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**Wednesday
4th 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, 4th February, 2009

The Senate met at 10:20 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 Tuesday, 3rd February, 2009. Pages 441, 442.

Senator Mohammed Kabiru Jibril (Kaduna Central): Mr. President, line 1 on page 442 reads: *He also extended the gratitude*; I thought it should read, *he also extended his gratitude*.

The President: I think that we will not correct English here; we would not bother about English because if we begin to do that we will run into crisis. This is because it could read; *he also extended the same gratitude*. We will try as much as possible to avoid correcting English unless in a place where it does not make sense any more.

Senator Mohammed Kabiru Jibril: The two are just obvious mistakes. Item 8 reads: *Report on the Investigation on the Administration*, instead of; *of the Administration*.

The President: Sorry, I have not got the one under paragraph 8?

Senator Mohammed Kabiru Jibril: It is on the second line, item 8, where it reads: *Report on the Investigation on the Administration of the Federal Capital Territory*.

The President: The sentence there; *that the Senate resumes the consideration of the report of the Committees on Federal Capital Territory and Housing on the Investigation on the Administration of the FCT*. Which of them are you correcting now, the first *on* or the second *on*?

Senator Mohammed Kabiru Jibril: I am correcting the first *on*. *The Report of the Investigation on the Administration of Federal Capital Territory*.

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The President: We can leave it that way. Senator Jibril I know that we all can read and write English but that is different from the thing you are trying to bring out here.

I am on Page 442? Yes, distinguished Senator Nimi Barigha-Amange.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, under Recommendation (ii), the first line; *All land allocations that were revoked by the then Minister Mal Nasir El-Rufai*. I think, the man is *Mallam* and not *Mal* and there is no abbreviation for *Mallam*.

The President: Where is Senator Yerima? He is the authority in Islamic Law here. It is *Mallam* and not *Mal*. Thank you.

Pages 443, 444, 445, 446, 447, 448, 449 and 450. Yes, distinguished Senator Joy Emodi.

Senator Joy Emodi (Anambra North): Mr. President, I wish to move that the Votes and Proceedings of Tuesday, 3rd February, 2009, be adopted as amended.

Senator Nkechi Nwaogu (Abia Central): Mr. President, I second the Motion as ably moved by Senator Joy Emodi that the Votes and Proceedings of Tuesday, 3rd February, 2009 be adopted as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 3rd February, 2009, be adopted as amended.

ANNOUNCEMENTS

Members of the Conference Committee

The President: Members of the Conference Committee on Public Procurement Act (Amendment) Bill, 2009 are as follows:

Senator Ahmad Mohammed Makarfi

Senator Anthony Manzo

Senator Otaru Salihu Ohize

Senator Nkechi Nwaogu

Senator James Manager

Senator Andrew Babalola

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Death of Alhaja Adijatu Abike Solomon (Nee Oluwa)

*His Excellency Senator David Mark,
President of the Senate,*

And All my Distinguished Brothers and Senators,

Notification of Death

I write to inform you of the demise of my dear mother, Alhaja Adijatu Abike Solomon (Nee Oluwa) on Friday, 30th January, 2009, in Lagos. She has since been buried in accordance with Islamic rights.

The 8th day Faridah prayers would hold as follows:

Venue: The Nigerian Police College, GRA, Ikeja, Lagos

Date: Saturday, 7th February, 2009

Time: 11.00 a.m. prompt.

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

May God honour and bless all of you as you come.

Thank you.

Yours sincerely,

(Signed)

Senator Solomon Olanrewaju Ganiyu.

Dinner in Honour of Senator Adamu Aliero

May I remind you also that the Senate Committee on Education is hosting Senator Aliero this evening at Chop Sticks Restaurant? The time is 8 p.m. prompt. If you come after 8 p.m., there will be no dinner for you.

MATTER OF URGENT PUBLIC IMPORTANCE

Senator Patricia Naomi Akwashiki (Nasarawa North): Point of Order!

The President: What is your Order?

Senator Patricia Naomi Akwashiki: Mr. President, I am coming under Order 42, on Matter of urgent Public Importance and with your permission, I read:

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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.

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 the Senators, the matter shall stand over till the next legislative day.

The President: What is the matter about?

Senator Patricia Naomi Akwashiki: The matter is the burning of Akwanga Market on 1st January, 2009 around 2 a.m. Just when we were waiting for the Lord to see us through to the New Year, the market was burnt, and that is where most of the food stuffs for the zone are stored.

The President: Yes, Senator Akwashiki spoke to me this morning and brought a paper that showed the name of Senator Sodangi and Senator Adukwe on it. They want to bring a Motion about fire that razed Akwanga Market to the ground and I have no objection to it. I saw the Prayers, which are simple and straightforward, but as it is required by our Standing Rules, I need the consent of one-fifth of all the Senators present.

Question put

Unfortunately, it is just the consent of one-fifth that I need and not the majority, and by the voice vote that I heard, those who voted Aye are up to one-fifth of the Senate.

Several distinguished Senators: They were only three.

The President: Senator Patricia, I will not rule on it now, but you will bring this Motion up again and then I will determine whether it is one-fifth or not. You should withdraw the Point of Order first.

Senator Patricia Naomi Akwashiki: Mr. President, I rise to withdraw my Point of Order.

The President: Distinguished Senators, the Point of Order is withdrawn; we will discuss it further, please.

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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

(Fourth Allotted Day: Adjourned Debate on 3rd February, 2009)

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first Order of the day is the resumption of Adjourned debate on the Report of the Committees on Federal Capital Territory and Housing, on the Investigation of the Administration of the FCT from 1999 to 2007. The Senate deferred the consideration of the Report to the next legislative day which is today. I move that this Senate resumes the consideration of the Report.

Senator Adeleke Olorunnimbe Mamora (Lagos East): Mr. President, I rise to second the Motion as moved by the Senate Leader that the Senate do resume debate on the Report of the Joint Committees of the Senate on FCT.

Question put and agreed to.

The President: We stopped yesterday on page 81. We are to continue with the Recommendations 28.2.

Recommendation 28.2 - *That the FCT should set up a Committee to look into the determination of employment by the former Minister of FCT, Mallam Nasir El-Rufai, and take appropriate action in each case.*

Question put and agreed to.

Abuja Markets Management Limited (AMML)

The President: The findings are on page 82, paragraph 29.3 as follows:

- (i) *The Committee received over a hundred Petitions.*
- (ii) *The Titles given to victims were temporary and subject to revocation.*
- (iii) *That traders were heavily charged by the Markets Management*

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(iv) *Mobile Courts were brought in to collect fines.*

(v) *The Management spent their revenue without appropriation.*

Recommendations: *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.*

What is the difference between the management and just appointing managers? Are you not going to transfer the illegality from one body to another?

Senator Abubakar Danso Sodangi (Nasarawa North): Mr. President, there were lots of abuses by the management of these markets and a lot of complaints from the traders. That is why we made this recommendation. The information I want to give to us this morning is that the Market Managers was disbanded by the last Administration of FCT.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, Senate Reports are permanent records, and I want to believe that this Senate should concern itself with broad issues of politics. We should not be dragged into the arena of trying to manage markets or run the FCT for the Minister. This recommendation will be dragging us into the arena, and we should avoid that. The best we can do here, in my opinion, is for us to recommend that the FCT Administration should review the administration of markets in the FCT.

The President: Yes, I agree entirely to that. We should not begin to run day-to-day administration of FCT. The whole recommendations under market are minor administrative things that this Senate cannot get itself involved with. It does not matter what happened in the markets in the course of this investigation. We should not bring ourselves to that level because there is a Minister in charge.

Senator Anthony Agbo (Ebonyi North): Mr. President, there was a kind of misrepresentation here. The main complaint here is that Aso Timdoz Engineering Limited is a company which entered into agreement with the FCT to build the market and run it for a given number of years. They built the market and on starting to run it, the then Minister revoked the agreement and gave the market to a private company to run. Aso Timdoz that used their money to build the

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market was set aside. The recommendation here appears to me to have some typographical error.

The President: Before you go to the recommendation, where is it reflected in your Report?

Senator Anthony O Agbo: It is reflected in our finding No. (v).

The President: The Markets Management spent the revenue generated without appropriation.

