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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, 27th January, 2009

The Senate met at 10:28 a.m.

PRAYER

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: The Senate is called to order. Distinguished Senators, the Votes and Proceedings of Thursday, 22nd January, 2009 is with us for approval; Pages: 423, 424, 425 and 426?

Senator Eme Ufot Ekaette (Akwa Ibom North-South): Mr. President, I wish to move that the Votes and Proceedings of Thursday, 22nd January, 2009 be approved.

Senator Iyabo Olushola Obasanjo-Bello (Ogun Central): Mr. President, I wish to second the Motion ably moved by Senator Eme Ufot Ekaette.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 22nd January, 2009, be approved.

ANNOUNCEMENTS

Appreciation

The President: I wish to sincerely thank all of you my bosses, the distinguished Senators of the Federal Republic of Nigeria for the uncommon love and solidarity shown by your presence in Otukpo during the commissioning and handing over of the National Open University of Nigeria, Otukpo Study Centre and the Foundation Stone Laying Ceremony of David Mark's International Nursery School and David Mark's Scholarship Award Ceremonies.

I was humbled and overwhelmed by your distinguished presence and support without which the huge success recorded would not have been possible. I thank all of us for remaining steadfast and committed with our covenant with Nigerians to legislate for their well-being. May the Almighty God continue to guide, protect, direct and bless us.

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**Visit of the National Association of Political Science
Students, Nasarawa State University and**

**Students and Staff of Government Secondary
School, Karu, Abuja**

The President: I wish to acknowledge the presence of members of the National Association of Political Science Students, Nasarawa State University, Keffi; and Students and Staff of Government Secondary School, Karu, Abuja.

They are all in the Gallery to observe Senate Proceedings. I wish them fruitful observation of the Senate Proceedings. *(The Visitors rose for recognition)*

Thank you and sit down.

**Birthday Wishes to Senators Stephen Sola Akinyede,
Kamorudeen Adekunle Adedibu, and T. U. Wada**

On behalf of all us, I wish distinguished Senator Stephen Sola Akinyede a happy birthday. His birthday was on 24th January, 2009. Do not worry about the year.

I also like on behalf of all of us to wish Senator Kamorudeen Adekunle Adedibu, a happy birthday. His own was on 25th January, 2009. Again do not bother about the year.

In a special way, we wish distinguished Senator T. U. Wada a happy birthday. His birthday is today. Again do not bother about the year. We wish all of them happy birthday.

Senator George Thomson Sekibo (Rivers East): Mr. President, I have a Point of Order.

The President: Point of Order, George Thomson Sekibo.

Senator George Thomson Sekibo: My Point of Order is coming from the Constitution and also our Rules. Section 145 of the Constitution, states thus:

Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that he is proceedings on vacation or that he is otherwise unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary such functions shall be discharged by the Vice-President as Acting President.

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You will also permit me to go to our Rules; Order 40 which states thus:

The President of the Senate shall immediately after prayers or as soon as any new Senator-elect has taken the Oath/Affirmation of Allegiance read to the Senate any message addressed to the Senate by the President of the Federal Republic of Nigeria.

If you will permit me I want to make few comments why I brought in the Orders. I know that all of us have gone through our daily newspapers. I want to specifically bring up two newspapers: *ThisDay Newspaper* of January, 25th and *Leadership Newspaper* of 24th January, 2009. If you permit me to read I will start with the story in the *Leadership*. In its opening paragraph on this matter it says this:

Vice President Dr. Good-luck Jonathan will take over as the Acting President of the country following a two-week leave, to be proceeded on by President Umaru Musa Yar'Adua. He will serve in that capacity for a period of 14 days until President Yar'Adua resumes duties in February. In a statement, signed by the Secretary to the Government of the Federation, Alhaji Mamudu Yayale Ahmed, the President will be proceeding on a two-week leave with effect from Monday, 26th January, 2009.

I will stop at this point. Based on this information that I have given to the Senate, I do not know if Mr. President of the Federal Republic of Nigeria has transmitted to the Senate President on this matter that he is proceeding on leave.

I tried to take the pains to look at the meaning of the word transmit. Though, it is a very simple word which means; *to send something through someone to another*. This is the meaning given by Webster Dictionary, the Encyclopaedia and the Oxford Dictionary. I want to know, Mr. President, whether it has been transmitted to you and the Senate has not been informed.

I brought this matter up because inasmuch as we are talking about rule of law and due process we must adhere strictly to the provisions of the Constitution. Mr. President has the right to go on leave; no one is arguing about that. He has put in so much effort and he has worked so hard taking Nigeria to a higher height; he has done very well but he is human like any of us. If he is going on leave we must follow the Constitution and so

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we should be properly informed so that we will know where the President is at any time.

You will recall that between August and September last year, there was a rumour also on the pages of newspapers that Mr. President was not around and people speculated all kinds of things. It took about two or three weeks and suddenly, he appeared and we saw him. As Members of this Senate, we should be able to defend our country and the symbol of authority of this country is Mr. President.

So, I want to know from our Senate President whether such has been communicated to him but has not been communicated to us because from the day we resumed in this Chamber I have been here, I have not heard you communicate such to us.

The President: I do not see the Point of Order. You read the Section of the Constitution which says:

Whenever the President transmits to the Senate President and the Speaker of the House of Representatives a written declaration that he is proceeding on vacation or that he is otherwise unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary such functions shall be discharged by the Vice-President as Acting President.

Is it the issue of transmitting to us that he is going on leave that you are quarrelling about or that the Vice President is to be the Acting President?

Senator Sola Stephen Akinyede (Ekiti South): Mr. President, Section 145 of the Constitution says that it is mandatory for Mr. President to transmit a letter to the Senate. That is the first thing. The second thing is that this Section is saying that if Mr. President does so, until he transmits a letter to the contrary the Vice President shall continue to be in charge. That is what it says. It is not mandatory for Mr. President when he is travelling or he is on vacation to transmit a letter to the President of the Senate. But whenever he does ... therefore, it is not mandatory. That is my submission.

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, in addition to what Senator Akinyede has said, it would appear that Senator Sekibo is relying on newspaper reports that Mr. President, Commander-in-Chief is going on leave. It is not mandatory. If he has not written to us, it means that the man has not gone on leave (*Interruptions*)

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Several distinguished Senators: Is he working in the office?

Senator Teslim Folarin: That is not the point. The point is that he has not communicated to the Senate President and if he has not, it means he has not gone on leave.

The President: Senator Sekibo that is why I asked whether the emphasis is one of the Vice-President acting as President or mandatory for him to transmit to us, as if he is seeking our permission to go on leave. But let me rule on your Point of Order. The question you asked is whether or not he has transmitted to me that he is going on leave. He has not done so, that is why I have not read any letter to the Senate. But in the event that he does so, the Vice-President will be the Acting President. My understanding of this Section is that unless he comes and reverts it to the contrary, the Vice President would be the Acting President. This Section is very clear to me on what that one is.

You have come not by personal explanation but by point of order I would rule on it. This, of course, could not have been by personal explanation because it is a bit controversial. It would have generated some discussions. I very kindly and graciously rule you out of order. As soon as he transmits a written declaration to me, I would read it out to the Senate.

Senator Grace Folashade Bent (Adamawa South): Point of Order!

The President: Point of Order, distinguished Senator Grace Bent

Senator Folashade Bent: Mr. President, my Point of Order is from the Standing Order of 2007 as amended; Order 42 on a Matter of Urgent Public Importance. If you permit me to read, I will do so.

The President: You can read.

Senator Grace Bent: Order 42(1) reads thus:

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

(2) If the claim is allowed by the President of the Senate and the leave of the senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.

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(3) Not more than one such motion may be made at the same sitting.

