



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 4th February, 2009

1. The Senate met at 10.20 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 3rd February, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcement:**
The Senate President read a letter from Senator Ganiyu Olanrewaju Solomon as follows:



Senator Ganiyu Olanrewaju Solomon
Senate, Federal Republic of Nigeria
Lagos West

2nd February, 2009

Through:

His Excellency
Senator David A. B. Mark
The President of the Senate,
National Assembly Complex
Three Arms Zone,
Abuja.

National Assembly Complex
P. M. B. 141,
Three Arms Zone, Abuja, FCT. Nigeria
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To: All Senators

NOTIFICATION OF DEATH

I write to inform you of the demise of my dear mother Alhaja Idiatsu Abike Solomon (Nee Oluwa) on Friday, 30th January, 2009 in Lagos.

She has since been buried in accordance with Islamic rites.

The Eight day Firdau prayers will hold as follows:

Venue: The Nigerian Police College, Oba Akinjobi Street, GRA, Ikeja -Lagos.

Date: Saturday, 7th February, 2009.

Time: 11. am

It will be a great honour to me and my family if you will grace the prayers with your presence.

May God honour and bless you as you come.

Thank you.

Yours Sincerely,

Signed:

Senator Ganiyu Olanrewaju Solomon

4. Conference Committee on Public Procurement Act (Amendment) Bill 2009:

The Senate President named the following Senators as Senate Conferees on Public Procurement Act (Amendment) Bill 2009:

- | | | | |
|-----|----------------------------|---|----------|
| (1) | Senator Ahmad M. Makarfi | — | Chairman |
| (2) | Senator Anthony G. Manzo | — | Member |
| (3) | Senator Otaru S. Ohize | — | Member |
| (4) | Senator Nkechi Nwaogu | — | Member |
| (5) | Senator James E. Manager | — | Member |
| (6) | Senator Andrew A. Babalola | — | Member |

5. Committees on Federal Capital Territory and Housing:

Report on the Investigation on the Administration of Federal Capital Territory (FCT) from 1999 - 2008 (Public Hearing):

Motion made: That the Senate do resume consideration of the report of the Committees on Federal Capital Territory and Housing, on the investigation of the Administration of the FCT from 1999 - 2008 (*Senate Leader*).

Question put and agreed to.

Debate:

Recommendations:

(18) Abuja Markets Management Limited (AMML):

Recommendations:

- (i) Wind up Abuja Market Management Ltd and appoint Market Managers to oversee the running of the markets.
- (ii) Mobile Courts should be removed from the markets
- (iii) Shop Owners should be given one parking tag each for their vehicle.
- (iv) That the Auditor General audits the company account and the Board Members.

Amendment Proposed:

Leave out the provision in recommendations (i) to (iv) and *insert* the following instead thereof:

“That the Federal Capital Territory Administration should review the administration and operations of Markets in Federal Capital Territory (FCT) (*Senator Victor Ndoma-Egba*).

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

Question on the recommendation as amended, put and agreed to.

(19) Abuja Investment Limited:**Recommendation:**

The Committee recommends that the company account be audited by the Auditor-General of the Federation while the appropriate agency of government investigate the Management Board— *Agreed to.*

(20) Abuja Downtown Market Project (Bakassi Market):**Recommendation:**

Joint Venture Agreement should be revived to develop the mall.

Amendment Proposed:

Leave out the provision in recommendation and *insert* the following instead thereof:

“That the Federal Capital Territory Administration (FCTA) should review the Joint Venture Agreement (*Senator Nicholas Y. Ugbane*).

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

Question on the recommendation as amended, put and agreed to.

(21) Eagle Square and International Conference Centre Abuja:**Recommendation:**

That the Federal Capital Territory Administration should:
Revoke the concession agreement of the International Conference Centre and the Eagle Square forthwith for overriding public and security interest of the Nation.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:

“That the Federal Capital Territory Administration should review the Concession Agreement of the International Conference Centre and the Eagle Square (*Senator Mohammed Mana*).

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

Question on the recommendation as amended, put and agreed to.

(22) Abuja Gardens:**Recommendation:**

The Federal Capital Territory Administration (FCTA) should enter into negotiation with the Company as regards the demands of the sum of ₦150 million by the Company.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:

“That the Federal Capital Territory Administration should review the Concession Agreement with Liet Nuel (*Senator Mohammed Mana*).

