



ADVOCACY CENTRE

Youths and Environmental Advocacy Centre

CAC/IT/NO. 102679

MEMORANDA/PRESENTATION

OF

YOUTHS AND ENVIRONMENTAL ADVOCACY CENTRE (YEAC)

TO THE

HOUSE OF REPRESENTATIVES

COMMITTEE ON NAVY

ON REQUEST AND INVITATION TO PUBLIC HEARING ON:

"A BILL FOR AN ACT TO ESTABLISH THE NATIONAL HYDROGRAPHIC AGENCY, TO CARRY OUT HYDROGRAPHIC AND OCEANOGRAPHIC SURVEYS, INCLUDING OCEAN METEOROLOGY FOR NATIONAL DEFENSE AND CIVIL REQUIREMENTS AND FOR RELATED MATTERS"

AND

"A BILL FOR AN ACT TO ESTABLISH THE OF THE NIGERIAN MARITIME TRUST FUND FOR THE PURPOSE OF TRAINING, PROVISION OF SECURITY EQUIPMENT AND RELATED FACILITIES, ENHANCE THE SKILLS OF PERSONNEL OF THE NIGERIAN NAVY; AND FOR RELATED MATTERS"

HELD AT

CONFERENCE ROOM 028, HOUSE OF REPRESENTATIVES NEW BUILDING, NATIONAL ASSEMBLY COMPLEX, ABUJA-FCT

ON

MONDAY, JUNE 28, 2021

INTRODUCTION

ABOUT ADVOCACY CENTRE

Established in 2017, **Youths and Environmental Advocacy Centre** (simply called **YEAC** or **ADVOCACY CENTRE**) is a Non-Governmental Organization (NGO) and Not-for-Profit Organization (NPO) incorporated in Nigeria by Corporate Affairs Commission with Registration number CAC/IT/N0.102679. Advocacy Centre carries out activities on different thematic areas including environment, livelihoods and indigenous rights; climate action and renewable energy; human rights and peace-building; research, sensitization and empowerment; anti-corruption and good governance. YEAC uses a gender and human right-based approaches to ensure that its activities empower people and leave no one behind. Advocacy Centre works in collaboration with individuals, media organizations, government agencies, local and international development partners and institutions to strengthen community-based advocacy in the Niger Delta through multi-stakeholders' engagement with media and legislative activism for development. YEAC is a member of Nigeria Network of Nongovernmental Organizations (NNGO); Member of "Action Group on Free Civic Space in Nigeria" and mobilizers of "*One Million Youth Volunteers Network of Human Rights Defenders and Promoters in the Niger Delta*" that monitor and report human rights violations and abuses across the nine States in the Niger Delta and coordinates Niger Delta artisanal refiners for Modular Refineries as alternative means of livelihoods for environmental sustainability in the region.

