SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 27th September, 2016

1. The Senate met at 10:00 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 22nd September, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Oaths:**
Senators-Elect, Uwajumogu Benjamin Chukwu (*Imo North*) and Alfa Isaac Mohammed (*Kogi East*) took and subscribed to Oaths of Allegiance and Membership as required by law.

4. **Presentation of Bills:**
(*i*) Chartered Institute of Loan and Risk Management of Nigeria (Establishment, etc.) Bill, 2016 (HB.77) — *Read the First Time.*

(*ii*) Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2016 (HB. 91) — *Read the First Time.*

(*iii*) National Child Protection and Enforcement Agency (Establishment, etc.) Bill, 2016 (HB.127) — *Read the First Time.*

(*iv*) Economic and Financial Crimes Commission Act CAP El LFN 2004 (Amendment) Bill, 2016 (HB. 227) — *Read the First Time.*

(*v*) Dishonored Cheques (Offences) Act CAP 011 LFN 2004 (Amendment) Bill, 2016 (HB.288) — *Read the First Time.*

5. **Executive Communication:**
Confirmation of Nomination
Motion made: That the Senate do consider the request of the President Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of Appointment of Justices of Supreme Court of Nigeria:

S/N	Name	Position	State of Origin/Zonal Representatives
1.	Hon. Justice Ejembi Eko, JCA	North Central	Benue
2.	Hon. Justice Amina A. Augie, JCA	North West	Kebbi

(*Senate Leader*).

Question put and agreed to.

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Request accordingly referred to the Committee on Judiciary, Human Rights and Legal Matters to report within two (2) weeks.

6. Motions: 1

(a) Inconclusive Elections:

Motion made: The Senate is aware that effective, efficient and reliable electoral institutions are an elixir to any credible electoral system and a panacea to fledging and enduring democratic system all over the world;

further aware that the electoral reforms vide amendments to the Constitution of the Federal Republic of Nigeria 1999, and the Electoral Act in 2010 placed Nigeria's electoral system on sound pedestal and culminated in the globally acclaimed improvements in the 2011 and 2015 general elections;

notes with deep concern that at least 20 States of the Federation have no resident Electoral Commissioners, RECs, contrary to Section 14 (2) of the Third Schedule of the 1999 Constitution (as Amended);

further notes that the INEC cannot function optimally without the full complement of members that will superintend the activities of other personnel;

observes that the failure of INEC to conduct rerun elections within the time frame ordered by respective Election Petition Tribunals/Courts is in breach of Electoral Act and Section 76 of the 1999 Constitution thus endangers the nation's democracy;

concerned that this worrisome trend of inconclusive elections and whimsical postponement of elections; are wrong signals and symptoms that cannot just be dismissed with wave of hands;

further concerned that developments at few electoral exercises carried out so far by our electoral umpire has left much to be desired being a research sample of the entire population;

worried about the fate of the 2019 general elections in the face of the present state of inconclusive elections and postponements; and

further worried that this trend has left both chambers of the National Assembly and some State Houses of Assembly without the full complement of their membership, while millions of Nigerians are left without representatives for a long period of time contrary to Section 14(2)(c)of the 1999 Constitution as amended.

Accordingly resolve to:

(*i*) call on the President of the Federal Republic of Nigeria to immediately nominate suitably qualified persons to fill the vacant positions at Independent National Electoral Commission (INEC) in line with the Constitution to enhance the capacity of INEC to conduct conclusive elections;

(*ii*) call on Independent National Electoral Commission (INEC) to immediately conclude all pending rerun elections in the country; and

(*iii*) constitute an Ad hoc Committee to hold a Public Hearing to review the performance of the Independent National Electoral Commission (INEC) in the last one year with a view to ascertain the factors that may have caused the perceived decline of the electoral system (*Senator Ike Ekweremadu — Enugu West*).

Debate:

Proposed Resolution (i):
Question: That the Senate do urge the President of the Federal Republic of Nigeria to immediately nominate suitably qualified persons to fill the vacant positions at Independent National Electoral Commission (INEC) in line with the Constitution to enhance the capacity of INEC to conduct conclusive elections — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge the Independent National Electoral Commission (INEC) to immediately conclude all pending rerun elections in the country — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do constitute an Ad hoc Committee to hold a Public Hearing to review the performance of the Independent National Electoral Commission (INEC) in the last one year with a view to ascertain the factors that may have caused the perceived decline of the electoral system.

Amendment Proposed:
Leave out Proposed Resolution (iii) and *insert* the following instead thereof:
That the Senate do direct the Committee on Independent National Electoral Commission (INEC) to hold a Public Hearing to review the performance of the INEC in the last one year with a view to ascertain the factors that may have caused the perceived decline of the electoral system (*Senator Mohammed A. Ndume — Borno South).*

Question that the amendment be made put agreed to.

Additional Proposed Resolution:
Insert Additional Proposed Resolution as follows:
"That the Senate do urge the Independent National Electoral Commission (INEC) to urgently conclude the delineation of additional constituencies in State Assemblies throughout the country in line with the agreement that State constituencies should be three (3) times Federal Constituencies" (*Senator Barnabas A. I. Gemade — Benue North-East).*
Question that the amendment be made put agreed to.

