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**FEDERAL REPUBLIC OF NIGERIA**

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**Wednesday  
30<sup>th</sup> June, 2010**



# **NATIONAL ASSEMBLY DEBATES**

## **FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)**

### **THIRD SESSION**

#### **SENATE OFFICIAL REPORT**

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**SENATE OF THE FEDERAL  
REPUBLIC OF NIGERIA**

*Wednesday, 30<sup>th</sup> June, 2010*

*The Senate met at 10.35 a.m.*

**PRAYERS**

(The President in the Chair)

**VOTES AND PROCEEDINGS**

**The President:** Distinguished Senators, we have Votes and Proceedings of Tuesday, 29<sup>th</sup> June, 2010 before us for approval: Pages 21, 22, 23, 24 and 25.

**Senator Caleb Zagi** (Kaduna South): Mr. President, I rise to move the Motion that the Senate do approve the Votes and Proceedings of Tuesday, 29<sup>th</sup> June, 2010.

**Senator Ikechukwu John Obiora** (Anambra South): Mr. President, I rise to second the Motion moved by my brother, Senator Zagi Caleb that the Votes and Proceedings of Tuesday, 29<sup>th</sup> June, 2010 be approved as true and correct.

*Question put and agreed to.*

*Resolved:* That the Votes and Proceedings of Tuesday, 29<sup>th</sup> June, 2010 be approved.

**ANNOUNCEMENTS**

**Visit by Clerks of Legislative Arms of Local  
Governments in Edo State, Staff and Students of  
Home School International, Kwamba, Suleja,  
Niger State**

**The President:** I wish to acknowledge the presence of Clerks of Legislative Arms of Local Governments in Edo State and Staff and Students of Home School International, Kwamba, Suleja, Niger State. They are all in the Gallery to observe our proceedings. We wish them fruitful observation of our proceedings this morning. *(The Visitors stood for recognition)*

Good morning. Thank you and sit down, please.

**Letter from Mohammed Alhaji Mohammed (OFR),  
Bauchi Central Senatorial District.**

I have a letter from Mohammed Alhaji Mohammed from Bauchi Central Senatorial District with me and it reads:

*His Excellency, Senator David A. B. Mark,  
Senate President,*

*Your Excellency,*

**The Demise of Senator Adamu Ambi**

*I received with shock the passing away of Senator Adamu Ambi, the Maji Ladi of Bauchi, a Second Republic Senator during the second term of President Shehu Shagari in 1983. Senator Ademba Ambi died on Wednesday night 23<sup>rd</sup> of June, 2010 in Bauchi, Bauchi State in his house after a prolonged illness.*

*I shall be grateful if he would be accorded the usual courtesy extended to deceased Members of the Senate and their families.*

*Please accept the assurances of my highest esteem and regards.*

*Sincerely,*

(Signed)

**SENATOR MOHAMMED ALHAJI MOHAMMED  
(OFR)**

The usual thing is for us to observe one-minute silence in honour of our late Colleague. So, may we do that? *(A minute silence accordingly observed).*

**PRESENTATION OF BILLS**

**FCT Resettlement, Compensation and  
Rehabilitation (Establishment, etc)  
Bill, 2010 (SB.409)**

**Senator Teslim Kolawole Folarin** (Oyo Central): Mr. President, the first business of the day is the presentation of the Bill standing in the name of Senator Adamu M. Sidi Ali and 31 Others on the FCT Resettlement, Compensation and Rehabilitation (Establishment, etc) Bill, 2010.

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You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

FCT Resettlement, Compensation and Rehabilitation (Establishment, etc) Bill, 2010 standing in the name of Senator Adamu M. Sidi (FCT) and 31 others - read *the First Time*.

**Rent Control (Federal Capital Territory)  
Bill, 2010 (SB.410)**

The second business of the day is the presentation of the Bill standing in the name of Senator Adamu M. Sidi and 31 others on the Rent Control (Federal Capital Territory) Bill, 2010.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

Rent Control (Federal Capital Territory) Bill, 2010 standing in the name of Senator Adamu M. Sidi (FCT) and 31 others - read *the First Time*.

**Production and Supply of Single Use Plastic Bag  
(Regulation) Bill, 2010 (SB.411)**

The third business of the day is the presentation of the Bill standing in the name of Senator Grace F. Bent on the Production and Supply of Single Use Plastic Bag (Regulation) Bill, 2010.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

Production and Supply of Single Use Plastic Bag (Regulation) Bill, 2010 standing in the name of Senator Grace F. Bent (Adamawa South) - read *the First Time*.

**PRESENTATION OF REPORTS**

**Report of the Conference Committee on the  
National Space Research and Development  
Agency Bill, 2010**

The fourth business of the day is the presentation of Committee Report on the National Space Research and Development Agency Bill, 2010.

You may invite the Vice Chairman of that Committee, Senator Caleb Zagi to move the Motion for the Senate to receive the Report.

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**Senator Caleb Zagi:** Mr. President, I rise to move that the Senate do receive the Report of the Conference Committee on the National Space Research and Development Agency Bill, 2010.

**Senator Suleiman Mohammed Nazif** (Bauchi North): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Conference Committee on the National Space Research and Development Agency Bill, 2010.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Conference Committee on the National Space Research and Development Agency Bill, 2010.

*(Report accordingly laid on the Table)*

**Report of the Committee on Housing and Urban  
Development on the Investigations into the Sale and  
Alienation of Federal Government Landed Property**

**Senator Teslim Kolawole Folarin:** The fifth business of the day is the presentation of the Report of the Committee on Housing and Urban Development on the Investigations into the Sale and Alienation of Federal Government Landed Property.

You may invite the Chairman, Senate Committee on Housing and Urban Development, Senator Ikechukwu J. Obiora to move the Motion for the Senate to receive the Report.

**Senator Ikechukwu John Obiora:** Mr. President, I move that the Senate do receive the Report of the Committee on Housing and Urban Development on the Investigations into the Sale and Alienation of Federal Government Landed Property

**Senator Mohammed A. Mohammed** (Bauchi Central): Mr. President, I second the Motion ably moved by Senator Obiora that the Senate do receive the Report of the Committee on Housing and Urban Development on the Investigations into the Sale and Alienation of Federal Government Landed Property.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Committee on Housing and Urban Development on

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the Investigations into the Sale and Alienation of Federal Government Landed Property

*(Report accordingly laid on the Table)*

## ORDERS OF THE DAY

### EXECUTIVE COMMUNICATION

#### **Reversal of Terms on the US\$30 Million Soft Loan to the Democratic Republic of Sao Tome and Principe**

**Senator Teslim Kolawole Folarin:** Mr. President, the first Order of the Day is the presentation and consideration of the request from Mr. President, Commander-in-Chief for the Senate to approve for the Reversal of Terms on the Soft Loan of US\$30 Million to the Democratic Republic of Sao Tome and Principe.

With your kind permission, I move that the Senate do now consider the request of Mr. President, Commander-in-Chief for the Senate to approve the Reversal Terms of US\$30 Million Soft Loan to Democratic Republic of Sao Tome and Principe.

**Senator Adeleke Olorunnimbe Mamora** (Lagos East): Mr. President, I second the Motion as moved by the Leader that this Senate do consider the request of Mr. President in respect of US\$30 Million Soft Loan to Democratic Republic of Sao Tome and Principe.

*Question put and agreed to.*

*Resolved:* That the Senate do consider and approve the request of Mr. President, Commander-in-Chief in respect of the Reversal and Terms of US\$30 Million Soft Loan to Democratic Republic of Sao Tome and Principe.

**The President:** Are there comments?

**Senator James Ebiowou Manager** (Delta South): Mr. President, I came into this Chamber this morning, took a copy of the Order Paper and saw on Item 1, this Executive Communication. The details are unknown, so we have absolutely nothing to contribute unless the Leader of the Senate presents the terms they want to reverse. So we have absolutely nothing to contribute.

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**The President:** I read the letter on the Floor here and it was reflected in our Votes and Proceedings of the next day. It is just a letter from Mr. President. I do not know what other paper you expect.

**Senator Bassey Ewa-Henshaw** (Cross River South): Mr. President, when you read the communication it was for us to note it. Now, if we are to discuss it, we should have documents reflecting what the previous terms are and what the new terms intend to be so that we can weigh both and decide what would be best for Nigeria. We do not want to be rubber stamps.

**The President:** We will step it down but distinguished Senators, the letter was read on the Floor here and it was published in our Votes and Proceedings. But we will step it down and take it tomorrow. I would request that all we can do would be to bring the same letter because there is nothing else we can do. The letter states the terms.