I rise with a very deep sense of sorrow on the tragic development that happened to my State, Adamawa. Two days ago there was a fatal motor accident that occurred along Jos-Abuja Road involving 15 of our very young amiable footballers of Jimeta United Football Club on their way to Abuja. It is very unfortunate and most tragic because it has become one accident too many. *(Interruptions)*

The President: Distinguished Senator, do not go there yet. What you need to do is to give the synopsis. Distinguished Senator Grace Bent phoned me about the tragic accident of the footballers and she wanted to raise it. I have no objection to it but Order 42(2) demands that we get, at least, the consent of one-fifth of all the Senators. If we do agree that you are not going to raise it today, then you bring a proper written Motion tomorrow. That is what will happen if we agree. So, I will put the Question whether you should be allowed to bring the Motion tomorrow to see if one-fifth of the Senators will agree to it.

Question put and agreed to.

So, a written Motion has to be brought tomorrow for consideration.

Resolved: That Senator Grace Folashade Bent be allowed to bring a Motion tomorrow on the tragic death of 15 footballers of Jimeta United Football Club in a ghastly motor accident.

Senator Joel Danlami Ikenya (Taraba South): Point of Order!

The President: What is your Point of Order, Senator Joel Danlami Ikenya?

Senator Joel Danlami Ikenya: Mr. President, I saw in the Order Paper consideration of the Report of the Committees on Federal Capital Territory and Housing. I want to raise a point under Order 53 (5) which says that: *Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might in the opinion of the President of the Senate prejudice the interest of the parties thereto.*

I read this Order because for the past three days and even today, I saw publications in the daily newspapers saying *Senate versus El-Rufai* and they listed the names of parties involved in the case. They claimed to have properly served the Senate with the court processes. So,

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when I saw in the Order Paper this morning that we will resume consideration of the Report of the Committees on FCT and Housing, I feel it was important for me to raise this Point of Order in order that we could look at the matter critically so that we do not prejudice the parties thereto. That is the reason for this Point of Order.

Senator George Thomson Sekibo: Mr. President, by the arrangement of the order of business, we are not yet there. It is premature for us to take it at this point. I will refer us to Order 39 of the Senate Standing Rules which says:

Unless the Senate otherwise directs, the business of each Sitting day shall be transacted in the following order:

- (1) *Formal Entry of the President of the Senate;*
- (2) *Prayers;*
- (3) *Approval of Votes and Proceedings;*
- (4) *Oath/Affirmation of Allegiance and the Oath/Affirmation of Membership of new Senators-elect;*
- (5) *Message from the President of the Federal Republic of Nigeria;*
- (6) *Other announcements by the President of the Senate;*
- (7) *Petitions;*
- (8) *Matters of urgent public importance;*
- (9) *Personal Explanation, and*
- (10) *Order of the day.*

The Order of the day shall be brought forth by the Leader of the Senate. Although the issue is a relevant one and we have to visit it, but I think that we should allow the Leader of the Senate to bring forward the issues for deliberation today.

The President: Senator Sekibo, let me just address the issue. You can raise a Point of Order at anytime. That is what our Rules say. Once we finish with the Votes and Proceedings you can raise a Point of Order at anytime. The Point of Order could even be unconnected with what he said. Therefore, I would rule on his Point of Order so that we make progress because the point he raised is not material here. Whether he raises it before

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the Senate Leader brings the topics for today, or after, to me, it does not really matter. What is important is for me to rule on the Point of Order which he has raised. *(Interruptions)*

Senator Sekibo, you have spoken on this subject and you cannot speak twice. Please go through your Rules. You cannot speak twice on the same subject matter when you are not the mover of the Motion.

Senator Danlami, you may read Order 53(5) which says: *Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might in the opinion of the President of the Senate prejudice the interest of the parties thereto.*

In the opinion of the President of the Senate and in my very candid opinion what we are doing now has nothing to do with any matter connected with El-Rufai and the matter in the court. If you, Senator Joel, for instance, writes to the Committee that your land was revoked when it should not have been or that you have not received your Certificate of Occupancy, how does that affect any matter in the court? So, in my very candid opinion, it does not in any way affect the interest of the parties thereto in the court. On that basis, I rule you out of Order. Therefore, we would continue with our discussion on the FCT Report today.

PRESENTATION OF A BILL

Tobacco Control Bill, 2009 (HB.20)

Senator Teslim K. Folarin: Mr. President, the first business of the day is the presentation of a House Bill standing in my name on Tobacco Control Bill, 2009.

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

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

Tobacco Control Bill, 2009 – Presented by Senator Teslim K. Folarin (Oyo Central); *read the First Time.*

ORDERS OF THE DAY

CONSIDERATION OF REPORTS

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

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

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Senator Teslim K. Folarin: The first Order of the day is the resumption of debate on the Report of the Committees on FCT and Housing, on the investigation of the administration of the FCT from 1999 to 2007. I move that this Senate do resume debate on the Report.

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

Question put and agreed to.

The President: May I suggest that unless there is any distinguished Senator who has something to say that has not been said, that we should really go to the recommendations. I have names here but please, make sure that you do not raise issues that have been raised before.

On my list, I have Senators Bassey Ewa-Henshaw, Anthony George Manzo, Bob-Effiong, Mujitaba Mohammed, Kaka Yale, Oluksunkanmi Oduoye, Sola Akinyede, Kolawole Bajomo, and George Akume. Those are the names that I have. As I call you, you make your contribution. Senator Bob-Effiong you may start.

Senator Bob D. Effiong (Akwa Ibom North East): Mr. President, let me join my Colleagues in acknowledging the efforts of the Committees in submitting this Report eventually.

From this Report presented to the distinguished Senate the intendment of the founding fathers of this Federal Capital Territory has been breached because it is supposed to be a Territory for all Nigerians irrespective of tribe, state and local government origin.

Let me say that the allocation of plots in this Federal Capital Territory, Abuja under the administration of the past Minister in question did not take care of all sections of this country. For instance, when the then Minister came to commission Akwa Ibom House at Asokoro, he told the whole world that Akwa Ibom people did not have land in Abuja because they did not apply for it and then appealed to Akwa Ibom people to apply for land. I walked up to him and showed him instances of people from Akwa Ibom State who had applied for land in Abuja and majority were not given. Those who got were given land at the outskirts of the Federal Capital Territory in places like Gwagwalada and Bwari. Some were given land somewhere close to Kaduna State.

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I told the Minister that his effort is not strengthening the unity of the people of this country because he was discriminating against certain sections of this country. Behold this Report has proved my position right. From the facts available to me there is nobody from my State; Akwa Ibom that has land in the Central Area of Abuja.

I could hear some of my distinguished Colleagues mentioning Cross River and Adamawa States. Cross River State is inclusive but I am not sure of Adamawa State.

The Report is not complete because the Report does not state how many people from each State have land in which locations. The few allocations given to people from my State who are mostly from my Senatorial District are in Gwagwalada where in the next 100 years nobody will go there. What kind of discrimination is this?

I will appeal to this distinguished Senate to refer this Report back to the Committee to look at this issue and bring out details of allocations given to who and from which state because there is serious breach of the Constitution as regards the Oath of Office of the then Minister and what has been going on in the Federal Capital Territory.

Apart from that, the concept of Abuja is at variance with what is on ground because of poor administration. If you are even allocated land, you will find out later that it is a land on which litigation is ongoing. If you are lucky enough to be allocated land, the land must have been allocated to another person and you are dragged to court; you will now be moving from one court to the other; meanwhile there will be no development.

I want the Committee to look at all these complaints. The Senate can, on this very technical issue, allow the Committee to go and work on this matter and re-submit a comprehensive Report to this distinguished Chamber.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I am a Member of this Committee. I want to start by referring us to Section 14(2)(b) of the Constitution of the Federal Republic of Nigeria. With your kind permission, I read: *The security and welfare of the people shall be the primary purpose of government.*

When somebody does a good job we should acknowledge it but I believe that Section 14(2) makes it mandatory that doing a good job for the welfare of

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Nigerians is simply carrying out your duty. I would like to refer us to the plight of a Captain of the United States Airways that landed his jet on the frigid Hudson River. I listened to him when he spoke in public for the first time. He saved 155 people's lives and when he was asked, he said: *We were simply doing the job for which we were trained.*

So, when people talk about restoring the Master Plan; keeping Abuja crime free and keeping the environment clean, I believe that the former Minister, Mallam El-Rufai, was simply doing his job in accordance with Section 14(2) of our Constitution. Therefore, that fact alone cannot be sufficient to justify the kind of impunity that we witnessed during his administration.