Resolved:
That the Senate do:

(*i*) call on the President of the Federal Republic of Nigeria to immediately nominate suitably qualified persons to fill the vacant positions at Independent National Electoral Commission (INEC) in line with the Constitution to enhance the capacity of INEC to conduct conclusive elections;

(*ii*) call on Independent National Electoral Commission (INEC) to immediately conclude all pending rerun elections in the country;

(*iii*) direct the Committee on Independent National Electoral Commission (INEC) to hold a Public Hearing to review the performance of the INEC in the last one year with a view to ascertain the factors that may have caused the perceived decline of the electoral system; and

(*iv*) urge the Independent National Electoral Commission (INEC) to urgently conclude the delineation of additional constituencies in State Assemblies throughout the country in line with the agreement that State constituencies should be three (3) times Federal Constituencies ***(S/Res/016/02/16).***

(b) ***Unscrupulous Violation of the Foreign Exchange (Monitoring and Miscellaneous) Act:*** *Motion made:* That the Senate notes with serious concern the repatriation of $13.92 Billion illegally out of Nigeria by Mobile Telecommunication Limited (MTN) through its bankers between 2006 and 2016;

aware that MTN was incorporated in Nigeria as a private limited liability company on the 8th of November, 2000 obtaining its operating licence with $284,906,275.89 on 6th February, 2001;

observes that MTN did not request for certificate of capital importation from its bankers Standard Chartered Bank within the regulatory period of 24 hours of the inflow;

observes also that the Central Bank of Nigeria (CBN) was not notified of this inflow by Standard Chartered Bank within 48 hours of receipt and conversion of the proceeds to Naira as required by regulations;

further observes that the sum of $117,683,987 Billion was also brought in by MTN between 2001 and 2003 in three (3) different tranches;

concerned that since inception, MTN had sought the collaboration of influential and unpatriotic Nigerians to assist them in looting our external reserves;

pained that these Nigerians including a serving Minister who MTN used in moving $13.92 Billion out of Nigeria which is over 50% of our External Reserves floated and incorporated offshore SPVs in Cayman Island, Mauritius and British Virgin Island as follows:

NAMES OF SPVs	PROMOTERS/SHAREHOLDERS	SHARE LOAN BETWEEN MTN SOUTH AFRICA
1. Cel Telephone Investment Ltd - Port-Louis, Mauritius	Dr. Pascal Dozie Dr. Okechukwu Elenemah	$20,749,532.08
2. Celtel funded shares SPV(was renamed NISPV LTD in 2008) - Port-Louis, Mauritius Ahmed Dasuki	Dr. Pascal Dozie Ahmed Dasuki Gbenga Oyebode Babatunde Folawiyo Dr. Okechukwu Elenemah	$2,019,232.00
3. Mobile Communication Investment Ltd Port Louis, Mauritius	Mohammed Sanni Bello	$3,862,985.72
4. Mobile Communication Holdings -Port Louis, Mauritius	Mohammed Sanni Bello	$3,454,102.48
5. Hermitage Overseas Corporation Ltd	Victor Odili	$10,273,986.67
6. SASPV Ltd.	Ahmed Dasuki	$10,058,991.69
7. N Cell Limited Geneva Water Front drive, British Virgin Island	Gbenga Oyebode	$4,512,593.03
8. Universal Communication Ltd - Barkly House George Town, Cayman Island	Babatunde Folawiyo	$5,534,941.56

Alarmed that the Minister of Industry, Trade and Investment Dr. Okechukwu Elenemah, owner of CELTELCOM Investment Limited with address at No. 608 St. James, Denis

Street Port- Louis, Mauritius purportedly claimed to invest in MTN on 7th February, 2008, got certificate of capital importation and filled form A on the same date, (7th February, 2008), closed his investment in Nigeria after receiving dollars payment for repatriation to New York same day;

aware that these offshore entities were offered shareholders loan and their repayment to the extent of repatriation of proceeds of dividends back to MTN International South Africa through the entities and operators of Special Purpose Vehicles (SPVs) brought on board as Directors of MTN communications;

observes that after 5 years of operation in Nigeria, the Management of MTN Nigeria Limited suddenly realized that they needed certificate of capital importation to enable them commence repatriation of funds realized from their businesses;

observes also that MTN directed their bankers i.e. Standard Chartered Bank, Citi Bank and Diamond Bank to issue certificate of capital importation for inflows that came in 5 to 7 years ago which their bankers obliged to without the relevant approval from CBN;

aware that MTN bankers in strict violation of Section 15 of the Foreign Exchange (Monitoring and Miscellaneous) Act, 1995 which state inter alia:-

(1) Any person may invest in any enterprise or security, with foreign currency or capital imported into Nigeria through an Authorized Dealer either by telegraphic transfer, cheques or other negotiable instruments and converted into the naira in the Market in accordance with the provisions of this Act;

(2) The Authorized Dealer through which the foreign currency or capital for the investment referred to in subsection (1) of this section is imported shall, within 24 hours of the importation, issue a Certificate of Capital Importation to the investor and shall, within 48 hours thereafter, make returns to the Central Bank giving such information as the Central Bank may, from time to time, require;

(3) The Central Bank shall furnish to the Minister, on a quarterly basis, detailed reports on the returns furnished to the Central Bank under subsection (2) of this section for information and statistical purposes only;

(4) Foreign currency imported into Nigeria and invested in any enterprise pursuant to subsection (1) of this section shall be guaranteed unconditional transferability of funds, through an Authorized Dealer in freely convertible currency, relating to-

(a) dividends or profits (net of taxes) attributable to the investment;

(b) payments in respect of loan servicing where a foreign loan has been obtained; and

(c) the remittance of proceeds (net of all taxes) and other obligations in the event of sale or liquidation of the enterprise or any interest attributable to the investment; and

(5) The repatriation referred to in subsection (4) of this section shall be communicated by an Authorized Dealer to the Central Bank, within fourteen days of the repatriation and the Central Bank shall furnish same to the Minister on a monthly basis for information and statistical purposes only.