**Senator Adeleke Olorunnimbe Mamora:** Mr. President, I think that the reactions of our Colleagues are legitimate and going by legislative procedure and Convention or practice is that even when such a request is made, the Leader will still do a kind of a lead debate espousing on the basis for such a loan and brief the entire Senate not just relying on the communication from Mr. President. Thereafter, Members would have a better appreciation and then make inputs. That is what the Convention has been, and that is what we need to do.

**Senator Teslim Kolawole Folarin:** Mr. President, taking into account the comments by my Colleagues, I want to step down this item on the Order Paper till another legislative day so that we can get the necessary information.

**Senator Maina Ma'aji Lawan** (Borno North): Mr. President, in view of the very lean background to the Report, I second the Motion by the Leader that we defer this matter to another legislative day for further serious consideration.

**The President:** Although the letter is self-explanatory and can be read and understood very easily by distinguished Senators, I still have to put the Question.

*Question put and agreed to.*

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*Resolved:* That Reversal of Terms on the Soft Loan of US\$30 Million to the Democratic Republic of Sao Tome and Principe be stepped down to another legislative day.

*(By leave of the Senate, the item is stood down till another legislative day)*

**The President:** Leader, can we get the letter tomorrow?

**Senator Teslim K. Folarin:** Yes.

### MOTION

#### Out Break of Lead Poisoning in Zamfara State

Mr. President, my distinguished Colleagues, the second Order of the Day is a Motion standing in the name of Senator Ya'u and 26 others on the Outbreak of Lead Poisoning in Zamfara State.

Yesterday, Tuesday, 29<sup>th</sup> June, 2010 the Senate vide Order 42(2) of our Standing Orders approved that this Motion be moved onto the next legislative day, which is today.

You may now invite Senator Ya'u to move his Motion.

**Senator Sahabi Ya'u (Zamfara North):** Mr. President, I move that this distinguished Senate,

*Notes* with grave concern the outbreak of lead poisoning in some villages of Anka and Bukkuyum Local Government Areas of Zamfara State;

*Notes* also that this epidemic, which was first reported by the Press in April, 2010, has led to the untimely death of more than 160 persons; most of the victims were children below the age of 5 years;

*Observes* that this dangerous situation was occasioned by the activities of illegal mining of iron ore by villagers who take crushed rock home from the mines to extract precious stones. This resulted in the soil being contaminated from lead which then poisoned people through hand to mouth contamination and others were contaminated by contact with contaminated tools and water;

*Observes* also that lead poisoning is a medical condition caused by increased levels of heavy metal lead in the body which interferes with a variety of body processes which is toxic to many organs and tissues including the heart, bones, intestines, kidneys, the nervous and reproductive systems;

*Observes* further that lead poisoning has both social and economic effects on the lives of citizens in different ways such as:

- Loss of natural ability to procreate
- Loss livestock and crops.

*Delighted* that the Federal Ministry of Health has assured the over 150 million Nigerians that the Government is on top of the crisis; that the outbreak is now under firm control and that there is no need for the general public to panic.

*Appreciates* the efforts of some Non-Government Organizations (NGO) and International Bodies such as the World Health Organization, the United States Center for Diseases Control and Prevention (CDC) and Medicines San Frontiers (MSF) for their collaboration with the Federal Ministry of Health in exterminating the epidemic;

*Delighted* also that Government has banned the activities of illegal miners in the area and is currently carrying out an environmental clean-up exercise; while the Ministry of Health is undertaking clinical tests on all the people in the affected communities to ascertain the level of lead contamination in their bodies to determine those that require urgent medical attention.

*Accordingly resolves to:*

- i. *Observe* a minute silence in honour of the departed Nigerians;
- ii. *Sympathise* and commiserate with the Government and people of Zamfara State on the outbreak of this epidemic;
- iii. *Direct* the Committees on Solid Minerals, Environment and Health to carry out a holistic investigation of the crisis;

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- iv. **Urge** the Federal Government to strictly enforce the provisions of the Mining Act, 2007 to curb the activities of illegal miners throughout the country;
- v. **Urge** the Federal Government and Zamfara State Government to assist the victims who suffered economic loss; and
- vi. **Urge** the Federal Government to foot the medical bills of the affected victims.

I so move.

**Senator Adego Eferakeya** (Delta Central): Mr. President, before I second the Motion I would like to make few comments. Lead poisoning used to be common in the days when paints contain lead and children would leak walls or flick of walls. It is a bit surprising that illegal mining has led to the death of over 160 Nigerians, especially children. Children are particularly affected by lead poisoning because they have immature brain barrier. Therefore, this can easily go into the brain. Children are also known to absorb lead more easily compared with adults. So, it is not surprising that out of 163, about 111 children died from this lead poisoning.

Usually, the other people who can be poisoned by lead are smelters, those who use lead for suturing and they get it by inhalation. This particular one as already said, is through ingestion, contact of hand to mouth.

You would notice that children die from this as a result of consequent convulsion. In that case, it is difficult to arrest.

We must also note that even though some people have died, the consequences of lead can be cumulative because there are after effects. Some of them can come out as behavioural changes, therefore, we have to watch out on those alive. Some of the effects on those alive can be behavioural changes and impotence or even affecting spermatosa formation. Some of them could even die from consequence kidney failure. We have to watch out in this population, the possible after effects. It may even be very necessary that blood samples are taken from this population to know the level of lead, for those who are alive and start treatment.

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On this note, I second the Motion on the outbreak of lead poisoning in Zamfara State.

Thank you very much.

**Senator Suleiman Adokwe** (Nasarawa South): Mr. President, we join our Colleagues in mourning this sad event that took place in Zamfara State. I am more particularly concerned with the manner in which we responded to the epidemic. I saw the documentary on the BBC and CNN. It would appear that the response to it was more externally induced because it was the medical doctors without borders that really responded to this issue more than our local medical establishments. This is a very sad commentary on the manner in which we respond to epidemics and other natural disasters in the country. We have said several times that there is the need for us to always have rigorous concern whenever things of this nature take place.

More importantly, the matter of illegal mining in Nigeria has been there for years and the truth of the matter is that mining activities in Nigeria has been predominated by illegal activities irrespective of the laws that we have on ground. The colonial laws we have in those days prevented people from owning the minerals that are beneath their lands because it was more important for the colonial masters to own all minerals that are beneath our lands. They were referred to as crown property which is not the same with what is obtainable in Europe because if you own land you own everything that is beneath and above it. If people had ownership and possession of land including what is beneath it, illegal mining activities would be curbed.

Again, we know that there is prevalence of this activities, it is proper for us to consider them as informal economic activities so that we can pay attention to them and bring them into the mainstream of economic activities. This was done in Nasarawa State at one point when we chose to recognise illegal miners as informal sector thereby they were able to come out and be properly registered and we were able to monitor their activities and know when they were going beyond their boundaries This is the only way we can check the activities of illegal mining. They died either because of lead poisoning or because miners were not able to protect their health.

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So it is better if we recognise them as informal sector so that we can monitor their activities. These are some of the observations I want to make.

**Senator Patrick Enebeli Osakwe** (Delta North): Mr. President, it is a pity that we have to mourn the death of people, deaths that would have been avoided or were avoidable just because of our carelessness. It is a pity this happened.

It is very clear that mining in Nigeria has not been well controlled to the extent that illegal manners are having a filled day. I would not be surprise if this people do not even have an association. We are talking of illegal miners I do not think they see themselves as illegal miners. You would be surprised if they do not see themselves as miners. This has been possible because of the flagrant abuse of the Mining Act of 2007. If there is adherence to the provisions of that Act we would not be talking about lead poisoning because that Act took care of all these abuses which we are witnessing today. Time has come for people to obey and adhere to laws because laws are made to safeguard human lives but today we are talking about the death of over 100 people which is not a small loss to a State.

To my mind, the State Government has not done enough. I believe that the State Government should have done more than they did because they must have first put their house in order before they could call for help from outside. The State Government took so many things for granted and those lapses culminated into the death of these innocent people; deaths that could have been avoided.

So, this is a call to our State Governments to take proactive measures on things like this but where they could not take proactive measures, they should be able to react immediately and arrest the situation before it degenerates into the type of death we are witnessing today. This Motion is worthy of support and I urge my Colleagues to support it.

**Senator Ayogu Eze** (Enugu North): Mr. President, I support this Motion and the sentiments that have been expressed by some of my Colleagues who have spoken earlier. I support what Senator Patrick Osakwe said that if we had taken action based on the Mining Act of 2007 coordinated under then Minister, Obiageli Ezekwesili, the country would not have had what has happened in Zamfara State.

