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**Tuesday
3rd February, 2009**

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

**THIRD ASSEMBLY
(SIXTH SENATE)**

SECOND SESSION

THE SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 3rd February, 2009

The Senate met at 10.25 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: The Senate is called to order. Distinguished Senators, we shall begin the day's Session with the consideration of the Votes and Proceedings of Thursday, 29th January, 2009; Pages 437, 438, 439, 440.

Senator Iyabo Olusola Obasanjo-Bello (Ogun Central): Mr. President, I rise to move that the Votes and Proceedings of Thursday, 29th January, 2009 be approved.

Senator Bala Abdulkadir Mohammed (Bauchi South): Mr. President, I rise to second the Motion moved by Senator Iyabo Obasanjo-Bello that the Votes and Proceedings of this hallowed Chamber of Thursday, 29th January, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 29th January, 2009 be approved.

ANNOUNCEMENTS

**Membership of the Conference Committee on
2009 Appropriation**

The President: This is the Membership of the Conference Committee to harmonise the 2009 Appropriation:

1. Senator Iyiola Omisore
2. Senator Abubakar Danso Sodangi
3. Senator Ahmed Makarfi, CON
4. Senator Suleiman Nazif
5. Senator Ahmed Lawan
6. Senator Patrick Enebeli Osakwe

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7. Senator Julius A. Ucha
8. Senator Joy Emodi
9. Senator George T. Sekibo, JP

I would also like to meet with these Members immediately after the Sitting today. You are to meet with the House of Representatives to harmonise the budget.

**Invitation to a Send Forth Dinner Party of Senator
Mohammed Adamu Aliero**

I have before me a letter of invitation from distinguished Senator Joy Emodi. It reads:

The Senate of the Federal Republic of Nigeria,

National Assembly

**Invitation to distinguished Senators to the Send Forth
Dinner Party Organised in Honour of Senator
Mohammed Adamu Aliero**

The Senate Committee on Education is organising a send forth party in honour of the former Vice Chairman of the Committee, distinguished Senator Adamu Aliero, who recently left the Committee to answer another national call as Hon. Minister of the Federal Capital Territory.

The Committee wishes to specially invite distinguished Senators to the dinner party scheduled to hold as follows:

Venue: Chopsticks Restaurant, 52 Mississippi Street, Maitama, Abuja.

Date: Wednesday, 4th February, 2009.

Time: 8.00 p.m. prompt.

Accept the renewed assurances of the Committee's highest consideration, please.

(Signed)

*Distinguished Senator Joy Emodi
Chairman*

**Visit of the Federation of Ogun State Law Students,
Nigerian Law School Chapter**

I wish to acknowledge the presence of Federation of Ogun State Law Students, Nigerian Law School

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Chapter, Bwari who are in the Gallery to observe the Senate proceedings. I wish them fruitful observation of Senate proceedings.

I guess this is from Senators Iyabo Obasanjo-Bello, Felix Bajomo and Olalekan Mustapha.

Senator Maina Ma'aji Lawan (Borno North): Point of Order, Mr. President!

The President: What is the point of Order, Whip?

PERSONAL EXPLANATION

Senator Maina M. Lawan: Mr. President, my point of Order is Order 43 of our Standing Orders titled *Personal Explanation*. With your permission, I read:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

I have raised the issue and gone through the Motion with you earlier in the day and the subject matter I believe is non-controversial. It has to do with the effect our delegation gave to our earlier Resolution to represent the Senate and attend the burial of our distinguished Colleague, the late Executive Governor of Yobe State, Senator Mamman Ali.

As you are aware, this Chamber mandated a very strong delegation to represent us at the burial of our late Colleague. The Senate was very strongly represented both in ranking and number at the burial and the condolence visit to the family and Government of Yobe State. We had a very strong delegation. The Senate President himself and no less than 50 Senators were there. There were also Senators who served with Senator Mamman Ali in this Chamber between 1999 and 2007 including two former distinguished Senate Presidents. It is in this respect that I intend to express the appreciation of the family, Government and all those who were very close to our distinguished Colleague that he was remembered by this Chamber and given the honour with such a strong representation in all the burial ceremonies.

I wish to particularly thank the Senate President for personally being present. Although the delegation

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itself was led by the Chief Whip of the National Assembly, his presence added something else to our representation. I want to register our thanks to him and all the other distinguished Senators.

I must also say that we were very moved by the very strong presence of our distinguished Colleagues who served with him between 1999 and 2007. It is this appreciation that I want to register by way of personal explanation to my distinguished Colleagues.

Senator Gyang Dalyop Dantong (Plateau North): Mr. President, I have a Point of Order.

The President: Point of Order Senator Gyang Dantong.

Senator Gyang Dalyop Dantong: My Point of Order is under Order 42 which says:

- (1) *The matter for discussion shall if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.*
- (2) *If the claim is allowed by the President of the Senate and the leave of the Senate is given by at least one-fifth of all Senators, the matter shall stand over till the next legislative day.*

The President: What is the synopsis of the matter?

Senator Gyang Dalyop Dantong: I intend to bring a Motion on polio myelitis in Nigeria. Polio myelitis is a deadly but preventable infectious disease which is rendering our children crippled and a lot dying. As at 2005, we had just few cases of polio myelitis in about nine states (*Interruptions*).

The President: Sorry Senator Dantong, you raised the matter with me yesterday and I said that you could come under Order 42 but on a second thought, I want to know if it is urgent because if we do that now it means we must take it tomorrow. On reflection, I suggest you bring a proper Motion on it because it is not something that must be discussed tomorrow.

Senator Gyang Dalyop Dantong: It is urgent following the trend of events in the country. We have just started another round immunization.

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The President: That was what I mean when I said that you can bring a proper Motion rather than taking it under Order 42. I will suggest that you come with a proper Motion. Is it the wish of the Senate that he brings a proper Motion on this subject?

Several distinguished Senators: Yes.

PRESENTATION OF BILL

FCT Appropriation Bill, 2009

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of an Executive Bill standing in my name on the Federal Capital Territory Appropriation Bill, 2009.

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

The President: Clerk of the Senate, please read the Short Title of the Bill.

Federal Capital Territory Appropriation Bill, 2009
– read the First Time.

ORDERS OF THE DAY

CONSIDERATION OF REPORT

Report of the Committees on Federal Capital Territory and Housing on the Investigation of the Administration of the Federal Capital Territory from 1999 to 2007

(Third Allotted Day: Adjourned Debate on 22nd January, 2009)

Senator Teslim Kolawole Folarin: Mr. President, the first Order of the day is the resumption of the adjourned debate on the Report of the Committees on Federal Capital Territory and Housing on the Investigation of the Administration of the Federal Capital Territory from 1999 to 2007.

You will recall that the Senate recommitted the Report to the Committees of the FCT to resubmit specific and comprehensive recommendations on their observations and finding. I believe that the Report is now ready and I move that this Senate do now resume consideration of the Report.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do resume

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consideration of the Report of the Committees on Federal Capital Territory and Housing on the Investigation of the Administration of the FCT from 1999 to 2007.

Question put and agreed to.

Resolved: 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 to 2007.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, as directed by the Senate in the last Sitting when we were discussing this Report, we were asked to re-arrange all our specific findings as captured in our Report. We have done that. We lumped together all our findings in Annexures 1 and 2 before but now, we have brought them in the main body of this new Report. We have tried to assist by way of guiding our Colleagues. For example, if you look at the content of our Report on page 4, you will see all the items such as revocation, allocation, sales of Federal Government Houses and so on.

From page 11 we have the first recommendation, and other recommendations continue page by page. I do not want to scare my Colleagues because the document is voluminous but there are about 20 pages that captured only the names of people that made presentations before us. We can jump all those ones if you agree with the findings as they affect every item so that we would be very fast in attending to all the recommendations.

We are starting from pages 8 and 9 where we have findings, recommendations and allocations. Page 11 started the recommendations. I want to believe that since we have distributed the Report more than four times, my Colleagues have digested it. So, we will go through only the recommendations.

The President: The first recommendation is on page 11 but in order to ensure that we are all on the same wave length throughout this discussion, I will start calling from page 8. If you have any comment, you can make as we go along. I will read the recommendation and put the Question. That is a better way to do it.

Findings:

- (i) That the immediate past Minister of the FCT, Mallam Nasir Ahmed El-Rufai allocated 4,352 plots in less than 30 days to his exit as Minister.

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(ii) That the breakdown of allocations made in the last two weeks of his leaving office shows that he signed out 3,645 plots and on the last day of Obasanjo's administration on 29th May, 2007, the Minister signed out 655 plots even when the Cabinet had been dissolved on 16th May, 2007 by the former President Olusegun Obasanjo. The Committee finds this action to be reckless and without due authority of office.

(iii) That the former Minister of the FCT, Mallam Nasir Ahmed El-Rufai revoked land allocations without due process as the memoranda which he approved for the revocations were written by persons not authorised by law namely; Ezeamaka Cyril and Babatunde Olajide, his Personal Assistants.

Recommendations:

That the Federal Capital Territory Administration should:

(i) 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 and 15th May, 2007.

Senator Nkechi Nwaogu (Abia Central): I have an Amendment, Mr. President.

The President: Amendment, Senator Nkechi Nwaogu.

Senator Nkechi Nwaogu: Mr. President, I would suggest that on Recommendation (1) unless there is another place where these erroneous revocations have been asked to be withdrawn, if not, let us reward it to include that: *All revocations he made during his tenure in office that were erroneously made be withdrawn.*

The President: You are missing the point. The specific point here is that at the time he did this, he was no longer officially a Minister. That is the emphasis here and not throughout the period. We cannot go through all the things he did, otherwise we will never solve the problem.

Senator Nkechi Nwaogu: My problem is that I am yet to see where this recommendation has been extended to his other revocations. Apart from these names listed here, there are still many more names.

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Senator Abubakar Danso Sodangi: They are there.

Senator Nkechi Nwaogu: If they are there, I rest my case.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, I am just wondering if the Cabinet was dissolved on 16th May 2007. Should it not be right for us to move the date to 17th May, 2007 instead of 15th May, 2007? This is because if he had done anything on 15th May, 2007 it would still be within the law.

The President: That is a valued point because as at 15th May, 2007, he was still the Minister. I will put the Question now because the date has to be amended.

Senator Abubakar Danso Sodangi: The revocation was done after the dissolution of the Cabinet. It was not done on the day they were leaving office. It was done the following day. This is what is captured here.

The President: Supposed he signed the Certificate of Occupancy on 15th May, 2007, that is between 15th and 17th May, 2007. I am talking of the recommendation now.

