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**Thursday
22nd January, 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**

Thursday, 22nd January, 2009

The Senate met at 10.30 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: The Senate is called to order. Let us consider the Votes and Proceedings of Wednesday, 21st January, 2009, pages 419 and 420. Is there any comment?

Senator Abubakar Danso Sodangi (Nasarawa West): On Item 7 at page 420, I thought that after the debate the names of those who contributed yesterday should have been reflected. That is conspicuously absent. I agree that we would see it in the handset.

The President: Senator Sodangi, you are right. It is not a handset business because so many people contributed. It should be reflected and we usually do that. In any case, that is what we want done. The next Votes and Proceedings should correct this. You will recall that when we do budget, it is usually reflected that the following people contributed and in this Votes and Proceedings, it should be reflected.

We move further to Pages 420, 421, is there any comment?

Senator Ike Ekweremadu (Enugu West): The name of the President of Senate is Dr. David Mark, (GCON) and not just David Mark.

The President: Secretariat should take note. Is there any other point?

Senator Dahiru A. Kuta (Niger East): Mr. President, I move that the Votes and Proceedings of Wednesday, 21st January, 2009 be approved as amended.

Senator Omar Hambagda (Borno South): Mr. President, I rise to second the Motion that the Votes and Proceedings of Wednesday, 21st January, 2009 be approved.

Question put and agreed to.

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Resolved: That the Votes and Proceedings of Wednesday, 21st January, 2009 as amended be approved.

ANNOUNCEMENTS

Order of Commitment

The President: There is an announcement which reads thus:

The Committee of friends would provide an aircraft for all distinguished Senators traveling to Katsina for the Wedding of His Excellency Mallam (Dr.) Isa Yuguda, the Executive Governor of Bauchi State and Hajia Nasfat Yar'Adua on Saturday, 24th January, 2009.

Take-off time: 11.00 a.m.

Senators should indicate their interest to the Sergeant-at-Arms at the entrance, please.

(Signed)

DISTINGUISHED SENATOR BALA A
MOHAMMED

Inclusion of Bills in the Legislative Schedule

This is to serve as a reminder to distinguished Senators, whose Bills were omitted in the draft publication of the Legislative Schedule to submit them today to the Rules and Business Committee for inclusion in the final publication.

(Signed)

SENATOR ALOYSIUS AKPAN ETUK
(Chairman of the Committee)

Trip to Makurdi

There will be an aircraft that will depart here by 8.00 a.m. tomorrow morning for Makurdi and Senators who have put down their names should report to the VIP departure lounge of the Nnamdi Azikiwe International Airport, Abuja before 8.00 a.m. The return trip will be by 4.00 p.m. same tomorrow Friday, for those who will want to return.

Senator Jibril Aminu would lead the Jumat prayer in Oturkpo.

Senator Nuhu Aliyu (Niger North): Mr. President, I want to find out if there is any Governor in this country who is not an Executive Governor?

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The President: The Governor of Niger is neither His Excellency nor Executive. I only read what was written down for me.

Senator Nuhu Aliyu: Mr. President, you have to be corrected.

The President: I am not the one to be corrected but the author who wrote what I read out. I am not the author.

Senator Nuhu Aliyu: The discussion we are having now could be corrected that is the point I am making.

The President: Since nobody is aspiring to be Governor here, the aspiration here cannot be governorship anymore.

PRESENTATION OF REPORT

Report of the Committee on Federal Character and Governmental Affairs

Senator Kolawole Teslim Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of the Report of the Committee on Federal Character and Governmental Affairs, on the State of the Nation Address Bill, 2009.

You may wish to invite Senator Smart Adeyemi to move the Motion for the Senate to receive the Report.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I second the Motion that the Senate do receive the Report of the Committee on Federal Character and Governmental Affairs on the State of the Nation Address Bill, 2009

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Federal Character and Governmental Affairs on the State of the Nation Address Bill.

(Report accordingly laid on the Table).

ORDERS OF THE DAY

CONSIDERATION OF REPORT

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Report of the Committees on Federal Capital Territory and Housing on the Investigation of the Administration of the Federal Capital Territory

(Second Allotted Day: Adjourned Debate on 21st January, 2009)

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

You will recall that the consideration of the Report was adjourned to the next legislative day, which is today, Thursday, 22nd January, 2009. I now move that this Senate resumes consideration of the Report.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion moved by the Senate Leader 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 Federal Capital Territory from 1999 to 2007.

Question put and agreed to.

The President: Distinguished Senator Suleiman Adokwe, you may start off.

