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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 23th February, 2016

The Senate met at 11:11 a.m.

PRAYER

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Colleagues, we have before us the Votes and Proceedings of Tuesday, 16th February, 2016 for approval. We will start consideration from page 483 to 488.

Senator Buhari Abdulafatai (Oyo North): Mr. President, I move that the Votes and Proceedings of Tuesday, 16th February, 2016 be approved.

Senator Ben Murray Bruce (Bayelsa East): Mr. President, I second the Motion that the Votes and Proceedings of Tuesday, 16th February, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 16th February, 2016 be approved.

MESSAGE FROM MR. PRESIDENT

The President: This letter is from Mr. President, Commander-in-Chief of Armed Forces of the Federation and it reads:

16th February, 2016

*Distinguished Senator Abubakar Bukola Saraki,
President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President.

**REQUEST FOR AMENDMENT FOR THE
EXTENSION OF THE FCT 2015 STATUTORY
APPROPRIATION ACT TO 31ST MARCH, 2016**

I am writing to seek the Senate approval to extend the Federal Capital Territory Administration (FCTA) 2015 Statutory Appropriation Act to 31st March, 2016.

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2. You may recall that the 2015 FCT Appropriation was assented to by my predecessor on 28th May, 2015, the delay affected its implementation in respect of Capital Projects and other expenditure. In this connection, numerous payments for critical and essential projects are outstanding.

3. In view of the foregoing, the Senate is invited to note:-

- (i) The FCT 2015 Statutory Appropriation assented to on 20th May, 2015, allowed the FCTA only seven (7) months in 2015 for implementation.
- (ii) To meet its obligations and as permissible by the Constitution the FCT 2015 Appropriation needs to be extended to 31st March, 2016 as that will enable the FCTA to make payments for various critical and essential ongoing projects towards achieving a better performance in the implementation of projects for the 2015 Statutory Appropriation.

4. I have taken a liberty of attaching a draft FCTA of Appropriation (Amendment) Bill, 2015 for consideration.

5. While looking forward to your kind approval of my request please accept Distinguished President of the Senate the assurances of my highest esteem at all times.

Yours sincerely,

(Signed)

Muhammadu Buhari GCFR

ANNOUNCEMENTS

Visitors in the Gallery

I wish to acknowledge the presence of Members of Edo State Students Association, University of Abuja, Gwagwalada, Abuja; Staff and Students of Shalom Christian Academy, Akwanga, Nasarawa State; and Staff and Students of Federal Government College, Bwari, Abuja, who are in the Gallery to observe Senate proceedings.

I wish them all fruitful observations of the Senate proceedings.

(Visitors stood for recognition)

Please sit down.

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Letter from Senator Ibrahim Abdullahi Gobir

The Senate President,
Senate of the Federal Republic of Nigeria,
National Assembly,
Abuja.

Your Excellency,

Re: Production of 2016 Senate Calendar

Sequel to my earlier letter on the above subject matter, distinguish Senators may wish to know that the production of the 2016 Senate Calendar has commenced.

2. A sample of the 2016 Calendar is being circulated in the Chamber and Senators are requested to scrutinise their pictures and information contained therein. Observations are to be made on the attached comment sheet in the following format:

- (a) Name of Senator,
- (b) Constituency,
- (c) Comment (if any) and
- (d) Remarks.

3. Distinguished Senators are implored to strictly observe these procedures to ensure timely delivery of the 2016 calendars.

4. Please, accept the assurances of my highest regards

(Signed)

Senator Ibrahim Abdullahi Gobir
Chairman, Senate Services Committee

Submission of Reports on Bills and Motions

This is to inform Chairmen of the under-listed Committees, whose Reports on Bills and Motions are yet to be submitted to the Senate to do so within a week to enable the Senate consider them.

This is in line with the objectives of the Legislative Agenda of the 8th Senate which aims at improving the work of the legislature.

S/NO	COMMITTEE	REPORT/SUBJECT MATTER
1.	Ad-hoc Committee on Waivers	Indiscriminate use and abuse of waivers for rice importation
2.	Joint Committees on Health, Agriculture And Health Development	The ban on Nigeria Agricultural Exports Products by European Union
3.	Ad-hoc Committee on Power	The disconnection of Maiduguri from the National Grid and the General Power Degeneration in Nigeria.

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4.	Committee on Education	JAMB's new Admission Policy
5.	Committee on Poverty Alleviation	Discrimination against persons with Disabilities (prohibition Bill) 2015. (SB. 22).
6.	Committee on Health	National Centre for Cancer and Treatment (Est., etc.) Bill, 2015. (SB 10).
7.	Committee on Environment	Forestry Research Institute of Nigeria (Est., etc.) Bill, 2015. (SB. 14).
8.	Committee on Narcotics and Drugs	Counterfeits and Fake Drugs and Unwholesome Processed Foods, (Miscellaneous Provision) Amendment Bill, 2015 (SB.55).
9.	Committee on Banking, Insurance and Other Financial Institutions	Bankruptcy and Insolvency Act Cap B2 LFN 2011. Repeal and Re-Enactment (SB.09).
10.	Committee on Land Transport	National Railway Corporation, Act 1955 N129 LFN 2004 (Repeal and Re-enactment) Bill, 2015 (SB. 01).
11.	Committee on Judiciary/Human Rights and Legal Matters	Frivolous Petitions (Prohibition, etc.) Bill, 2015 (SB. 143).
12.	Committee on Police Affairs	Crime and Criminal Tracking System Bill, 2015 (SB. 03).
13.	Committee on Police Affairs	Traffic Warden Service Bill, 2015 (SB. 100).

These Reports are long overdue; we will ensure that these Reports are brought before Plenary within the week.

Birthday Wishes

I want to, on behalf of the Senate, congratulate our following Colleagues:

- (1) Senator Muhammadu Ubali Shitu whose birthday was on the 1st of February
- (2) Senator Tijjani Yahaya was on the 3rd of February
- (3) Senator Ogola Foster was on the 5th of February
- (4) Senator Mohammed Shaaba Lafiagi was on the 12th of February
- (5) Senator Mallam Ali Wakili also was on the 12th of February
- (6) Senator Danladi was on the 14th of February
- (7) Senator Jeremiah Useni was on the 16th of February
- (8) Senator Ben - Murray Bruce was on the 18th of February, and
- (9) Senator Danjuma La'ah also was on the 18th of February

Congratulations to you all. I wish you many more years of good health and prosperity.

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PERSONAL EXPLANATIONS

Robust Engagement with Stakeholders

Senator Rose Okoji Oko (Cross River North): Point of Order Mr. President.

The President: What is your Point of Order, Senator Rose Oko?

Senator Rose Okoji Oko: Mr. President I stand on Order 43 which reads:

By the indulgence of the Senate and the leave of the President of the Senate; a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

At the start of this Senate, a Legislative Agenda was deliberated upon, considered and adopted. Part of the implementation of that Legislative Agenda was a robust engagement with various stakeholders, key among which are Civil Society Organisations and development partners. Consequent upon this, the Senate President under the auspices of the Senate Committee on Diaspora and Civil Society Organisations, as well as the House Committee on Civil Society Organisations and Development Partners on the 10th February, convene a stakeholders meeting between Civil Society Organisations and the National Assembly.

The discussions were robust, it was engaging and resolutions were arrived upon. Particularly, that stakeholders' meeting was to discuss and get inputs from Civil Society Organisations in respect of the 2016 Budget, at the end of it, we came by some resolutions and this Committee has made some recommendations to this Senate.

