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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Thursday, 10th March, 2016

The Senate met at 10:59 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have before us the Votes and Proceedings of Wednesday, 9th March, 2016 for approval. We will start consideration from page 549 to 556.

Senator Yahaya A. Abdullahi (Kebbi North): Mr. President, I move that the Votes and Proceedings of Wednesday, 9th March, 2016 be approved.

Senator Bassey Albert Akpan (Akwa-Ibom North East): Mr. President, I second the Motion that the Votes and Proceedings of Wednesday, 9th March, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 9th March, 2016 be approved.

ANNOUNCEMENTS

Notice of meeting for Joint Committees

The President: The Committee on Tertiary Institutions and TETFUND jointly with the Senate Committee on Education (Basic and Secondary), House of Representatives Committee on Tertiary Education and Services and House of Representatives Committee on Basic Education Services will meet the World Bank Education Team today Thursday, 10th March, 2016 at 2:00 p.m. in the Senate Committee Room 117.

(Signed)

Senator Binta Masi Garba

Formation of Northern Senators Forum

This is to announce the formation of Northern Senators Forum and the election of Principal Officers.

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(1)	Senator Abdullahi Adamu -	Chairman
(2)	Senator Joshua Lidani -	Vice Chairman
(3)	Senator Barau Jibrin -	Secretary
(4)	Senator Dino Melaye -	PRO

Senator Dino Melaye
Spokesperson

Visitors in the Gallery

I wish to acknowledge the presence of Handmaids Girls Secondary School, Sauka Extension, Kuje, Abuja; Emmanuel Kiddies Academy Gwagwalada, Abuja and Empreal International Academy Kuje, Abuja, who are in the Gallery to observe our Proceedings.

(Students stood for recognition)

I wish them all a fruitful observation of the Senate Proceedings.

MATTER OF URGENT PUBLIC IMPORTANCE

The demise of Senator Lawrence Adekunle Agunbiade

Senator Biodun Olujimi (Ekiti South): Mr. President, Point of Order!

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

Senator Biodun Olujimi: I come under Order 42 which reads:

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

I have a Motion on the death of one of my constituent and a former Senator, Senator Lawrence Adekunle Agunbiade and I am seeking your leave to move this Motion.

The President: Distinguished Colleagues, Senator Olujimi did seek my leave and by our Rules, she is to bring it before us and get the consent of Colleagues. This matter can be slated for the next the Legislative Day.

Question put and agreed to.

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

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PERSONAL EXPLANATION

Unbundling of the NNPC – Suspension of the Motion

Senator Olusola Adeyeye (Osun Central): Mr. President, Point of Order!

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

Senator Olusola Adeyeye: Mr. President, I come under Order 43 that has to do with Personal Explanation. With your permission, I will read.

The President: Go ahead.

Senator Olusola Adeyeye: Order 43 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 any 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.

Mr. President, I have complied with all gesticulations of that Rule and I seek your indulgence and that of this distinguished Chamber to make a personal explanation with regards to my request yesterday to make a Motion on the reported unbundling of the NNPC. By yesterday afternoon, I became aware of the fact that our Committee on Petroleum has already sought the attendance and summon the MD of NNPC to come and explain this matter. It will not be proper for us to debate this matter while the matter is yet to come before our Committee, I therefore seek your permission to step down my Motion, but in doing so, to also state even as I did yesterday that for many months during the last National Assembly, we worked out on the PIB Bill and the situation we found ourselves again has made it very urgent for us to bring that Bill up and to pass it according to our wisdom.

The President: Distinguished Colleagues, the Chief Whip did discuss this with me earlier on, and that the Committee on Upstream have already summoned the Minister to come before them today; in line with that, he would like to step down the Motion. This is in Order and commendable. A lot of work has already been done to see that this document comes to us as quick as possible so that we can pass this Bill.

Submission of Committee Reports to the Committee of Rules and Business

Senator Babajide Christopher Omoworare (Osun East): Mr. President, Point of Order!

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

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Senator Babajide Christopher Omoworare: My Point of Order is predicated on Senator Adeyeye's own which is Order 43 and it 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.

My personal explanation is based on the fact that the Committee on Rules and Business has reminded Committee Chairmen of the Senate of pending Reports of Committees. We have about nine Bills that have been sent to Committees and these were matters that were given for two and four weeks and we have not received any response so far. By the grace of God, we will soon be going on a very short break for Easter but we are looking forward to receiving the Reports of these Committees before we go on the short break. I will also still do a reminder to this effect; I just said I should say this to the benefit of all Senators.

The President: Distinguished Senators, you could remember that about a couple of weeks ago, I read out some of these Bills that are outstanding, and the Chairman Rules and Business has raised the same issue. This is holding back the Senate and those Chairmen responsible for those Committees should please, ensure unfailingly, before we go on the Easter break, these Reports must be submitted so that we can go to the next stage of the process of passing these Bills into law; this is very important. I hope those Senators appreciate the responsibility so that we do not hold the work of this Senate back.

PRESENTATION OF BILLS

Senator Ali Ndume (Borno South): Mr. President, the first Business of the Day is the presentation of six Bills. You may wish to invite the Clerk of the Senate to read the Short Titles of the Bills.

Public Private Partnership Regulatory Commission (Est. Etc.) Bill, 2016

Public Private Partnership Regulatory Commission (Est. Etc.) Bill, 2016 (SB.213) – presented by Senator Kabiru Gaya (Kano South); *read the First Time.*

Nigeria in Diaspora Commission (Est. Etc.) Bill, 2016 (SB. 230)

Nigeria in Diaspora Commission (Est. Etc.) Bill, 2016 (SB. 230) – presented by Senator Rose Oko (Cross River North); *read the First Time.*

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Electoral Act No. 6 2010 (Amendment) Bill, 2016

Electoral Act No. 6 of 2010 (SB. 231) – presented by Senator Tijani Y. Kaura (Zamfara North); *read the First Time*.

**Public Procurement (Establishment etc.) Act
2004(Amendment) Bill, 2016**

Public Procurement (Establishment etc.) Act 2004 (Amendment) Bill, 2016 (SB. 232) – presented by Senator Sam Egwu (Ebonyi North); *read the First Time*.

Electoral Act 2010 (Amendment) Bill, 2016

Electoral Act 2010 (Amendment) Bill, 2016 (SB. 234) – presented by Senator Muhammad Shittu (Jigawa North-East); *read the First Time*.

**FCT Borderline Communities Development
Commission (Est. Etc.) Bill, 2016**

FCT Borderline Communities Development Commission (Est. Etc.) Bill, 2016 (SB. 235) – presented by Senator David Umaru (Niger East); *read the First Time*.

PRESENTATION OF REPORT

**Report on a Petition against National Drug Law
Enforcement Agency (NDLEA)**

Senator Mohammed Ali Ndume: Mr. President, the seventh Business of the Day is presentation of a Report of the Committee on Ethics, Privileges and Public Petitions on a petition from TRLP LAW on behalf of Senator Buruji Kashamu against the National Drug Law Enforcement Agency (NDLEA), Mr. Ahmad Giade and the Attorney-General of the Federation for alleged intention to abduct Senator Buruji Kashamu and forcefully transport him to the United States without recourse to due process.

You may wish to invite Senator Sam 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 TRLP LAW on behalf of Senator Buruji Kashamu against the National Drug Law Enforcement Agency (NDLEA), Mr Ahmad Giade and the Attorney-General of the Federation for alleged intention to abduct Senator Buruji Kashamu and forcefully transport him to the United States without recourse to due process.

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Senator Mohammad Ubali Shittu (Jigawa North-East): Mr. President, I second the Motion as moved by the Chairman of the Ethics, Privileges and Public Petitions Committee.

Question put and agreed to.

(Report laid on the Table)

ORDERS OF THE DAY

CONSIDERATION OF BILLS

**Nigerian Peace Corps (NPC) (Establishment etc.) Bill,
2016**

A Bill for an Act to Establish the Nigerian Peace Corps (NPC) to empower, develop and provide alternative employment for the youths, to facilitate Peace, Community Services, Nation-Building and for Other Related Matters, 2015 (SB. 173) –

Order for Second Reading.

Senator Mohammed Ali Ndume: Mr. President, the first Order of the Day is the second reading of a Bill standing in my name, on the Nigerian Peace Corps (NPC) (Establishment etc.) Bill 2016. You will recall that the Bill was read the First Time in this Chamber on the 25th November, 2015. With your permission, I move that the Bill be read the Second Time.

The President: You may proceed with the lead debate now.

Senator Mohammed Ali Ndume: Mr. President, you will recall that last week, this Bill was read the Second Time and I presented the lead debate but what was lacking then was the compendium which is now attached. With your permission, if it is all right, then we will go straight to look at the compendium which was required by this Distinguished Senate so that you will consider the Second Reading of this important Bill, that is aimed basically to assist in improving all the security of this country, by engaging unemployed youths, using them effectively to promote peace and order, and to also act as a source of employment in the country.

I want to crave your indulgence to support this Bill and I move that this important Bill be read the Second Time.

The President: Before we proceed, Senator Binta Masi has a similar Bill; we should let her make her presentation.

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Senator Ndume Mohammed Ali: Mr. President, I wish to inform the Senate that I and Senator Binta have been working on the two different Bills and have agreed that after presentation today, they can be consolidated and considered at the Committee level; that is why you see the two Bills on the same name.

The President: Let us allow her to make her own presentation.

**National Unity and Peace Corps (Establishment) Bill,
2016**

A Bill for an Act to Establish the National Unity and Peace Corps to uphold and impart the attributes of the National Ethics for Restituting Diligence; rekindle and rejuvenate the virtues of discipline in the citizenry, build a Society of Resourceful and Productive persons for National Consciousness and for Other Matters Connected Therewith –

Order for Second Reading.

Senator Binta Masi Garba (Adamawa North): Mr. President, I am delighted to lead the debate on the General Principles of the Bill For An Act to Establish the National Unity and Peace Corps to Uphold and Impart the Attributes of the National Ethics for Restitution Diligence; Re-kindle and Rejuvenate the Virtues of Discipline in the Citizenry; Build A Society for Resourceful, Peaceful and Productive Persons on National Consciousness and for Other Matters connected Therewith. The Bill was read for the first time on Wednesday, 24th February, 2016.

The National Unity and Peace Corps were incorporated with the Corporate Affairs Commission with Registration Number: 6265 on the 11th August, 1992, after fulfilling the relevant requirements. The Federal Ministry of Interior registered and supervises the activities of National Unity and Peace Corps since 2006 as a non-governmental organisation with memberships that cut across the thirty-six (36) States of the federation and the Federal Capital Territory, saddled with the objectives, duties and functions as provided in sections (2) and (3) of the Bill.

The National Unity and Peace Corps had since inception been involved in mediating and soliciting for peaceful reconciliation and has taken part in peaceful resolutions in the following crises – the 1996/1997 Warri war, the 1996/1997 Otuocha-Aguleri war, the Okirika – Eleme incessant wars, the 2006 Cultist/Militants in the Niger Delta, Ile-Ife and Modakeke Imbroglio and the 2011 to 2012 intra-communal crises between the Ezillo and Ezza-Ezillo in Ishielu Local Government Area of Ebonyi State that claimed over 200 lives, the Herdsmen and Jukun crises in Taraba State etc.

The primary functions and duties of the National Unity and Peace Corps shall be:

- (i) Facilitative Mediation – Intervention for the Nation;
- (ii) Early Warning Conflicts Signs – Monitoring and Detection;
- (iii) Action Research in National Peace and Conflict Issues;
- (iv) Developing Conflict Related Data Base for the Nation
- (v) Peer Mediation in Nigeria Schools;
- (vi) Public Peace enlightenment;
- (vii) Alternative Dispute Resolution Workshops/Seminars;
- (viii) Civil/Human Rights Advocacy.

Subject to the provisions of this Act, members of the Corps shall have responsibility for performing the following duties, that is to say:

Conducting programmes and activities for upholding and imparting the attributes of national ethics of discipline, integrity, dignity of labour, social justice, religious tolerance, self-reliance and patriotism within various communities, institutions and groups of Nigerians for the purposes of enhancing the power, ideals, unity, child abuse and good name of Nigeria.