Issued without compliance of the above Act and Memorandum 22 of the CBN Foreign Exchange Manual in the sum of:

i.	Stanbic IBTC	$4.87 Billion
ii.	Standard Chartered Bank	$5.72 Billion

iii.	Citi Bank	$2.98 Billion
iv.	Diamond Bank	$0.35 Billion; and

convinced that this is not healthy for a country that is struggling to come out of its economic down turn.

Accordingly resolves to:
mandate the Committee on Banking, Insurance and other Financial Institutions to carry out a holistic investigation into the matter and report within two (2) weeks (*Senator Dino Melaye — Kogi West*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committee on Banking, Insurance and other Financial Institutions to carry out a holistic investigation into the matter and report within two (2) weeks — *Agreed to.*

Resolved:
That the Senate do mandate the Committee on Banking, Insurance and other Financial Institutions to carry out a holistic investigation into the matter and report within two (2) weeks ***(S/Res/017/02/16)***.

7. **Ad hoc Committee on the State of the Economy:**
Report on the Ad hoc Committee on the harmonization of the Resolutions on the State of the Economy:
Motion made: That the Senate do receive and consider the Report of Ad hoc Committee on the harmonization of the Resolutions on the State of the Economy (*Senator Yahaya A. Abdullahi — Kebbi North*).

Question put and agreed to.

Report Laid and presented.

Debate

Proposed Resolution (i):
Question: That the Executive should, as a matter of urgency, prepare an Economic Stimulus Bill containing all the fiscal stimulus packages, investments, and incentives designed to pull the Country out of recession, to the National Assembly for accelerated consideration and passage — *Agreed to.*

Proposed Resolution (ii):
Question: That fiscal and monetary authorities must meet to harmonize all policies that lower interest rates for genuine investors in the real sector as well as medium and small scale farmers and processors — *Agreed to.*

Proposed Resolution (iii):
Question: Urgently raise capital to shore up the nation's foreign reserves in order to discourage currency speculation and stabilize the economy. In this regard, Senate is aware of the controversy the issue of the sales of assets has generated. But we still believe that given the severity of the crisis that faces the nation, this issue deserves sober reconsideration. It may involve parting with moribund and loss-making assets in sales agreements that contain buy-back clauses; partial sale of interests in on-going ventures and financial institutions, etc. This very sensitive issue should be approached from a commitment to protecting the common patrimony of Nigerians by preventing the assets from falling into the hands of sharks, assets strippers and cannibilizers while also

guarding against the fueling of further inequities in the society and polity. The Government should consider the needs of the economy and set itself a target amount to be met and raise funds to meet those targets — *Negatived.*

Proposed Resolution (iv):
Question: In order to shore up our foreign reserves, Government should explore every avenue to restore the oil production target of 2.2 million barrels per day. Peaceful means should be immediately crafted and adopted to stop the vandalization of petroleum and gas assets in the Niger Delta Region — *Agreed to.*

Proposed Resolution (v):
Question: In order to avoid flooding the market with excess liquidity, release of low interest funding under the stimulus package (Special Intervention Funds) should be calibrated, targeted and monitored in favour of specific industries and projects that add immediate value to the economy by way of job creation, cost reduction and import substitution. Such projects and programmes should include:

— Social safety-net programmes;
— Immediate release of funds to address the humanitarian crises in the North East Zone;
— Power generation, transmission and distribution;
— Agricultural value chain;
— Textile manufacturing and garment industry;
— National highway network construction and maintenance;
— Railway construction and maintenance;
— Motor vehicle assembly plants;
— Completion and commissioning of Ajaokuta Steel Complex and associated industries; and
— Project and investments in the Arts, Science and Technology, particularly by raising the profile of our music and film industries and funding start-ups in new technology and ICT — *Agreed to.*

Proposed Resolution (vi):
Question: Government must engage in meaningful and inclusive dialogue with the aggrieved Niger Delta Militants to avoid an escalation of the unrest in the region and ensure protection of our Nation's oil and gas assets to facilitate increase in oil production and boost revenue therefrom. To this end, Senate advises Mr President to as a matter of urgency, appoint a Senior Special Adviser who should lead a team that coordinates the Government's engagement with all Stakeholders in the Niger Delta Region. This team should include Senators from the zone, and should oversee and advise on all the interventions and negotiations that are necessary to bring peace and stability to the Region.

Amendment Proposed:
Leave out Proposed Resolution (vi) and *insert* the following instead thereof:
Government must engage in meaningful and inclusive dialogue with the aggrieved Niger Delta Militants to avoid an escalation of the unrest in the region and ensure protection of our Nation's oil and gas assets to facilitate increase in oil production and boost revenue therefrom. To this end, Senate advises Mr President to as a matter of urgency, raise a team that should coordinate the governments engagement with all stakeholders in the Niger Delta region and this team should include the elected representatives from the zone (*Senator James E. Manager — Delta South*).