A lot has been said here about the goings-on at that time, but I would like to reiterate that this was an era of impunity. Not too long ago, one of our Colleagues wanted to raise a Point of Order; Order 53 of our Standing Orders in which he referred to the matter pending in court.

I know that the former Honourable Minister has been trying so hard to stop this debate from taking place but this is the same man that threw rule of law into the dustbin. He did not believe in the rule of law; he did not believe in court orders and I am told by lawyers that there is a maxim that he who comes to equity must do so with clean hands. If you were blatantly defying the rule of law, why should you go to the same courts to seek for protection? You can never get it.

Let me cite some of the things we discovered during the Public Hearing. Those who went to eject late Justice Sambo from his house stood at Justice Sambo's gate where a court order had been pasted and called the authorities of the FCT that there is an order of court pasted in this premises barring us from ejecting Justice Sambo. The authorities in FCT went said: *Ignore the court order, go in there and throw him out*, and they did just that. They went in, in spite of the court order and threw Justice Sambo out with his family and his property.

The former Honourable Minister prepared guidelines for the sale of Federal Government houses, which he submitted to the Federal Executive Council and it was approved. One of these guidelines was that for public office holders, you are required to put up the house for bidding and the occupant will have the right of first refusal. In other words, the public will bid and then the person living in that house will be given the

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option to match the highest bidder and under those circumstances, you would be entitled to buy the house.

The then Vice President had wanted to buy one of his Guest Houses but the guidelines prohibited the sale of Presidential Guest Houses, so he was denied purchase of what was his own Guest House as Vice President. The Minister, who prepared the guidelines and got the approval of the Federal Executive Council, was able to write a special memo to the then President to obtain a special dispensation to waive the guidelines for him to buy the Vice President's Guest House. First, the house was not to be sold; second, if you are a Public Officer you will have to wait and have these houses bided for; none of these criteria were met. The Minister bought the house in Aso Drive, which normally was valued close to N300 million for N43 million. He sold it to himself.

When he did that, of course, the staff under him that were responsible for administering the sales of Federal Government properties took advantage and did similar things. One of them, Mr. Abbass bought a house in Maitama for N11 million.

Let me say this, exactly the same type of house was occupied in Asokoro by a Permanent Secretary who had spent 35 years in service growing from the ranks of an Administrative Officer. The authorities in FCT decided to redefine the meaning of Public Office holder and told the Permanent Secretary that he was no longer a Civil Servant but a Public Office holder, therefore, to be able to buy his house, he would have to wait for the house to be put up for bid and would have to match the bid and the bid was about N200 million. When she protested, she was kicked out of service prematurely. But the same type of house that was denied a Permanent Secretary and for which a price of N200 million was set is what Mr. Abbass bought for N11 million.

I believe it was Senator Jibril Aminu that talked about the way lands were being revoked and the process of re-certification. We discovered that re-certification was a strategy for taking people's properties away from them. As I speak to you, there is an instance of land at Jabi. The owner had been issued with a Certificate of Occupancy since 1994. He submitted his Certificate of Occupancy for re-certification; FCT seized it and told him that his land had been revoked. So, as I speak to you, the gentleman is still fighting to retrieve his land.

That is the strategy that was used in the land with 19 Plots which became 45. The land was allocated to some unknown people, they took it back and subdivided it and shared it amongst themselves.

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The President: Distinguished Senator, if we go case by case, it will take a long time.

Senator Bassey Ewa-Henshaw: I am not going case by case; I am highlighting some important cases.

The President: We should just take the general things that happened rather than these individual cases, please.

Senator Bassey Ewa-Henshaw: I was using those examples to try to underline the way the authorities under Mallam Nasir El-Rufai operated at the FCT. The point is that there was total disobedience of the rule of law; an era of impunity; complete self-aggrandizement and so on and so forth. There are many areas that would need a follow-up such as the G. Cappa issue.

But more importantly, as we speak, the sums that were collected from the sales of Federal Government houses, the accounts have not been rendered properly and certified. There will be need to follow-up and make sure that all the sums collected are accounted for.

There were people used principally to perpetrate this act. Such people as one Cyril Eze Amaka were put in hiding and they refused to appear before the Committee. This is a principal character that was used by Mallam Nasir El-Rufai to collect thousands and thousands of Certificates of Occupancy. We need to know what that gentleman did; the role he played whether it was really official or not because he collected thousands of certificates as I said. There were people like Jimmy Lawal, who said he came and lived at the Transcorp Hotel for one full year because he loves Nigeria and he paid all his expenses. Clearly, we have not been told the truth about what roles these people played.

Finally, the issue of AGIS needs to be carefully looked into. AGIS appears to be the reservoir of all information relating to lands that have been allocated. AGIS is in Julius Berger. The key staff that work in AGIS are not FCT staff; they are Julius Berger staff or Consultants. These issues will need to be further explored and dig out accurate information as to what has been going on there. Thank you for giving me the chance to speak.

Senator Kake Yale (Borno Central): Mr. President, I totally agree to the Report and the individual contributions except the suggestion that the Certificates of Occupancy signed by Mallam Nasir El-Rufai should be withdrawn with a view to reversing them to the *Status quo ante*, that is the former Ministers

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should sign Certificates of Occupancy issued during their respective tenure. This is unnecessary because Mallam Nasir El Rufai is no longer a Minister and cannot sign any certificate any longer. That does not mean that wrong or illegal acts should not be challenged or reversed or be punished accordingly in the interest of justice, fair play and governance. Briefly, the recertification exercise will subject a people to further hardship in terms of time, energy and resources and some unscrupulous officers may take advantage and abuse the whole exercise.

Senator Munirudeen Adekanle Muse (Lagos Central): Mr. President, much has been said in this Chamber, but I will like to come in by way of a rejoinder to Senator Bassey Henshaw's contribution by asking this question: Throughout the period Mallam Nasir El-Rufai was acting illegally, was there nobody to check him either from the Executive or from the National Assembly. I know that the National Assembly to which I belong since 2007 would have come up with a Motion to curb his excesses. What is going to happen with all the litigations in courts? Who is going to pay the penalty? Is it the taxpayers, that is, the common people? To avert this type of disobedience in future something must be done. Ministers and other government officials who misbehave like Mallam Nasir El-Rufai must be curtailed in future.

Senator Olasunkanmi Oduoye (Osun Central): Mr. President, a lot have been said on the lack of respect for rule of law and court orders by Mallam Nasir El Rufai and his Colleagues in the FCT. A lot have also been said on what constitutes disrespect for rule of law and court orders. We have said very little of what will become the fate of the victims of these illegal acts by way of compensation. Some of the victims were duly allocated portions of lands, which they duly paid for, and were given Certificates of Occupancy, but because of corruption or self-interest the then FCT Authorities cancelled these Certificates of Occupancy and demolished the people's houses. These are innocent people, therefore, something should be done to put smile back to their faces. In fact, some of them died because that was their life savings.

Apart from that, we spoke about lack of respect for rule of law. Some of these are embedded in corruption. The staff of FCT connived with illegal developers to develop plots of lands that were earmarked either as parks or some other public utilities. They would continue to extort money from those illegal developers until they are out of office. One day somebody who probably must have been aware of the illegal deals

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would correct the wrong. They are different from the first set of people whom I referred to as innocent victims.

I am of the opinion that no matter what sanctions we recommend to correct the lack of respect for rule of law, they cannot take the place of adequate compensation to the innocent victims.