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

Question on the recommendation as amended, put and agreed to.

(23) Garki Hospital:

Recommendation:

That the Federal Capital Territory Administration should:

- (i) Supervise the Hospital in accordance with the terms of the agreement; and
- (ii) Ensure the installation of all projected equipment within the time frame in the agreement.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:
“That the Federal Capital Territory Administration should review the Concession Agreement with NISA Premier Hospital (Senator Anthony G. Manzo).”

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

Question on the recommendation as amended, put and agreed to.

(24) Sheraton Hotel and Towers:

Recommendation:

That in order not to bring Legal tussle between the Federal Government and the new buyers, the Committee finds it expedient to let the present *status quo* be maintained.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:
“That the Federal Capital Territory Administration (FCTA) and the Bureau of Public Enterprise (BPE) should review the Sales Agreement” (Senator Anthony G. Manzo).

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

Question on the recommendation as amended, put and agreed to.

(25) Nikon Luxury:

Recommendation:

That in order not to bring Legal tussle between the Federal Government and the new buyers, the Committee finds it expedient to let the present *status quo* be maintained.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:
“That the Federal Capital Territory Administration (FCTA) and the Bureau of Public Enterprise (BPE) should review the Sales Agreement” (Senator Anthony G. Manzo).

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

Question on the recommendation as amended, put and agreed to.

(26) Mandate Secretariats:

Recommendations:

That the Federal Capital Territory Administration should:

- (i) Merge the Abuja Investments Company Ltd, Abuja Market Management Ltd and Abuja Property Development Company Ltd and revert to Abuja Investments and Property Development Company Limited.
- (ii) Revert Satellite Towns Development Agency to become a Unit or Department of FCDA.
- (iii) Come up with appropriate bills for legislation to legalise the existence of the Mandate Secretariats and streamline their functions.
- (iv) Ensure that the accounts of the Sale of Federal Government Houses, Abuja Geographic Information Service, the Satellite Towns Development Agency and the mandate Secretariats are audited by the Auditor General of the Federation who should report back to the Senate within three months.
- (v) The Executive should report any discrepancy, if any, in the audited accounts for forensic investigation by appropriate security agencies and possible prosecution.
- (vi) All Officers who flouted existing and extant Financial Regulations and other Public Service Rules should be penalised accordingly.
- (vii) All Officers who disobeyed or ordered the disobedient of Court Orders should be prosecuted by the Attorney General of the Federation.

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof: "That the Federal Capital Territory Administration (FCTA) should review all issues raised" (*Senator Adeleke O. Mamora*).

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

Question on the recommendation as amended, put and agreed to.

(27) Mallam Nasir Ahmed El Rufia:

Recommendations:

- (i) He should account for all funds collected by the Ad- Hoc bodies he raised during his tenure namely - Abuja Geographic Information System, Ad Hoc Committee on Sale of Government Houses in FCT, the Satellite Town Development Agency, Abuja Investments and Property Development Company limited amongst others.

Amendment Proposed:

Leave out the provision in the recommendation (i) and *insert* the following instead thereof: "That the Senate Committee on Federal Capital Territory (FCT) should come up with a detailed Report on the activities of Abuja Geographic Information System, Ad-Hoc Committee on Sale of Government Houses in FCT, the Satellite Town Development Agency, Abuja Investments and Property Development Company limited" (*Senator Ike Ekweremadu*).

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

Question on the recommendation as amended, put and agreed to.

- (ii) That the house he obtained for himself where he signed as lessor and lessee be revoked as a person cannot sell an item to himself — *Agreed to.*

(iii) That the appropriate Government agencies should investigate Mallam Nasir El-Rufai for economic crimes and abuse of Office in revoking and re-allocating lands to his wives and family members even when the lands were on waterlines or sewer line — *Agreed to*.

(iv) That Mallam Nasir Ahmed El-Rufai is not a fit and proper person to hold public office in a democratic set up in future — *Negatived*.

(28) Umar Abbas Ibrahim:

Recommendations:

(i) That Umar Abbas Ibrahim be relieved of his duties as Chairman of the Ad-hoc Committee on the Sale of Federal Government Houses in FCT — *Agreed to*.