Senator Suleiman Adokwe (Nasarawa South): Mr. President, I rise to lend my supporting voice to those who spoke yesterday and gave their commendations to the Committees on FCT and Housing who looked into the matter affecting the Federal Capital Territory Administration particularly the administration of Mallam Nasir El-Rufai and some of the illegalities that were occasioned to helpless Nigerians.

I am particularly concerned because some of the actions taken had dire consequences on my State. Most Nigerians displaced from the Federal Capital Territory found themselves in Nasarawa State and today; the mystery that is in Mararaba and Karu is a consequence of those actions.

The Government of Nasarawa State had planned to provide amenities to Mararaba and Karu, and indeed, turn that place into what should be known as *Greater Karu* but because of the unprecedented number of people that moved out of the Federal Capital Territory into Nasarawa State, we were unable to carry out some of such major plans. Indeed, what is at the heart of the

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matter is the refusal of some administrations to resort to the rule of law. It never ceases to amaze me that Nigerians who profit from abuse of power during their administrations, resort to court actions immediately they find themselves at the receiving end when power is removed from them. As we can see, some of the perpetrators of these injustices are seeking court injunctions to restrain us from investigating them when they themselves never gave anybody the opportunity to resort to law.

I recall one of our Colleagues stating recently in the dailies that people must always remember that power is very transient and that at the end of it all, you will leave the seat. So, while you are in it, it is better that you do those things that when you leave, you will also want people to do unto you. This is also a lesson for us today that those who are in power and are beginning to gather momentum as the darlings of the present administration, should also remember that any injustice they perpetrate now will eventually catch up with them later.

It is my hope and believe that when the Government of the Federation is considering compensating people who have been unjustly treated, it would also consider that Nasarawa State provided home for some of the displaced hapless Nigerians so that some of the rewards would also trickle down to our State more especially in the area of providing adequate infrastructures as an adjacent State to the Federal Capital Territory as we continue to bear the burden of this nation.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I also want to thank the Committees for doing a very thorough job and on time, too. If all the Committees in the Senate are working like this, the sky will not be our limit. So, I thank you very much.

However, I would like to add my voice that the Report, as I look at it, is like a situation where we see the good, the bad and the ugly. As a Minister, Mallam El-Rufai did his best to keep FCT clean and rid the City of motorcycles. He did a lot as a human being. Now, the bad aspect is that he decided to be an Emperor, in the sense that he was not obeying even the courts.

The ugly side is that he did not regard any human being as a person especially, in dealing with human beings with respect to valuables like property. The highest property a man can boast of is land and when I say land, it means the house and the land.

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I want to also draw our attention to areas that we did not do enough. With your kind permission I want to read Section 147 of the Constitution, which talks about the appointment of Ministers. It says: *There shall be such offices of Ministers of the Government of the Federation as may be established by the President.*

Let me also refer you to Section 302 of the same Constitution and it states thus:

The President may, in exercise of the powers conferred upon him by Section 147 of this Constitution, appoint for the Federal Capital Territory, Abuja a Minister who shall exercise such powers and perform such functions as may be delegated to him by the President from time to time.

This means that the appointment of a Minister of the Federal Capital Territory is not compulsory. The President can exercise that function unlike other Ministries. That is what the Constitution is saying. If I may refer you to Section 299, it says:

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 a 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.

That means we have a duty to perform. The way a State Assembly checks the Governor is the way the National Assembly is supposed to check Mr President and here Mr President is in charge of the Federal Capital Territory. Whoever he takes to assist him we have the power to check but I do not believe we have done enough on that.

It is not enough for us to wait until damage is done, then we try to amend. There is a saying that prevention is better than cure. When this young man started this business of demolition and disobedience to law, what did we do? Why must we wait until the damage had been done? We have a constitutional duty to check

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these people. I am praying this Senate that we should try as much as possible to take our oversight duties very serious so that this type of damage will not be done in future.

Senator Grace Folashade J. Bent (Taraba South): Mr. President, I stand to support the speeches and comments that my Colleagues have made since yesterday. I want to take a cue from what distinguished Senator Nimi Barigha-Amange has just said.

I want to look at this issue from a more philosophical perspective and let me sound a bit spiritual about developments that bedevilled this country during the tenure of the immediate past Minister of the Federal Capital Territory.

A distinguished Senior Advocate of Nigeria said yesterday that power is transient and men are in sizes; life is in phases. We must always take cognizance of that and let this be our guiding philosophy in life that wherever we find ourselves the moral burden will be the number one question. What are we in that position to achieve? Are we in that position for self aggrandisement? Are we in that position to affect the lives of mankind? Are we in that position to trample over the less privileged? These are pertinent questions we must ask ourselves as leaders.