Senator Sola Akinyede (Ekiti South): Mr. President, I will like to support what Senator Bassey Ewa-Henshaw has said. I will also like to refer to the provision of Section 14(3) of the Constitution which says: *The composition of the Federal Government of the Federation or any of its agencies and the conduct of its affairs will be carried in such a manner as to reflect Federal Character of Nigeria.*

During the Public Hearing one of the issues I raised as a member of the Committee was that of states of the Federation that are not fully represented in Abuja. I mentioned my State, Ekiti State and asked how many people from Ekiti State have accommodation in Abuja. One of our Members replied that there are over one thousand people. I then said that most of those allocations are next door to Niger, Kaduna and Nasarawa States and that is what is happening. I agree that this Report cannot be complete until we recommend a system that will ensure that every part of Nigeria is equally represented in the Federal Capital Territory. It is only by so doing that it becomes a truly Federal Capital Territory.

With regard to other recommendations, a lot have been said but I think we should juxtapose the good with the bad and the negative with the positive so that at the end of the day, Nigerians will learn from mistakes of those who tried to make the Federal Capital Territory a good place. There are some benefits or advantages from that past administration but the methods that were employed were wrong and that is what we need to study.

Furthermore, I am concerned with the recommendation that Mallam Nasir El-Rufai is not fit and proper person to hold public office in future. A recommendation that a specific person is not fit to hold public office is a punishment. In this regard, I will like to draw the attention of my distinguished Colleagues to the provision of paragraph 18(2) of the Fifth Schedule to the Constitution which says:

The punishment which the Code of Conduct Tribunal may impose for a breach of the code shall include the following:

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(b) Disqualification from membership of legislative house or from holding of any public office for a period not exceeding 10 years.

That is a punishment. Only a tribunal or a court of competent jurisdiction or any body with judicial powers can do this. This confirms the fact that while the Code of Conduct Bureau can investigate, only the Code of Conduct Tribunal can ban a person from holding public office. Neither the Executive nor the Legislature can do this under the doctrine of executive and legislative powers as provided by Sections 4, 5 and 6 of our Constitution. The provisions of Section 88 further confirm this. *(Interruptions)*

The President: Distinguished Senator Akinyede, that point was very eloquently and elaborately addressed by Senator Victor Ndoma-Egba. So, you are going through exactly what Senator Ndoma-Egba had done.

Senator Sola Akinyede: I do not believe Senator Ndoma-Egba mentioned the issue of Section 88 of our Constitution, which is that our powers under Section 88 are limited. That Section provides thus:

The powers conferred on the National Assembly under the provisions of this Section are exercisable only, I repeat, Sir, only for the purpose of enabling it to expose corruption, inefficiency, or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

What I am saying in short is that our powers are limited to exposing corruption. We cannot begin to recommend that somebody should be prevented from holding public office. My worry is that we should be careful in exercising our powers. That is the essence of what I am saying. We should not exercise the power of stopping people from holding public office because it is only the members of the judiciary that can do that.

Senator Felix Kolawole Bajomo (Ogun West): Mr. President, quite a lot has been said and I do not intend to take much of your time but it suffices to mention a few things which are very paramount.

First, is the courage that has been put into this Report. Second, is the courage of the Senate to allow this Committee to be set up to look into this matter, because any other kind of people or group would have been intimidated along the line. We all know what is happening.

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If I had not been privileged to be part of this discussion, if I had not been privileged to read this Report, if this issue had never come up at all, I will be one of those people that would recommend that the name of Mallam Nasir El-Rufai should be written in gold because it was believed that he did what was good within the confines of the laws until these revelations began to come out.

If any body is so empowered and he is backed up psychologically to clean up the mess that has been created in the Capital City of which we are all very proud of, I will be a party to it. In the course of doing that if people disobeyed the law and keep building on unauthorised places and the law is visited on them to ensure that the City is cleaned up, it is all well and good because there is no excuse for you to violate the law. But, if you have such support and you abuse such opportunity given to you by visiting the wrath of a personal vendetta on people to ensure that they are dispossessed of their possessions which were legally given to them, then such a person must really be brought to book.

Somebody who steals a goat in the market is prosecuted in accordance with our Constitution. But in a case of a public functionary who disobeyed and disregarded entirely the Constitution which he had sworn to defend, something must be done to ensure that such people are properly brought to book. A lot had happened even before Mallam El-Rufai's saga and people got away with them.

I sincerely hope that in the course of attending to the recommendations of this Report, we should look into situations where within the confines of the law, we would do what is necessary to be done for somebody who has taken the people for granted.

Senator George Akume (Benue North West): Mr. President, I am one of those who believe that there are certain assignments in this country which when one is given, he shivers. One of such areas is education. When you become the Minister of Education in this country you have to be very careful because ASUU or the students could bring you down. If you are in the Sports Ministry, the Sports Writers Association and virtually everybody who claims to know so much about sports administration will criticise you particularly, when you lose a match, you would be brought down.

The next Ministry is the Federal Capital Territory. FCT is a very sensitive Ministry. It is sensitive because it deals with land management and administration amongst other things. Why is land so emotive? It is an

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emotional issue because one of the elemental needs of man is shelter. Even the early man had his own shelter, he lived in caves. But you cannot have shelter until you have land and that is where the problem begins.

In Abuja in particular, we came here to improve on what we had in Lagos but is it what we have today in Abuja? Is there any improvement, perhaps, not much? There is traffic hold up; uncontrolled development; double allocations of land, *et cetera*.

This is a good Report. It would have still been better if there were some form of balance. The young man came to town with a broom to sweep Abuja and he started very well; along the line politics came in, and the mandate given to him got totally out of spin. It went out of control. Politics came and people were targeted and houses that were not supposed to have been demolished were demolished, allocations were made and revoked on public interest but were later given to individuals. What does the Land Use Act say? It says that once you revoke in the public interest, you do not have to allocate such land to an individual. So, there were so many abuses as has been highlighted and that is why this Report has generated a lot of comments and less questions.

I want us to take another look at another area which I believe would go a long way in improving land management and control in Abuja. I am looking at the inadequacy of the layouts and the districts. If we have more layouts and districts, there will be more land to be allocated and people will not rush to buy the few that are available. Today, it is costly business to get land than to sell it because we do not have sufficient plots.

I want to appeal to my distinguished Colleagues here to properly redesign Abuja. Let us have more districts and layouts so that Nigerians can have plots in those layouts and districts and build Abuja to the standard that we all will desire.

I want to commend those who have written this Report but, honestly, let us do more for Abuja by creating more districts. That is my little contribution.

Senator Adegbo Erhiawarie Eferekaya (Delta Central): Mr. President, you will find that when you speak very late in this type of set up, what you had in mind would have been said. So, I only want to remind and urge this hallowed Chamber that during the Public Hearing you would have seen a lot of people crying because they were sleeping in gutters, they had no homes. So, I want to say that the Public Hearing ended in May 2008 and we are in January, 2009 and those

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people are still suffering so it is our duty to quickly act on this Report and make sure we can alleviate the suffering of these people.

It is also well known that we have limitation of powers, but this is something that is very atrocious. We have to do more to ensure that all those involved in all these illegal demolitions are brought to book. Though these demolitions are centred on one person but there were other individuals who were there to carry out the demolition orders. You may not be involved in a crime but if you are an accessory to a crime, the punishment also comes to you.

Let us act quickly. The people we have been talking about are still suffering and it is now close to eight months since the Public Hearing was concluded.

Senator Nicholas Yahaya Ugbane (Kogi East): Mr. President, we have to understand the person of Mallam Nasir El-Rufai and his antics and what he set out to do though we discovered belatedly.

Mallam Nasir El-Rufai, the then Minister, set out to rubbish the institution called the National Assembly. That was his objective. Why do I say this? He started from his screening as a Minister of the Federal Republic of Nigeria. You remember the notorious ₦50 million gratifications which he alleged was purportedly demanded to secure his clearance. I was present in one of the meetings of the Northern Senators and I asked; how was the gratification paid? They said it was through a cheque and I said, we should have a copy of the cheque but no reply came. I said all right, if the cheque could not be produced, let us have the stump of the purported cheque. Yet, it was not given. While this chaos was going on, journalists who had always defended El-Rufai asked him a question and replied that the best answer to a fool is silence. The then Senate included the Vice-Chancellor who signed his degree certificate. When he came here and was shown the people him referred to as fools he melted and then apologised.

