



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8th November, 2016

1. The Senate met at 10:33 a.m. The Deputy Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 3rd November, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**

Acknowledgment:

The Deputy Senate President acknowledged the presence of the Staff and Students of Light of Day, Senior College, Kubwa, Abuja who were in the gallery to observe Senate Proceedings.

4. **Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Dino Melaye (*Kogi West*) drew the attention of the Senate to the abandonment of ₦8 billion Office Headquarters project by the Code of Conduct Bureau (CCB). He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with serious concern the abandonment of eight billion naira headquarters office project by the Code of Conduct Bureau;

aware that the Code of Conduct Bureau after spending over ₦1 billion, being part payment for the construction of office complex headquarters, has opted to purchase a completed Nine (9) storey building located in the Central Business District of Abuja, the same location as the abandoned project;

observes that the abandoned headquarters project was awarded in the sum of ₦3,509,327,405.00 out of which a total sum of One billion four hundred and seven million two hundred and sixty-three thousand, eight hundred and eighty-four naira so far representing 16% of the contract sum has been paid, while the cumulative job done to date is estimated as 10%;

aware that inspite of the huge releases, the Bureau went further to obtain ₦4.4 billion in 2016 budget to buy a 9-storey building ;

worried that the action of the Code of Conduct Bureau (CCB) in the whole exercise is not expected, giving that the Institution is supposed to protect and watch over the finance and corrupt practices in the Nigeria Public Service;

Accordingly resolves to:

mandate the Committees on Federal Capital Territory; Public Procurement; and Ethics, Privileges and Public Petitions to carry out a holistic investigation into the matter and report to the Senate within two (2) weeks.

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committees on Federal Capital Territory; Public Procurement; and Ethics, Privileges and Public Petitions to carry out a holistic investigation into the matter and report to the Senate within two (2) weeks — *Agreed to.*

Resolved:

That the Senate do mandate the Committees on Federal Capital Territory; Public Procurement; and Ethics, Privileges and Public Petitions to carry out a holistic investigation into the matter and report to the Senate within two (2) weeks (*S/Res/042/02/16*).

5. Personal Explanation:

Rising on Rule 43, Senator Isaac M. Alfa (*Kogi East*) drew the attention of the Senate to the demise of Lt. Col. Abu Ali, with six soldiers. Late Lt. Col. Abu Ali was a Prince of Bassa Nge Kingdom of Kogi East, a true professional and an excellent commander, who always put the safety and welfare of his men first. Late Lt. Col. Abu Ali was given an accelerated promotion for gallantry and sterling qualities. He severally took part in the operations against the Boko haram insurgency in the North East, but lost his life while doing his best to make Nigeria free and secure. He urged the Senate to observe a minute silence in his honour, send a condolence letter to his family and also recommend him for a national honour.

One minute silence accordingly observed in honour of the deceased.

6. Presentation of Bills:

- (i) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 354) — *Read the First Time.*
- (ii) Compulsory, Free Universal Basic Education Act 2004 (Amendment) Bill, 2016 (SB. 374) — *Read the First Time.*
- (iii) Companies and Allied Matters Act CAP C20 LFN 2004 (Amendment) Bill, 2016 (SB. 355) — *Read the First Time.*
- (iv) Residency Rights of Every Citizen of Federal Republic of Nigeria Bill, 2016 (SB. 356) — *Read the First Time.*
- (v) Credit Bureau Reporting Bill, 2016 (SB. 361) — *Read the First Time.*
- (vi) Secured Transactions in Movable Assets Bill, 2016 (SB. 261) — *Read the First Time.*

7. Motions:

(a) Urgent need to decongest the Nigerian Prisons:

