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FEDERAL REPUBLIC OF NIGERIA

**Tuesday
7th July, 2009**



NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 7th July, 2009

The Senate met at 10:20 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Thursday, 2nd July, 2009 before us for approval: Pages 25, 26, 27.

Senator Felix Kolawole Bajomo (Ogun West): Mr. President, on page 27, under item (d) it says: *A demand order for payment of penalty shall also ne made.* The letters; *ne* should be deleted and replaced with the word; *be*.

The President: That is correct. Secretariat, please take note. I am still on the Votes and Proceedings: Pages 28, 29, 30, 31, 32, 33 and 34.

Senator Justina Nkechi Nwaogu (Abia Central): Mr. President, I rise to move the Motion that the Votes and Proceedings of Thursday, 2nd July, 2009 be approved as amended.

Senator Patricia Naomi Akwashiki (Nasarawa North): Mr. President, I rise to second the Motion as moved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 2nd July, 2009 be approved as amended.

OATHS

OATHS OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The President: I have received the Certificate of Return of the Senatorial election for the Senator Elect,

Ola Festus Olabode of Action Congress from Ekiti Central and he is to be sworn in this morning.

Thereupon, the Senator Elect, Ola Festus Olabode took and subscribed the Oaths required by law.

MESSAGES FROM MR. PRESIDENT

I have the following letters from Mr. President and the first one reads thus:

June 24, 2009

*Distinguished Senator David Mark, GCON
President of the Senate,*

Dear Brother,

**REQUEST FOR CONFIRMATION OF
APPOINTMENT OF CHAIRMAN AND MEMBERS
OF THE NIGERIA DEPOSIT INSURANCE
CORPORATION**

Section 5(2) of the Nigeria Deposit Insurance Corporation Act, provides that the Board of the Nigeria Deposit Insurance Corporation, shall consist of -

- (1) The Chairman;*
- (2) The Managing Director;*
- (3) Two Executive Directors;*
- (4) A Representative of –*
 - (a) The Central Bank of Nigeria not below the rank of a Director;*
 - (b) The Federal Ministry of Finance not below the rank of a Director; and*
- (5) Six other members; one from each of the Six Geo-Political Zones of the country.*

Section 5(4) of the Corporation's Enabling Act provides that the Chairman and Members of the Board, shall be appointed by the President subject to confirmation by the Senate.

I have, therefore, in the exercise of the powers conferred on me by Section 5(4) of the Corporation's Enabling Act, decided to appoint the underlisted Chairman and Members representing the six geo-political zones in the Governing Board of the Nigeria Deposit Insurance Corporation:

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1. Hassan Adamu (Wakilin Adamawa)
Chairman
2. David Oghene Member
3. Oyebisi L. Ilaka Member
4. Lawan Z. Gana Member
5. Razaq Tunde Lawai Member
6. Mr. Abdulrahman Dikko Member
7. Ms. Bennedikter China Molokwu Member

Accordingly, in line with Section 5(4) of the Nigeria Deposit Insurance Act, which states that the appointment shall be subject to confirmation by the Senate, I hereby forward the names of the nominees whose CVs are attached herewith for kind consideration and confirmation by the Senate of the Federal Republic of Nigeria.

Yours sincerely,

(Signed)
UMARU MUSA YAR'ADUA
PRESIDENT

The second letter reads:

2nd July, 2009

Distinguished Senator David Mark,
President of the Senate,

Dear Brother,

REQUEST FOR CONFIRMATION OF
APPOINTMENT OF CHAIRMAN AND
MEMBERS OF THE GOVERNING BOARD OF
THE NIGER DELTA DEVELOPMENT
COMMISSION (NDDC)

I forward herewith the underlisted as nominees for kind consideration for appointment as Chairman and Members of the Governing Board of the Niger Delta Development Commission, by the Senate of the Federal Republic of Nigeria, in consultation with the House of Representatives, in line with Section 2(2) of the Niger Delta Development Commission (NDDC) Act.

1. Larry Koinyan, AVM (Rtd.), Bayelsa, Chairman

2. Chibuzor Ugwoha, Rivers, Managing Director (Full-time Member)
3. Arc. Esoetok Ikpong Ikpong Etteh, Akwa Ibom, Executive Director (Projects) (Full Time Member)
4. Pastor Power Aginighan, Delta, Executive Director (Finance/Accts. (Part-time Member)
5. Mr. Aloysius Nwagboso, Abia, Part-time Member
6. Chief Barr. Bassey Dan Abia, Akwa Ibom, Part-time Member
7. Mr. Anthony Orubo, Bayelsa, Part-time Member
8. Hon. Ekpo Asuquo Okon, Cross River, Part-time Member
9. Mr. Emmanuel O. Ogidi, Delta, Part-time Member
10. Hon. Jude I. Ise-Idehen, Edo, Part-time Member
11. Akeru Ikechukwu Joseph, Imo, Part-time Member
12. Barrister Benson G. Enikuomhin, Ondo, Part-time Member
13. Engr. Emmanuel T. Georgewill, Rivers, Part-time Member
14. Dr. Rabi Musa Kwankwaso, (Representative of Non-Oil Producing States, North-West)
15. Maj. Gen. Jonathan Tunde Ogbeha (Rtd), (Rep. of Non-Oil Producing States, North-Central)
16. Alhaji Asheikh Jarma, (Representative of Non-Oil Producing States, North –East)
17. Dr. Daru Owei, (Representative of Producing Companies in Niger Delta)

Distinguish President of the Senate, it is my hope that, in the usual tradition of the Senate of the Federal Republic of Nigeria, this will receive expeditious consideration.