- (a) Carrying on massive campaigns and counselling programmes for the youth and other members of society to abstain from perpetrating certain anti-social and criminal activities such as cultism, prostitution, examination malpractices, drug abuse, child abuse, trafficking in persons, corruption, *etcetera*;
- (b) Mobilising and guiding the citizenry at grass root levels to understand, savour, imbibe and abide by the precepts and overall purport of the Constitution in order to enable Nigerians to accord respect and belief in its ideals, and render support to the duties of the institutions established in consequence thereof;
- (c) Rendering its services meritoriously to departments of government, agencies *etcetera* for advancing their reform programmes, policies and other measures aimed at improving the quality of life and economic well-being of the citizenry;

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- (d) Organising community out-reach programmes and other activities for realising acceptance and adherence to the provisions and purposes of the law establishing the Universal Basic education Scheme;
- (e) Initiating and conducting regular interactive meetings with various associations, co-operatives, unions, communities and other social bodies or organisations on the evils and setbacks that acts of vandalisation of public property has on the development efforts of government;
- (f) Assist appropriate authorities in the management and preservation of Nigeria's ecosystem to include getting involved in activities and other efforts that would advance the conservation of certain natural resources, the protection of endangered species, control of stray animals, anti-pollution and environmental degradation measures;
- (g) Applying its best efforts in prompting and motivating Nigerians to imbibe and demonstrate patriotic zeal and zest in promoting the affairs of the nation, and making positive and far-reaching contributions for the advancement, progress and well-being of members of the communities where they reside;
- (h) Promoting the rejuvenation and practice of the best cultural and traditional customs of the generality of Nigerians with regards to family values, ties and morals, and bolstering the most beneficial aspects of society's folklores and norms of behaviour and contentment;
- (i) Carrying on a continuous crusade and counselling of members of the society against certain abhorrent, contemptible and harmful social behaviours and practices such as street hawking by children, child labour, street begging, defecation in public places, indiscriminate dumping of refuse, mutilation and defacing of the Naira currency and other related social vices.

There are at least fifty Senior Officers of the Corps at the Gallery to witness this eventful sitting for the consideration of this very important Bill. I sincerely urge all to support speedy passage of this Bill.

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Distinguished Colleagues, my humble self and the Leader of the Senate has been working assiduously to see how we can consolidate the two Bills so that we will have a unified Bill and we ask the permission of the Senate, if such consolidation will be accepted.

The President: Distinguished Colleagues, if there is no further contribution, I will put the Question?

Question put and agreed to.

Resolved: That the two Bills be consolidated and presented for Second Reading.

Senator Mohammed Ali Ndume: Mr. President, I move that these Bills be read the Second Time.

Senator Nyako Abdul-Aziz Murtala (Adamawa Central): Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

(Bills consolidated, read the Second Time and referred to the Committee on Interior to report within four weeks.)

CONSIDERATION OF REPORTS

Establishment of Presidential Intervention Committee on the Rehabilitation of North-East Zone

Senator Mohammed Ali Ndume: Mr. President, the third Order of the Day is the consideration of the Report of the Committee on Special Duties in respect of a Motion on the Establishment of Presidential Intervention Committee on the Rehabilitation of North-East Zone. You may wish to invite Senator Abdul-Aziz Nyako to move the motion for the Senate to consider the Report of the Committee.

Senator Abdul-Aziz Nyako (Adamawa Central): Mr. President, I move the Motion that the Senate consider a Report of the Committee on Special Duties in respect of the Motion on the Establishment of Presidential Intervention Committee on the Rehabilitation of the North East Zone.

Senator La'ah Danjuma (Kaduna South): Mr. President, I second the Motion moved by Senator Abdul-Aziz Nyako.

Question put and agreed to:

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Resolved: That the Senate consider the Report on the Establishment of Presidential Intervention Committee on the Rehabilitation of the North East Zone.

Senator Abdul-Aziz Nyako: Mr. President, the Senate in its sitting on Wednesday, 29th June, 2015 deliberated on a Motion on the Establishment of Presidential Intervention Committee on the North East Zone. The Sponsor of the Motion Senator George Thompson Sekibo representing Rivers East drew the attention of the Senate on the matter.

Consequently, the Senate resolved and mandated the Committee on Special Duties to monitor the well-being of all Internally Displaced Persons in the Country who have been displaced as a result of the insurgency and report back to plenary.

METHODOLOGY

The recommendations in this Document were put together in coordination with already existing recommendations by relevant government agencies under the oversight of this Committee such as National Emergency Management Agency and Refugee Commission. The Committee also received input from Development Partners (Local and international) and NGOs.

Both of the above referenced Government Agencies made oral submissions before this Committee and also submitted written documents outlining their experience and processes used in managing displaced persons. In addition to the material presented by the agencies mentioned, this Committee also reviewed data made available by relevant international organisations such as the International Organisation on Migration. The contributions of the European Union, USAID, DFID and the Korea International Cooperation Agency were also considered.

CURRENT SITUATION OF IDPS

The population estimates of the IDPs is approximately 2,172, 563. *In other documents, we have roughly 2,400,000.* This population is made up of about 313,575 households, averaging about 6.2 persons per household. 52 *per cent* of the IDPs are female and 48 *per cent* male. Children under the age of 18 constitute 58 *per cent* of the IDP population and more than half of them are five (5) years old or younger. There are 44 camps in the North East Zone. Most of the camps were adapted to fit the needs of IDPs. Thus, the camps require constant improvements to enable them serve the residents.

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It is worthy to note that IDPs squatting with relations across the nation, especially the northern part of the Country are much more in number than the IDPs already in the camps.

HEALTHCARE/NUTRITION

Generally speaking, health facilities and infrastructures are down. In most cases, they have been destroyed. Anybody who has visited a place where the insurgents have attacked would see clearly that health infrastructure has been pulled down or destroyed; health workers are out of the area and we have about 4,000,000 million children that are malnourished.

COMMERCIAL ACTIVITIES

Major markets, banks, and other commercial infrastructure have been destroyed by the insurgents. Farming is the primary means of livelihood for most IDPs but the current situation does not allow them to venture to their localities or to their farms. Consequently, most IDPs have lost their primary means of livelihood.

EDUCATIONAL ACTIVITIES

Since the insurgency began, many schools (Basic Education, Senior Secondary as well as Post-Secondary) have been destroyed and teachers have died or have fled from the Zone. Additionally, it is reported that some school buildings are now being used for housing people.

PSYCHOSOCIAL SUPPORT

The standard community and social structures of those within the displaced camps has also been disrupted and parties emotionally affected. The IDPs explained that a large part of their negativity stemmed from the fact that *farming is their main source of livelihood but due to the attacks they cannot return to their villages and farm their lands* and this had led to anxiety about their future.

LEGAL MANDATES OF REFUGEE COMMISSION AND NEMA

In trying to address the situation of the IDPs from a legislative point of view, the legal mandates of the Refugee Commission and NEMA were both scrutinised. And these are our findings; the Acts of both the Refugee Commission and NEMA do not specifically mention their roles in relation to IDPs. In the Refugee Commission Act, Refugee strictly speaking refers to people that are outside Nigeria due to crisis or people that are within Nigeria from other countries as a result of crisis in their home countries.

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But this is an anomaly because people first start off as IDPs within their countries before becoming refugees on their return. The Act as it is therefore has left a gap to be filled by the Senate thus the need to amend the National Refugee Commission Act to include IDPs.

Conversely, NEMA's Act does not contain any specific information on IDPs. However, the Act lists rehabilitation as one of the Agency's duties and it has leverage on it to play an important role in the delivery of services to IDPs as a result of the insurgency in the North East. This is commendable in the absence of an institution charged specifically for this purpose. However, the word rehabilitation in NEMA's Act in the view of the Committee is limited to the context of emergencies due to natural disasters and communal clashes. It does not extend to the kind of rehabilitation, reconciliation and resettlement that is necessary for IDPs over a lengthy period due to the ongoing crisis in the North East Zone.

Additionally, it has also been observed that the important role being played by NEMA has eaten deeply into its resources such that it might not be able to cope when faced with an emergency within its statutory role; hence the need to relieve the Agency of such duties as soon as practicable.

DEVELOPMENT PARTNER SUPPORT

This Committee was briefed by International Development Partners on their position regarding the welfare of the IDPs. It was obvious that they were frustrated by what they considered to be a lack of Federal Government's Support for the IDPs and the inability of the grass-roots to recognize their efforts, all parties incidentally feels that way. I was discussing yesterday from the National Defence Agency; members of the Armed Forces feels that they are not having the impact of the Civil Society and the Civil Society is feeling that the Armed Forces is not doing enough; the international community is feeling that the Federal Government is not doing enough. Clearly, the main issue is that all of them are working but there is no hub for coordinating all these activities, hence the need for the eventual creation and establishment of the North East Development Commission which is in line with the thought of the Senate.

This Committee also observed that in all the reports received from NEMA and the Refugee Commission, not much was said about the roles of Local Development Partners such as the Victims Support Group and PINE. It was very clear that there is some degree of rivalry between NEMA and the Refugee Commission; both institutions happen to be the key Federal Government Institutions that are at the forefront of assisting the IDPs.

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Once again these concerns would be taken care of in the NEDC Act.

While this Committee acknowledges the herculean efforts by NEMA, it is our view that the current crisis in the Zone has gone beyond an emergency, thus it requires a more far reaching response effort than the rehabilitation efforts NEMA is empowered to engage in; hence further consolidating the need for the establishment of the North East Development Commission as already resolved by the Senate.

2016 BUDGET – REFUGEE COMMISSION AND NEMA

Clearly, in the absence of the Commission and in the absence of appropriation to the Commission, there is an absolute need to appropriate money to the Refugee Commission and NEMA as an interim arrangement. The total proposed Federal Government Budget of 2016 is ₦6,077,680,000,000 yet only ₦2,486,957,411 and ₦1,344,510,145 have been budgeted for the Refugee Commission and NEMA respectively. This gives a total figure of ₦3,821,476,556 which constitutes about 0.06 *per cent* of the Budget. This is grossly inadequate to address the crisis. While NEMA sometimes receives some support from the Ecological Fund, even that support is unreliable and inadequate because it is at the discretion of the Presidency and its immediate priorities. Furthermore, the Refugee Commission receives no such support. The Committee therefore considers the amount budgeted for both the Refugee Commission and NEMA to be too meagre to effectively handle the needs of the IDPs.

The Committee has noticed that in the recent Budget, projects related to IDPs are spread across various MDAs that have no statutory responsibility for IDPs. Hence it would be prudent for the Senate to take queue from the House of Representatives and transfer all such projects to the Refugee Commission for better coordination and oversight.

RECOMMENDATIONS

This Committee recommends that the Senate:

- (1) Amend the National Refugee Commission Act to enable the Commission function properly under the ambit of the law. This, in particular refers to the IDPs in the Act.
- (2) Direct the National Refugee Commission to coordinate all Federal Government, development partner, and NGO initiatives in the North East Zone that are related to the insurgency pending the creation of the North East Development Commission.

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- (3) Direct that NEMA maintains its statutory role of rehabilitation of IDPs within the context of emergencies such as flooding, communal clashes, and other related matters.
- (4) In its magnanimity, appropriate a minimum of ₦50,000,000,000 to ₦60,000,000,000 to the National Refugee Commission in order for the Committee to address the basic needs of the IDPs across the Federation. This is in relation to the rehabilitation of the IDPs that we say we are going to do, there is no way that ₦2.4 billion be enough for that; that is ten thousand per IDP; it is just too small.
- (5) Direct the Appropriation Committee to transfer all projects in the Budget that are related to IDPs from MDAs that have no statutory role in relation to IDPs to the National Refugee Commission.

Mr. President, I thank you very much for this time and I thank the distinguished Senators for their patience.

Senator Isa Hamma Misau (Bauchi Central): Mr. President, my contribution will be on NEMA and the Refugee Commission. I am in line to support the presentation that the money allocated to these two Commissions is very low. If you look at it, the number of refugees in just North-East, the ₦60 billion that the Chairman, Senator Nyako is requesting is too small if it is within 366 days. So I would urge all my colleagues to support this so that we can get much money for the IDPs, they can go to better schools, feed very well and do normal activities the way our children are going about their normal activities.

I will urge my colleagues to support in totality their recommendation that we need additional funds for NEMA and Refugee Commission and all other budgetary allocations made to other Commissions that are not related to IDPs be transferred through the Appropriation to the Refugee Commission and NEMA.

Senator Abubakar Kyari (Borno North): Mr. President, I support this Report simply because I have eight (8) Local Governments that are displaced. In fact, I have added a 'D' in IDP; for me, it is IDDP which means Internally Displaced and Distressed Persons. It is distressed in the sense that some of them have been displaced for the past three years and they are in camps. They sit down; they do nothing, no economic and educational activities and the way government is handling the issue of IDPs, they think that it is just feeding.

We need to look beyond just giving IDPs rice; this is a situation and opportunity for the government to take advantage of, to enhance the educational situation of the IDPs.

Especially for my Senatorial Zone, the eight Local Governments I will claim are educationally deficient when you compare to the rest of the country. I believe it is a situation where we can take advantage and since most of the IDPs are camped in schools and teachers are not doing anything, they should be able to teach the IDPs something or even skill acquisition for instance to make them better persons.

Presently, I have a programme to give extra lessons to SS 3 students that are displaced in preparation for the WAEC/NECO examinations. Last year, we did a similar exercise to the extent that we got a girl in SS 3 that got nine (9) credits for the first time as a displaced person and we are very proud and happy about that. We also got over 50 that got more than five (5) credits. These are the little contributions that we made, but the government can also enhance their programmes beyond feeding the IDPs.

