



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 6th July, 2023

1. The Senate met at 11:13 a.m. The Deputy President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 5th July, 2023.

Question was put and the Votes and Proceedings were approved.

3. **Petition:**
Rising on Order 40, Senator Ngwu Osita (*Enugu West*) drew the attention of the Senate to a petition received from his constituent, Dr. Uba Anichebe, the Chairman, Eke Progressive Forum over alleged unwarranted killings and attack on Eke Neighbourhood guards, by officers of the Nigerian Army in Eke, Udi Local Government of Enugu State. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petition[Order 40(3)] (when constituted).

4. **Motions:**
(a) *Urgent Need to Carry-Out Remedial Work on Obodoukwu, Urualla, Akokwa, Umumaisiaku, Umuchima and Umueshi Gully Erosion Sites in Ideato North and Ideato South LGAs, Imo State;*

Motion made: The Senate notes the total collapse of the Obodoukwu, Urualla, Akokwa, Umumaisiaku, Umuchima and Umueshi Gully Erosion sites in Ideato North and Ideato South Local Government Areas of Imo State; and that the gullies and floodwaters have become treacherous which recently led to the loss of human lives, properties worth over four billion naira (₦4b), and inflicted severe injuries;

also notes the economic impact of the continuous loss of lives, businesses and properties of individuals, NGOs and the government as flood is burying them under debris day after day;

observes that the total number of affected communities are twelve (12) and that the two LGAs share border with Anambra, Enugu and Abia states;

concerned that the gullies and flood waters are now beyond the control of the Imo State Government, hence the need for Federal Government's presence and urgency to undertake immediate remedial work (to mitigate the risks and prevent further loss of lives, properties, and environmental degradation) in the affected areas; and

aware that by taking immediate action and working together, we can protect lives, preserve our community's well-being, and build a safer and more resilient future;

Accordingly resolves to:

- (i) urge the Ecological Fund Office (EFO) and the National Emergency Management Agency (NEMA) to jointly and urgently engage relevant experts, including Geologists, Hydrologists, and Environmental Engineers, to conduct the assessment and implement measures such as slope stabilization, gabion installations, terracing, re-vegetation, and construction of retaining walls to prevent further losses and minimize the risks to nearby infrastructure, communities, LGAs and States;
- (ii) also urge NEMA to urgently implement a community resettlement plan, where necessary, to relocate residents from high-risk areas, providing them with adequate housing, livelihood support, and necessary amenities;
- (iii) further urge NEMA and EFO to establish community-based initiatives to enhance resilience, such as emergency response teams, evacuation plans, and the formation of local task forces focused on disaster management; outlining the achieved milestones, challenges encountered, and plans for future actions every four (4) weeks; and
- (iv) commend the Imo State Government on its quick response/intervention which saved some lives and reclaimed many properties (*Senator Osita B. Izunaso — Imo West*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Ecological Fund Office (EFO) and the National Emergency Management Agency (NEMA) to jointly and urgently engage relevant experts, including geologists, hydrologists, and environmental engineers, to conduct the assessment and implement measures such as slope stabilization, gabion installations, terracing, re-vegetation, and construction of retaining walls to prevent further losses and minimize the risks to nearby infrastructure, communities, LGAs and States — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do also urge NEMA to urgently implement a community resettlement plan, where necessary, to relocate residents from high-risk areas, providing them with adequate housing, livelihood support, and necessary amenities — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do further urge NEMA and EFO to establish community-based initiatives to enhance resilience, such as emergency response teams, evacuation plans, and the formation of local task forces focused on disaster management; outlining the achieved milestones, challenges encountered, and plans for future actions every four (4) weeks — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do commend the Imo State Government on its quick response/intervention which saved some lives and reclaimed many properties — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Ecological Fund Office (EFO) and the National Emergency Management Agency (NEMA) to jointly and urgently engage relevant experts, including geologists, hydrologists, and environmental engineers, to conduct the assessment and implement measures such as slope stabilization, gabion installations, terracing, re-vegetation, and construction of retaining walls to prevent further losses and minimize the risks to nearby infrastructure, communities, LGAs and States;
- (ii) also urge NEMA to urgently implement a community resettlement plan, where necessary, to relocate residents from high-risk areas, providing them with adequate housing, livelihood support, and necessary amenities;
- (iii) further urge NEMA and EFO to establish community-based initiatives to enhance resilience, such as emergency response teams, evacuation plans, and the formation of local task forces focused on disaster management; outlining the achieved milestones, challenges encountered, and plans for future actions every four (4) weeks; and
- (iv) commend the Imo State Government on its quick response/intervention which saved some lives and reclaimed many properties (*S/Res/007/01/23*).