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A country that relies solely on one source of revenue and has mounted slogans upon slogans about diversification of her economy, this is really a sad commentary on our unpreparedness to move our economy forward and take our destiny in our hands. I believe that what lies under the soil of Nigeria across the country is almost, if not, more in value than what we have in oil resources. So, if we exploit all the resources including oil, the country would be richer and it would tell on the welfare of the people.

I sympathise with the people affected by this unfortunate incident and this is the one that is reported. What of a State like Plateau where illegal mining has become like a second nature, where they mine tin and other things illegally and nobody knows the social and health implications on such people? I think for the people of Zamfara and all those that are likely to be affected by this, the frustration will know no limit. For instance, when a man or a woman knows that he or she is impotent, such a person will spend the time he/she would have spent in helping to improve the productivity of the economy to fight for his/her survival and his/her welfare and I think this is a social dimension that we should not gloss over.

I support Senator Eferakeya that we should conduct further health enquiries to find out, even among the living population, who is at risk, who can be helped or rescued. The response of our organs as usual was slipshod, they have to be woken up by the intervention of the international organisations and international media and it is not quite surprising. Therefore, for us to move forward as a nation we must decide to take our destiny in our hands otherwise, in every sphere where we participate, we would come back with out hands on our heads. It happened in South Africa, we saw our players in the field. These were players that had no commitment, no nationalism, and no patriotism and this pervades all the sectors of the economy. I think we should take things more seriously as a country.

With these few comments, I support this Motion in its entirety.

**The President:** I am not sure how the issue of South Africa has come into it. You just struggled to slot it in there. It is a dismal performance but you slotted in at a wrong time.

Distinguished Senator Yerima, has this got any dimension to Sharia and all that? *(Laughter)*



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**Senator Ahmad Rufa'i Sani** (Zamfara West): Mr. President, I rise to support this Motion and join Senator Sahabi Ya'u in urging the Federal Government to send immediate economic relief to support the people of the area. In other countries, once there are loss of about ten people, you will find that the government will declare state of emergency around the area. However, for a loss of over 160 children and up till now the Federal Government other than sending a Committee to investigate the matter, nothing has been sent to the people of this area. And because the issue affected children largely, the parents had to abandon all their major economic activities thereby bringing down major economic activities of these villages to a standstill. So, I urge the Federal Government to send immediate relief to the people of this area.

I am also happy to report that both Nigerian and International non-governmental organisations have played and are still playing very important roles especially in the medical area. Therefore, I will like to use this opportunity to commend them for their efforts in supporting our people.

I will conclude by saying that this important Chamber through this Motion should urge the Federal Government to send immediate economic relief to the people of the area.

**Senator Ahmad Ibrahim Lawan** (Yobe North): Point of Order!

**The President:** Point of Order, distinguished Senator Ahmad Lawan.

**Senator Ahmad Ibrahim Lawan:** It is Order 56(9) and with your permission, may I read?

**The President:** Yes, read it please.

**Senator Ahmad Ibrahim Lawan:** Order 56(9) says: *When a Senator is speaking, no Senator may converse aloud or make any noise or disturbance to interrupt him.*

Order 56(10) says: *During a sitting all Senators shall be silent or shall confer only in undertones.*

Mr. President, the Chamber is noisy

**The President:** Your Points of Order are sustained.

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**Senator Nicholas Yahaya Ugbane** (Kogi East): Mr. President, I want to first of all sympathise with the Government and people of Zamfara State, on behalf of my Senatorial District and the entire people of Kogi State, on this unwanted, avoidable disaster.

Having said that, we have had too many disasters in this country and each time disaster occurs anywhere, we gather here, raise a Motion, sympathise and recommend what should be done in the interim and so on and we go and sit down again waiting, perhaps, for another one to happen or not to happen as I am praying to God for that.

This country has a lot of minerals. There is no State in this country that has not got minerals. While we have those minerals, there is need to sensitise the people on the harmful and hazardous effects of these minerals. Where you have coal, the people should know that mining coal is likely to cause problem because there is carbon monoxide which forms irreversible reaction in the blood system which may cause people to die.

In the same way, this disaster that has occurred in Zamfara State originated from lead oxide and other chemicals that are injurious to the body. If the people have been sensitised and appropriate action taken proactively to ensure that people do not die, perhaps, we would not have had this disaster. We are saying 160, the figures some of us read was in excess of 300 to a country that is very serious, a country that is anxious to develop; this is a serious disaster. I do not know if the Health Minister has gone there. I do not know if other Health Agencies have gone there but I want to say something. Because of the quality of medical facilities in most of the States, we should not close the borders of the States to external support because these people have the correct equipment to use to help salvage lives and this is what we should do.

We have had situations of importation of toxic waste into this country. It happened some 20 years ago in the story of one Nana from Delta State and at that time many people were killed. Even some of the jerry cans that contained this toxic waste were washed ignorantly and innocently by the people, they even stored water and when they drank the water, the radioactive effect of those things killed many people. So, there is need for sensitisation of the people and telling them about the availability of minerals that are in those States.

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On illegal miners, there is no way you can stop illegal mining as it is now because people are hungry, they are dying and need livelihood. But then, we can sensitise them on the consequences and dangers of what they are doing and things they are exposing themselves to. We need to let people know about all these things.

In Kogi State that is a home of minerals, during my next visit to my Senatorial District, I will tell them to take it easy because if you think you are pursuing prosperity, you may be pursuing death and that is a serious problem.

All in all, it is a very regrettable situation. We sympathise with the people of Zamfara State. The Ministry of Environment should do something so that people in various States that have this blessing of nature should know what to do.

Finally, the Ecological Fund which is always released to States should be utilised by Zamfara State Government to reduce the poverty and the problems associated with mining so that the people can, at least, heave a sigh of relief.

**Senator Patricia Naomi Akwashiki** (Nasarawa North): My contribution was completely taken off my mouth by distinguished Senator Ugbane. I think that people are dying for lack of knowledge. It is simple. A lot of people in the villages do not really have the knowledge of what is good or bad for them. Our governments, mostly the States and Local Governments are not doing enough. There used to be public sensitisation where they show people pictures of things that would be harmful to them. Even when you have epidemic of cholera and so on, they go out to show people what to do. There should be a lot of this.

As every other person has said, there is nothing we can do about illegal mining. It is here and it is here to stay but it is for our governments to sensitise the people about the dangers of illegal mining.

In Nasarawa State we have a lot of illegal mining but we do not have lead poisoning. A lot of people have lost their lives because when they burrow a hole it always caves in on them and you may lose about 20 to 30 people at once because they go right in with very primitive tools with which they dig precious minerals. So, there should be a lot of sensitisation especially on the part of governments.

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Somebody said it is a shame that the first reaction to the problem came from outside not from our governments within, what is the Local Government doing? When you see a lot of children just dying, what do you think is killing them? What did the doctors in the clinics diagnosed the deaths that it has to be people from outside who alerted us about something wrong? So, there is a lot we can do for ourselves without waiting for people to do it for us from outside. There is so much that the people can do, such as dramatisation and sensitisation.

That is why I want to politely propose additional Prayer that States and Local Governments must embark on massive sensitisation of the people.

Lead poisoning does not happen overnight. It happens over the years. You bring lead, break and spread it and it contaminates you and everything around you. Apart from the direct hand to mouth contamination, the one that affects the soil takes a lot of years. So it is something that has been there for long and we should do a lot of sensitisation of the people on it. So, I would like to propose an additional Prayer when the time comes.

**Senator Annie Okonkwo** (Anambra Central): Mr. President, I want to start by commending and sympathising with my distinguished Colleague, Senator Sahabi Ya'u for bringing this very important Motion to this Floor. I also sympathise with the people that lost their lives.

Having said that, we have to find out the cause of illegal mining. I believe it has now got to very high places, and of course, it is all about poverty. It is like what is happening today in the Niger Delta area where people are doing illegal oil exploration and during the process people died. This has also led to people taking up arms in order to continue with illegal exploration or exportation of crude oil. It was later that the Federal Government decided to declare amnesty and resettle them. I believe that the Government should take holistic view of the causes of illegal mining and see how they can stop it because as a country we are losing a lot of money through illegal mining. Many serious mining organisations in the world are not interested to come to Nigeria because of the activities of illegal miners.

First, the illegal miners mined these minerals and sell them at very low prices, and not to international standard price, so they found it difficult to come here.

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Secondly, people do not understand the consequences or the problems of illegal mining. I believe that the Government should be able to do something to resettle and re-orientate, not only the illegal miners in Zamfara State but illegal miners all over Nigeria. They should be told that it is also dangerous to them because they do not have the techniques and the equipment. They should also be told that it is sabotage to this country. Governments are losing a lot of money through illegal mining. With these few words, I sincerely sympathise with the people who lost their lives.