For instance, most IDDPs are distressed and traumatized because some have trekked hundreds of miles through the bush overnight. Sometimes, if you tell them to go back to their places because those places have been recovered, they have that fear. We should also encourage government to put a therapy programme to calm them down so that they can accept whatever has happened, and then go back safely without fear or trauma whenever their communities are recovered.

When it comes to additional prayer, I would want to add that and I urge my colleagues to support the additional prayer.

Senator Binta Masi Garba: Mr. President, I rise in total support of this Report that was made by Senator Abdul-Aziz Nyako. I have said it and I would continue to say it that some of us are internally displaced and depressed like what the last speaker has said.

Michika Local Government was an IDP but of recent, most of the people have returned to their villages and some are still having the fear. Those who have returned are even thinking otherwise because there is no government presence in terms of infrastructure that will enable them understand that the government knows their plight and is willing to aid and assist them.

Even the trauma which eloquently has been explained by Senator Abubakar Kyari is another factor. Some of them are willing to go back to schools, but there are no even rehabilitations of such schools there.

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We had a meeting with some of the religious and the traditional leaders. One key issue that was re-occurring everyday was that they are tired of eating rice day in day out. At the end of the day, instead of making them healthy, obviously it will make them to be sick because of diabetes. And we asked the government if only they can give a ₦10,000 per household, a trailer load of rice is about 600 bags which is about ₦6 million as of that time. So if you give a household ₦10,000 you are solving the problem of 600 households and even if you are going to take five (5) trailer load of rice which is about ₦30 million and which is almost about 3,000 bags, you are solving the problem of 3,000 households. There is going to be rotational activities economically; when we do that, the issue of rivalry between the Refugee Commission and NEMA probably will have been solved.

I want to support that and urge my colleagues to support this issue because for you to be a displaced person in your State or within your country, it is exceptional. So, I want to thank you for the Report and I believe that government will fast-track and facilitate it and those that have gone back to their communities will be protected and given adequate care.

Senator Mohammed Ali Ndume: This is a very straight forward Report so I urge that we go straight to the Recommendations.

- (1) *Amend the National Refugee Commission Act to enable the Commission function properly under the ambit of the law. This, in particular refers to the IDPs in the Act –*

Question put and agreed to.

- (2) *Direct the National Refugee Commission to coordinate all Federal Government, development partner, and NGO initiatives in the North East Zone that are related to the insurgency pending the creation of the North East Development Commission –*

Question put and agreed to.

- (3) *Direct that NEMA maintains its statutory role of rehabilitation of IDPs within the context of emergencies such as flooding, communal clashes, and other related matters –*

Question proposed.

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Senator Mohammed Ali Ndume: I support this Recommendations but I am concerned about the restriction of Recommendation (3) and therefore wish to propose this amendment:

Direct that NEMA maintains its statutory role of rehabilitation of IDPs within the context of emergencies.

The President: Also, we need some guidance here. If Prayer (1) and (2) is saying that we should amend the National Refugee Commission Act in order for them to play their role, does that not mean that until that law is amended, NEMA must continue to do otherwise; there will be a vacuum.

Senator Mohammed Ali Ndume: That is why I said we should stop at the word *emergencies*.

The President: No! The Prayer itself should go because if NEMA is already doing that, we cannot create a vacuum.

Senator Mohammed Ali Ndume: All right, let us delete Prayer 3.

The President: All right. I will just put the Question on Prayer 3.

Question put and negated.

- (4) *Appropriate a minimum of ₦50,000,000,000 to ₦60,000,000,000 to the National Refugee Commission in order for the Committee to address the basic needs of the IDPs across the country.*

Question put and negated.

- (5) *Direct the Appropriation Committee to transfer all projects in the Budget that are related to IDPs from MDAs that have no statutory role in relation to IDPs to the National Refugee Commission.*

Question put and negated.

Distinguished Colleagues, there is an issue here that the Recommendations have not covered. We have talked about passing the law and NEMA maintaining its functions, but we have not talked about funding those functions of NEMA pending when we pass the law. The 2016 Appropriation has to cover for emergencies on issues of IDPs.

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Senator Mohammed Ali Ndume: The Recommendations of these Committees is within the context of what they were specifically asked to do and there is a Motion that will take care of this gap between now and the time appropriate Appropriation will be made for the law that is being established. I will bring it next week.

Additional Prayers

Senator Musa M. Rabi Kwankwaso (Kano Central): We are all aware that the previous administration established a Committee under our respected leader, Gen. T.Y. Danjuma, and so much has been collected by that Committee. I believe that we should add a prayer here to say:

Direct the Danjuma Committee to expedite action on the effective utilization of funds donated by Nigerians and other stakeholders so as to better the lives of the IDPs.

Senator Binta Masi: Mr. President, I second the additional Prayer proposed by Senator Musa Kwankwaso.

Question put and agreed to.

Senator Abubakar Kyari: Mr. President, the additional prayer I want to suggest is:

Direct the National Directorate of Employment (NDE) to establish skill acquisition centres in all IDP camps.

Senator Abdul-Aziz Murtala Nyako: Mr. President, I second the Prayer proposed by Abubakar Kyari.

Question put and agreed to.

Resolved: That the Senate do:

- (1) Amend the National Refugee Commission Act to enable the Commission function properly under the ambit of the law. This, in particular refers to the IDPs in the Act.
- (2) Direct the National Refugee Commission to coordinate all Federal Government, development partner, and NGO initiatives in the North East Zone that are related to the insurgency pending the creation of the North East Development Commission.
- (3) Direct the Danjuma Committee to expedite action on the effective utilisation of funds donated by Nigerians and other stakeholders so as to better the lives of the IDPs.

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- (4) Direct the National Directorate of Employment (NDE) to establish skill acquisition centres in all IDP camps.

The President: I thank the Chairman of the Senate Committee on Special Duties on this Report especially for the Recommendations and Observations put forward. However, once we get back the Report on the North East Development Commission, we must pass that Bill into law as quickly as possible and then the Motion that would be coming from the Senate Leader to address the interim issues of funding for some of the emergency requirements that are needed in the IDP camps. Let us fast-track these two actions in order to address the state of our people in the IDP camps which, as observed by Senator Kyari, is becoming a permanent problem as opposed to transit problem; this is very disturbing for all of us and we need to find a permanent solution to this.

Report on the Ban on Nigerian Agricultural Products by European Union

Senator Mohammed Ali Ndume: Mr. President, the third Business of the Day is consideration of the Report of the Joint Committee on Health, Agriculture and Rural Development in respect of a Motion on the ban on Nigeria Agriculture Products by European Union.

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

Senator Olanrewaju Tejuoso (Ogun Central): Mr. President, I move the Motion that the Senate do consider the Report of the Joint Committee on Health, Agriculture and Rural Development in respect of a Motion on the ban on Nigerian Agricultural Products by European Union.

Senator Joshua Dariye (Plateau Central): Mr. President, I second the Motion ably moved by my Colleague.

Question put and agreed to.

Resolved: That the Senate do consider the Report on the ban on Nigerian Agricultural Products by European Union.

Senator Olanrewaju Adeyemi Tejuoso: Mr. President, the Senate at its plenary on Thursday, 6th August, 2015 deliberated on a Motion on the ban of Nigerian Agricultural Export Products by the European Union (EU).

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The sponsor of the Motion, Senator Francis A. Alimikhena, representing Edo North Senatorial District, drew the attention of the Senate and indeed, Nigeria, to the ban on the agricultural export products and the attendant consequences resulting from the ban.

Consequently, the Senate resolved and directed its Committees on Health; and Agriculture and Rural Development to look into the matter with a view to overturn the European Union ban on Nigerian Agricultural Export Products and report back to the plenary when Senate Committees are constituted (S/Res/013/01/15).

It is pertinent to mention that the work of the Joint Committee was delayed due to the delay in constituting Senate Standing Committees.

The mandate was therefore transmitted to the Committee vide Senate Votes and Proceedings No. 11 of August 9, 2015 through a referral letter from the Ag Clerk of the Senate Ref. No: NASS/85/R/vol.1/19 and dated 10th November, 2015.

Membership of the Joint Committee:

- | | | | |
|--------|---------------------------------|---|-----------------------|
| (i) | Sen. Dr. Olanrewaju Tejuoso | - | Chairman, Health |
| (ii) | Sen. Adamu Abdullahi | - | Chairman, Agric. |
| (iii) | Sen. Matthew Urhoghide | - | Vice Chairman, Health |
| (iv) | Sen. Theodore A. Orji, CON | - | Vice-Chairman, Agric. |
| (v) | Sen. Suleiman Nazif | - | Member |
| (vi) | Sen. Emmanuel Andy Uba | - | Member |
| (vii) | Sen. Jonah Jang | - | Member |
| (viii) | Sen. Shitu Mohammed Ubali | - | Member |
| (ix) | Sen. Adamu Muhammed Aliero | - | Member |
| (x) | Sen. (Dr.) Aliyu Sabi Abdullahi | - | Member |
| (xi) | Sen. Akpan Albert Bassey | - | Member |
| (xii) | Sen. Athansaius Achonu Nneji | - | Member |
| (xiii) | Sen. Omogunwa Yele Olatubosun | - | Member |
| (xiv) | Sen. Bwacha Emmanuel, CON | - | Member |
| (xv) | Sen. (Dr.) Dada Joseph Gbolahan | - | Member |

Secretariat

- | | | | |
|------|---------------------------------|---|---------------|
| (i) | Danladi Angulu | - | Clerk, Health |
| (ii) | Dr. (Mrs.) Fortunelhua-Maduenyi | - | Clerk, Agric. |

Background of the Ban:

Recently, the European Union (EU) placed a ban on Nigerian Agricultural Export Products such as Beans, Melon Seeds, Fish, Dried Meat and Palm-Oil due to the Country's failure to adhere to global health best practices.

Several concerns had been raised before now indicating that these products constitute danger to human health as they contain high level of toxic pesticides. It was reported that about 50 notifications were issued on the matter, yet the exporters of these products did nothing significant to reverse the situation.

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This ban expresses deep concern on the state of Nigerian economy which at the moment is going through a turbulent period due to the reduction in income from crude oil export.

In 2013, 24 agro – products of Nigerian origin exported to the UK were rejected while the figure increased to 42 in 2014. Report has indicated that the banned products, for instance, Beans, had 0.03mg/kg to 4.6 mg/kg of dichlorvos pesticide (DDVP). This is far above the acceptable limits (0.01 mg/kg).

The European Union (EU) is one of the largest importers of agro commodities from Nigeria and the consequences of non-compliance are severe in terms of foreign earning, especially now that the income from crude oil is shrinking and the Country is trying to diversify its income base.

In line with our oversight responsibilities and commitment to key into the change mantra of the present administration, we were mandated to investigate the matter and establish ways of overturning the EU ban without interfering with the issues of due process as it affects compliance with EU regulations on export of agricultural commodities.

Methodology:

Preliminary Activities of the Joint Committee:

In giving effect to the Senate mandate, the Joint Committee met to draw out modalities on how to effectively carry out this legislative mandate. In the course of its deliberations, the Joint Committee resolved as follows:

- (a) That submission of memoranda/input on the ban of Nigerian Agricultural Export Products by the EU be invited from the key stakeholders;
- (b) That information or any relevant documents relating to the matter should be obtained from both public organs of government and private individuals;
- (c) That the investigative hearing/meeting should commence on Wednesday, 16th December, 2015 with full media coverage; and
- (d) That the Report should be concise and direct to the terms of reference.

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Submission of Memoranda/Input:

The Joint Committee through letters of invitation requested the following key stakeholders to forward their views and positions on the ban of Nigerian Agricultural Export Products by the European Union (EU). They were also invited to participate at the hearing / meeting to make oral representations. The key stakeholders include:-

- (1) Federal Ministry of Health;
- (2) Federal Ministry of Agriculture and Rural Development;
- (3) National Agency for Food and Drug Administration and Control (NAFDAC);
- (4) Standard organization of Nigeria (SON);
- (5) Nigeria Export Promotion Council;
- (6) Food and Agriculture Organization (FAO);
- (7) Nigeria Stored Products Research Institute;
- (8) European Union Delegation to Nigeria;
- (9) Nigeria Agriculture Quarantine Services (NAQS);
- (10) Nigeria Ports Authority;
- (11) National Bio-Safety Agency of Nigeria;
- (12) National Bio-Technology Agency of Nigeria;
- (13) Agricultural Research Council of Nigeria;
- (14) Soil Science Society of Nigeria;
- (15) International Institute of Tropical Agriculture (IITA);
- (16) Nigeria Institute of Chemical Research, Zaria; and
- (17) Engr. Charles Ugwu, OON; MD, Ebonyi Agro – Industries Limited.

A total of nine (9) submissions were made to the Joint Committee.