Senator Anthony O. Agbo: That is not all that is said on finding No. (v). It continued.

The President: Yes, which is that; *there was a Joint Venture Agreement between FCTA and Aso Timdoz Engineering Limited to build a Market and operate it for five 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.*

These are all internal matters. It does not really matter. (*Interruptions*)

Senator Agbo, let me just explain, please. Distinguished Colleagues, we should be mindful of how low we want to go. We cannot be running the day-to-day administration of any Ministry here. Let us concern ourselves with simple policy matters that we can take at this level, please.

Senator Lee Ledogo Maeba (Rivers West): Mr. President, pursuant to what Senator Bob said, the main issue about this market which I see from the Findings is that there was a breach of contract that was reached between Aso Timdoz Investment Limited that actually built the market and have not recovered their money and the FCT Administration. FCT Administration breached the contract agreement and asked Aso Timdoz Investment Limited just to leave. That is a serious policy issue but surprisingly that issue is not reflected in the entire recommendation.

So, the issue about Aso Timdoz Investment Limited needs to be addressed in the recommendation. The recommendation would have simply said that the FCT Minister should investigate the circumstances surrounding the revocation and to see whether or not to reverse the decision. The Report should not have gone into talking about mobile courts and all that. The recommendation does not address the real issue rather it delved into menial market manager's issue. It should have addressed the issue of revocation which is a

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serious matter. I would propose that this revocation be looked into by the FCT Minister.

Senator Umaru Dahiru (Sokoto South): Mr. President, I feel that the recommendation should go a long way in determining what public interest is. The Report that we received says that a company by name, Aso Timdoz Investment Limited invested its money to develop the market and within their terms of agreement they were supposed to run it for sometime to be able to recover its investment, but unfortunately, it was revoked and given to another company entirely. Is a limited liability company a public interest?

How do we determine what public interest is? Can I revoke somebody's plot and give it to someone else? Was that revocation made in the overriding public interest? I thought the recommendation should address this so that we can really determine whether or not the Minister acted in the public interest. To my mind, he had not acted in public interest.

So, I thought the recommendation should be that the matter be referred to the current Minister to determine whether or not the revocation was actually done in the public interest and take appropriate action.

The President: We can save time and save ourselves from the agony of repetition because every distinguished Senator is saying the same thing. If it is not a new thing there is no point emphasising it so that we can make progress.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, if we go to Recommendation 37.2, in the same vein, the Committee is recommending that Abuja Investment Company Limited, Abuja Markets Management Limited and Abuja Property Development Company Limited be merged and reverted to Abuja Investments and Property Company Limited.

In one vein they are asking that some market managers be appointed to oversee the running of the markets and in another recommendation they are asking that they should merge with Abuja Investments and Property Development Company Limited. I just want to point this out.

Senator Ibrahim Mohammed Ida (Katsina Central): From the Report here, this is a simple case of a breach of agreement. It has nothing to do with the title of the property itself. These people should have had recourse to the court of law for a breach of agreement. It is not something we should dwell on here. If the FCT decides to renege on that agreement, the people should

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have recourse to a court of law where they can file a case for a breach of agreement because it is not the title of the land that was given to them but an agreement between them and FCT to run it.

If it had been a revocation of title, then the issue of overriding public interest should have applied but this is simply a case of failure to abide by an agreement reached by two parties. This Senate has no business with this.

Senator George Thompson Sekibo (Rivers East): What we got from the summary of this Report is that, there is a breach of contract and there are avenues to seek redress in such a matter. Also the recommendation does not even capture what they are talking about. I want to support my Colleague that has just spoken that this matter be left to the aggrieved party to seek redress.. They can seek redress and get judgment from the courts if there is a breach of contract. So, we should leave every issue about this recommendation.

Senator Olorunnimbe Mamora: I will suggest that the Federal Capital Territory Administration investigate the circumstances leading to the alleged contractual breach in the management of markets in Abuja, while urging the FCTA to put in place efficient and functional way of managing the markets.

The President: Senator Ndoma-Egba what was your own recommendation?

Senator Victor Ndoma-Egba: My own recommendation is that this Senate FCT Administration reviews the administration of markets in FCT.

Senator Omar A. Hambagda (Borno South): Mr President, there are two ways to this matter of markets management. One is to have an umbrella and each market would act as a profit centre and secondly, there would be an overall coordinating body which had been the case.

It is alleged that that did not work because the umbrella body was abusing the processes. If each market is to operate, there has to be some coordinating mechanisms either coordinated by the Office of the Minister or a company that would treat these things as profit centres. What is required is defining exactly the role and the profit responsibility of each market and then the present organisational structure could still work.

Again under all these Investment Companies, you can have an umbrella organisation and treating each

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Investment Company as a profit centre. This is because if you treat each one of them as a separate entity, you are multiplying General Managers and all kinds of Boards that would manage them. So, it is something that, perhaps, should capture what Ndoma-Egba said with the proviso that a competent Management Consultant should look at the organizational structure of the various organizations.

The President: Distinguished Colleagues, truly we should not waste time on this. We should not involve ourselves with the running of markets. There is no policy issue here just running markets and we want to discuss whether they set up an Investment Company or whether they get one to manage it; why should we dissipate energy on this? . It is truly not necessary at all. The whole recommendation on the Abuja markets to me, does not really come into the question at all.

Senator Mamora's Amendment is that, only because it has appeared there, but left for me, we would have completely ignored it because we should not bother ourselves with these markets. But since it is here, let us make a simple recommendation that the FCT Minister should review the management of the markets.

I will put the Question on Recommendation 29.4 as amended

Question put and agreed to.

That covers the whole recommendations on Mobil Courts; Shop Owners and the rest of it.

Abuja Investment Limited:

The finding is that the Company collected billions of Naira within the period under review but could not give proper account as there was no account and no returns.

I do not know whether towards the end of the Report the Committee got tired. You people made a one-line sentence and when we begin to talk of the recommendations, you would then explain things that we cannot find in the Report. This document should stand the test of time. Ten years from now nobody would say that this was the discussion that took place there. There is no need for the explanation. Let me go to the recommendation. I am saying that this is the trend towards the end of this Report.

Senator Anthony Agbo: If you remember our first submission was a very big Report; but the Senate looked at it and said that we should prepare a Summary

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of Recommendations and it is that Summary that we are discussing today.

The President: We are on Recommendation 30.2 say: *The Committee recommends that the company's account be audited by the Auditor-General of the Federation while the appropriate agency of government investigates the Management Board.*

Senator Sidi Ali (FCT): I really want to draw our attention to the fact that whether rightly or wrongly, FCT has the right to register a company which on its own could sue and be sued. Abuja Investment Limited is a company registered by FCT Authority. To that extent, I do not see how the Accountant-General or Auditor-General could audit this private company. Abuja Investment Company is a company on its own, that could sue or be sued. Any person that has anything against this Company should go to court. That is my position.

Senator Ayodele Sylvester Arise: Mr. President, I like to respond to Senator Sidi Ali's observation because of an experience I had yesterday.

There is a company that wants to bring a petition on demolition, which I have looked into. Abuja Investment Company took part of a land that the company has legitimate approval for. Abuja Investment belongs to the FCT and the FCT is using government might to support them, so we cannot rely on the courts to get justice. FCT as a government organization gives them cover. So, the issue of Abuja Investment should be looked into very critically. I believe that if the government wants to set up a private company to compete with private people, they should allow them level playing ground without giving support to one against the other so that the issue of fairness and the courts being able to arbitrate correctly, would not be jeopardised.

I also think that Abuja Investment Company from the findings we have seen so far; has not been able to justify all the money given to it. They look at it as a government company and we know how government institutions in this country are treated. When you give them money, they look at that money as a private thing. They do very little work with it.

I have not participated much in discussing the findings of the Committee on FCT in respect of this Report, but the little I have seen and heard about Abuja Investment Company, the Senate should please ask Senator Sodangi's Committee to take a very critical look at that organisation vis-à-vis its activities. I do not mean FCT as a whole but the Abuja Investment Company. The running of the markets should be look at

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very critically so that they can give us more comprehensive Report.

The President: I do not know whether you are supporting the recommendation or you are against it because your narration is neither here nor there.

Senator Anyim C. Ude: I have a problem in this matter. We have 36 States in Nigeria and Abuja is the 37th and each state has authority to do certain things including setting up companies.