Please accept, as usual, the assurances of my highest consideration.

Yours sincerely,

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(Signed)
UMARU MUSA YAR'ADUA
PRESIDENT

ANNOUNCEMENTS

Caucus Meeting of PDP Senators

There will be a meeting of the caucus of all the Senators of PDP tomorrow immediately after sitting.

Birthday Wishes

May I, on behalf of all of us, wish a very distinguished Senator whose birthday was on the 1st of July, Senator Bode Olajumoke. We wish you a happy belated birthday.

May I, also on behalf of all of us, wish distinguished Senator Garuba Lado Yakubu whose birthday is on the 7th of July, a happy birthday.

In the same vein, I would like to wish distinguished Senator James Ebiowou Manager, a happy birthday. Today is his birthday and obviously from the way he has taken a bow you can read the mood of the Senate.

Visit of Staff and Students of Franshe Bomac International Academy Suleja, Niger State

I also wish to acknowledge the presence of Staff and Students of Franshe Bomac International Academy, Suleja, Niger State, who are in the Gallery to observe the Senate proceedings.

We wish them fruitful observation of our proceedings. *(The Visitors stood for recognition)*

MATTER OF URGENT PUBLIC IMPORTANCE

Senator Ike Ekweremadu (Enugu West): Point of Order, Mr. President!

The President: Point of Order, Senator Ike Ekweremadu.

Senator Ike Ekweremadu: Mr. President, it is Order 42, and if you permit, I will read it.

The President: Please read.

Senator Ike Ekweremadu: Order 42 says:

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

(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.

It is about the incessant cases of kidnapping all over the country. Everyday we turn over our newspapers we read about people being kidnapped, ransom being demanded and our people would want this Senate to live up to its responsibility and talk about this social problem.

If we are permitted, we want to take this Motion tomorrow and a lot of Senators have indicated interest in being part of the Motion.

The President: The Deputy Senate President discussed the matter with me and I have no objection to it, however, in accordance with our Standing Order I am sure that you will also have no objection. Is it the wish of the Senate that we take this Motion tomorrow?

Question put and agreed to.

Resolved: That the matter be stood down till the next legislative day.

MOTION

Death of Senator Martyns-Yellowe

Senator Teslim Folarin (Oyo Central): Mr. President, before going into the Order Paper it is right and proper that I formally inform this distinguished House of the passage of our Colleague Senator Martyns-Yellowe.

Out of respect for the departed, I would like to move this very short Motion.

The Senate:

Notes with heavy heart the sudden death of Senator I. S. Martyns-Yellowe on Wednesday the 1st of July, 2009 after a brief illness at the age of 64 years.

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Notes also that the late Senator Martyns-Yellowe was born on 12th November, 1945.

Notes further that the late Senator Martyns-Yellowe received the best of British Colonial education at the famous Government College, Umuahia between 1959 and 1964. He proceeded to the State Medical Institute, Russia from 1966 to 1973; the prestigious Institute of Psychiatry in London, the Bettelheim Royal Hospital, Buckingham, the Walsgrave Hospital, Coventry, and the Queen Elizabeth Hospital, Birmingham from 1975 to 1980.

Observes that he was a specialist Neuro-Psychiatrist of international repute. He served Rivers State as its pioneer Neuro-Psychiatrist attaining the level of a Chief Consultant Neuro-Psychiatrist in 1985 at the age of 40 years. He received a Rotary Award for humanitarian services as a Psychiatrist and was elected member of the New York Academy of Science 1994 for outstanding clinical and scholastic contributions in psychiatry in the International Community.

Observes that while in the Senate from 1999 to 2007, the late Senator Martyns-Yellowe served as the Chairman, Committee on Health, Chairman, Committee on Environment and Ecology and Member, Senate Committee on Drugs, Narcotics and Financial Crimes, Marine Transport and Petroleum Resources.

Observers also that late Senator Martyns-Yellowe demonstrated intelligence, hard work and commitment in the advancement of legislative process. His dexterity in Bills drafting and sponsorship is yet to be matched by any Senator living or dead. He sponsored the highest number of Bills in the history of Nigerian Senate. Between 1999 and 2003, he sponsored 15 Bills and from 2003-2007, he also sponsored 16 Bills, making a total of 31 Bills.

Notes that the Senate will surely miss him for his political astuteness, forthrightness and sagacity. His penchant for speaking the truth no matter whose ox is gored is a legacy that should be emulated by all.

Adieu Martyns-Yellowe

Senate accordingly resolves to:

(i) Commiserate with the family, the Government and people of Rivers State

(ii) Observes a minute silence in honour of late Senator Martyns-Yellowe.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, I rise to second the Motion as moved by the Leader and in the course of doing that I want to let the Senate know that late Senator Martyns-Yellowe was my predecessor who represented me in the Senate here for eight years. I worked very closely with him. A man that I understood very well; a man that I understood up to his home town.

Late Senator Martyns-Yellowe was a very distinguished Nigerian; a great son of Rivers State; a great son of Kalabari Kingdom. Late Martyns-Yellowe was known for his truth, his doggedness for truth and fight for the ordinary persons.

While he was a psychiatric doctor working for Rivers State Government, he gave more than his time to the ordinary patients that came to him in large numbers. As at that time he was the only known established psychiatric doctor in the whole of Rivers State. He contributed immensely to the psychiatric development of medical delivery especially in psychiatric.

At a time he entered into politics and was elected into the Constituent Assembly where he along with six others represented Rivers State. He came out of it and joined politics proper and contested for the governorship of Rivers State, unfortunately it did not work out for him.