(ii) That he be handed over to the appropriate agency to account for all the monies of the Ad-hoc Committee which were never paid into the Federation Account — *Agreed to*.

(iii) That Umar Abbas Ibrahim is not a fit and proper person to hold Public Office — *Negatived*.

(29) Theodora Eromobor:

Recommendation:

The Committee therefore recommends that she be relieved of her position and declared not fit to work in Government establishment for disrespect and absolute contempt not only to the Senate of the Federal Republic of Nigeria but also the directive of the Hon. Minister in view of her recklessness and abuse of office.

The Committee strongly recommends that she be investigated by the appropriate Government Agency to bring her and her accomplices to justice — *Negatived*.

(30) Jimi Lawal:

Recommendations:

(i) The Committee therefore recommends for an indept investigation by an appropriate government agency — *Agreed to*.

(ii) That the Auditor General of the Federation audit the accounts of the Organisations where Jimi Lawal held sway — *Negatived*.

(31) Idris Othman:

Recommendations:

(i) The Committee noticed that the way these allocations were made were unethical and should be revoked forthwith — *Negatived*.

(ii) The Committee further recommends that his activities during the regime of the then Hon. Minister, Mallam Nasir El-Rufai should be investigated by the appropriate agency of government — *Agreed to*.

(32) Engr. Success:

Recommendation:

The Committee noticed that he was already being investigated by the EFCC. Consequently, the Committee recommends that the EFCC completes their investigation on him and prosecute him if found wanting while the forged Land Certificates are annulled and the lands revoked. But in the case of plots where the allottee has already built on, FCTA should where possible, effect regularization of the allocation by issuing new certificates.

Amendment Proposed:

Immediately after the word "him" in line 2, *leave out* all the other words (*Senator Lee L. Maeba*).

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

Question on the recommendation as amended, put and agreed to.

Resolved:**(1) Land Allocation:**

That the Federal Capital Territory Administration (FCTA) should:

- (i) Withdraw all land allocations by the former Minister of FCT which were signed between 17th and 29th May 2007 when he had become *funtus officio* at the dissolution of the then Federal Executive Council and review all allocations and revocations made between 1st to 15 May 2007;
- (ii) Review all land allocations and revocation within the last 30 days of the Administration of then Minister Mallam Nasir Ahmed El-Rufai.

(2) Revocation:

That the Federal Capital Territory Administration (FCTA) should:

- (i) Review all Government, Ministries, Departments, Agencies and Institutional allocations and acquisitions that were revoked, excluding residential allocations following the monetisation policy on a case by case basis for those who applied.
- (ii) Restore all allocations/revocations of land on which Court Order subsisted before revocation/demolition and/or reallocation.
- (iii) Reverse all revocations in respect of land the use of which did not contravene the Land Use Act or terms of their grant.
- (iv) Reverse all revocations that were made for non re-certification as the re-certification exercise tended to be a ploy used in depriving allottees of their allocations.

(3) Demolition:

That the Federal Capital Territory Administration (FCTA) should:

- (i) Ensure that every person with a valid Certificate of Occupancy and approved drawing and whose structure was demolished should be compensated appropriately and restored to the land or be given another allocation.
- (ii) Ensure that future demolitions must follow strictly due process.
- (iii) Ensure that the Development Control Unit must be alive to her responsibilities.
- (iv) Ensure that in all cases, right of appeal must be given to the developers.

(4) Resettlements and Compensations:

That the Federal Capital Territory Administration should:

Set up as a matter of urgency, a Committee to determine the complaints of the indigenous communities in the FCT to avert the brewing discontent.

(5) Abuja Master Plan:

That the Federal Capital Territory Administration should:

- (i) Set up a Land Use Allocation Committee as a matter of urgency in accordance with the Land Use Act.