Motion made: That the Senate notes with concern the problem of congestions in the Nigerian Prisons that have continued to confront the nation's criminal justice system;

notes further that the problem of prison congestion in Nigeria has become a major challenge that constitutes an environmental hazard to the lives of inmates;

aware that the prison inmates comprise of those whose trial proceedings have been determined and consequently sentenced to imprisonment, and inmates on awaiting trial list;

observes that the overpopulation in the Nigerian prison is caused by a steady rise in the figure of persons awaiting trials which constitute over 70% of the total inmates recorded in the prisons across the country;

aware that remanding someone in prison custody on awaiting trial beyond the time he or she would have ordinarily spent if sentenced for the offence he or she is charged is an infringement of the Fundamental Rights of the individual, guaranteed under section 35 of the 1999 Constitution (As Amended);

aware further, that the provision of section 35 of the 1999 constitution (As Amended) demands that an accused must be brought before a competent Court within a reasonable time or be released from custody two to three months from the date of arrest;

concerned that majority of the inmates on the awaiting trial list have been in prison custody, for years without their trial proceeding further in Court after being remanded or the prosecutor of the criminal matter involving the detainee deliberately abandoned the accused in custody thus creating overcrowding in the Prisons; and

worried that the congestion in the Nigerian Prisons caused by the rising number of detainees on awaiting trial portends a great danger to the life of inmates as much as it negates the fundamental rights of citizens guaranteed in the constitution. Again the prison environment and treatment of inmates should reflect human values and sensitivity to life and justice.

Accordingly resolves to;

- (i) urge the Chief Justice of the Federation and the Comptroller General of Prison to immediately conduct an exercise into the records of inmates in the Nigerian Prisons to ascertain, identify and review the cases of inmates under the awaiting trial list who have been dumped in the prison custody without the due and diligent prosecution of their cases beyond the period provided for in the Constitution for the purposes of granting them freedom;
- (ii) urge the Attorney General of the Federation and Chief Justices of the States to exercise their constitutional right by setting free inmates whose trials have lingered or discontinued for lack of evidence or follow up by the Prosecutor;
- (iii) urge the President, Commander-in-Chief of the Armed Forces of the Federation and the State Governors to exercise their Prerogative of Mercy by decongesting the prisons of inmates whose detention are manifestly unlawful and those who have been in detention for periods longer than they would have served if convicted for the alleged offences they are charged for in order to save our prisons from becoming a breeding grounds for epidemic (*Senator Samuel N. Anyanwu — Imo West*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Chief Justice of the Federation and the Comptroller General of Prison to immediately conduct an exercise into the records of inmates in the Nigerian Prisons to ascertain, identify and review the cases of inmates under the awaiting trial list who have been dumped in the prison custody without the due and diligent prosecution of their cases beyond the period provided for in the Constitution for the purposes of granting them freedom.

Amendment Proposed:

Immediately after the word "Federation" in line 1, *insert* the words "Chief Judges of the States" (*Senator Mao A. Ohuabunwa — Abia North*).

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

Proposed Resolution (ii):

Question: That the Senate do urge the Attorney General of the Federation and Chief Justices of the States to exercise their Constitutional right by setting free inmates whose trials have lingered or discontinued for lack of evidence or follow up by the Prosecutor.

Amendment Proposed:

Immediately after the word "Federation" in line 1, *insert* the words "Attorney-General of the States" (*Senator Mao A. Ohuabunwa — Abia North*).

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

Proposed Resolution (iii):

Question: That the Senate do urge the President, Commander-in-Chief of the Armed Forces of the Federation and the State Governors to exercise their Prerogative of Mercy by decongesting the prisons of inmates whose detention are manifestly unlawful and those who have been in detention for periods longer than they would have served if convicted for the alleged offences they are charged for in order to save our prisons from becoming a breeding grounds for epidemic — *Agreed to.*

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

- (i) "direct the Committees on Interior; and Judiciary, Human Rights and Legal Matters to visit Kuje and Suleja prisons to take statistics of prisoners with minor offences and ascertained their fines for Senate intervention" (*Senator Mohammed A. Ndume — Borno South*).

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

- (ii) "Urge the Federal Government to build more prisons and modernise the existing ones" (*Senator Adamu M. Aliero — Kebbi Central*).