By your kind permission, please permit me to lay the Report on the Table.

(Report laid on the Table)

The President: Thank you Senator Rose Oko, what we will do is to reschedule the Report itself to appropriate date for a debate. Rules and Business Committee should note that and consider the appropriate time.

Suspension of Electricity Tariff

Senator Suleiman Mohammed Nazif (Bauchi North): Mr. President, Point of Order.

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The President: What is your Point of Order Senator Nazif?

Senator Suleiman Mohammed Nazif: I am coming under Order 43, it is a Personal Explanation.

By the indulgence of the Senate and the leave of the President of the Senate; a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

My explanation is in furtherance with the assignment given to us on the suspension of electricity tariff. The Committee has directed the critical stakeholders, the GENCOS, DISCOS, the NERC as well as the Labour Union to submit their position papers on or before today Tuesday, 23rd February, 2016. We will read their submissions and listen to their arguments with rapt attention in the course of the public hearing with the view of coming up with a patriotic Report submission to the Senate. Already, all hands are on deck with regard to the issue of the electricity tariff.

The President: Thank you very much Senator Nazif, as you know, this is a very important issue as it concerns a lot of Nigerians. The sooner your Committee can bring to conclusion a way forward on this matter will be in the interest of the entire public.

Before I call on the Leader of the Senate, the Chairman Senate Committee on Appropriation came under Personal Explanations to tell us an update of where we are on the issue of the Budget process.

Submission of Reports by Various Sub-Committees

Senator Mohammed Danjuma Goje (Gombe Central): Mr. President, last week, I presented a written Report on the Budget and this Senate agreed to suspend Plenary for one week. We have resumed today, and the arrangement was that today will be the beginning of the submission of Reports by the various Sub-Committees. I want to inform the Senate that the Appropriation Committee is ready. Immediately after my explanation, all the Members will go to Room 224 to receive the Reports.

The time-table has been distributed to you and the Committees concerned that are supposed to submit their Reports are stated in the time-table.

I would like to urge my Colleagues, Chairmen, Vice Chairmen and the Members of the various Committees to cooperate with us to ensure that we conclude this exercise within the one week stipulated by this Senate.

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The submission will start today and it will end next week Tuesday. If we do not go by the programme, then, there would be a problem of submission of our Report and because of the importance of this Budget to the Nation, it is incumbent that we go by the programme to finish this exercise of receiving of Reports within one week to allow us compile the Reports with a view to submitting it to this Senate for passing into law. Once more we urge you to go by the time-table.

The President: Distinguished Colleagues, it is self-explanatory and as the Chairman of Appropriation has said, they are ready to receive the Reports. Please, let us ensure that all Committees submit their Reports to Appropriation Committee so that we can keep to the time table. We will try and ensure that time is available so that people can do the Reports while we are still sitting in Plenary.

PRESENTATION OF REPORTS

Abuse and Mismanagement of the Treasury Single Account (TSA)

Senator Bala Ibn Na'allah (Kebbi South): Mr. President, the first Business of the Day is the Presentation of the Report of the Joint Committees on Finance, Public Accounts and Banking, Insurance and other Financial Institutions in respect of the Motion on the Abuse and Mismanagement of the Treasury Single Account (TSA).

You may wish to invite Senator John Enoh, Chairman of the Committee to move the Motion for the Senate to receive the Report.

Senator John Owan Enoh (Cross River Central): Mr. President, I move that the Senate do receive the Report of the Joint Committees on Finance, Public Accounts and Banking, Insurance and other Financial Institutions in respect of the Motion on the Abuse and Mismanagement of the Treasury Single Account (TSA).

Senator Barau I. Jibrin (Kano North): Mr. President, I second the Motion moved by Senator Enoh.

Question put and agreed to.

(Report laid on the Table)

Report on a Petition against Total Exploration and Production Nigeria Limited

Senator Bala Ibn Na'allah: Mr. President, the second Business of the Day is the Presentation of the Report of Committee on Ethics, Privileges and Public Petitions on a petition from contract staff of Total Exploration and Production Nigeria Limited (TEPNG) against Total Exploration and Production Nigeria Limited for unlawful disengagement from service.

You may wish to invite Senator Samuel Anyanwu, Chairman of the Committee to move the Motion for the Senate to receive the Report.

Senator Samuel N. Anyanwu (Imo East): Mr. President, I move that the Senate do receive the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from contract staff of Total Exploration and Production Nigeria Limited (TEPNG) against Total Exploration and Production Nigeria Limited for unlawful disengagement from service.

Senator Abubakar Kyari (Borno North): Mr. President, I second the Motion as moved by Senator Samuel Anyanwu.

Question put and agreed to.

(Report laid on the Table)

Reports of the Committee on Ethics, Privileges and Public Petitions

Senator Bala Ibn Na'allah: Mr. President, the third Business of the Day is the presentation of the Report of the Committee on Ethics, Privileges and Public Petitions on a Petition from Mrs. Iroezi O. Chinyere against the Federal Medical Centre, Umuahia for unlawful dismissal from service.

You may wish to invite Senator Samuel Anyanwu, Chairman of the Committee to move the Motion for the Senate to receive the Report.

The President: Distinguished Senator Samuel Anyanwu, the best thing you should do is to move one Motion for the six Reports to be received, and then a Senator will second the Motion.

Senator Samuel Nnaemeka Anyanwu: Mr. President, I move that the Senate do receive the six (6) Reports of the Committee on Ethics, Privileges and Public Petitions in respect of Petitions from the following persons:

Petition against the Federal Medical Centre

- (1) Report on a petition by Mrs. Iroezi O Chinyere against the Federal Medical Centre, Umuahia for unlawful dismissal from service by the Centre.

Petition against the Central Bank of Nigeria (CBN)

- (2) Report on a petition by Mr. Chuks Ewoh against the Central Bank of Nigeria (CBN) for alleged unlawful retirement from the service of the Bank.

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Petition against the Federal Housing Authority (FHA)

- (3) Report on a petition by St. Matthew's Church, Gwarimpa, Abuja against the Federal Housing Authority (FHA) and the Federal Capital Development Authority (FCDA) for an Unlawful Order to stop work.

Petition against Kano Electricity Distribution Company (KEDCO)

- (4) Report on a petition by 800 former staff of Power Holding Company of Nigeria (PHCN) against Kano Electricity Distribution Company (KEDCO) for Improper Disengagement and non-payment of outstanding benefits and entitlements.

Petition against the Chairman of the Economic and Financial Crimes Commission (EFCC)

- (5) Report on a petition by Dr. George Uboh against the Chairman of the Economic and Financial Crimes Commission (EFCC), Mr. Ibrahim Lamorde for alleged Financial Crimes and Corruption.

Petition against Senator Kabir Marafa

- (6) Report on a complaint by Senator Isah Misau and two others against Senator Kabir Marafa over a newspaper publication in the Sunday Punch of 7th February, 2016 for allegedly misleading the public against the Senate and National Assembly.

Senator David Umaru (Niger East): Mr. President, I second the Motion that the six (6) Reports moved by the Chairman, Senator Samuel Anyanwu be received by the Senate.

Question put and agreed to.

(Reports laid on the Table).