What we have saw happened during the tenure of the Minister in question, to me calls for a lot of concern. For whatever it may be worth and wherever he is now, I know he must be regretting some of the actions he took. For whatever kind of posture he may have tried to put up in defence of his actions at any point in time, I know at the back of his mind, no matter how much of his conscience has been severed, he must still know that the prayers of the righteous will never go unanswered.

A couple of times during this period, I remember he said to the people of Nigeria that he does not mind what people say about him. He claimed he is a sickler. So if people pray for him to die it does not really matter. He will die one day; that is to say that he more or less calling the bluff of Nigerians. As far as he was concerned; he was doing his job but then he became a loose canon.

I know that God Almighty whose responsibility it is to judge all actions and weighs all the intents of mankind will judge every one of us on a particular day. We are accountable to God. We are also accountable to the people because power belongs to the people and if

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we use the power the people have given to us to trample on them, then God Almighty will judge us.

Senator Victor Ndoma-Egba: Point of Order, Mr. President!

The President: What is the point of Order, Senator Victor Ndoma-Egba?

Senator Victor Ndoma-Egba (Cross River Central): It is Order 56(9) of our Standing Orders which is on Senators so are speaking should not be interrupted. With your kind permission, Mr President, I will read: *When a Senator is speaking, no Senator may converse aloud or make any noise or disturbance to interrupt him.* There were loud conversations as Senator Bent was making her contribution.

The President: Whip, this is getting too much. Too many people are moving around, please. When others are talking, it is proper for you to listen to them because when you are speaking they also listen to you. Senator Ndoma-Egba, your point of Order is sustained.

Senator Grace F. J. Bent: Mr President, these comments I have made bring me to the point of the responsibility of the Senate and the various Standing Committees. I think there is a fundamental problem with the way the oversight functions of the Senate are being done as they affect over sighting the various arms of the Ministries and Executives.

As Senator Barigha-Amange said, it calls to question what was happening with the Senate Committee on Federal Capital Territory at that point in time when these demolitions and all sorts of embarrassment to the country were being perpetrated; what was the Committee doing? Does it mean that the Senate does not have the right when it confirms a Minister to call such a Minister to order or call Mr President's attention to the Minister's inadequacies? We should ask ourselves those questions.

We should begin to look at ways of amending our Standing Rules on a yearly basis, if not quarterly. There is need for us to review the activities of our Ministers. Every Minister's activities should be reviewed to see if the Minister is really performing to the expectations of the Nigerian people or if the Minister is doing what he feels good for himself. These are the basic things we must do. We should not just confirm these Ministers and say bye-bye until the President of the country desires to dissolve his Cabinet.

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It is imperative that the actions of every Minister must be weighed and reviewed at every point in time so that we can curb some of their excesses. If we have been reviewing their activities, believe me, the El-Rufai saga would not have got to the level it got to but the damage had been done. This is a big lesson for us. We must learn and make sure this sort of thing does not repeat itself in this country. It is a pathetic situation and I pray that God Almighty, in his infinite wisdom, would never allow this type of demolition to happen to us again.

The President: I believe that one speaker mentioned yesterday that the last Senate set up a Committee to look at the issue of the demolitions within Abuja, whilst it was going on. It was not that the Senate was oblivious of what was happening but that the Report was never brought here and debated. That is the issue. So, it is not as if the Senate folded its arms and did nothing. The last Senate was conscious of it but we did not carry what we did to a logical conclusion.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, it is the will of God that this matter would be discussed. We had opportunity, not pleasant to us in a number of times, to discuss the performance of Hon. Minister Nasir El-Rufai and even to bring him to Senate. I am sure he did some good jobs of what he was sent to do; to try to restore the Abuja Master Plan. I am sure there are some outstanding things he did.

Unfortunately, his lapses as brought out here and well known by Senate seemed to outweigh whatever good he did. A President appointed him but I do not believe the President heard all those things that were going on. We must regret not only what the Minister did but the fact that he was allowed to do it.

You will recall when we were discussing the budget of Abuja, I made a comment that, I hope the new Minister would sit down and do his job because I felt that the former Minister was not doing his job. You would agree that Abuja did not witness a lot of physical development or expansion apart from the demolition. Some Government offices are still uncompleted, no new satellite town was developed, but population increased, and pressure increased. These corrective measures increased pressures rather than reduce pressure on the people including the question of *Achabas* and so on.