In 1999 he joined PDP and also did the same. Later on he was elected to the Senate. It is a known fact that late Senator Martyns-Yellowe acquainted himself very well in the Senate. He distinguished himself as a Nigerian, a committed son of this country and a lover of this Senate.

I want to urge my Colleagues to please, support this Motion and let this great son of Rivers State of Nigeria be happy wherever he is that his Colleagues have risen up to mourn him and to give all the necessary support his family would need from us at this moment.

I so second.

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Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I share the shock of all the Senators on the passing away of Senator I. S. Martyns-Yellowe. He was a very distinguished Senator. A very good man and a very good Friend. When I came to this Senate, I saw somebody standing behind me and everybody was shouting *take it easy, take it easy*; that appeared to be his name and his slogan, *Senator take it easy* and his response used to be *I am cool man*. In other words, he was never ruffled; he took things as they came.

He was a great doctor, a great physiatrist and a distinguished Senator. I had the pleasure of serving under him in the Senate Committee on Health and I know how much he took his job. I will like to thank the distinguished Senate Leader for bringing out that Senator Martyns-Yellowe in his live drafted and sponsored more Bills than any other Senator in the history of this National Assembly. This is a great tribute to him.

He was a nice and simple man. I also remember that he was one of the Senators who visited me even after leaving the Senate. He would talk and talk and I learnt a lot from him, not only about his philosophy of life, but also about the aspirations of his people in the Niger Delta and that helped me a lot. He will be missed by all.

While I support the recommendations of the Senate Leader, may I just add one more based on my experience in the United States of America when I had the honour of representing this country there, which is simply that a lot of buildings and rooms in their Congress were named after distinguished people? A Senator who had drafted more Bills than anybody else should be remembered. I would like to add an Amendment that Senate Hearing Room 1 be named *Senator I. S. Martyns-Yellowe Room* in this National Assembly. I am urging the distinguished Senators to accept this proposal and also to reserve this type of honour for people who have contributed a lot like Senator Martyns-Yellowe did and passed on. I will join in condoling his family and friends and I hope that wherever he is, he is resting in peace.

Senator Ike Ekweremadu: Mr. President, the late Senator I. S. Martyns-Yellowe was, indeed, a very interesting character. I recall that he used to sit at a roll just behind my own roll, the same roll with the present Senate President in the last Senate. Whenever he

comes in, he would take time to greet everybody, extend pleasantries and share jokes. But as soon as he keeps quiet, he would sleep off and starts snoring but when you wake him up, he would become alert immediately and starts contributing. That is why I said he is such an interesting character. I once joked with him and told him that it appeared he understands the proceedings more when he is sleeping and he said *I should take it easy*. We will miss all those jokes.

He was very passionate about his Bills. Even when he left the Senate he was still following up his Bills. He was in my office and my house shortly before he died and we spoke about his Bills and other matters that are of interest to him. He was passionate about the Senate and parliamentary proceedings. We will miss him and I join the Senate Leader and the rest of our Colleagues to say *Adieu* to this our Brother and Friend.

Senator Olorunnimbe A. Mamowora (Lagos East): Mr. Senate President, I want to thank your good self and my Colleagues for this honour being done to our departed Colleague. I have often said that it is not enough to celebrate ourselves in death, even in life, we need to celebrate ourselves.

I am happy to note that I had the opportunity of working very closely with Senator Martyns-Yellowe. He was my Chairman in the Senate Committee on Health and, of course, a senior professional colleague.

We always tend to worry as to when death will visit us. We do know that death is the ultimate end. What we do not know is *how*, *when* and *where* but it is bound to come. As far as I am concerned, when people say *untimely*, there is nothing that is untimely in death because it is not something that anyone ever sat with God to determine. When it comes, as mortals, we just have to accept it that way. We should also bear in mind what people would say about us when we are no longer there.

I am happy that we are saying these things about Senator Martyns-Yellowe, particularly, as the Senate Leader has put it, it stands to his record that he sponsored the highest number of qualitative Bills and not quantitative Bills. Senator Martyns-Yellowe was a prodigy consistent with his massive frame. He was of high intellectual acumen, very deep. When you discuss with him, you will know that he was a very deep person. In addition, in his company, you will never

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have a dull moment and that was one of the things that stood him out. He was hilarious and his company was infectious as well.

I remember that he was in my office about two months ago or thereabout and as usual with him, he was passionate, asking me what the Senate was like, how we were coping and all that. Of course, he had a passion for issues of environment as well. One could rightly describe him as an Environmentalist. We chatted a lot and, of course, his usual thing was to say *take it easy, take it easy*. In fact, one of our Colleagues sent me a text and said *Mamo, sorry we have lost Senator Take it easy*; that was the way he referred to him because he was a very jovial personality.

It is a pity that he is no longer there this time. I was privileged to be part of his 60th birthday celebration in Port Harcourt. I saw the way he was received by his people, his constituents, friends and well wishers. He paid his dues, put in so much in the service of this nation, particularly, the legislative service of the Senate. We shall miss him. I can only wish the family he left behind God's blessings and guidance.

I will also want to fully associate myself with the submission of distinguished Senator Jibril Aminu that we need to remember these people that have done something spectacular, particularly within this Senate. I fully associate with his proposal that we name one of the Committee Rooms after him.

I will recall that we had taken this kind of position before. If I remember, when we were paying tribute to late Senator Kuta, we said that a Committee would be set up to look at ways of immortalising those of our Colleagues that had done something spectacular and outstanding in this Senate.

On that note, I would want to say, *adieu* to our great friend and Colleague, Senator I. S. Martyns-Yellowe.