ABOUT THE EXECUTIVE DIRECTOR

FYNEFACE DUMNAMENE FYNEFACE is an Environmental Justice Activist, Human Rights Defender and Executive Director of Youths and Environmental Advocacy Centre (YEAC) with over 11 years' experience. Fyneface has authored/co-authored over ten different publications (reports and books) on different subject-matters including Climate Change, Artisanal Crude Oil Refining, Ogoni Clean-up, Killing for Banana, Flooding, Photography, etc. and currently mobilizing and building a network of "One Million Youth Volunteers in the Niger Delta". Fyneface had received professional training in journalism, environment, climate change mitigation, conflict resolution and peace-building mechanisms, etc. from both local and international organizations and institutions like the International Center for Journalists (ICFJ) USA, United Nations REDD+ Academy, International Visitor Leadership Program (IVLP-2018) organized by the United States Department of State, etc. He had addressed many local and international conferences including the media to draw attention to issues in the Niger Delta and participated in the 71st Session of the United Nations General Assembly where he addressed world leaders alongside President Muhammadu Buhari, GCFR and pushed for the immediate commencement of the Ogoni cleanup with a view of extending it to other Niger Delta communities. He had also spoken as guest speaker at San Francisco State University (2016) USA; Californian State Legislature (2016), USA; Standing Rock, South Dakota, USA (2018); Africa Regional Conference on Biodiversity, Kenya (2019) and thrice at the Nigeria's National Assembly in February and March (2020) on environment and Artisanal refining. Academically, Fyneface studied Educational Management and Political Science (2010) and Postgraduate Diploma in International Affairs (2014) from the University of Port Harcourt. In 2017, he was awarded a Master's Degree in Political Science, International Relations and Diplomacy by the University of Nigeria, Nsukka. As the Executive Director of Advocacy Centre, his capacity has been several built by European Union and British Council under the Agents for Citizen-Driven Transformation (ACT) Program and also works as fixer, researcher and media consultant to many local and international organizations including Stakeholder Democracy Network, SOAS University of London, United Nations office on Drugs and Crime (UNODC), Aljazeera, BBC World Service, ARD German TV, VICE, New York Times, TrT World TV Turkey, etc. He features on live radio program on weekly basis for advocacy. The Executive Director can be contacted via email fyneface@centreadvocacy.org

EXECUTIVE SUMMARY OF MEMORANDA ON BILLS FOR THE ESTABLISHMENT OF “NATIONAL HYDROGRAPHIC AGENCY” AND “NIGERIAN MARITIME TRUST FUND” PRESENTED BY THE EXECUTIVE DIRECTOR OF YOUTHS AND ENVIRONMENTAL ADVOCACY CENTRE (YEAC) FYNEFACE DUMNAMENE FYNEFACE REPRESENTED BY ABUJA ADVOCACY MANAGER, ROSEMARY ARAFIENA AT THE HOUSE OF REPRESENTATIVES COMMITTEE ON NAVY PUBLIC HEARING HELD AT THE NATIONAL ASSEMBLY, ABUJA-FCT ON MONDAY, JUNE 28, 2021

In this memoranda, Youths and Environmental Advocacy Centre (YEAC) supports the establishment of both **The National Hydrographic Agency (NHA)** and **The Nigerian Maritime Trust Fund** by Acts of Parliament through these proposed Bills and congratulates the sponsor, Rt. Hon. Yusuf Adamu Gagdi. However, on the National Hydrographic Agency, Advocacy Centre comments that the objectives are too elaborate and may need to be properly cross-checked to be sure that it does not overlap and conflict with the objectives of other existing agencies especially those of the Nigerian Maritime Administration and Safety Agency (NIMASA). It also added by way of recommendation that the Agency can be empowered to address issues around Nigeria’s Blue Economy prospects if there are no such provisions in other existing extant Laws in the Country.

On the Maritime Trust Fund, Advocacy Centre made many observations and recommendations that should be critically considered. First, we recommend that the Fund should not focused entirely on the Navy alone but also serve as an interventionist Trust Fund for other agencies of government operating in the Nigerian maritime sector like NIMASA and in-line with the name of the Bill, “NIGERIAN MARITIME TRUST FUND”. Instead, 50% of the Fund can be reserved for the needs of the Navy while the other 50% is spread to intervene for other agencies like the Education Trust Fund (ETF) does in the educational sector. Advocacy Centre however suggests that if this Bill is not going to be re-organized in line with our recommendations to be a general interventionist Trust Fund in the Nigerian Maritime sector but still focused on the Navy as currently drafted then, its name should be changed from “NIGERIAN MARITIME TRUST FUND” to “NIGERIAN NAVY TRUST FUND” to be more direct and suitable for its stated objectives.