I also was worried that the Committee did not refer to the exercise of re-registration whereby everybody was required to submit his or her Certificate of

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Occupancy for re-examination and issuance of new one. For instance, you may ask me to come with my Elementary School Certificate, and if you are satisfied with it, you will return it to me. You do not have to issue a new certificate to me. The only thing is that the Minister, Hon. Nasir El-Rufai wanted his signature on all Certificates of Occupancy of Abuja. People like Ajose Adeogun, Iro Dan-Musa, John Jatau Kadiya, Maman Vastsa, Hamza Abdullahi, Jeremiah Useni, Gaddo Nasco, Maman Kotangora do not matter inasmuch as every Certificate of Occupancy bears his name and signature.

I would like this Senate to request that all those Certificates of Occupancy should be returned to the owners. If they have been destroyed then the Senate should request that new Certificates of Occupancy be prepared and if all of those people are alive, they should be requested to please, sign them. I have not seen this kind of personality where one man would want only his signature to be on the Certificates of Occupancy. That should not be allowed to stand in this country.

I am also worried about this demolition. For example, when the Committee asked him, why did you demolish Senator Anyim's House? He replied; *Oh no, Senator Anyim is my friend. We spoke on the telephone this morning. I am not always with my signal in Barewa. I would never have demolished his house.* But he proceeded and demolished it. There is an element of cynicism in all that. I had the occasion to talk to him when he visited my house in connection with the threat to Senate. I said to him; *I am worried because you seemed to be enjoying what you were doing. The British said, it is not what you do but how you do it. You should feel sad when you are destroying somebody's house, business, Church, Mosque or School. Do not show that you think you are doing something great.* Unfortunately, my words fell on deaf ears. I think it would be very unfortunate the way this whole place was hanging.

I always feel very sad when I recall the record of that Minister with regard to the National Assembly, particularly this Senate. I was an Ambassador in the United States whilst he was in the BPE (Bureau for Public Enterprises). I chaired a seminar during that period in which he spoke to abuse the Senators that they collected money. Eventually, when I spoke, I said: *I think you should find a way of working with the National Assembly. You are on your rising tour of your career but the people elected these Senators.* Professor Bolaji Aluko who spoke after me said that the Ambassador had just taken words from my mouth. He told him that he needed to learn to work with the National Assembly. This happened before I became a

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Senator. When I came here, what did I witness? Silence is the best answer to a fool; an example motivated by late Senator Pam and Senator Mamman Ali.

Then I remembered the crisis with the former Deputy Senate President about money being given; now we know where the money might have gone. I felt very sad about all these. Abuja did not develop and here was an officer who was not elected by anybody but just appointed and given so much power, yet he did not do the work he was supposed to do, why, because he was put on the Economic Committee Team, a Quantity Survivor becoming an economic wizard.

Economic Committee decided the fate of the Nigerian economy and the fate of this country. In the meantime their own was left unattended and then got themselves involved in politics. They said no 60-year-old man would ever rule this country again and in the end, they were busy, trying to arrange themselves to take over governance and these people were never elected. I do not think we should allow this kind of thing to continue to happen in this country, particularly, when those people, for all their attempts to show that they are Messrs Clean have themselves got a lot of dirty clay feet. This is the height of hypocrisy and I do not think this country can tolerate that.

Now, what can the Senate do? In my opinion, whatever we can do administratively, we should do. Do not subject this to the processes of trial; just do whatever you can do administratively. Wherever you want to go, to the Economic and Financial Crimes Commission (EFCC) or the Court of Law, we sincerely pray that the courts should rise up to the task of ensuring that public officers do not rupture the whole country particularly if they are not elected.

I also believe that we do not have the power to recall a Minister. I think the Senate should note this. We do not have the power but we do have the power to call the Executive to order and if there is any Minister or official, who is wantonly breaking the Laws and ignoring Court orders, abusing the National Assembly and other institutions, the Executive should be served with a notice that it either get rid of the official or we stop doing business with it. If we do this, we will bring them to order.

I thank these Committees for the work done, and I pray that Senate will do justice to it. I sincerely hope that the current Honourable Minister will learn from what other people had been struggling to learn long time ago. Power is ephemeral, power corrupts and one day we shall all be brought to book.

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Senator Chris N. D. Anyanwu (Imo East): Mr. President, let me first of all join the others in appreciating the work that has been done by the two Committees. It is job well done even though it dragged a little bit.