I want to give general overview of the comments on this Report which was ably put together by Senator Abubakar Sodangi and his Committee. When they were holding the probe, Mallam Nasir El-Rufai, in connivance with his cohorts that are still in the Ministry, cleverly assembled all the names bearing *Sodangi* and said; so and so number of plots allocated to various *Sodangi's* throughout this country belong to Senator A. D. Sodangi, the Chairman of the Committee.

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Again, when Senator Ikechukwu Obiorah was found to be very active and participating effectively in the discussions of the Committee, they said his house was being erected on a sewer line and he had to come here to this Senate to bale him out; if not his house would have been demolished. That is an example of how selective the demolitions had been carried out.

Unfortunately, when late Senator Idris Kuta headed a Committee to look into the destructions, arbitrary revocation and all these things, his report did not see the light of day. If that report had seen the light of day, perhaps, we would not have been where we are now.

Mallam Nasir El-Rufai violated so many rules. It was Mallam Nasir El-Rufai that was alleged to have paid dollars to his aides in Nigeria contrary to the provisions of the National Wages and Salaries Commission Act. His aides were receiving dollars and those aides were said to be indispensable to his administration.

Now, we want to ask a question. Mallam Nasir El-Rufai had a boss then, what did his boss do? Mallam Nasir El-Rufai was never for one day called to order because the environment under which he was operating was an environment of *militocracy*. That was why he was not called to order.

Even when there was court injunctions, Mallam Nasir El-Rufai flagrantly disregarded such injunctions and no court could issue warrant of arrest against him. So the Judiciary could not also perform. If a court order is issued and is not complied with, it amounts to contempt of that court, and a warrant of arrest could be issued. This was not done. Mallam Nasir El-Rufai also went to the Judiciary to silence them all.

Mallam Nasir El-Rufai did some good job such as removal of all beggars on the streets of Abuja and keeping them in one place. But now the front of the Senate building is where beggars assemble everyday. They have even started recognising some Senators because each time I pass, they will say; *oga you gave us money yesterday and today you have to give us*. I will say; it is not everyday I give. They are now in front of the Senate building; they are in front of everywhere.

That is one aspect of the good jobs Mallam Nasir El-Rufai did. Prohibition of Okada riders from the metropolis was also a good thing. So, incidence of orthopaedic cases and all that have been reduced to a drastic extent.

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This Report put together by our Committee is very important. Though we do not like ad-hoc committees, I suggest that we set up an Ad-hoc Committee, one from each geographical zone, to implement the recommendations of this Committee because they are far reaching. What I mean is this; the Committee has recommended a setting up a committee and such a committee - (*Interruptions*)

The President: Do not address Senator Sekibo, please.

Senator Nicholas Y. Ugbane: Mr. President, these are detractors who do not want good points to be brought up. Like the N32 billion saga; we do not have power to investigate but the Economic and Financial Crimes Commission (EFCC) is there. Therefore, this Committee will tell us step-by-step what should be done in respect of one case or the other and in respect of one recommendation or the other so that we are seen to have done justice to this Report.

Finally, the spurious issuance of Certificates of Occupancy, particularly the ones that Mallam Nasir El-Rufai did 48 hours to his departure should be looked into properly so that justice is seen to be done. Wherever Mallam Nasir El-Rufai is, the law can always bring him back to attend to all the misdemeanours, mannerisms and antics that he has visited on the people of Nigeria.

Thank you very much for the opportunity.

The President: Is there any point that has not been raised?

Several distinguished Senators: No.

Several distinguished Senators: Yes.

The President: That is all right. We will take some more contributions.

Senator Bala Abdulkadir Mohammed (Bauchi South): Mr. President, honestly as you said, everything had been mentioned, the Report is a very good account of what happened then. I just want to draw the attention of this hallowed Chamber to one phenomenon or discovery of this Report. What Mallam Nasir El Rufai had done had negative impact on the Civil Service and the rule of law. My former Colleagues in the Public Service have been complaining. A portion of the Report captured how some people were brought in as mercenaries to perform statutory duties otherwise performed by Civil Servants. This is what has brought

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us to this level because we allowed it. Even in the earlier administrations we had had some El Rufais; those opportunists who come with a lot of intellect. They came with ideas and with global indices to impart on the society and our leaders are always gullible to such people.

I am saying this so that present and future leaders should be aware of El Rufais because they are everywhere. They will come with revolutionary ideas and at the end of the day; they would just implement an agenda leaving the service devastated. Today, we have Civil Servants that had been posted without any duty. We have Civil Servants that had been called names when the faults were not theirs. We have Civil Servants who are living in agony and melancholy. I am saying that the nation should be aware of El Rufais because they are very crafty and very intelligent; they have penetration and intellect.

The President: We should go to the Report and take the recommendations one by one. In-between, if you want to make a comment on a particular recommendation, you will be free to do so; but it will be good for us to go to the recommendations.

The Committee produced a summary of their recommendations but along with that summary we should go from page to page so that we do not leave any stone unturned. On pages 1 to 3 there are no recommendations.

Senator Umaru Dahiru (Sokoto South): Mr. President, I have a Point of Order.

As we are considering the recommendations now, and I wonder if the Chair would not come down to be part of the consideration the whole Report.

The President: I think we can do it with me sitting here. We cannot do it in the Committee of the Whole because this is just a Report. The gravity of the recommendations is not what can be responsible for my movement from here to there. This is not a Bill. It is just a Report.

Senator Joel Danlami Ikenya: Mr. President, I think it is procedurally right for the President to move. When we finish consideration of the Report you can then report progress. That is how it is supposed to be done whether it is a Bill or a Report.

The President: I am not too sure about that but can you show me in the Rules where it says a Report can only be considered in the Committee of the Whole. This

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is just a Report coming from an Ad-hoc Committee. Senator Dahiru, you are the one that raised the issue, do we carry on until you are able to bring it out from the Rules? Go through the Rules if you are right then we do it but as far as I can understand, it is just a normal report from an Ad-hoc Committee.

Before this interruption I was on page 3 and I said that there was nothing on page 3. There is nothing on page 4 also.

Senator Ayogu Eze (Enugu North): Mr. President, I have an observation.

If you look at the listing of this Report in the Order Paper there in bracket is written, (Committee of the Whole), which means we are supposed to be considering it in the Committee of the Whole. If that is the case, then the Senate President should come down and be the Chairman of the Committee so that we can now be properly constituted. The Order Paper has already indicated that we should consider it in a Committee of the Whole.

The President: Can we not cancel that Committee of the Whole? This is because procedurally you have not convinced anybody that we have to do it in the Committee of the Whole.

Senator Adeleke Olorunnimbe Mamora: With all due respect to your good self and my Colleagues in the Senate, there are some of these things that are not necessarily in the Rules but by convention and practice. I think a Report of this nature is best considered in the Committee of the Whole.

The President: Is it because of the nature of the Committee or that every time we have to consider a Report from an Ad-hoc Committee we do it in the Committee of the Whole? It is not the gravity or importance of the Report that matters, it is whether that is what we ought to do as a matter of procedure; whether the Report is wishy-washy; a good one or a bad one; high or low.

Senator Adefemi Kila (Ekiti Central): Mr. President, we have passed that level. You have just said that we should get on with business while those who feel there are things to pick up in terms of the Order would look it up. If they find any, they would get back to us. If the President must move down as in a Committee of the Whole, then we take it thereafter.

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My second point is that what I have in front of me have a recommendation on page 1 so I want to be convinced that we are both looking at the same paper.

The President: I told you that the Committee summarised their recommendations and I am looking at the summarised Report. Their recommendations start from page 13 of the main Report. I want to ensure that we do not leave anything in this whole Report. If there is nothing on pages 1, 2, 3 and up to 13 and everybody is on the same wave length then it is all right.