Senator Omar Hambagda (Borno South): Mr. President, last week, Senator Umar Tsauri, our Chairman, Senate Committee on Rules and Business, between 2003 and 2007, sent me a text commiserating with me over the loss of Senator Martyns-Yellowe, *Senator take it easy*. I was taken aback because it was very recently he came to see the Senate President and he stopped over in my office and we talked and exchanged jokes and pleasantries.

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The first two years between 2003 and 2007, Senator Martyns-Yellowe, was the Chairman, Senate Committee on Environment and Ecology and I was his Vice Chairman. We worked very closely. In the two years of his leadership, we organised two conferences. One was held in Bayelsa State where we explored all aspects of environment. Senator Martyns-Yellowe, was able to bring all individuals and organisations interested in environmental problems, including the Ministry, to Bayelsa State and we were able to create a forum for interaction of all the people concerned with the environment. A book has been written out of that conference. The next one was more specific and it was on climate change which was organised at Hilton Hotel, also a book has come out of that

Senator Martyns-Yellowe, did not pursue a university career, although, he had a lot of interactions with the universities. He received some courses in the Medical School. He was an intellectual per excellence. I must say that I benefited immensely from the interactions I had with him at that level.

Fortunately, at the end of the two years there were some sort of re-organisation in Committee Chairmanship, he was made Chairman, Senate Committee on Health and I was also a member of the Senate Committee of Health. Again, our rapport was sustained and I worked closely with him in the Health Committee than probably any other Member of the Committee.

The Senator Martyns-Yellowe was a dogged worker. He is one person I said could never have high blood pressure because I never saw him get angry. He would always take things easy; he was always cool, as some of our Colleagues had aptly described him. This country is going to miss Senator Martyns-Yellowe.

There were times, especially when we were talking about the arid zone environment problems. On several occasions he went directly to discuss these issues with the then President, General Olusegun Obasanjo and that led to the formation of the Committee that did not take off on arid zone environmental degradation.

The late Senator Martyns-Yellowe was a Nigerian to the core. He understood the problems of Nigeria. He visited all the sand dunes in the desert and visited the gully erosion areas in the East. The late Senator Martyns-Yellowe's meant business. When he came to Senate, he came to work and he made definite contributions to the Nigerian nation.

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On this note, I want to add my support to the suggestion by our elder Brother, Senator Jibril Aminu, that the late Senator Martyns-Yellowe deserves to be immortalised especially giving his contributions in Bills and in promoting various sectors of the Nigerian economy at the legislative level.

Mr. President, both you and I were in the Senate with him, therefore, I would like to commiserate with you, not because you are now the Senate President, but also as a Colleague who worked together with late Senator Martyns-Yellowe. We would all miss Senator Martyns-Yellowe outside and inside the Senate. Nigeria has lost a colossal; a man who believed in Nigeria, a man who tried to leave legacy behind; a man who tried to leave some footprints such that one would say, he was once on earth, millions of years, perhaps, after he had gone.

Senator James Manager (Delta South): Mr. President, I want to add my voice in thanking the Senate Leader for bringing up a Motion in honour of our departed Colleague, Senator Martyns-Yellowe. Just as those who had opportunity to speak before me said, this is one honour that Senator Martyns-Yellowe strictly deserves.

Late Senator Martyns-Yellowe was truly a man of honour and integrity. He was diligent and intelligent and also very forthright and hard working. The late Senator Martyns-Yellowe, in the last Senate, was seated on the same roll with me and in-between the two of us was the present Senate President. He was seated next to him whilst I was No.3.

Late Senator Martyns-Yellowe, never had dull moments just as the Deputy Senate President said in his contribution. Within two or three minutes without any talking, Senator Martyns-Yellowe would just sleep off. The present Senate President would tell me, I have a duty to your people to ensure that this man is awake all the time. Mr. Senate President today was busy in ensuring that Senator Martyns-Yellowe, was awake and truly that roll was very lively in the last Senate. Thank you, very much, Mr. Senate President, for the role you played that time

Senator Martyns-Yellowe, as we have been told and that is a fact, sponsored most Bills than any other Senator in the history of the Nigerian Senate. As revealed by the Motion, all his Bills put together were 31.

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I, therefore, support what Senator Jibril Aminu, a very senior league man suggested that the Committee Hearing Room 1 be named after this very ebullient and vibrant Senator that we would definitely miss.

Of course, on this issue of sponsorship of Bills, truly, it brings to question how many of these Bills that we sponsor here have been signed into law. This is because it is not enough for the Bills to be passed by the National Assembly they must be accented to by the President before they would become Acts of the National Assembly which would impact on the lives of the people we represent.

On behalf of my Senatorial District, I say, *adieu* to this great son of the Niger Delta, the great son of Nigeria.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, it is with heavy heart that I speak to condole the family and the people of Nigeria in general and the Rivers State in particular on the demise of our Colleague and Friend, Senator Martyns-Yellowe.

I am paying tribute to a nationalist. I see Martyns-Yellowe as a nationalist. When I was staying on the other side of the isle with Senator Mamowora and Hambagda, his Motions are always very intellectual in nature. His contributions on the Floor of the Senate in spite of the number of Bills he sponsored were great. Whenever there was problem he would look at use and say, take it easy.

I would like to contribute purely on his political acumen. I remember in 2006/2007 during our presidential campaigning in Port Harcourt and other places, it was Martyns-Yellowe who stood firmly for Governor Peter Odili at that time for the Presidential ticket. When they could not get it, he supported the candidacy of the present President to the best of his ability. I was thinking he would come back to the Senate. Unfortunately, sometimes even medical genius tends to make little political mistakes not like engineers. He decided to run for governorship and at the end of the day, we know what happened. Engineers are always right, Sir.