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

- (iii) "Urge the State Governments to collaborate with Ministry of Interior to relocate prisons in urban centres to remote areas" (*Senator Mao A. Ohuabunwa — Abia North*).

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

- (iv) "Urge the Nigeria Police to ensure quick transfer of case files to the Ministry of Justice for prompt dispensation of justice" (*Senator Bareehu O. Ashafa — Lagos East*).

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

Resolved:

That the Senate do:

- (i) urge the Chief Justice of the Federation; Chief Judges of the States and the Comptroller General of Prison to immediately conduct an exercise into the records of inmates in the Nigerian Prisons to ascertain, identify and review the cases of inmates under the awaiting trial list who have been dumped in the prison custody without the due and diligent prosecution of their cases beyond the period provided for in the Constitution for the purposes of granting them freedom;

- (ii) urge the Attorney General of the Federation; Attorney-General of the States and Chief Justices of the States to exercise their constitutional right by setting free inmates whose trials have lingered or discontinued for lack of evidence or follow up by the prosecutor;
- (iii) urge the President, Commander-in-Chief of the Armed Forces of the Federation and the State Governors to exercise their Prerogative of Mercy by decongesting the prisons of inmates whose detention are manifestly unlawful and those who have been in detention for periods longer than they would have served if convicted for the alleged offences they are charged for in order to save our prisons from becoming a breeding grounds for epidemic;
- (iv) direct the Committees on Interior; and Judiciary, Human Rights and Legal Matters to visit Kuje and Suleja prisons to take statistics of prisoners with minor offences and ascertained their fines for Senate intervention;
- (v) urge the Federal Government to build more prisons and modernise the existing ones;
- (vi) urge the State Governments to collaborate with Ministry of Interior to relocate prisons in urban centres to remote areas; and
- (vii) urge the Nigeria Police to ensure quick transfer of case files to the Ministry of Justice for prompt dispensation of justice (*S/Res/043/02/16*).

(b) *Intolerable Upswing of Unemployment in Nigeria:*

Motion made: That the Senate notes with serious concern the scandalous and incredible level of unemployment in the country which is evidenced in the National Bureau of Statistics (NBS) recent figure which put the unemployment rate at a double digit of 13.3 percent, adjudging it as the worst unemployment situation the country has ever faced;

alarmed that the number of unemployed and under-employed according to NBS, rose from 24.4 Million in the first Quarter this year to 26.06m in the Second Quarter, representing a consistent quarterly increase of about 2 Million;

worried that the economic recession which has hit the country would integrally multiply the level of unemployment in the country as more companies have started considering the option of downsizing in order to cut costs and optimize profit, which would further compound the unemployment situation and worsen the economic crisis;

observes that the worrisome and mind-boggling unemployment figure in the country has created social tension and crisis in our society by way of unemployed graduates now being involved in kidnapping and abduction, armed robbery, insurgency and other forms of criminality as survival measures;

observes further that with 370,000 policemen to 170 million Nigerian population and 9 Military personnel to 10,000 Nigerians, ample space obviously exists in the security outfits to enlist more unemployed youths, in so doing, reducing the unemployment figure and equally important boosting the security architecture of the country;

aware that if urgent and results-oriented steps are not taken to tackle the unpalatable unemployment situation through jobs creation, there would be a resultant colossal and unimaginable rise in social strife and insecurity in the country; and

observes further that the government appears seemingly helpless in concretely grappling with this monumental socio-economic gridlock.