Senator Abubakar Danso Sodangi: We can make the changes.

The President: So, I will put the Question on Recommendation (1) as amended

Amendment put and agreed to.

Recommendation (1) as amended put and agreed to.

The President: Recommendation (2) says:

All land allocations that were revoked by the then Minister, Mallam 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.

Again, this appears like an open-ended thing.

Senator Ike Ekweremadu (Enugu West): All we need do is to recast that aspect of the recommendation. If you look at 13(3) it stated that the Federal Territory

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Administration should.. That should also form part of the sentence in Sub (2). In that case, if we start reading from that recommendation at 11(3), it should read that the Federal Capital Territory should restore to their respective owners all land allocations that were revoked by the then Minister, Mallam Nasir El-Rufai, without due process. If we do not adjust it, the sentence will not flow. The words; *that the Federal Capital Territory should*, should flow into the second paragraph. If we leave it the way it is, it will not make any meaning. We need to recast that particular paragraph so that it will make a meaning and I am suggesting that it should now read thus: *That the Federal Capital Territory should restore to their respective owners all land allocations that were revoked by the then Minister, Mallam Nasir El-Rufai, without due process.*

The President: Let me write it down first.

Senator Ike Ekweremadu: The words: *That the Federal Capital Territory Administration should* are already there at the top. Then at the middle of that sentence you will see the words; *restore to their respective owners*. Then, you come back to *all land allocations that were revoked by the then Minister, Mallam Nasir El-Rufai, without due process.*

The President: The implication of what he has written in recommendation (2) is that all the revocations and allocations would go because these two persons; Ezeamaka Cyril and Babatunde Olajide were his Personal Assistants and they were party to all the certificates that he signed and all the revocations he made.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, I must confess that I have some difficulties with this recommendation. Let us assume that the allocations or revocations were without due process but these lands have since been reallocated to other persons who have built on them. Third party interest would have intervened. So, it would be difficult for us to take a recommendation that is very general.

I would suggest that we rather make a recommendation here referring it to the Minister of the FCT to take them, case by case. It would be very difficult right now to know what areas third party interests have already intervened.

The President: All right, Senator Sodangi just note down the comments.

Senator George Thompson Sekibo (Rivers East): I have a further Amendment. As a follow-up to what

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the Deputy Senate Leader has said, I want to re-phrase it this way which might capture what we are expecting: *The Federal Capital Territory Authority should review all land allocations that were revoked by the then Minister without due process.*

Now, the reason is that many of those plots that were revoked and given to other people might have been built on. So, if you are going to revoke all of them, it would cause more crisis than we already have.

The President: That it is what Senator Victor Ndoma-Egba has said.

Senator Chimaroke Nnamani (Enugu East): Mr. President, I expect that what distinguished Senator Ndoma-Egba said about 11.3.2 should also apply to 11.3.1 because what we are doing now is retrospective action. It is, indeed, possible that those who benefited from these allocations between 15th and 29th May, 2007 might have developed the plots and they are now going to suffer as a result of an illegality, which they did not know about *ab initio*. So, I believe that what the distinguished Senator said will also apply to 11.3.1.

Senator Abubakar D. Sodangi: If my Colleagues would exercise patience, they would see what we are saying here. There is a difference between land allocation and land revocation. If you look carefully, the next item: 12.0 is where we are talking about revocation but in this instance, we are talking about fresh allocations that were made by Mallam El-Rufai within thirty days of his departure. These plots are not developed yet. We asked the petitioners who told us they are still vacant plots. Unlike what my learned SAN said, these plots are vacant. Some of the petitioners who appeared before us said their plots of land were revoked by Mallam Nasir El-Rufai and given to other people. So, nobody has developed them.

There would be no problem if we agree that those plots of land that were given without due process should be revoked because Ezeamaka Cyril and Babatunde Olajide, the people that carried out this exercise, were not the authorised people; that is what we are saying in this item.

If you go through it, you will see those that we specifically said, yes; they were revoked and the reasons were given. Besides, we had even advised the current Minister to take them one after the other based on their merit. We have done that if you will take patient to go through the body of the Report.

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Senator Iyabo Olusola Obasanjo-Bello: Mr. President, I want to align myself with the views expressed by Senator Ndoma-Egba and Senator Sekibo regarding the Amendment that land should be reviewed and land of equal value and in a similar area be allocated to the original allottees. If we say all revoked lands should be given back to the original allottees, we would create more confusion in the system and the Senate after us might review what we have reviewed.

I believe the best thing is to say that all land allocations that were revoked should be reviewed and then land of equal value in a similar area should be allocated to people that were disenfranchised when their land was revoked.

The President: Let us not digress from our focus. The recommendations are drawn from the findings reached and that is as it should be. The former Minister of the FCT allocated 4,352 plots in less than thirty days. When you go to the next one, he signed out 3,645 plots on the last day of the Administration. So, we have all agreed on the first recommendation that the plots he signed when he was no longer a Minister were truly illegal and there is no way we can condone it.

The second one here is that he revoked and made some allocations after the revocation. We are now saying that he did not follow due process and I think our conclusion here is that let the current Minister review it. Is that not what we want?

Several distinguished Senators: Yes.

The President: So, that being the case, then the Amendment proposed that the *FCT should review all the allocations or revocations that were made within this period without due process*. Senator Sodangi, is that the correct intention here.

Senator Abubakar D. Sodangi: Very well, Mr. President.

The President: Senator Ndoma-Egba, does that capture the point you made?

Senator Ndoma-Egba: It does.

The President: All right, can any Senator couch it properly? Senator Sekibo.

Senator Sekibo: It would then read thus: *That the Federal Capital Territory Administration should review all land allocations that were revoked by the then Minister during that period without due process*.

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The President: During which period?

Senator Sekibo: *That the Federal Capital Territory Administration should review all land allocations and revocations that were carried out without due process*.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, Senator Sodangi's Committee created this problem because Recommendation 11.3.2 is supposed to relate to (1). In the process of doing so, they created confusion. The confusion that has been created is that the Committee is talking about revocation and allocation. The Committee should be very clear. Recommendation (2) should relate to allocations made under Finding No. (1). The way it stands now, it has even pre-empted 12.0. Therefore, their 11.3 should be made very clear because it is refereeing to allocations made at 11.1

The President: We had already agreed on what we want. It is just to word it properly now.

Senator Mahmud Kanti Bello (Katsina North): I am not putting it in a legal language but in a morale language. We should say that: *All land allocations that were revoked by the then Minister, Mallam Nasir El-Rufai without due process should be reviewed by the Federal Capital Territory Authorities*.

Senator Ike Ekweremadu: What we need to do would be to combine 1 and 2 and it may give us the effect. It would then read that: *The Federal Capital Territory Administration should withdraw all land allocations made by the former Minister of FCT which were signed between 17th and 29th May, 2007 when he has become *fonctus officio* at the dissolution of the then Federal Executive Council and review all allocations and revocations made between 1st and 15th May, 2007 with a view to restoring all such revocations done without due process*.

The President: That is all right. It will only form Recommendation (2) just to review all allocations and revocations within that period. We do not need to combine it with Recommendation (1) again but to just leave it as Recommendation (2).

Senator Ike Ekweremadu: So, Recommendation (2) will now read thus: *Review all allocations and revocations made between 1st and 15th May, 2007 with a view to restoring all such revocations done without due process*.

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The President: It is not to restore; let him review them and in the process he would do whatever is right.

Senator Ayogu Eze (Enugu North): The point that is being left out is that this Recommendation (2) is supposed to relate to the one coming below because it is talking about revocation that did not follow due process and from the flow of the Report this is not something that happened when he was about to leave office. It was something that happened throughout the period of his stewardship. So, if we decapitate it and link it to Recommendation (1) we have circumscribed the application of Recommendation (2) which is supposed to be something that applies throughout the period. Recommendation (1) is specifically devoted to revocation and not allocation. It has nothing to do with allocation.

The President: I am afraid, that recommendation is based on the findings and it has to capture that finding. Even if it is not, what we want to do now is for it to capture the finding. Please, let there be no further explanation again. Let us re-word this and move forward.

Senator Wilson Asinobi Ake (Rivers West): Let us say that the present Minister review all land allocations and revocations made without due process by the last administration because a lot of things happened within that period. Within the period the Minister was there a lot of things happened and it cannot just be between given dates.

The President: All right. We will urge him to review them and treat them on their merits. That is all embracing now. Is it not reflected somewhere else?

Senator Abubakar Danso Sodangi: I want to emphasise that my Colleagues should be patient. We took pains to look at every petition. We are talking specifically on what he did within 30 days of his leaving office concerning allocations and revocations. That is what we have captured here in our findings.

The President: Senator Wilson, we will take your sentence and just say not throughout the tenure but within the last 30 days of leaving office. So, read it and put within the last 30 days then I can write it down.

Senator Wilson Asinobi Ake: That the present Minister of FCT should review all land allocations and revocations made without due process within the last 30 days of the last administration.

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The President: I will now put the Question on Recommendation (2) as amended.

Amendment put and agreed to.

The President: On pages 12 to 24 you have Findings 1 to 3. Senator Sodangi, on findings (3) the last sentence there says: *If you give multiple plots of land to members of your family, friends and aids is it not to confer corrupt advantage on yourself, members of your family, friends et cetera; Response: Mallam El-Rufa: When you are a Minister give it to your enemy.* That is not a finding and it cannot truly be a finding. That the erstwhile Minister of FCT Mallam El-Rufai in response to the above admitted that he did errors in allocating plots to members of his family and associates. This was the classic case of abuse of power by Mallam El-Rufai. But I am saying that this is not a finding. The finding there is the fact that he erroneously allocated plots, but the subsequent thing is not a finding.

Senator Abubakar Danso Sodangi: In our finding No. (3), we captured the response of Mallam El-Rufai as regards the question put to him by Senator Heineken but if it is superfluous we can delete it and go to the recommendation.

The President: I am not asking you to delete it. I just wanted a clarification because this is your Report and we cannot write the Report here for you. We will go to the recommendations

Recommendation 12.3 - That the Federal Capital Territory Administration should:

- (i) *Restore all Government, Ministries, Departments, Agencies and Institutional allocations and acquisitions that were revoked, excluding residential allocations following the Monetization Policy on a case-by-case basis for those who applied. Properties developed up to the roofing or first floor other than allocations of land specifically revoked should be restored. While all original allottees should be considered for fresh allocation.*

Senator Victor Ndoma-Egba: That recommendation has given the responsibility to sort out these issues to the Federal Capital Territory Administration, but at the same time, went on to take away that responsibility. So, the recommendation should stop at; *case-by-case basis for those who applied.* If you go beyond that then the responsibility you have given to the FCT would have been withdrawn.