ORDERS OF THE DAY

MOTION

Resuscitation of Collapsed and Ailing Industries and Establishment of new ones to rejuvenate the Economy

Senator Bala Ibn Na'allah: Mr. President, the first Order of the Day is a Motion standing in the name of distinguished Senator Barau Jibrin and 61 others on the need to urgently seek the resuscitation of collapsed and ailing industries as well as the establishment of new ones to rejuvenate the economy.

You may wish to invite Senator Barau Jibrin to move the Motion.

Senator Barau I. Jibrin (Kano North): Mr. President, my Motion is titled the need to urgently seek the resuscitation of collapsed and ailing Industries as well as the establishment of new ones to rejuvenate the economy and I read as follows:

The Senate:

Notes that the premise on which the present administration was elected was the irrevocable pledge that the country will be positively changed in order to bring succour to millions of impoverished Nigerians;

Believes that the change being referred to cannot be achieved unless there is liberate state policy backed with action, to change our economy from being dependent solely on oil export to the one that is industrialised;

Sad that the real sector of the economy is nearly dead due mainly to the closure of the greatest number of the nation's manufacturing concerns;

Convinced that in order to achieve a very sound economy, it is important and necessary that the nation's closed or ailing manufacturing entities in Kano, Lagos, Kaduna, Aba, Nnewi, Ibadan, Asaba, Onitsha, Gusau, Calabar, Ota, Ilorin, Katsina, Oshogbo, Jos, Maiduguri, Benin City, Port Harcourt, Ikot Abasi, Ajaokuta, Aladja, *et cetera*, must be revived and sustained;

Further convinced that the government should approach and educate Nigerian Importers who have the financial wherewithal to invest their resources in the establishment of industries that will produce the products they usually import into the country in order to strengthen our economy;

Persuaded that there is now an urgent need to formulate a work-plan to woo foreign manufacturers whose finished goods are being imported into Nigeria by the Nigerian Importers to come and establish their factories in Nigeria;

Notes that it is also important that there is an urgent need to continue to sensitise and encourage our graduate youths and others to establish micro or cottage manufacturing outfits to produce items like toothpicks, toiletries, handkerchiefs, *et cetera*, in order to boost the economy and further create jobs, *et cetera*.

Accordingly resolves to;

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- (i) Mandate the Senate Committees on Industries, privatization and National Planning, to undertake an immediate inventory of all closed industries, establish why they collapsed, and proffer solutions on how to revive them and report back within a reasonable period of time as may be prescribed by the Senate.
- (ii) Urge the Legislative and Executive Arms of government to set up Joint Consultative Committee with a mandate to contact and woo foreign manufacturers to establish Nigerian branches of their factories.
- (iii) Call on the Federal Government to device ways and means by which it can persuade our high net-work worth Nigerians to establish factories rather than to continue with their dependence on importation of foreign goods, and
- (iv) Urge the Federal Government to create an enabling policy that would entice our unemployed youths to embrace and set up cottage manufacturing concerns through the help and encouragement of the government.

We know as a fact that this new government and indeed majority of us here were voted in the 2015 elections with the sole reason of bringing change into this country from the current statuesque of poverty to having a country that is full of prosperity. This cannot be achieved unless we have a sound and robust economy. A sound and robust economy is *sine qua non* to deserved Nigerians to have a country that would be very sound in terms of making sure that the welfare of Nigerians is being catered for without allowing us to remain in perpetual poverty.

The backbone, the foundation and the nucleus of a sound economy is the real sector. A real sector when it is sound and up and doing, a real sector, where you have factories scattered everywhere working day and night in order to produce goods that will be used by Nigerians and cater for the welfare of Nigerians. That naturally will not only help the real sector but will give rise to the formation of other sectors, like the banking sector. The banking sector will naturally come up because these manufacturers concerned will need the services of banks, real banks, not the banks that are dependent on government deposits, sound insurance sector and so on and then there will be jobs. The real sector is very important in our desire to have a country that will be able to cater for all Nigerians in terms of their welfare.

How do we get to do this and how do we actualise the dream? We have to begin from the known to the unknown, the known are the factories that are scattered all over this country, closed factories or those who are in coma, we need to make sure that we bring them back to life. When you go to Kano, Kaduna, Enugu, Nnewi, Ota and Ibadan, you will find several of them.

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We need to do something, we can see the enthusiasm, the zeal and the will being employed by the Anti-Corruption Agencies in pursuing monies that are allegedly taken away or stolen through the \$2.1 Billion arms money. We can put the same zeal in making sure we revive these factories, we should have the enthusiasm to do the same, the agency concerned, everyone should come on board to make sure that these factories are revived, this is doable. If we can pursue these monies with this enthusiasm, we can use the same zeal to make sure that we revive these factories. Why are we just concentrating on one thing, we should please come back and put our heads together to revive these factories; it is very important.

Apart from that, our high network business men who are always going to China, Hong Kong and India to import goods into this country, even toothpicks and handkerchiefs are being imported into this country. These business men and corporate entities are patriotic Nigerians, what they need is education, enlightenment, and sensitisation. Let them understand that the more they go out to these countries to import these goods, the more they make us poorer; they take money out of this country and take it down to those countries. We should let them understand, some of them do not know, they are patriotic Nigerians, and good people. Let them understand that manufacturing their goods here is even more profitable, sensitise them so that they can bring in their money, they have money, let them come in and invest in this country so that our economy will pick up.

We should also woo those companies who are bringing goods to Nigeria, some of them are good people they will like to come and invest here. We should ask them to come and invest in this country; that will also help our economy.

Lastly, our graduate youths are roaming the streets looking for jobs that are not there. They should learn from what happened in China, how they began to build their economy. They were much involved in macro entities, businesses, and cottage industries. These young graduates should be educated and supported with starting capital so that they can begin to produce things like toothpicks, handkerchiefs and so on. I am just emphasising this because of the importance of this Motion. We need to fix our economy, it is very important.

With this, I move this Motion and I urge my Colleagues to support it so that we can change this country to an economic Eldorado.

Senator Ben Murray-Bruce (Bayelsa East): Mr. President, this is a brilliant Motion by Senator Jibrin, I support it wholeheartedly and I second it but let me say that Nigeria needs a 20-Year economic plan. Plans that really makes sense to the private sector.

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We do not have an economic plan; we have inconsistent policies. If government A bans the importation of rice and government B reverses it, you will have a problem of someone who has invested all his money in rice production on one hand.

Two, we have a problem with Nigeria's banks. Last year, I was talking to the former Vice President, Namadi Sambo, and he said to me that no Nigeria bank would lend any money to any business in the North Eastern part of the country. Imagine the effect of not lending any money to any business in the North Eastern part of the country; it will destroy a whole economy.

Three, a government must have a budget for research and development. As I listened to the policies of the government, I realised that not only do we not have money for research and development; all we talk about are very pedestrian things like toothpicks, pencils; we have gone beyond that. The Ajaokuta steel should be producing all the steel we need for our real lights. The Nigerian Army should have set up an industrial complex to make the AK47 and bullets for our Police, Army and Air Force. We have the resources in the ground, we have the technology that is readily available and we have the Nigerian Entrepreneurial spirit; Nigerians who have exceeded and excelled abroad. The Volkswagen which is one of the most important cars from General Motors was designed by a Nigerian. We have Nigerians in National Aeronautics and Space Administration (NASA). Yet when we talk about manufacturing, we talk about the basic elementary and fundamental parts as if we are in the 17th Century.

