



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 3rd February, 2009

1. The Senate met at 10.25 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 29th January, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.
3. **Announcement:**
Acknowledgement:
The Senate President acknowledged the presence of Federation of Ogun State Law Students, Nigerian Law School Chapter, Bwari who were in the gallery to observe Senate proceedings.
4. **Conference Committee on 2009 Appropriation Bill:**
The Senate President named the following Senators as Senate Conferees on the 2009 Appropriation Bill:
 - (1) Senator Iyiola Omisore
 - (2) Senator Abubakar D. Sodangi
 - (3) Senator Ahmad M. Makarfi
 - (4) Senator Sulaiman M. Nazif
 - (5) Senator Ahmad I. Lawan
 - (6) Senator Patrick E. Osakwe
 - (7) Senator Julius A. Ucha
 - (8) Senator Joy Emodi
 - (9) Senator George T. Sekibo
5. **Personal Explanation:**
Rising on Order 42, Senator Maina Ma'aji Lawan expressed the profound appreciation of the family, people and government of Yobe State to the Senate President and distinguished Senators for their participation during the burial of the former Governor of the State, late Senator Mamman Bello Ali and the condolence visit to the Governor of the State.

He also extended the gratitude to the two former Senate Presidents and Senators who had served in the Senate when the late Senator Mamman Bello Ali was in the Senate between 1999 - 2007.

6. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Gyang Dalyop Dantong drew the attention of the Senate to the alarming rise in the cases of poliomyelitis in Nigeria. He sought the leave of the Senate to present a Motion on the matter.

Question that the Matter be debated, put and agreed to.

Ruling:

That the Mover brings in a substantive Motion on the issue at a later date.

7. Presentation of Bill:

FCT Appropriation Bill 2009 (SB. 239) — *Read the First Time.*

8. Committees on Federal Capital Territory and Housing:

Report on the Investigation on the Administration of Federal Capital Territory (FCT) from 1999 - 2008 (Public Hearings-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 - 2007 ***(Senate Leader).***

Question put and agreed to.

Debate:

Recommendations:

(1) Land Allocation:

Recommendation (i)

That the Federal Capital Territory Administration should:

Withdraw all land allocations by the former Minister of FCT which were signed between 15th 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;

Amendment Proposed:

Leave out the figures "15" in line 2 and insert the figures "17" (Senator Andrew A. Babalola).

Question that amendment be made, put and agreed to.

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

Recommendation (ii):

All land allocations that were revoked by the then Minister. Mai. Nasir El-Rufai without due process should be restored to their respective owners, as the memoranda upon which he approved the allocations were written by persons not authorised by law namely Ezeamaka Cyril and Babatunde Olajide, his Personal Assistants.

Amendment Proposed:

Leave out the provision in recommendation (ii) and insert the following instead thereof: "Review all land allocations and revocation within the last 30 days of the Administration of then Minister Mallam Nasir Ahmed El-Rufai (Senator Wilson Ake).

Question that amendment be made, put and agreed to. Question on the recommendation as amended, put and agreed to.

(2) Revocation:

That the Federal Capital Territory Administration should:

Recommendation (i):

Restore 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. Properties developed up to roofing or first floor other than allocations of land specifically revoked should be restored. While all original allottees should be considered for fresh allocation.

Amendment Proposed:

- (i) Leave out the word "Restore" in line 1, and insert the word "Review"
- (ii) Immediately after the word "applied" in line 3, leave out all the words (Senator Victor Ndoma-Egba).

Question that amendment be made, put and agreed to.

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

Recommendation (ii):

Restore all allocations/revocations of land on which Court Order subsisted before revocation/demolition and/or reallocation — *Agreed to.*

Recommendation (iii):

Reverse all revocations in respect of land which did not contravene the Land Use Act or terms of their grant.

Amendment Proposed:

Immediately after the word "land" in line 1, insert the words "the use of (Senator Sola Akinyede).

Question that amendment be made, put and agreed to.