A lot has been said and as you have advised, I am not going to repeat what others have said. But, let me press home what I have seen with the following statistics drawn from this Report. Four thousand, three hundred and fifty-two (4,352) plots were allocated 30 days to the Minister's exit from office; 3,645 plots signed on May 19. That is the last day in office. Six hundred and fifty five (655) plots were assigned to what is expected or suspected to be relatives of the Minister; allocating lands to under aged people; allocating lands without application forms and without application fees. All these sound like a story. It is unreal that this can be happening in this country. I want to say that I will be disappointed if this were to be established as truth. If it is, I join others in expressing my total disappointment with the former Minister.

Mallam Nasir El-Rufai was highly respected because he did some good works. I will get into that but I did not expect this level of primitive and crude acquisition of resources. The way it appears, it looks as if he and his tribe wanted to appropriate our patrimony and they dared Nigeria. What can you do? Of course, Nigeria and Nigerians do not have a record of doing something. After all the talks, we would go back, put our hands up and give up. That is the very tendency that successive tyrants have exploited in this country. Mallam Nasir El-Rufai walked into that tendency, exploited it, did what he wanted to do and now he dared us. What can you do?

The answer will be given by us in this Senate. We have done the job; the Committees have done its job against all odds, against blackmail and so on. They have produced this Report and I thank God that this Report is here being discussed for all Nigerians to listen. The important thing is that we must confirm that the findings of this Committee are indeed true. We must establish it and if established then we can make recommendations.

Like Senator Jibril Aminu said, it is not our duty to act on this, because we are not the Police. There are other arms of government that would have to act on the findings. Mallam Nasir El-Rufai right now is in school and he has acquired quite a bit of learning since he left office. I am beginning to think that he should have done this education before taking the job as a Minister

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because obviously, there was no right experimental overlap with the responsibility.

However, Mallam Nasir El-Rufai did not act alone. He was working for someone, otherwise where was he getting his courage? Where did he learn this whole thing about acting with impunity? Some have done it. He did it once in small measure so; he walked up until it got out of hand. As we call El Rufai and we pillory him with our comments we must know that El Rufai was working within a menu, he just belonged to the tribe of men with that tendency.

I want to now go into something. In considering this Report, let us avoid the tendency for revisionism. That is, to retreat. In Nigeria, there is a tendency for people to set down structures, build institutions and the next people will come and flatten it out and start again. We then move in fits and starts. We must avoid that tendency.

Of course, Mallam El-Rufai was insufferably arrogant. He is an extremist. He acted outside the Law accepted, but El-Rufai also did a few good things. It is because of the disappointment we have observed that we are saying these things.

I saw Abuja before El-Rufai came. Before he came I had, in fact, observed closely two Ministers and what they tried to do in Abuja. Abuja was a horrible place and I think that if the movement were sustained up till now, many of us would have committed to our abodes. The streets were littered with beggars; people were shopping on the streets. In Apo, for instance, you have containers all over the place. Where my radio station was, criminals were coming there waiting to snatch peoples' wallets in broad day light. There were illegal parking spaces and motor parks all over. This City was unmanageable. I think it took quite a bit when we acted outside the Law because most of us Nigerians have a tendency to be lawless and unmanageable. When we do not respect the Law, you tell them this is not the place to put your container, do not sell on the streets, do not do this or that, when we do not obey rules and we do not conform, we beg for the El- Rufais to emerge. That is what happened; getting someone to treat us in ways that are subhuman.

We, Nigerians have to get our acts together. We have to learn to conform to rules and government also have to learn to educate people on the dos and don'ts. I do not think there was enough public education going on where people can sell or not sell, what they should and should not do. It has to be an ongoing process. When we talk about public education, people say

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because we are in information. It is an imperative. People must know what to do. When you tell them and they go forward and disobey the Law, you can then punish them as the Law prescribes.

I want to say that the few structures that were set up by Mallam Nasir El-Rufai should be looked into. As Senator Jibril Aminu said, the recertification process was altogether too long. Some people spent four years trying to recertify and up till now there are people that submitted their forms and they have not been recertified. You do not know how they do this. The current Minister has a lot of work to in that regard.

The Development Control arm of the Federal Capital Territory (FCT) does not do any work. They were only active when they were bulldozing the houses and dragging down people's homes. They do not do enough work. I asked the present Minister of FCT to be up and doing. There is a resurgence of the ugliness that provoked El-Rufai's extremism. He has to put his systems together to work on them. People are again coming to the streets to sell; beggars are returning and illegal parks are coming up. In Apo area those mechanics are back. We cannot be going forward and backwards. The current Minister has to be firm but fair and act within the ambit of the Law. I want to advise him to avoid insularity because there is a way that insularity affects everything we do in office.

