

# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA ORDER PAPER

Wednesday, 19th July, 2023

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

# ORDERS OF THE DAY MOTIONS

1. Poor State of Road Infrastructure and Menace of Gully Erosion in Nigeria.

Sponsors: Sen. Barau, Jibrin (Kano North)

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Co-Sponsors:					
Sen. Kalu, Orji Uzor (Abia North)	Se				
Sen. Nwokocha, Darlington (Abia Central)	Se				
Sen. Yaroe, Binos Dauda (Adamawa South)	Se				
Sen. Etim, Bassey Aniekan (Akwa-Ibom Northeast)	Se				
Sen. Sampson, Akpan Ekong (Akwa-Ibom South)	Se				
Sen. Umeh, Victor Chukwunonyelu (Anambra Central)	) Se				
Sen. Ubah, Patrick Ifeanyi (Anambra South)	Se				
Sen. Ahmed, Abdul Ningi (Bauchi Central)	Se				
Sen. Dickson, Seriake Henry (Bayelsa West)	Se				
Sen. Konbowel, Benson Friday (Bayelsa Central)	Se				
Sen. Emmanuel, Udende Memga (Benue North East)	Se				
Sen. Zam, Titus Tartenger (Benue North West)	Se				
Sen. Monguno, Mohammed Tahir (Borno North)	Se				
Sen. Jarigbe, Agom Jarigbe (Cross River North)	Se				
Sen. Jonah, Williams Eteng (Cross River Central)	Se				
Sen. Asuquo, Ekpenyong (Cross River South)	Se				
Sen. Goje, Mohammed Danjuma (Gombe Central)	Se				
Sen. Dankwambo, Ibrahim Hassan (Gombe North)	Se				
Sen. Abdulhamid, Mallam-Madori Ahmed (Jigawa East)					
Sen. Khabeeb, Mustapha (Jigawa South West)	Se				
Sen. Hussaini, Babagida Uba (Jigawa North West)	Se				
Sen. Bamidele, Opeyemi Michael (Ekiti Central)	Se				
Sen. Adaramodu, Adeyemi Raphael (Ekiti South)	Se				
Sen. Aliero, Adamu Mohammed Mainasara (Kebbi Cen	tra				
Sen. Mohammed, Dandutse Muntari (Katsina South)	Se				
Sen. Abdurrahman, Kawu Suleiman (Kano South)	Se				

Sen. Ndubueze, Patrick Chiwuba (Imo East)

en. Abaribe, Enyinnaya Harcourt (Abia South) en. Abbas, Aminu Iya (Adamawa Central) en. Ishaku, Elisha Cliff (Adamawa North) en. Buba, Umar Shehu (Bauchi South) en. Kaila, Samaila Dahuwa (Bauchi North) en. Nwoye, Tony (Anambra North) en. Kaka, Shehu Lawan (Borno Central) en. Moro, Abba Patrick (Benue South) en. Agadaga, Benson Sunday (Bayelsa East) en. Ndume, Mohammed Ali (Borno South) en. Nweze, David Umahi (Ebonyi South) en. Eze, Kenneth Emeka (Ebonyi Central) en. Ede, Dafinone Omueya (Delta Central) en. Nwoko, Chinedu Munir (Delta North) en. Joel, Onowakpo Thomas (Delta South) en. Nwebonyi, Onyeka Peter (Ebonyi North) en. Oshiomole, Adams Aliyu (Edo North) en. Okpebholo, Monday (Edo Central) Sen. Osita, Ngwu (Enugu West) en. Imasuen, Neda Bernards (Edo South) en. Oluwole, Fasuyi Cyril (Ekiti North) en. Okechukwu, Ezea (Enugu North) en. Chukwu, Chizoba Kelvin (Enugu East) al) Sen. Kingibe, Ireti Heebah (FCT) en. Siyako, Yaro Anthony (Gombe South) Sen. Izunaso, Osita Bonaventure (Imo West)

Sen. Onyewuchi, Ezenwa Francis (Imo East)

Sen. Usman, Lawal Adamu (*Kaduna Central*) Sen. Khalid, Ibrahim Mustapha (*Kaduna North*) Sen. Yar'adua, Abdulaziz Musa (*Katsina Central*) Sen. Ogoshi, Onawo Mohammed (*Nasarawa South*)