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The President: Rather than *restore* why not say *review*, which will be more appropriate. It would read thus: *Review all Government, Ministries Departments, Agencies and Institutional allocations and acquisitions that were revoked, excluding residential allocations following the Monetization Policy on a case-by-case basis for those who applied.* They will then make the right decision. So, I put the Question on Recommendation 12.3 (i) as amended.

Question put and agreed to.

- (ii) *Restore all allocations/revocations on which court orders subsisted before revocation/demolition and/or reallocation.*

Question put and agreed to.

- (iii) *Reverse all revocations in respect of land which did not contravene the Land Use Act or terms of their grants.*

Senator Ibrahim Mohammed Ida: Mr. President, they are saying reverse all allocations that did not contravene the Land Use Act.

The President: What I have on my own is; reverse all revocations and not allocations.

What is the difference between; *reverse all revocations that contravened* and *reverse all revocations that did not contravene*? The ones that contravened are the ones you want to be reversed.

Senator Abubakar Danso Sodangi: Mr. President, there were allocations of land that were carried out based on the due process before Mallam Nasir El-Rufai assumed office yet the past administration revoked them for whatever reasons. Therefore, our emphasis is that those allocations that were done in consonance with Land Use Act should be left. That is what we are saying here.

Senator Ayogu Eze: Mr. President, the confusion is in the use of the phrase; *in respect of*. I would have taken; *reverse all revocation of lands whose allocations did not contravene the Land Use Act or terms of their grant.*

The President: You are reversing revocations?

Senator Ayogu Eze: Yes, of lands that did not contravene the Land Use Act. It is not the land, so to speak, that contravened the law but the allocation process. What he was trying to say is that the process of

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this allocation did not contravene the Land Use Act. We must bring out that allocation because the reference is to the allocation and not to the revocation. It should read thus: *Reverse all revocations of lands whose allocations did not contravene the Land Use Act or terms of their grant.* That should be the correct thing.

Senator Steven Sola Akinyede (Ekiti South): Mr. President, I will word it this way: *Reverse all revocation in respect of land the use of which did not contravene the Land Use Act or terms of their grant.*

The President: Is it better that way?

Several distinguished Senators: Yes.

Amendment put and agreed to.

- (iv) Restore all the lands of the Department of State Security Service (DSS), National Intelligence Agency (NIA) and the Defence Intelligence Agency (DIA), revoked by Mallam Nasir El-Rufai.

Senator Abubakar Sodangi: The explanation I want to quickly give before you make your suggestion is that, there were land allocations given to these Agencies to develop for their staff and some you will find hereinafter are operational houses. They were all revoked and sold. For instance, the SSS and NIA had started developing their respective lands, suddenly they were revoked and they complained. These are our Security Agencies that we cannot play with. I will urge that whatever recommendations you are going to make, we should take into consideration that they are our security operatives.

The President: If I may ask; the SSS, NIA, and DIA, are all Government Agencies and then another Government Agency is doing this to them, so what did the Government do? Did they not complain to anybody?

Senator Abubakar Sodangi: They complained. As a matter of fact, they complained to the former President, Chief Olusegun Obasanjo, and he directed that FCDA should reconsider their case because they are operatives but Mallam Nasir El-Rufai refused saying that he has been asked to do this job without any fear or favour and without any discrimination. It is so clearly stated in the Report.

The President: I know it has been captured in Recommendation (i) but this is just for emphasis.

Senator Patricia Naomi Akwashiki (Nasarawa North): The land belonging to National Defence College

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was also revoked and there was confrontation as a result. Even the people to whom the plots were allocated cannot go there because armed soldiers are always on guard at the place.

The President: Let us insert it here for the purpose of emphasis. I will now put the Question on the Amendment to Recommendation (4).

Amendment put and negated.

The President: Recommendation (5) which is now Recommendation (4) provides: *All future revocations must be carried out only in accordance with the Land Use Act and the principle of fair hearing.*

Senator Ibrahim Mohammed Ida: Mr. President, this recommendation is really unnecessary because it has been taken care of. It is superfluous and unnecessary to state the obvious.

Senator Ayogu Eze: That is what the law says.

The President: I will put the Question on the new Recommendation (4).

Question put and negated.

Recommendation (6) which will now be Recommendation (4) provides: *Reverse all revocations that were made for non-recertification as the re-certification exercise tended to be a ploy used in depriving allottees of their allocations.*

Senator Abubakar D. Sodangi: If you recall, Senator Jibril Aminu in his contribution said that there was no reason for the recertification other than exploiting the previous allottees by asking them to pay certain money for the whole allocations made since 1987 to date to be re-certified and signed by one person. People had complied but their Certificates of Occupancy were not given back to them.

If the Recommendation here is not acceptable to this distinguished Senate, so be it but many people complained of paying for the recertification, yet their original certificates have neither been returned nor new ones issued to them. Mallam El-Rufai had voided all certificates with the exception of those signed by him.

The President: I will put the Question on Recommendation (6) which is now Recommendation (4) as amended.

Question put and agreed to.

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The President: We will go to pages 26 to 34 which deal with demolitions. The Finding which is 13.2 says that: *Right of Appeal was not available; no single demolition that was carried out followed due process. Over 50,000 dwelling units were demolished without alternative arrangement.*

Recommendation (i): *That the Federal Capital Territory Administration should 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.*

Question put and agreed to.

The President: Recommendation (ii): *Future demolitions must follow strictly due process and in accordance with Section 85 of the Urban and Regional Planning Act which provides that you must provide an alternative before demolishing a premises used for human habitation.*

Why do we not say: *Future demolitions must follow strictly due process?* I will put the Question on Recommendation (ii) as amended.

Recommendation (ii) as amended put and agreed to.

The President: 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 substandard structure or settlement takes place should be dismissed from office.*

Senator Felix Bajomo (Ogun West): I would like to suggest an Amendment that: *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, substandard structure or settlement takes place should be disciplined.*

The President: Even the couching of this recommendation, particularly the words *up and doing* does not seem to be all right.

Senator Abubakar D. Sodangi: We made this recommendation with a view to correcting the wrong that has been happening. If we have been listening to the radio and reading newspapers, three months ago or so, a house in Jabi collapsed and people were killed. In every district in Abuja, there is an officer in charge of

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that area. It is in an effort to avoid laxity and make officers sit up and do their job properly that we suggested this recommendation.

The President: Senator Sodangi, there is nothing in your findings to show anything about Development Control Unit. Therefore, it appears your recommendation has just fallen from the air.

Senator Mahmud Kanti Bello: Mr. President, for this recommendation, what we need to do would be to make it very simple. Development Control Unit must never allow illegal structures or settlements to develop in future. We are just recommending that they should not allow illegal structures to start coming up and that is all. We do not need to sanction them because they are employed by the FCT and there is condition of employment.

Senator Adeleke Olorunnimbe Mamora: I would just like to suggest that the sub-Section reads: *Development Control Unit must be alive to its responsibilities*; and we stop there.

The President: Must be alive to its responsibility. One of their duties is to ensure that they do not have illegal structures; that is in addition to whatever they do. So, if you restrict it to illegal structures; you will narrow what we are asking them to do. Its entire responsibility includes making sure that there are no illegal structures. It only means that there is something we have not captured. What are the responsibilities of the Development Control Unit, Senator Sodangi?

Senator Abubakar Danso Sodangi: The responsibilities of the Development Control Unit include among other things; giving approvals to buildings; stopping illegal structures wherever they see them coming up and giving notices. If at the end of the day, one does not comply with the rules, they would demolish the structure after following due process. That is what we are emphasising here.

The President: I think it is now clear. I will then put the Question on Recommendation (iii) as amended.

Question put and agreed to.

Recommendation (iv) says: *In all cases, right of appeal must be given to the*

Developers.

Question put and agreed to.

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Recommendation (v) says: *The FCDA should have layout designs for one and two bedroom apartments, blocks of ten self-contained rooms, each plot measuring between 250m² and 500m².*

Question put and negatived.

Recommendation 14.2 says: *That the Federal Character Territory Administrations should:*

- (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.*

Question put and agreed to.

- (ii) *Ensure that there is no alienation of re-settlement houses.*

What is the meaning of this one?

Senator Sodangi: What we observed was that even if government is mindful of getting another alternative settlement for the indigenous settlers; because of the fact that there is no strict rules guiding the occupation of such houses and owning them, they ended up selling them. I will give an example, if you are going to Bwari, half way there is a Gwari Settlement in Jabi they have sold all of them to other people. So, we are urging the Federal Capital Territory Administration to put a stringent measure so that these indigenous people should not alienate or sale the houses that have been given to them.

The second one is that of Garki Village. In Garki Village, all the Gbagys that were there were being relocated to about two or five kilometres after Apo Mechanic Village. If you do not emphasise this point, they will end up selling them and that is why we are saying that the FCT Administration should put stringent measures not to allow alienation of these houses. That is the emphasis.

The President: But is the right to buy and sale not that of an individual? Nobody can stop you from buying or selling your land. Anyway, I will put the Question on Recommendation (ii)

Question put and Negatived.

We are on the item of Complaints from Ministries, Departments and Agencies.

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The findings and observations of the Committee are treated on a case by case basis on the needs of the MDAs.

Court Orders: *The following persons that submitted written memoranda and or made oral presentation amongst several orders before the Committee and are listed as follows:-*

Findings: 16.2 – *Court Orders were disobeyed, the Committee found, they were several subsisting court orders.*

Recommendation: 16.3 – *The Committee strongly recommends that Nigeria is not a lawless society and the way the society allows certain people and institutions to pick and choose which court order to obey or not to obey if left unchecked, the nation shall have commenced an odyssey into an abyss of a cataclysmic proportion.*

Apart from the problem with that word, Senator Sodangi, this in itself is not a recommendation.

Senator Ike Ekweremadu: This is more of a sermon than a recommendation. Earlier on, it was said that all cases of revocation where there is a pending court order should be restored and that should be all for it. There is no need for us to deal with this especially where it is not well couched. So, I suggest that we discard the recommendation here.

The President: We should truly not even put that as a recommendation.

Senator T. U. Wada: If I read the minds of the writers properly, what they are trying to say is that Government should be seen to obey court orders. This is because it is only Governments that flout court orders. If a rat flouts court order, the court can always arrest him. So, I would like to amend this recommendation to read as follows: *Government should always obey court orders in order to set example for others to follow.* If we do that, it would be all right.