The late Senator Martyns-Yellowe was a nationalist. He never talked about sectional interests and Niger Delta rather he would talk in terms of Nigeria first. That is why I always remember him, and

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that is how I want this distinguished Senate to remember him. Not that he is somebody from Niger Delta or somewhere else. No. We should remember him as a Nigerian who contributed immensely to the development of democracy in the last ten years.

With these few words, I take this opportunity to condole the immediate family of Senator Martyns-Yellowe and to condole Nigerians in general and in particular, not Niger Delta but people he represented in the Rivers State. May his soul rest in perfect peace. Amen.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I remember distinguished Senator Martyns-Yellowe very well. In fact, I spoke with him on the telephone a couple of months ago. He has succumbed to the fact of life as reflected in the Book of Ecclesiastics that *there is a time for everything: a time to be born and a time to die; a time to be happy and a time to be sad*; and this is his time and we wish him well. We wish him God's protection for his soul.

I remember that he was one of those that spoke in impeccable English when he made contributions. He spoke extremely well. I remember also that it was one of his Bills relating to social responsibility for oil operators in the Niger Delta that led to the removal of one of our Colleagues as the leader of the South-South as a result of opposition to that Bill which was important and popular.

I do support that we must find a way to immortalise our Colleagues who distinguished themselves. Perhaps, this is the opportunity for us to create an environment for Senators to think about what to do because there are many of our Colleagues that have gone. We spoke about it during the time of Senator Idris Kuta. We have lost a couple of Senate Presidents and, perhaps, a Hall of Fame or some other way must be found to immortalise our Colleagues, especially those of them that have made major contributions, not just to this Senate but to the Federal Republic of Nigeria.

The people of Calabar have close affinity with the people of Kalabari. The two names are almost similar and there is history behind it. So, I, on behalf of my people in Calabar, express our sincere condolences to his family, this Senate and the people of Rivers State and the Federal Republic of Nigeria.

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Senator George Thompson Sekibo (Rivers East): Mr. President, the death of our elder Brother, Martyns-Yellowe came to us as a very big shock last week. This is because we met a week before he died and there was no visible sign on him that the hand of death would beckon on him so soon.

I knew late Senator Martyns-Yellowe since 1998 during the formation of political parties and there was to be a merger. Thereafter he was made Chairman of one of the Committees to build up the party in his state. Today, the people of Rivers State enjoy a very strong and formidable political party in PDP. Late Martyns-Yellowe contributed so much in the building of that party.

I served with him in the same Committee. You cannot imagine the amount of strength the man possessed. When he presides as Chairman of a Committee, you will need to appeal to him to adjourn the meeting. Wisdom flows from him that enabled those of us who are younger to learn and build up ourselves.

Late Senator Martyns-Yellowe believed in the truth. He believed in true democracy. He believed in the growth and stability of the Nigerian nation. It was because of his belief in the truth that at the time when it was difficult to choose candidates, he backed the first Governor that came on the platform of PDP at the time. It was because he believed in truth and pure democracy that in 2003 when he wanted to become the Governor of Rivers State, he found it difficult to talk to people because he thought that what he did on the Floor of this Senate Chamber was sufficient to give him the ticket because he believed in truth transparency.

Unfortunately, the Nigerian nation and in particular Rivers people, whom he thought were truthful, did not understand the truth to the level he understood it; that you have to campaign sufficiently and go round places before people could accept you to be a candidate. He was a very good person. Administratively, we know that if he was given such opportunity, Senator Martyns-Yellowe had the capacity to transform a system.

I feel the pain more because as the Senator representing Rivers East, we have the Capital of Rivers State, Port Harcourt East in Rivers East. My Fellow Senates here from Rivers State, are members

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of my Constituents including him. This is because after their village, the next village is Port Harcourt. I am losing a very great man. Rivers State has lost a very great person. The Kalabari Kingdom has lost a very great person and I believe that from what you told us about what he did in the Senate Chamber during his days when I was not here, Senator Martyns-Yellowe contributed enough for Nigerians to honour him.

I want to support distinguished Senator Aminu Jibril, our elder Statesman that the Senate should make the first history by honouring its people even in death.

Senator Martyns-Yellowe, we wish you farewell. Adieu! Audie!! Audie!!! May your soul march forward to the bosom of the Lord?

The President: Let me take the last one from distinguished Senator Lee Ledogo Maeba.

Senator Lee Maeba Ledogo (Rivers South-East): Mr. President, this is a very painful moment because when, on the 29th of May, 2009, Senator Martyns-Yellowe called me and encouraged me to keep the flag flying that he was very impressed with the way I am continuing in the Senate and that he believed that on democracy day all he could do was to wish me well.

Late Senator Martyns-Yellowe had no doubt in his mind in 2007 that he was to be the Governor of Rivers State. In fact, when he called me to his house, he said, distinguished, can we rule Rivers State together? I asked him how? He answered me that Chief Obasanjo had just told him that he was going to ensure that he becomes the Governor of Rivers State and he wanted me to be his Deputy. *(Laughter)* He said that he would rule only ones. He asked me how old he would be by the time he finished? He told me that by the time he completes the first tenure he would be 70 years and would not want to continue and he would like me to be the person to continue. I answered and said to him, Senator-Deputy; Senator- Governor, how are we going to do that? I told him, have you asked Chief Obasanjo properly? It turned out that people were not sincere to him.