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

Proposed Resolution (vii):
Question: Urgently negotiate foreign concessionary borrowing instruments to provide funds to cover revenue shortfalls to ensure the full implementation of 2016 Budget and Government accelerated infrastructural development programme — *Agreed to.*

Proposed Resolution (viii):
Question: Restrict and cap the issuance of local debt instruments (Bonds and Treasury Bills) so that the government does not crowd-out local investors from the market — *Agreed to.*

Proposed Resolution (ix):
Question: Review and ensure the payment of all genuine domestic debts owed to local contractors who had satisfactorily completed the jobs ordered by the Government — *Agreed to.*

Proposed Resolution (x):
Question: Settle all outstanding salaries and pension liabilities — *Agreed to.*

Proposed Resolution (xi):
Question: Leverage the use of pension and insurance funds to provide long-term capital for on lending to targeted agriculture, industry and housing projects — *Agreed to.*

Proposed Resolution (xii):
Question: The Executive should re-constitute the Board of the Central Bank of Nigeria (CBN) and all other critical Agencies in order to ensure that they operate in accordance with the enabling laws — *Agreed to.*

Proposed Resolution (xiii):
Question: Efforts should be made through executive action or legislation to encourage the telecommunication companies to float their shares in the Nigerians stock market — *Agreed to.*

Proposed Resolution (xiv):
Question: Fiscal Responsibility Act should be leveraged to encourage States and Local Governments to be prudent and accountable in their revenues and expenditures arrangements — *Negatived.*

Proposed Resolution (xv):
Question: The current case of unaccounted oil export involving some companies need to be pursued vigorously to its logical conclusion — *Negatived.*

Proposed Resolution (xvi):
Question: Pending the establishment of the North-East Development Commission, Government should immediately set-up an ad hoc committee for the reconstruction of the North-East and rehabilitation and resettlement of all the Internally Displaced Persons (IDPs) — *Agreed to.*

Proposed Resolution (xvii):
Question: The President should consider the establishment of Council of Economic Advisers made up of experts in economic management, to proffer advice on the initiation and co-ordination of economic policies, in order to restore confidence in the conduct of government businesses — *Agreed to.*

Proposed Resolution (xviii):
Question: Eliminate the fear factor presently hurting the conduct of business relationships and driving away investors by: establishing a platform for a pro-business oriented leadership level engagement to boost market confidence, and conducting the anti-graft and financial crimes operations within the ambits of rule of law and avoid releasing information to the media before full investigation is concluded and evidence brought before a court of competent jurisdiction — *Agreed to.*

Proposed Resolution (xix):
Question: Retool export promotion policy scheme with export incentives such as the resumption of the Export Expansion Grant (EEG), and introduction of export financing initiatives — *Agreed to.*

Proposed Resolution (xx):
Question: National Assembly is always ready to engage the Executive in order to create the necessary synergy on all matters of economic and social interventions that are capable of bringing succor to Nigerians. In this respect, the President is urged to consider building and institutionalizing an enduring partnership with the Legislature for the promotion and sustenance of good governance and economic policy formation and implementation — *Agreed to.*

Proposed Resolution (xxi):
Question: On our part, the National Assembly shall:

i. Institute legislative framework with timelines for certain key government policies especially in area of agriculture and mineral sub-sector, to boost investors' confidence in government and protect them against policy reversals likely to jeopardize their investments;

ii. Examine, prioritize and fast track the consideration and passage of the following Bills capable of reviving the national economy and providing favourable level playing environment for both local and foreign investors:
— Petroleum Industry Bill;
— National Development Bank of Nigeria (Establishment) Bill;
— Nigerian Ports and Harbours Authority Act (Amendment) Bill;
— National Road Fund (Establishment) Bill;
— National Transport Commission Act, 2001 (Amendment) Bill;
— Warehouse Receipts Act (Amendment) Bill;
— Companies and Allied Matters Act (CAMA) (Amendment) Bill;
— Investment and Securities Act (ISA);
— Customs and Excise Management Act;
— Federal Competition Bill; and
— National Road Authority Bill.

iii. Immediately commence a sustained oversight drive to monitor the activities of the Executive in the implementation of the 2016 Budget. To this end, all Committees of the National Assembly will be empowered to undertake regular visits, checks and engagements that will ensure the full implementation of the Budget, and the Government's stimulus plan — *Agreed to.*

Additional Proposed Resolutions:
Insert Additional Proposed Resolutions as follows:

(*i*) That the Senate is not in support of the sales of National Assets (*Senator Mohammed A. Ndume — Borno South).*

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

(*ii*) That the Senate do urge the Federal Government as a matter of urgency to re-negotiate the terms of engagement with our Joint Venture partners in relation to production cost and profit sharing favourable to Nigeria (*Senator Ike Ekweremadu — Enugu West).*

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

(*iii*) That the Senate do urge the Federal Government to commit 10% of the national budget to agriculture and solid minerals (*Senator Emmanuel Bwacha — Taraba South).*

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

(*iv*) That the Senate invite the Executive Secretary of the Financial Reporting Council of Nigeria to brief the Senate on the recovered funds (*Senator Dino Melaye — Kogi West*).

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

(v) That the Senate Leadership present these recommendations to Mr. President Commander-in-Chief of the Armed Forces of the Federation by hand (*Senator Dino Melaye — Kogi West*).

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

(vi) That the Report of the Ad hoc Committee on Power on the review of the sales in the power sector be presented to the Senate (*Senator Suleiman O. Hunkuyi — Kaduna North*).

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

(vii) That the Parliament amend Section 162 of the 1999 Constitution to make it compulsory to save part of the money in the Federation Account on a sustainable basis (*Senator Ike Ekweremadu — Enugu West*).