Nigeria should be able to have solar panels and batteries to support alternative energy. Germany today generates 74 per cent of its power from the sun but Germany has no sun; we are at the equator. We have the sun and it is free. The way we make cars and run our power stations is an archaic way of generating power for our country. It is unproductive, very soon, the balance of power will change across the world. China would be in trouble, America will rise again and Britain will rise again. When that happens, we are going to be in trouble because manufacturing will be with robots. We need smart and intelligent people to come up with an economic policy that look at Nigeria 20 years down the line; if we do not, we are going to pay the ultimate price.

We are still living in subsistence level in our economy. It is terrible, unproductive and it helps no one. Our products are not inferior to products of the West but if the banking sector will not support a man making the products, something as basic as soap, then we have a problem. We celebrate bankers for showing incredible profit to their shareholders at the end of the year but we do not ask the bankers if they have a social responsibility to support entrepreneurs who will create jobs, pay taxes and support the people in that area.

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No bank has been sanctioned for not loaning money to the businessmen in the North East. This is a very serious issue. If the North East has been cut off from the rest of the country because of what they call the *Insurgency Factor*, we have impoverished millions of people and smart intelligent people who otherwise could have been entrepreneurs in that part of the country. We have a serious problem that cannot be solved in five minutes but I tell you, if we have an economic policy that is 20 years long with smart intelligent people, we can make a difference.

I support this Motion wholeheartedly and I urge the Senate to engage the Executive and the State Governors to come up with a long term plan, but please remember research and development. I have an Energy Bill coming up, in the Energy Bill, we are setting aside \$100 million annually for universities of science and technology to come up with scientific ways to improve the power sector in this country and we are going to raise \$12 billion annually through that Bill which I am presenting and I hope my Colleagues here will support it.

Senator Umar Ibrahim Kurfi (Katsina Central): Mr. President, the title of this Motion is very important but the only thing is that it did not have sufficient exposure on the system of successive economic collapse and other things but there are things it is leaving.

Statistics have shown that in the Year 2008, and I have the details, there were 2,355 manufacturing industries in Nigeria. In 1994, 32 per cent are from Kano, 9.2 per cent are from Port Harcourt, 7.4 per cent are from Enugu, 0.1 per cent from Bauchi and Katsina, and then 0 per cent from Jigawa, therefore, a lot of things is happening. What these industries actually need is electricity which is the frontline anywhere in the world. We need electricity 24 hours per day, per seven days a week and 365 days a year. If we can get that, our industries can be resuscitated but without it, there is no way we can do anything.

Senator Dino Melaye (Kogi West): Mr. President, I appreciate the mover of this very important Motion. The importance of a manufacturing industry to the economic and social well-being of this country cannot be overemphasised. As I speak to you, there is a decline in manufacturing companies in Kano by 70 per cent; there is a decline in manufacturing industries in Lagos State and have closed down by 40 per cent; there is a decline in the manufacturing industries in Port Harcourt, Rivers State by 60 per cent. The negative concomitant effect of this is that before now, the manufacturing industries in Sharadda, Bompai and Challawa in Kano was not only booming but was beginning to serve the West African region.

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Today, most of these companies have closed down and a number of them have relocated to Ghana. For a country that is desirous of industrialisation and fighting to ameliorate her economic problems, this requires instantaneous and urgent attention. Therefore, the Motion cannot come at a more auspicious time than this time.

The manufacturing industries in Lagos, like I said, have shut down by 40 *per cent*. There is need for the Senate as a matter of urgent importance to look into why our industries are folding up. The importance of Ajaokuta Steel cannot be over emphasised. There is need to bring back the Delta Steel Aladja and Katsina Rolling Mill back to production. Today, all the Textiles Industries in Kaduna, Kakuri used to be the hub of manufacturers but most of these companies are in ghost shape, I want to encourage my Colleagues that the only way out is to revive our manufacturing industries, create policies and incentives that will promote local production of what is producible in Nigeria. More importantly, look at the enabling laws that will encourage the manufacturing sector in this country especially in terms of policies. The policy somersault by Central Bank of Nigeria to the manufacturing industry will not help us. Today, you will take a policy that is promoting manufacturing, six months after, you will bring another policy that will destroy what you have started. There is a need for proper oversight by relevant organisations and the need for proper Public Hearing so that we can come out with articulated recommendations to save the manufacturing industry.

Senator Samuel Anyanwu Nnaemeka (Imo East): Mr. President, let me join my Colleagues in appreciating the mover of this very important Motion at this very auspicious time. Senator Ben Bruce was talking about a vision of 20 years to come; this Motion is not meant for 20 years to come. The situation is bad and the extent of this Motion is to have an immediate remedy of the industries in our country and to ensure that small cottage industries will be able to absorb the teeming unemployed youth of this country. With this dwindling economy, this is the right time to ensure that the prayers of this Motion are being implemented. If you look at the foreign exchange rate in the market, it is so high because we are always importing and not exporting. If we are able to put these industries, just like last time that an average Committee was set up by this Senate to take a forex analysis of all deplorable roads in Nigeria, it will be good.

The prayers of this Motion are very important that the Committee on Industries should try as much as possible to take a forensic analysis of all forex industries in this country. Especially now that we have the issue of budget, we can look at the issue of these industries and find a way to revive them so that we can be able to produce and export. This Motion is very important and it does not require too much debate. We should go ahead and look at the prayers of this Motion and adopt it.

Senator Ovie Augustine Omo-Agege (Delta Central): Mr. President, the Motion ably moved by Senator Jibrin is a patriotic clarion call for a new leadership commitment for the common good of our people. Due to abuse, neglect and policy inconsistencies over the years, our economy is literary on life support. The Executive and Legislative Arm must co-operate as articulated in the Motion. We must act now to get every extra economical from our mileage industries by recalibrating and rejuvenate the economic base.

I share the informed position for a comprehensive investigation of a failure of our industrial policy. I am aware that the Libyan Iron and Steel Company (LISCO) was established in 1979 about the same time the Delta Steel Company Aladja was also established in Nigeria in my Senatorial district while LISCO, that is, the Libyan Enterprise is still producing and exporting Steel from the war ravage Libya.

Some clients, who purported to own DSC under the failed privatization exercise, continue to spit on the grave of the Delta Steel Company. We should get it right this time and I am aware that in the past especially in the 7th Senate, the late Senator Ewherido pushed very seriously for something that is identical as moved in this Motion but nothing came out of it. It is my hope and expectations that with this Motion, if approved by this Senate that we will get to the root of this matter this time around and call these people to order. DSC, as I just mentioned, my Colleague Senator Dino Melaye did mentioned about Ajaokuta Steel Company. There are many DSCs, Aladjas and Ajaokutas in this country and this is an era of change, this is a time to take stock, responsibility and re-action. This Motion is a step in a right direction and I support the mover of this Motion.

The President: We should go straight to the prayers.

- (i) *Mandate the Senate Committees on Industries, Privatization and National Planning to undertake an immediate inventory of all closed industries, establish why they collapsed, and proffer solutions on how to revive them and report back within a reasonable period of time as may be prescribed by the Senate –*

Question put and agreed to.

- (ii) *Urge the Legislative and Executive Arms of Government to set up Joint Consultative Committee with a mandate to contact and woo foreign manufacturers to establish Nigerian branches of their factories –*

Question put and agreed to.

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- (iii) *Call on the Federal Government to device ways and means by which it can persuade our high net worth Nigerians to establish factories rather than to continue with their dependence on importation of foreign goods –*

Question put and agreed to.