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

Recommendation (iii):

Restore all the land of the Department of State Security (DSS), National Intelligence Agency (NIA) and Defence Intelligence Agency (DIA), revoked by Mallam Nasir El-Rufai — *Negatived.*

Recommendation (v):

All future revocations must be carried out only in accordance with the Land Use Act and the principle of fair hearing — *Negatived.*

Recommendation (vi):

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 — *Agreed to.*

(3) Demolition:

That the Federal Capital Territory Administration should:

Recommendation (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 — *Agreed to.*

Recommendation (ii):

Future demolitions must follow strictly due process and in accordance with Section 85 of the URPA which provides that you must provide an alternative before demolishing a premises used for human habitation.

Amendment Proposed:

Immediately after the word "process" *leave out* all the words (*Senator Adeleke O. Mamora*).

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

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

Recommendation (iii):

Development Control Unit must be up and doing and never allow illegal structures or settlements to develop in future. Any Officer in charge of an area where such structure, sub-standard structure or settlement takes place should be dismissed from office.

Amendment Proposed:

Immediately after the word "be" *leave out* all the words and *insert* the words "alive to their responsibilities" instead thereof (*Senator Adeleke O. Mamora*).

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

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

Recommendation (iv):

In all cases, right of appeal must be given to the developers — *Agreed to.*

Recommendation (v):

Mass Housing: The FCDA should have layouts designs for one, two bedroom apartments, blocks of 10 self contained rooms. Each plot measuring between 250m² and 500m² each. The plots and designs should be sold with a colour scheme for each neighbourhood for mass development to ease the problem of housing for low income earners in FCT (could be called Housing Welfare Scheme).

The sale should commence with persons who were dislocated by demolition from the city and its outskirts — *Negatived.*

(4) Resettlements and Compensations:

That the Federal Capital Territory Administration should:

Recommendation (i):

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 — *Agreed to.*

Recommendation (ii):

Ensure that there is no alienation of re-settlement houses— *Negated*.

(5) **Court Orders:**

Recommendation:

The Committee strongly believes that Nigeria is not a lawless society and the way the society allows certain people and institutions to pick and choose which Court Orders to obey or not to obey and if left unchecked, the nation shall have commenced an odyssey into an abyss of a cataclysmic proportions.

The Committee therefore recommends that no person must be allowed to benefit from lawlessness and go un-punished — *Negated*.

(6) **Abuja Master Plan:**

That the Federal Capital Territory Administration should:

Recommendation (i):

Set up a Land Use Allocation Committee as matter of urgency in accordance with the Land Use Act — *Agreed to*.

Recommendation (ii):

Set up Urban and Regional Planning Tribunal in accordance with the enabling Act — *Agreed to*.

Recommendation (Hi):

Comply with the Recovery of Premises Act in repossessing houses — *Agreed to*.

Recommendation (iv):

Make Abuja Geographic Information System to become a land registry only

Amendment Proposed:

Leave out the provision in recommendation (iv) and *insert* the following instead thereof: "Review the structure and administration of Abuja Geographic Information System (Senator Adeleke O. Mamora).

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

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

Recommendation (v):

Restructure the Land Department of the FCDA to remain for the management, allocations, revocations etc of land in the FCT — *Negated*.

Recommendation (vi):

Ensure that all Land Allocations and Revocations must be in consonance with the recommendation of the Land Use Allocation Committee — *Negated*.

Recommendation (vii):

Take cognisance of Federal character in allocations in every neighbourhood — *Negated*.

(7) **Sales of Federal Government Houses:**

Recommendation (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 — *Agreed to*.

Recommendation (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 immediately within two weeks from date of submission of this report to the Federal Government and be restored to their houses.

Amendment Proposed:

Immediately after the word "pay" in line 3, *leave out* the words "immediately within two weeks from date of submission of this report to the Federal Government" (*Senator Ayogu Eze*).

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

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

Recommendation (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 — *Agreed to.*

Recommendation (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 — *Agreed to.*

Recommendation (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 as charged by the bank from whom they obtained the bank draft. Restore the office building of NUJ at Area 11 Garki.

Amendment Proposed:

Immediately after the word "interest" in line 4, *leave out* all the words and *insert* the words "at prevailing market rate" instead thereof (*Senator Ayogu Eze*).

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

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

Recommendation (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 — *Agreed to.*

Recommendation (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) including the following:

Amendment Proposed:

Immediately after the words "Defence Intelligence Agency (DIA)" *insert* the words "National Defence College and Nigerian Union of Journalist (NUJ)" (*Senator Smart Adeyemi*).