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

Resolved:

(*i*) The Executive should, as a matter of urgency, prepare an Economic Stimulus Bill containing all the fiscal stimulus packages, investments, and incentives designed to pull the Country out of recession, to the National Assembly for accelerated consideration and passage;

(*ii*) The fiscal and monetary authorities must meet to harmonize all policies that lower interestrates for genuine investors in the real sector as well as medium and small scale farmers and processors;

(*iii*) In order to shore up our foreign reserves, Government should explore every avenue to restore the oil production target of 2.2 million barrels per day. Peaceful means should be immediately crafted and adopted to stop the vandalization of petroleum and gas assets in the Niger Delta Region;

(*iv*) In order to avoid flooding the market with excess liquidity, release of low interest funding under the stimulus package (Special Intervention Funds) should be calibrated, targeted and monitored in favour of specific industries and projects that add immediate value to the economy by way of job creation, cost reduction and import substitution. Such projects and programmes should include:

- Social safety-net programmes;
- Immediate release of funds to address the humanitarian crises in the North East Zone;
- Power generation, transmission and distribution;
- Agricultural value chain;
- Textile manufacturing and garment industry;
- National highway network construction and maintenance;
- Railway construction and maintenance;
- Motor vehicle assembly plants;
- Completion and commissioning of Ajaokuta Steel Complex and associated industries; and
- Project and investments in the Arts, Science and Technology, particularly by raising the profile of our music and film industries and funding start-ups in new technology and ICT.

(*v*) Government must engage in meaningful and inclusive dialogue with the aggrieved Niger Delta Militants to avoid an escalation of the unrest in the region and ensure protection of our Nation's oil and gas assets to facilitate increase in oil production and boost revenue therefrom. To this end, Senate advises Mr President to as a matter of urgency, raise a team that should coordinate the governments engagement with all stakeholders in the Niger Delta region and this team should include the elected representatives from the zone;

(*vi*) Urgently negotiate foreign concessionary borrowing instruments to provide funds to cover revenue shortfalls to ensure the full implementation of 2016 Budget and Government accelerated infrastructural development programme;

(*vii*) Restrict and cap the issuance of local debt instruments (Bonds and Treasury Bills) so that the government does not crowd-out local investors from the market;

(*viii*) Review and ensure the payment of all genuine domestic debts owed to local contractors who had satisfactorily completed the jobs ordered by the Government;

(*ix*) Settle all outstanding salaries and pension liabilities;

(*x*) Leverage the use of pension and insurance funds to provide long-term capital for on lending to targeted agriculture, industry and housing projects;

(*xi*) The Executive should re-constitute the Board of the Central Bank of Nigeria (CBN) and all other critical Agencies in order to ensure that they operate in accordance with the enabling laws;

(*xii*) Efforts should be made through executive action or legislation to encourage the telecommunication companies to float their shares in the Nigerians stock market;

(*xiii*) Pending the establishment of the North-East Development Commission, Government should immediately set-up an ad-hoc committee for the reconstruction of the North-East and rehabilitation and resettlement of all the Internally Displaced Persons (IDPs);

(*xiv*) The President should consider the establishment of Council of Economic Advisers made up of experts in economic management, to proffer advice on the initiation and co-ordination of economic policies, in order to restore confidence in the conduct of government businesses;

(*xv*) Eliminate the fear factor presently hurting the conduct of business relationships and driving away investors by: establishing a platform for a pro-business oriented leadership level engagement to boost market confidence, and conducting the anti-graft and financial crimes operations within the ambits of rule of law and avoid releasing information to the media before full investigation is concluded and evidence brought before a court of competent jurisdiction;

(*xvi*) Retool export promotion policy scheme with export incentives such as the resumption of the Export Expansion Grant (EEG), and introduction of export financing initiatives;

(*xvii*) National Assembly is always ready to engage the Executive in order to create the necessary synergy on all matters of economic and social interventions that are capable of bringing succor to Nigerians. In this respect, the President is urged to consider building and institutionalizing an enduring partnership with the Legislature for the promotion and sustenance of good governance and economic policy formation and implementation

(*xviii*) On our part, the National Assembly shall:

i. Institute legislative framework with timelines for certain key government policies especially in area of agriculture and mineral sub-sector, to boost investors' confidence in government and protect them against policy reversals likely to jeopardize their investments;

ii. Examine, prioritize and fast track the consideration and passage of the following Bills capable of reviving the national economy and providing favourable level playing environment for both local and foreign investors:

- Petroleum Industry Bill;
- National Development Bank of Nigeria (Establishment) Bill;
- Nigerian Ports and Harbours Authority Act (Amendment) Bill;
- National Road Fund (Establishment) Bill;
- National Transport Commission Act, 2001 (Amendment) Bill;
- Warehouse Receipts Act (Amendment) Bill;
- Companies and Allied Matters Act (CAMA) (Amendment) Bill;
- Investment and Securities Act (ISA);
- Customs and Excise Management Act;
- Federal Competition Bill; and
- National Road Authority Bill.

iii. Immediately commence a sustained oversight drive to monitor the activities of the Executive in the implementation of the 2016 Budget. To this end, all Committees of the National Assembly will be empowered to undertake regular visits, checks and engagements that will ensure the full implementation of the Budget, and the Government's stimulus plan; and

(*xix*) That the Senate is not in support of the sales of National Assets;

(*xx*) That the Senate do urge the Federal Government as a matter of urgency to re-negotiate the terms of engagement with our Joint Venture partners in relation to production cost and profit sharing favourable to Nigeria;

(*xxi*) That the Senate do urge the Federal Government to commit 10% of the national budget to agriculture and solid minerals;

(*xxii*) That the Senate invite the Executive Secretary of the Financial Reporting Council of Nigeria to brief the Senate on the recovered funds;

(*xxiii*) That the Senate Leadership present these recommendations to Mr. President Commander-in-Chief of the Armed Forces of the Federation by hand;

(*xxiv*) That the Report of the Ad hoc Committee on Power on the review of the sales in the power sector be presented to the Senate;

(*xxv*) That the Parliament amend Section 162 of the 1999 Constitution to make it compulsory to save part of the money in the Federation Account on a sustainable basis ***(S/Res/018/02/16)***.