(b) *Urgent Need to Reverse the Concessioning of Mallam Aminu Kano International Airport, Kano:*

Motion made: The Senate notes that the Federal Executive Council, on 17th May, 2023, approved the concessioning of Mallam Aminu Kano International Airport, Kano for 30 years, to Messrs Corporation America Airports Consortium;

aware that the Federal Ministry of Aviation (and Aerospace) does not own, or run, any airport in Nigeria and that by the dictates of the governing Act of the Federal Airports Authority of Nigeria (FAAN), ownership and management of all federal government airports are fully vested in the Authority;

also aware that the Infrastructure Concession and Regulatory Commission (ICRC) procedure document states, with respect to the agency that wishes to concession a facility that, "The public entity should have enabling authority to transfer its responsibility - enabling legislative and policy framework or an Administrative Order to that effect";

reflects that from the combined import of the FAAN Act and the ICRC procedures manual, is an evident manifestation that the entire airports concession is based on an incurably faulty foundation. For, there is no doubt that it is the Federal Airports Authority of Nigeria, not the Ministry of Aviation, that has power 'to transfer its responsibility' to a would be concessionaire. It is also FAAN, not the Ministry, which has the requisite 'legislative & policy framework' for such;

convinced that if the claim that the FEC has approved the concessioning of Mallam Aminu Kano International Airport has any substance, then the FEC has indeed been misguided in its decision, and that action cannot amount to anything than a nullity;

worried about the rationale in borrowing and spending public money to upgrade the airport only to hand it over to foreign businesses for a period of 30 years in the name of a concession;

alarmed that Nigeria is receiving a concession fee or upfront of \$1.5m while the total amount of money that the Kano airport is accruing to government is \$97.4m;

disturbed that this concessioning is clearly dubious and raise questions on the process and what the actors stand to gain;

recalls that unions in the aviation industry embarked on a strike to question the integrity of the concession exercise, stressing that the concession of the airport away from FAAN would necessarily cause a cessation of the employment of all the staff involuntarily;

worried that the concession by the Buhari-led administration raises a fundamental question of injustice on why an elephant project with huge public investment would take place just at the end of the administration; and

observes that the faulty gaps inherent in the concession would lead to array of lawsuits and thereby embarrassing the current administration.

The Senate accordingly resolves to:

- (i) condemn in strong terms the concessioning of Mallam Aminu Kano International Airport, Kano, as it was not done in the public interest;
- (ii) urge the Federal Government to immediately cancel and reverse the concessioning of the Mallam Aminu Kano International Airport, Kano; and
- (iii) urge the Federal Government to, if need be, review the entire exercise and give a level playing field to all stakeholders (*Senator Kawu S. Abdurrahman — Kano South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do condemn in strong terms the concessioning of Mallam Aminu Kano International Airport, Kano, as it was not done in the public interest.

Amendment Proposed:

Immediately after the words "Mallam Aminu Kano International Airport, Kano" in line 1 *insert* the words "Nnamdi Azikiwe International Airport, Abuja and any other Airport" (*Senator Mohammed D. Goje — Gombe Central*).

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

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Government to immediately cancel and reverse the concessioning of the Mallam Aminu Kano International Airport, Kano

Amendment Proposed:

Leave out Proposed Resolution (ii) (*Senator David U. Nweze — Ebonyi South*).

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

Proposed Resolution (iii):

Question: That the Senate do urge the Federal Government to, if need be, review the entire exercise and give a level playing field to all stakeholders.

Amendment Proposed:

Immediately after the words "Government to" *leave out* the words "if need be" (*Senator Aminu W. Tambuwal — Sokoto South*).

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

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"That the Senate do mandate the Senate Committee on Aviation (when constituted) to investigate the concessioning of the Mallam Aminu Kano International Airport and other Airports and report to the Senate within six (6) weeks (*Senator Sunday S. Karimu — Kogi West*).

Question that the Amendment be made put and agreed to.