In this Report, are we treating an Investment Company set up by Abuja Administration which is like a State Administration, as a Federal or a State Venture? Where is the thin line? Where does one begin and the other stops?

Senator Tawar Umbi Wada: Mr. President, I intend to support these recommendations for two reasons. The first one is that the National Assembly is the legislative house for the FCT. We are the replica of a State House of Assembly. So we have a mandate to direct this investigation to be done.

The second reason is that the question of the Auditor-General or any other Auditor auditing the account is a day-to-day activity. The management of Abuja ought to direct for the annual auditing of the accounts of that company. If the management is not doing that, it is our duty to remind them to do so. So, the recommendation is proper. It should be supported by distinguished Senators.

Question put and agreed to.

Abuja Down Town Market Project:

The President: Are we still going to be discussing markets?

Several distinguished Senators: No.

The President: The Findings are on 31.1(a), (b) and (c). Can you just explain what 31.1(b) is because it appears that is where the meat of your Report is?

Senator Abubakar Danso Sodangi: This is a different item from the general Market Management. There was an advertisement by the FCT Administration that there should be accelerated project to build Shopping Malls in Abuja, and private developers were invited. This Alpha Property went into agreement with FCT and they invested an amount of N1 billion. At the end of the day, the Agreement was determined. Julius

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Berger was called to excavate the place and for excavating the place, FCTA paid them about N270 million. We stated it in the Report. The man was not given the property and we said, there was miscarriage of justice. So, we urge our distinguished Colleagues to approve our recommendation.

The President: Who paid Julius Berger N270 million? Was that payment made out of the N1 billion given by the company or it was paid out of their own money?

Senator Abubakar Danso Sodangi: It was charged against Alpha Property without any interest but the man is still complaining that he is ready as a Nigerian Company to build the Shopping Mall. That is what we found and have recommended to you. I would abide by whatever decision this Senate takes at the end of the day.

Senator Nicholas Y. Ugbane (Kogi East): Mr. President, I do not know whether this document as they have told us is just a summary of the full Report. If as a company, I entered into an agreement with a constituted body, and they violate that agreement, the first thing is to seek redress in the court.

I do not understand why a company that has put N1 billion into a project will just go to sleep after the agreement was unilaterally terminated, and we are now being asked to decide what should be done to the company. We need more information as to what the company did when that agreement failed. More information is required in this instance.

The President: I will put the Question but Senator Sodangi, can we not just tell the Minister to review this matter?

Senator Abubakar D. Sodangi: That is all right.

The President: We are saying revoke, when we do not know the nitty-gritty of what happened. We should just tell the Minister to review the Joint Venture Agreement and take the right decision. I will put the Question on Recommendation 31.2 as amended.

Amendment put and agreed to.

We now go to Recommendation 32.0 on the concessioning of Eagle Square and International Conference Centre, Abuja; Page 84. The Findings are No. 32.2. The Recommendation which is No. 32.3 reads: *That the Federal Capital Territory Administration should revoke the Concession*

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Agreement of the International Conference Centre and the Eagle Square forthwith for overriding public and security interest of the nation.

Senator Patrick E. Osakwe (Delta North): Mr. President, I am happy that this Report is being considered. As you rightly said, sitting down here and revoking agreement would be very prejudicial to our laws and I feel that if one opens his two eyes and enter into agreement, it becomes contractual; which means a contract has emerged. Besides, we do not know the nitty-gritty of the contract. Before one signs a contract, the body of that contract will tell everything that the contract is all about.

As much as I appreciate the good job that has been done, I feel that asking this distinguished Senate to take such a decision would be too harsh on the parties. I also feel that we should leave this matter to another review as we did with the previous ones whereby the FCT Minister can treat these cases on their merits without making this Senate take such irrational decision. I feel that it should follow exactly the way the previous ones went.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, as my distinguished Colleague has just said, I believe looking at the Report, you will find out that there is no company that got the concession. We only noticed that a concession had been made but to whom the concession was made is not reflected in the Report.

I believe that there is nothing, from the findings of this Committee, to justify the revocation of that concession and to say that the company has no international or previous experience is to say that performance is always dependent on experience. There is nothing in the Report that shows that they did not perform.

I believe that the recommendation should be adjusted to read that the Minister should cause investigation to be conducted on the concessioning and performance and take appropriate action accordingly instead of revoking the concession agreement entirely.

Senator Mohammed Mana (Adamawa North): Mr. President, these two edifices; the Eagle Square and the International Conference Centre are very important. Let me say that in 1999 I played a part in the construction of the Eagle Square. We used to visit that place in the night so that we can usher in democracy and that is where we did the handing over ceremony. Billions of Naira was spent there. So, if the Committee investigated and found that they are not being run properly, all we need to do, perhaps, is to urge the Hon.

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Minister of FCT to review and ensure that these places are functioning properly.

As has been pointed out in the Report, we hold a lot of international conferences at the International Conference Centre and we host foreign Presidents and dignitaries there. Therefore, the place should be properly managed. A lot of money was spent in constructing these structures.

The President: But I thought that the trend all over the world now is for the government to allow the private sector run places like this. We cannot in one breathe say one thing and in another breathe say the exact opposite. Can the government really manage those places? If they cannot, then let them look for people who can manage them.

Again, you said this is an abridged report. I have been looking for the main Report to see what the problems are, but I do not see the security implication if anybody is managing it. But whether government should be managing these places or not, is what we should bear at the back of our minds.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, it is very important for us when looking at issues of this nature to always remember that in the Constitution of this country there is right to fair hearing. I will refer my Colleagues to Section 36 of our Constitution. With your permission, I read:

(1) In the determination of his civil rights, and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

(2) With prejudice to the foregoing provisions of this section, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person if such law –

a) *Provides for an opportunity for the person whose rights and obligations may be affected to make representations to the administering authority before that authority makes the decision affecting that person.*

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My view here is that this company that has been given concession obviously cannot make a representation to the Committee urging that their concession be revoked. Therefore we should urge the Minister of the Federal Capital Territory to look into this issue and then decide the best option for the government and the people of this country and in the interest of the Constitution as well. He should ensure that this person's right or the company's right is protected.

Senator James E. Manager (Delta South): Mr. President, what we are doing here as a Parliament basically and that is what the Constitution says, is to expose corruption. This Report as it appears, has sufficiently exposed corruption. Looking at this particular recommendation which flows from the findings, let me say that these two things were concessioned to one company and that company for the whole period made less than ₦4 million profit.

As Senator Patrick Osakwe has said, there is a contractual agreement. We do not know the legal implications of revoking it, therefore, we have to refer it back to the Hon. Minister of FCT for review. I want to remind us that we have referred so many things to the FCT Minister as far as this Report is concerned. I only hope and pray that the FCT Minister does have the capacity to look into all these things and take them up from where we stopped.

The President: Has any distinguished Senator any other view apart from referring it to the FCT Minister?

Senator Ayodele Sylvester Arise: Mr. President, my position emanates from the fact that this is a concession and this is under the Bureau of Public Enterprises and is not under the FCT. Anything to do with concession is under the Public Enterprises (Privatisation and Commercialisation) Act of 1999 which was passed by this distinguished Senate. I believed that all concessioning matters should be referred to the Bureau of Public Enterprises to determine if the terms of the agreement are being adhered to.

The President: Who are parties to this agreement? Is BPE a party to this agreement?

Senator Ayodele Sylvester Arise: BPE make all the concessions.

The President: I am asking you because you sound very definite about it. Is BPE a party to this agreement?

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Senator Abubakar Danso Sodangi: Except Sheraton Hotel and Towers and Le Meridian Hotel which BPE participated in the concessioning exercise, this one was between FCT Administration and the Company. BPE had no role here at all.

The President: So, Senator Arise, we cannot refer it to BPE when they are not a party to the agreement.

Senator Ayodele Arise: If that is the position then obviously, this concession will have problems because the only body that was empowered to concession and privatise Federal Government properties is the BPE. If FCT had done it directly then there will be questions.

The President: That is why it will be right for us to refer it to the Minister so that they can review it and, if necessarily, BPE should take over the privatisation.