Accordingly resolves to:

- (i) invite the Minister of Labour and Productivity to provide insight into government's roadmap towards tackling the shocking unemployment rate and consequently reviewing and reinforcing the blueprint;
- (ii) urge government to declare a state of emergency on unemployment with a view to confronting the challenge frontally and radically; and
- (iii) urge Government Ministries, Agencies and Parastatals, particularly the security outfits to enlist more Nigerian youths as a measure towards enhancing security around the country and to ease unemployment (*Senator Duro S. Faseyi — Ekiti North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do invite the Minister of Labour and Productivity to provide insight into government's roadmap towards tackling the shocking unemployment rate and consequently reviewing and reinforcing the blueprint — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do urge government to declare a state of emergency on unemployment with a view to confronting the challenge frontally and radically — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do urge Government Ministries, Agencies and Parastatals, particularly the security outfits to enlist more Nigerian youths as a measure towards enhancing security around the country and to ease unemployment — *Agreed to*.

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"Senate should organise one day retreat to discuss the issue of unemployment" (*Senator Godswill O. Akpabio — Akwa Ibom North-West*).

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

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"Curriculum adjustment in schools to accommodate the areas of needs by creating more employment opportunities" (*Senator Rabi'u M. Musa — Kano Central*).

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

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"Revival of Agricultural Sectors to explore the opportunity offered by International Institute of Tropical Agriculture (IITA) in training graduates in agricultural activities from the \$200 Million provided by African Development Bank (ADB)" (*Senator Adamu M. Aliero — Kebbi Central*).

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

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"Mandate the Committee on Labour and Productivity to coordinate (i) and (iii)" (*Senator Mao A. Oluabunwa — Abia North*).

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

Resolved:

That the Senate do:

- (i) invite the Minister of Labour and Productivity to provide insight into government's roadmap towards tackling the shocking unemployment rate and consequently reviewing and reinforcing the blueprint;
- (ii) urge government to declare a state of emergency on unemployment with a view to confronting the challenge frontally and radically;
- (iii) urge Government Ministries, Agencies and Parastatals, particularly the security outfits to enlist more Nigerian youths as a measure towards enhancing security around the country and to ease unemployment;
- (iv) Senate should organise one day retreat to discuss the issue of unemployment;
- (v) carry out curriculum adjustment in schools to accommodate the areas of needs by creating more employment opportunities
- (vi) revival of Agricultural Sectors to explore the opportunity offered by the International Institute of Tropical Agriculture (IITA) in training graduates in agricultural activities from the \$200 Million provided by African Development Bank (ADB); and
- (vii) mandate the Committee on Labour and Productivity to coordinate (i) and (iii) (S/Res/044/02/16).

(c) ***The need to unburden recruitment requirements and modes to remove undeserved hardship for Job-Seekers in Nigeria:***

Motion made: That the Senate observes that almost all government Ministries, Departments and Agencies (MDAs) specify age brackets allowable for recruitment into available vacancies with them;

observes further that in violation of the recruitment laws, MDAs now engage in what they have termed 'REPLACEMENT' to fill vacant positions in their establishments instead of inviting applications from qualified Nigerians in a public notice as demanded by the Employment Act;

notes that some or all MDAs and Corporate Private Sector apply the Catch 22 Phrase, which is a requirement for cognate and requisite experience before an applicant can be employed. If a person is not given the chance in the first place, how can he gain the experience;

notes further that some or all of the MDAs do not adhere to the Federal Character requirement in recruitment exercises;

aware that these practices have caused job-seekers untold hardship, thus making it almost impossible for certain Nigerians to get employed;

convinced that the inability of some Nigerians to get paid jobs is, strictly speaking, not their fault as Nigerians are known to be hardworking and the employable ones want to be gainfully employed;

convinced further that successive governments in Nigeria have failed to provide jobs and as a result an employable generation just age away as the days fuse into weeks and months and then years;

worried that if these practices are allowed to go on, a whole generation and a huge number of Nigerians will grow old and would not have had the opportunity to express and apply themselves through gainful employment because they were excluded before they even had the chance to apply and all these would have happened not through any fault of theirs;

worried further that if this is not curtailed, there might exist more unemployed than employed people in the country thus engendering an unproductive society that could cause social chaos and increase insecurity; and

mindful that the argument for age specification might be that after a certain age, productivity reduces. A strict application of that argument will retire all workers at age forty.