Joint Committee Hearing/Meeting with Stakeholders

The Joint Committee Hearing/Meeting was held on Wednesday, 16th December, 2015 at 12:40 p.m., in Conference Room 002, New Senate Wing, National Assembly Complex, Abuja.

The Joint Committee meeting was attended by the Hon. Minister of Agriculture and Rural Development, Hon. Minister of State for Agriculture and Rural Development, Chief Executive Officers of MDAs invited. All invited stakeholders present at the meeting presented their positions on the ban.

Objectives of the Joint Committee Hearing/Meeting:

The objectives of the hearing include:

- (i) To identify the agricultural export products that were banned by the European Union (EU);
- (ii) To identify the immediate and remote causes of rejection of agricultural export products;
- (iii) To determine how the ban on agricultural export products could be lifted or overturned; and

(iv) To prevent further occurrence of rejection of agricultural export products from Nigeria.

Findings and Observations:

In view of the foregoing, the Joint Committee reports as follows:-

- (i) That the European Union (EU) placed a suspension on the import of beans from Nigeria till June, 2016 and not outright ban on import of other Nigerian agricultural commodities; and
- (ii) That the following factors were identified as the immediate and remote causes of the rejection:
 - (a) Non-compliance to administrative procedures i.e. non-compliance by exporters to have valid export documentation, incorrect filling of information, inadequate information and know-how on the entry requirements for food imports to the EU by exporters.
 - (b) Non-adherence to Food Safety Measures; presence of high pesticide residue level, presence of aflatoxin, heavy metals, high microbial load, present of foreign matters, high fumigation level, amongst others.
 - (c) Poor post-harvest handling and agricultural practices; some farmers, processors, and other key operators failed to follow the best practices in pre and post-harvest handling of products; Poor packaging and labelling with insufficient information on the nutritional contents of packaged food.
 - (d) Prevalence of lack of information on exports; some businessmen and women chose the option of exporting illegally rather than registering as exporters and do not follow due process.
 - (e) Poor access to product testing and analysis at production areas, making it difficult for farmers and marketers to analyse the products before shipment to port of export.
 - (f) The rejected beans according to the EU Commission regulation 2015/943 were found to contain between 0.03mg/kg to 4.6mg/kg of dichlorvos pesticide (DDVP) instead of the acceptable maximum residue limit of 0.01mg/kg in food.

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- (g) Another issue that has led to the rejection of our agricultural products is the presence of aflatoxin.
- (h) Inappropriate use of approved agro chemicals especially pesticides
- (i) Forged export documents by exporters.

Measures to be adopted to Overturn The EU Ban on Agricultural Export Products:

- (a) Collaboration with the Food Standard Agency of the UK by facilitating the visit of Mr. Glavine, Head of Imports, Exports and Official Controls enforcement to Nigeria to educate Nigerian Food exporters on the requirements for importing food items to the UK/EU.
- (b) Synergizing with relevant quality and export certifying agencies (NAFDAC, SON, RMRDC, NAQS etc.) in organizing series of training and capacity building programmes for producers and exporters of food items on good agricultural practice.
- (c) Establish the extent of contaminations in the various crops. The agencies concerned should carry out a survey of selected crops, especially the ones that have faced serious rejection with a view to ascertaining their status and prevalence of contamination. This will involve sample collection and analysis. If this is done, it will ascertain the quality of agricultural produce being produced in the country.
- (d) Develop post-harvest handling protocol with the relevant agencies. There is need for standard post-harvest handling protocol to be developed by relevant agencies such as NSPRI, SON and NAFDAC for the various crops. It will assist various groups in achieving the required quality. Also food safety programmes could be put in place to take care of raw and processed food.
- (e) Create national awareness among stakeholders on the need for the quality and safe food. We need to continue to create awareness for compliance of Nigerians to good agricultural practice (GAP) and Standard Operating Procedures in line with the global trends.

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- (f) Identification of technologies available in the country and development of an approach for their popularization at farm level. The country needs to carry out a holistic survey to identify the various technologies that have been developed by different agencies and put them into proper use.
- (g) Training of exporters and traders on the protocol of produce handling.
- (h) Farmers need to be trained on good agricultural practices in terms of production and post-harvest handling of crops.
- (i) The ongoing implementation of the National Policy on Food Safety and its implementation strategy is the assured road map in the nation's quest towards achieving full acceptance of Nigerian food and agricultural produce in the international markets.
- (j) The National Assembly should pass the Food Safety Bill as soon as possible.
- (k) The MDAs responsible for implementing Food Safety related duties should adhere strictly to their mandates and work tirelessly to fulfil such mandates.
- (l) Strengthening of quality control assurance sections of the whole value chain phases of the Nigerian Agricultural Commodity Products e.g. production, processing, packaging and distribution stages.
- (m) Strengthening of all regulatory agencies and empowerment by government for these agencies to perform and live to their responsibilities, enforcement of standard must be carried out at every point of the value chain.
- (n) The agencies responsible for certification should adopt more punitive measures not to allow agricultural products out of Nigerian borders when they do not meet phyto-sanitary and quality standard requirement.

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(o) Nigeria should submit a detailed export control plan that includes:

- (i) Information on the reasons/origin of the pesticide residues detected in the dried beans;
- (ii) Information about any export controls, frequency of sampling, accreditation and methods of any laboratories used and any results obtained.
- (iii) Applying Codex Alimentary Standards for beans, such as Codex Standards for Cereals, Pulses, Legumes and Vegetables protein and other related standard.

Recommendations:

The Joint Committee recommends as follows:

- (i) The Inter-Ministerial Committee (IMC) members to oversee the activities of the newly established National Food Safety Management Committee which is yet to meet since their inauguration in January, 2015. They are to be advised to meet to ensure the suspension is lifted.
- (ii) NAQS should continue to collaborate with all relevant MDAs responsible for export of agricultural produce to meet the conditions required by the European Union (EU) for lifting the suspension placed on dried beans.
- (iii) Presidential approval for a one stop-shop for exports to be established with a Secretariat situated outside the Ports for housing all regulatory bodies involved in export certification. This will ensure that only quality food products are exported.
- (iv) Exporters with forged documents and their collaborators to face appropriate sanctions.
- (v) Adequate phyto-sanitary measures by responsible establishments to be put in place to address lapses in pre-requisite programmes such as Good Agricultural Practice (GAP) Good Storage Practices (GSP) certification Scheme and training for farmers.
- (vi) NAQS to submit an export control plan and evidence of its effective implementation to the EU.

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Mr. President, this Report should be taken very seriously because we do not have to wait for the EU to tell us that our beans is not good for human consumption before we take action. That means we Nigerians also are subject to these beans that is not good enough for human being and it is said that pesticides that are not used correctly predispose human beings to cancer. So, I want us to look at these Reports very closely and let us make necessary recommendations.

Conclusion:

The Joint Committee wishes to thank the 8th Senate for the referral which has exposed the many lapses in the export of Nigerian agricultural export products. It is hoped that these loopholes would be addressed properly and urgently.

Senator Mohammed Ali Ndume: Mr. President, this Report and the Motion that give rise to a recommendation by this Senate for the Joint Committee to look at this issue are very important. I am therefore urging our Colleagues that are here to really take their time to look at this Report critically and come out with a very strong recommendation.

As the Chairman that presented the Report said, there are two important things that come out from this Motion:

- (a) That economically, Agriculture is supposed to be one of the drivers that could earn foreign exchange for us and as it is now, Nigerian Agricultural Products, so many of them that are for export that can earn a lot of money are not accepted; then that is a big problem.
- (b) For those that we consume even locally, if it is not safe for European Countries consumption, it also means that it is not supposed to be saved for our local consumption.

Therefore, it is very important to draw your attention to this very important Report so that we would take this Report seriously, look at the recommendations and come out with something that would make us to correct this abnormality.

Senator George Akume (Benue North West): Mr. President, I am privileged to make some comments on this Report principally because I come from Benue State which is the Food Basket of this nation.

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Today, the emphasis in our country is on Agriculture. The present government is determined to ensure that we add value to Agriculture and in doing this, the emphasis is also on exportation of our Agricultural products and produce.

From the Report, we are clearly informed and also inclined to believe that the problem is not with the European Union, the problem is with the Nigerian farmers and this is because we have failed to meet the requirements put on the ground by European Union for accepting products from other countries into the European Union. I am happy that we are just referring to beans; we have so many other produce that can earn us foreign exchange if properly handled by our farmers.

I was with the Minister of Agriculture few days ago, and he told me that one of the Members of the Parliament from the United Kingdom that visited him said that they want Nigerian produce in Britain. He talked about mangoes, oranges and that there is a particular way we can harvest the mangoes and the oranges so that they get into Britain very fresh. Again, the ball is in our court; there is a need for a very virile and vital transportation system at our airports so that within 24 hours of harvest, these produce are available in Britain.

This is a wonderful opportunity for us, particularly the Ministry of Agriculture, to reach out to farmers and those who export agricultural produce and products through extension services to take advantage of the huge potentials of the European Union market. If you look at the population growth and the imminent food crisis, you cannot run away from the fact that Nigeria has a wonderful opportunity to recreate and to rebuild its own economy.

There was a beautiful lecture delivered by Christine Lagarde, the Managing Director of IMF in London. She said the way that the population was growing in the world and particularly in Africa and Sub-Saharan Africa, in the next fifteen to twenty years, the population of this country will overtake that of America and she mentioned so many other places. This becomes a major challenge to these countries in Sub-Saharan Africa to feed the population. It is also a challenge to the entire world to meet food requirements.

This is a wonderful opportunity to do what is right within the ambit of not just the Ministry of Agriculture but within the ambit all of us here who can also pass on this message to our farmers. Many of our people are farmers, whether they are from Senators Nnaji's, Na'allah's, Shaba Lafiagi's or Barnabas Gemade's State, there are enormous advantages to be reached.

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Therefore, I want to support this Report, and we want to call on the Government to take this Report very seriously through careful implementation. By what is being recommended in this Report, Nigerians should be laughing to the banks. I was in Germany and I read a statement by the Ooni of Ife when he came on a visit and he was interviewed by the Press Corps. He said, we have to go back to the basics. He said today, the price of Cocoa is higher than the price of oil. I said that is the challenge, we have the land; we have to carefully plan our agriculture so that we go back to the basics when we are able to build this country through resources accruing to us from the soil; agriculture.

Senator Bala Ibn Na'allah: Mr. President, let me speak from experience, I used to be an exporter of *atarodo* (*hot pepper*) to London and I was making almost five times the cost of taking it to London. All we were doing was to bring it overnight from my village, Zuru that is predominantly a farming community with vast land that supports the production of *atarugu* which is popularly known as *atarodo* in Yoruba language. What we did then was that we will carry the unripe ones overnight to Lagos, weigh it and before 9:00 a.m. it is in British Airways, and by 3:00 p.m., it is in London. That time, we have fax mail, and by the following morning, we have our money.

Somewhere along the line, our problem started in Nigeria not in London, we will bring it, because of the multiplicity of regulatory agencies at the airport; they will hold it till the next day. So, by the time it is taken to London, we would have another fax that says 40 *per cent* wastage, that was how we became frustrated not from London but from Nigeria.

One aspect that this Report should equally capture is that we must decisively put a one line approval for the purpose of export of perishable goods from Nigeria. Our *atarodo* in London is cheaper yet compared to the one they are bringing from the Caribbean, and we have a lot of wastages of that particular product all around the North West. There is one yellow pepper coming from predominantly the Igbo area which is well sought for.

I believe that the Report is good and this Parliament and the relevant Committee should equally look at it and try to see how they can ease the process of exporting perishable goods out of Nigeria. The whole problem is from here, it is not from any other place. If our relevant Committees can sit down and reduce the bureaucracy, then we should be able to generate a lot of income from these agricultural products. I commend the Committees' work on this job and I urge that we take decisive action as far as these recommendations are concerned.

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The President: Distinguished Colleagues, we will go to the recommendations.

- (1) *The Inter- Ministerial Committee members to oversee the activities of the newly established National Food Safety Management Committee which is yet to meet since their inauguration in January, 2015. They are to be advised to meet to ensure the suspension is lifted –*

Question put and agreed to.

- (2) *That National Agriculture Quarantine Service should continue to collaborate with all relevant MDAs responsible for export of agricultural produce to meet the conditions required by the European Union (EU) for lifting the suspension placed on dried beans –*

Question put and agreed to.

- (3) *Presidential approval for a one stop-shop for exports to be established with a Secretariat situated outside the Ports for housing all regulatory bodies involved in export certification. This will ensure that only quality food products are exported –*

Question put and agreed to.

- (4) *Exporters with forged documents and their collaborators to face appropriate sanctions –*

Question put and agreed to.

- (5) *Adequate phyto-sanitary measures by responsible establishments to be put in place to address lapses in pre-requisite programmes such as Good Agricultural Practice (GAP) Good Storage Practices (GSP) certification scheme and training for farmers –*

Question put and agreed to.