8. *Motions: II*

(*a*) ***Earth Tremor and the Preparedness of Nigeria to Deal with its Intending Consequences:*** *Motion made:* That the Senate notes the Earth Tremor that occurred in Kwoi and its environs in Jaba LGA of Kaduna State on Sunday the 11th through Monday the 12th September, 2016 and the increasing rate of earth tremors occurrence in Nigeria in recent time, there is the likelihood of witnessing earthquake in the near future;

notes also that the vibrations that rattled Kwoi, headquarters of Jaba Local Government Area of Kaduna State, about 250km South of Kaduna metropolis, continued all through Sunday and continued till sunrise the next day after the initial two vibrations in the rocky town that occurred between 10:30am and 12:30pm on Sunday;

notes that earth tremor is a quivering or vibration caused by slippage of the earth's crust at a fault, especially before or after a major earthquake and there has not been any major earthquake in Nigeria yet, but the reports of earth tremors in parts of the country recently is sign enough that Nigeria is not immune to that natural disaster;

saddened that the tremor has left in its trail a traumatic experience to the inhabitants of Kwoi and its environs and also caused serious cracks to public and private buildings thereby making the habitation fearful and dangerous;

recalls that the first widely reported occurrence of an earth tremor in Nigeria was in 1933. Other tremors were reported in 1939, 1964, 1984, 1990, 1994, 1997,2000 and 2006. Following the tremor that occurred on September 11,2009, which affected western parts of the country, and this year, again, in Saki, Oyo, Bayelsa and Kaduna States, researchers have said that the incidences were signs that Nigeria was no longer safe as far as earthquake is concerned;

aware that the Lagos-Ibadan-Ijebu-Ode fault system was another belt where an earth tremor was witnessed in July and August 1984, stressing that these fault systems could serve as a zone of weakness for the propagation of shocks from far away plate boundaries;

aware also that earthquakes occur at places called faults where the jagged edges of two tectonic plates grind against each other and as the tectonic plates move in slow motion, sometimes two grinding plates suddenly jolt into a new position and the energy released by this movement creates an earthquake;

further aware that areas prone to earthquake in Nigeria include the fault systems (zones), including the NNE- SSW trending fault systems cutting across Ifewara, Zungeru, Anka and Kalangai linking up to the Atlantic Ocean fracture systems. It is a zone of concern and the areas at the proximity of these fault systems are at risk of earthquake/tremor;

recalls also that when it happened in Japan, Indonesia and the Philippines, among other places, the reverberation of the devastation and the resultant tsunami it caused is still being felt even today. A most recent one is in Italy, a country with a history of volcanic eruptions and earthquakes. Even with all that experience, a whole community was virtually wiped out resulting in hundreds dead and injured;

concerned that the Nigerian Association of Water-Well Drilling Rig Owners and Practitioners (AWDROP) has lamented that lack of underground water abstraction regulation in Nigeria could easily induce earthquake and sea water intrusion, hence the need for government to ensure strict compliance in the implementation of code of practice in borehole drilling in the country; and

concerned further that Nigeria is not adept at managing crises. Our experience in handling the Internally Displaced Persons (IDPs) further confirms the assertion that we still have a lot to learn as far as managing disasters are concerned. Floods, in our context, are serious challenges not to talk of tsunamis and impact of earthquakes.

Accordingly resolves to:

(*i*) urge the governments at all levels, to take the earth tremor warnings in parts of the country seriously and begin to take proactive measures to educate the populace on what to expect and how to react when it occurs;

(*ii*) urge the Federal Ministry of Water Resources to as a matter of urgency undertake the supply of Pipe Borne water across the Nigerian cities to discourage the incessant drilling of borehole;

(*iii*) urge the National Emergency Management Agency (NEMA), and the security agencies to move in immediately and through public enlightenment and drills prepare the people against any eventuality as the resources required at this stage will be minimal; and

(*iv*) mandate the Committees on Environment and Solid Minerals to undertake tour of the affected communities and report back to the Senate (*Senator Danjumah La'ah — Kaduna South*).

Debate:

Proposed Resolution (i):
Question: That the Senate do urge the governments at all levels, to take the earth tremor warnings in parts of the country seriously and begin to take proactive measures to educate the populace on what to expect and how to react when it occurs — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge the Federal Ministry of Water Resources to as a matter of urgency undertake the supply of pipe borne water across the Nigerian cities to discourage the incessant drilling of borehole — *Negatived.*

Proposed Resolution (iii):
Question: That the Senate do urge the National Emergency Management Agency (NEMA), and the security agencies to move in immediately and through public enlightenment and drills prepare the people against any eventuality as the resources required at this stage will be minimal — *Agreed to.*

Proposed Resolution (iv):
Question: That the Senate do mandate the Committee on Environment and Solid Minerals to undertake tour of the affected communities and report back to the Senate — *Agreed to.*

Additional Proposed Resolutions:
Insert Additional Proposed Resolutions as follows:

(*i*) That the Centre for Geodesy and Geodynamics should be adequately equipped to measure earth tremors in accordance with internationally accepted standards (*Senator Boroffice R. Ajayi — Ondo North).*