**Senator Nimi Barigba-Amange** (Bayelsa East): Mr. President, first, I must have to thank distinguished Senator Sahabi Ya'u who brought this Motion to the Floor and I am here to support the Motion. I also sympathise with the families that have lost loved ones. Can we blame the families or the children that have lost their lives? No. There are three problems there. They were looking for their daily bread because there is poverty in the land. Derivative of lead such as lead arsenate is a poisonous solid used for dyeing of cotton which is a common trade in that area. So, can you stop them from going to look for their daily bread when there is poverty?

Lead arsenate is also a poisonous solid used as pigment for paint and people are ready to buy these things at whatever cost. So if people excavate for it and sell to eat, must we blame them? I think the blame must go to poverty and the Local Government of that area.

The other area I want us to look at is the education level of the area and the people living there. Can the government of the area either Local Government or State claim ignorance of the activities of these people? The government should have done something early enough and that would have stopped this unexpected death of our citizens.

The government allowed them to do the work because the government believes that it was not doing enough in terms of poverty alleviation or education of the people.

Lead colic is a symptom of lead poisoning but when you get this, it is the duty of the government to ensure that there is enough good health programme but from my investigation there is no primary health facility around the area, so how can you save them? It is not that immediately they are attacked they are dead. No,

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some of them struggled for days before they die. If we have enough primary healthcare we would have saved most of them.

The problem is that as far as poverty is controlling the area, these people cannot be stopped from excavating the poisonous substance because they want to dye their cotton. They want to get solid to be sold to paint makers. So, the best thing to do is to tackle poverty not only in the area but also other places as Anambra, Benue and so many other States. It is better for us to start acting now.

**Senator Joel Danlami Ikenya** (Taraba South): Mr. President, the responsibilities of government as indicated by our law is first of all to secure the lives and the welfare of the people. We pay lip service to government programs and policies. The issue of NAPEP was discussed here and a Committee was set up to investigate whether NAPEP is really working since 1999 to-date. I hope the Report would be submitted soon.

In the Prayer to the Motion it was said that there was illegal mining but nothing was said about those that engaged in illegal mining. The Motion has not proffered solution to this problem. If government would foot the medical and other bills for those engaged in illegal mining because some of them died in the course of illegal activities would imply that other people should continue to do that. I believe we should examine ourselves very carefully. I sympathise with Zamfara State Government and the people. As I speak today, Local Government funds are not released to Local Governments. I do not know if when Senator Yerima was there as the State Governor he released Local Government funds but I know that the poverty we find today was caused by illegal diversion of Local Government funds hence the people were really in serious problem.

We should be serious over government programmes and activities. We should look forward to seeing the situation where the people would not bring disaster to themselves. Though I support the Motion, but footing the medical bills to help the victims is not enough. Steps should be taken to ensure that such a disaster would not happen again. I support the Motion in its entity and Local, States and Federal Governments should be seen to be alive to their responsibilities.

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**Senator John Nanzip Shagaya** (Plateau South): Mr. President, I am a co-sponsor of this Motion and so I have very strong sentiments attached to this Motion. Firstly, because it is most tragic and of course, avoidable unfortunate incident that has caused the lives of so many innocent young citizens. Secondly that I became scared when Senator Adegbo Eferakeya enumerated the possibilities of potential carriers of some of the diseases and the long term implications in their lives.

I would suggest that we hold Local Government Authorities and the State liable for their complicity because for those of us who read newspapers and listen to radio and television news, we realise that this issue has been there some years back. The mining pits were closed before by government for these same reasons. The fears were expressed long time ago. One would then wonder why the State and the Local Government Authorities showed no interest even when they observed illegal mining going on. Why were the mining pits closed before? So there is complicity on the side of the State Government and the Local Government Authority.

To my mind, we should have treated this issue as an emergency at the Federal Government level. Few days ago, after the happening of this incident, the Federal Government in its wisdom set up a Committee to investigate the cause of this happening. It is sad to note that up till today as we are discussing this issue on the Floor of the Senate on the 30<sup>th</sup> of June, 2010 that Committee is yet to be inaugurated. That shows our unseriousness as a government over lives of human beings in Nigeria. There is no nation that will at one go, lose over 100 people, decides to take a step and then foot-drag. The issue could have been treated as an emergency by the Federal Government, good steps were taken; the issue was handled with some emergency but up till this moment the Committee that the Federal Government set up has not been inaugurated and so that Committee could not go to work.

My attention was drawn to that Committee because the Senate Committee on Solid Minerals consulted with the Environment and Health. We had wanted to visit Zamfara but when one evening we saw on NTA that a Committee had been set up, we thought that almost everything else has been done. That was the reason the three Senate Committees could not go there but I am

sure that in the Prayers, we will urge the Federal Government to inaugurate that Committee in very good time and give them a very limited period within which to report.

I support completely the observations and suggestions of our Colleagues who have spoken that in addition to every step that would be recommended, we should as a matter of urgency put in place a process where the communities within the affected areas would be subjected to screening so that some form of preventive steps could be taken.

**The President:** We shall now go to the Prayers.  
*The Senate accordingly resolves to:*

- (i) *Observe a minute silence in honour of the departed Nigerians.* Were they only Nigerians that died there? What about other nationals?

**A distinguished Senator:** It was only Nigerians that died in the area.

**The President:** Before any Amendment the dead for whatever reasons we should observe a minute silence.

**Senator Ikechukwu Obiora:** Point of Order, Mr. President!

**The President:** Point of Order, Senator Obiora.

**Senator Ikechukwu Obiora:** Mr President, my Point of Order is plantformed on Order 53(6) and with your kind permission may I read.

**The President:** Please, read.

**Senator Ikechukwu Obiora:** Order 53(6) states thus: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.* The Question has been put as to whether we should observe a minute silence and the President has ruled that the *Nays* have it.

**The President:** Distinguished Senator Obiora, please with all due respect, I know you are a lawyer, putting the Question does not amount to ruling, so I have not ruled on it. I rule you out of order.

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**Senator Ahmed Ibrahim Lawan** (Yobe North): Mr President, since the dead involved other nationals, I want to amend Prayer 1 to read thus – *Observe a minute silence in honour of all the departed.*

**The President:** But when I said so, you people said that they were all Nigerians. First, I stopped at the word *departed* and then I was corrected to say that they were all Nigerians.

**Senator Umaru Dahiru** (Sokoto South): Mr President, if we leave Prayer (1) as it is, it shows we are talking about Nigeriens, not this particular Nigerians under discussion. Nigerians can be anywhere. So, over to a minute silence in the honour of departed Nigerians does it apply to the one we are talking about all over the country.

**The President:** Is this Motion for all over the country?

**Senator Umaru Dahiru:** Mr President, it is only fair if we limit the one minute silence at the number of 160 dead Nigerians. Why do we not mention the 160 Nigerians who died in this unfortunately mining activities. That will make sense.

**Senator Ayodele Arise** (Ekiti North): Mr President, still on the first Prayer in terms of amendment, I believe the figures are not exact now. There is a report on Google which we are reading here which put the dead as 355. We have 160 from some sections of the Press. I believe we should amend the Prayer to read for all those that lost their lives.

**The President:** Do not address the issue raised by Senator Dahiru because I have not taken that issue.

**Senator Anthony Manzo** (Taraba South): Mr President, Prayer (i) should be amended thus: *Observe one minute silence in honour of all those that lost their lives as a result of lead poisoning in Zamfara State.*

**The President:** Is there any more amendment to Senator Manzo's own? (*No response*) I will put the Question on Manzo's Amendment.

*Amendment put and agreed to.*

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Prayer (ii) says: *Sympathise and commiserate with the Government and people of Zamfara State on the outbreak of this epidemic.*

*Question put and agreed to.*

Prayer (iii) says: *Direct the Committees on Solid Minerals, Environment and Health to carry out a holistic investigation of the crisis.*

Is it investigation on what?

**Senator Shahabi Ya'u:** Mr President, we believe that maybe through investigation, the Committees are likely to come up with facts on negligence of the miners that were issued license to operate in that area. This is because what is happening is that the States or Local Governments do not have any hand in the issuance of license to the operators in such areas. They cannot even notify either the Local or the State Government when they go into those pits. Therefore, they engage the innocent people to do the nasty job for them at times not following applying the required rules and regulations of mining. This is our feeling.