Senator Umaru Dahiru: In the Report the issue of security was raised by the Committee because it said that there is an implication of the security of the two centres. I am not privileged to know what they are talking about security here. Maybe, we need to know from them what they are talking about so that we could make up our minds on the issue. What are the security implications?

Senator Sodangi: You all know the International Conference Centre and you equally know the Eagle Square. Senator Maina has emphasised on that. We took into cognizance the fact that we normally have visiting Heads of State and Presidents of other countries and that is a place we host such VIPs. Now the place is manned by a company that has few staff. Before then it was managed by almost 200 staff of FCDA. As soon as we realised that, we knew there must be security implication as canvassed by the last Minister when he said he was willing to take over the management of the two outfits. If you decide that it should go back to the Minister for review, so be it.

Senator Julius Ucha (Ebonyi Central): I wish to note that the global trend now is for government not to have hand in business just like the Senate President pointed out. That being the case; if you look at what happened; you will see that there are subsisting concession agreements. Therefore, if there are subsisting concession agreements, I do not think that it will be right for us just to say that the Minister should review them. The legal technicalities the agreements must have been concluded and the company signed along with the Ministry – *(Interruptions)*

The President: It will be right for us to say the Minister should review them. We are not saying that he should revoke them. If he reviews and he thinks that the

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agreements are appropriate, he will not do anything. So, do not say that it is not right. It is right for us to ask him to review them in view of the report that has been brought by the Committee which we set up. The right thing for him would be to review; we are not saying that he must do something negative upon review. If he finds on review that the agreements are all right, he would leave them.

So, I should put the Question on Recommendation 32.3 as amended.

Question put and agreed to.

Abuja Gardens; Recommendation 33.2.

Senator Anthony Manzo (Taraba North): In line with what we have done for Recommendation 32, I suggest that from Recommendation 33.2 all the way to Recommendation 36 should be forwarded to the Minister because they are all the same pattern. The concessioning of Abuja Gardens, Sheraton Hotels and Nicon Luxury Hotel are similar in contents.

The President: Let us not lump them, please. We have agreed that we will go page by page in this Report. It is just that we should not waste time on them. That is all.

Senator Ike Ekweremadu (Enugu West): I have a problem with the attitude of government officials concerning facilities that provide leisure for the ordinary people. I recall visiting Abuja Gardens about two years ago and there were lots of activities there. Children go there to play. They have a swimming pool and playground for children for all kinds of activities. At the height of this entertainment centre, the concession was revoked and since then that place has been desolate nothing is going on there and that is not the way to develop our Capital City.

Sometimes government officials will be quick to enter into a concession and suddenly they realised that they could do these things themselves they would take it back and in an effort to do it they would mess up the whole thing.

It is either that this Garden is returned to the Company or, at least, let FCT administration have a look at it again with a view to getting the place started all over again so that people will have the opportunity of using the facilities there. If you pass through that place now, it is deserted. That was once a bubbling place. We need to have another look at that concession and

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possibly return it to the Company or get another company to run the place effectively.

The President: I am just a bit disturbed and baffled that in a democracy, a Minister of Government could behave the way Mallam Nasir Ahmed El-Rufai did; just going into agreements and revoking agreements that they themselves were party to. It is very disturbing because the role of the concession is given at one stage and in another he would revoke them and do whatever he wanted. That is not very proper and that is the problem here. That of Abuja Gardens is very straightforward. The Company should be allowed to go back and operate it.

The recommendation is that: *The Federal Capital Territory should enter into negotiation with the Company as regards the demand of the sum of N150 million by the Company.* We have problem with that one. What does it mean?

Senator Patricia Naomi Akwashiki: On the first paragraph it says that FCTA paid a compensation of over N70 million to the Company. If they wanted to pursue their case they would not have collected N70 million. If we request them to go back, would they refund the N70 million they collected?

The President: The place is desolate now, nobody is running it, and so your recommendation should have been for them to reactivate the place. This company has settled with FCDA. They have collected their money and that is the end of the story. There is nothing to do again.

Senator Nkechi Nwaogu: Mr. President, in line with what Senator Akwashiki has said, you can see that the Company has already collected N70 million. I suggest that instead of asking them to go back, we should recommend to the Minister to review this very case of Abuja Gardens. The Company has collected N70 million but they are asking for N150 million. They are no longer entitled to the use of the Garden. In order not to allow the Garden to remain fallow as it is, the recommendation should be for the Minister to expeditiously review the situation of Abuja Gardens.

Senator Tawar Umbi Wada: I really have a contrary view on this matter. In the first instance, it is unfortunate that we are dealing with abridged information. Concessions are meant for the company getting the concession to be paying to the government certain percentage of accrued revenue from the project.

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I am just wondering how much was agreed for government to benefit from the concession. We are being informed that N70 million had been given to the company whose concession agreement had been revoked. How much did they put into the development of Abuja Gardens to justify N70 million being paid to them, yet they are asking for another N150 million? These pieces of information are not here.

The recommendation that Federal Government or FCDA should negotiate, is nebulous. We should take a stand here. To my mind, if the Company feels short changed, let them go to court and straighten out their problem. We should leave it the way it is, and further recommend that if the concession is still to be done, FCDA should concession it to another person. The N70 million that had already been given to the Company should be adequate compensation for them. After all, the government is losing N70 million. But if the Company still needs N150 million and feel strongly about it, let them go to court. This recommendation should be rejected completely and the matter should die a natural death.

Senator Ayogu Eze (Enugu North): Mr. President, my view on this is that we do not have complete information before us. If they have been paid N70 million and they are still demanding N150 million, we have not got the full story to know whether there is a negotiated amount that would be paid to them as compensation, or whether they are just demanding this on their own. Since we have testimonies on the Floor of this Senate that when Liet Nuel was managing Abuja Gardens, the Garden was very vibrant and was providing entertainment for Abuja residents, there is nothing wrong in asking the Minister to re-engage their services even if it is under a different condition, provided that that place is put back to use. The recommendation of asking the Minister to review the contractual relationship is quite in order so that whether it is Liet Nuel or whoever that is going there, let that Garden be put to use for the benefit of our people as well as visitors to Nigeria.

Senator Abubakar Sodangi: We should not miss the point here. When there was the so-called revocation of this concession between the Company and FCDA, there was Arbitration. They did not go to court. It was the Arbitration that arrived at the sum of N150 million to be paid to the Company. FCDA, for whatever reason, only paid N70 million leaving the balance. It is not that they are asking for a fresh N150 million. That should be noted. It is only N70 million that was given out of N150 million decided by Arbitration. But if you are saying that the whole transaction should be reviewed by the

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present Minister to give a second thought to the whole transaction, we have no objection.

The President: The problem I have personally, is that this is between a contractor and FCDA and we are going in-between them. If we do that, we are going to be meddling in so many things in FCDA. The man went into a contract with FCDA, there was a problem with the contract and we are being brought in to take a decision one way or the other. They should be able to find a way to resolve it without dragging us into what is happening because that is what the FCDA should be doing on daily basis otherwise; the man who has little complaint about FCDA will come to us and we will be bugged down. I feel the Minister should look at it and the ones that need to be reviewed should be reviewed. I will now put the Question.

Amendment put and agreed to.

Recommendation 34.2: *That the Federal Capital Territory Administration should:*

- i. *Supervise the Hospital in accordance with the terms of the Agreement.*
- ii. *Ensure the installation of all projected equipment within the time frame in the Agreement.*

As Senator Manzo said, the Minister should review all these concessions and then the Committee on FCDA, in your supervisory work; you should check out all these from time to time to ensure they report to you on the reviews that have been made.

Amendment put and agreed to.

Sheraton Hotel and Towers: The Findings are on page 88.

Recommendation 35.2 *That in order not to bring legal tussle between the Federal Government and the new buyers, the Committee finds it expedient to let the present status quo be maintained.*

Well, this will go the way the others went, which is, to be reviewed by the Minister. If BPE is the one involved, let them just review it whether it is the BPE or the Minister. If the Minister is not going to review it, the Committee in its oversight functions should look at it.

Amendment put and agreed to.

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Nicon Luxury Hotel:

The President: The recommendation is on 36.3 and it is the same as the ones we have treated. I will put the Question on recommendation 36.3 as amended.

Amendment put and agreed to.

Mandate Secretariats:

The President: The recommendations are on 37.2.