Sen. Ogosni, Onawo Monammed (*Nasarawa South* Sen. Abdullahi, Yahaya Abubakar (*Kebbi North*)

Sen. Ohere, Sadiku Abubakar (Kogi Central)

Sen. Adetokunbo, Abiru Mukhail (*Lagos East*)

Sen. Aliyu, Wadada Ahmed (Nasarawa West)

Sen. Adegbonmire, Adeniyi Ayodele (Ondo Central)

Sen. Olajide, Ipinsagba Emmanuel (Ondo North)

Sen. Olamilekan, Adeola Solomon (Ogun West)

Sen. Eshilokun, Sanni Wasiu (Lagos Central)

Sen. Jimoh, Ibrahim Folorunsho (Ondo South)

Sen. Oyewumi, Kamorudeen Olalere (Osun West)

Sen. Mwadkwon, Simon Davou (Plateau North)

Sen. Salisu, Shuaib Afolabi (Ogun Central)

Sen. Olubiyi, Fadeyi Oluwole (Osun Central)

Sen. Fadahunsi, Adenigba Francis (Osun East)

Sen. Akintunde, Yunus Abiodun (Oyo Central)

Sen. Alli, Sharafadeen Abiodun (Oyo South)

Sen. Napoleon, Binkap Bali (Plateau South)

Sen. Diket, Satso Plang (Plateau Central)

Sen. Onyesoh, Allwel Heacho (Rivers East)

Sen. Wammako, Magatarkada Aliyu (Sokoto North)

Sen. Tambuwal, Waziri Aminu (Sokoto South)

Sen. Abubakar, Abdulaziz Yari (Zamfara West)

Sen. Mohammed, Bomai Ibrahim (Yobe South)

Sen. Katung, Sunday Marshall (Kaduna South)

Sen. Rufa'i, Sani Hanga (Kano Central)

Sen. Nasir Zangon-Daura/APC/North

Sen. Garba, Musa (Kebbi South)

Sen. Jibrin, Isah (Kogi East)

Sen. Jiya, Peter Ndalikali (Niger South)

Sen. Karimi, Sunday Steve (Kogi West)

Sen. Yisa, Ashiru Oyelola (Kwara South)

Sen. Saliu, Mustapha (Kwara Central)

Sen. Suleiman, Umar Sadiq (Kwara North)

Sen. Adebule, Idiat Oluranti (Lagos West)

Sen. Daniel, Olugbenga Justus (Ogun East)

Sen. Akwashiki, Godiya (Nasarawa North)

Sen. Musa, Mohammed Sani (Niger East)

Sen. Bello, Sani Abubakar (Niger North)

Sen. Isa, Shuaibu Lau (Taraba North)

Sen. Manu, Haruna (Taraba Central)

Sen. David, S. U Jimkuta (Taraba South)

Sen. Ibrahim, Lamido (Sokoto East)

Sen. Buhari, Abdulfatai (Oyo North)

Sen. Bilbis, Aliyu Ikra (Zamfara Central)

Sen. Banigo, Ipalibo Harry (Rivers West)

Sen. Mpigi, Barinada (Rivers South East)

Sen. Gaidam, Alhaji Ibrahim (Yobe East)

Sen. Ya'u, Sahabi Alhaji (Zamfara North)

Sen. Lawan, Ahmad Ibrahim (Yobe North)

### The Senate:

Concerned that so many federal roads are in a very deplorable conditions;

Aware that in some states of the federation, erosion has created deep gullies thereby cutting off some communities from other parts of the country;

Also aware that some of these federal roads have been awarded for either construction or rehabilitation only to be abandoned by the contractors after moving to site;

Observes that several trillions naira has been spent on road construction and rehabilitation in Nigeria since democracy returned to Nigeria in 1999 with minimal impact on our roads;

Also observes that the poor state of the road infrastructure has virtually cut off many parts of the Nigeria, with its attendant negative impact on trade and commerce;

Further observes that the collapse has led to a decline in agricultural activities, adversely affecting the movement of agricultural produce from rural area and across the country, resulting in a slide in the country's agricultural output and economy especially now the country need to diversify its economy; and

*Notes* with sadness concomitant loss of lives as a result of the bad state of the roads, as evidenced by the chilling statistics reeled out by the Federal Road Safety Commission which is a price too high and too prohibitive to pay,

# Accordingly resolves to:

Set up an Ad-hoc Committee to come up with a compendium of all the affected federal roads and erosion sites across the country either awarded but abandoned by contractors or have not been awarded at all, to be forwarded to the Executive Arm for urgent intervention.