**The President:** Well, I will put the Question but the body of your Motion contradicts some of the points you are raising. You said that they took some of the materials home and you called them illegal minners but now you said they may have been issued with license. All these are contradictions.

**Senator Anyim Ude** (Ebonyi South): Mr. President, this issue appears to be revolving around what is being described as illegal mining. I believe that we could ask the Committee to summon the Minister of Solid Minerals to tell them Government policies aimed at curbing this issue that they are describing as illegal mining. There must be something they are doing. Are they really illegal minners? If the answer is yes, what is government doing about it? If it is not, what are the formats for granting licenses? I think they need to invite the Minister of Solid Minerals to tell them what government is doing to curb this kind of tragedies.

**The President:** What is the amendment ?

**Senator Anyim Ude:** The Amendment is that: *The Senate Committee on Solid Minerals should invite the Honourable Minister of Solid Minerals to throw light on what government is doing to curb illegal mining in the country.*

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**The President:** That is the routine work of the Committee. They do not need this Resolution. I will put the Question on Prayer (iii).

*Question put and agreed to.*

Who is going to write the terms of this investigation, I do not understand.

Prayer (iv) says: *Urge the Federal Government to strictly enforce the provisions of the Mining Act 2007 to curb the activities of illegal miners throughout the country*

**Senator George Thompson Sekibo** (Rivers East): Mr. President, I have an observation.

**The President:** What is your observation?

**Senator Thompson Sekibo:** I want to give you a briefing of what has happened through this period but I was not called. If we agree to Prayer (iii), then Prayer (iv) can only come up after the report of Prayer (iii) has been given.

*Question put and negatived.*

**The President:** Prayer (v) says: *Urge the Federal Government and Zamfara State Government to assist the victims who suffered economic loss.*

Senator Ya'u, what do you actually have in mind here? They should pay them some compensation or what?

**Senator Sahabi Ya'u:** That is why Mr. Senate President will direct that an in-depth investigation should be carried out to determine whether those miners were issued licenses and that the loss of those innocent souls were out of those miners' negligence.

**The President:** So, that would come after the investigation then.

**Senator Sahabi Ya'u:** Yes, it would come after the investigation.

**The President:** I got it now. The explanation is that Prayer (v) can only come after the investigation. So, it is not yet a Prayer. I will still put the Question on Prayer (v).

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*Question put and negatived.*

Prayer (vi) says: *Urge the Federal Government to foot the medical bills of the affected victims.*

You have also said that: *Delighted that the Federal Government has banned the activities of illegal miners in the area and is currently carrying out an environmental clean-up exercise while the Ministry of Health is undertaking clinical tests on all the people in the affected communities.* What else is in the Prayer now?

*Question put and negatived.*

**Senator Chris N. D. Anyanwu** (Imo East): While we have ascribed some responsibilities to the Ministry and the Federal Government, I feel that we in this House have some responsibilities, too. A Bill on occupational safety and health has been before us for some time now. If that Bill has been in place, these workers who were working for the main people who got the licenses for mining would have been covered. Therefore, we have to do everything to pass that Bill so that workers all over the country would have adequate protection. My additional Prayer then is: *Urge the Senate Committees on Labour and Health to speed up the passage of the Occupational Safety and Health Bill.*

**The President:** I do not think we are going to indict any Committee here.

*Question put and negatived.*

**Senator Patricia Naomi Akwashiki** (Nasarawa North): Mr. President, my additional Prayer is: *Urge the Federal, State and Local Governments to embark on sensitisation campaign to educate people on the dangers of lead poisoning or any other form of danger directly linked to mining.*

*Question put and agreed to.*

**Senator Andrew Abidemi Babalola** (Oyo North): Mr. President, there is one thing that we are glossing over here. Lead poisoning does not happen one day. It is accumulation of lead in the body system. *(Interruptions)*

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**The President:** We are talking of additional Prayer and not contribution again. Just read the additional Prayer like Senator Akwashiki did.

**Senator Andrew Abidemi Babalola:** *Urge the Federal Government to direct medical screening of people within the affected community to ascertain the level of lead in the individual system.*

*Question put and negatived.*

**Senator Kabiru Ibrahim Gaya** (Kano North): Mr. President, I would like to appreciate the input of the international organisations. I want us to commend the international bodies such as the World Health Organisation, United States Centre for Disease Control and the MSF. I suggest that we commend these organisations.

*Question put and negatived.*

**Senator Ibrahim Mohammed Ida** (Katsina Central): Mr. President, in addition to the lead poisoning, there may be some radioactive substances. So my additional Prayer is: *Invite the Nuclear Research Centre and the Federal Ministry of Health to find out whether in addition to lead poisoning, there may also be some radioactive substances in the environment.*

*Question put and negatived.*

**The President:** Let us observe a minute silence.

*(One minute silence accordingly observed in honour of the departed Nigerians)*

**Resolved:** That the Senate:

- i. *Observe one minute silence in honour of all those that lost their lives as a result of lead poisoning in Zamfara State.*
- ii. *Sympathise and commiserate with the Government and people of Zamfara State on the outbreak of this epidemic.*
- iii. *Direct the Committees on Solid Minerals, Environment and Health to carry out a holistic investigation of the crisis.*

- iv. *Urge the Federal, State and Local Governments to embark on sensitisation campaign to educate people on the dangers of lead poisoning or any other form of danger directly linked to mining.*

*(The Senate President withdrew from the Chamber)*

*(The Deputy Senate President in the Chair)*

## PRESENTATION AND CONSIDERATION OF A REPORT

### Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption

**Senator Teslim Kolawole Folarin:** Mr. President, the third Order of the Day is the presentation and consideration of the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the Money Laundering Act (Repeal and Re-enactment) Bill, 2010.

You would recall that the Report of this Committee was laid on Thursday, 24<sup>th</sup> June 2010. You may now invite Senator Sola Akinyede to move the Motion for the presentation and consideration of this Report.

**Senator Sola Akinyede** (Ekiti South): Mr. President, I rise to move the Motion that the Senate do consider the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the Money Laundering Act (Repeal and Re-enactment) Bill, 2010.

**Senator Dahiru Kuta** (Niger East): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the Money Laundering Act (Repeal and Re-enactment) Bill, 2010.

*Question put and agreed to.*

**The Deputy Senate President:** Yes, Senator Sola Akinyede, you can go ahead with your presentation.

**Senator Sola Akinyede:** Mr. President, this is a Report on a Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2004 and Re-enact the Money Laundering (Prohibition) Bill, 2010.

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The Senate of the Federal Republic of Nigeria at its Plenary sitting on Thursday, 29<sup>th</sup> April, 2010, considered the request by the President, Commander-in-Chief for the Repeal and Re-enactment of the Money Laundering (Prohibition) Bill, 2010 and referred same to this Committee for further legislative action.

### Consideration of Proposals in the Bill

The Committee met and considered the provisions of both the Principal Act and the proposed Re-enactment Bill, 2010 and made its recommendations and remarks.

### Committee's Recommendations

The Committee's recommendations and remarks are attached to this Report. The Committee has had to work tirelessly during and after the recess to ensure that this Report is ready.

The Committee expresses its gratitude for having been given the opportunity to serve.

**Senator Teslim Kolawole Folarin:** Mr. President, I now move that we go into the Committee of the Whole to consider this Report.

**Senator Olorunnimbe Mamora:** Mr. President, I rise to second the Motion that this Senate do proceed to the Committee of the Whole to consider this Report.

*Question put and agreed to.*

Report of the Senate Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on Money Laundering Act (Repeal and Re-enactment) Bill, 2010 – CONSIDERED IN THE COMMITTEE OF WHOLE.

**The Chairman:** I take it that we all have the Report. In the absence of any comment, we will go straight to the Clauses. Senator Barigha-Amange, do you have a comment?

**Senator Nimi Barigha-Amange** (Bayelsa East): Yes Sir. It is just to point out that on Page 1 of the Report, that is under Clause 2, where you have N200,000 instead of N2 million, there is a zero missing, I do not know whether the Chairman has seen it?

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**The Chairman:** Do not worry, when we get there.

*Clause 1 – (LIMITATION TO MAKE OR ACCEPT CASH PAYMENT)*

*Question proposed.*

**Senator Andrew Abidemi Babalola:** Mr. Chairman as Senator Barigha-Amange pointed out, in Clause 1(b), there is a zero missing in the ₦2 million in the copies that we have.

**The Chairman:** So, Clause 1(b) is corrected to read ₦2, 000,000? Yes, Senator Dahiru, any further comment on Clause 2?