Senator Ike Ekweremadu: Your Excellency, these are details on the operations of the Federal Capital Territory Administration and in line with what we have earlier agreed, I would suggest, most respectfully that, we allow the FCT Administration to actually do the work in respect of the matters raised here because these are detailed administrative issues I do not see anything here that would warrant the intervention of the Senate merging their investment, reverting satellite town and ensuring proper accounting. These are the normal day-to-day activities of an administration.

The President: We should combine this and ask the Minister to review all the issues raised therein. We cannot say that all officers who flout existing and extant Financial Regulations and other Public Service Rules should be penalised accordingly. So, it is acceptable that the Minister should review all the issues raised under Recommendation 37.2. I will now put the Question that the Minister should review all the issues raised under 37.2.

Amendment put and agreed to.

The President: We are now on Findings No. 38.0. The recommendations are on 38.5. We should take those ones one by one.

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

Senator Tawar Umbi Wada: Mr. President, this recommendation is too wide. To say that one should account for all funds, the Committee should have ascertained what those funds are. How much are the funds that are supposed to be refunded?

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We cannot just say *refund all funds*. All funds could simply mean ₦2, or ₦2,000 or ₦100 million. The amount should be stated in the recommendation if we are to be taken serious. This is very important.

Senator Abubakar Danso Sodangi: In respect of sale of Federal Government houses, we have captured it in the Report. They admitted that they sold all the houses, not only those belonging to FCT but also houses owned by the Federal Housing Authority and other agencies of government to the tune of ₦97 billion. They accounted for only ₦63 billion including their service cost. A sum of ₦34 billion has not been account for as reported in this Report. We interviewed the banks where they lodged the money.

With respect to Abuja Geographic Information System, (AGIS), they did not tell us exactly how much the money is even though we asked them time without number. So, we are not asking for anything that is impossible. AGIS has been collecting money for re-certification; yet they have not accounted for a kobo.

The present Minister or any other agency of government will be in a better position to ask Mallam Nasir Ahmed El-Rufai who was the Chief Accounting Officer then and the buck stopped on his desk. He was the one accountable to the President.

This is not an omnibus kind of demand like Senator Wada wants us to believe. They are specifics; Abuja Geographic Information System, Ad-hoc Committee on Sales of Government Houses and Abuja Satellite Town Development Agency which has not accounted for ₦2 billion that was given to them.

The President: Can we ask your Committee to do a more detailed investigation on this? We will refer this recommendation back to your Committee and ask you to come up with a more detailed report so that it is not submerged in this big Report. Other than that, we will ask the Minister to review it because we are not going to investigate the entire period of Mallam Nasir Ahmed El Rufai's tenure. That is not what we want to do.

I suggest that your Committee takes this up in the course of your oversight functions and then report back to the Senate. I will put the Question on Recommendation 38.5(i).

Amendment put and agreed to.

Senator Ayodele Sylvester Arise: Point of Order, Mr. President.

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The President: What point of Order, Senator Ayo Arise?

Senator Ayodele S. Arise: Mr. President, this is a constitutional Point of Order and it is under Section 299 of the Constitution of the Federal Republic of Nigeria. With your permission, I read:

The provisions of this Constitution shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation and accordingly -

- (a) *All the legislative powers, the executive powers and the judicial powers vested in the House of Assembly, the Governor of the State and in the courts of a state shall respectively vest in the National Assembly, the President of the Federation and in the courts which by virtue of the foregoing provisions are courts established for the Federal Capital Territory, Abuja;*

Why I have to read this is the fact that we have not been acting as the legislative arm to the Federal Capital Territory in the sense that when a Governor wants to appoint Commissioners, the list is sent to the State House of Assembly for vetting and approval. When you are setting up a corporation, that corporation's name would be sent to the Assembly for approval like the Abuja Investment Company and several other companies, the people that are in charge of the activities in the FCT. Since I have been serving here, I have not heard of any request being made to this distinguished Chamber.

If we continue this way, we would continue to refer back and correct errors without being proactive. As a way forward, I would suggest that all procedures that the Minister must take to ensure that he carries out activities within the FCT and within the law should come to this august body for vetting. The Minister cannot and should not take any action without recourse to us. I believe this would go a long way in ensuring that things are done properly and that no Minister gets excessive power to do whatever he likes and then we come in here to start looking at the problems one after the other.

The President: You might as well read the whole Constitution to us because this submission is not saying anything. Since we came here, has the Minister incorporated any company? He has not. So, what is the Point of Order?

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What you have said is what the whole Constitution has said. If he has incorporated a company, then your Point of Order will be valid but to draw our attention to what the Constitution says just for the sake of doing so or to guide against the future cannot be a Point of Order.

Senator Abubakar D. Sodangi: Mr. President, if the Point of Order raised by distinguished Senator Arise is anything to go by, I think he is correct to some extent.

The past Minister created some Mandate Secretariats; some distinguished Colleagues including your humble self were asking; what are Mandate Secretariats? They created some agencies under FCT without recourse to any law.

The President: Which Minister?

Senator Abubakar Danso Sodangi: Mallam Nasir El-Rufai.

The President: Mallam Nasir El-Rufai did not do all these in our time. He is raising a Point of Order on what Mallam Nasir El-Rufai did and he did not do this in our time. If Mallam Nasir El-Rufai was planning to do this now, then his Point of Order will be valid otherwise, the whole Report will be a Point of Order. Your whole Report as it were, is a Point of Order.

Since we came here the FCT Minister has not incorporated a company. These were all done before we came and that is why we are reviewing it. To remind us of our duties, it cannot be a Point of Order against the future.

Senator Arise thank you very much, but I rule you out of order.

Recommendation 38.5(2) – *That the House obtains for itself where he signed as both the Lessor and the Lessee be revoked as a person cannot sell an item to himself.*

Senator Lee Ledogo Maeba: Mr. President, I have an observation.

The President: Observation, Senator Lee Maeba.

Senator Lee Ledogo Maeba: Mr. President, I want to make an observation on Order 38.5(2). When a recommendation says he sold to himself; firstly, we should not forget that he was the Minister of FCT and if he signed any paper for himself, he would sign as Minister of the Federal Capital Territory and not as himself. We should be careful with the language we use

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here because we should not turn this Report into a personal thing. A person cannot sell an item to himself. To me, this language is not completely parliamentary. We should speak a language that sounds parliamentary. Is there a law that says as a Minister of FCT he cannot sign an allocation to himself? We have to look into all these things. Conflict of interest is there. As a Minister, is he banned from owning a property? If he wants to own a property, who will sign the allocation papers for him?

The President: Senator Lee Maeba, you get up here all the time to preach against corruption and immorality, you cannot turn back to say that the man should sell properties to himself. You see nothing wrong with it. I will put the Question on Recommendation 38.5(2)

Question put and agreed to.

Recommendation 38.5(3) – *That the appropriate Government Agencies should investigate Mallam El-Rufai for economic crimes and the abuse of office in revoking and reallocating lands to his wives and family members even when the lands were on water or sewage lines. See his testimony in Verbatim Report of 30th April and 7th May, 2008 at pages 49 – 161 respectively.*

Question put and agreed to.

Recommendation 38.5(4) – *That Mallam El-Rufai is not a fit and proper person to hold public office in a democratic set up in future.*

Question put and negated.

Recommendation 39.2(1) – *After a careful consideration of the issues on Abbas Umar Ibrahim and his responses during oral presentations and written submissions, the Committee recommends as follows: That Umar Abbas Ibrahim be relieved of his duties as Chairman of Ad-hoc Committee on the Sale of Federal Government Houses in FCT.*

Question put and agreed to.

Recommendation 39.2(2) *That he should be handed to appropriate Government Agencies to account for all the monies for Ad-hoc Committee which were never paid into the Federation Account.*

Question put and agreed to.

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Recommendation 39.2(3) *That Umar Abbas Ibrahim is not a fit and proper person to hold a public office.*

Question put and negatived.

Senator Sodangi, your Committee cannot bar people you have not determined whether they are guilty or not guilty.