2. Age Requirement Precondition for employment in Nigeria: Urgent Need for Intervention.

Sponsor: Sen. Moro, Abba Patrick (Benue South)

The Senate:

Notes the uproar within the public over the unabated violation of Chapter 4, Section 42 (2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which guarantees every citizen the right to freedom from discrimination;

Cognizance that the Black's Law Dictionary, Ninth Edition, defines discrimination as a differential treatment; especially a failure to treat all persons equally when no reasonable distinction can be found between those favoured and those not favoured, while the International Labour Organisation defines employment discrimination in economic terms, as a violation of human right that entails a waste of human talents with detrimental effects on productivity and economic growth, and generates socioeconomic inequalities that undermine social cohesion and solidarity and act as a brake on the reduction of poverty;

Pathetic that a graduate in Nigeria who could not get a job upon graduation and decided to go back to school with the hope that a higher qualification, vis avis a second or Masters Degree could give him a better employment opportunity is thrown into a career paradox when upon completion of his Masters Degree he comes out to find that he is now above the age of employment and therefore not employable by the sole reason of his age;

Ironical that a graduate in this country can serve in the National Youth Service Corps Program at age 30 but cannot be gainfully employed thereafter on the fact that he/she is above 30 years, a situation that is a flagrant breach of his fundamental human rights; and

Notes further that the circumstances described in the foregone presents the predicament of the Nigerian youth who has the requisite qualification, knowledge, skills and is ready to work but disqualified or excluded on the sole and unjustifiable ground that he/she is above the age limit by reason of his/her birth and this sad situation has led many to commit age fraud by going all way out to falsify their age to remain within the age limit of employability to the Nigerian Civil Service, and of course all other employer of labour in the country,

Accordingly resolves to:

- i. *Urge* the Federal Ministry of Labour and Employment and Productivity to, immediately draw up policies that relate to equality of opportunity and treatment in access to employment at all levels; and
- ii. Also urge the Federal Ministry of Labour and Employment and Productivity, and other relevant Agencies to prohibit and discourage public and private employers in Nigeria, from putting up job adverts with inherent undertone calculated to deprive any qualified Nigerian of being gainfully employed merely by reason of his/her age.
- 3. Urgent Need to Protect Local Meter Manufacturers in the ongoing National Mass Metering Programme of the Federal Government.

Sponsor: Sen. Umeh, Victor Chukwunonyelu (Anambra Central)

The Senate:

*Notes* that the Duty of Industry Procurement Regulators in every developing Economy, first and foremost, is to protect its Local Manufacturers and would only try to augment importation of goods and services where there is a clear-cut gap between local production and consumption;

Also notes that the members of Association of Meter Manufacturers of Nigeria (AMMON) are capable of producing world standard smart meters, hence the Transmission Company of Nigeria (TCN) and the Nigerian Electricity Regulatory Commission (NERC) under Phase 1 of the Mass Metering Programme of the Federal Government, issued the Association, after a competitive Bidding Process a "Letter of No Objection" to award 4 million meters in 2022;

Aware that the Central Bank of Nigeria also in 2020 undertook to fund the National Mass Metering Programme (NMMP) Phase 1 but after 8 months of Awards to Local Manufacturers, withdrew funding, which affected the workability of the Programme;

Also aware that the World Bank has approved a loan of One Hundred and Fifty-Five Million US Dollars only (\$155,000.00) for the National Mass Metering Programme;

Worried that the Ongoing World Bank funded NMMP Phase 2 seeks to promote foreign companies participation against competent and prequalified Local Meter Manufacturers will ultimately result in the loss of jobs and revenue. A deliberate policy to prioritize Local Manufacturing will catalyze job creation and economic growth;