**Senator Umar Dahiru** (Sokoto South): Mr. Chairman, we are making laws for our own people in this country. We should not be thinking of importing laws from wherever we see them. I cannot understand how we can enforce a penalty and make it as an offence under Clause 1(1)(a) for an individual to be paid ₦500,000. We know our market people, go to Alaba Market, Balogun Market or any market even in Abuja here, you will see people carrying ₦500,000 in their pockets, even ourselves, we carry N500,000 in our pockets and we say we want to impose a penalty on that, I do not think that we are realistic, we must be thinking as Nigerians. I propose that we must jack this up to (a) N5 million and (b) N10 million.

**Senator James Manager:** Mr. Chairman, I support the position taken by Senator Umar Dahiru, Chairman Senate Committee on Judiciary. We make laws for today and tomorrow and we have to be very careful because any law made by the National Assembly becomes an Act of Parliament and it would be enforceable by the Executive. We do not have to make a law against ourselves and against our people we represent. ₦500,000 today is so small that it can even be forgotten by anybody. So, when you are talking about in excess of N500,000 then you are guilty of the offence, it is very dangerous.

I agree completely with Senator Umar Dahiru that we raise the benchmark from N500,000 to N5 million. This is very important. This money laundering issue is very dangerous. We have to be very careful and cautious.



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**The Chairman:** Distinguished Colleagues, can I put the Question now?

*Amendment put and agreed to.*

*Clause 1 – (LIMITATION TO MAKE OR ACCEPT CASH PAYMENT) - as amended ordered to stand part of the Bill.*

*Clause 2 – (DUTY TO REPORT INTERNATIONAL TRANSFER OF FUNDS AND SECURITIES)*

*Question proposed*

**Senator Anthony Manzo:** Mr. Chairman, I was suggesting that we should give ourselves some room at the end because Parliament should have the right to revise this limit from time to time (*Interruptions*)

**The Chairman:** Which part of Clause is that?

**Senator Anthony Manzo:** I was going to add the caveat that provided that the National Assembly may from time to time revise the limit.

**Senator Chris N. D. Anyanwu:** Mr. Chairman, Clause 2(1) says: *A transfer to or from a foreign country of funds or securities by a person or body corporate including a Money Service Business of a sum exceeding a sum of US\$10,000 or its equivalent shall be reported to the Central Bank of Nigeria, Securities and Exchange Commission or the Commission in writing within 7 days from the date of transaction.* I think that this level is too low. We should increase it to maybe, US\$50,000. This is because the same logic that applies to Clause 1 should apply to this Clause 2(I), I urge that we increase it to US\$50,000.

**Senator Ayogu Eze:** Mr. Chairman, I think that the provision as it is in the law is sufficient, because if you have dealt with an American or other clients from other nations, the limit is US\$10,000 and we cannot go above the international standard. In America, the international limit is US\$10,000. If we change this law, we would have problem because if you are doing anything with an American, anything in excess of US\$10,000 is reported and that is accepted internationally. It is my opinion that this Clause should stay as it is.

**Senator Bassey Ewa-Henshaw:** Mr. Chairman, we should not confuse the amount that you are allowed to carry as cash with what you can transfer. The United States law allows you to carry up to US\$10,000 in cash, beyond that, you declare. What I am saying in trying to correct Senator Ayogu Eze is that you can carry US\$10,000 as cash, but anything above that you are required to declare. You can carry far more than that once you declare even up to one million US Dollars. I tend to agree with Senator Chris Anyanwu that, perhaps, for us in terms of banking transaction, US\$10,000 is rather low and I suggest US\$50,000.

**Senator Ayodele Arise:** Mr. Chairman, I believe that we are trying to do this as part of the condition for meeting the international financial transactions law. What is available elsewhere in the world is US\$10,000. If I go to United States and deposit anything in excess of US\$10,000, they would report it and the onus is on the bank to report and not on us. Once you take a transfer through your financial institution, they are bound to report it to the Central Bank. That responsibility is not on us and it would enable us to track the inflow and outflow of money. The US\$10,000 is standard and it is a threshold we should uphold, otherwise, what we would be hearing in terms of international comments would be contrary. If you like to take cash on you, just like Senator Ewa-Henshaw has expressed, you can take as much as you want, but you must declare it in excess of US\$10,000. Anything below, you keep it in your pocket and you do not have to declare. That is the law and it is standard. But if you want to transfer money from your account inside or outside the nation, you must declare anything in excess of US\$10,000 and I think this is the minimum we should abide with. That responsibility is on the bank and not on us.

**Senator Sola Akinyede:** Mr. Chairman, I thank Senator Ayodele Arise for that information. In addition to that, all that we are doing by rejecting the Amendment in the Bill is that the Bill introduced a lower limit of US\$2,000 for Bureau-de-Change and other companies. We rejected this and said we should stick to the international standard of US\$10,000. I support what Senator Ayogu Eze said that it is the international standard, we should stick to it, there is no point increasing it to US\$50,000, then when the money gets abroad, it is a different story. US\$10,000 is international standard and I urge that we stick to it.

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**Senator Audu Idris Umar** (Gombe Central): Mr. Chairman, flowing from the comments by Senator Ayodele Arise that the onus is on the financial institution concern to report to the Central Bank and the Securities and Exchange Commission, we should be very clear in the law so that we do not give any room for manipulation by any security agency against any person or any corporate body as the case may be so that we add after the word *transaction*, *the report shall be made by the financial institution concern*. I am proposing the addition of that phrase so as to clear any ambiguity so as not to allow the law to be manipulated by any security agency against any person or corporate body. Therefore, the whole Clause should read thus: ... *in writing within 7 days from the day of transaction by the financial institution concern*. This is because if I go to a bank to transfer money abroad, mine is just to lodge the money in my own account and the onus is on the bank to inform the Central Bank of Nigeria, the Securities and Exchange Commission and that is the practice every where in the world. But I want us to be very clear and specific here.

The addition is going to be on page 2 on the recommendation by the Committee. I am adopting the recommendation of the Committee in proposing my amendment.

**The Chairman:** Senator Sola Akinyede, are you in agreement with the amendment as proposed by Senator Idris Umar?

**Senator Sola Akinyede:** That is the practice worldwide, Sir.

**The Deputy Senate President:** But he is proposing that for purposes of clarity to avoid any kind of ambiguity.

**Senator Olorunnimbe A. Mamora:** Mr. Chairman, with all due respect to my Colleague, I do not think we need to add that. The apex bank has a responsibility by issuing guidelines to the banks. This is the standard practice; we do not need to add it. The banks know by the regulations issued to them from the Central Bank that they have to do this so I do not think we need to add that into the law.

**Senator James Ebiowou Manager:** Mr. Chairman, the topic we are dealing with is very technical and I am a little bit worried when people say this is the practice and this is the international standard.

The author of this particular document, that is, the Chairman of the Committee, if he has any document available to buttress the point that he is making, based on the international standard, I will be all right with that. But when he just says based on the international standard, when the topic is very technical, I am a little bit worried.

**Senator Andrew Abidemi Babalola:** Mr. Chairman, I seem to agree to Senator James Manager's reason that we must be very careful with whatever we are doing here today. Nigeria is still a cash and carry economy. We are not in America where people use cards and other financial tools for marketing. Whether we are transacting money or not, we should not allow these people to use this law to stop our economy or to pull our economy down as we do not have economy yet. We are just trying to grow. If our businessmen are doing business above US\$10,000 they have to declare it to somebody. These are the things that the imperialist world put on the wheel of our progress. We must encourage ourselves as far as possible. We are not encouraging money laundering, but we are talking about business transactions. This is a country where people sleep with money under their pillows.

The point I am trying to make is that the US\$10,000 as far as I am concerned is too small and at the end we should also add what Senator Idris Umar said to make it clearer because in a country where there is no law, there is no sin.

**Senator G. Anthony Manzo:** This is a Bill we are passing in our Parliament, but actually, in a way it is like an International Law. You can fix \$50,000 but the standard is that, if you are transferring money from one country to another, the International limit is \$10,000. Even if you fix your own at \$50,000, it does not make sense because we are not talking about transaction within the country. We are talking about when you are trying to buy something from another country. If you are buying a house in Uyo or Taraba, you can buy it at \$10 million if you want; that is not the point. The point about this law is to make sure that we keep ourselves at par with the international standard.

I want to support that we leave the recommendation of the Committee as it is. Adding anything does not clear any ambiguity because ordinarily the citizens putting money in the bank have no business with the Central Bank. You do not put money and say that you have to inform the Central

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Bank. So this provision is very clear, the burden of informing the Central Bank is with the Commercial Bank whom you are dealing with.