We will use both the Summary of Recommendations and the Executive Summary of the main Report. The issue I want us to get right is whether we should do it in the Committee of the Whole or I can do it from here.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, in line with what Senator Mamora has said, we should be seen to be observing our rules of procedure. Every Parliament observes its rules of procedure. The rule of procedure we set up for this debate, if you would take a look at Consideration of Report; the last words there are *Committee of the Whole*. We have taken the preambles and we have finished the debate on the general principles of the Report. We should be seen to be observing our rules of procedure. The procedure we adopted here which was endorsed this morning is that this Report be considered in the Committee of the Whole. If you look at item 1, *the Senate do resume consideration of the Report* and the final thing in bracket there is *Committee of the Whole*. So, it assumed that that is the agenda we have for this Sitting this morning and that is what we have adopted as our rule of proceeding. I do not think it is anything difficult. We have finished discussing the general principles of the Report and now we are considering the recommendations, which I believe that by convention, we should take in a Committee of Whole. I believe it is on course and it is not open for debate. It is just for Mr. President to get up and change position. We are already in the Committee of the Whole because our rule of procedures which was adopted this morning is that it should be taken in the Committee of the Whole. It is boldly written in the Order Paper.

The President: Senator Lee Maeba, I agree entirely to the point that you raised. What I am trying to say is that if by procedure, I should go down, then forget what is put in bracket in the Order Paper. We are to be consistent in what we are doing because there are so many Ad-hoc Committee reports that are going to come

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before us. If this Report is coming from a Committee, for instance, that we gave an assignment to clear people and bring a report, that is very clear and straightforward. However, the issue is that we set up this ad-hoc committee, whether by procedure that it must happen that way, then if we establish it that way, that is all right, but we should go by the rule. That is all what I am trying to say.

Senator George Thompson Sekibo: Mr. President, this Report emanated from a Motion on the Floor of the Senate. It is not the first report that we are taking on such Motion. There was a Motion that was brought forward by Senator Bala and it was sent to the Committee on Solid Minerals. When it was brought before the Senate, Mr. Senate President sat where he was and we took all the recommendations. That is how we have been treating such reports. It is not a Bill that you are going to sit down and take Clause-by-Clause. Mr. President would be right to sit on his Chair and take the Report because there is a precedent.

The President: That is precisely the point I am making. If you see our Rule 102, even though Senator Olorunnimbe Mamora said that it is not specified there, but this is not a Bill. It is just a normal report that we are taking and I think there is no problem if I take it from here.

Several distinguished Senators: There is no problem.

The President: That is all right. Let us make progress because we have to finish these recommendations today. I am using both the Summary and the Executive Summary of the Report and I was on page 5. There is nothing on page 5, in other words, there are no findings or recommendation on page 5. I will go on to the Main Report up to page 13, and then we will go to the Summary just to make sure that they also have left out nothing.

Is there any comment on Page 6?

Senator Bassey Ewa-Henshaw: There are recommendations in the Executive Summary on page 5, although they are captured in the other Summary in a different area.

The President: Where is that on Page 5? Two papers have been submitted. One is the Investigative Public Hearing on the Activities of the Federal Capital Territory Administration, 1999 to 2008 and that is the one I am going through. Then the Committee produced a Summary from the Main Report showing mainly the

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recommendations. Therefore, for us to ensure that what they have produced left nothing out in the Summary, I am going to use the Main Report first, up to page 13.

Senator Adegbo Erhiawarie Eferekaya: On the cover of the Report, you have 1999 to 2008. In the first page of the Report, paragraph 2.0, you have 1999 to 2007. So, where do we actually end? Is it 2008 or 2007?

The President: Correct it to 2008. Is there any comment on page 6?

Senator Mohammed Kabiru Jibrin (Kaduna Central): Mr. President, I found that the Report on pages 5, 6 and 7 highlighted significant issues concerning Federal Capital City generally. Page 5 started talking about the ideal Capital City and ended up on pages 6 and 7 where it talks about the bane of unnecessary hold-ups and choked up on some streets. This is very important because as other discussants on the subject highlighted, it is the intention of the Leaders of this country and generally accepted by the whole population that the Capital City be moved to a place more ideal and be made as a model city, distinct from what we used to have in Lagos. Accordingly, it is important here, to perhaps, have other recommendations to whatever recommendations that was made. This is because at the end of page 7, I found that the Committee did not put up a recommendation consistent with the comments on those pages. I am suggesting that we should add that.

The President: That is all right, Senator Jibrin. At the end of this, I am going to ask whether there are additional recommendations, then you could bring it up.

Are there any comments on Pages, 6, 7, 8, 9, 10, and 11? Yes, Senator Umaru Dahiru.

Senator Umaru Dahiru: On page 11, there is a finding on the demolition that was carried out. The Committee found out that not a single demolition was done following due process and there was no sufficient notice or opportunity given to the people to appeal against the demolition order. I thought having discovered this; the Committee ought to have recommended the way out. Since there is no due process and no right of appeal, they should have recommended something here as it is done elsewhere. So, I feel that something is omitted here. We need absolutely to recommend something here.

Senator Abubakar Danso Sodangi: Mr. President, page 11 that he is talking about is the Summary of all that happened in respect of demolition, revocation,

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allocation and so on and so forth. As a matter of fact, it begins from page 10 and that is what we have taken up to the end. Then on revocation, we have also highlighted what happened but if you go into the recommendations there is something about revocation and re-allocation and everything has been captured. If he can just exercise some patience he would find them. They are all captured.

The President: Is it clear now? He is saying that they are addressed in the main recommendation. Combine whatever you have with this Summary and recommendations from page 13 upwards. Shelter Development Limited is on page 13 of the Main Report. The recommendation is that the Federal Capital Territory Administration should restore the Certificate of Occupancy to the company and initiate negotiations with the company regarding compensation on the demolished structures. I believe we have all read it. So, let me put the Question on that. Your recommendation is what should have been numbered actually.

Question put and agreed to.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, while I am not against this recommendation, it is rather selfish because it is not addressing the issue at stake and this is why, most of the time, we address personal issues instead of general issues. It is not only this company that has Certificate of Occupancy and their property was demolished. I do not think this recommendation will stand the test of time. We should make a general recommendation on anybody who has a Certificate of Occupancy or approval of FCDA and whose house was demolished. This is because when we start bringing out individual companies people can read meanings to it.

The President: Distinguished Colleagues, this point he has raised appears to me to be valid. Did you capture all the houses that were demolished illegally? One of the write-ups here is that people were not given enough notice which touches the point Senator Dahiru raised.

Senator Abubakar Danso Sodangi: I thank Senator Babalola for this observation but I want to say that we took a lot of pains to put these things together and there are annexures attached. These ones are a kind of flash points of some sensational cases that were brought before us. We have highlighted them, but each case was treated. If you go to Annexures 1, 2 and 3, they are voluminous, they contain every complaint. I want to repeat here that no case was left out. Every other case has been attended to and taken care of,

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including demolitions and revocations. So, that is what we are saying and if you go through the annexures, you will find them.

The President: That is the point Senator Babalola is raising that why have you singled out this one for us to deal with?

Senator Abubakar D. Sodangi: The others are contained there in annexures 1, 2, and 3. where we treated all the complaints, and we have given our recommendations.

Senator Mahmud Kanti Bello: I am in agreement with the point Senator Babalola has raised. What Senator Sodangi should have given us based on the recommendation on page 13, is a specific company and then a general recommendation that Certificates of Occupancy have been tampered with, so that we have a good idea that everybody is being given equal and fair right.

Senator Tawar Umhi Wada: As a follow-up to the comments that have been made, on pages 11, 12, and 13 there is copious report on revocation of plots. Plots were claimed to have been revoked based on public interest but the Committee discovered that most of those plots revoked were not actually revoked based on public interest.