Senator Abubakar Danso Sodangi: Mr. President, having gone through all what Mallam El-Rufai and others like Abbas Umar Ibrahim had done and all the recommendations that we have passed, I believe that, at the end of the day, all these recommendations would be passed to the Executive to implement. Under normal circumstances and according to the Civil Service Rules, if you are found wanting they will publish a White Paper about what you have done and say that you would not be a worthy person to hold any public office. Here, we are not passing any judgment but we are recommending to the Executive based on what we have seen which are obvious and incontroverted. We are recommending that they should set up the machinery to ban so, so and so persons. If they say no, so be it. I have nothing against them. If the recommendations will not be implemented or executed by us but by the Executive, what stops us from recommending? That is what we have concluded.

The President: This recommendation presupposes that the man is already guilty but it is only the court that can pronounce that. Even the Executive cannot make that pronouncement. I am not a lawyer but I think it will be wrong for either the Executive or we to say that somebody is banned from holding public office.

Senator Kanti Bello (Katsina North): To educate my Colleague the more, I will read Section 66(1)(c) of the Constitution which is very clear on that. As far as public office is concerned when you are accused of wrongful doing, you have to first be indicted.

Section 66(1)(c) provides thus:

He is under a sentence of death imposed on him by any competent court of law or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or any other offence imposed on him by such a court or tribunal or substituted by an competent authority for any other sentence imposed on him by such a court.

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In a nutshell, it is only a competent court of law or tribunal that can pronounce that.

Recommendation 40.2: *The Committee recommends that she be relieved of her position and declared not fit to work in government establishment for disrespect and absolute contempt not only to the Senate of the Federal Republic of Nigeria but also the directive of the Hon. Minister in view of her recklessness and abuse of office.*

This is where Senator T. U. Wada's omnibus expression comes in, because this is not only long but winding. Is it because she showed disrespect to the Senate that we have to say she is not fit to work in government establishment or it is for some other thing?

Senator Abubakar Danso Sodangi: This lady was and still a temporary staff of the Ad-hoc Committee on the Sales of Federal Government Houses. She was the one charged with giving out keys. She disregarded court orders passed onto her. In other words, she aided and abated the flouting of court orders as done by her boss, Umar Abbas Ibrahim. She is still there. They are the ones who have not accounted for the colossal sum of money we are asking the FCTA to account for.

The President: Who is her immediate boss?

Senator Abubakar Danso Sodangi: Her immediate boss is Umar Abass Ibrahim.

The President: That is the person to be held responsible and not this junior staff.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, if we look at the second leg of the recommendation that she be investigated by the appropriate government agency to bring her and her accomplices to justice, then there would not be any need for the first leg of the recommendation.

The President: I even think that the second leg of the recommendation is not necessary. She is just a staff under Mr. Abass unless there is something that is not written here or another spirit behind this one.

Senator Anyim Chukwu Ude: As it is said, like father, like son and in this case, like boss, like staff. The spirit behind this is that her boss was undisciplined and reckless; so she emulates her boss. Whatever punishment is meted to her boss, she too should share in it; because this is the kind of thing that spoils the Public Service, indiscipline. When it is exhibited as has been

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done in this situation, if nothing is done, we would be encouraging indiscipline.

The President: Let me ask you this question. If she was working under you and you asked her not to do something and she did it, what would you do? By now she would have been dismissed by the boss. She only took instructions from her boss but let me put the Question so that the Senate can decide.

Question put and negatived.

Jimi Lawal - (41.2):

- (i) *The Committee recommends for an in-depth investigation by an appropriate government agency; and*
- (ii) *That the Auditor-General of the Federation audits the accounts of the organisations where Jimi Lawal held sway.*

The President: Who is Jimi Lawal?

Senator Abubakar Danso Sodangi: Jimi Lawal is a good friend of Mallam Nasir El-Rufai whom he invited to join him in the running of the affairs of the FCT.

Senator Nkechi Nwaogu: There is actually the need to mention these people because today, we have a new Administration in the FCT just like we have in other Federal Ministries. According to the Report, Jimi Lawal was like an officer without a portfolio. If we do not talk about some of these people, you will find them perpetuating themselves on specific seats for upwards of 15 years, committing crimes as the case may be. There is need to make mention of them including, the lady and others that have been mentioned in the Report. At least, it would help the current Minister, who is the head of that Ministry to take note of people in the respective agencies. There is need to mention their names and obviously, ask the Minister for his own findings. Jimi Lawal from the Report we have here, has no specific position but he held a lot of powerful positions. Therefore, I would also refer his case to the Minister for a review and action, as part of his daily administrative jobs.

The President: Jimi Lawal is just a friend of El-Rufai? Was there any other official attachment?

Senator Ike Ekweremadu: I beg to differ with some of my Colleagues in respect of this matter. If you look at this recommendation, before now, we have

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referred the activities of Mallam Nasir El-Rufai to the appropriate agencies for investigation. If they find that there are other persons who are part and parcel of some of the illegal dealings, it is the duty of the security agencies to follow the leads. It is not for us to begin to point at the leads in specific terms.

Secondly, if you look at recommendation (ii) where we are asking the Auditor-General of the Federation to audit the accounts of the organisations where Jimi Lawal held sway; some of them are private organisations which the Auditor-General of the Federation has no business to deal with. Since we have finished with the issue of Mallam Nasir El-Rufai and the matter has been referred to the appropriate agency, if the agency deems it necessary to investigate all those that worked with El-Rufai and his friends or his family, so be it. It is not for this Senate to begin to go into all these details. Let us not appear as if we are witch-hunting Mallam Nasir El-Rufai and his friends.

Senator Abubakar Danso Sodangi: Information, Mr. President.

The President: Yes, let us have your information.

Senator Abubakar Danso Sodangi: Sir, you asked, who is Jimi Lawal? Mr. Jimi Lawal appeared and testified before the Committee. His testimony is contained in the Verbatim Report. Jimi Lawal was the first Ad-hoc Committee Chairman on the Sales of Federal Government Houses. He told us that he served this country without being paid a kobo. He stayed in hotel and served for almost one-and-a-half years without accounting for one kobo.

Mallam Nasir Ahmed El-Rufai admitted that Jimmy Lawal was his friend. That he just assisted him as a nationalist and we do not want to believe that.

Even the Director of Treasury of FCT was battled with Jimmy Lawal to know how much was realised from the sales of Federal Government houses and where the money has been lodged. For eight months they could not account for one kobo. We realised that definitely there are so many things that they should account for.

Secondly, he was the one who floated Abuja Mass Agency Transport and he was in charge. If you are telling us that we should not ask them to say anything, so be it but we have made our findings and it is on record; they testified and agreed.

Senator Satty Davies Gogwim (Plateau Central): Mr. President, as earlier agreed, we need to refer these

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recommendations to the Minister. The reason is that we control the budget of the Federal Capital Territory and if their budget comes here, then there is no reason for us not to send these recommendations to them. We should not drop any of these similar recommendations.

Senator Annie Okonkwo (Anambra Central): Mr. President, I want to support what the Deputy Senate President said. That is the true position because we cannot at this time start picking out friends, relations and start putting questions on them.

Already, we have identified Mallam Nasir Ahmed El-Rufai, the main person and, of course, we have also said that he should be investigated. Calling Jimmy Lawal and other persons who worked with him is unnecessary. I believe we should restrict ourselves to the main culprit in this matter.

Senator Joseph Iorshagher Akaagerger (Benue North-East): Mr. President, I have a solemn position to take here. Our greatest concern should be Nigerians whose houses under whatever guise were vandalised and they are now sleeping outside without. That should be our greatest concern here as representatives of the people. People who are under such condition, particularly from our Constituencies should get a place to hide their heads and their families.

This again expresses the problem with Nigeria and this problem is very simple. The problem is that here the boss is always right and the man who is supposed to be taking instructions from the boss is held guilty. This is the only place where in the case of a shipwreck the passengers rather than the Captain are held responsible because they rocked the boat.

This man was not a trespasser in the FCT. He was invited by someone. That person never complained and the Minister himself was appointed by some other person. If his boss found that there should have been scale of staff; they did not have the authority to recruit the kind of staff they recruited. If he did not, we should now be trying to set a standard for the Ministers one of which is that they should not act recklessly and in flagrant abuse of their office. They should not appoint staff that are not on the scale approved by the President or the Government of this country.

Let us hold the Captain responsible and leave the passengers in the boat. For the purpose of this investigation, Senator Dahiru has already said what our responsibilities are within the ambit of Section 88 of the Constitution.