The President: Senator T. U. Wada, we have already said that and that is why this would not fly. I would put the Question on Recommendation 16.2 as amended.

Question put and negatived.

The President: The findings on Page 37 say:

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(1) *The Committee finds that some structures were built without authorisation and were subject to demolition. However, due process was not followed in demolishing them.*

(2) *The Committee finds that the FCTA did not stop the development of illegal structures ab initio when construction commenced.*

(3) *The Committee finds that some structures were demolished in error.*

(4) *That the errors claimed by the Minister, Mallam Ahmed Nasir El-Rufai were, in fact, systematic and not isolated.*

Recommendations 17.2: *Set up a Land Use Allocation Committee as a matter of urgency in accordance with the Land Use Act.*

Do they not have a Land Use Allocation Committee?

Senator Abubakar Sodangi: At the time of writing the Report, they do not have.

The President: Do they have now?

Senator Abubakar Sodangi: Yes.

The President: That is all right. I will put the Question on Recommendation 17.2(i).

Question put and agreed to.

Recommendation 17.2(ii): *Set up Urban and Regional Planning Tribunal in accordance with the enabling Act.*

Question put and agreed to.

Recommendation 17.2(iii): *Comply with the Recovery of Premises Act in repossessing houses.*

Question put and agreed to.

Recommendation 17.2(iv): *Make Abuja Geographic Information System to become a Land Registry only.*

Question proposed.

Senator Sola Akinyede: Mr. President, I just want to know why we should make Abuja Geographic

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Information System to become Land Registry only. We would need to know what the reasons are.

The President: What does that mean, Senator Sodangi?

Senator Abubakar Sodangi: As at now Abuja Geographic Information System is the one supposed to produce all the Certificates and they are not producing the Certificates as it were. They said that before they came, it was the Land Department of the FCDA that was producing Certificates and giving all other approvals of land allocations. But as of today, it is an Agency almost run by Julius Berger. Majority of the people working in the Abuja Geographic Information System are nothing but Consultants employed by Julius Berger. The office and computers there are not accessible to the FCT staff. It was when we came in and we raised objections that they accommodated some FCT staff. If you make them only a Unit, they would go back to the Land Department which would issue certificates for the Minister to sign and they would only register your certificate. If you are alienating or selling it, then you come and register and that would be all. As I speak with you that is the decision the last Administration had taken. They have agreed that Abuja Geographic Information System should register the Certificates. If you are transferring it, they inspect it and ensure it is the original one. That is what they are doing.

The President: Senator Akinyede, you were a Member of the Committee that looked into this.

Senator Sola Akinyede: Unfortunately, when this document was being done, I only got the Notice of Meeting yesterday though the meeting was scheduled for Thursday. However, my question is this; when we travel to other countries and you are in a taxi, you are not the person to tell the taxi driver how to get to his location. But in Nigeria, you are to tell the taxi driver how to get to a location. Now, we have a satellite system in Nigeria, why should we restrict the function of the AGIS to land registry? Why can AGIS not have a satellite system so that when you are in your car and you are trying to get to somewhere in Kubwa, for example, the satellite tells you how to get there just as it is obtainable in some other countries. It is dangerous to restrict the functions of this body. AGIS should be able to do this in addition to the work of land registry.

The President: Well, all the Committee Members signed except you and two others who did not sign. Anyway, that is not the issue, the point is AGIS.

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Senator Umaru Dahiru (Sokoto South): Mr. President, as you can see in Recommendation (i) which says that there must be a Land Use Allocation Committee, this is in accordance with the Act establishing all land matters in the country. Their Recommendation (iv) falls in line with Recommendation (i) because without Land Use Allocation Committee we may not be able to get allocation of land. So, the work of Abuja Geographic Information System as mentioned by Senator Sodangi, certainly must fall within Recommendation (i). It has to work within the Land Use Allocation Committee which is absent completely in the FCT now. This is against the Land Use Act. Therefore, I will support that it stays as Land Registry only.

The President: But AGIS is not in the Act. You are just trying to link it with the Act. You cannot link the two.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, this Senate should not throw away the bath water with the baby. AGIS, we all know, is doing a fantastic job. The only quarrel we have with Mallam Nasir El-Rufai and his staff is that they did not apply due process in their activities. I support that we should allow AGIS remain as it is today. Before AGIS came, land problem in Abuja was cantankerous. Since they came they have been able to re-define everything. So, I propose that we delete this recommendation.

Senator Smart Adeyemi (Kogi West): Mr. President, I just want to inform the distinguished Senators that AGIS presently is being managed by a group of Consultants which, of course, is not good for the system. If AGIS is being managed as a Unit of the Land Registry, it would go a long way to solving the problems and it would guide against a situation where foreigners are allowed to manage land allocation in Nigeria. Quite a number of people who are working there are not Nigerians and that explains the spirit behind this recommendation. I want my Colleagues to look at not only the content but also the spirit with which we are making this recommendation. A situation where you get consultants to manage land allocation in the Federal Capital Territory is not good enough for our system.

The President: The problem with this is that the spirit behind the recommendation is not captured anywhere in the write up. It is difficult for those of us who are not Members to know how you suddenly came by this. However, I do not think the problem is with them being Consultants. You are saying that they are foreigners but that is not captured anywhere here. This

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recommendation has just come not from any finding, therefore, it would be difficult for anybody to understand the spirit behind it.

Senator Sodangi, did you capture the problem of AGIS anywhere?

Senator Abubakar D. Sodangi: Yes, we did.

The President: You did not.

Senator Adeleke Olorunnimbe Mamora: Mr. President, you have just said it that we cannot see any spirit behind this. I just want to caution that the Senate should not take over the management of FCT. We should just leave this to the Minister to decide what he wants to do with AGIS. It should not be our prerogative to determine what to do with AGIS.

Senator Patricia N. Akwashiki: Senator Akinyede has just said what I wanted to say because when AGIS was established, it was supposed to solve all the problems such as double allocations and the rest of them but AGIS has gone further to make allocations. Their powers are unlimited. They collect funds, do recertification and also allocate lands. So, it is difficult for us to understand why AGIS has enormous powers like that. The aspect of consultants should also be looked into.

The President: Where do you stand? Are you supporting the recommendations or not?

Senator Patricia N. Akwashiki: I am supporting the fact that the Minister should re-organise the department. There are problems, so the Minister can do a lot by reorganising the place.

Senator Jibril Mohammed Aminu (Adamawa Central): I have no problem with the recommendation Senator Mamora made but the point should be made. In general what has been the problem with the FCT as it was being run by the former Minister was that a lot of the normal assignments of civil servants had been taken away and given to consultants.

Senator Abubakar D. Sodangi: Very well.

Senator Jibril M. Mohammed: This was brought to our attention during Budget defence. He put all his payroll as one lump sum and you will recall that we asked him; why did he not do like other Ministries; the Permanent Secretaries, Directors-General, *et cetera*. His submission was quiet perfunctory in my view but somehow this Senate passed it.

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There is a normal Land Department that you find in every State Government. These people handle all land allocations; they might have been inefficient and corrupt but it is the responsibility of the Minister to correct all that. Instead, what did they do? They took everything away from the civil servants and gave them to consultants. They gave these consultants all powers; traditional and non-traditional. As Senator Akinyede said, AGIS should do Land Registry and should also be responsible for navigation. Not only that, they should be charged with developing high-powered technology.

The normal functions of a Ministry of Land in a State should be returned to the Land Department and whether we made it as a law or we allow the Minister; that is what should be done. This is because the Civil Service is a pool. If a civil servant goes to FCT for three years, he is supposed to be in training. From there, he can be moved to the Ministry of Works or wherever and if you deny him the training by giving it to a consultant, you are not helping the system.

So, I appeal to the Senate to help the system by accepting the recommendation all be it in a modified form and allow AGIS to return to the more digital functions that we expect them to do at this time and return the normal functions of land to the Land Department of the FCT. Probably, they can be overhauled and by so doing, reduce the corruption and inefficiency there.

Senator Anyim Chukwu Ude (Ebonyi South): Mr. President, first of all, AGIS is definitely doing a good job. Secondly, the problem is restructuring. What we can do here is to mandate the Minister to restructure the FCTA and in the process, he should find a place for AGIS.

In the course of the restructuring, they will have to define which department does what but we cannot by our proclamation say that AGIS should remain. We should rather ask the Minister to restructure the entire system and accommodate AGIS.

Senator Sidi Ali (FCT): Mr. President, I am a Member of this Committee. I want to give information that may assist us in our work. As to the status of AGIS as at now, we have a Director of Land, who receives application, process it and allocate.

The AGIS takes care of information regarding the Abuja Master Plan; they process the certificates they received from the Land Department. You pay the AGIS and they issue you a certificate. So, it is more or less a registry of information as it is now.

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We are aware of the activities of Engr. Success in Abuja who has the signature of all past Ministers. He processes applications, allocates land and when AGIS came, it brought out all these anomalies. AGIS should be allowed to stay and work the way it is doing now while the Land Department receives applications and allocates lands; that is what it is now.

The President: I do not think that we are against AGIS. Unless I am not getting the story right, the problem we have here is that you have not brought out the exact problem with AGIS; you have hidden that one. You said it is the spirit and all of us here cannot see that spirit. That is where the real difficulty lies. Can we, please, do this recommendation because we have got enough explanation now?

Senator Femi Kila, one of the issues you raised is that AGIS is like an agent of Julius Berger at the moment.

Senator Adefemi Kila (Ekiti Central): As I said, I am now a Senator of the Federal Republic of Nigeria. I am no longer a staff of Julius Berger but having been in that company for a while, I should share my experience as far as this area is concerned with you.

Earlier on, the FCDA had a land registry that was totally in confusion. They really did not know what they were doing; files were stacked in hundreds. When you get there, you cannot get anything out. That state of affairs remained until Julius Berger was requested to assist as a consultant and we went into the whole environs of Abuja. At that time, we did a good job and we put in place the Master Plan of Abuja in diskette and we installed on every Director's table a computer that when you slot it in, you could locate every plot in the whole of Abuja environs. When we finished that, our consultancy time ran out and we left. That was before the creation of AGIS. Sometime after the situation degenerated into serious confusion again and became more confused than before, again Julius Berger was requested, on consultancy basis, to help. This time around AGIS was being properly positioned. Let us face it; if AGIS is allowed to continue in the next few years, we would have a navigation system in Abuja that would be like every other European or American country. Within two or three years time most cars in Abuja would be navigated. With this in mind; this country would benefit by allowing AGIS to continue to do a good job.