Informed that the Transmission Company of Nigeria (TCN) on behalf of the World Bank closed Bidding Advertisement on July 11, 2023 and further extended it to July 25, 2023 for the supply and installation of 1.2 million Smart Meters to the 11 Distribution Companies in Nigeria;

Cognizant that the Bidding Criteria put in place which can only be satisfied by foreign companies have totally marginalized and eliminated the participation of the 35 Local Meter Manufacturers;

Also Cognizant that the current Bidding Criteria do not only negate some policy initiatives that will facilitate the establishment of a Local Metering Industrial Base with its impact in terms of generating employment opportunities for Nigerians, it also enables loss of revenue to the nation by granting these foreign companies additional concession of a Custom duty waiver of 45%;

Alarmed that if the bidding process continues as it is, the outcome would be disastrous to members of the Association of Meter Manufacturers of Nigeria who have invested billions of Naira in the Sector and currently employs 10,000 workers directly and more than 30,000 workers indirectly; and

Concerned that if the Federal Government and other Stakeholders do not make urgent Intervention, the Ongoing World Bank funded NMMP Phase 2 would ultimately encourage foreign company participation, loss of jobs and funds, to the detriment of Local Manufacturers and causing economic retrogression,

Accordingly resolves to:

- i. *Urge* the Federal Government to immediately suspend the TCN Tender for World Bank funded NMMP Phase 2 in order to undertake comprehensive Review of the Procurement Criteria to prioritize local Manufacturing and Assembling in line with Local Content and Backward Integration Policy that catalyzes local capacity building, employment generation and economic growth for Nigeria; and
- ii. Also urge the Transmission Company of Nigeria and other stakeholders to negotiate and engage the African Export-Import Bank (AFREXIM) and the African Development Bank (AFDB) for alternative Loan if World Bank loan conditions do not favour local economic growth at this critical time of massive unemployment and devaluation of Naira.
- 4. Need to Halt the Proposed Increase in Electricity Tariff by the Eleven (11) Successor Electricity Distribution Companies "Discos" who have filed an application for Rate Review with the Nigerian Electricity Regulatory Commission.

Sponsor: Sen. Akintunde, Yunus Abiodun (Oyo Central)

Co-Sponsors: Sen. Asuquo, Ekpenyong (Cross River South)

Sen. Abbas, Aminu Iya (Adamawa Central)

The Senate:

Observes that the eleven (11) successor electricity distribution companies ("DisCos") have filed an application for rate review with the Nigerian Electricity Regulatory Commission "NERC". The request for rate review is premised on the need to incorporate changes in macroeconomic parameters and other factors affecting the quality of service, operations and sustainability of the companies;

Also observes that the Commission in line with its mandate has requested the general public for comments on the rate review applications by the distribution licensees; while advising interested stakeholders to review and take into consideration the excerpts of the Rate Review Applications filed with the Commission by the respective licensees;

Aware that as part of NERC rule-making process and in the exercise of the powers conferred by the Electricity Act 2023, the Commission is empowered to conduct a Rate Case Hearing on the applications prior to making a ruling;

Also aware that NERC had through its official website published and set 20th July, 2023, deadline for comment by stake holders;

*Worried* that within the last within the last 10 years, billions of naira were spent by Senators across Nigeria in the procurement and installation of transformers through various Zonal Intervention Projects (ZLPs) as a result of request in Senator's various Constituencies;

Also worried that when these transformers are supplied and installed it become registered properties of the DisCos (a privately owned enterprise); while sadly same DisCos have consistently refused to energize such Transformers on the ground that affected communities have to pay millions of naira arrears of bills for electricity never consumed while keeping the affected consumer in perpetual darkness;

Concerned that the services of the 11 discos is currently bedeviled with total failure, occasioned by prolonged black out due to lack of provision of relevant infrastructure like transformers, electricity poles, poor distribution network compounded with unjustifiable estimated billings, lack of supply of prepaid meters, reap off etc; and

Also concerned that despite repeated previous increase in the multiyear tariff with assurances of improved service delivery by the DisCos no commensurate improvement has been made by any of 11 DisCos in their respective service deliveries to justify the previous increment,

#### Further concerned that the:

- proposed increase will significantly impact the affordability of electricity for the average Nigerian, further exacerbating the financial burdens faced by households and businesses;
- less than one week time frame window provided by NERC for comments from all relevant stake holders is too small for any meaningful engagement;
- high electricity tariffs will impede industrial growth, job creation, and overall economic development. This will have adverse effects on the nation's drive towards sustainable development and poverty reduction;
- it is essential to address the issues of inadequate power supply, metering, and quality of service provided by the DisCos. Customers should not bear the brunt of inefficiencies in the power sector.