- (6) *National Agric Quarantine Services to submit an export control plan and evidence of its effective implementation to the EU –*

Question put and agreed to.

Recommendation 1 – agreed to.

Recommendation 2 – agreed to.

Recommendation 3 – agreed to.

Recommendation 4 – agreed to.

Recommendation 5 – agreed to.

Recommendation 6 – agreed to.

The President: Do you have additional prayer, Senator Joshua Dariye?

Senator Joshua Chibi Dariye (Plateau Central): Mr. President, while commending the others for having done a good job, in the recommendation, we did not think of the domestic consumption, we are only focusing on export. We should add something to look at the quality control employed for domestic consumption in view of the fact that when you export, one of these specified levels is above 0.01.

The President: Is there any seconder to this recommendation? Senator Tejuoso, in all your recommendations, there is no recommendation as regards action against those agencies who must have certified some of those substandard products?

Senator Olanrewaju Adeyemi Tejuoso: NAFDAC is the sole agency that is responsible for receiving alert on this problem, and because of the recent sacking of some of the MDs and DGs, NAFDAC was also involved, so we decided to leave that alone.

The President: Distinguished Colleagues, as I have said, we thank the two Committees, but the point raised by everybody here is that this is a very important Motion and Report because it is not only about export as rightly said, it is also for the food safety of our own people, and those agencies that are responsible for that must be held accountable to ensure that the quality of some of the foods that we consume ourselves are safe; we do not need to wait for EU to tell us what is safe in our country. The relevant agencies, that is NAFDAC and others with the new people heading those agencies will live up to their responsibility to ensure that we do not need to wait for EU to come and tell us to do the right thing, and we should ensure that they only certify food products that are safe for our people.

Secondly, the Agricultural Committee should ensure that the budget in 2016 addresses whether they have even facilities to test some of these products and be sure that they are safe; I hope that area will also be addressed. Once again, I commend the Committees for the good job they did.

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Petition against Nigerian Customs Service

Senator Bala Ibn Na'allah: Mr President, the fifth Order of the Day is the Consideration of the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Anaele Mark against Nigerian Customs Service for alleged wrongful retirement 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 N. Anyanwu (Imo East): Mr. President, I move that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Anaele Mark against Nigerian Customs service for alleged wrongful retirement from service.

Senator Bareehu Olugbenga Ashafa (Lagos East): Mr. President, I second the Motion ably moved by Senator Samuel Anyanwu.

Question put and agreed to.

Resolved: That the Senate do consider the Report on a petition from Mr. Anaele Mark against Nigerian Customs service for alleged wrongful retirement from service.

Senator Samuel Anyanwu: The Senate would recall that on Thursday, 21st January, 2016, rising on Orders 41 and 43, Senator Samuel N. Anyanwu (Imo East) drew the attention of the Senate to a petition from Mr. Anaele Mark against the Nigeria Customs Service for alleged wrongful retirement from the service, and urged the Senate to look into the matter.

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

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 |
| (11) Senator Matthew Urhoghide- | Member |

Secretariat:

Freedom Osolo - Clerk to the Committee

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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:

- (a) The Petitioner, Mr. Anaele Mark; and
- (b) The Respondent, Nigeria Customs Service.

Testimonies/Submissions:

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

The Petitioner, Mr. Anaele Mark

Presenting his case, Mr. Anaele Mark stated as follows:

- (1) That he was enlisted into the Nigeria Customs Service on 24th July, 1979 as an officer of Customs and Excise on grade level 04 after his Secondary Education;
- (2) That after three (3) years of active service, he was granted study leave without pay to further his education in United States and was re-absorbed back into the Service on 19th May, 1988, after the mandatory National Youth Service;
- (3) That he was indicted in a case of clearing 10,000 metric tons of rice with fake bank receipt at Tin-Can Island, Lagos in July, 2002, suspended on the 12th of September 2002 and finally dismissed from the Service on 18th January, 2005;
- (4) That because he felt unjustly dismissed, he went to the Federal High Court in Lagos. Fortunately, he was not found guilty of the offence in April, 2010 when the verdict was given and the court ordered Nigeria Customs Service to reinstate him in the service without any loss of promotion and privileges, and that all his outstanding salaries and entitlements be paid to him from the day of his suspension;

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- (5) That on 21st November, 2011, he was reinstated and retired the same day, without a cogent reason;
- (6) That as a result of the undeserved retirement, he went to the National Industrial Court, Abuja and the Court on 20th July, 2013 ordered that the Nigeria Customs Service should give full effect to the subsisting judgment of the Federal High Court delivered in 2010;
- (7) That the National Industrial Court also ruled that he should be specifically promoted to Deputy Comptroller of Customs in line with his colleagues and that his contemporaries in Customs are now Comptrollers;
- (8) That on 19th August, 2015, the Comptroller, Investigation wrote a letter to the Court Registrar, Federal High Court, Kano, to find out the genuineness of the judgment in the suit and the Registrar on 4th September, 2015, replied him (the Comptroller, Investigation) that the judgment was the Judgment of the Federal High Court, Kano Division, delivered by His Lordship, Hon. Justice Babs Kuewami;
- (9) That the six years used for Study Leave without pay, should not form part of his mandatory 35 years of service, and consequently, his retirement due date is 31st January, 2020.
- (10) He prayed that he be reinstated in the Service without any loss of promotions and privileges in line with the Court judgment; also, that all his outstanding salary arrears be paid to him from the date of his suspension.

The Respondent, Nigeria Customs Service:

Responding, the Nigeria Customs Service represented by Deputy Comptroller-General, Suleiman I. I. said:

- (1) That Mr. Anaele Mark with SVC no. 23586 was an employee of the Nigeria Customs Service;
- (2) That he was employed into the Nigeria Customs Service on 24th July, 1979, as Officer of Customs and Excise II (GL 04);
- (3) That he was involved in a case of fraud to the tune of **N178,023,875.93** on 8th July 2002, covering the importation of 10,000 metric tons of parboiled rice, which was investigated and referred to the Disciplinary Committee for appropriate disciplinary action;

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(4) That because the Disciplinary Committee found his defence unsatisfactory, he was dismissed by the Board of the Nigeria Customs Service on 18th January, 2005;

(5) That he filed an action against the Comptroller-General of Customs and Nigeria Customs Service Board in 2005;

(6) That the Court gave judgment in 2010 in favour of the petitioner and directed the Attorney-General of the Federation to advise the Board to comply, but before the advice from the Attorney-General could reach the Board, it considered the administration appeal, reinstated the petitioner and retired him from Service;

(7) That the petitioner being dissatisfied with the retirement, filed another action before the National Industrial Court on 17th January, 2012 against the Nigeria Customs Service Board seeking the enforcement of the Federal High Court judgment. The National Industrial Court on 26th July, 2013 gave a judgment that the Federal High Court judgment be obeyed;

(8) That the officer was coincidentally due for statutory retirement by year of service in 2014, and therefore could not be reinstated; and

(9) That the Officer was away on study leave without pay and that the provision of Section 100228 (C) of the revised 2007 Public Service Rules (PSR) which states that, *the period of study leave shall not be regarded as a break in service*, nullifies his claim that he ought to retire in January, 2020.

Observations/Findings:

After going through the submissions of both parties, the Committee observed as follows:

- (1) That the petitioner was granted a Study Leave without pay to study in the United States and was re-absorbed into the Service on 19th May, 1988 after his mandatory National Youth Service;

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- (2) That the provision of Section 100228 (c) of the Public Service Rules (PSR) referred to as the reason why he should retire in 2014, was re-introspective, that is, that Mr. Anaele had since been reabsorbed into the service and he cannot be affected by a rule which came up long after his reabsorption had been completed and forgotten. That is unconstitutional;
- (3) That after his dismissal from the Service on 18th January, 2005, the petitioner went to the Federal High Court to seek redress and was declared not guilty of the offence; the Federal High Court in April, 2010, ordered the Nigeria Customs Service to reinstate the petitioner without any loss of promotion, privileges and that all unpaid salaries & entitlements from the date of his suspension be paid to him;
- (4) That on 21st November, 2011, the petitioner was reinstated and retired the same day, without a cogent reason;
- (5) That the petitioner being unhappy with the retirement, filed another action before the National Industrial Court on 17th January, 2012 against the Nigeria Customs Service Board seeking the enforcement of the Federal High Court judgment. The National Industrial Court on 26th July, 2013 gave a judgment that the Federal High Court judgment be obeyed;
- (6) Unfortunately, the judgments of the two Courts of competent jurisdiction (Federal High Court, Kano and National Industrial Court, Abuja) were turned down by the Nigeria Customs Service.

Recommendations:

Having fully heard and considered the submissions of the petitioner and the respondent, the Committee recommends as follows:

- (1) That the Nigeria Customs Service should comply with the judgment of the two Courts of competent jurisdiction, Federal High Court, Kano and the National Industrial Court, Abuja and reinstate the officer in the Service and also pay him arrears of his salaries and entitlements;
- (2) That the officer should be promoted to the appropriate rank so that he would be at the same level with his contemporaries;
- (3) That the Senate Committee on Customs and Excise be mandated to ensure compliance with the Senate resolution.

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- (4) The Senate may wish to consider and adopt the recommendations of the Committee as proposed.

Conclusion:

Mr. President, Distinguished Colleagues, on behalf of the Committee, I thank you for listening and for the opportunity to serve.

The President: Then we will go straight to the recommendations.

Senator George Akume: Mr. President, we seems to be rushing this too much and if you look at paragraph 9 on page 4 it reads as follows:

The six years used for study leave without pay should not form part of his mandatory 35 years of service, and consequently his retirement due date is 31st January, 2020.

We seem to be rushing this but the Rules are expected to be followed and implemented fully. I was a career civil servant. When you go on study leave with or without pay, your years of service are still running. Please if you did not mind, we should follow this very diligently.

The President: Distinguished Colleagues, make your contribution and observation and we will ask the Chairman to explain to us. Mr. Chairman, kindly comment on the observation of Senator Akume.

Senator Samuel Nnaemeka Anyanwu: Mr. President, I did not understand what Senator Akume was saying.

Senator George Akume: Senator Anyanwu, if you look at page 4 on paragraph 9, he is contesting that he was retired prematurely and he said this is because the six years when he was on study leave without pay was also used in computation, it should not have been computed and if you remove that, he was not right, that is not the Rules of Civil Service. If you are on study leave with or without pay, the years of service continues to run.

The President: Distinguished Senator Anyanwu, please comment on that.

Senator Nnaemeke Anyanwu: Mr. President, what guided us was the Civil Service Rule.

The President: The question Senator Akume asked is; the six years that he used for Study Leave, does that in any way change the mandatory 35 years of service?

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Senator Nnaemeka Anyanwu: Mr. President, if you look at our findings on page 6 paragraph 9, the Officer was away on Study Leave without pay and that the provision of Section 100228 (C) of the Revised 2007 Public Service Rules (PSR) which states that, the period of study leave shall not be regarded as a break in service, nullifies his claim that he ought to retire in January, 2020.

Senator Bala Na'allah: Mr. President, it is important for us to distinguish between the two scenarios, if you go on leave without pay, it is as good as if you are not in the service but your career is preserved. If you are being paid while on study, the whole essence is payment. Are you receiving anything from government or rendering any service for government? It is like saying in the calculation of my service I have stopped here, let me go and continue what I am doing and come and continue where I have stopped. The Rules is very specific on that.

Senator Abubakar Abdulrahman (Kogi East): Mr. President, this issue have to be clarified in the consent of those Rules, having been in the career management in the Federal Civil Service up to 20 years, I was a Director, Administrative Department at the Head of Service of the Federation. I was part of the people who revised this Civil Service Rule that we are talking about and the issue is that whether you go without or with pay, once you attain 60 years of age or 35 years in service you will be retired. We should look at it very seriously in the context of those rules and let this Senate not be involved in taking an action that will become an albatross around our neck. The issue is that whether you go for leave without pay or with pay, those years you have taken are considered as part of your service. Once you reach 60 years of age or 35 years in service, it is time for you to go.

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, this matter is simple and straightforward. The petitioner got a court judgment and for us to be arguing here is unnecessary. The court had given judgement and the Ministry did not appeal on that judgment. The Committee has done their job and I commend the Committee.

The President: Distinguished Colleagues, we will go back to Recommendation 1.

- (1) *That the Nigeria customs Service should comply with the judgment of the two courts of competent jurisdiction, the Federal High Court, Kano and the National Industrial Court, Abuja and reinstate his entitlements.*

Question put and agreed to.

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- (2) *That the Officer should be promoted to the appropriate rank so that he would be at the same level with his contemporaries;*

Question put and agreed to.

- (3) *That the Senate Committee on Customs and Excise be mandated to ensure compliance with the Senate resolution.*

Question put and agreed to.