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

(*ii*) That the Senate do urge the Federal Government to establish a scientific earthquake observation and monitoring Centres in each of the six geo-political zones of Nigeria (*Senator Ibrahim A. Gobir — Sokoto East).*

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

Resolved:
That the Senate do:

(*i*) urge the governments at all levels, to take the earth tremor warnings in parts of the country seriously and begin to take proactive measures to educate the populace on what to expect and how to react when it occurs;

(*ii*) urge the National Emergency Management Agency (NEMA), and the security agencies to move in immediately and through public enlightenment and drills prepare the people against any eventuality as the resources required at this stage will be minimal;

(*iii*) mandate the Committees on Environment and Solid Minerals to undertake tour of the affected communities and report back to the Senate;

(*iv*) That the Centre for Geodesy and Geodynamics should be adequately equipped to measure earth tremors in accordance with internationally accepted standards; and

(*v*) That the do urge the Federal Government to establish a scientific earthquake observation and monitoring Centres in each of the six geo-political zones of Nigeria ***(S/Res/019/02/16)***.

(*b*) ***The need to ascertain the Degree of Local Content in the Nigerian Oil and Gas Industry:*** *Motion made:* That the Senate is aware that in 2002, the National Committee on Local Content Development (NCLCD) discovered that local participation in the upstream sector of the oil and gas industry in Nigeria was less than 5%, meaning that 95% of the then yearly expenditure of about 58 billion left the country;

further aware that the National Committee on Local Content Development (NCLCD) proposed initial targets of 40% by 2005 and 60% by 2010 for aggregate local content value in the oil and gas industry from all the categories;

notes that the Nigerian Oil and Gas Industry Content Development (NOGIC) Act was enacted in 2010 to promote indigenous participation in the management and control of the oil and gas industry;

further notes that many Nigerians who worked and gathered experience in International Oil Companies (IOCs) amongst others, have established their own oil and gas outfits;

convinced that there should be a preference for Nigerian companies whenever a bid is made for a license, permit or contract within the industry because of the protection the NOGIC Act gives to Nigerian companies;

conscious that the Petroleum Technology Development Fund (PTDF) and Petroleum Training Institute (PTI) were established to train Nigerians to qualify as professionals so as to meet the labour force demands of the oil and gas industry in Nigeria;

further conscious that the PTDF through its Overseas Scholarship Scheme (OSS) has trained over 2417 Msc. and 642 PhD students while 897 students received training through its Local Scholarship Scheme (LSS);

acknowledges that 1% of total contract sums awarded in the upstream sector are placed in the Nigerian Content Development Fund established for the purpose of funding the development of local content in the Nigerian Oil and Gas industry;

further acknowledges that the oil and gas sector accounts for about 35% of Nigeria's GDP and 90% of foreign exchange earnings. If Nigeria achieves local content compliance of about 60% then Nigeria's economy will achieve a major boost on account of the oil and gas sector;

concerned that despite the benefits accruing to indigenous oil and gas firms from the NOGIC Act, there is still a low involvement of indigenous players in the industry;

further concerned that the NOGIC Act has a threshold that applies to projects of $1,000,000 (one million US Dollars) and above yet the targets stipulated in the Act are far from being met;

disturbed that since 2010 the Nigerian Content Development Board has not transmitted a review of the local content schedule in the NOGIC Act to the National Assembly as stipulated in section 102 of the Act;

observes that Indonesia, Venezuela, Kazakhstan, Angola and Brazil, through specific legislation have had important local content successes;

further observes that in Brazil, the average of local content commitments resulting from bid rounds has increased from 27% to over 84%;

recognizes that in Angola, the local content targets have been met for unskilled workers and have been exceeded for mid level staff;

further recognizes that in Malaysia, the utilization of the local content in upstream oil and gas projects is in excess of 54.15%;

worried that Angola, Brazil, Malaysia amongst others have achieved higher local content levels than Nigeria even though all four countries discovered oil about 60 years ago; and

further worried that despite 6 years of implementation of the Nigerian Oil and Gas Industry Content Development Act (NOGIC), Nigeria is still importing over 70% of goods and services in offshore and deep water projects while also failing to meet the obligation of providing 100% of goods and services for land and swamp operations by Nigerian indigenous businesses.

Accordingly resolves to:

(*i*) mandate the Committees on Petroleum Upstream; and Gas to conduct a public hearing to investigate the implementation of local content with a view to determining the degree of compliance with the Nigerian Oil and Gas Industry Content Development Act (NOGIC) by industry operators; and

(*ii*) mandate the Committees on Petroleum Upstream; and Gas to investigate the utilization of the Nigerian Content Development Fund (*Senator Gershom O. Bassey — Cross River South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Committees on Petroleum Upstream; and Gas to conduct a public hearing to investigate the implementation of local content with a view to determining the degree of compliance with the Nigerian Oil and Gas Industry Content Development Act (NOGIC) by industry operators — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committees on Petroleum Upstream; and Gas to investigate the utilization of the Nigerian Content Development Fund — *Agreed to.*

Resolved:

That the Senate do:

(*i*) mandate the Committees on Petroleum Upstream; and Gas to conduct a public hearing to investigate the implementation of local content with a view to

determining the degree of compliance with the Nigerian Oil and Gas Industry Content Development Act (NOGIC) by industry operators; and

(*ii*) mandate the Committees on Petroleum Upstream; and Gas to investigate the utilization of the Nigerian Content Development Fund ***(S/Res/020/02/16)***