But as the President has said, we are not quarrelling with the existence of AGIS; the problem is the land registry. As my Colleague Senator Sidi Ali has just said,

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it is just in between. AGIS does not allocate land officially, all they do is to pass information; they would get all the applications into the system and pass them over to the Director who passes them over to the Minister for final approval. When that is done, they would take them back and put them in proper perspective, that is, print the Certificates of Occupancy for the lucky allottees.

The President: Senator Kila we do not need this lecture on Julius Berger's AGIS. I will put the Question on Recommendation (iv)

Senator Olorunnimbe Mamora: Mr. President, I have an Amendment which is that: *The Federal Capital Territory Administration should review the structure and administration of Abuja Geographic Information System.*

The President: I will put the Question on Recommendation (iv) as amended.

Question put and agreed to.

Recommendation (v) says: *Restructure the land Department of the FCDA to remain for the management, allocations, revocations etc of land in the FCT.* What is to remain for?

Senator James Ebiowou Manager (Delta South): I want the Chairman to explain Recommendation (v). When you say restructure, that means there is something in place right now as we speak. When you say remain for management, allocations and revocations, I am sure that is supposed to be the function of the Land Department.

Again there is a familiar style here, when you talk about findings, the recommendation is supposed to flow from the findings, but I have noted some recommendations that are very different from what the findings are. This is a very voluminous Report and you must go to specific findings and the recommendations would be based on the findings as you go on. You may call on the Chairman to explain.

Senator Abubakar Danso Sodangi: I am happy that Recommendation (iv) as amended by Senator Mamora has been captured. Before now Land Department of FCDA was the one processing your land application and the issuance of certificates which Senator Kila said were full of flaws and problems. Then they brought up AGIS that took over what Land Department used to do. They would process application, give out Certificate of Occupancy after registering it.

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They took over all that the Land Department was doing. That had been the compliant but in the course of our investigation, the past administration discontinued that practice. Now AGIS would just register people's land and if there is any process about change of ownership they would do that. That was what happened and that is what we have.

The processing of land is now being handled by Land Department because it has been restructured. So, most of these things have, more or less been overtaken by events. For the sake of emphasis, if you will pass this recommendation; the administration will be in a better position to run the administration of the land as captured here. Before, it was not the case because AGIS was everything.

Senator Annie Okonkwo (Anambra Central): When we talk of restructuring of Land Department, we have AGEI already and we cannot be seen as giving some instructions where we cannot implement. I believe that the most important thing is for us to recommend certain things that will remedy the situation. But as regards the administration; the Minister has the right to look at more effective and efficient ways of solving some of these problems in FCDA. I believe that giving them order to restructure, would not go down well. I also believe that it is important that we stick to the amendment to Recommendation (iv) and remove the restructuring of FCDA Land Department because we cannot restructure FCDA ourselves.

The President: I will put the Question on Recommendation (v)

Question put and negatived

Recommendation (vi) says: *Ensure that all land allocations and revocations must be in consonance with the recommendation of the Land Use Allocation Committee.*

Question put and negatived.

Recommendation (vii) says: *Take cognisance of federal character in allocation in every neighbourhood.*

Senator Sola Akinyede: That Recommendation as presently worded is very weak. During the discussions on the Report I remember a couple of Senators mentioned the fact that many states are short changed in this area, therefore, I will like to refer to Section 14 of the Constitution which says that: *The composition of the Federal Government or any of its Agencies and the conduct of its affairs, shall be carried out in such a*

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manner as to reflect the Federal Character. So it is mandatory and the word; *take cognisance*, is not sufficient enough.

The President: The problem I have with this as a whole is how will FCDA ensure this? It is not like going into the Unity Schools; this is a very different thing. If you do not apply, how do you get?

Senator Akinyede: During the Public Hearing of this Committee one of the comments I made was that we in Ekiti State are heavily short changed and the response was that indigenes of Ekiti State have 2,000 allocations somewhere near the neighbouring states of Abuja. We are saying that not necessarily that we are short changed in the Federal Capital Territory; if they say we have 2,000 allocations, they are in the outskirts near Nasarawa and Kaduna States. We should recommend that they should enforce the principle of Federal Character so that all states would benefit from allocations in the FCT.

The President: Do you know how many people from Ekiti State who applied for commercial land in Central Area? We should be very careful about what we say here? Unless you have all these statistics; we should take it for granted that whoever is the Minister would be an honest Nigerian. If any one of us is sent there, he will not discriminate against one particular state. Any one of us sent there would not be doing that on purpose. I am just worried about whether we should bring this in at all; you have just given an example of Ekiti State.

Question put and negatived.

The President: We are now to Pages 38 to 68.

Findings

- (1) That most houses were sold without regard to sales guidelines
- (2) That persons were ejected illegally;
- (3) Retired Public Servants who were still sitting tenants and who were in service at the period of sale and expressed interest to buy their houses were denied.
- (4) Some Civil Servants chose not to take advantage of the sale;
- (5) That some houses were taken from sitting tenants;

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- (6) In the course of valuation of Federal Government houses, houses in Kwali, Karshi, Bwari and few other places were over-valued to sitting tenants.
- (7) That sales or operational houses of the Department of State Security (DSS), National Intelligence Agency (NIA) and Defence Intelligence Agency (DIA) were revoked and sold by the Ad-Hoc Committee.

Recommendations:

- (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 such houses restored back to them or their dependant(s) as the case may be

The President: Senator Sodangi, is this not one area where the present Minister would have to do a thorough review on the way things happened rather than this type of recommendation? Maybe, just an explanation to enable me understand what this is all about

Senator Abubakar Sodangi: Mr. President, you will recall the controversy that were narrated during the sales of Government houses that 90 *per cent* of the people who were occupying these government houses were Civil Servants in whatever cadre; occupying one, two or three bedrooms and the guidelines said that sitting tenants must be given priority. But most of them were denied this proposal. They showed interest by paying 10 *per cent*, they bided and then they were short changed. That is why we have made this recommendation.

One other thing I want to bring to your notice is that at the time we were doing this Public Hearing most of those who complained before us, the past Minister asked the Ad-Hoc Committee to give them their houses. So, more than 50 *per cent* of those who complained at that time got their houses back.

What the Ad-Hoc Committee Members were doing was that they would seize houses that were meant for Civil Servants to pay about N2 or N3 million, and sell them for about N8 million to another estate developer and short changed the sitting-in tenant. That is what we have captured here. There are still a few cases there for the current Minister to review.

Senator Annie Okonkwo: Mr. President, this is another case that borders on what kind of order do we

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give. I believe that this may be handled on case by case basis. We cannot say let all the sitting-in tenants go back to their houses because some of them may have been involved in some foul play, which may be why they lost their houses. Therefore, it is better for us to allow the Minister to set up a Committee to investigate this on case by case basis without us giving a firm order to him on this.

Senator Idris Audu Umar (Gombe Central): Mr. President, we should retain this recommendation. This is because the recommendation is saying all original sitting government workers ejected from their houses but who have complied with all the necessary sales guidelines and have paid for such houses should have such houses restored back to them or their dependants as the case maybe.

This exercise is going to be carried out by the Ministry under the supervision of the Minister and we are providing the basic criteria which FCDA should follow in carrying out these recommendation. We cannot make a blanket recommendation and expect FCDA to comply. We should give certain criteria and guidelines and this is the threshold

The President: All right, let us put the Question on Recommendation (i)

Question put and agreed to.

The President: Recommendation (ii) says: *All persons who have paid, at least, 10 per cent for their houses and has complied with all other sales guidelines and are willing to effect the payment of the remaining 90 per cent, 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*

I think you are making things worse for them.

Senator Abubakar Sodangi: I have information to give, Mr. President.

The President: Yes, what is the information about?

Senator Abubakar Sodangi: Maybe, because of the fact that we have summarised the findings that is why you do not appreciate what we saw. There were people who paid 10 *per cent* and some who paid full. There were extensions of about three times given by the Federal Government for them to complete their payments. *(Interruptions)*

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The President: I agree with you but what we are worried about now is the two weeks you are giving to them.

Senator Abubakar Sodangi: We can forget about the time and just stop at *should be allowed to pay up*. Many people were asked by the former Minister to pay up immediately that the Committee is on their neck and the Committee on Housing was forced to give money to those Civil Servants that were bargaining with them. That was why we captured it here.

The President: I am now putting the Question on Recommendation (ii) as amended.

Question put and agreed to.

The President: Recommendation (iii) says: *All persons who have complied with all other sales guidelines and having a competent court order restraining the FCDA from evicting them at the time of their ejection, should have their houses restored back to them pending the conclusion of the cases so as to restore confidence in our judicial system and democracy.* That is the same as obeying court order, is it not?

Senator Ayogu Eze: I have an Amendment, Sir!

The President: Are you amending the recommendation?

Senator Ayogu Eze: I have a new Amendment.

The President: What is the new Amendment?

Senator Ayogu Eze: The Recommendation says all persons who have complied with all other sales guidelines. What does that say? It means all other sales guidelines except, but it did not say something like that. So, it should read: *All persons who have complied with all sales guidelines.*

The President: Recommendation (iii) as amended?

Question put and agreed to.

Secretariat, please delete the word *other* from the sentence.

The President: Recommendation (iv) says: 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.

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Question put and agreed to.

Recommendation (v) says: *All persons who bided and paid for houses occupied by Public Officers listed in (i) to (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 the houses are no longer available, should have their monies refunded to them with interest as charged by the bank from which they obtained the bank draft; restore the office building of NUJ at Area 11 Garki.*

Starting from the bottom of that recommendation, you will recall that when we wanted to do it for DIA, NIA and SSS, we said no. I will now put the Question in respect of Recommendation (v).

Senator Umaru Dahiru: Mr. President, I have an Amendment to the last sentence in the recommendation which provides for the restoration of the office building of NUJ at Area 11 Garki that was revoked by the former Minister of the FCT, Mallam Nasir El-Rufai. Again, why can we not recommend compensation? We can recommend compensation with regard to NUJ or whoever.

Senator Abubakar Danso Sodangi: I want to plead with my Colleagues that because of the volume of what we have here, the Secretariat will at times amend certain recommendations as in this case. Let me quickly say that the last sentence: *Restore the office building of NUJ at Area 11 Garki* is supposed to be an independent recommendation. Our reason is that NUJ was one of the first non-governmental organisations that were invited by the previous administration of the FCT or the Federal Government to relocate its headquarters to Abuja. In line with this invitation, the NUJ relocated its Headquarters from Lagos to Abuja and were given blocks of flat. At that time it was easy to see some block of flats belonging to the Federal Government in the FCT lying fallow. NUJ moved in and invested their money there and then the former administration of the FCT under Mallam Nasir El-Rufai revoked the allocation. That was why we said, it should be returned to them. I know as a fact that NBA was given one before but because the NBA did not utilise it, the Federal Government took it over.