- (iv) *Urge the Federal Government to create an enabling policy that would entice our unemployed youth to embrace and set up cottage manufacturing concerns through the help and encouragement of the government –*

Question put and agreed to.

The President: Is there any additional prayers?

Senator Rose Oko Okoji: Mr. President, we know that part of the challenges that faced each sector is infrastructure. We also know that for us to actualise some of the views that have been expressed here, especially the long terms plans that we should have in this sector –

The President: Is there any seconder?

Senator Yusuf Abubakar Yusuf (Taraba Central): Mr. President, the prayer I want to add is that the Federal Government should be urged to establish policies on sectorial allocation of credit by our numerous banks towards the preferred sectors of the economy. That is the only way I believe our banking system can provide soft loans.

The President: Is there any seconder to that amendment?

Senator Samuel Ominyi Egbu (Ebonyi North): Mr. President, I would want an additional prayer that *the Committee on Industry will look at the existing Laws that will improve on the level of industrialisation in this country to meet the realities of the current situation in the country.*

Senator Samuel Nnaemeka Anyanwu (Imo East): Mr. President, I second the additional prayer moved by Senator Samuel Egbu.

Question put and agreed to.

Resolved: That the Senate do:

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- (i) Mandate the Senate Committees on Industries, Privatisation and National Planning to undertake an immediate inventory of all closed industries, establish why they collapsed, and proffer solutions on how to revive them and report back within a reasonable period of time as may be prescribed by the Senate.
- (ii) Urge the Legislative and Executive Arms of Government to set up Joint Consultative Committee with a mandate to contact and woo foreign manufacturers to establish Nigerian branches of their factories.
- (iii) Call on the Federal Government to device ways and means by which it can persuade our high net worth Nigerians to establish factories rather than to continue with their dependence on importation of foreign goods.
- (iv) Urge the Federal Government to create an enabling policy that would entice our unemployed youth to embrace and set up cottage manufacturing concerns through the help and encouragement of the government.
- (v) Urge the Committee on Industry to look at the existing Laws that will improve on the level of industrialisation in this country to meet the realities of the current situation in the country.

The President: Distinguished colleagues, I want to thank Senator Jibrin I. Barau for a very good Motion. We cannot continue to over-emphasise the importance of industrialisation in our country. The major issue of youth unemployment is a great problem for us in this country. What we must do by the prayers, particularly those that concern the Committee on Industry, Privatisation and National Planning is to meet and look at the failures of the past and see how we can find solutions to them.

They should also look at the laws that we need to amend in order to ensure that we create the enabling environment to improve industrialisation.

Concern on Unwholesome Practices by Multi-choice Nigeria (DSTV)

Senator Bala Ibn Na'allah (Kebbi South): The second Order of the Day is a Motion standing in the name of Senator Isah Hamma Misau on the concern on the unwholesome practice by Multi-choice Nigeria (DSTV).

You may wish to invite Senator Isah Misau to move the Motion.

The President: Senate Leader, Senator Isah Misau is not around, you may step that down and move to the other items?

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(With the leave of the Senate, Motion stood down to another Legislative Day)

CONSIDERATION OF REPORTS

Report on a Petition against the Federal Polytechnic, Ilaro, Ogun State

Senator Bala Ibn Na'allah: Mr. President, the third Order of the Day is the consideration of the Report of the Committee on Ethics, Privileges and Public Petitions on a Petition from Mrs. Patience Edaire against the Federal Polytechnic, Ilaro, Ogun State on her wrongful disengagement from service.

You may wish to invite Senator Samuel Anyanwu to move the Motion for the Senate to consider the Report of the Committee.

Senator Samuel Nnaemeka Anyanwu: Mr. President, I move that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a Petition from Mrs. Patience Edaire against the Federal Polytechnic, Ilaro, Ogun State on her wrongful disengagement from service.

Senator Gilbert Emeka Nnaji (Enugu East): I second the Motion ably moved by Senator Samuel Anyanwu.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Petition against the Federal Polytechnic, Ilaro, Ogun State.

Senator Samuel Nnaemeka Anyanwu: Mr. President, the Senate would recall that on Wednesday, 18th November, 2015, rising on Order 41, Senator Ighoyota Amori drew the attention of the Senate to a petition from his constituent, Mrs. Patience Edaire on her wrongful disengagement from the service of the Federal Polytechnic, Ilaro and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Senate Committee on Ethics, Privileges and Public Petitions for detailed investigation.

Membership of the Committee:

- | | | | |
|-----|---------------------------|---|---------------|
| (1) | Senator Samuel Anyanwu | - | Chairman |
| (2) | Senator Bala Ibn Na'allah | - | Vice Chairman |
| (3) | Senator Mohammed Shitu | - | Member |
| (4) | Senator Omogunwa Yele | - | Member |
| (5) | Senator Peter Nwaoboshi | - | Member |
| (6) | Senator Jeremiah Useni | - | Member |
| (7) | Senator Obinna Ogba | - | Member |

- | | | | |
|------|----------------------------|---|--------|
| (8) | Senator Dino Melaye | - | Member |
| (9) | Senator Omotayo Alasoadura | - | Member |
| (10) | Senator Binta Garba | - | Member |

Secretariat

Freedom Osolo - Clerk to the Committee

Committee Action:

Following the Senate resolution and referral, the Committee met and resolved that in addressing this matter, it would rely on the following:

- The Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- Senate Standing Orders 2015 (as Amended);
- The principal of equity, fairness and justice; and
- The Public Service Rules.

The Committee also resolved that the following parties be invited:

- The petitioner, Mrs. Patience Edaire; and
- The Respondent, Federal Polytechnic, Ilaro.

Testimonies/Submissions:

The petitioner, Mrs. Patience Edaire:

Testifying, the petitioner made the following assertions:

- That she was employed by the Federal Polytechnic, Ilaro through the Governing Council of the Polytechnic in 2009 as Administrative Officer II but was erroneously posted to the Staff College of the Polytechnic.
- That she appealed to the Rector of the Polytechnic against the erroneous posting and was assured that she and others who were affected by the posting would be transferred to the Registry of the Polytechnic
- That instead of the redeployment to the Registry of the Polytechnic as assured by the Rector, she was served with a notice of disengagement letter in September, 2015, which took effect from December, 2015.
- That she was employed as a Federal Government Staff in the Polytechnic, and therefore could not be affected by whatsoever policy that affected the staff of the Polytechnic College

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- (5) That since she petitioned the Polytechnic for her wrongful disengagement, her family had been receiving series of threats to their lives from different people on daily basis who have sworn to deal with her even if the Senate decision was in her favour;
- (6) That while the issue of her disengagement raged on, the Rector had been employing people on weekly basis.
- (7) That she had started facing frustrations ranging from difficulty in the collection of her salary in the Polytechnic to refusal by the Corporative Society of the Polytechnic to transact business with her.
- (8) She requested the Senate to look into the matter and prevail on the management of the Polytechnic to reinstate and redeploy her to any department of the Polytechnic as a non-academic staff; and also to protect her and her family through her years of service against any punitive plans of the Rector and his agents.