Resolved:

That the Senate do:

- (i) condemn in strong terms the concessioning of Mallam Aminu Kano International Airport, Kano Nnamdi Azikiwe International Airport, Abuja and any other Airport as it was not done in the public interest;
- (ii) urge the Federal Government to review the entire exercise and give a level playing field to all stakeholders; and
- (iii) mandate the Senate Committee on Aviation (when constituted) to investigate the concessioning of the Mallam Aminu Kano International Airport and other Airports and report to the Senate within six (6) weeks (*S/Res/008/01/23*)

(c) ***The Deplorable State of Benin-Ekpoma-Auchi-Okene Roads: Urgent Need for Government to Mobilise Contractors to Site:***

Consideration of Motion Deferred to another Legislative Day

(d) ***Urgent Need to Stem the Tide of Illegal Motor Parks and Pick-Up Points within Abuja Metropolis:***

Motion made: The Senate notes that by the constitution of the Federal Republic of Nigeria (as amended), the National Assembly is constitutionally empowered to legislate for the Federal Capital Territory;

also notes that Cap F6 LFN 2004 created the Federal Capital Territory to be managed by the FCT Administration which is divided into several departments under which there are: VIO, Abuja Transport Secretariat, Abuja Environmental Protection Board and so on;

aware that the Federal Capital Territory is perhaps the fastest growing city in Africa with the influx of people from all parts of the nation thereby putting pressure on existing facilities and causing increased vehicular traffic as people have come from all walks of life to seek greener pasture;

concerned that even though the Abuja master plan has designated motor parks and garages for pickup and drop-off of passengers, transporters in the Federal Capital City have formed the terrible habit of picking up and dropping off passengers indiscriminately and also parking at NON-DESIGNATED PARKING ZONES on the highway thereby causing unnecessary traffic and congestion and also accidents on the highway;

worried that if the illegal pickup and drop off indiscriminately at non-designated parking zones are not controlled or eliminated it may in addition to causing accidents become a serious security threat and concern in the FCT;

further concerned that if the creation of illegal garages and pickup/drop off points is not curtailed, it will remain an avenue of leakage in revenue generation for the FCT Administration;

further worried that these illegal pickups and drop off points may become impediments to easy commuting of essential service vehicles such as Fire Service, Ambulance, Police etc., to access points where their services might be urgently needed; and

also worried that this traffic indiscipline is becoming an acceptable norm for these offenders;

The Senate accordingly resolves to:

- (i) urge the Federal Capital Territory Administration (FCTA), the Vehicle Inspection Office (VIO), the Federal Road Safety Commission (FRSC), and other relevant agencies to immediately commence a joint task force to step up activities to eradicate these illegal garages and pick-up or drop-off points within the Federal Capital City; and
- (ii) urge the joint task force to always enforce the penalty for the creation of illegal garages within the Federal Capital City (*Senator Wadada A. Aliyu – Nasarawa West*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Capital Territory Administration (FCTA), the Vehicle Inspection Office (VIO), the Federal Road Safety Commission (FRSC), and other relevant agencies to immediately commence a joint task force to step up activities to eradicate these illegal garages and pick-up or drop-off points within the Federal Capital City — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the joint task force to always enforce the penalty for the creation of illegal garages within the Federal Capital City — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Federal Capital Territory Administration (FCTA), the Vehicle Inspection Office (VIO), the Federal Road Safety Commission (FRSC), and other relevant agencies to immediately commence a joint task force to step up activities to eradicate these illegal garages and pick-up or drop-off points within the Federal Capital City; and
 - (ii) urge the joint task force to always enforce the penalty for the creation of illegal garages within the Federal Capital City (*S/Res/009/01/23*).
- (e) ***Need to Investigate the Controversial Make up Gas (Mug) Reprocessing Deal involving the Federal Ministry of Finance, Niger Delta Power Holding Company (NDPHC), Calabar Generation Company Limited and ACUGAS Ltd:***
Motion made: The Senate recalls that the Niger Delta Power Holding Company (NDPHC), a company owned by the Federal, States and Local Governments in Nigeria to hold and manage Nigeria's Independent Power Projects, sometime in 2017

entered into a Gas Supply Agreement (GSA) with Acugas Limited for the supply of gas to Calabar Generation Company Ltd (Calabar Genco), a subsidiary of the NDPHC;

recalls also that under the said GSA, the Federal Government of Nigeria is obliged to pay over \$10million monthly to Acugas Limited and this monthly obligation was protected and secured with a "take or pay" clause implying that the monthly payment of over \$10 million must be discharged unfailingly by the Federal Government whether the Calabar Genco takes delivery of gas or not;

notes that the discharge of this "take or pay" obligation by the Federal Government has become a major concern to all well-meaning Nigerians because of its huge burden on public treasury as huge sums of money were paid to Acugas even for gas not received or utilized by Calabar Genco;

notes also that in a bid to get Nigeria out of this controversial "take or pay" cul de sac and put in place an arrangement to reprocess and redirect the gas for which Nigeria has paid for but not utilized over time, the then Minister of Finance, Budget and National Planning, Dr. (Mrs) Zainab Ahmed initiated a Make-up Gas (MUG) Reprocessing deal involving Calabar Genco and Acugas Ltd;