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

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

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

Recommendation (viii):

The Sales of the three (3) Vice President's Guest Houses should be revoked: to wit,

1. House No. 16, Mambilla Street Maitama;
(Mai. Nasir El-Rufai)
2. House No. 32 Sulaiman Barau Crescent - Asokoro;
(Alh. Tijani Abdullahi)
3. House No. 12 Yakubu Gowon Crescent.
(Mr. Akin Osuntokun) — *Agreed to.*

Recommendation (be):**Officers of the Ad-hoc Committee on Sale of FGN Houses:**

- (a) All officers who worked in the Ad-hoc Committee on Sale of FGN Houses in the FCT should also be investigated, especially the temporary workers — *Negatived.*
- (b) All Officers who abused their offices in whatever form by illegally selling a house, ejecting a person without due process or acted in defiance of an existing Court Order should be relieved of their offices. It will also not be desirable for such a person to hold public office in future — *Negatived.*
- (c) 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 — *Agreed to.*

- (d) All incomes from the sale of Government Houses should be appropriated to develop new layouts in the FCT to be sold in the following order to:
- (i) All those who had paid but have no houses allocated to them.
 - (ii) Civil Servants who could not benefit from the current exercises.
 - (iii) Civil Servants, Public Officers and Political Office Holders.
 - (iv) Other Nigerians excluding Companies — *Negated*.

(8) Jabi Lake View Estate:

Recommendation :

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 — *Agreed to*.

(9) Shelter Development Limited:

Recommendation:

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 — *Agreed to*.

(10) American Hospital:

Recommendation:

Having considered the relevance of the proposed Hospital to the nation and in particular the residents of Abuja, the Committee hereby recommends as follows:

Recommendation (i):

That those that were initially allocated the plots should be given alternative allocations — *Agreed to*.

Recommendation (ii):

That the dismissed Deputy Director who queried the anomalies in this allocation and was dismissed should be reinstated to his job — *Agreed to*.

Recommendation (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 — *Agreed to*.

Amendment Proposed:

Insert a new recommendation (iv) as follows:

"Further investigation should be carried out to establish the authenticity of the alleged N129m to American Hospital (*Senator Wilson Ake*).

Question put and agreed to.

(11) Allottees of Wuse Zone 4 Neighbourhood Centre:

Recommendation:

The Hon. Minister of FCT should revert the allocation and returned land to the original owners as that is what justice demands.

Amendment Proposed:

Immediately after the word "original" in line 1, *leave out* all the words and *insert* the words "allottees and paid adequate compensation" instead thereof (*Senator Ike Ekweremadu*)

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

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

(12) Society of The Holy Child Jesus:*Recommendation:*

That the remaining 10 hectares should be restored to the petitioners if yet to be utilised by INEC and if utilised, they should be given an alternative allocation of equal size and value.

Amendment Proposed:

Immediately after the word "petitioners" in line 1, *leave out* all the words (*Senator Ike Ekweremadu*).

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

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

(13) Abba Jaye and Sons Ltd.:*Recommendation:*

The sale of the company Estate by Mai. El-Rufai was most inappropriate and should be reversed and the property reverted to Abba Jaye and Sons Limited — *Agreed to.*

(14) Inter - Projects Associates Limited:*Recommendation :*

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 — *Agreed to.*

(15). G. Cappa Plc:*Recommendation (i):*

The sale of the Company Estate to an individual is most inappropriate and should be reversed and the property reverted to G Cappa — *Agreed to.*

Recommendation (ii):

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 — *Agreed to.*

(16) Late Justice Bashir Sambo:*Recommendation:*

Federal Capital Territory Administration should restore the family of Late Justice Bashir Sambo to the residence pending the final determination of the case in Court or an out of Court Settlement — *Agreed to.*

(17) Premature Retirements and Dismissal of Public Servants:*Recommendation:*

That FCTA 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 in each case — *Agreed to.*

Further consideration or Report deferred to the next legislative day..

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

Consideration of Bill deferred to another legislative day. 10.

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

Consideration of Bill deferred to another legislative day.

11. Adjournment:

*Motion made: That the Senate do adjourn till Wednesday, 4th February, 2009 at 10.00 a.m.
(Senate Leader).*

Adjourned accordingly at 1.50 p.m.

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