Accordingly resolves to:

- (i) urge the Ministries, Departments and Agencies (MDAs) to de-emphasize age bracket requirement of recruitment exercises for applicants seeking to be employed for the first time;
- (ii) urge the Ministries, Departments and Agencies (MDAs), Corporate Private Sector to de-emphasize cognate experience as a prerequisite for recruitment of applicants seeking to be employed for the first time; and
- (iii) urge the Ministries, Departments and Agencies (MDAs) to adhere strictly to the Federal Character principles as it relates to recruitment exercises (*Senator Matthew A. Urhohide — Edo South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Ministries, Departments and Agencies (MDAs) to de-emphasize age bracket requirement for recruitment exercises for applicants seeking to be employed for the first time — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Ministries, Departments and Agencies (MDAs), Corporate Private Sector to de-emphasize cognate experience as a prerequisite for recruitment of applicants seeking to be employed for the first time — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Ministries, Departments and Agencies (MDAs) to adhere strictly to the Federal Character principle as it relates to recruitment exercises — *Agreed to.*

Resolved:

- (i) urge the Ministries, Departments and Agencies (MDAs) to de-emphasize age bracket requirement for recruitment exercises for applicants seeking to be employed for the first time;
 - (ii) urge the Ministries, Departments and Agencies (MDAs), Corporate Private Sector to de-emphasize cognate experience as a prerequisite for recruitment of applicants seeking to be employed for the first time; and
 - (iii) urge the Ministries, Departments and Agencies (MDAs) to adhere strictly to the Federal Character principle as it relates to recruitment exercises (*S/Res/045/02/16*).
- (d) ***Need to Determine the Status of Unclaimed ₦90 Billion Dividends in Securities for Nigerian Investors:***
- Motion made:* That the Senate notes that the Securities and Exchange Commission (SEC) as the apex regulatory institution of the Nigerian capital market maintains surveillance over the Nigerian Stock Exchange with the mandate of ensuring orderly and equitable dealings in securities, and protecting the market against insider trading abuses;

aware that investigations by stakeholders in Nigeria's capital market as reported by the Securities and Exchange Commission in premium times Newspaper on 8th June, 2016, revealed unclaimed dividends of ₦90 Billion belonging to Nigerian investors;

further aware that the amount of unclaimed dividends rose from ₦1.96 billion in 1999 to ₦2.6 billion in 2001, this figure however rose to about ₦13 billion in 2005, and as at 30th September, 2015, SEC placed the total value of unclaimed dividends in quoted companies at ₦90 Billion;

cognizance that the legal position of unclaimed dividend is that dividends which remain unclaimed after fifteen months of being declared are supposed to be returned to the company from which the beneficiary/investor may make a claim not later than twelve years afterwards; subsequently, such unclaimed dividends are considered statute-barred and thus forfeited by the shareholders;

worried that the incidence of unclaimed dividends constitute a serious problem (mainly to the investing public) because distribution of earning (i.e. cash dividend) forms part of the major expectations of the investing public, some of whom may be orphans still in school (for school fees), widows, retirees use it as a means of livelihood; thus, Income from such investments goes a long way in cushioning the effect of economic hardship being faced by these sets of Nigerians;

further worried that non-payments of dividends could lead to social vices, street begging, fraudulent practices, youth restiveness and unpleasant consequences such as economic under development and tarnishing the corporate image of the company; with attendant negative effect on corporate governance;

disturbed that other implications include adverse investors' confidence in the capital market, reduction or unavailability of long-term capital for economic development, which would in the long run expose the weakness of the regulatory authorities of the Nigerian capital market;

further disturbed that despite Security and Exchange Commission initiative to reduce the incidence of unclaimed dividends by introducing the e-dividend policy which ensures that bank accounts of investors are credited directly within 24 hours after the declaration of dividends by the companies, this policy has not effectively resolved the issue; and

regret that if the issue of unpaid dividend is not looked into and resolved, it will create an avenue where corrupt persons would divert these dividends for their own personal use, thus depriving the beneficiaries of their rightful benefits.