- (ii) Set up Urban and Regional Planning Tribunal in accordance with the enabling Act.
 - (iii) Comply with the Recovery of Premises Act in repossessing houses.
 - (iv) Review the structure and administration of Abuja Geographic Information System.
- (6) **Sales of Federal Government Houses:**
- (i) All original sitting government workers ejected from their houses but who had complied with all the necessary sales guidelines and had paid for such houses should have the houses restored to them or their dependant(s) as the case may be.
 - (ii) All persons who had paid at least 10% for their houses and have complied with all sales guidelines and are willing to effect the payment of the remaining 90% should be allowed to pay and be restored to their houses.
 - (iii) All persons who have complied with all sales guidelines and having a competent Court Order restraining the FCTA from evicting them at the time of their ejection should have their houses restored to them pending the conclusion of the case to restore confidence in our judicial system and democracy.
 - (iv) For fairness and justice, all retired Public Servants who have complied with all sales guidelines and who are still sitting tenants should be allowed to pay for their houses within a given time frame.
 - (v) All persons who bidded and paid for houses occupied by Public Officers listed in (i) - (iii) above but do not have houses allocated to them should be allocated new houses under a new housing scheme. On the other hand, if houses are no longer available should have their monies refunded to them with interest at prevailing market rate.
 - (vi) The Order of Sale on Houses that were Over Valued in Kwali, Kuje, Bwari and others to Public Servants who are Sitting Tenants should be reversed. Therefore, Public Servants who are still living in such houses should be allowed to pay the Public Offer Prices for the houses.
 - (vii) Restore immediately all the Safe or Operational houses of the Department of State Security (DSS), National Intelligence Agency (NIA) and Defence Intelligence Agency (DIA) National Defence College and Nigerian Union of Journalist (NUJ) including the following:
 - 1. 11 & 13 John Kennedy Close, Asokoro, Abuja
 - 2. 7B Matadi Street, Wuse Zone 3, Abuja
 - 3. 7, Plot 1341 A Mary Slessor Street, Asokoro
 - 4. KAR-B3-1097 Karu
 - 5. KAR-B4-1098 Karu
 - 6. KAR-BEEA1-4863 Karu
 - 7. KAR-B2-1092 Karu

8. KAR-B1-1099 Karu
9. KAR-B8-1100 Karu
- (viii) The Sales of the three (3) Vice President's Guest Houses should be revoked: to wit,
 1. House No. 16, Mambilla Street Maitama;
(Mal. Nasir El-Rufai)
 2. House No. 32 Sulaiman Barau Crescent - Asokoro;
(Alh. Tijani Abdullahi)
 3. House No. 12 Yakubu Gowon Crescent.
(Mr. Akin Osuntokun).
- (ix) **Officers of the Ad-hoc Committee on Sale of FGN Houses:**
The Ad-hoc Committee on Sale of Federal Government Houses in the FCT should be reconstituted with a mandate to vet the sales and submit a report on the sales to the Honourable Minister, and carry out the remaining sale of the houses.
- (7) **Jabi Lake View Estate:**
That the Federal Capital Territory Administration should:
Withdraw the Certificates of Occupancy of the 19 or 45 Plots at Jabi Lakeview Estate for irregularities in the allocation process and non existent allottees and the source of funding for the development should be investigated.
- (8) **Shelter Development Limited:**
The Federal Capital Territory Administration should restore the C of O to the Company and initiate negotiation with the Company regarding compensation for the demolished structures.
- (9) **American Hospital:**
Having considered the relevance of the proposed Hospital to the nation and in particular the residents of Abuja, the Committee hereby recommends as follows:
 - (i) That those that were initially allocated the plots should be given alternative allocations.
 - (ii) That the dismissed Deputy Director who queried the anomalies in this allocation and was dismissed should be reinstated to his job.
 - (iii) That the Management of the Hospital having presented very good and verifiable intention which the Committee considers to be in the best interest of the nation, should not only be encouraged but allowed to commence the construction and development of the hospital project.
 - (iv) Further investigation should be carried out to establish the authenticity of the alleged ₦129m to American Hospital.
- (10) **Allottees of Wuse Zone 4 Neighbourhood Centre:**
The Hon. Minister of FCT should revert the allocation and return the land to the original allottees and pay adequate compensation.
- (11) **Society of The Holy Child Jesus:**
That the remaining 10 hectares should be restored to the petitioner.