**Senator Osita B. Izunaso** (Imo West): Mr. Chairman, the information I have is very simple. What we practice today is that if we are transferring individual money, it will not exceed \$10,000. But if it is corporate, it can even be \$1 million because a Form M would be raised to where you are sending the money and they will send the Pro-forma Invoice detailing all the transactions and if it is correct, the bank can transfer the money. So, this particular Clause is misleading in the sense that if we do this, we are killing business in Nigeria. So long as the business transaction is correct and genuine, you can send it to any country in the world and they can also send to you.

I agree that there are internal regulations a country must put in place. I am not sure that most of us here know that you cannot even send Money Transfer outside this country to anywhere in the world but you can receive Western Union but you cannot send out Western Union outside Nigeria. These are internal ways of checking what we are doing here. So, if we allow this Clause to pass, we are not being fair to business in Nigeria. Somebody said here that Nigeria is a cash and carry economy that we must also realise.

If we should put internal means of checking fraudulent practices, we cannot base it on \$10,000 because it is rather too small for the banks to make any report to the Central Bank. Therefore, I propose that, it is either we expunge this Clause or adopt \$50,000 as minimum before we can send any report to Central Bank.

**Senator Abubakar Danso Sodangi** (Nasarawa West): This is a very serious issue that we are handling. The Chairman of the Committee has tried to convince us that we have to comply with international standards that we should bear in mind. It is not just making the law but for what purpose is it meant? I had the privilege of meeting one of the officers whom I will not like to mention, who told me that there are benefits you gain as a country if you comply with certain International Regulations and if you do not, they would subject you to humiliation and harassment and would put you in the red alert. No matter what it is, though it will cripple the business of our people international wise, but at the same time, we must comply with the law. If we cannot increase the amount, we cannot delete the entire provision. What we should do is to leave it like that. Any transaction that is transparent should be disclosed.

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I urge my Colleagues to approve the proposal as being recommended by the Chairman. If we delete it, certainly we will have problem. That is my submission.

**The Chairman:** Distinguished Colleagues, this is essentially what we have in the law as it is now. If you look at the first column which is the provision of the principal Act, it is essentially what we have. We should make progress.

**Senator Ibrahim Mohammed Ida:** Mr. Chairman, first, I want to say that what Senator Osita Izunaso said is really misleading because it is the legibility of a transaction that determines what you send and not the party you are sending to. Obviously, nobody expects you to send a gift but you can send school fees and some other things in cash. But if you are buying things from outside, definitely you cannot simply send the money to anybody.

What we are trying to do is to conform to international best practices. Nigeria is not an island. We are talking of Dollars which is a foreign currency. The issue of foreign currency is not our legal tender, so it does not affect our cash economy. Anybody that is handling Dollars is either remitting it or handling it. Under Section 1, we have already finished with the issue of local currency. What we have here is right and we should adopt it the way it is and that will make us to conform to international best practice.

**The Chairman:** Before I put the Question, Senator Sola if you look at the Committee's Recommendation there is a place you have Commission at the first paragraph. It says: *A transfer to or from a foreign country of funds or securities by a person or body corporate including Money Service Business exceeding the sum of \$10,000 or its equivalent shall be reported to the Central Bank of Nigeria, Securities and Exchange Commission or the Commission.* Which one is the Commission?

**Senator Sola Akinyede:** Under the old Money Laundering Act, the Commission is defined under the Act as the Economic Financial Crimes Commission (EFCC). This is because there is a body called the NFIU and all the transactions in banks in Nigeria go through NFIU which is controlled by EFCC. All the countries in the world have their own NFIUs. The Commission is the Economic Financial Crimes Commission (EFCC) under which we have the NFIU.

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Basically, the only difference between the old Act and the new Bill is that the new Bill wants a provision whereby every time you are transferring money from a Bureau du Change in excess of \$2,000 you have to report to the Central Bank. We thought that was ridiculous that was why we are saying that we stick to the old amount of \$10,000 as against \$2,000 from Bureau du Change and other organisations.

**Senator Ahmed Muhammad Maccido** (Sokoto North): I just want to speak on the comments by Senator Osita Izunaso. There is no way this provision will kill business in Nigeria because you can transfer as much as you want. All you need to do would be to declare if it is more than \$10,000. So, if you want \$1 billion dollars you can do that without affecting your business.

**Senator Julius Ucha** (Ebonyi Central): Mr. Chairman, I was just trying to say that in view of the controversy generated by this Clause 2 we may take one of these options that I intend to suggest which is that you either expunge it or retain \$10,000 as it affects a person and create a distinction between a person and a corporate body. We may incorporate the submissions of Senator Bassey Ewa-Henshaw and Senator Osita Izunaso for a corporate body. The decision would now be *a transfer to or from a foreign country of funds or securities of a sum exceeding US. \$10,000.00 for a person and \$50,000.00 for a corporate body.*

**Senator Bassey Ewa-Henshaw:** Mr. Chairman, on reflection, these transactions are being conducted through financial institutions that report normally to the Central Bank. So, bringing in EFCC, Securities and Exchange Commission is totally unnecessary.

The second point is that because these institutions in the normal course of their business report to the CBN, this Clause should be expunged and we should say that transfers from this country to other countries should simply be regulated by the Central Bank. If they have the capacity to record and note everything from \$1 to a trillion dollar, they will do so. If they decide to set up a cut off point, it is up to the CBN, they can do so; and any of those transactions that they feel is suspicious, then it is the responsibility of the CBN to deal with EFCC to investigate. I think the simple solution to this is to expunge this Clause and replace it with a simple Clause that places responsibility on CBN to regulate transfers between Nigeria and other countries.

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**The Chairman:** Senator Bassey Ewa-Henshaw, my fear with your suggestion is that we would be retrogressing because if you look at the existing Act we have obligation to report to Central Bank. That is what the law is today; and the international community is expecting us to do more. If we tell the Central Bank to make regulations, that would be going backwards.

**Senator Bassey Ewa-Henshaw:** We need to understand this very well. What I am saying is, even as the law stands today these transactions are done through established and recognized institutions that have responsibilities to make report to the Central Bank. With or without this particular Clause that responsibility stands and CBN issues guidelines to the institutions on what they should report. That process should continue.

**The Chairman:** This is the law that enables the Central Bank to request for those reports. I am going to put the Question but the point you made which I want the Chairman to reflect on is the need to include EFCC. I think that what is needed here is, if you report to the Central Bank and the Securities and Exchange Commission, if they find it necessary, if they are in doubt that makes it necessary for them to report to EFCC, then, that is when they will raise alarm.

**Senator Sola Akinyede:** As I said, all over the world we have what is called NFIU. It is a network and all over the world every time there is a transaction above \$10,000 they report to themselves. We have NFIU in Nigeria which is located in the offices of EFCC and this law has been like that. The report will be made to the Central Bank and also to the EFCC. All that is happening is that all the banks report their transactions to the NFIU and NFIU forwards them to various organisations like the NDLEA, EFCC and others. The NFIU is located inside the offices of EFCC that is why the law says it should be EFCC. It is a unit under the EFCC and as I said, it is an international position. Every country of the world has an NFIU and they work together to exchange information.

**The Chairman:** Your suggestion is that they should alternatively send to EFCC and not inclusively. It is alternative, it says or to the EFCC. It is not saying that they should as well report to EFCC. You said that they have a choice.

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**Senator Sola Akinyede:** It is not just EFCC, even the Securities and Exchange Commission. Are you suggesting that it should be *and* rather *or*?

**The Chairman:** I will now put the Question on the recommendation of the Committee.

*Clause 2(1) - Question put and agreed to.*

*Clause 2(2) – Question put and agreed to.*

**Senator Osita Izunaso:** In line with the standard practice that Senator Sola Akinyede was talking about, I think transportation of cash or negotiable instrument in essence of \$10,000 should be the case and not \$5,000 for an individual in and out of the country. This is because we are now emphasising international standards, so it should be \$10,000 and not \$5,000.

*Clause 2(3) – Amendment put and agreed to.*

**Senator Umaru Dahiru:** On Clause 2(4), if you follow the sequence it shows that we are reporting to the Central Bank, EFCC and the Nigerian Securities and Exchange Commission and in item No. 4, the Securities and Exchange Commission is omitted. I feel we should also report to them. We should include the Central Bank, Securities and Exchange Commission and the EFCC.

**The Chairman:** Senator Sola Akinyede, do you accept the amendment he is proposing?

**Senator Sola Akinyede:** No.

**Senator Umaru Dahiru:** Do you want further explanation? What I am saying is that we are reporting to three bodies in terms of monitoring transactions all over. We report to the Central Bank and the Securities and Exchange Commission and the Commission, why do we exclude the Securities and Exchange Commission. The three of them go together.