Accordingly resolves to:

- (i) urge Securities and Exchange Commission (SEC) to collaborate with the Central Bank of Nigeria and other relevant Stakeholders to create more public awareness and improve investors enlightenment on the issue of dividends and the e - dividend policy;
- (ii) urge Securities and Exchange Commission (SEC) to address the issue of transferring unclaimed dividend to the company after twelve years, as this might result in a situation where dubious company managers in connivance with their company Registrars manipulate the system with the fraudulent undertone to revert the unclaimed dividend of the company;
- (iii) urge the Senate to recommend the amendment of the 12 year ban on unclaimed dividend as provided for by section 383 of the Companies and Allied Matters Act 1990;
- (iv) direct its Committee on Capital Market to liaise with SEC and other Stakeholders to verify the alleged unclaimed dividends, and the circumstances under which it was accumulated;

- (v) direct the Committee to recommend appropriate measures to determine the status of the unclaimed dividends and how it will be disbursed to the beneficiaries; and
- (vi) urge the Senate to make such further directives as deemed expedient in the circumstances (*Senator Muhammad U. Shitu — Jigawa North East*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge Securities and Exchange Commission (SEC) to collaborate with the Central Bank of Nigeria(CBN) and other relevant Stakeholders to create more public awareness and improve investors enlightenment on the issue of dividends and the e - dividend policy — *Agreed to*.

Proposed Resolution (ii):

Question: That the Senate do urge Securities and Exchange Commission (SEC) to address the issue of transferring unclaimed dividend to the company after twelve years, as this might result in a situation where dubious company Managers in connivance with their company Registrars manipulate the system with the fraudulent undertone to revert the unclaimed dividend of the company — *Agreed to*.

Proposed Resolution (iii):

Question: That the Senate do urge the Senate to recommend the amendment of the 12 years ban on unclaimed dividend as provided for by section 383 of the Companies and Allied Matters Act 1990 — *Agreed to*.

Proposed Resolution (iv):

Question: That the Senate do direct its Committee on Capital Market to liaise with SEC and other stakeholders to verify the alleged unclaimed dividends, and the circumstances under which it was accumulated — *Agreed to*.

Proposed Resolution (v):

Question: That the Senate do direct the Committee to recommend appropriate measures to determine the status of the unclaimed dividends and how it will be disbursed to the beneficiaries — *Agreed to*.

Proposed Resolution (vi):

Question: That the Senate do make further directives as deemed expedient in the circumstances — *Negated*.

Resolved:

That the Senate do:

- (i) urge Securities and Exchange Commission (SEC) to collaborate with the Central Bank of Nigeria(CBN) and other relevant Stakeholders to create more public awareness and improve investors enlightenment on the issue of dividends and the e - dividend policy;
- (ii) urge Securities and Exchange Commission (SEC) to address the issue of transferring unclaimed dividend to the company after twelve years, as this might result in a situation where dubious company Managers in connivance with their company Registrars manipulate the system with the fraudulent undertone to revert the unclaimed dividend of the company;
- (iii) urge the Senate to recommend the amendment of the 12 years ban on unclaimed dividend as provided for by section 383 of the Companies and Allied Matters Act 1990;
- (iv) direct its Committee on Capital Market to liaise with SEC and other Stakeholders to verify the alleged unclaimed dividends, and the circumstances under which it was accumulated; and

- (v) direct the Committee to recommend appropriate measures to determine the status of the unclaimed dividends and how it will be disbursed to the beneficiaries (S/Res/046/02/16).