Senator Martyns-Yellowe was a forthright man. Senators who were not here with Senator Martyns-Yellowe, if you had attended the Senate Kano Retreat, he was the Resource Person that spoke on Legislative Process. He spoke eloquently, suggesting that all those Bills attributed to him were not just an article but real works that he did as a Senator.

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My Colleague, Senator Hambagda talked about Senator Martyns-Yellowe as an environmental activist. Yes, he was like an environmentalist because 50 *per cent* of his Bills were for the health sector as a Medical Doctor to better medical delivery system in Nigeria and for the betterment of our environment. The National Environmental Standard and Regulatory Agency (NESREA) was borne out of a Bill sponsored by Senator Martyns-Yellowe. He created institutions from his work and those institutions are standing legacies of the achievements this man made on the Floor of the Senate.

Late Senator Martyns-Yellowe will be buried, but how will he be buried? This brought me to ask the question that why are Senators who died not wrapped in the national colours? It is wrong that after serving as Senator of the Federal Republic of Nigeria; uphold the flag of the Federal Republic of Nigeria, is it too much honour that we should be wrapped in the national colours? We should think about this seriously. We should endorse it that Senators who die after serving here, should be wrapped in the national colours. This is because once a Senator, always a Senator and a Senator of the Federal Republic of Nigeria.

I spoke with his son and by what he told me, the way Senator Martyns-Yellowe died leaves much to be desired on the medical delivery system in this country. Senator Martyns-Yellowe's condition became critical about 7.00 a.m. and he died about 7.00 p.m. without any proper medical attention. His son said that they were at the National Hospital and it is painful the kind of medical attention they received was not sufficient to save his life. His son said that even as he was dying, ten minutes before he died, he gave a thumb up of *take it easy my son I will be all right*, until the man gave up. Even in death, he took it easy. He was cool. How much more can a man do to preach peace?

As a junior Senator from Rivers State, I enjoyed sufficient support from Senator Martyns-Yellowe. When there was a misunderstanding between himself and the Governor, he would always say: *Go and tell Mr. Governor when he collects his allocation, he should give him his own; that he is not quarrelling with him.* That was very nice of Senator Martyns-Yellowe. Whatever you give to him, he takes happily. He believed in the Constitution that the wealth of the nation should be allocated in such a way that it should touch everybody's life.

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He was a good man and I thank you for this opportunity given to me to speak in honour of Senator Martyns-Yellowe. Let us embrace ourselves. We should turn out *en mass* to bury this great man when the day of his burial comes.

The President: Although I said that Senator Lee was going to be the last speaker, I can still see some Senators raising both hands signifying that they truly would like to make comments because Senator Martyns-Yellowe was not just a great Senator, he was also a great Nigerian. I will allow few more comments but please make it as brief as possible.

Senator Bode Olajumoke (Ondo North): Mr. President, I want to express my gratitude to you for given me the opportunity to pass a few remarks on the passing on to eternity of our good Friend Senator Martyns-Yellowe.

Senator Martyns-Yellowe arrived in the Soviet Union a year after I had arrived and by the time I went back for my Postgraduate in Britain, he came to Britain two years thereafter. He spoke perfect Russian language even up till his last death. He was a very great Nigerian

I have few comments on my observations about him. He spent eight years in the Senate. From my interactions with him after he left the Senate, it was sad that he was had up financially. For a man who spent eight years in the Senate sponsoring about 31 Bills, I felt extremely worried that he had some difficulties meeting up with his Bills and it says volumes. We heard that he died under rather unfortunate circumstance. I wondered if it has anything to do with his state of finance.

I want to say thank you to the leadership of the Senate because I recall that he was always invited to Seminars and I guess he was being augmented with honorarium. I want to plead that we should look critically at our Colleagues who leave after serving the nation. Senator Martyns-Yellowe as we all said, served this nation very well and I believe that he ought to have lived comfortably in the last years of his existence. I want to believe that the 31 Bills he sponsored whilst in the Senate were evidence of his activeness and for goodness sake, we should do something to remember his wife and children he left behind in anyway we could assist to keep them going.

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Senator Manzo Anthony (Taraba North): Mr. President, I want to join my Colleagues in commending the leader for coming up with this Motion. I knew Senator Martyns-Yellowe, though I did not serve in the Senate with him. My interaction with him has helped me a lot in some of the Bills, particularly, the Medical Bills that I have had to put before this Senate. I visited him at home when he was alive and we met quiet a couple of times.

I took him as somebody who was very focused. He was a Consultant Psychiatrist. There are less than 500 psychiatrists in this country. So, his death is a great loss not only to this Senate but, indeed, to his primary profession, the medical profession. He helped me as I said in drafting the Bills I have put before this Senate.

In my opinion, the last days of Senator Martyns-Yellowe really brought to mind what life is really all about. Here you are as a Senator, when you leave office you would see that the world out there is totally different. I believe that this is an opportunity for us to, maybe, set up a fund that would look after the basic needs of our Colleagues who has left office. I knew that he had quite a lot of medical problems, but perhaps, who knows if his situation was different in terms of economy, he might not have died.

May his soul rest in perfect peace.

Senator Joseph Iorshagheer Akaagerger (Benue North-East): Mr. President, it may be surprising to my Colleagues that I did not serve in the Senate between 1999 and 2007 but I speak about this great Senator. I will restrict my comments on two encounters I had with him.