I will urge that we separate the restoration of the office of the NUJ from item 5 and make it an independent recommendation; that is my Amendment. The rest will follow.

The President: You said that *all persons who bided and paid for houses occupied by Public Officers*

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listed in (i) to (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 money refunded to them.

What do you mean by; *on the other hand*? Why do you not say they should either be allocated new houses or have their monies refunded to them with interest at the prevailing interest rate.

You continued: *...as charged by the bank from which they obtained the bank draft*. How do you know the allottees paid through bank draft and all that? You could have simply said: *have their monies returned to them with interest at the prevailing interest rate*. That is all you want. We have to cancel the following word; *restore the office building of the NUJ*. I will put the Question on Recommendation (v) as amended.

Amendment put and agreed to.

The President: If you go back to page 25, you will recall that we amended Recommendation (iv).

Can we add the following words to Recommendation (vii); *restore the office building of NUJ at Area 11, Garki*. When we get there, we will take it.

Several distinguished Senators: Yes.

The President: Recommendation (vi) provides as follows: *The order of sale on houses that were overvalued in Kwali, Kuje, Bwari and other areas 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.*

Senator Sodangi, who did the valuation? Where there two different valuations?

Senator Abubakar D. Sodangi: At the initial stage of sale of these Federal Government houses, the reserved prices of houses in the remote areas of Kwali and Kuje were not as expensive as those in Garki. For instance, if it is 2-bedroom in Kwali, it will not be as expensive as 2-bedroom in Garki and they were sold at the cost of ₦1 million while that of Garki was sold for ₦3 million. But as the sale went on, they were selling similar houses to public officers at between ₦3 and ₦5 million as against the initial offer and so the Ad-hoc Committee on Sale of Federal Government Houses refused to accept the monies of those civil servants who

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offered between ₦1 and ₦2 million. That is why we are making this recommendation.

Many of the public servants who live in Giri on the outskirts of Gwagwalada are lecturers; that is the problem. We have been attending to many of these cases. Ours is mission accomplished as we have already taken care of most of these problems.

The President: I will put the Question on Recommendation (vi) as amended.

Amendment put and agreed to.

Recommendation (vii) says: *Restore immediately all the sale of operational houses of the Department of State Security (SSS), National Intelligence Agency (NIA), Defence Intelligence Agency (DIA) and NUJ including the following:*

- 1) 11 and 13 John Kennedy close, Asokoro, Abuja.
- 2) 7B Matadi Street, Wuse Zone 3, Abuja.
- 3) 7, Plot 1341A 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.

Amendment put and agreed to.

Recommendation (viii) says: *The sales of the three Vice President's Guest Houses should be revoked: to wit -*

Senator Sodangi, I do not really understand. The Federal Executive Council of which the then Vice President was a Member took a decision and Mallam Nasir El-Rufai went ahead to sell what they had not agreed upon. Is that the story here?

Senator Abubakar D. Sodangi: Mr. President, you will recall the face-off between the former Vice President Atiku Abubakar, Mallam Nasir El-Rufai and other Cabinet members. He was humiliated and

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ridiculed and we must admit that. The former Vice President protested that the houses were not his but for his office. Mallam Nasir El-Rufai said they would not listen to him because *Baba* meaning, President Olusegun Obasanjo, had asked him to sell the official Guest Houses of the then Vice President and that was why they were sold. That was why we deemed it very unfair and unjust and said it should be revoked.

The President: I will put the Question on Recommendation (8)

Question put and agreed to.

Senator Zaynab A. Kure (Niger South): Mr. President, my observation is on Recommendation (viii)(2). I have earlier on raised observation on the house being quoted there and I wanted him to verify that number for record purposes. This is because No. 32 is opposite where I live and it is not Alhaji Tijani Abdullahi that is living in that house. It is someone else.

Senator Sola Akinyede: Mr. President, I just believe that this recommendation is an Executive action; we should ask the Minister to review it so that if the party has *(Interruptions)*

The President: We should truly reach the moon before you raise your hands on some of these issues. What is the other information Senator Joel?

Senator Joel Danlami Ikenya (Taraba South): I would have loved that the Chairman of the Ad-hoc Committee throws more light on this Recommendation. Firstly, those houses were not opened for bidding and secondly, there was no due process. I want to inform the Senate that in the course of our investigation when the gentleman appeared before us, he said that those houses were not opened for bidding but for selective bidding and he was too sincere to be one of those that benefited.

The President: We have taken a decision on that.

Recommendation (ix) says: (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.* Why do you want to investigate them?

Senator Sodangi: We are mindful of our constraints and limitations when we are carrying out this job. From what we saw, we could have asked the Inspector General of Police to arrest them; but we said we would not do that. It is the wish of this Ad-hoc Committee that there should be mercy and that is why

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they are still there in the office. That was why we said that the appropriate agency, which is the Ministry of Federal Capital Territory, should investigate their activities while in government. We heard that they were served with court orders which they threw back on the applicants. They sold government houses to their friends and account has not been rendered by them. We found all those and that was why we said they should be investigated, simple.

The President: We gave you an assignment which you have done; if you suspected that any member of the Ad-hoc Committee had questions to answer, you should have invited and asked him and bring the report here. But to say that all the members there should be investigated is really going over board in my candid opinion, but I will take other opinions.

Senator Ibrahim Mohammed Ida: Senator Kure raised an issue, which should not be waived off. This is a lasting document and the Committee should make sure that all references to properties are really correct. It will not change our recommendations but it will ensure that we refer to properties that are really issues because there have been re-numbering. If you go to No. 32 now, you will find that it may be a different house from the one that we are referring to. The Committee should make sure that all references are to the correct houses.

The President: What their record is showing here is that No.32 was bought by Tijani Abdullahi. Is it not so, Senator Sodangi?

Senator Sodangi: Our record shows that it was bought by Tijani Abdullahi but if he has sold it to another person, it is a different matter. But the fact remains that the house is still there.

Secondly, what the last Administration did was to change all the house numberings. The subject matter is the house and it is there.

Senator Adeleke Olorunnimbe Mamora: I concur to what you said that one would have expected the Committee to go beyond what is here if they suspected anything unusual besides coming with this recommendation. It is vague to say all officers should be investigated without stating the reason or reasons for such investigation. If we must act on this, I would wish that you tell us that you investigated for so and so

The President: I will put the Question on Recommendation (ix)(a).

Question put and negatived.

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Recommendation (ix)(b) says: *All officers who abused their offices in whatever form by illegally selling a house and 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.*

We have discussed this. Senator Sodangi, this is not all right.

Question put and negated.

Recommendation (9)(c) says: The Ad-hoc Committee on Sale of Federal Government Houses in FCT should be reconstituted with a mandate to vet the sales and submit a report on the sales to the Hon. Minister and carry out the remaining sale of the houses.

Question put and agreed to.

Recommendation (9)(d) says: *All income from the sale of government houses should be appropriated to develop new layouts in the FCT to be sold in the following order to all those who have paid but have no houses allocated to them, civil servants who could not benefit from the current exercises, civil servants, public officers and political office holders, other Nigerians excluding companies.*

This is in line with what we said that we should not be doing the administration for FCDA. We do not need this because truly that is running FCDA for the Minister and we should not do it.

Senator Sodangi: Can I make some explanations?

The President: All right, make your explanation but after that I will put the Question.

Senator Sodangi: In the course of this investigation, we had a serious interaction with the FCT Administration and we asked them what they would do with the proceeds realised from the sale of government houses. They suggested that they would invest the money in building more houses for, especially those that paid but could not get houses. They agreed that there should be houses for the inhabitants of Abuja irrespective of whether you are a top civil servant; a junior person or a public officer or even a contractor. That was why we captured this and they have more than N24 billion in their kitty and they are willing to construct more houses.

It does not take anything from us to make this recommendation. We are not to execute all these

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recommendations but the Executive; and that is why we have captured it for you.

Question put and negated.

The President: On Jabi Lakeview Estate, the findings are there. **Recommendation** says: *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.*

Senator Tawar Umbi Wada (Gombe South): This recommendation is not very clear. I would like the Chairman to explain two things.

First, which are the 19 or 45 plots that they are recommending to be revoked? Particulars of those plots need to have been specified. Secondly, what happens to plots allocated at Jabi Lakeview before the advent of Mallam Nasir El-Rufai's Administration? Are they also included in these 19 or 45? This is because if we just say that they should revoke 19 or 45 plots at Jabi Lakeview Estate without giving the particulars of those plots, we would be doing a lot of injustice because we do not know these plots.

The President: If you read their findings all these things that you have mentioned are answered there. They said there were 19 plots that collapsed which have been sub-divided into 45 and re-allocated. That is why the Committee has stated them as either 19 or 45. I think it is covered.

Senator Sodangi, you heard his question? Senator Idris Audu, you are raising your hand. Is it more questions?

Senator Audu Idris Umar (Gombe Central): It is just to clarify the question raised by Senator T. U. Wada. The particulars of these 19 plots are contained in the annexure which has already been submitted to the Senate.

The President: Senator Sodangi further explained that on a visit to the site, the Committee noted that it had been virtually completed. What have been virtually completed?

Senator Abubakar Danso Sodangi: When we presented this Report, I took time to explain to you what Jabi Lakeview Estate is all about. It was the original plots of land allocated to NNPC to build their edifice. It was later revoked and given to individuals, 19 of them they said. Out of the 19 persons, we asked them to bring

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their documents and they gave us a policy file. We studied the file, and if I may refresh your memory; it was in that document that we found a four-year old child being allocated a plot of land. Of the 19 people only about seven came with different presentations. When we asked them how they got the allocations, they answered that they were asked to apply and they applied. We asked them further; when you applied who gave you the plots, and they answered that they were just given. How did you develop the; we asked further, they said they gave instructions to their Estate Developer to liaise with SPDC. At what cost; we further enquired? Some said N19 million and others said, N30 million. But when SPDC was interrogated they said that those individuals came to them and negotiated N30 million to build the 19 plots after they had sub-divided the plots into 45, which ordinarily is not even permitted.

In Abuja FCDA, you cannot be given three or five plots unless you purchased them and you decide to collapse them. Yet, they will tell you, no that you cannot merge them. But for these 19 plots, they were sub-divided and automatically approved. The people developed the plots and even brought in Julius Berger to provide access roads and other facilities. We asked SPDC how much each allottee paid, and they told us it was N30 million and that it went through their bank. Whereas when we asked those individuals how they got the land, they said they were just given when they applied.