- (12) **Abba Jaye and Sons Ltd.:**
The sale of the company Estate by Mal. El-Rufai was most inappropriate and should be reversed and the property reverted to Abba Jaye and Sons Limited.
- (13) **Inter - Projects Associates Limited:**
The Federal Capital Territory Administration should restore the Title document to Inter-Projects Associates Limited and initiate negotiation with the Company regarding compensation for the demolished structures.
- (14) **G. Cappa Plc:**
The sale of the Company Estate to an individual is most inappropriate and should be reversed and the property reverted to G Cappa.
- Similarly, the Company's plot at Mpape District should be given to the Company or in the alternative another plot should be allocated in respect of the revoked plot.
- (15) **Late Justice Bashir Sambo:**
That the Federal Capital Territory Administration should:
Restore to the family of Late Justice Bashir Sambo the residence, pending the final determination of the case in Court or an out of Court Settlement.
- (16) **Premature Retirements and Dismissal of Public Servants:**
That the Federal Capital Territory Administration should:
Set up a Committee to look into the determination of employment by the former Minister of FCT, Mallam Ahmed Nasir El-Rufai and take appropriate action on each case.
- (17) **Abuja Markets Management Limited (AMML):**
That the Federal Capital Territory Administration should review the administration and operations of Markets in Federal Capital Territory (FCT).
- (18) **Abuja Investment Limited:**
The Committee recommends that the company account be audited by the Auditor-General of the Federation while the appropriate agency of government investigate the Management Board.
- (19) **Abuja Downtown Market Project (Bakassi Market):**
That the Federal Capital Territory Administration (FCTA) should review the Joint Venture Agreement with Alpha Property Development Limited.
- (20) **Eagle Square and International Conference Centre Abuja:**
That the Federal Capital Territory Administration should review the Concession Agreement on the International Conference Centre and Eagle Square.
- (21) **Abuja Gardens:**
That the Federal Capital Territory Administration should review the Concession Agreement with Liet Nuel .
- (22) **Garki Hospital:**
That the Federal Capital Territory Administration should review the Concession Agreement with NISA Premier Hospital.
- (23) **Sheraton Hotel and Towers:**
That the Federal Capital Territory Administration (FCTA) in conjunction with the Bureau of Public Enterprise (BPE) should review the Sales Agreement.

- (24) **Nicon Luxury:**
That the Federal Capital Territory Administration (FCTA) in conjunction with the Bureau of Public Enterprise (BPE) should review the Sales Agreement.
- (25) **Mandate Secretariats:**
That the Federal Capital Territory Administration (FCTA) should review all issues involved in the activities of the Mandate Secretariats.
- (26) **Mallam Nasir Ahmed El Rufia:**
(i) That the Senate Committee on Federal Capital Territory (FCT) should come up with a detailed Report on the activities of Abuja Geographic Information System, Ad-Hoc Committee on Sale of Government Houses in FCT, the Satellite Town Development Agency, Abuja Investments and Property Development Company limited.
(ii) That the house he obtained for himself where he signed as lessor and lessee be revoked as a person cannot sell an item to himself.
(iii) That the appropriate Government agencies should investigate Mallam Nasir El-Rufai for economic crimes and abuse of Office in revoking and re-allocating lands to his wives and family members even when the lands were on waterlines or sewer line.
- (27) **Umar Abbas Ibrahim:**
(i) That Umar Abbas Ibrahim be relieved of his duties as Chairman of the Ad-hoc Committee on the Sale of Federal Government Houses in FCT.
(ii) That he be handed over to the appropriate agency to account for all the monies of the Ad-hoc Committee which were never paid into the Federation Account.
- (28) **Jimi Lawal:**
The Committee therefore recommends for an in-depth investigation by an appropriate government agency.
- (29) **Idris Othman:**
The Committee further recommends that his activities during the regime of the then Hon. Minister, Mallam Nasir El-Rufai should be investigated by the appropriate agency of government.
- (30) **Engr. Success:**
That the Economic and Financial Crimes Commission (EFCC) should completes their investigation on him and prosecute him (*S. Res/027/2/09*).

6. Occupational Safety and Health in Work places Bill 2009 (SB. 191):

Consideration of Bill deferred to another legislative day.

7. Tobacco Control Act (Amendment) Bill 2009 (SB. 221):

Consideration of Bill deferred to another legislative day.

8. Adjournment:

Motion made: That the Senate do adjourn till Tuesday, 10th February, 2009 at 10.00 a.m.
(Senate Leader).

Adjourned accordingly at 1.05 p.m.

Dr. David A. B. Mark, GCON
President,
Senate of the Federal Republic of Nigeria.