If it is established that the things of which Mallam El'Rufai has been accused are correct, I would recommend the cancellation of the plots especially the 19 plots in Jabi in question and the conversion of the property on those plots to public use. This will serve as a deterrent to others. Appropriate action under the law must be taken.

This Report must be moved forward to a point that somebody can act on it; to a point of conclusion so that it does not suffer what the previous Committee Reports suffered. We would not want people to blame us in future of inaction or not concluding what we had started. The institutions and persons to whom the illegal properties were allocated should be made public. There is a tendency for us to cover up for people and in darkness evil thrives.

Senator Patrick E. Osakwe (Delta North): Mr. President, I will begin by thanking the Chairman and other Members of this great Committee for a job well done. It is a very thorough job of which we are proud of.

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We are all talking about Mallam El'Rufai now believing that Mallam El'Rufai just woke up and started doing what he did. What he did was a product of some of the decisions taken by the Federal Executive Council but now he is suffering it alone yet the people that appointed him gave him the mandate to do what he did. When he was doing it they were happy that he was doing what they had asked him to do. However, in life, some actions must have human face. Even when you are asked to do something, you must blend it with human face.

We also remember that the neatness of Abuja is gone. We can all see what Apo has turned into again. You see cars for sale parked outside Apo. I do not think that can be done during the time of Mallam El'Rufai. They dare not. The only problem is that he overreacted and overacted. He, nevertheless, did some good job because he made the City neater than what we have today and that is a statement of fact.

I do not approve of his action of disobeying Court orders. Any nation that disobeys the court is doomed to fail because the Judiciary is the fulcrum or the pivot around which democracy revolves. When that pivot or fulcrum is shaken, the whole fabric that is holding democracy will crumble. I believe that disobeying Court orders is not in the best interest of our democracy.

I want to also say that there is a big lacuna in our Laws. Lacuna in the sense that Section 88 of the Constitution empowers us to investigate but it does not empower us to sanction. The Legislature lacks the power; it is like a toothless bulldog. It gives you power to investigate but it stop there. It does not say that you must impose any sanction.

This brings us to the idea in one of the Bills that is in this Senate; the Bill sponsored by Senator Olorunnimbe Mamora which is the Tenure of Office Bill. If we read that Bill properly, it seeks to empower Senate to sanction any person it has confirmed. If you pass through this Senate to get your job, the Senate should have power to sanction you. This Bill is very important. If Senate will have power it will no longer be a toothless.

There is no sense in Section 88 of the Constitution telling you to investigate without telling you what to do when you find a person culpable. We should hasten to get the Tenure of Office Bill passed so that anybody who comes here for confirmation of his appointment once we do that for you will have the power to recall and sanction you. He who has the power to confirm

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should also have the power to withdraw the confirmation. This is going to help this Senate. We are learning lessons from this thorough investigation which the two Committees of this Senate had done.

Senator Ike Ekweremadu (Enugu West): Mr. President, let me start by commending the detailed, critical and painstaking work undertaken by Senator A. D. Sodangi and his Colleagues in that Committee and then congratulate this Senate for taking this path of honour.

Though, this Senate is peopled mostly by those of us from the People Democratic Party, we found courage to look at the administration of a Government, a Ministry in a Government of the PDP and I believe that is what the Assembly, the representatives of the people should be. We must be courageous to say no when we need to say no and to insist on best practices.

A lot have been said in condemnation of the approach of the former Minister of the FCT; the injustices that were suffered by our people, the ordinary people of Nigeria, the low and the mighty. I do not intend to go through that path again other than to associate myself with the submissions earlier made.

I want briefly to look at the issue concerning the restoration of Abuja Master Plan and see what lesson we can draw from it. Today, there is a process of urban renewal in Lagos and Port Harcourt; buildings are being destroyed. What this Committee has done should be a lesson and what we are doing here today by discussing this Report should, of course, be of interest to the people of Lagos and Port Harcourt.

All over the world, as cities grow, it comes to a time to review the Master Plan to either restore it or improve on what they already have. We should ask ourselves; what do they do in those nations? I was the Chairman of Senate Committee on Housing at a time. I took one of my Colleagues and we went round some cities of this world. We were in the United States of America where we were informed that at a point when there was need to expand the road network in Washington, the government approached the owners of the adjoining houses and appropriately paid full and adequate compensation. They bought the houses from the owners not only at the market prices but at compensatory prices, demolished them and expanded the road.

We were in Malaysia also where there was need for the Government to restore the Master Plan to be able to rebuild the slums. It was the same thing in Brazil. What

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did they do? They built good houses for the inhabitants of those slums, took them over to those places before they demolished their houses.