## Accordingly resolves to:

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i. Call on the Federal Government of Nigeria to intervene and halt the proposed increase in electricity tariff by the DisCos;

- ii. Urge NERC to decentralized proposed engagement with the Stakeholders scheduled for Abuja to the Six Geopolitical Zones of the Federation for effective participation by all;
- iii. Also urge NERC to thoroughly look into the rate review applications filed by the DisCos, taking into consideration the interests of the citizens, affordability, and the need for improved service delivery;
- iv. Further urge NERC to explore alternative measures to address the financial challenges faced by the DisCos, such as improving operational efficiency, reducing technical and commercial losses, and enhancing revenue collection mechanisms;
- v. Equally urge DisCos to henceforth discontinue estimated billing and make available to all electricity consumers prepaid meters at affordable prices; and
- vi. *Mandate* relevant Committees (when constituted) to engage with the Federal Ministry of Power, NERC, and other stakeholders to find lasting solutions to the challenges facing the Nigerian electricity sector, including the need for comprehensive sector reforms.
- 5. Need to Revive and Revamp Enugu Coal Mines.

Sponsor: Sen. Osita, Ngwu (Enugu West)

The Senate:

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*Notes* that since its inception in 1909 and through its peak production periods in 1950/60 the coal industry had made tremendous contribution to the economy of the country until its recent practical abandonment;

Also notes that though coal has been mined for over 89 years in the country, there is still large proven reserves of about 140 million metric tons (MT) (sub-bituminous coal) and unproven reserves of about one billion metric tons (MT) (superior quality bituminous coal) still lying underground, and yet to be mined;

Further notes that the abandoned coal reserves in Enugu would take arguably over 300 years of exploitation to be exhausted with today's technological advancement at a peak production of about 1.5 million metric tons per year;

Aware that the quality of Enugu coal, particularly that in the Amasiodo area of Ezeagu Local Government Area of Enugu State is of equal grade as the type needed and being imported for use at Ajaokuta and other steel production plants in the country;

Mindful that the coal industry still has huge socio economic potentials for the country, particularly in the area of alternative source of energy for power generation, business investment and employment opportunities;

Observes that on the African continent, South Africa, Mozambique, Botswana, Zimbabwe, Nigeria and Tanzania are globally ranked as countries with high coal reserve deposits. With about 77% of South Africa's energy needs directly derived from coal;

Recognizes that though coal has been listed as having a high emission of greenhouse gasses with its consequential environmental impact, nevertheless, according to Enerdata Global Statistical Year Book 2019, China leads in coal production with 3,474 metric tonnes in 2018 despite its public pledge to the Paris Climate Change Agreement in 2015. This is followed by India with a production of 764 metric tonnes in 2018, and India is also home to the world's largest Coal Company, Coal India Ltd, which controls 85% of the country's coal production. This is followed by the US, Australia and Indonesia;

*Informed* that according to Coal Consumption by Country, 2023, a World Population Review, the statistical review of world energy in 2021, China, India, the US, Germany, Russia, Japan, South Korea and South Africa rank among the countries with highest coal consumption in the world;

Cognizant that the implementation of the Power Road map aims to create a robust power sector through creation of enabling environment for investment, while pursuing an inclusive growth in the economy;

Also Mindful that since the recent Constitutional Alteration has enabled States to generate, transmit and distribute electricity, a re-evaluation of the coal industry provides a huge potential for the achievement of the goals of the power sector;

Worried that an already established industry with enormous economic potentials is neglected and allowed to lay waste when economic opportunities are ceaselessly being sought for the teeming unemployed youths of the country; and