Secondly, it was also discovered that those who recommended the revocation of those plots were people who were not authorised to make such recommendation. They were busy bodies, personal assistants, who made recommendations to the Minister and the Minister accepted those recommendations and went ahead and revoked.

Thirdly, when they revoked the plots that they claimed were based on public interest; they surreptitiously went behind to re-allocate those plots to their brothers, sisters, girl-friends and all that. All these things were copiously reported but there is no recommendation against that injustice that was meted to others. It is only covered in the recommendation on Shelter Development Limited. Simplicita. To that extent, there is something missing very seriously because if plots have been revoked unjustly, recommendations should have been made as to how or what should be the panacea to that.

The President: Senator T.U. Wada that is the point we are discussing. There is a recommendation on page 27 of the volume that has a total of 73 pages on demolition. It says that the Federal Capital Territory

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should ensure that every person with a valid Certificate of Occupancy and Approved Drawing and whose structure was demolished, should be compensated appropriately and restored to the land or be given another allocation. This is not given to us in the Summary, so what is going to happen.

If we take this Summary which you produced, then what I have just read out is not going to be reflected, and future demolitions must follow strictly the due process and in accordance with Section 85 of the Urban and Regional Planning Act, which provides that you must provide an alternative before demolishing premises in use for human habitation.

Senator Ike Ekweremadu: The only problem with this Report is as highlighted by Senator Babalola. Where there is a specific issue they have made recommendations. But in terms of general recommendations, they appeared to me to have captured everything again. If you take a look at pages 3 and 4 of that Summary Recommendation, it covers everything about revocation, allocation, demolition and all that. They are all captured but the problem is why do you select some where you have made general recommendations that otherwise would have covered those ones? Why do you have to separate them? What you have on pages 3 and 4 have covered the case of Shelter Development, American Hospital and the rest? That is the only problem with the recommendations otherwise, they are all captured under pages 3 and 4 of the Summary Recommendations.

The President: You are right. Please before we make any further progress, you have singled out one person here when, in fact, he should have been under the general recommendations. If you have singled out just an individual it does not look nice.

Senator Abubakar D. Sodangi: Mr. President, can I explain that?

The President: What explanation would you give for singling out this particular case? Do you have any reason because we want to address that first?

Senator Abubakar D. Sodangi: If you look at page 47, paragraph 3 of the Main Report, the Committee says: *Comprehensive list of complaints/petitions received by the Committee is contained in the Annexure Volumes I and II.*

In those Annexure Volumes I and II we have more than 200 complaints which we have treated and recommended to you for your approval in the same

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manner as we have highlighted this one. So we have not let out any.

The President: Senator Sodangi, how can we approve what we do not have? We just approve and do not know what we have approved?

Senator Lee Ledogo Maeba: Mr. President, your observation on this Shelter Development Limited is correct. If everybody is a sinner, then you single out one sinner to be stoned to death so that by his death the other people will be punished or blessed.

What you are saying is that the recommendation in general is sufficient; I agree with you completely. So, we can set the issue of singling out Shelter Development Limited aside and now include it in the general one but I have an explanation there.

I have my concern about the recommendation that all the Certificates of Occupancy that had been revoked and reallocated should be restored to their original owner. There are some desperate developers who were given plots of land in May 2007 and this is 2009. By now they have finished construction work; their buildings already erected and become functional. Do we sit down here and say all those allocations be revoked again? They will go to court and it becomes a chain of court cases; two wrongs cannot make a right. If a man applied to the FCT and was allocated a piece of land, which in fact, he did not know where the land was coming from and he has finished building his house, can we say the Certificate of Occupancy issued to him should be revoked?

What I believe we should do here is that if somebody's Certificate of Occupancy was revoked he should be given the same land and if the same land has been developed, he should be given another land in compensation. But to say they should enter negotiation to pay money, how can the budget of the FCT accommodate those recommendations or negotiations for payment of fine? That will become very heavy on the authority.

While we are considering this recommendation the best we can do to get out of this lock jam and not to complicate further judicial lapses is to recommend that the people be reallocated alternative plots of land if the ones that were revoked and reallocated had been developed. This is what we should do before we run into more problems.

The President: I am not sure that we have taken into consideration the magnitude of the work before us.

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I do not know how many petitions you received from people with genuine Certificates of Occupancy and Approved Drawings who fulfilled all the relevant conditions in the Certificates yet their houses were demolished. The allottees whose properties were demolished without due process and those whose properties were demolished after due process should be separated.

The point I am trying to make here is that we cannot determine the validity of the Certificate of Occupancy of every allottee when we do not know the people that we will classify as those having valid certificates? Who is going to determine which allottee has a valid certificate?

This recommendation, broad based as it is, has to be more specific saying that Annexure I shows all those with valid certificates whose structures were illegally demolished. We will then look at it and see if anybody wants to pick a hole in that one. But to approve a blanket paper that we have not seen is not the best for us. In trying to right a wrong we should not compound or complicate it or do something that tomorrow people will just say we have not done a thorough job.

Senator Sodangi, I am a bit worried about this particular recommendation. We have to be more detailed about it. I do not know how you want us to get out of it. The problem on ground is what we want to solve. We need not use it to make comments any more, please.

Senator Osita B. Izunaso (Imo West): Mr. President, I agree with you in your observation but then if you look at pages 36 to 47 of the Main Report you will discover that all those things we are talking about are contained there. There also you have the details of those that appeared and their specific issues and how they were solved in the recommendations.

But there appears to be a conflict of specific recommendations vis-à-vis the broad based recommendation. I will advise that we step down a little bit because of this conflict and reframe all the recommendations in a manner that we would just take them in one fell swoop. Senator Sodangi can still go back to work and find a way of getting the recommendations streamlined in a manner that when we present them we will not continue making more mistakes in an attempt to solve the problems.

As one Senator had earlier suggested, an Ad-hoc Committee can be set up to look at these recommendations. It is either we adopt that or we

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mandate Senator Sodangi to go back and harmonise these recommendations within two or three days and re-submit them to avoid all these conflicts.

The President: Pages 36 to 47 has not solved the problem. Pages 36 to 47 state the old addresses, description of official residences, new addresses with changes either in the numbering or in street name of the same residence, if any. That is what I have on page 36. We are talking of the demolitions and revocations of Certificates of Occupancy.

Senator Teslim K. Folarin: I agree with you, Mr. President. What the Chairman needs to do is to go back and categorise what the issues are rather than going into specifics. He should categorise them and come up with recommendations to back each issue. If people are interested in the details, they can then go into the annexures.

For that reason I want to move that this Report be recommitted back to the Committee for further legislative action.

The President: Leader, let me take few more comments before I take your Motion.

Senator Jibril Mohammed Aminu: Mr. President, I have a suggestion about how to deal with these issues of revocation and reallocation. The review exercise of the Certificates of Occupancy conducted by the Abuja Geographical Information System appeared to have other hidden motives which had the effect of making many allottees to lose their properly acquired plots.

Besides, this exercise is becoming interminable and most of those who duly handed in their certificates have not yet received them back and have not received any new one in their place. Furthermore, this exercise has assumed a clash of personality whereby one Minister becomes the sole signatory of all the Certificates of Occupancy issued by the FCT so far. The Senate is invited to:

1. Halt this exercise and call for a review of the exercise forthwith;
2. Return all previous certificates to the owners because a review exercise can be properly conducted without the allottees losing their Certificates of Occupancy and requiring new ones.

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3. Where the original Certificates have been destroyed, new ones should be issued and signed by the current Minister provided that the Certificates shall be designed to show the original one issued by a Minister named and dated, like you say original certificate was issued in 1996 by Hamza Abdullahi or somebody.
4. Where the plot has been allocated unfairly to someone else and developed, new plot should be made to the allottee but he shall not have to pay any money already paid. These plots are very expensive and if somebody alleged that his plot is removed and was dully compensated, I do not think that we should ask him to pay all the money he had paid to get the original one which was unfairly taken away from him.

If the Committee and the Senate agree to those suggestions, we should be able to look after this issue of the exercise.