The Respondent, Federal Polytechnic, Ilaro:

Responding, the Rector, Federal Polytechnic, Ilaro, Arc. Aluko Olusegun stated as follows:

- (1) That in August 2014, the Federal Polytechnic, Ilaro received a Report on the Investigation of Funding of Staff Schools Established by Federal Government Institutions carried out by the National Salaries, Income & Wages Commission and the Polytechnic was indicted of funding its Staff College from Federal Budget. In addition to this, the Federal Ministry of Education through its letter of 21st April, 2015 warned the Polytechnic to desist from including the personnel cost of its staff schools in the annual budget proposal to the government;
- (2) That when he assumed office as Rector of the School, he did not act on the letter until he attended a meeting of Committee of Heads of Polytechnics and found out that he was the only person that had not complied with the directive;
- (3) That he set up a Committee to look into the matter and the Committee's Report revealed that Federal Government had no provision for staff schools. The Committee also recommended that 75 per cent of the internally generated revenue of the Polytechnic be used to fund the staff school while salaries of staff in the school should be reduced by 25 *per cent*.

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- (4) That it was only the petitioner out of fifty (50) staff of the Polytechnic College affected by this recommendation that complained about the arrangement.
- (5) That the petitioner was employed as a teacher in the staff school, not as a Polytechnic staff.
- (6) That the designation of teachers in the staff school as Administrative Officers including the petitioner was a guise by the polytechnic management to enable the personnel in the staff school collect their salaries and allowances as Federal Government staff.
- (7) That the disengagement letter issued to the petitioner was based on the new Federal Government policy that she would no longer fund Primary and Secondary Schools owned by Federal Government Agencies which further led to 25 *per cent* salary reduction that Mrs. Patience Edaire rejected; and
- (8) That the petitioner may, if interested, contact the Management Board of the College for employment.

Observations/Findings:

After carefully studying the submissions of both parties, the Committee observed as follows:

- (1) That Mrs. Patience Edaire was given a temporary appointment by the Federal Polytechnic Ilaro, in 2009 as a Teacher in the Staff College of the Polytechnic. There was no evidence that she was employed as an academic or non-academic staff of the Polytechnic;
- (2) That in 2013, the Governing Council of the Polytechnic regularized her temporary appointment to a full-time appointment as Master 1 in the Polytechnic Staff College with effect from 4th January, 2010;
- (3) That in 2014, the Federal Polytechnic, Ilaro was among the Federal Government Institutions that were indicted by the National Salaries, Income & Wages Commission for funding their Staff Colleges with Federal Government funds;
- (4) That because of the indictment, the Federal Ministry of Education through its letter of 21st April, 2015 warned the Polytechnic to desist from including the personnel cost of its staff schools in the annual budget proposal to the government;

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- (5) That based on the circumstances the Polytechnic found itself, it decided forthwith to utilise 75 *per cent* of its internally generated revenue to fund the Staff College and reduce salaries of personnel of the school by 25 *per cent* with the consent of the College staff.
- (6) That of all the fifty (50) staff of the College, it was only the petitioner that was not comfortable with the decision of the Polytechnic and therefore was disengaged from service with the option of applying to the Polytechnic for employment; and
- (7) Seeing that the facts of the case do not favour the petitioner, the Committee went out of its way to plead with the Rector of the Polytechnic to reabsorb Mrs. Patience Edaire on compassionate ground and the Rector reluctantly obliged the request. Unfortunately, Mrs. Patience Edaire refused to plead her case with the Rector.

Recommendation:

Consequent upon the findings above, the Committee wishes to recommend as follows:

That since the disengagement of Mrs. Patience Edaire by the Federal Polytechnic Ilaro was consequent upon her refusal to accept the alternative offered to the fifty (50) staff of the College of the Polytechnic; and her refusal to humbly approach the Rector for reabsorption into the service of the Polytechnic as directed by the Committee, the Senate is unable to further help the situation.

Accordingly, the Senate may wish to consider and adopt the recommendation of the Committee as proposed.

Conclusion:

Mr. President, on behalf of the Committee, I wish to thank you for your support and cooperation and the opportunity to serve.

The President: Thank you Mr Chairman. This is pretty straightforward and in the absence of any comment, I will go straight to recommendation.

- (1) *That since the disengagement of Mrs. Patience Edaire by the Federal Polytechnic, Ilaro was consequent upon her refusal to accept the alternative offered to the fifty (50) staff of the College of the Polytechnic; and her refusal to humbly approach the Rector for reabsorption into the service of the Polytechnic as directed by the Committee, the Senate is unable to further help the situation –*

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Question put and agreed to.

Resolved: That since the disengagement of Mrs. Patience Edaire by the Federal Polytechnic, Ilaro was consequent upon her refusal to accept the alternative offered to the fifty (50) staff of the College of the Polytechnic; and her refusal to humbly approach the Rector for reabsorption into the service of the Polytechnic as directed by the Committee, the Senate is unable to further help the situation.

Report on a Petition against Nigeria Customs Service

Senator Bala Ibn Na'allah: Mr. President, The fourth Order of the Day is the consideration of the Report of the Committee on Ethics, Privileges and Public Petition on a petition from Mr. Olugbenga Odusanya, GMD/CEO COOD Resources International Ltd against Nigerian Customs Service for alleged wrongful disposal of four containers of imported automobile oil and additives.

You may wish to invite Senator Samuel Anyanwu to move the Motion for the Senate to consider the Report of the Committee.

Senator Samuel Anyanwu: Mr. President, I move that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from Olugbenga Odusanya, GMD/CEO COOD Resources International Ltd against Nigerian Customs Service for alleged wrongful disposal of four containers of imported automobile oil and additives.

Senator Gbenga Ashafa (Lagos East): Mr. President, I second the Motion that the Report mentioned by Senator Samuel Anyanwu be considered.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Petition against the Nigeria Customs Service.

Senator Samuel Anyanwu: The Senate would recall that on Tuesday, 6th October, 2015, rising on Order 41, Senator Lanre Tejuoso (Ogun Central) drew the attention of the Senate to a petition from Mr. Olugbenga Odusanya, GMD/CEO COOD International Limited, against the Nigeria Customs Service for alleged wrongful disposal of four containers of imported automotive oils and additives, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Senate Committee on Ethics, Privileges and Public Petitions for further legislative investigation.

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Membership of the Committee:

(1)	Senator Samuel Anyanwu -	Chairman
(2)	Senator Bala Ibn Na'allah -	Vice Chairman
(3)	Senator Jeremiah Useni -	Member
(4)	Senator Obinna Ogba -	Member
(5)	Senator Peter Nwaoboshi -	Member
(6)	Senator Binta Garba -	Member
(7)	Senator Mohammed Shitu -	Member
(8)	Senator Omogunwa Yele -	Member
(9)	Senator Omotayo Alasoadura -	Member
(10)	Senator Dino Melaye -	Member

Secretariat

Freedom Osolo - Clerk to the Committee

Committee Action:

Following the Senate resolution and referral, the Committee met and agreed that the following benchmarks should guide it in addressing the matter:

- (a) The Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- (b) Senate Standing Orders 2015 (as amended);
- (c) The principle of equity, fairness and justice; and
- (d) The Public Service Rules.

The Committee also resolved that the following parties be invited:

- (1) The petitioner, Mr. Olugbenga Odusanya; and
- (2) The Respondent, the Nigeria Customs Service.