Another very critical observation of Advocacy Centre in the Trust Fund Bill is under its **SCOPE AND DURATION**. The duration provides that the Trust Fund “*is to operate for six years from the commencement of this Act and shall, at the expiration of that period, cease to exist unless it is extended for any further period by an Act of the National Assembly*”. Advocacy Centre does **not** support this which makes the Bill an ad-hoc arrangement with national legislative backing. It is our recommendation therefore that this provision be expunged or amended for the Fund to be a permanent interventionist Trust Fund in the Nigerian maritime sector and continually serve the objectives for which it was established. This is because, the problems for which the Fund is being set up are not one-off or six years solvable challenges but perpetual problems that the Fund should be made permanent to intervene and solve. Furthermore, under “Establishment and composition of the Board of Trustees of the Nigerian Maritime Trust Fund board of trustees”, Advocacy Centre recommends that in addition to the ten (10) members listed to consist of the trustees, there should be an 11th member such as a representative of persons living with disabilities/physically challenged. We also recommend that one third of the eleven members to be appointed should be women. That is to say, out of the eleven (11) members including representative of persons living with disabilities, at least three should be women.

1. MEMORANDA ON “A BILL FOR AN ACT TO ESTABLISH THE NATIONAL HYDROGRAPHIC AGENCY, TO CARRY OUT HYDROGRAPHIC AND OCEANOGRAPHIC SURVEYS, INCLUDING OCEAN METEOROLOGY FOR NATIONAL DEFENSE AND CIVIL REQUIREMENTS AND FOR RELATED MATTERS”

Youths and Environmental Advocacy Centre (YEAC) had reviewed this bill couriered to us and received in our head office in Port Harcourt, Rivers State on Thursday, June 24, 2021. We thus hereby comment and contribute to the enactment of this Bill into Law as follows;

General Comments: This Bill to establish a National Hydrographic Agency is a good idea considering the gap that had existed in the area that it is to serve for the country. Youths and Environmental Advocacy Centre (YEAC) endorses it and commends the sponsor, Rt. Hon. Yusuf Adamu Gagdi. However, we wish to further comment on the provisions of the bill as follows;

The Objectives of the Agency

1. The objectives are too elaborate and should be properly cross-checked to be sure that it does not overlap or conflict with the objectives of other existing agencies in the maritime sector especially those of the Nigerian Maritime Administration and Safety Agency (NIMASA).
2. The Agency can also be empowered to address issues around Nigeria’s Blue Economic prospects if there is no extant law already doing so.

2. MEMORANDA ON “A BILL FOR AN ACT TO ESTABLISH THE OF THE NIGERIAN MARITIME TRUST FUND FOR THE PURPOSE OF TRAINING, PROVISION OF SECURITY EQUIPMENT AND RELATED FACILITIES, ENHANCE THE SKILLS OF PERSONNEL OF THE NIGERIAN NAVY; AND FOR RELATED MATTERS”

General Comments: This Bill to establish a fund is a wonderful idea and Youths and Environmental Advocacy Centre (YEAC) endorses it and commends the sponsor, Rt. Hon. Yusuf Adamu Gagdi.

PART 1: OBJECTIVES AND SCOPE OF OPERATION

1. **OBJECTIVE:** In the opinion of Advocacy Centre, the fund to be established by this Bill should not be focused entirely on the Navy alone but also serve as an interventionist Fund for other agencies in the Nigerian maritime sector like the name of the Bill, “**NIGERIAN MARITIME TRUST FUND**” already suggested. As such YEAC makes the following suggestions and recommendations under what the objective of this bill and Fund should be and should cover in addition to the Navy in the Maritime sector in the overall interest of the nation’s maritime sector and operations. They are;
 - i. The Trust should allocate 50% of its funds to the Navy which it is presently focused on and the remaining 50% as interventionist fund for equipment and training needs of other agencies and operations in the country’s maritime sector.