**Senator Ibrahim Mohammed Ida:** Mr. Chairman, I want Senator Dahiru to realise that the extant law places SEC but really SEC is irrelevant in this particular instance and that is why it is omitted in the recommendation of the Committee. I will suggest that we stand by what the Committee says because putting SEC there is irrelevant because SEC has nothing to do in the issue of money laundry. It has in certain instances

but in this respect, SEC has no role to play here. It is the Central and the EFCC and we should retain it as such.

*Question put and agreed to.*

*Clause 2 – (DUTY TO REPORT INTERNATIONAL TRANSFER OF FUNDS AND SECURITIES) – as amended, ordered to stand part of the Bill.*

*Clause 3 – (IDENTIFICATION OF CUSTOMERS) – ordered to stand part of the Bill.*

*Clause 4 – (DUTIES INCUMBENT UPON CASINOS)*

*Question proposed.*

**Senator Umaru Dahiru:** I am sorry to draw us back. I am looking at Clause 3(3). I was just conferring with the Chairman of the Committee to find out whether it is not necessary to insert the words: *or its equivalent* for the sub-Clause to read: *transportation of cash or negotiable instrument in the excess of \$5,000.00 or its equivalent.*

**The Chairman:** We are looking at Clause 3 in the second column which is the Bill itself. So, which one are you looking at?

**Senator Umar Dahiru:** Of course, I am looking at the third column on page 2, sub-Clause 3 of Clause 2 that is, the \$5,000 that was changed to \$10,000 and we need to add the words; *or its equivalent*. It does not have to be foreign currency. The Clause should read thus:

*Transportation of cash or negotiable instruments in excess of \$10,000 or its equivalent by individuals in or out of the country shall be declared to the Nigerian Customs Service.*

**Senator Ahmad Lawan (Yobe North):** What that means is that if you are carrying Naira in the equivalent of \$10,000 but where does Naira operates? It operates only in Nigeria but how does it work?

**The Chairman:** Sorry, distinguished Senators, I think Senator Umaru is correct on this. In fact, in America, if you have Naira up to \$10,000 you have to declare it. So, that is the standard practice. So, it is usually *or its equivalent*. Secretariat, take note he is correct on that please.

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*Clause 2 – (DUTY TO REPORT INTERNATIONAL TRANSFER OF FUNDS AND SECURITIES) – as amended ordered to stand part of the Bill*

*Clause 3 – (IDENTIFICATION OF CUSTOMERS) – ordered to stand part of the Bill.*

*Clause 4 – (DUTIES INCUMBENT UPON CASINOS) – ordered to stand part of the Bill.*

*Clause 5 – (OCCASIONAL CASH TRANSACTION BY DESIGNATED NON-FINANCIAL INSTITUTIONS)*

*Question proposed*

**Senator Umar Dahiru:** On Clause 5(5)(1)(b) the Bill as amended from US\$5,000 to US\$1,000 and the Committee seems to accept it without any justification. The justification is being referred to Bureau de Change. Originally, it was US\$5,000 and now reduced to US\$1,000.

With due respect to whatever view that is being expressed by the Committee, I think the extant Law should be maintained. I am wondering how our Bureau de Change could be moving around to change money here and there? You can see them on the streets and all over the place. I believe a minimum of US\$5,000 is just quite enough if we can maintain the standard that was in the extant Law.

**Senator Sola Akinyede:** Mr. Chairman, basically the issue of whether we increase or reduce this amount is the policy decision for the National Assembly that is one. But what is happening here is that this section relates to when you want to open an account. Before the requirement was that when it was more than US\$5,000 then the bank should take certain steps. However, because of 419 and so many other things they discovered that people can open an account with an amount that is less than US\$5,000 and begin to do all sorts of fraudulent transactions. So, they reduced the amount to US\$1,000. It is just what a bank is supposed to do when a person comes to the bank and says he wants to open an account with an amount of US\$1,000 or US\$5,000 or their equivalents. Before, it was US\$5,000. Once the amount was less than US\$5,000 the bank was not compelled to take certain steps but now they reduced the amount to US\$1,000. It is a policy decision for the Senate.

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**The Chairman:** We have decided on this. It would take a strong argument for us to reverse it, but if you want us to put the Question again, I am prepared to do so because this is a law that will outlive us. If you feel strongly about it I would put the Question again. Senator Dahiru, do you want me to put the Question again for Clause 5(1)(b)? You are saying it should be US\$5,000 that is that we should take the extant law. I would put the Question specifically for that.

*Amendment put and agreed to.*

*Clause 5 – (OCCASIONAL CASH TRANSACTION BY DESIGNATED NON-FINANCIAL INSTITUTIONS) – as amended ordered to stand part of the Bill.*

*Clause 6 – (SPECIAL SURVEILLANCE ON CERTAIN TRANSACTIONS) – as amended ordered to stand part of the Bill.*

*Clause 7 – (PRESERVATION OF RECORDS)*

*Question proposed*

**Senator Ahmad Ibrahim Lawan:** I just want to find out from the Chairman, the interpretation of what Clause 6(1)(a) involves a frequency which is unjustifiable or unreasonable, and (b) or a transaction that is surrounded by conditions of unusual or unjustified complexity and (c) a transaction that appears to have no economic justification or lawful objective, Who defines all these?

**Senator Sola Akinyede:** You are going back to Clause 6, it is for the bank to decide if somebody is sending US\$1,000 every day, it raises suspicion that is the whole idea. If for instance you have a limit of US\$10,000 and somebody is transferring N1,000 every day, it raises suspicion, so, all the law says is that once you have a transaction that is like that you just need to report such transactions. Is a surveillance thing trying to catch those who are trying to launder money regularly. That is the whole idea.

**Senator Adeleke Olorunnimbe Mamora:** Mr. Chairman, let me add to what the Chairman had said. My Colleague here is Chairman, Senate Committee on Public Accounts and I am sure he is very conversant with what the people in the industry refer to as best of judgments. I want to believe that those concerned would be able to apply best of judgment in the circumstance.

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**The Chairman:** Distinguished Colleagues, this is a very important Bill and it has a lot to do with the economic life of our people. I suggest that we need to go and read this Bill well before we take further steps. I am sure that I will speak your mind if I say that we have done sufficiently enough in respect of this Bill for today.

#### **Suspension of Further Deliberation on the Bill**

**Senator Teslim Kolawole Folarin:** Mr. Chairman, I now move that we suspend further consideration on this Bill till another legislative day.

**Senator Adeleke Olorunnimbe Mamora.** Mr. Chairman, pursuant to the explanation of your goodself and further amplified by the Senate Leader, I humbly support and second this Motion.

*Question put and agreed to.*

*Resolved:* That further deliberations on the Bill be suspended till another legislative day.

**Senator Teslim Kolawole Folarin:** Mr. Chairman, you may now report progress.

**Senator Adeleke Olorunnimbe Mamora.** Mr. Chairman, I second the Motion that the Chair do report progress.

*Question put and agreed to.*

(The Deputy Senate President in the Chair)

**The Deputy Senate President:** Distinguished Colleagues, the Senate in the Committee of the Whole considered the Report of the Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption on the Money Laundering Act (Repealed and Re-enacted) Bill, 2010 and approved as follows:

Clauses 1 to 2 as amended.

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Clauses 3 to 6 as recommended.

Further consideration on the Bill was suspended till another legislative day. Is it a true reflection of what transpired in the Committee of the Whole?

**Several distinguished Senators:** Yes.

#### **Suspension of Other Items on the Order Paper**

**Senator Teslim Kolawole Folarin:** Mr. President, I now move that all other items on the Order Paper be stood down till another legislative day.

**Senator Adeleke Olorunnimbe Mamora.** Mr. President, I rise to second the Motion that other items on the Order Paper be stood down till another legislative day.

*Question put and agreed to.*

*Resolved:* That the Senate do suspend other items on the Order Paper till another legislative day.

*(By leave of the Senate, all other items on the Order Paper stood down till another legislative day)*

#### **ADJOURNMENT**

**Senator Teslim Kolawole Folarin:** Mr. President, I now move that this Senate do now adjourn till tomorrow, Thursday, 1<sup>st</sup> July, 2010 at 10:00 a.m. I so move.

**Senator Adeleke Olorunnimbe Mamora.** Mr. President, I second the Motion as moved by the leader.

*Question put and agreed to.*

*Resolved:* That the Senate do adjourn till Thursday, 1<sup>st</sup> July, 2010 at 10.00 a.m. prompt.

*The Senate adjourned accordingly at 1.22 p.m.*