The first one was at the Kano Retreat where he had the privilege to chair one of the sessions. The second encounter I had with him was in the Senate when I visited one of my Colleagues as the Chairman of a Committee and he came in towards the end of our discussion. At these two occasions, he left very indelible impression on me. The first encounter in Kano where he presided over one of the sessions, he struck me as a great Senator, a man of exceptional and analytical penetration and insight. He seemed to be knowledgeable on almost every topic that came and he kept me spell-bound. I saw a man in him was tremendous inspiration but because Senator Asinobi Ake has to be here, he had to go home for other things and this had a great impression on him as an

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accomplished professional who brought to bear his knowledge on national affairs and served very creditably. I would like to say that this is also a lesson to us that are living to re-dedicate ourselves to the project Nigeria and do much more.

Secondly, when I saw him in the office, I saw a very humbly person. Reading his resume that was presented here this afternoon by the great Leader of this Senate, I am completely in agreement with the presentation concerning this great man. He was a man that was legislatively equipped and who gave himself for the service of this nation. He left indelible imprints on this Senate.

Of all the great religions that I know of, the lesson we learnt from them is that the leaders of these religions lived their lives for others and left a lot for us. This was a great man from what we see and our common experiences with him, who lived his life for others. As I pray that his soul may rest in perfect peace, I pray that his labours for this country to be where it is today would also be an inspiration to all of us.

Senator Iyabo Obasanjo-Bello (Ogun Central): My presentation would be very brief. Senator Martyns-Yellowe was my immediate processor as Chairman of Committee on Health and in that capacity, once I was named, he made contact with me and started to talk to me about what he had in place as Chairman of Committee on Health, what they did and what he wanted me to do which I am sure not many of my Colleagues who became new Senators and Chairmen have privilege of their processors calling them in this manner.

Also, as has been mentioned, he was very passionate about his Bills. He told me about all the Bills he had worked on that were still outstanding and how he wanted me to move and work on them until they got signed.

It has been mentioned that Senator Martyns-Yellowe was a great nationalist. As Senator Mamowora said, I was also at his 60th birthday and people from all walks of life came to wish him well. This was a man that mixed with people from different parts of the country and was very passionate about the health sector in particular and wanted things to run smoothly in the healthcare sector. I want to participate in honouring him this morning and in praying for the

people he left behind and for this great Senate where he had contributed so much. I thank you for the privilege given to me.

The President: Distinguished Colleagues, I just want to add my own voice to the point we are discussing principally because late Senator Martyns-Yellowe was not just sitting next to me in the Chamber here but we were also neighbours in Apo Quarters. Therefore, our interaction went beyond the Chamber. My experience with him is that he was such a kind Nigerian who would always even at the expense of his health, worry about your problems. Any time you had a problem Martyns-Yellowe was very willing to assist at any time of the day.

Ibipuye Sholam Martyns-Yellowe was such a lively person. When I tried to ask him what the *I* and the *S* stood for, he took a long time to explain to me and he gave all sorts of abbreviations that are *I* and *S* that I cannot actually say on the Floor of the Senate here. Those who were in our front, like Senator Ike Ekweremadu, Senator Joy Emodi and those who were on the same line with me Senator James Manager and others we always had a lot of fun talking to Martyns-Yellowe. I was particularly given the task to keep him awake any time he was in the Chamber and I can assure you that it was not an easy task at all because once he was not talking he was fast asleep. But surprisingly, when discussions were going on if I woke him up sometimes he just raised his hand and he would be called and he would contribute. So, we really could not say whether he was asleep or not. He always preface whatever he would say with, *take it easy men* or *I am cool*.

This country has lost a patriot, a great son and he would be missed. I agree that we should do something to immortalise him just as we should do things to immortalise our other distinguished Colleagues who have gone before us. We have a responsibility to do that so that history would remember us.

I pray that the Almighty God will take his soul and he will rest in perfect peace. I believe that when we get the date for his burial, which the family will give, we would give him a befitting honour by attending in a large number although, we would send a delegation that would represent the Senate. With these few remarks I would like to take the Prayers.

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Prayer (i) says: To commiserate with the family, the Government and the people of River State.

Question put and agreed to.

Prayer (ii) says: Observe a minute silence in honour of the late Senator Ibipuye Sholam Martyns-Yellowe.

Question put and agreed to.

May I suggest that the additional Prayer (iii) be adjusted to read: *Set up a Committee to immortalise Senators*. We would announce the Committee and they would bring a Report to us rather than doing it exclusively for Martyns-Yellowe. We would announce the Committee tomorrow once we accept the Prayer. We will then ask them to work and bring a Report to us. I put the Question on Prayer (iii).

Question put and agreed to.

Resolved: That the Senate do:

1. Commiserate with the family, the Government and the people of River State.
2. Observe a minute silence in honour of the late Senator Ibipuye Sholam Martyns-Yellowe.
3. Set up a Committee to immortalise Senators.

Let us now do Prayer (ii) that is the observance of a minute silence in his honour. (*A minute silence was accordingly observed in honour of late Senator Ibipuye Sholam Martyns-Yellowe*)

We have not got the details of the burial arrangements but we can still set up the Senate delegation that will represent us. Once we announce it, the delegation would be led by distinguished Senator Omar Hambagda. Other Members are distinguished Senator Joy Emodi, Senator Iyabo Obasanjo-Bello, Senator Tafida Argungu, Senator John Eferakeya and Senator Simeon Ajibola. These are the official delegation representing the Senate. We would announce the names of the Committee tomorrow.

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PRESENTATION OF BILLS

Constitution (Amendment) Bill, 2009

Senator Teslim K. Folarin: The first business of the day is the presentation of an Executive Bill standing in my name on the Constitution (Amendment) Bill, 2009.

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

Constitution (Third Amendment) Bill, 2009 – *read the First Time*.

Harmful Waste (Special Criminal Provisions, etc) (Amendment) Bill, 2009

The second business of the day is the presentation of the Bill standing in the name of Senator Grace Folashade Bent on the Harmful Waste (Special Criminal Provisions, etc) (Amendment) Bill, 2009.