Senator Kabiru Ibrahim Gaya: Mr. President, I will go contrary to other views that this Committee headed by Senator Sodangi did a very good job and a thorough one. I am saying that from Page 1 of the Report up to Page 70, they tool them item by item. For example, for Item 1, they said from Page 13 of the Main Report is the recommendation. For Item 2 Pages 15 and 16 of the Main Report contain the recommendations. If you go through Page 3, it also defines that Pages 26 and 27 of the Main Report concerning allocation distribution; they said Government should reverse all revocations in respect of lands which do not contravene the Land Use Act. So, I think the Report is detailed enough. If we have to go page by page, or number of allottees it means we are going to discard the whole Report. I think the Summary is good enough for our discussion.

Senator Anthony Agbo (Ebonyi North): Mr. President, I want to say that the problem we seem to be having here is not all that a problem. It is true that certain institutions were listed separately from the main recommendations that were clustered together. This was done because there were cases that could not fall into those clusters of cases; like that of G. Cappa, for instance. His case was not strictly that of revocation. His property was sold by FCT to an individual and you cannot classify it under revocation.

Then the case of American Hospital is a mixture of revocation over allocation and so and so forth. This is because a case was made that the land given to American Hospital was more than what it should have

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been and peoples' plots were revoked which were included in that. These ones listed separately are the ones which could not fall into the clusters that were built up together. It is not as if the Committee singled out any particular institution for any particular interest, rather it is because their cases are so peculiar that they cannot fall into the clusters that were arranged together.

The President: The more explanations I get, the more confused I tend to be.

Senator Anyimchukwu Ude (Ebonyi South): Mr. President I associate myself with the fact that this Committee had spent some time to do a good job. My worry now is to get a guarantee from the Committee Chairman that these recommendations, if approved, are implementable and would not damage the image of the Senate.

For instance, if we say restore Certificate of Occupancy to somebody, is it restorable? Is there no building already standing there for whatever reason? If we say revert, is it revertable? Or are we going to make nonsense of ourselves? If we get an assurance from the Committee Chairman, who have laboured for quite sometime to produce this Report that these recommendations are implementable, then we would go ahead and approve them. But if we have doubt that some of them will be difficult, if not impossible, to implement; then we may give them a few more days to go and confirm that these things are implementable.

The President: We are not the ones to implement the Report and we are not going to base it on what is implementable and what is not. We would base our Reports on the facts before us. If those facts are correct then we would base our Reports on them. Implementation is that of the Executive arm of Government. If we do our job and any other person does not do his or their jobs that is not what we will worry about.

But the main thing is to make sure that whatever recommendations we make, are based on the facts before the Committee which should be totally impartial. Again we should be fair in what we are doing. That is why I am a bit worried about picking up one and making a recommendation.

Senator Abubakar Danso Sodangi: Mr. President, I want to assure you and my Colleagues that the Committee is ever ready to do whatever you ask us to do further to make these recommendations acceptable to all of us and we can always defend it.

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But with due respect to what our erudite Senator Jibril Aminu has raised; it is an omnibus kind of recommendation. Anything on recertification right from, maybe, past Ministers up to date, how many of them and I have given you example that Mallam Nasir El-Rufai issued out 60,000 certificates and no person has complained before us. As you said, we deal with the facts and figures. People had come before us; we heard them and we have made these things into categories.

Annexures I and II contain all those revocations and reallocations and if you want us to rearrange them, we will do so. It is a question of rearrangement, we shall do that. I do not want to believe that we only figured our Shelter. G. Cappa is there and it is a Company that was given a plot of land on which they had built an estate and somebody sold it. Where do you want us to put him? We had to bring a special report on that. If you want us to lump them with the rest, we shall do so and say these are A, B and C, but it will be voluminous. Annexures I and II contain everything that we are saying here

The President: We should not run away from the volume. After all, you took several weeks to get this Report, so, why should we on the Floor here run away from the volume of work that will be involved. *(Interruptions)*

Senator Ewa-Henshaw, I can see you raising your hand, do you want to say anything outside what he has explained now? He has offered to take it back so that he could do more detailed exercise.

Senator Bassey Ewa-Henshaw: Mr. President, the point that the Chairman has made is valid but I want us to understand the enormity of the problem. To deal with some of these issues that we are raising, you have to sit down with each file in the FCT to be able to determine the true position which you have rightly identified is not our job. These ones that have been listed, for example, G. Cappa and the Holy Child, they bought land from Third Parties, then, it was revoked but half of it was given back to them. They are asking for the other half.

What Senator Agbo and the Chairman of the Committee said are valid. Not all of them conform to the general recommendations. We have identified those and made general recommendations. For example, on the recommendations on allocations and revocations, what we have done is to know the correct legal processes that must be gone through to revoke. FCT now needs to set up a Land Use and Allocation Committee and then give people opportunity to present

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their cases to the Committee. It is that body that would determine case-by-case whether each land was properly revoked or not.

So, what we should deal with in our recommendations where we feel it is impossible to implement, we modify accordingly to make sure that it is implementable. The execution of the recommendations will lie with the Executive as you have rightly identified.

Senator Victor Ndoma-Egba: Mr. President, we have looked into a number of specific cases in this Report. Out of those cases a number of issues have arisen. We can now categorise these issues and recommend to the Senate based on those issues not on the cases. If we do that, I am sure that we would make progress.

Senator Mohammed Kanti Bello: Mine is just information. On the case of G Cappa, we have a similar indigenous company that has a similar case. If you take out G Cappa and leave the indigenous company, it will not be fair. All we are saying is that all companies with similar cases should be treated alike. You can use G Capper as an example, I will agree with you.

Senator Adeleke Olorunnimbe Mamora: Mr. President, your good self and some of my distinguished Colleagues have put this situation in proper perspective regarding the fact that there is no way we can sit down here and consider these cases one-by-one because of the enormity of them. What we have essentially established from the debate, which a large number of our Colleagues have had their input, is the fact that some degree of injustice, high handedness, favouritism and abuse of office were committed. Therefore, we can resolve that this is what we have established on a general basis.

However, we cannot determine individual cases here, therefore, we may fall back to the suggestion of Senator Jibril Aminu that we should ask the FCT Minister to review each case on its merit and then ensure justice, fair play and equity. That is my own suggestion.

The President: Before we do that, Senator Sodangi you said, you would need to take it back and redo it by categorisation in a way that would show us more details. If I got you right, that is what you said.

Senator Teslim Kolawole Folarin: Mr. President, I move that the FCT Report be committed back to the Committee on FCT for further legislative action.

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Senator Adeleke Olorunnimbe Mamora: Mr. President, I rise to second the Motion as moved that the Report of the Senate Committee on FCT be sent back to the Committee for further legislative action.

Question put and agreed to.

(Report of the Joint Senate Committees of FCT and Housing on the probe of FCT Administration recommended to the Committee for further legislative action)

The President: Senator Sodangi, when will you bring the Report back?

Senator Abubakar Sodangi: I will bring the Report back by Thursday this week.

The President: It will be in our interest not to delay it so if you cannot bring it this Thursday, please, make sure that on Tuesday next week, we get it back.

Senator Abubakar Sodangi: That is all right.

Senator Teslim Kolawole Folarin: Mr. President, you will recall that two Committees, the FCT Committee and the Housing Committee did the work on

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the FCT Report. To allow them start work immediately on this Report, I move that the other items on the Order Paper be stood down till another legislative day

Senator Adeleke Olorunnimbe Mamora: I rise to second the Motion as moved by the Leader of the Senate.

Question put and agreed to.

(Remaining Items on the Order Paper by Leave of Senate, stood down till another legislative day)

ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, I move that this Senate do adjourn till tomorrow Wednesday, 28th January, 2009 at 10.00 a.m. prompt.

Senator Adeleke Olorunnimbe Mamora: I rise to second the Motion as ably moved by the Leader of the Senate.

Question put and agreed to.

Resolved: That the Senate do adjourn till Wednesday, 28th January, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.05 p.m.