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Our duty is only to expose corruption and there are other agencies whose responsibilities are to go beyond that and act appropriately. If they refuse to act it is not our responsibility until we have amended the Constitution to take over such responsibility.

Senator Ayogu Eze: Mr. President, the theory of leaving the passengers and focusing on the Captain does not apply here because this Captain is taking the passengers to their destinations. If the passengers go back the Captain will reverse and will not continue the journey.

I believe that the activities of Jimmy Lawal are the influences that derailed the focus of the administration of Mallam Nasir Ahmed El-Rufai in the FCT, therefore, everybody knows the level of damage that this particular Jimmy Lawal did in that administration. We cannot be seen to be condoning certain things that have already been unearthed more so when this man was summoned before the Panel.

Besides, we also have information about his activities in other sectors including banking and financial institutions which was one of the reasons why at the height of this El-Rufai's matter, he fled the country. So, if such a person is central to what went wrong in the administration of FCT, we will be failing in our responsibility as the spokespeople of the people if we do not recommend something specific about characters like this in our midst. This is my position.

Senator Smart Adeyemi (Kogi West): Mr. President, I rise to say on behalf of those who we represent that Nigerians are watching us. Whatever decision we take here apart from those who are watching us, we should bear in mind that all of us will account to God.

I was a Member of the Committee that probed the FCT Administration and I am sure of the fact that the atrocities committed by that administration were not committed by El-Rufai alone. It will, therefore, be ungodly and unconstitutional for us to narrow down all our findings on El-Rufai alone.

I am so shocked that at times, I see people trying to hide facts. Was it El-Rufai alone that perpetrated all the maladministration and financial misappropriations in FCT? God will judge every one of us if we cover anybody here on the basis of sentiment.

Mr. President, since you came here you have been presiding and you have been a just leader and I hope you will continue in that spirit. This other man was

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involved in all the atrocities committed in the FCT. I am surprised that some people are trying to sweep facts under the carpet. Was El-Rufai the only person that committed the crimes there? What about the retinue of staff that worked with El-Rufai? I am surprised Mr. President and I hope that the spirit of God will guide and judge you right to be just and fair in all that we do here because God will judge everyone of us. *(Interruptions)*

The President: Senator Smart Adeyemi, the person we are discussing is Jimmy Lawal. So, address your comments on the issue of Jimmy Lawal.

Senator Kanti Bello: Mr. President, I really cherish this institution seriously and I will not take it kindly with any Senator whatsoever to violate Order 53(8) of our Standing Rules which says: *No Senator shall impute improper motives to any other Senator.* I do not accept some of the comments being made by distinguished Senator Smart Adeyemi. He must mind his language.

The President: Senator Kanti Bello, your Point of Order is sustained.

Senator Smart Adeyemi, I was going to address you on that. You are entitled to your views. There should be no self righteousness here. Nobody should assume that he is the only one who can fight corruption; so when others express their views do not say that they are covering up anybody. That was why I also allowed you to express your own, and if people ask questions, you are bound to give answers because the same way that you represent people that is how others here represent people. It is wrong of you to impute that people are trying to cover up anybody. I hope that has gone down well with you.

Senator Isiaka Adetunji Adeleke: Mr. President, while not condoning corruption, if one looks at the findings, the latter part of the findings says:

- i. *Jimmy Lawal had no definite portfolio;*
- ii. *All the companies he set up were his;*
- iii. *The accounts of reports of these organisations he managed relating to how much was made or expended are unknown till date as they are not found or traceable to any of the financial records of FCDA.*

What are we going to be investigating then? If you look at the findings *vis-à-vis* the recommendation; you

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cannot trace anything to him or to FCDA; so what is there that we would be investigating? I want us to look at that.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, my view on this matter is that we should give a simple directive to the Minister of Federal Capital Territory that they should conduct proper investigation on all these men mentioned along with the former Minister. They should investigate and take proper action against them.

I am saying so in respect of Section 299 which gives us the power to oversee the Federal Capital Territory Administration as the various State Houses of Assembly are doing to their respective States. We can direct the Minister to investigate, and if possible, hand over those that have committed crime against the State. It will be better to do that instead of getting Jimmy Lawal separately, Theodore separately and Mallam El-Rufai separately.

Senator Ikechukwu Obiora (Anambra South): Mr. President, I have a Point of Order.

The President: Point of Order, distinguished Senator Obiora.

Senator Ikechukwu Obiora: My Point of Order is based on Order 53(6) and with your kind permission I read:

Order 53(6) says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

The issue of Mallam El-Rufai has been debated and a conclusion reached and that conclusion was that it has been sent back to the Committee for a more exhaustive investigation before that Committee brings it back to the Senate for further consideration. So, Senator Nimi Barigha-Amange's suggestion that we recommend to the Minister to do investigation which has already been assigned to the Committee to do, will amount to re-visiting a matter which the Senate has reached a conclusion without a substantive Motion for rescission.

The President: Senator John Ikechukwu Obiora, unfortunately, Senator Barigha-Amange will not be re-visiting Mallam El-Rufai's decisions. He said because in El-Rufai's case we have done this; that is the point he made. So, I rule you out of the order.

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Senator Nimi Barigha Amange: Mr. President, I strongly believe that you are a very, very right and forward leader and judge. I am not surprised that Senator Obiora as the youngest Senator in the Senate, is trying to study the Order.

I was referring to that because there are so many other names after Jimmy Lawal such as Engineer Success and Idris Hurtman. I am saying that instead of taking them one by one, we should make a general recommendation to the Minister that these people be investigated because we have the power to direct the Minister to do so as the Assembly overseeing the Federal Capital Territory Administration.

Senator Adegbo Erhiawarie John Eferekaya (Delta Central): Mr. President, the point I am trying to raise is a point of documentation. On Theodora we have a finding but no recommendation. Could it be because we said; *Nay* all the recommendations were removed? Are we going to be having findings without recommendations? That is the point I wanted to bring forward because if you had investigated and had a finding there must be a recommendation. If because we took a negative decision of *Nay* the recommendation on Theodora was wiped out, it means the record will show findings without recommendation. Is that a good document for the Senate?

The President: The recommendation on Theodora was not accepted by the Senate. Does that clarify your doubt? There was recommendation but we did not accept the recommendation on Theodora. Back to where we are on Jimmy Lawal, our recommendation on 38.5 is that the Senate Committee should investigate properly and report back. The problem I have about Jimmy Lawal is that what you have here on Isiaka Adeleke is like somebody who is floating and cannot pin him on anything.

My suggestion will be that this Committee should investigate properly as you have done in the case of others. If you find him wanting, you expose corruption because on the face of what we have here, it is very difficulty even by your own right up. The problem that you have is that the things that are expressed here are not exactly expressed in the write-up. For example, you said that: *The accounts or report of the organizations he managed relating to how much was made or expended are unknown till date.* You should be able to find out. You went further to say that he is a very intimate friend of the Minister. Nobody doubts that but he was not assigned any portfolio.

Senator Patricia Akwashiki: Mr. President, I was not a Member of the Committee on FCT but I was at the

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Public Hearing. Copies of receipts were showed to Mr. Jimi Lawal which he admitted he signed. There were other collections which he acknowledged. If he was the Chairman and he set up the Secretariat of the Ad-hoc Committee on the Sales of Federal Government Houses, he played a role. It was not just taking money. He played a role and all the Committee is asking, is for him to account for the particular sales he made of the houses. We cannot say he did not have a role.

The President: Was he the Chairman of the Ad-hoc Committee that sold Federal Government houses?

Several distinguished Senators: That is what the Report says.

The President: So, your Recommendation (i) is that the appropriate government agency should investigate his activities. We have no problem with that. The second recommendation is where the problem lies. He is just an individual, how can the Auditor General audit his accounts?

Recommendation 41.2 (i): *The Committee therefore recommends for an in-depth investigation by an appropriate Government Agency;*

Question put and agreed to.

Recommendation 41.2 (ii): *That the Auditor-General of the Federation audits the accounts of the organisations where Jimmy Lawal held sway. That, truly, is far fetched.*

Question put and negatived.