(*c*) ***Looming Crises in the Nigerian Aviation Industry:***
Motion made: That the Senate notes with concern the looming crises in the Nigerian aviation industry which portends grave danger to air safety and operations;

aware that the aviation Industry has been gasping for survival over some years now but worsened by the current economic recession. Let us also not forget that the Nigerian aviation industry has witnessed several problems in the past which have continued to threaten the stability of the industry;

notes that the aviation industry is strategic to any economy, and should not be left to shadowing existence and management as this could further cripple the nation's economic growth and development;

notes further that the economic problems faced by the industry is almost forcing some major domestic airline operators out of business and this will consequently result to massive loss of jobs thereby subjecting many more Nigerians and their families to intense hardship;

aware that a couple of weeks ago, Aero Contractors, Medview, First Nation, Arik and some other domestic Airlines suspended their operations resulting from poor economic activities and other surrounding factors affecting the industry;

notes with concern the recent statement by the Minister of State for Aviation in which he was quoted to have said that "the entire Aviation Sector in the Country was collapsing". That statement raises an alarm over the crises going on in the industry, and underscores the need for an emergency intervention and urgent reform of the sector to save the situation from total collapse;

aware of the potential dangers on Nigerian roads and any eventual closure of the air services will spell doom to the economy; unfortunately this is coming at the heels of the government quest for foreign investors;

regrettably, the situation faced by the airlines will not only discourage air travellers in Nigeria but will serve as a disincentive to foreign investors and tourism development; and

aware further that the Nigerian roads do not hold a better alternative to air transport neither does the nation have a functional rail system that connects the major cities and regions of the country that can carter for the need of travellers. The deplorable condition of the roads and the daily reported cases of armed robbery and kidnapping on our highways make it imperative for government to urgently look into the problems of the aviation industry in order to fashion out ways of remedying the situation and making travelling safer and interesting as well as support the growth of the economy.

Accordingly resolves to:
(*i*) mandate the Committee on Aviation and the Ministry of Aviation to liaise with the Nigerian Civil Aviation Authority (NCAA) to urgently look into the problems faced by the Airlines in order to fashion out possible solutions to the problem and avert the latent danger inherent in the crises;

(*ii*) urge the Federal Government to look into every possibility of intervening in the current situation faced by airline operators and if necessary grant a bailout to help stabilise the industry and the growth of the economy; and

(*iii*) urge the Federal Ministry of transport to urgently commence the rehabilitations of major highways and the rail system to serve as a viable and safe alternative to air travels (*Senator Samuel N. Anyanwu — Imo East*).

Debate:

Proposed Resolution (i):
Question: That the Senate do mandate the Committee on Aviation and the Ministry of Aviation to liaise with the Nigerian Civil Aviation Authority (NCAA) to urgently look into the problems faced by the Airlines in order to fashion out possible solutions to the problem and avert the latent danger inherent in the crises — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge the Federal Government to look into every possibility of intervening in the current situation faced by airline operators and if necessary grant a bailout to help stabilise the industry and the growth of the economy — *Negatived.*

Proposed Resolution (iii):
Question: That the Senate do urge the Federal Ministry of transport to urgently commence the rehabilitations of major highways and the rail system to serve as a viable and safe alternative to air travels.

Amendment Proposed:
Leave out Proposed Resolution (iii) and *insert* the following instead thereof:
That the Senate do urge the Federal Ministry of Power, Works and Housing to urgently commence the rehabilitation of major highways and the Ministry of Transport for the rail system to serve as a viable and safe alternative to air travels (*Senator Albert B. Akpan — Akwa Ibom North-East).*

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

Resolved:
That the Senate do:

(*i*) mandate the Committee on Aviation and the Ministry of Aviation to liaise with the Nigerian Civil Aviation Authority (NCAA) to urgently look into the problems faced by the Airlines in order to fashion out possible solutions to the problem and avert the latent danger inherent in the crises;

(*ii*) urge the Federal Ministry of Power, Works and Housing to urgently commence the rehabilitation of major highways and the Ministry of Transport for the rail system to serve as a viable and safe alternative to air travels ***(S/Res/021/02/16).***

(*d*) ***Indiscriminate Rock Blasting in the FCT and other parts of Nigeria (Bearing in mind that with the passage of the 2016 Appropriation Act, construction works will soon commence):***

Consideration of Motion deferred to another Legislative Day.

(*e*) ***The urgent need for value orientation and re-introduction of history as a course of study in the nations' educational sector:***

Consideration of Motion deferred to another Legislative Day.

(f) *Impending Power Sector Shutdown in Nigeria Occasioned by Liquidity Crisis:*

Consideration of Motion deferred to another Legislative Day.

(g) *The Total State of Disrepair and Collapse of the Enugu - Onitsha Federal Highway:*

Consideration of Motion deferred to another Legislative Day.

9. **Telecommunication and Postal Offences (Amendment) Bill, 2016 (HB.216):**
Motion made: Pursuant to Rule 81, that the Senate do consider the Telecommunication and Postal Offences Act CAP T5 LFN (Amendment) Bill, 2016 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

Debate:

Consideration of Bill deferred to another Legislative Day.

10. **National Crop Varieties, Livestock Breeds (Amendment) Bill, 2016 (HB.218):**

Consideration of Bill deferred to another Legislative Day.

11. **Produce (Enforcement of Export Standards) (Amendment) Bill, 2016 (HB.219):**

Consideration of Bill deferred to another Legislative Day.

12. **Prevention of Crimes (Amendment) Bill, 2016 (HB. 233):**

Consideration of Bill deferred to another Legislative Day.

13. **Adjournment:**
Motion made: That the Senate do now adjourn till Thursday, 29th September, 2016 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:57 *p.m.*

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.