In our own case, Nigerians who came to Abuja when nobody had faith in this City and built up this place, at the time the government said they wanted to restore the Master Plan, they found themselves back to the villages and those who came later are now the inhabitants of the town. That is the irony of our own situation.

That is why I said, as we begin to approach the renewal of Lagos and the restoration of Port Harcourt, we must realise that those who were living there must be taken into cognisance. We must ensure that they receive adequate compensation, and there must be adequate housing for those who would be displaced. I know that there are other cities that may be thinking along that line. If you look at Ibadan today, it is overcrowded and needs renewal. It is like that in most cities. As we do that, we must observe our laws, we must listen to what our Constitution says about compensation. We must follow the procedure, which we have set for ourselves through our laws. Once, we do this, there is nothing wrong with urban renewal and the restoration of master plan. The issue is the human face.

The observance of the laws that we have set for ourselves is the lesson we need to draw from this exercise. The future governments, Federal, State and Local that wants to undertake this journey of restoration of master plan must learn from what we are doing today and learn from what the law says and ensure that the correct thing is done.

I thank our Colleagues for taking this path of honour and I believe that in the subsequent reports, this country would know that this Senate is, indeed, the Senate of the people.

The President: Prof. you have spoken, and many more people will speak. All those who have raised their hands would speak because many people would want to speak on this subject and I have written down so many names here. The Whip of the National Assembly you can now speak.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I feel duty bound to say a few words with regard to what has happened and with regard to the neat and academically sound Report given to us by the Committee on FCT. I commend them for a job well done.

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However, I will look at the Nigerian situation in totality. I can remember when distinguished Senator Mamora was our Chairman on Ethics and I happened to be a Member of that Committee. Mallam Nasir El-Rufai accused the then Deputy Senate President and the Deputy Leader of asking for bribe. We called him at that Committee. A Clause in the ICPC Act says that if you are asked for bribe, you are bound to report to ICPC or Police and I asked Mallam Nasir El-Rufai, if he did that? He said; no, and that he left it in the hands of God and that Allah is his witness but at the end of the day, what happened? Nigerian Press in particular, keep giving this man credit. I feel we should say it straight today that the Nigerian Press are the Fourth Estate of the Realm. They are supposed to be the watchdog of the public when public servants are not doing their work. Even today, I read in a newspaper that we have been taken to court, that we are not supposed to debate this Report. I know that this Senate have not been served with the court process. But Nigerian Press would not say it in the right context. We have to be patriotic; we have to love this country.

This man, completely out of arrogance, deliberately flouted the Constitution of this country. He completely ignored Section 36 of this Constitution. That section clearly states what the man was supposed to have done. Section 36(2) says that:

Without 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.

He ignored this and continued to demolish people's houses. He revoked their Rights of Occupancy without any reason and at the end of the day made a mess of our Constitution.

However, I believe that our Press should be a little bit more patriotic. When they see things that are wrong, they should report factually. They should not be sentimental. At a stage Mallam Nasir El-Rufai when he was the Minister of FCT controlled the Press and no matter what you say, the Press was going to report you negatively. That gave us a very bad image. Democracy

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cannot improve and this country cannot be great if our Press are not patriotic enough to say the truth.

With all due respect to our Colleagues, I am fully aware that they did a good job but then I feel that they did not push hard, the case of Jabi Lakeview. The Committee stated that they invited the people but they refused to attend to the Committee.

It is my view, that in future, they should invoked Section 89(d) of the Constitution which clearly states in no uncertain terms that:

The Senate should issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the Committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

This is the Constitution. Our founding fathers that made this Constitution made it for a purpose, and we should use it. In my view, we should have used this Section to compel those people to attend. When I asked the Chairman, he told me that, maybe, the people were not in existence.

With this few remarks, I feel that we have done a good job and this distinguished Senate, when it comes to do consider the recommendations, should do justice to them.

The President: Senator Kanti Ballo, which copy of the Constitution is that and how old is the Constitution. Is it the former one or the new one?

Senator Teslim K. Folarin: Mr. President, it is almost 12 noon, therefore, I move that further consideration of the Report be stood down to enable the Senate to receive the Commander-in-Chief of the Armed Forces of the Federation.

Senator Maina M. Lawan: Mr. President, I rise to second the Motion ably moved by the Senate Leader.

Question put and agreed to.