Concerned that the continued abandonment of the Enugu coal mines invariably foists an enormous economic, social and cultural losses on not just the economy of Enugu State but also that of the South-East and indeed the entire country at large,

Accordingly resolves to:

- i. *Mandate* the Committee on Solid Minerals, Steel Mines (when constituted) to investigate the circumstances surrounding the abandonment of the Coal Mines in Enugu and make appropriate recommendations with a view to re-activating the coal industry for the socio-economic benefits of Nigerians; and
- ii. *Urge* the Minister of Mines and Steel Development (When appointed) to take preliminary steps in reviving and revamping the coal mines in Enugu.
- 6. Need to Investigate the Incessant and Nefarious acts of Crude Oil Thefts in the Niger Delta and its Actors.

Sponsor: Sen. Nwoko, Chinedu Munir (Delta North)

The Senate:

*Notes* that Nigeria is largely dependent on crude oil for its economic growth and development. According to the National Bureau of Statistics, the oil sector represents 6.33% of the Nation's GDP which translates to \$45.6 billion in 2022;

Also note that Nigeria oil sector provides jobs for millions of Nigerian citizens, it also provides for 70% of its budget financing while oil and gas accounted for 90% of export income and 85% of Government revenue in the first quarter of 2022;

Further notes that statistical data which has been reported over the years even till date, have shown that pipeline vandalism, illegal oil bunkering, oil theft, illegal oil refining has brought Nigeria into serious socio-economic crisis, and this remains an intractable challenge to the Nigerian oil dependent economy;

Informed that crude oil thefts started at about the late 1970s and early 1980s under the military regime;

Observes that the present efforts of the Joint Task Force of the Nigerian military such as "Operation Delta Safe", "Operation Dakartada Barawo" as well as other Operations in the Niger Delta region have resulted to an increase in oil production to 1.51 Million barrels per day in the first quarter of 2023 from 1.49 Million barrels per day recorded in the same quarter of 2022 and also higher than the fourth quarter of 2022 production volume of 1.34 million barrels per day;

Disturbed that, despite the good efforts of some of the military personnel in curbing oil thefts in the Niger Delta region, there are bad eggs among the military who work in connivance with relevant opportunistic oil industry operators to sabotage the economy;

Also informed that oil thefts in Nigeria are enhanced by the pragmatic cooperation between security forces, militia organizations, the local population and oil company employees who use various sophisticated methods to steal from oil facilities that are stationed within the country;

Aware that there have been accusations and counter-accusations of oil thefts, illegal oil bunkering, illegal oil refining and other sundry crimes in the Niger Delta region between the military and the local militia, which shows the high level of sabotage and destruction of our economic mainstay;

Also Aware that between March 2022 to March 2023, Nigeria lost 67,700 barrels at \$83 per barrel of crude oil worth 2.3 trillion revenues to oil theft;

Also observes that the damage to our oil sector by these oil thefts is even more significant than what is reported;

Further Observes hitherto, this malaise was discussed in whispers but now the voices are getting louder; and

Worried that giving Nigeria's enormous oil and gas reserves, it is expected that crude oil production should continue to rise to meet OPEC production quota of 1.74 Million barrel per day. However, the activities of these oil thieves and their actors have drastically reduced crude oil production thereby undermining the economy. Recall that Section 20 of the 1999 Constitution of the Federal Republic of Nigeria (with alterations) empowers the State to protect, improve the environment and safeguard the land of Nigeria. Also Section 88 of the 1999 Constitution is in consonance with order 101 of the Senate Standing Orders 2022 (as amended) gives the Nigerian Senate unfettered and absolute powers to conduct investigation into the affairs of any person or government department charged with responsibilities,

Accordingly resolves to:

- i. *Constitute* an Ad-hoc Committee to:
  - investigate the activities of Security Forces, Militia Organizations, the local population, Oil Company Employees and any person or body who use various sophisticated methods to steal from oil facilities that are stationed within the country; and
  - consider ways of officially engaging Modular and Illegal Refinery Operators;
- ii. Deploy modern technologies like aerial drones to secure oil and gas facilities in order to curb oil thefts and buffer the revenue profile of the country.