- ii. The Fund should play an interventionist role, similar to that of Education Trust Fund (ETF) in the educational sector in the country and anything they so fund should have their name and year of intervention written on it as “Nigerian Maritime Trust Fund intervention Project 2021 or 2022, etc.”
- iii. The Bill should have a section that clearly spells out those other Nigerian agencies in the maritime sector that the Fund shall intervene to support and provide critical intervention with the recommended 50% upon a written request by those agencies and approval by the Trustees subject to availability of funds to grant such request.
- iv. Advocacy Centre recommends that other agencies in the Maritime sector that the fund should intervene to provide solution to urgent needs that they may have from time to time should include Nigerian Maritime

Administration and Safety Agency (NIMASA), National Hydrographic Agency (when enacted into Law), National Inland Waterways Authority, operations of other security operatives like Operation Crocodile Smile, Operation Delta Save, etc. that police the waterways against piracy, crude oil theft, illegal bunkering, etc. The Fund can intervene to provide logistics equipment, capacity building and training of personnels, etc. to enhance the operational capacity of these other agencies.

- v. The fund should provide interventionist funding support for the cleanup and remediation of environmental pollution associated with the activities of the agencies and companies operating in the Nigerian maritime environment and paying tax to the government and also contributing the mandatory 0.005% of their net-profit as spelt out in this Bill to the fund.
- vi. The fund should also intervene in emergency efforts of National Emergency Management Agency (NEMA) especially when the emergency situation that has caused flooding in any part of the country is associated with ocean or river or sea overflow.
- vii. However, if this Bill is not going to be re-organized in line with our recommendations to be a general interventionist Trust Fund in the Nigerian Maritime sector but still focused on the Navy as currently designed then, its name should be changed from “**NIGERIAN MARITIME TRUST FUND**” to “**A BILL FOR AN ACT TO ESTABLISH THE OF THE NIGERIAN NAVY TRUST FUND FOR THE PURPOSE OF TRAINING, PROVISION OF SECURITY EQUIPMENT AND RELATED FACILITIES, ENHANCE THE SKILLS OF PERSONNEL OF THE NIGERIAN NAVY; AND FOR RELATED MATTERS**” to be more direct and suitable for its stated objectives.
- viii. In Advocacy Centre’s thinking, establishing a Trust Fund for the Navy alone that is also already receiving allocation and funding through budgetary provisions through the ministry of defense annually may spur other agencies to demand for their own Trust

2. SCOPE AND DURATION

1. **SCOPE:** YEAC recommends that the scope of the Fund should cover all personnels of the Nigerian Navy including its ancillary staff in Nigeria and abroad for the overall improvement and efficiency in the discharge of their duties and responsibilities as well as serving as an interventionist Fund for personnels of other agencies of the Nigerian government operating in the maritime sector.
2. **DURATION:** Advocacy Centre does not support the provision on page (HB. 1243), C 273, serial number 12 (2) of the Bill that *“The Trust Fund is to operate for six years from the commencement of this Act and shall, at the expiration of that period, cease to exist unless it is extended for any further period by an Act of the National Assembly”*. This provision makes the Bill an ad-hoc arrangement which should not be so for a Trust Fund established by Act of Parliament. So, YEAC recommends that this provision be expunged or amended for the Trust Fund to provide for a permanent interventionist Trust Fund agency in the maritime sector and continually serve the objectives for which it was established. Advocacy Centre is sure that those problems for which the Trust Fund is established would still be there and the process of subsequent administration taking time through parliament to extend the Trust Fund duration through the enactment of a new bill may erode the gains already made. This is because the challenges are not one-off or six years solvable challenges but perpetual needs that the fund should be made permanent to intervene and address.

3. ESTABLISHMENT AND COMPOSITION OF THE BOARD OF TRUSTEES OF THE NIGERIAN MARITIME TRUST FUND BOARD OF TRUSTEES

Advocacy Centre recommends that in addition to the ten (10) members listed to consist of the trustees, there should be an 11th member such as;

1. A representative of persons living with disabilities/physically challenged,
2. One third of the eleven members to be appointed should be women. That is, out of the eleven (11) members including representative of persons living with disabilities, at least three should be women.