Our conclusion, is that it is fraudulent. We did not find the real allottees because AGIS advertised that every allottee of Jabi Lakeview Estate should come before the Senate Committee Hearing but only eight people appeared and even those eight could not give us reasonable and satisfactory answers.

So, our recommendation is that those plots should be revoked and further investigation should be carried out by the appropriate agency.

If I may add for your consumption only; the policy file that we photocopied has been taken over by the EFCC and they are investigating the matter. Part of what we have asked FCDA to do is being done by the EFCC.

The President: The problem here is that your findings appear to be brief. You did not give much explanation though I followed all that you have said. If you go to your findings, just the last sentence there, it says: *The Certificate of Occupancy of the plots were signed for and collected on 28th May, 2007 by one Cyril Ezeamaka, a Personal Assistant to the Minister, Mallam*

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El-Rufai. All the plots, and all the certificates there, is that what you are saying?

Senator Abubakar Danso Sodangi: Yes.

The President: So, why are you winding and winding in your recommendation? Why did you not simply say that all the plots there should be revoked? What you said here in the recommendation is; *withdraw the Certificate of Occupancy of the 19 or 45 plots for irregularities in the allocation process and non-existent allottees*. I have understood what you mean, so let me put the Question on Recommendation (19.2)

Question put and agreed to.

SHELTER DEVELOPMENT LIMITED.

Findings - *The Company invested over N600 million. Mallam El-Rufai against a subsisting court order restraining the FCDA from carrying out any action and without any justifiable reason revoked the C of O and demolished the structures except one.*

Recommendation 20.2 - *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.*

Question put and agreed to.

American Hospital

Findings - *They revoked the plot at Airport Road and re-allocated to the American Hospital and gave them N129 million. The Committee noted that the action of the Minister was against the advice and opinion of the Planners in the Ministry as the action would be depriving over 200 Nigerians of their plots of land. However, the Directors of the American Hospital denied receiving N129 million or being involved in allocation but were invited to come and invest in Nigeria.*

I do not understand this. FCDA said they paid them N129 million; the people said they did not receive N129 million. Is that what you are saying here?

Senator Abubakar Danso Sodangi: They were given the plot of land and they took possession and had started developing the piece of land, suddenly, the FCDA came and demolished what they had developed saying that they would give them another location. The people complained that you gave us that plot of land and we wanted to build a hospital there. FCDA accepted to give them alternative place in addition to N129 million.

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That is what FCDA Administration came before us and testified including Mallam El-Rufai himself. But when the American Hospital Management appeared before us they said they were not given one kobo but they admitted they were given another plot of land. And that is our recommendation.

The President: You have not answered my question. My question is, did FCDA say they would give American Hospital Management N129 million or that they actually gave them that sum of money?

Senator Abubakar D. Sodangi: The FCDA said they would give them the money for the destruction of their structures and allocate another to them. But when the American Hospital Management appeared before us, they denied receiving one kobo. It is part of the investigation we said the FCT Minister should conduct as to the whereabouts of the ₦129 million that was allegedly given to the American Hospital.

The President: But did the FCDA show evidence because they did not pay ₦129 million in cash? Did you ask FCDA for evidence because the way this recommendation is, is not all right. If FCDA said they paid American Hospital a sum of ₦129 million, they must produce evidence. It is not just enough for FCDA to say they paid out ₦129 million. FCDA cannot pay cash. Did they show any evidence of that?

Senator Abubakar D. Sodangi: What we are trying to say is that the investments the American Hospital made in terms of providing water, sewage and rest of them is what FCDA quantified ₦129 million which they said they paid to the American Hospital but the American Hospital said nothing was given to them.

Senator Ibrahim Mohammed Ida: I have a problem in understanding the findings. The findings show that the Minister revoked the plots and reallocated them to the same party from whom the plots were revoked. That is the import of the submission here. The pertinent question I want clarified is, from whom was the land revoked and to who was it reallocated? That is my problem.

Senator Anthony O. Agbo (Ebonyi North): The situation regarding the American Hospital is that the ₦129 million in contention was information from the Ministry which they could not provide evidence that such money was paid and the American Hospital officials denied receiving such money. Then 200 plots of land were revoked from previous allottees in order to allocate land to the American Hospital in an answer to the question you are asking.

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The recommendation here is that, considering the importance of the hospital to the people and Government of Nigeria, the Committee accepts that the hospital be built while other areas can now be allocated to these 200 plot owners whom their previous allocations were revoked in that place. However, the evidence of ₦129 million was never presented.

The President: I have read this recommendation over and over and the more I read the more I get confused. I do not know whether any other person is in the same situation as I am.

The Committee observed that the proprietors of the American Hospital applied for land to build a hospital and was allocated a plot of land measuring 94 hectares which they had earlier accepted. However, the former Minister of the FCT, Mallam El-Rufai unilaterally revoked the plot along Airport Road which he then reallocated to the American Hospital and gave them the sum of ₦129 million. Let us forget the ₦129 million here but can we sort the allocation of plots out?

Senator Anthony O. Agbo: The revocation was to make up the 94 hectares required by these people because unallocated land there was not up to the requirement which the hospital needed. So, the then Minister had to revoke 200 plots and added it to the existing land there to make up the requirement needed by the hospital.

Senator Mahmud Kanti Bello: I am a little bit confused on this issue because the Committee observed that the American Hospital was given a land measuring 94 hectares. I want to know where that 94 hectares is. In which place and which one has been revoked? Is it the 94 hectares that has been revoked or what?

Senator Abubakar D. Sodangi: The history of American Hospital is that plots of land were allocated to individuals in the past; almost 200 of them. The American Hospital needed 94 hectares; the first allocation that was given to the American Hospital did not measure up to 94 hectares. This was changed to the present place where 200 Nigerian allottees were given plots of land. These 200 plots were revoked and then given to the American Hospital to make up the 94 hectares.

The President: Was it at the same place?

Senator Abubakar D. Sodangi: Very well, Mr. President.

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Senator Mahmud K. Bello: The Chairman needs to be briefed. This is because the Secretary of the Committee on FCT has just briefed me now that initially the 94 hectares is somewhere else.

The President: Senator Kanti Bello, you have no business with the Secretary. We need clarification but what is your information any?

Senator Mahmud K. Bello: I have privileged information from the Secretary of the Committee just now.

Senator Abubakar D. Sodangi: And not from Members?

Senator Mahmud K. Bello: Honestly, he told me that the 94 hectares are not in the same place. The issue is that it is not merged.

Senator Tawar Umbi Wada: The problem here is the question of narration. As I understood the Chairman, the American Hospital applied for plot of land and to make up the 94 hectares which they applied for the Minister had to revoke 200 other plots in the same area to make up the 94 hectares. It is the narration that is the problem here and that revocation was against an advice given to the Minister.

As the recommendation says here what we need to do is to approve the allocation of the 94 hectares to the American Hospital given the need for the hospital and then to ask that another 200 plots be given to allottees whose plots were revoked. That is exactly the point. The Committee did not narrate it properly here on the paper.

Senator Anyim Chukwu Ude: We have been doing very well so far. I would suggest that we stand down this particular issue and give it to the Committee to re-structure, improve on the narration and on the recommendation and resubmit to us. We can go ahead and deal with the other recommendations.

Senator Joy Emodi (Anambra South): Mr. President, honestly I do not see any problem with this. The most important thing is the recommendation. There is no need standing this recommendation down. It is very simple because the Chairman of the Committee, Senator Sodangi, said that they were given a portion of land; maybe, 60 hectares while they needed 94 hectares. So, 200 undeveloped plots of land were revoked. That made up the 94 hectares required for this purpose and now they recommended that the allocation to the American Hospital should stand and then the 200 allottees should be given plots of land elsewhere. This is

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very important to encourage more investors to come to Nigeria especially people that will invest in healthcare delivery in this country. So, there is no point standing this recommendation down.

Senator Danso Sodangi: Mr President, on this, even Mallam Nasir El-Rufai admitted that he revoked 200 plots but that, he did it in good faith which we also accepted. He equally accepted that he gave them another plot somewhere but it was not according to their own measurement and size. He said that he revoked them in the interest of Nigerians and that he was ready to give them another plot elsewhere. What we are talking about now is the whereabouts of N129 million which we could not prove because FCDA said they made improvement in the first previous ones. The only recommendation is that another 200 plots could be given to American Hospital somewhere. That is our recommendation and it is not controversial.

The President: Why do you want to restore the Deputy Director if you say that what Mallam Nasir El-Rufai did was good but the Deputy Director advised him against it? That could not have been a good advice?

Senator Danso Sodangi: According to Mallam Nasir El-Rufai; he did it in the public interest but the anger of Mallam Nasir El-Rufai stemmed from the fact that the Deputy Director should not have advised him against the public interest. That was why we said that the man should be restored. What Mallam Nasir El-Rufai did was good and let the American Hospital be allowed.

The President: I will now put the Question on Recommendation 21(2)(1) *that those that were initially allocated the plots should be given alternative allocation*

Question put and agreed to.

Recommendation 21(2)(2) says: *That the Deputy Director who queried these anomalies in this allocation and was dismissed should be re-instated to his job*

Question put and agreed to.

That the Management of the Hospital having presented varied and verifiable intention which the Committee considered to be in the best interest of the nation should not only be encouraged but be allowed to commence the construction and development of the Hospital.

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Question put and agreed to.

Senator Asinobi Wilson Ake (Rivers West): Sufficient information has not been given on the whereabouts of the N129 million which was mentioned. I will suggest that further investigation be made to establish the authenticity of the claim of the Ministry or that of the American Hospital Director.

The President: I am not clear in my mind on what happened. My understanding initially was that the Ministry said they gave the man N129 million but the explanation from the Chairman is that they undertook development to a tune of N129 million. Did you find out whether they did development and what sort of infrastructural development did they do? However, let us go to another item.

22.0 Allotees of Wuse Zone 4 Neighbourhood Centre; Plot 1247 Aminu Kano Crescent Wuse II,

Recommendation 22.2 says: *The Honourable Minister of FCT should revert the allocation and return the lands to the original owners and that is what justice demands.*

Just for clarification, I know that it was supervised by FCDA and others, but is it in the Master Plan?