Recommendation 1 - *agreed to.*

Recommendation 2 - *agreed to.*

Recommendation 3 - *agreed to.*

The President: Distinguished Colleagues, I want to thank the Committee on Ethics, Privileges and Public Petitions for the work well-done.

Senator Aliero Muhammad Adamu (Kebbi Central): Mr. President, Recommendation 3 should not be accepted because the petitioner has gone to court and apart from going to court; he has also gone to the National Industrial Court. The right place to go is the Office of the Attorney-General and not to Customs and Attorney-General should ensure compliance with the court order.

The President: Distinguished Colleagues, I have already hit the gavel on that.

Petition against Federal Inland Revenue Service

Senator Bala Na'allah: Mr. President, the sixth Order of the Day is the consideration of the Report of the Committee on Ethics, Privileges and Public Petitions and a Petition from Mr. Meseko Olugbenga Felix against the Federal Inland Revenue Service for wrongful dismissal from service.

You may wish to invite Senator Samuel Anyanwu to move a 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 Senate Committee on Ethics, Privileges and Public Petitions in respect of a Petition from Mr. Meseko Olugbenga Felix against the Federal Inland Revenue Service (FIRS) for Wrongful Dismissal from Service.

Senator Monsurat J. A. Sunmonu (Oyo Central): Mr. President, I second the Motion that the Senate do consider the Report.

Question put and agreed to.

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Resolved: That the Senate do consider the Report on a Petition from Mr. Meseko Olugbenga Felix against the Federal Inland Revenue Service (FIRS) for wrongful dismissal from service.

Senator Samuel Anyanwu: The Senate would recall that on Tuesday, 3rd August, 2015, rising on Order 41, Senator Dino Melaye (Kogi West) drew the attention of the Senate to a petition from his constituent, Mr. Meseko Olugbenga Felix, against the Federal Inland Revenue Service for wrongful dismissal from service, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the 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 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
(11)	Senator Matthew Urhohide -	Member

Committee Action:

Following the Senate resolution and referral, the Committee met and agreed that the following instruments would be considered 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. Meseko Olugbenga Felix; and
- (2) The respondent, Federal Inland Revenue Service

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Testimonies/Submissions:

The Petitioner, Mr. Meseko Olugbenga Felix:

Presenting his case, Mr. Meseko Olugbenga Felix made the following submissions:

- (1) That he came into the Service of Federal Inland Revenue Service on 24th June, 1998 and served for six (6) years without any query or blemish;
- (2) That trouble started while he was at the Wuse Office of FIRS in April, 2004 working on Personal Income Tax. That there, he was accused of issuing the same receipt to two different customers, and was queried;
- (3) That after responding to the query, he returned to his new station in Jos, and in October, 2004, he discovered that his salary had been stopped;
- (4) That he travelled to Abuja from Jos to find out why his salary was stopped, only to discover that he had been suspended and that his suspension letter had been sent to Jos;
- (5) That he was referred back to Abuja where his file containing the suspension letter was taken. That as the search continued, he learnt through unofficial source that an investigation panel had been set up by FIRS to look into the cases of about 50 (fifty) staff who were found wanting. Mr. Meseko said he attended the panel sitting.
- (6) That he learnt later that he and one Mrs. Oluwasola who were charged with the same offence were exonerated and recommended for a recall back to duty;
- (7) That he was, however, shocked to learn in 2005 that Mrs. Oluwasola had been recalled back to duty while nothing was said about his case;
- (8) That in April 2006, somebody informed him that the management of FIRS had recommended his dismissal from the service and that a communication to that effect had been sent to the Federal Civil Service Commission for approval;

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- (9) That in May, 2008, his dismissal was approved by Federal Civil Service Commission, and on appearing to collect the letter, he was handed over to Economic and Financial Crimes Commission (EFCC) for further investigation and prosecution;
- (10) Mr. Meseko argued that if FIRS could call him on phone to collect his query, why he was not contacted on phone to collect his suspension letter?
- (11) He concluded that the choice of the means of communicating his suspension was suspected and prayed that:
 - (a) He should be reinstated, and all his entitlements paid; and
 - (b) All his promotions be granted him.

The Respondent, Federal Inland Revenue Service:

Responding, the Federal Inland Revenue Service (FIRS), represented by its Acting Executive Chairman, Mr. Tunde Fowler, stated as follows:

- (1) That Mr. Meseko Olugbenga Felix was truly a staff of the Federal Inland Revenue Service between 1998 and 2004 when he was dismissed (with effect from 4th November, 2004) for abscondment from duty;
- (2) That in 2004 while working at the Wuse Personal Income Tax Office, he was alleged to have manipulated official revenue receipts and was queried;
- (3) That Mr. Meseko replied the query through a letter, but his response was not satisfactory, and was suspended on November 4, 2004;
- (4) That the letter conveying his suspension was sent to his new station, Jos Integrated Tax Office on 13th December, 2005;
- (5) That on January 6, 2005, however, the Head of the Tax office wrote the Executive Chairman indicating that Mr. Meseko had not reported for duty, since 29th November, 2004;

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- (6) That this was the prevailing situation till 12th September, 2005 when his case was brought before FIRS Senior Staff Committee which noted that Mr. Meseko's abscondment from duty was close to a year without authorization;
- (7) That while the case of manipulation of receipts was on-going with the EFCC, the issue of abscondment from duty was considered and deemed gross misconduct punishable by dismissal in accordance with **Section 030402 of the 2008 Edition of the Public Service Rules;**
- (8) That based on this, the FIRS Senior Staff Committee recommended his dismissal from service to the Federal Civil Service Commission (FCSC) which has responsibility for staff issues for the Public Service of the Federation;
- (9) That the FCSC also considered the matter and adopted FIRS's recommendation, and this was communicated to FIRS and Mr. Meseko by February, 2008;
- (10) That FIRS had reviewed Mr. Meseko's appeal and had noted that the grounds upon which he seeks the Senate Committee's intervention, was not the same as the ground upon which FIRS and FCSC dismissed him. The FIRS Chairman pointed out that Mr. Meseko was dismissed on the ground of abscondment, and not on the alleged manipulation of revenue receipts;
- (11) FIRS admit that Mr. Meseko was suspended on 4th November, 2004, but that before the suspension letter could be sent to his office, he had absconded and never reported thereafter. That given his unavailability at his station, FIRS could not be said to have communicated the suspension or dismissal ratified by FCSC, but rejected the conclusion that FIRS deliberately refused to communicate his suspension letter, saying that Mr. Meseko had no evidence to that effect;

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- (12) That FIRS investigated the manipulation of revenue receipt issue and found Mr. Meseko culpable, but recalled Mrs. Oluwasola back to work because the investigation exonerated her, and added that both positions were also corroborated by the result of the investigation by the Nigeria Airspace Management Agency (NAMA) which was affected by the manipulation of revenue receipts, and
- (13) FIRS concluded that it acted appropriately and in accordance with the existing Public Service Rules in determining the conclusion of the case against Mr. Meseko.

Observations/Findings:

After studying the facts of the matter available to it, the Committee observed as follows:

- (1) That Mr. Meseko Olugbenga Felix was a staff of Federal Inland Revenue Service (FIRS) until November, 2004;
- (2) That between 2001 and 2004, while working at the Wuse Personal Income Tax Office, he was alleged to have manipulated official revenue receipts and was queried;
- (3) That FIRS was not satisfied with the response of Mr. Meseko to the query and on November 4, 2004 suspended him;
- (4) Unfortunately, when Meseko's letter of suspension was sent to his station in Jos, he was not available to receive it. This forced the Head of the Jos Integrated Tax Office on 6th January, 2005 to report in writing to FIRS Executive Chairman that Mr. Meseko had not reported for duty since 29th November, 2004;
- (5) That based on this Report, FIRS dismissed Mr. Meseko Olugbenga Felix from its service and communicated same to the Federal Civil Service Commission (FCSC) which equally approved Meseko's dismissal;
- (6) But what the Committee finds irreconcilably unacceptable is the fact that Mr. Meseko was:

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- (a) Dismissed the same day he was suspended, according to the data supplied by FIRS;
- (b) Dismissed before he was discovered to have absconded on 29th November, 2004 since he was dismissed on 4th November, 2004;
- (c) Not given fair hearing in that he was not summoned to appear before the Senior Staff Committee of FIRS which recommended his dismissal based on the Report of his abscondment in January, 2005; and
- (d) Dismissed on falsehood and anticipation because the Senior Staff Committee which recommended his dismissal, sat on 12th September, 2005 while the petitioner had long been dismissed on 4th November, 2004 prior to the time the offence of abscondment was committed;
- (7) Though contacted to explain the obvious discrepancies in dates, FIRS was unable to explain the controversy of dates and other issues to the Satisfaction of the Committee; and
- (8) That while the Committee would not support the manipulation of receipts and such criminal acts as the petitioner was accused of, it would not accept either that the petitioner be suspended and dismissed the same day without careful investigation of the matter and fair hearing.

Recommendation:

Based on the scenario above, the Committee recommends as follows:

- (1) That Mr. Meseko Olugbenga Felix be reinstated, granted all promotions (if any) and paid all entitlements from November, 2004 till date since due process was not followed in arriving at his dismissal.

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

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Senator Yahaya A. Abdullahi (Kebbi North): Mr. President, like I said, the most appropriate thing to do from my own experience on this matter; really the entire process that has been followed looked very messy. The normal thing that we need to do under this circumstances is for the Committee to take the matter back to the Disciplinary Committee of the Federal Inland Revenue Service and ask them to follow the rules and regulations provided in Public Service Rules and ensure that every rule is followed and then report back that those processes have been followed.

This is because the issue at stake is not very clear from what we have; unfortunately I am not a member of that Committee. What were the factors that informed the dismissal of the person even before his absconding from duty was reported? So, there are certain issues that are there; we should give the Federal Inland Revenue Service the benefit of doubt to go back and ensure that the normal rules are followed in this case. If it so happens that the rules are followed and the man is found to be not culpable of any offence, then he should be re-instated.

However, for us to directly say that the person should be re-instated in spite of not having the real explanation of the circumstances of the case before us, it is putting the cat before the horse.

The President: Chairman, in your report on page 7, it reads; *though contacted to explain the obvious discrepancies in dates, FIRS was unable to explain the controversy of dates and other issues to the satisfaction of the Committee.*

Senator Samuel Anyanwu: Mr. President, you know before we arrive in any of our recommendations, we do thorough investigations. After this, we invited the Human Resources Department of FIRS, to be honest with you, they are confused as to the reason why that man was dismissed, they could not explain and they apologized to us at the Committee level.

Senator Barnabas Gemade (Benue North): Mr. President, we have to look at this matter very critically because if we descend too quickly to one direction, we might ridicule the Senate. The fact that there is an obvious infringement or misdemeanour by the officer is very clear, and the fact that he was not handled through due process is also very clear. But at the same time, if we absorb him 100 *per cent* and direct that he should be re-absorbed and given all the promotions, we are now saying it is possible for you to evade discipline, then, you can be absorbed, and I do not think that is proper.

The fact that obviously, they may have backdated his dismissal which is not the correct thing to do and listening to the establishment man who worked in the Head of Service Office and who has Civil Service Rules at his fingertips; we cannot also dismiss those considerations 100 *per cent*. The best thing in this matter therefore, is that the re-instatement of this man can be ordered but to add that his pay should be given from the date he was dismissed up to the present day and his promotions given to him is totally absolving him of anything he may have done.

Directing Federal Inland Revenue to re-absorb him and take him through the due process should be the recommendations of the Senate. Whatever happens about his pay will be dependent on the due process that will be followed and if due process shows that he should get promotion, he will get promotion.

The President: Chairman, what are we recommending with regard to the act of manipulation of revenue receipt issues?

Senator Samuel Anyanwu: Mr. President, this is an allegation, the man has not been found wanting, he has not been convicted of doing anything.

The President: Chairman, in your Report page 6, number 12 said that FIRS investigated the manipulation of revenue receipt issues and found Mr. Meseko culpable.

Senator Samuel Anyanwu: That was what the man that came first said because it was not the Human Resources that came and he was not a member of the Committee that tried him. So, the whole thing was just like a kangaroo, somebody somewhere wakes up one morning and transferred the man to Jos. While the man was in Jos, he went out for duty, they brought his letter and they could not find him, they now sent a Report based on that and they dismissed him. We found that the allegation was not right.

Senator Bala Ibn Na'allah: Mr. President, it is very clear here. Where a law prescribe the procedure of doing a given thing and you refused to follow that law, whatever you arrive at is a nullity, it is as if it has not been done. That is the position of the law.

Where the law prescribed that this man should have fair hearing, he should be called upon to defend himself on the allegation and you choose not to do that and you suspended him and dismissed him on the same day. It is only natural that we impute that there is something much more than normal. Therefore, we cannot for the purpose of taking what somebody has done that is not right punish the person.