Testimonies/Submissions:

The Committee received written submissions and listened to oral testimonies from the following:

The Petitioner, Mr. Olugbenga Odusanya:

Testifying, Mr. Olugbenga Odusanya made the following submissions:

- (a) That in 2008, his company COOD Resources International Limited, imported automotive oils and additives in 9 forty-foot containers into Nigeria through Apapa Port in Lagos;
- (b) That out of the 9 containers imported, he was able to clear and take delivery of five (5) successfully. That the other four (4) were trapped in port congestion delays that characterized the ports in Lagos at the time;

- (c) That following intense efforts by his company, he learnt in early June, 2009 that the Customs Service had branded the four containers as overtime/abandoned containers, and that three of them had been trans-shipped by the Customs Service to Onne while the fourth was moved to Ikorodu;
- (d) That following this discovery, he wrote a letter on 15th June, 2009 to the Comptroller-General of Customs to clear and release the three Containers at Onne;
- (e) That the Comptroller-General's office, in an internal memo dated 4th November, 2009 to the Zonal Co-ordinator, Zone C, Port-Harcourt, directed that action be taken to ensure that appropriate duties and charges were paid by his company in accordance with clearance procedure for the containers in Port-Harcourt.
- (f) That having waited in vain for clearance and release of the three containers up till 17th February, 2010, he decided to write through his attorney, a pre-action notice to the Comptroller-General of Customs, giving a 30-day notice of his intention to file civil action in respect of the containers. On the 18th of February, 2010, he filed a Motion of Notice at the Abuja Division of the Federal High Court, seeking an Interlocutory Order restraining the Customs Service and the Comptroller-General from disposing the three containers pending the hearing of the substantive suit. The said Motion of Notice also sought an order of the court to direct the Nigeria Customs Service to release the containers to his company;
- (g) That between March, 2010 and October, 2010, there were five sittings of the court to hear the matter, but Customs failed to show up at each hearing;
- (h) That he later learnt that while he was making these frantic efforts to have his containers released, the Customs Service proceeded and sold the four containers.
- (i) Mr. Olugbenga Odusanya is today asking the Senate to ensure that justice is done and that this flagrant abuse of process by the Nigeria Customs Services is addressed by:
 - (1) Directing the Nigeria Customs Service to refund the cost of the goods wrongly auctioned; and
 - (2) Directing the Service to pay damages and loss of business to his company as the Senate deems fit.

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The Respondent, Nigeria Customs Service:

Responding, the Nigeria Customs Service, represented by Assistant Comptroller-General of Customs in charge of Enforcement, Investigation and Inspection, Mr. Ade F. Dosumu said:

- (1) That the containers in question arrived Nigeria in December, 2008;
- (2) That the petitioner failed to clear the containers within the 28days dwell period as a result of which the goods became overtime goods by virtue of the Customs and Excise Management Act Cap C45 LFN 2004;
- (3) That in 2009, due to serious congestion at the Apapa Port, the Federal Government of Nigeria directed that all un-cleared and overtime cargoes be transferred to the Onne Port and the Ikorodu Lighter Terminal;
- (4) That the petitioner's cargoes were berthed at the Apapa Port and were therefore affected by the Federal Government directive, and that the cargoes were transferred to the Onne Port and the Ikorodu Lighter Terminal;
- (5) That following the transfer of the containers in that effort to decongest the Ports, a publication was made in an official Gazette of the Federal Republic of Nigeria in 2009 and 2010, to the effect that notice was given to all owners of abandoned and overtime cargoes to clear and take delivery of same within 30 days of the publication, failure of which the Committee for disposal of overtime and abandoned goods shall sell such containers without further notice to the owners;
- (6) That the petitioner failed to take advantage of the publication to clear the said containers within the 30 days grace period stipulated by the publication;
- (7) That the said containers were subsequently sold by the Committee for Disposal of Overtime and Abandoned Goods in 2010, upon observing due diligence, two years after they arrived the shores of Nigeria;
- (8) That in 2010, the petitioner filed a suit at the Federal High Court, Abuja in suit No. FHC/ABJ/CS/119/2010, challenging the legality of the Nigeria Customs Service auction sale of the said containers; and
- (9) That the petitioner abandoned the said suit at the Federal High Court, Abuja and it was subsequently stricken out for want of diligent prosecution.

Observations/Findings:

After a careful study of the evidence before the Committee from both parties, the Committee observed as follows:

- (1) That there was evidence that the goods (containers) arrived Apapa Port, Lagos in December, 2008;
- (2) That there was also evidence that five (5) of the nine (9) containers were successfully cleared and released;
- (3) That the other four (4) which the petitioner claimed were trapped in port congestion were sold by the Nigeria Customs in 2010;
- (4) That due to serious congestion at the Apapa Port in 2009, the Federal Government directed that all un-cleared and overtime cargoes be transferred to the Onne Port and Ikorodu Lighter Terminal, and the petitioner's containers were affected by the directive;
- (5) That following the transfer of the four (4) containers in the decongestion effort, a publication was truly made in an Official Gazette of the Federal Republic of Nigeria in 2010 to the effect that notice was given to all owners of abandoned and overtime cargoes to clear and take delivery of same within 30 days of the publication, failure of which the Committee for the Disposal of Overtime and Abandoned goods would sell such containers without further notice to their owners;
- (6) That the petitioner failed to take advantage of the publication to clear the said containers within the 30 days stipulated by law;
- (7) That the containers were subsequently sold by the Committee for Disposal of Overtime and Abandoned Goods in 2010, in line with the purpose for which it was set up;
- (8) The Customs ensured that the abandoned containers were sold in 2010 after observing the due diligence; and
- (9) That this matter earlier taken to court was stricken out for want of diligent prosecution.

Recommendations:

Having considered all sides to the petition, the Committee wishes to recommend as follows:

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- (1) That the auctioning of the petitioner's cargoes which became overtime goods as a result of their abandonment, was the appropriate step to be taken by the Nigeria Customs after observing the due process of publication of the intent to dispose of overtime and abandoned goods and having waited for 30 days by virtue of the Customs and Excise Management Act, 2014 for owners of such goods to clear them;
- (2) That the Senate is unable to grant the prayers of the petitioner to have the Nigeria Customs refund cost of the goods claimed to be wrongfully auctioned and to pay for damages and loss of business.

The Senate may wish to consider and adopt the recommendations as proposed by Committee.

Conclusion:

Mr. President, on behalf of the Committee, I thank you for your co-operation and the opportunity to serve.

The President: Thank you very much Senator Samuel Anyanwu. Distinguished Colleagues this is straight forward, we will go to the two recommendations.

- (1) *That the auctioning of the petitioner's cargoes which became overtime goods as a result of their abandonment, was the appropriate step to be taken by the Nigeria Customs after observing the due process of publication of the intent to dispose of overtime and abandoned goods and having waited for 30 days by virtue of the Customs and Excise Management Act, 2014 for owners of such goods to clear them –*

Question put and agreed to

- (2) *That the Senate is unable to grant the prayers of the petitioner to have the Nigeria Customs refund cost of the goods claimed to be wrongfully auctioned and to pay for damages and loss of business –*

Question put and agreed to.

Resolved: That the Senate do adopt the two recommendations as follows:

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- (1) That the auctioning of the petitioner's cargoes which became overtime goods as a result of their abandonment, was the appropriate step to be taken by the Nigeria Customs after observing the due process of publication of the intent to dispose of overtime and abandoned goods and having waited for 30 days by virtue of the Customs and Excise Management Act, 2014 for owners of such goods to clear them.
- (2) That the Senate is unable to grant the prayers of the petitioner to have the Nigeria Customs refund cost of the goods claimed to be wrongfully auctioned and to pay for damages and loss of business.

CONSIDERATION OF BILLS

High Court of the Federal Capital Territory (Number of Judges) Act No. 15, 2003 (Amendment) Bill, 2016

A Bill for an Act to prescribe the number of Judges of the High Court of the Federal Capital Territory, Abuja and for other related matters, 2016 (SB. 176) presented by Senator Joshua Lidani (Gombe South) –

Order for Second Reading.