Senator Danso Sodangi: I want to agree that it is in the Master Plan because the same administration of FCT led by Mallam Nasir El-Rufai after revoking the allocations gave them to the same allottees telling them to form themselves into a firm which they did and spent almost N850 million. But they fell apart and he revoked the allocations and reallocated them to another company. If the place was not in the Master Plan; he could not have allocated it to the present illegal allottee, that is, one person against almost 4,000 allottees that had been occupying that place and who were given a prototype structure to build there. In fact, I would say that it is in the Master Plan.

What I want to add, for your information is that, when we were doing this Public Hearing the present illegal allottee stopped all further developments. Further development was stopped in this Wuse Neighbourhood Centre. The place that I am talking about is the one opposite Sheraton Hotel. Most of our Members here are aware of that place. There were Nigerians working and earning their livings there. Their plots were revoked after spending N850 million. There is no justification whatsoever for revocation. That is why we are recommending that the place be given back to the

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previous allottees. There is no contention and we are not talking of giving them the money they spent.

The President: But if they expended so much and demolition was illegally done why are you not recommending compensation? Why did you say just give them back their plot, because you admitted that all their papers were in order and that they spend N850 million. The plot was demolished and then you say just give them back the plot. Why did you not recommend compensation for them?

Senator Abubakar Danso Sodangi: Let me explain the point very quickly. Where you are giving a plot of land and it was wrongly revoked, we recommend that you be given back your plot. In terms of compensation, there are also some places that we said if your house was wrongly demolished you should be compensated. If this is not captured in this case, it must be an omission from the Secretariat. I agree to your observation and we will apply the same measure.

Senator Ike Ekweremadu: Compensation may be an adequate remedy here. This is because when they revoked and demolished some of these neighbourhood centres, the argument, if I recall, was that some of those places should be used as malls as is the standard in Abuja instead of neighbourhood centres. So, the idea of giving it to one person is for him, to do a big mall instead of putting small buildings that look like a market.

The appropriate thing to do if we need to save the landscape, is to recommend compensation so that the malls can come up to beautify the area and it would be in tune with the standard in major cities of the world.

The President: Senator Sodangi, did FCDA give you any reason for allocating it to one person?

Senator Abubakar Danso Sodangi: There was no reason. All they said was that it was in public interest. If it was in public interest they would have said they revoked it in order to build a hospital or a school. But at the end of the day it was given to a company as against hundreds of Nigerians that were earning their living from there, and that was why we did not find it convenient. We viewed it as injustice on the part of the original allottees. I want to pray that we add in recommendation 22.3 that adequate compensation should be made to them. I want to believe that the Secretariat missed out that recommendation. In our document we recommended that they should be compensated.

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Senator Mahmud Kanti Bello: My fear on this recommendation is simple. Maybe, if you revoke and revert it to the original allottees, it might distort the Master Plan. Probably in the Master Plan of Abuja they wanted to put a mall there as pointed out by Senator Sodangi himself. The Neighbourhood Centre is a different structure. So, the ideal thing here is to recommend for compensation for those people.

The President: Can we ask the Minister to look at this and see what exactly is required in the Master Plan but recommend that they pay compensation to the affected people because that is the one that is guaranteed based on the facts before us?

FCDA demolished the buildings that these people have spent so much to acquire. Whether the Master Plan shows small shops or one big mall that, we are not sure of, so the Minister should look into it and then take a decision. Do you now want to re-word that since you are the Chairman?

Senator Abubakar Danso Sodangi: The people who petitioned are ready to rebuild this property whether as a mall or whatever. They are ready. They do not want to dispense with their ownership but the only problem is that the Minister was not willing to listen to them at the time. I want to emphasise here that the new allottee has not taken any possession. They only fenced the place. If the original allottees are allowed to take back their plot and build it based on the specification of the FCDA, they would do that, so that should be part of the recommendation.

The President: All right, let me put the Question. The Amendment here is that in addition to reverting it to them they should be paid compensation?

Senator Abubakar Danso Sodangi: Yes.

Question put and agreed to.

23.0 – SOCIETY OF THE HOLY CHILD JESUS:

Findings: The Committee noted that there was a valid Certificate of Occupancy covering 24.9 hectares of land. The Committee also noted that there was no revocation notice given to the petitioner.

Recommendation: That the remaining 10 hectares should be restored back to the petitioners if not yet utilised by INEC and if utilised, they should be given an alternative allocation of equal size and value. But did you not go to find out?

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Senator Abubakar Danso Sodangi: We did and discovered that they had given part of it to INEC. But at that time when we were having Public Hearing, there was no development. That was why we added this proviso that in case INEC are able to utilise part of the building, they should be given alternative plot. At the time we concluded our proceedings, the place was still vacant.

The President: If it was vacant, then we ask FCDA to restore it to them and then give INEC another one. So, you should amend that recommendation that it should be returned to the Society. I will put the Question now on 23.2 as amended.

Question put and agreed to.

ABBA JAYE AND SONS -

Senator Abubakar Danso Sodangi: That is straightforward.

The President: Let us move ahead and see how straightforward it is.

Findings: There are pieces of evidence of Certificate of Occupancy, approved building plan; photographs of various stages; correspondences between petitioner's Company and draft documents for Long Term Lease.

Recommendation: The Sale of the Company's Estate by Mallam Nasir Ahmed El-Rufai was most inappropriate and should be reversed and the property reverted to Abba Jaye and Sons Limited.

Question put and agreed to.

Page 78 - INTER-PROJECTS ASSOCIATES LIMITED

Findings: There are pieces of evidence of relevant fees and charges paid by the Company; formal allocation; No letter of revocation of the plot; the company was among the short listed companies published on pages 54 and 55 of ThisDay Newspaper.

Recommendation (25.2): The Federal Capital Territory Administration should restore the title document to Inter-Projects Associates Limited, and initiate negotiations with the Company regarding compensation for the demolished structures.

Question put and agreed to.

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G. CAPPALC

Findings: *The Committee sighted the Company's Certificate of Occupancy; the Company's Estate at Life Camp was sold to an individual for N27 million only. Similarly, the Committee noted that the Company's plot at Mpape was still left in absolute desolation. Who sold the property?*

Senator Abubakar Danso Sodangi: We were taken aback that a private property should be taken over by a Government Agency. When they complained, they were threatened, intimidated and harassed. That was what we saw. This is a property owned by a Company which they had built an estate on and it was taken over and sold. That is why we made this recommendation. They appeared before us and FCDA had no explanation because they would not have done that in the first place.

The President: What of the fact that the property in Mpape is still left in absolute desolation?

Senator Abubakar Danso Sodangi: They revoked that.

The President: All right.

Recommendation 26.2 says: *That the sale of the Company's Estate to an individual is most inappropriate and should be reversed and the property reverted to G. Cappa.*

The way your recommendation started, you said the sale of the Company's estate to an individual is most inappropriate. I do not know whether that is a recommendation because the recommendation really is that the property should be reverted to the owner. Let me put the Question.

Question put and agreed to.

We will now take 27.0: Late Justice Bashir Sambo's case. It is not only a very familiar case, it is also very unfortunate.

Recommendation 27.0 says: *The 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.*

It should be noted that Nigeria is not a lawless society and the way certain people and institutions are allowed to pick and choose which court order to obey or not to obey, the nation shall have commenced an

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odyssey into an abyss from where there is neither a u-turn nor a stop.

This is certainly not a recommendation. I will put the Question on Recommendation 27.2.

Question put and agreed to.

28.0 Premature Retirements and Dismissal of Public Servants:

28.1 Findings:

- (i) *That most civil servants in FCTA had their employment terminated unilaterally by the former Minister of FCT, Mallam Ahmed Nasir El-Rufai without recourse to the extant procedures and the rules while relying on the approval of the President which was that due process should be followed.*
- (ii) *That other public servants in the FCDA were transferred to the Office of the Head of Service by the Minister without collaborating with the Head of Service as required by the approval granted by the Federal Executive Council.*
- (iii) *That when the Minister was asked to reverse his decision, he refused.*
- (iv) *That those whose appointments were terminated were also forcefully ejected from their houses and were denied the right of first refusal to buy their houses.*

28.2 Recommendations:

That the 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.

Question put and agreed to.

We will go to Recommendation 29.1 to 29.4 as follows:

29.0 Abuja Markets Management Limited

29.1 Findings:

- (i) *The Committee received 107 Petitions on Abuja Markets Management Limited.*

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- (ii) *That titles given to victims were temporary and subject to revocation without notice or compensation.*
- (iii) *That traders were heavily charged by the Markets Management.*
- (iv) *That the Management of the Market brought in Mobile Courts that collects fines from traders and paid same into accounts of the Abuja Markets Management Limited.*
- (v) *That the Markets Management spent revenue generated without appropriation and that there was a Joint Venture Agreement between FCTA and Aso Timdoz Engineering Limited to build a market and operate it for some years but the Joint Venture Agreement was revoked by the then FCT Minister, Mallam Nasir El-Rufai for overriding public interest and ceded it to Abuja Markets Management Limited.*

29.4 Recommendation: *That the Federal Capital Territory Administration should:*

- (i) *Wind up Abuja Markets Management Limited and appoint Market Managers to oversee the running of the markets.*

Senator Teslim K. Folarin: Mr. President, I believe my Colleagues have done very well today. They need to be more refreshed and finish this very important Report.

For this reason, I move that the Senate do suspend further consideration of the Report till the next legislative day.

Senator Adeleke O. Mamora: Mr. President, I rise to second the Motion moved by the Leader that this Senate do suspend further consideration of the Report of the Committees on Federal Capital Territory and Housing till the next legislative day.

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Question put and agreed to.

(Further consideration of the Report, by leave of the Senate suspended, till next legislative day)

Senator Teslim K. Folarin: Mr. President, for reasons of time constraint, I move that the other items on the Order Paper be stood down till another legislative day.

Senator Adeleke O. Mamora: Mr. President, I rise to second the Motion moved by the Leader that other items on the Order Paper be stood down till another legislative day.

Question put and agreed to.

(Other items on the Order Paper, by leave of the Senate, stood down till another legislative day)

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I move that this Senate do adjourn till tomorrow, Wednesday, 4th February, 2009 at 10.00 prompt.

Senator Adeleke O. Mamora: Mr. President, I rise to second the Motion moved by the Senate Leader that the Senate do adjourn till tomorrow, Wednesday, 4th February, 2009 at 10.00 prompt.

The President: Before I put the Question, I believe that Senator Anyim Chukwu Ude has distributed his Report. I would like you to, please, go through. I do not know whether or not we will take it tomorrow but bring your copies so that you do not leave them at home.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till tomorrow, Wednesday, 4th February, 2009 at 10.00 prompt.

The Senate adjourned accordingly at 1.50 p.m.