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As far as the Senate is concerned, there is a law prescribed for doing something and somebody has decided that he is not going to follow the law. The Senate has every responsibility to come to the conclusion that what that person did was a nullity because it is not in accordance with the law. That is the position of the Committee and that is the basis of our recommendation.

The Chairman: Let us go to the Recommendation now.

That Mr. Meseko Olugbenga Felix be reinstated, granted all promotions (if any) and paid all entitlements from November, 2004 till date since due process was not followed in arriving at his dismissal –

Question put and agreed to.

Recommendation 1 – *agreed to.*

The Chairman: Once again, Committee on Ethics, thank you for submitting your Report on time.

MOTIONS

Urgent Need to review the Escravos Gas Project (EGP3)/Escravos Gas to Liquid (EGTL) Project

Senator Bala Ibn Na'allah: Mr. President, the 7th Order of the Day is a Motion standing in the name of Senator Hope Uzodinma on the Urgent Need to review the Escravos Gas Project (EGP3)/Escravos Gas to Liquid (EGTL) Project by NNPC Chevron and SASOL S.A.

You may wish to invite Senator Hope Uzodinma to move the Motion.

Senator Hope Odidika Uzodinma (Imo West): Mr. President, I rise to move this Motion on the Urgent Need to review the Escravos Gas Project (EGP3)/Escravos Gas to Liquid (EGTL) Project by NNPC/Chevron and SASOL of South Africa.

The Senate:

Notes that EGP (Escravos Gas Project) and its successor projects including EGTL/EGP3 were conceived with the loftiest of intentions targeted at providing the following values:

- Drastic Reduction in Gas Flaring and by extension improved Environmental Health;
- Production of sufficient LPG (Cooking Gas) for domestic consumption;

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- Production of other ancillary products including Diesel from the gathered gas;
- Extensive Local Technology and Labour Capacity Development;
- Strong Revenue Base for Government and people of the Federal Republic of Nigeria.

Notes also that at the inception of these projects, the cost for successful execution of the project was firmed and agreed at \$2.092 billion for which the FGN through the Joint Venture borrowed for the full funding of the Project;

Aware that the EGP3 contract delivery timeline was for 60 months from inception (2003) to RFSU (Request for Start Up-2008);

Also aware that the EGTL project was scheduled to come on stream within a 60 month timeline from 2003 and funding was amply provided for this project;

Aware that the financials for the viability for the project was based on a \$25 per barrel benchmark of crude oil; even though it was profiled as being viable at \$20 per points. It is common knowledge that for the period under review 2007-2015 crude oil prices witness more than threefold positive price appreciation.

Concerned that the contract has not been completed on the proposed time lines while witnessing multiple cost increments without correspondent explanation of capacity or net value. The natural gas meant for the project is presently being exported by our JV Partners at prices well below international market rates hence defeating the spirit of the project;

Aware that the finances for the viability of the project was raised on \$25 per barrel of crude oil, even though it was profiled as being viable at \$20 price points, it is common knowledge that for a period between 2007 and 2015, crude oil prices witnessed more than threefold positive price appreciation.

Worried that a project that was benchmarked as being profitable at a \$25 base price of Crude Oil was not optimally on stream throughout the era of high crude prices when our Crude went up to over \$100 per barrel, implying a massive missed opportunity for growth in capacity (technical and human), volume of product produced, environmental remediation and returns on investment, even when the project was fully funded by the JV;

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Observes that in absolute negation of the proposed environmental value of the project, the Western Niger Delta area still witnesses environmental degradation contingent on gas flaring as observed by recorded cases of acid rain and extreme air pollution leading to exposure of the host community to avoidable health challenges;

Further observes that the Nigerian domestic environment continues to witness a very low threshold at LPG (Cooking Gas) consumption. Nigeria with a population of 160 million people and an annual LPG (cooking gas) consumption of 45,000mt in contrast to countries like Tunisia (12 million people/325,000mt of LPG). Ghana with a population of 25.9 million people utilising 125,000mt of LPG, Kenya with a population of 45 million people utilising 80,000mt of LPG. Sadly, we have been on the journey for the development of commercial gas initiatives for over 25 years.

Aware that at conception, the EGTL project was touted as one of the most advanced among the other projects in its class (Sasol South Africa and ORYX Qatar); but had consistently performed below in contrast with these other projects. Even when EGTL project is based on the same propriety technology, similar management ought to have benefitted from improved knowledge base and experience;

Worried that despite the concession of project management, Project Marketing roles to the Operator, the project has suffered more hiccups and price variations than others in its class in absolute conflict with the interests of the Government and people of the Federal Republic of Nigeria;

Satisfied of the need to conduct a thorough and methodical review of this priority project with a view to understanding the strides achieved, quantum of revenue loss, envisioned/actual human capacity developed, quantum of technology transferred, bottlenecks encountered and the processes that need to be re-calibrated in order to deliver on the stated goals and other derivative values of the project particularly the proposed or expected reduction or total enumeration of the gas flaring in the Niger-Delta area.

Accordingly resolves to:

Mandate the Senate Committee on Gas to investigate all issues relating to EGP3/EGTL project and establish actual level of compliance with the aims of the projects, contract terms and overall performance of the EGP3/EGTL Projects and report back to the Senate.

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Senator Enyinnaya Abaribe (Abia South): Mr. President, Let me use this opportunity by seconding this very important Motion and say that this is one of those things that we are confronted with in doing projects in Nigeria.

There is something that my good friend Senator Hope did not add. The Project cost as compared to a similar project in the same Qatar is five times its price today. What does that tell us? It only says that the problem is not in our stars, it is in us. Why would the same company doing the same project, one in Qatar, one in Nigeria and the Nigeria own is five times its cost and has not come to fruition after all these years. It means that there must be something that this Committee will investigate and will find out. For too long, Nigeria has just borne the brunt and we want to urge the Committee, if this Senate agrees that they should investigate and go beyond merely trying to find out what is going on to ask who were those people who made all these decisions on behalf of Nigeria that is hurting us today?

These projects ought to have been completed in 2008 and if it was completed in 2008, we would have been enjoying the benefits of it today. This is 2016, another eight years down the road, it is still uncompleted and all manners of stories are being told. No, we are being told that the Joint Venture Partners are requiring the Federal Government to bring more money to be able to complete it. Meanwhile, at the beginning, they were given the required money 100 *per cent* and so there is something essentially very wrong and I support that this investigation be done. There is a very big something that we cannot explain concerning this project.

I so second.

Senator Ovie Omo-Agege (Delta Central): Mr President, I rise to lend my support to this Motion ably moved by Senator Uzodinma.

Looking at the text of the Motion, I am able to identify what I believe is the problem. I see a classic case of conflict of interest here. Looking at the text of the Motion, it is clear that the natural gas meant for this project when completed is presently being exported by our JV Partners at prices well below the international market rate. Where is the profit going to? It is clear here that the motive to make profits by this JV Partners is what is driving them not to complete them. It serves their interest best and if this project is not completed, they will continue to channel this gas meant for this project to international market at lower rate.

2005

I come from an area where we suffer this degradation in the environment. Every day, this project remains uncompleted, it is not the management of JV Partners abroad that feel the impact, they make all the money, but we suffer the consequences.

I support this investigation and I will wait until the prayers to add, unless you permit me now.

The President: You will wait until we take the prayers.

Senator George Akume: Mr. President, I support this Motion and in doing so, I want to cast our minds back to another project that bordered on this gas issue. That we are endowed by human and material resources are not a mere statement, it is a fact.

You will recall that in 2005, there was a bold and imaginative attempt by the government to utilise gas in generating power under Emergency Power Projects for this country. The cost of the project was ₦1.9billion. At least that was what the National Economic Council told us. We had a meeting and this project cost was also re-adjusted from ₦1.9 billion to ₦2.5billion. But that is not the main issue now, government was expected to generate 6000 mega-watts and add to the national grid by the end of 2007 using gas. We are in 2016; I do not know what we are now generating but what we inherited from General Abdulsalami was 2900 mega-watts. I do not know where we are today?

I support this Motion and we incorporate that one too so as to know what is happening.

The President: Thank you, we will go straight to the prayer.

- (1) *Mandate the Senate Committee on Gas to investigate all issues relating to EGP3/EGTL project and establish actual level of compliance with the aims of the projects, contract terms and overall performance of the EGP3/EGTL Projects and report back to the Senate –*

Amendment proposed.

Senator Gilbert Nnaji (Enugu East): Mr. President, my only amendment is that we should give time lag to report to the Senate in four (4) weeks.

Senator Enyinnaya Abaribe: I second the amendment made by Senator Gilbert Nnaji.

Amendment put and agreed to.

2006

Recommendation 1 – as amended agreed to.

Senator Ovie Omo-Agege: Mr. President, my additional prayer is on this project; the JV Partners should be directed to sell the gas it earmarked for this project. If they must sell it to the international market, they should sell it at the prevailing international market rate and not at a rate below it.

The President: Is the price they are selling not part of what we would achieve at investigation? I think we would be jumping the gun; why do we not allow the Committee to investigate before we come back to it?

Is there any additional Prayer? *(No response).*

Distinguished Colleagues, I want to thank the Mover of the Motion, Senator Hope for this very good Motion and I would want the Committee to really take this work seriously because there are many issues that have come here.

As Senator Abaribe said, this project to us is more of a national embarrassment because how can a company in Qatar abide by the rules, do a project within the rules and then come here, the same company is doing it five times more. Those who are responsible as you said have not been held accountable.

This is real economy sabotage we are talking about and those organisations that are fighting anti-corruption should address this type of economic sabotage. The Committee should do a thorough job and let us find out what exactly is the problem.

The other aspect raised by Senator Uzodinma is the sabotage with conspiracy with some of the JVs who are benefiting in the export and really do not care on the domestic side supply and that will not be a gain to our own economy.

Therefore, there are many issues in this Motion that we need to investigate. I want to thank Senator Hope Uzodinma for bringing this Motion up.

Pandemic Rise of Road Traffic Accidents in Nigeria

Senator Bala Ibn Na'allah: Mr. President, the 8th Order of the Day is a Motion standing in the name of distinguished Senator Ali Wakili on the Pandemic Rise of Road Traffic Accidents in Nigeria. Mr. President, you may wish to invite Senator Ali Wakili to move the Motion.

2007

Senator Malam Ali Wakili (Bauchi South): Mr. President, thank you for the privilege given to me to speak on this most important Motion, most especially at this auspicious occasion. All of us watched the Network News yesterday where the Federal Executive Council was sitting when the Corp Marshal made a presentation as to the cause of the accident which James Oholi was involved which was based on human factor and other things.

My Motion is very apt and with your permission may I read.

The Senate;

Recalls that the Senate on Tuesday, 8th March, 2016 mourned the passing away of Barrister James Oholi, SAN, a Nigerian Minister and Patriot who died through a fatal accident on Sunday, 6th March, 2016 on the Abuja-Kaduna Highway;

Aware that on the same Sunday at about 10.45 p.m. along Bauchi – Jos Highway, 18 unsung Nigerians also perished through a ghastly motor accident, which in their own case were unlucky as they were burnt to ashes;

Worried that Road accidents have taken away so many lives in Nigeria that hardly does any single disease match its mortality or mobility in addition to other pervasive consequences characterized with injuries and economic losses;

Further Worried that while the rampant accidents are minimally caused by natural or environmental factors such as fog, sun rays, mist, rain etcetera, the majority are largely caused by either human recklessness, negligence, poor mechanical condition of vehicles or by extreme deplorable condition of Nigeria Roads

Disturbed that the bad state of the Nigerian Roads is further worsened by indiscriminate use of sirens and retinue of security officials that drive recklessly on the Highways endangering their lives and other innocent Nigerians;

Cognisance that the prevalence of accidents is aggravated by operations of security agencies whose road blocks, subject tankers, luxurious buses, trailers and articulated vehicles to difficulties in addition to sighting of mobile stop and search patrols at odd and very dangerous locations;

Aware that rampant criminal activities of men of the underworld on Nigerian Roads and Highways have also contributed to large number of accidents that claim lives of innocent Nigerians on daily basis;

2008

Regrets that the primary purpose of Government which is security and welfare of the people may be defeated if urgent action is not taken to address this national tragedy;

Accordingly resolves to;

- (i) *Urge* all relevant Agencies of Government especially the FRSC and Police to be alive to their responsibilities in checking the state of vehicles, drivers, loading and related approved Motor Park logistics.
- (ii) *Urge* the FMW, FERMA and various States Government to monitor the states of the Roads as they are poorly constructed, managed and in deplorable conditions.
- (iii) *Call* on the FMW, FERMA and the States to check the rampant construction of unauthorized bumps, filling of roads with logs/stones, etcetera barriers for speed breakers.
- (iv) *Urge* the NOA Agency, CSOs, CBOs, Religions Clerics to sensitize the citizens on their responsibility to their lives; and
- (v) *Observe* a minute silence in memory of various unsung Nigerians that perished on the road especially 18 persons on the Bauchi – Jos Highway that died on Sunday, 6th March, 2016 and another 18 in Ondo State on Monday, 7th March, 2016.