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Resolved: That further discussions on the Report be stood down for the Senate to receive the Final Census Report from Mr. President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

PRIVILEGES OF THE FLOOR

The Visits of Mr. President, Commander-in-Chief of the Federal Republic of Nigeria for the Presentation of the Final Report of the 2006 Census Exercise

Senator Teslim Folarin: Mr. President; I move that the Senate do now suspend Order 17 of its Standing Rules on Floor Privileges in order to allow Mr. President, Commander-in-Chief, and his entourage into the Chamber.

Senator Maina M. Lawan: Mr. President, I rise to second the Motion moved by the Senate Leader that the Senate do suspend Order 17 of its Standing Rules in order to admit Mr. President and his entourage into the Senate Chamber.

Question put and agreed to.

(Alhaji Umaru Musa Yar'Adua, President, Commander-in-Chief of the Federal Republic of Nigeria and his team, admitted into the Senate Chamber)

The President: Your Excellency, Mr. President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria; Your Excellency, the Deputy Senate President; Your Excellencies Principal Officers of the Senate, distinguished Senators of the Federal Republic of Nigeria and my bosses, may I, on behalf of all of us, warmly welcome Mr. President, Commander-in-Chief.

We have Mr. President, Commander-in-Chief, Alhaji Umaru Musa Yar'Adua (GCFR) with us here to perform a statutory function of laying the Final Report of 2006 Census before the Senate in accordance with Section 213(3) of the 1999 Constitution of the Federal Republic of Nigeria.

May I invite the Senate Leader to move the relevant Motion for the Senate to receive the Report?

Senator Teslim K. Folarin: Mr. President, of the Senate and my highly respected Colleagues, I move that this Senate do now receive from Mr. President, Commander-in-Chief of the Armed Forces of the Federal Republic, the Final Report of the 2006 Population Census.

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Senator Maina M. Lawan: It is my singular honour and privilege to second the Motion ably moved by the Senate Leader that this Senate do now receive from Mr. President, Commander-in-Chief of the Armed Forces of the Federal Republic, the Final Report of the 2006 Census.

Question put and agreed to.

The President: Mr. President, Commander-in-Chief of the Federal Republic of Nigeria, may now lay the Report on the Table.

(Final Report of 2006 Census laid on the Table)

(Alhaji Umaru Musa Yar'Adua, President, Commander-in-Chief of the Federal Republic of Nigeria and his team, withdrew from the Senate Chamber)

Senator Teslim K. Folarin: Mr. President, to enable distinguished Senators attend to very urgent Committee works, I move that further consideration of the Report of the Committees on FCT and Housing be stood down to the next legislative day.

Senator Maina M. Lawan: Mr. President, I rise to second the Motion moved by the Leader that further consideration of the Report of the Committee on FCT be stood down to the next legislative day.

Question put and agreed to.

The President: Distinguished Colleagues, please, may I have your attention for a minute. I have written down the names of those who raised their hands but who were unable to speak today. As we have all agreed, this is a Report that we are not going to rush. I will put down the names of all those who would like to speak and on the next legislative day, which is Tuesday, everybody will be allowed to speak and we are going to discuss this Report from page to page. We are not going to take any shortcut to it. Therefore, I would like most distinguished Senators to be present so that they can participate actively in the discussion. Let me write down the names before I put the Question.

Those who have not spoken today are:

1. Senator Bassey Ewa-Henshaw
2. Senator Anthony George Manzo
3. Senator George Akume

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4. Senator Mujitaba Mohammed
5. Senator Bob D. Effiong
6. Senator Simeon O. Oduoye
7. Senator Sola Akinyede
8. Senator Umar A. T. Argungu
9. Senator Felix Kolawole Bajomo

From the look of things, almost every distinguished Senator would like to speak. My advice is that when we resume on Tuesday, you just raise your hand and then you will speak.

(Further consideration of the Report of the Joint Committee on FCT and Housing by leave of the Senate, stood down to the next legislative day)

ANNOUNCEMENT

Visit to Bauchi and Makurdi

I have one or two announcements. One is to remind you of the movement to Bauchi and the other is to remind you of another movement to Makurdi. The Makurdi trip will take off from the International Airport with Arik Aircraft. So, please, do not wait at the VIP Lounge of the Local Airport. Go straight to the International Airport.

Those of us that are Bauchi/Katsina bound will take off from the Local Airport at the VIP Lounge.

The time for Makurdi trip will be 8.00 a.m. while that of Katsina will be at 11.00 a.m.

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I move that the Senate do adjourn till Tuesday, 27th January 2009 at 10.00 a.m.

Senator Maina M. Lawan: Mr. President, I second the Motion moved by the Leader that the Senate do adjourn till Tuesday, 27th January 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Tuesday, 27th January, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 12.15 p.m.