observes that the controversial MUG deal was devoid of transparency and allegedly involved the payment of huge sums of money as fees to Transactions Advisers even when Acugas Ltd was reportedly discussing the extension of the sunset date for the utilization of the MUG without the involvement of paid consultants or Transaction Advisers with an addendum to the GSA already signed between the parties; and

concerned that if the Senate does not investigate the circumstances under which the GSA and MUG were executed by the Federal Government with Acugas Limited, these transactions would constitute an endless drain on scarce public funds which should have been applied towards the execution of other pressing Government projects.

The Senate accordingly resolves to:

- (i) mandate the Committee on Power (when constituted) to investigate the circumstances under which the Gas Supply Agreement (GSA) and Make-up Gas Reprocessing (MUG) arrangement was executed, the parties involved, payments so far made to entities to date, the status of implementation of the GSA, and for this purpose invite all stakeholders to the transaction including the Immediate past Hon. Minister of Finance, Budget and Economic Planning; the Niger Delta Power Holding Company (NDPHC); Acugas Limited; and Calabar Genco and the Transaction Adviser engaged under the MUG deal, etc, and to report within two (2) weeks; and
- (ii) urge the Federal Government particularly the Office of the Attorney General of the Federation to ensure due diligence in the preparation and execution of transaction agreements with companies and other investors to avoid the ugly scenario Government is facing under the Gas Supply Agreement with Acugas Limited and several other entities (*Senator Bassey A. Etim — Akwa-Ibom Northeast*)

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Committee on Power (when constituted) to investigate the circumstances under which the Gas Supply Agreement (GSA) and Make-up Gas Reprocessing (MUG) arrangement was executed, the parties involved,

payments so far made to entities to date, the status of implementation of the GSA, and for this purpose invite all stakeholders to the transaction including the Immediate past Hon. Minister of Finance, Budget and Economic Planning; the Niger Delta Power Holding Company (NDPHC); Acugas Limited; and Calabar Genco the Transaction Adviser engaged under the MUG deal, etc, and to report within two (2) weeks — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Government particularly the Office of the Attorney General of the Federation to ensure due diligence in the preparation and execution of transaction agreements with companies and other investors to avoid the ugly scenario Government is facing under the Gas Supply Agreement Acugas Limited and several other entities — *Agreed to.*

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

- (i) “That the Senate do urge the immediate past Hon. Minister of Finance, Budget and National Planning; Niger Delta Power Holding company (NDPHC); Acugas Limited; Calabar Genco and the Transaction Adviser engaged under the MUG deal, etc, and to report within two (2) weeks (*Senator Mohammed T. Monguno — Borno North*).

Question that the Amendment be made put and agreed to.

- (ii) “That the Senate do urge the office of the Attorney General of the Federation to furnish the Senate with all details and documentations in relation to the contract (*Senator Babangida U. Husssaini — Jigawa South West*).

Question that the Amendment be made put and agreed to.

Resolved:

That the Senate do:

- (i) mandate the Committee on Power (when constituted) to investigate the circumstances under which the Gas Supply Agreement (GSA) and Make-up Gas Reprocessing (MUG) arrangement was executed, the the parties involved, payments so far made to entities to date, the status of implementation of the GSA, and for this purpose invite all stakeholders to the transaction including the Immediate past Minister of Finance, Budget and National Planning; the Niger Delta Power Holding Company (NDPHC); Acugas Limited; and Calabar Genco the Transaction Adviser engaged under the MUG deal, etc, and to report within two (2) weeks;
- (ii) urge the Federal Government particularly the Office of the Attorney General of the Federation to ensure due diligence in the preparation and execution of transaction agreements with companies and other investors to avoid the ugly scenario Government is facing under the Gas Supply Agreement Acugas Limited and several other entities;
- (iii) urge the Immediate past Hon. Minister of Finance, Budget and National Planning; Niger Delta Power Holding company (NDPHC) Acugas Limited, Calabar Genco the Transaction Adviser engaged under the MUG deal, etc, and to report within two (2) weeks; and
- (iv) urge the office of the Attorney General of the Federation should be directed to furnish the Senate with all details and documentations in relation to the contract (*S/Res/010/01/23*).

5. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 11th July, 2023 at 10.00 a.m.
(*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 1:00 p.m.

Ibrahim Jibrin Barau, CON
Deputy President,
Senate of the Federal Republic of Nigeria.