Senator Bala Ibn Na'allah: Mr. President, the fifth Order of the Day is the Second Reading of the High Court of the Federal Capital Territory (Number of Judges) Act No. 15, 2003 to make provisions for increase from seventy five (75) and for related matters, 2016. You will recall that the Bill was read the First Time in this Chamber on Wednesday, 9th December, 2015.

You may wish to invite Senator Joshua Lidani to move the Motion for the Bill to be read the Second Time.

Senator Joshua Lidani (Gombe South): Mr. President, I move that we read this Bill the Second Time. It is indeed with great honour and privilege that I rise before you to respectfully lead the general principles of the Bill for an Act to prescribe the number of Judges of the High Court of the Federal Capital Territory, Abuja and for other related Matters.

You will recall that this Bill was read for the first time in this Hallowed Chamber on 9th December, 2015.

In a nutshell, this Bill seeks to increase the number of Judges of the High Court of the Federal Capital Territory from the current 37 Judges including the Chief Judge as provided for in Section 1 of the Federal Capital Territory (Number of Judges) Act, 2003 to a maximum of seventy five including the Chief Judge.

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This request is also in line with Section 255(2), which provides for the composition of the court.

The need for the proposed increase is premised on the fact that there is an exponential increase in the number of cases in recent legal years.

On this note, therefore, it is imperative that more Judges are appointed in line with the justice sector reform programme to have for Nigeria and in this case, the Federal Capital Territory Judiciary, a judicial system that is vibrant, responsive and prompt in the dispensation of justice. Again, the increase in the number of Judges is therefore, a welcome development when we take into account the jurisdiction and functions of the court. For example, in the last three preceding legal years, the court had to contend with about 24, 445 cases in its dockets. Similarly, returns on cases in the year 2015 revealed that the number is on the increase.

The last amendment to this Act was made about eleven years ago. In light of the increase in the Court's dockets, the workload on Judges is becoming unbearable and it is taking a toll on their health. Accordingly, I urge you all to support the passage of this Bill into law as it will enhance speedy trial and dispensation of cases to meet the requirement of justice because justice delayed, as the saying goes, is justice denied.

Finally, it is to be noted that basically, apart from the exponential increase in the number of cases in the preceding legal years, coupled with the creation of additional specialised divisions to accommodate the increase in the number of prosecutorial agencies, the attendant increase on the number of cases they file has made this request imperative. To corroborate the above assertion, in the 2015 legal year alone, two new Divisions were commissioned at Bwari and Gwagwalada due to increased litigation of cases arising from those areas. Similarly, two Divisions will be established in the 2016 legal year for Nyanya and Karu thus representing the population growth in the FCT generally.

This, of course, invariably translates into the urgent need to make provision for increase in the number of Judges to be able to dispense justice speedily.

There is no immediate financial obligation created by the passage of this Bill, as it does not imply that the High Court will immediately fill in the vacancies that this Bill may create when passed into law. Rather, these appointments are to be made as the need arises to accommodate the increasing need of the court users in the FCT so that if at any time the Chief Justice feels there is need to increase Judges, he can do so without recourse to the National Assembly.

Of importance too is the fact that these appointments, as it is the practice, will be made in accordance with the Federal Character Principle as enshrined in the Constitution of the Federal Republic of Nigeria. However, in further compliance with the Order 77(3) of the Senate Standing Order, as amended, a compendium of the financial implication of the Bill is attached herewith.

I thank you Mr President for your kind attention. This Bill is co-sponsored by Senator Andy Uba and David Umaru, I urge my Distinguished Colleagues to support the passage of this Bill and that this Bill should be referred for Second Reading. Additionally, if I will refresh the memory of the Senators in the last Senate, a similar Bill was passed into law and unfortunately it could not see the light of the day because it was not assented to by Mr President, but this time around I urge my Colleagues to support it since we have enough time to pass it.

Also, we have been receiving a lot of pressure from the judiciary concerning this Bill, because the last time the Chief Judge of the FCT complained about the workload, he said each Judge of the FCT has not less than 1000 cases in his dockets, if the pressure is becoming unbearable, I urge my Colleagues to support this Bill.

Senator Bala Ibn Na'allah: Mr. President, I just wanted to recall that I had the privilege of chairing the Committee on Judiciary for the Fifth and the Sixth Senate. Part of what we did then was first of all provided the infrastructure to support the increase of number of Judges, and that led to the establishment of the new Federal High Court that is housing roughly about 24 courts or thereabout, and courts were established in various divisions of the FCT.

In essence, this Bill seeks to supply the second phase of the development of that judicial arm as it partakes to the Federal Capital territory. The reason being that we separated what used to be their jurisdiction in determining customary matters, by establishing the customary courts in the Federal Capital Territory but that has not solved the problem of congestion of cases in the various High Courts. In view of the fact that the Senate and the House in its pursuit to ensure that there is access to justice and timely dispensation of justice, decided to confer certain additional jurisdictions on this court and that has further overburdened the courts in the judicial process.

Therefore, it will be in the best interest of fixing the second phase of the development of the FCT High Court to make provision for the increase of number of judges to 74 as proposed by the Bill, so that on the need basis, those courts will now be established. Assuming further that in the development of the democratic dispensation, that certain additional jurisdiction may be conferred on the FCT High Court.

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I am therefore urging my Colleagues to assist in supporting this Bill so that it passes Second Reading and timeously be addressed by this dispensation.

The President: Is anybody against this Bill? If there is none, I will put the Question because it is a very straightforward single line Bill.

Question put and agreed to.

(Bill read the Second Time and referred to Committee on Judiciary/Human Rights and Legal Matters to report within four weeks)

I want to thank Senator Lidani for the Bill; it is now read the Second Time. As you all know, access to Justice and prompt dispensation of justice is key, because the workload in FCT, Abuja has been so much over the last number of years due to population. The passage of this law and the increase to the number of judges will go a long way in supporting the judiciary and this 8th Senate has always said that we will do our part in supporting the judiciary.

Deep Offshore and Inland Basin Production Sharing Contracts (Amendment) Bill, 2014

A Bill for an Act to amend the Deep Offshore and Inland Basin Sharing Contract Cap D3 LFN 2004 and for other matters connected thereto, 2016 (SB. 119) – presented by Senator Theodore A. Orji (Abia Central) –

Order for Second Reading.

1692

Senator Bala Ibn Na'allah: Mr. President, the Sixth Order of the Day is the Second Reading of a Bill on a Deep Offshore and Inland Basin Sharing Contract Cap D3 LFN 2004 and other matters connected thereto, 2016. You will recall that the Bill was read the First Time in this Chamber on Tuesday the 20th of October, 2015.

You may wish to invite Senator Theodore Orji to move the Motion for the Bill to be read the Second Time.

The President: The Bill is differed to another Legislative Day.

(With the leave of the Senate, Bill accordingly stood down to another Legislative Day)

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr. President, having exhausted all items on our Order Paper for the day, I move that the Senate do adjourn till Wednesday, 24th February, 2016 at 10:00 a.m. prompt.

Senator Godswill Obot Akpabio: Mr. President, I second the Motion moved by Senator Ibn Na'allah.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Wednesday, 24th February, 2016 at 10:00 a.m. prompt.

The Senate adjourned accordingly at 12:46 p.m.