Culture and Tourism:

Report on the National Institute for Hospitality and Tourism (Establishment, etc) Bill, 2017 (SB.380):

Consideration of Report deferred to another Legislative Day.

9. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 18th October, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:49 p.m.

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.