(e) ***Urgent need to investigate the granting of Concession of the Western (Lagos-Kano) and Eastern (Port Harcourt-Maiduguri) Rail Lines to General Electric a United States Company:***

Motion made: That the Senate notes that the Public Enterprises (Privatization and Commercialization) Act 1999 establishes the National Council on Privatization (NPC) and the Bureau of Public Enterprise (BPE) for the purpose of privatization of public enterprises;

further notes that the Bureau of Public Enterprise and the Nigeria Infrastructure Advisory Facility (NIAF) upon the approval of the National Council on Privatization in April 2015, developed a road map for the concessioning of the Western (Lagos-Kano) and Eastern (Port Harcourt-Maiduguri) rail lines despite the fact that the Nigerian Railway Corporation Act did not envisage a concessioning of the Corporation until recently amended;

aware that the BPE has already engaged the Global Infrastructure Facility (GIF) and World Bank in discussions on accessing funding for Transactions Advisers while the Ministry of Transport has formally appointed Africa Finance Corporation (AFC) and Greenwich as financial advisers for the same purpose;

further aware that in August, 2016, the Vice President Yemi Osinbajo inaugurated the steering committee and technical Committees in line with the provision of Section 11(k) of the Public Enterprises (Privatization and Commercialization) Act 1999 to fast track the process of concession of the Rail lines;

observes that The Minister of Transportation, Rt. Hon. Chibuike Rotimi Amaechi in an interview with CNBC monitored by VANGUARD and published in Vanguard Newspaper of 30th June, 2016, stated that General Electric is already engaged for this project with a potential investment of over \$2billion by the company in the Nigerian railway sector, to revive the Lagos-Kano narrow gauge and the Port Harcourt-Maiduguri narrow gauge;

worried that it is the responsibility of the Steering Committee and Technical Committees of the NPC inaugurated by the Vice President in August, 2016 to negotiate with potential bidders for this concession, how then did the Ministry of Transport engage General Electric Company as far back as June, 2016;

further worried that contrary to the provisions of the BPE Act, the Federal Government had already constituted a task force headed by the Honourable Minister of Finance to drive the transaction process in line with the approval of NCP in April, 2015; and

convinced that the Ministry of Transportation has violated the provisions of the Public Enterprises (Privatization & Commercialization) Act, 1999 by unilaterally engaging the General Electric (G.E) for the concessioning of the Western (Lagos-Kano) and Eastern (Port Harcourt-Maiduguri) rail lines as evident from the above facts.

Accordingly resolves to:

mandate the Committees on Privatization; Land Transport; Finance; Anti-Corruption and Financial Crimes; Special Duties; Trade and Investment; and Judiciary to investigate the procedure adopted in the engagement of General Electric for the concession of the Rail Lines (Senator Albert A. Bassey — Akwa Ibom North-East).

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committees on Privatization; Land Transport; Finance; Anti-Corruption and Financial Crimes; Special Duties; Trade and Investment; and Judiciary, Human Rights and Legal Matters to investigate the procedure adopted in the engagement of General Electric for the concession of the Rail Lines — *Agreed to.*

Resolved to:

That the Senate do mandate the Committees on Privatization; Land Transport; Finance; Anti-Corruption and Financial Crimes; Special Duties; Trade and Investment; and Judiciary, Human Rights and Legal Matters to investigate the procedure adopted in the engagement of General Electric for the concession of the Rail Lines (*S/Res/047/02/16*).

(f) *Provision of Medical Attention for Critical Condition Victims:*

Consideration of Motion deferred to another Legislative Day.

(g) *Urgent need to end the Illicit Trade in Freshly Minted Naira Notes:*

Consideration of Motion deferred to another Legislative Day.

(h) *Urgent need to Investigate Special Funds that Accrued to the Federation as provided by the Revenue Allocation Act 2004:*

Consideration of Motion deferred to another Legislative Day.

(i) *Urgent need to examine the Operations of the Nigeria Customs Service Revenue Drive:*

Consideration of Motion deferred to another Legislative Day.

(j) *The Total State of Disrepair and Collapse of the Ekpoma - Benin Federal Highway:*

Consideration of Motion deferred to another Legislative Day.

8. *Adjournment:*

Motion made: That the Senate do now adjourn till Wednesday, 9th November, 2016 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 1:23 p.m.

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