IDRIS OTHMAN:

Findings – *He is not only a bosom friend but also an adviser emeritus of the then Minister, Mallam Nasir El-Rufai.*

Senator Sodangi, that the man is a friend of the former FCT Minister cannot be an offence. I do not know why this keeps showing up. He is his friend does not make him guilty.

Senator Abubakar Sodangi: In addition, he was his adviser emeritus.

The President: Was he appointed as an adviser to the Minister?

Senator Abubakar Sodangi: According to Mallam Nasir El-Rufai himself, and it is contained in the

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Verbatim Report, he engaged Idris Othman amongst other friends, to assist him in running the administration of the FCT and he assigned them some specific duties. This Idris Othman was one of those people assigned with collecting plots of lands and allocating same on behalf of the Hon. Minister. In fact, he was a super-Minister at the time. He worked hand-in-hand with people like Babajide and Ezeamaka. These are what they testified to.

The President: Can we tow the same line that we took for Jimi Lawal?

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

Question put and agreed to.

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

Question put and agreed to.

ENGINEER SUCCESS:

The Committee noticed that he was already being investigated by the EFCC. Consequently, the Committee recommends that the EFCC completes their investigation on him and prosecute him if found wanting.

Can we just leave this and say the EFCC should conclude investigation on him? (*Interruptions*) May I know the basis on which you want to speak, Senator Ledogo?

Senator Lee Maeba Ledogo: Mr. President, the basis on which I want to speak is on personification. We cannot just call one man Engineer Success. How can Engineer Success be the name of a man? It is vague; it is like a street talk. The Report does not show who he is. Who is Engineer Success?

The President: Senator Sodangi, what is the man's proper name?

Senator Abubakar Sodangi: That is his name. The solicitors who represented him gave the same as his name. We cannot give him any other name.

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The President: You are A. D. Sodangi. Does this man not have other names?

Senator Abubakar Sodangi: That is the name he gave us.

The President: No, he cannot have only one name.

Senator Joseph Akaagerger: Mr. President, I am not particularly worried about the names because this Senate had had problems with names, *Evan and Evans* and we were not told - (*Interruptions*)

The President: That was a distinguished Senator so it is not fair. That was a distinguished Senator and the President of the Senate.

Senator Joseph Akaagerger: On the recommendation on Engineer Success, EFCC has been on investigation of him for years and nobody knows how far the issue has gone. To allow them to go on with an investigation without giving a time limit will also keep us in the dark. Therefore, I suggest that a time limit be placed on this matter when EFCC should conclude its investigation.

The President: The point here is to get the proper name of this Engineer Success. Truly, the Senate cannot accept this whether it is a nick-name or whatever. We cannot just say a man called Success. The Committee does not even know whether it is a nickname or a proper name. I will find it difficult if the Senate allows this to go through because we will embarrass ourselves. How can we say a man called Success even if he is known all over Abuja by that name, it is not right.

While the recommendation here is simple and straightforward, because EFCC is already investigating him, the Committee must come with his proper name. At the next legislative day you should come with his proper name. So, the recommendation is accepted pending when you bring the proper name and that the EFCC continues with the investigation. I will put the Question on Recommendation 43.2 as amended.

Amendment put and agreed to.

That concludes the Report. If there is no other comment from distinguished Senators I would then make few comments.

Senator Tawar U. Wada: Mr. President, I most humbly refer the Senate to pages 93 and 94 of the Report. At page 93 under paragraph 38.1(ii), there is a report that Mallam Ahmed Nasir El-Rufai also sold the

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house at No. 4 Ministers' Hill, Maitama to a man he referred to as his bosom friend on 31st August, 2006 without following the guidelines. That house was formerly sold to a third party. He obtained approval of the President to revoke the old sale and resold it on 14th November, 2006, four months after.

If we look at page 94 on the recommendation regarding the activities of El-Rufai's censored property, nothing was mentioned about that house which was sold wrongly and which had already been sold to another person. So, a recommendation ought to have been made that that house be reverted to the original owner since it was discovered that the sale was wrongful.

So, I urge the Senate to direct the Committee to come up with a recommendation on that or the Senate *suo motu* should formulate the recommendation and adopt it appropriately.

The President: Senator Sodangi, what is the recommendation there, please?

Senator Abubakar D. Sodangi: I would go through the record to get the name of his bosom friend and then we make a further report to you.

The President: The important point here is that we have considered what has been brought before us. I believe that in the course of its oversight functions, the Committee on FCT must carry out a lot of extra work. This appears to me to be a continuous exercise in the sense that there are issues that ought to have been addressed here that have been omitted so that you go back on them. This is where your oversight functions will become very important.

Senator Jibril Mohammed Aminu: Mr. President, the distinguished Senators would have noticed what happened but we needed to bring it out clearly. Jimmy Lawal and Engr. Success are friends and cronies that the former Minister brought in and gave powers in the Ministry.

That Ministry is like any other Ministry. They have a Permanent Secretary and Directors. You have not been hearing anything about those people. If these things had been going on and these people were all involved, the Permanent Secretary would have been mentioned like the unfortunate story in the Federal Ministry of Health but that was not the case here. What seemed to have happened is that this Honourable Minister brought his friends and cronies and displaced the civil servants and they were doing what they like. They did not observe the hallowed processes of

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government. As a result, accountability could not be guaranteed.

This distinguished Senate needs to mention this that no Minister should bring in any person to displace the normal civil servants in their schedule of work in such a way as to violate the hallowed processes of government particularly with regard to allocation of duties and accountabilities. This should be put in that Report.

It is an important observation in my humble opinion for the Senate to make because it is a lesson to learn from here. I do not think this happened in any other Ministry - bringing a large number of people from outside and displacing the normal structure of the Ministry and carrying on as they liked because you think you are doing things the best way. This is the point I want to make.

The President: Thank you very much, distinguished Colleagues. First, let me congratulate you because this is a very bulky report and it has taken us a while to be able to go through and we went through in detail. This is because we did not want to leave any stone unturned. The Committee has really put in a lot of work to get this Report ready; there is no doubt about that.

In spite of that, I am sure there are still so many things that have not been brought out here. The exercise was not designed to target any individual or group of people. It was done in accordance with Section 88 of the Constitution which authorises us to expose corruption and that is all that we have done. That is why we straightaway threw away those recommendations that appeared to go outside that.

The point that I personally would like to emphasise here is the need for people who are brought into government to also fit into what happens; the people there can be made to work. You do not have to remove everybody and bring in your own people who, in the first place, may not be conversant with what is happening in government and who secondly may bring ideas that nobody can really understand. You cannot run faster than you ought to go.

This is a lesson to all those who are coming into government. Whatever they do, they must make sure that they fit into simple government rules and regulations because if El-Rufai had adhered to those ones, we would not have run into this crisis today.

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A further lesson from it is; let no Minister or individual take it upon himself to do what he wants outside government simple rules and regulations.

I thank you, distinguished Colleagues, for your patience and painstaking contributions. I would also like to thank the Committee for having produced an excellent document. There is no document where we would not find some lapses here and there; those lapses I believe are not deliberate, they were not designed to target any particular individual.

Once again, I congratulate you for taking the pains to go through this very voluminous document.

Senator Teslim K. Folarin: Mr. President, in the last two days, you raised two very important Conference Committees; one on the 2009 Budget and the other on the Procurement Act (Amendment) Bill. We need to give these Committees enough time to do their work and bring their reports next week.

For this reason, I move that other items on the Order Paper be stood down to the next legislative day.

Senator Adeleke O. Mamora: Mr. President, I rise to second the Motion moved by the Leader.

Question put and agreed to.

(By leave of the Senate other items on the Order Paper stood down to the next legislative day)

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ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, for reasons earlier given, I move that this Senate do now adjourn till Tuesday, 10th February, 2009 at 10.00 a.m. prompt.

Senator Adeleke O. Mamora: I rise to second the Motion moved by the leader that this Senate do adjourn till Tuesday, 10th February, 2009 at 10.00 a.m.

Meeting of Northern Senators' Forum

The President: This is to inform Members of the Northern Senators' Forum that there will be a meeting of the Forum with the Northern Union today in Room 204 by 2.00 p.m.

(Signed)
Chairman,
Northern Senators' Forum

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Tuesday, 10th February 2009 at 10.00 a.m. prompt.

The Senate accordingly adjourned at 1.05 p.m.