Senator Adeola Solomon Olamilekan (Lagos West): Mr. President, I am in total support of this Motion moved by Senator Wakili which bothers on accidents on our Roads. In his submission to this Senate, he informed the Senate that as reported by the Federal Road Safety Commission, over six hundred thousand accidents have occurred on our Roads.

We all agree irrespective of other instances or a reason he has given for the causes of this accident, we are all aware that three-quarter of this accident is as a result of the state of our roads in Nigeria. More than eighty *per cent* of this accident is caused by the bad state of our roads, on our live televisions, you can see that the state of these roads is at deplorable condition. Federal Roads Maintenance Agency (FERMA) has been saddled with that responsibility in maintaining these. Every time you invite FERMA and ask them why you are not on the road from Lagos-Abeokuta express way and other roads across the country, they will give you reasons that there are no funds and as such, there is little or nothing they could do. I heard it on a reliable Authority that ₦1 Billion was sourced for FERMA during the tail end of last year and as we speak, what is ₦1 Billion going to do on all Federal roads in Nigeria?

2009

Are we aware as a Senate that there is an Act setting up FERMA in 2002 and amended in 2007, that among other things, when a State mention the sources of revenue to FERMA. I want you to pay a conscious attention to this particular Act, with the kind permission of the President, there is a portion I would like us to read under Section 14 (d) of the Act where it mentioned about the various funds of the Agency. It specifically mentioned that five *per cent* users charge on pump price of petrol, diesel and of which forty *per cent* will accrue to FERMA and sixty *per cent* to be utilized by established State Roads Maintenance Agency. It would not be out of place for us if we go a step further to carrying out investigation by asking the Agencies that are supposed to remit this money to FERMA which is the Petroleum Price Regulatory Agency the PPRA. They are the ones that are deducting this money at source, and after deduction, they are expected to give forty *per cent* of this five *per cent* to FERMA, while the sixty *per cent* is shared among the 36 States of the Federation.

How are we sure that FERMA is receiving this money from PPRA neither across the 36 States of the Federation and PPRA is deducting this money every year since 2002, amended again in 2007.

It should come in as an additional prayer that we should carry out investigation into this particular fund, and also invite the relevant Agencies which are saddled with this responsibility to coordinate, and to ensure that this money actually gets to FERMA and other relevant Agencies that need to be beneficiary of this fund. With this, we will have enough funds in our coffers to maintain these roads, because this money is paid by all the tax payers at the point of buying fuel. At the pump price, everything that you have paid will be deducted at source by PPRA for this particular purpose. We are not using it for this but we need to call the Federal Ministry of Works, FERMA, PPRA, Accountant-General of the Federation, and the Attorney-General of the Federation to ensure compliance with this Act.

Senator Umar Ibrahim Kurfi (Katsina Central): Mr. President, let me congratulate my brother and colleague Senator Ali Wakili for bringing this very straight forward Motion. The general problem we have on this kind of issue is the condition of roads; FERMA must wake up to do a lot of repairs.

Secondly, our vehicles on the roads are not road worthy. Some of them do not have good tyres and good break. More importantly in the case of the drivers, most of the drivers do not have driving license, some are too young or too old to drive, some do not have a good eye sight, some are even drunk, these are the kind of things we are having.

2010

Thirdly and more importantly is that most of the vehicles on the roads are un-insured. There is need for us to make sure that these Agencies must ensure that there must be insurance of the road. The old vehicles on the road must be insured, and there are no adequate signs on the roads. The general issues we should concentrate on are to make sure that the vehicles are road worthy, the drivers have license and all the vehicles are insured.

Senator Samuel Nnaemeka Anyanwu: Mr. President, I want to thank my colleague Senator Ali Wakili for this very important Motion. When we come to the prayer of this Motion, we will make an addition because it is not only about the bad roads that is causing accidents. If you listened to what he said, the two accidents that happened few days ago was tyre bursting; we have to look at all the tyres imported into this country. What is the Standard Organization of Nigeria (SON) doing? Most times, the tyres brought here are substandard tyres. When you go to the market to buy a brand new tyre, you will think you have bought a brand new tyre but you cannot use it for two months, the tyre will get bad. It is the responsibility of the Standard Organization of Nigeria (SON) to check before they are brought into this country. That is very important.

I also want to say that FRSC should have psychiatric test as part of the condition before issuing license, because you may think that everybody is healthy. You will agree with me that in overseas, this is one of the criteria before they can issue you a driving license to make sure that you are normal.

You will agree with me that today, the vehicle inspection officers are no longer doing their job. If you drive at night, you will see a vehicle moving without headlights, no break lights and of course what these taxi drivers drive at night in Abuja is unacceptable. It is very important that the Vehicle Inspection Office should look at these vehicles and their conditions before they allow them to use the roads.

Senator Buhari Abdulafatai (Oyo North): Mr. President, in 2007 when the Bill of FERMA was amended, it was an accident that killed one of the great Nigerian General Adisa at that time that led to that. That time, I was a Member of House of Representatives, we decided to amend the Act that was established in 2002 so that five *per cent* of the money, when you buy fuel, diesel or kerosene; it goes to FERMA. It is very disgusting that since that time to date, you will not know what they are doing with the money. Is the money going to FERMA? Are the PPRA releasing the money? Where is the Money? When you go abroad one of the few things you will see is their roads. In United Kingdom, they have a very narrow road but very good.

2011

In Canada, America, their roads are good. But here, if you are travelling from Abuja to Kaduna, you will be afraid that you do not know the next thing you are going to meet on the road.

Just last weekend at Ogbomosho-Oyo road, we lost 27 people just because a car entered a pothole and summersaulted across to the other side. How long do we continue to tolerate this? We need to take a decision just as Senator Adeola said, let us investigate this money, let us start from somewhere, we must follow it up and see it to the latter.

Senator Aliyu Sabi Abdullahi (Niger North): Mr. President, I want to join my Colleagues in commending Senator Ali Wakili for this very important Motion. The point I want to bring in this debate is, when all these accidents happened, the issue of responsibility with respect to that particular person driving the vehicle is important. I am aware of the word man slaughter and I recall in other countries where there is somebody responsible for a vehicle or even a train for example; it is Spain.

The issue of somebody carrying large number of people and being careless and risking the lives of these people, the fact that people are not held accountable is responsible for why people are not taking the right steps to act in a manner that safeguard their lives. I want to call on my colleagues that in this debate, perhaps when we come to look at the prayers, it is important that we urge all the appropriate authorities to look at the issue of manslaughter with respect to drivers because most of the accidents that happened, for example, all these 18 people you talked about, if you go and find out, they are commercial drivers. With respect to people who are driving other private cars, if people are being held accountable with respect to the issue of manslaughter and some people are being charged accordingly and convicted, it will also serve as a deterrent to do what is right.

The President: We will go to Prayers.

- (i) *Urge all relevant Agencies of Government especially the FRSC and Police to be alive to their responsibilities in checking the state of vehicles, drivers, loading and related approved motor parks logistics –*

Question put and agreed to.

2012

- (ii) *Urge the Federal Ministry of Works/FERMA and various States Government to monitor the states of the Roads as they are poorly constructed, managed and in deplorable conditions –*

Question put and agreed to.

- (iii) *Call on the FMW/FERMA and the State to check the rampant construction of unauthorised bumps, filling of roads with logwoods, stones etcetera barriers for speed breakers –*

Question put and agreed to.

- (iv) *Urge the Nigerian Orientation Agency, CSOs, CBOs, religious Clerics to sensitise the citizens on their responsibility to their lives –*

Amendment proposed.

Senator Olugbenga Ashafa (Lagos East): Mr. President, prayer (iv) says urge the National Orientation Agency, CSOs, CBOs, religious Clerics to sensitise the citizen on their responsibility to their lives, and equally urge government agencies to patronise National Institute for Transport Technology in the area of training for drivers, because that is very key.

The President: Is there any seconder? (No response)

Main Question put and agreed to.

- (v) *Observe a minute silence in memory of various unsung Nigerians that perished on the road especially 18 persons on the Bauchi/Jos Highway that died on Sunday, 6th March, 2016 and another 18 in Ondo State on Monday 7th March, 2016 –*

Question put and agreed to.

Additional prayers

Senator Adeola Solomon Olamilekan: Mr President, my additional prayer read thus: That the Senate mandate Committee on Works to investigate the PPRA, FERMA, and other relevant agencies on the deduction of the five per cent users charge on pump price of petrol and other petroleum products, in accordance with the Act setting up FERMA.

2013

Senator Buhari Abdulafatai (Oyo North): Mr President, I second the additional prayer moved by Senator Solomon Adeola.

Question put and agreed to.

Senator Dino Melaye (Kogi West): Mr President, my additional prayer is that the Senate *urge the Vehicle Inspection Officers (VIO) and Standard Organisation of Nigeria (SON) to take their inspection and oversight, over vehicles and vehicles parts seriously.*

Senator Samuel N. Anyanwu: Mr. President, I second the Motion for additional prayer as moved by Senator Dino Melaye.

Question put and agreed to.

Senator Aliyu Sabi Abdullahi (Niger North): Mr. President, the additional prayer is to *urge the various States Attorney-Generals, the Police and FRSC to take prosecution of road accident offenders seriously to serve as a deterrent.*

Senator Baba Kaka Bashir Garbai (Borno Central): Mr President, I second the additional prayer ably moved by Senator Aliyu Sabi Abdullahi.

Question put and agreed to.

Senator Umar Ibrahim Kurfi (Katsina Central): Mr President, my additional prayer is to *urge all relevant agencies of government especially Federal Road Safety Commission, Police to ensure all vehicles are properly insured.*

Senator Abubakar Kyari (Borno North): Mr. President, I second the additional prayer moved by Senator Kurfi.

Question put and agreed to.

The President: Distinguished Colleagues, I want to tell the mover of the Motion that the mandate we gave the Senate Committee on Works, as their oversight function, in seeing that all the relevant laws that guide these agencies might need review, because some of these things we are talking about are just urging VIO, FRSC, SON, but if the relevant laws are amended, we will go further than that.

Senator Kabiru Gaya, you can add another prayer in that line so that we can get a feedback on the relevant amended laws.

2014

Senator Gaya Kabiru Ibrahim (Kano South): Mr. President, we should *urge the Committee on Works to amend the Act so as to incorporate all those necessary amendments.*

Senator Samuel Anyanwu (Imo East): Mr. President, I second the additional prayers as ably moved by Senator Kabiru Gaya.

Question put and agreed to.

Resolved: That the Senate do:

- (i) Urge all relevant Agencies of Government especially the FRSC and Police to be alive to their responsibilities in checking the state of vehicles, drivers, loading and related approved motor parks logistics.
- (ii) Urge the Federal Ministry of Works/FERMA and various States Government to monitor the states of the Roads as they are poorly constructed, managed and in deplorable conditions.
- (iii) Call on the FMW/FERMA and the State to check the rampant construction of unauthorised bumps, filling of roads with logwoods, stones etcetera barriers for speed breakers –
- (iv) Urge the Nigerian Orientation Agency, CSOs, CBOs, religious Clerics to sensitise the citizens on their responsibility to their lives.
- (v) Urge the Vehicle Inspection Officers (VIO) and Standard Organisation of Nigeria (SON) to take their inspection and oversight, over vehicles and vehicles parts seriously.
- (vi) Urge the various States Attorney-Generals, the Police and FRSC to take prosecution of road accident offenders seriously to serve as a deterrent.
- (vii) Urge all relevant agencies of government especially Federal Road Safety Commission, Police to ensure all vehicles are properly insured.
- (viii) Urge the Committee on Works to amend the Act so as to incorporate all those necessary amendments.

The President: Distinguished Colleagues, I thank Senator Wakili for bringing this Motion and the two issues that have come here and we are concerned with the number of deaths on our roads.

2015

The conditions of our roads need to be improved and funds have been made available to FERMA. Some of the Laws we passed, we should ensure compliance, we do not need people to die before we do something on our roads and some of our Committees have been on oversight functions with these Institutions.

We have a big role to play on the issue of prosecution and holding people responsible, the conditions of the cars and supervision by VIO, and some vehicles that are supposed to be out of the roads or ban from operating on the roads.

The Chairman, Committee on Works, we want this Report back, there are two issues on the FERMA and we expect you to come back with certain laws that required amendment.

(One minute silence observed in respect of those who lost their lives on our roads).

2016

ADJOURNMENT

Senator Na'allah Bala: Mr. President, having concluded the Proceedings on the Order Paper, I hereby move that the Senate do stand adjourned till Tuesday, 15th March, 2016 at 10.00 a.m.

Senator Hope Uzodinma: Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Tuesday, 15th March, 2016 at 10.00 a.m.

The Senate adjourned accordingly at 1.50 p.m.