Again, you may wish to invite the Clerk of the Senate to read the Short title of the Bill.

Harmful Waste (Special Criminal Provisions, etc) (Amendment) Bill, 2009 – *read the First Time*.

Evidence Act (Amendment) Bill, 2009

The third business of the day is the presentation of the Bill standing in the name of Senator Shola Akinyede on the Evidence Act (Amendment) Bill, 2009.

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

Evidence Act (Amendment) Bill, 2009 – *read the First Time*.

Mortgage Regulatory Bill, 2009

The fourth business of the day is the presentation of the Bill standing in the name of Senator Gbemisola Saraki on the Mortgage Regulatory Bill, 2009.

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

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Mortgage Regulatory Bill, 2009 – *read the First Time.*

ORDERS OF THE DAY

CONSIDERATION OF REPORTS

Report of the Committee on Banking, Insurance and Other Financial Institutions

Senator Teslim K. Folarin: The first Order of the day is the consideration of the Report of the Committee on Banking, Insurance and Other Financial Institutions on the Agonies of the Depositors of Failed Banks and Financial Institutions. You may recall that the Senate had earlier considered this Report on Thursday, 16th October, 2008 amongst other things decided that the Committee should conduct a Public Hearing in order to solicit and galvanise more information on the matter. The Report is now ready, you may now invite the Chairman of that Committee, Senator Nkechi Nwaogu to move the Motion that the Senate to consider the Report.

Senator Nkechi Nwaogu (Abia Central): Mr. President, I wish to move the Motion that this Senate considers the Report of the Committee on Banking, Insurance and Other Financial Institutions on the outcome of the Public and Investigative Hearings on the Agonies of Depositors of Failed Banks held on 28th and 29th January, 2009.

Senator Osita B. Izunaso: Mr. President, I wish to second the Motion ably moved by Senator Nkechi Nwaogu that the Senate do consider the Report of the Committee on Banking, Insurance and Other Financial Institutions on the Investigative/Public Hearings on the Agonies of Depositors of Failed Banks and Financial Institutions.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Banking, Insurance and Other Financial Institutions on the Investigative/Public Hearings on the Agonies of Depositors of Failed Banks and Financial Institutions.

The President: Senator Nkechi Nwaogu, you may present your Report. I have a copy of your Report. You should do the highlights of the Report rather than naming the Members of your Committee and all that.

Senator Nkechi Nwaogu: Thank you for giving our Committee the opportunity to present the Report on this very important topic.

The Public Hearing took place on 28th and 29th January, 2009. In our second presentation of a Report in October, 2008, we were then mandated to conduct the Public Hearing. I will just go straight to the findings of the Committee on the Public Hearing.

The Committee made the following findings:

(i) We found out that the pre-consolidation banks in the federation were 36 and out of this, liquidation processes are on going in 34 of the banks while two the banks namely Savannah Bank Limited and Peak Merchant Bank Limited challenged the revocation of their Banking Licences in court. However, during the period of this Public Hearing the licence of Savannah Bank was restored by an Appeal Court judgment and they have been given 18 months to recapitalise and recommence business of banking.

(ii) The Committee also observed that the Nigerian Deposit Insurance Corporation (NDIC) had paid N3.3 billion out of the N5.2 billion insured deposits which accounted to 63 *per cent*. The unpaid deposits of N1.9 billion out of the insured deposits has been as a result of so many reasons. One of them is apathy of the depositors with small balances who were unwilling to file claims because of the amount involved and those who may not have understood NDIC Payment Procedure. The deposits of the pre-consolidation banks were not actually classified into private and public.

(iii) For the post-consolidation banks in liquidation, CBN revoked 14 banks or the banks that failed to attain the new shareholders' fund of N25 billion, however, the number has reduced to 14. Also, in compliance with the judgment of the Federal High Court which restored Societe Generale Bank. Twelve out of the 14 banks have been acquired by healthy banks through a policy called Purchase and Assumption (P&A) Arrangement, put forward by CBN and NDIC. The Purchase and Assumption entail inviting healthy banks to bid for the assets and liabilities of the failed banks. Deposits assumed and credit to customers' accounts by assuming banks are deemed to have been paid because these 12 banks, any depositor can go to the healthy banks that acquired those banks. The 12 banks are listed on page 7.

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(iv) From the above presentation, a total of N87.2 billion which was private deposit liability was assumed by four acquiring banks and these four banks are Afribank, Zenith Bank, UBA and Eco Bank. Out of this N87.2 billion total deposit liability, they have paid a total of N61.2 billion or 77.3 *per cent*. There is still outstanding balance of N26.04 billion or 22 *per cent*. These are deposits that have not been credited by the assuming banks due to one reason or the other.

(v) For the public sector, out of the total deposit liabilities of N188.6 billion for the 12 out of the 14 banks that have been assumed, only N94.4 billion is classified as public sector deposits. The NDIC clarified that public sector deposits were not covered by CBN guarantee under the Purchase and Assumption transactions. They are only paid from the realization of assets or sales of assets of those banks that were closed. So far, six closed banks have declared dividends that means some assets have been sold from those six banks. According to UBA, regarding the banks they acquired, NDIC declared a total liquidation of N4.65 billion and they have paid out N4.04 billion representing 17.2 *per cent*. There are African Express Bank, Trade Bank and All States Trust Bank which they have acquired.

(vi) There are other Financial Institutions like a company called Linkage Assurance which had a total of N893 million which was proceeds from their company from Public Offer. According to the Report, the NDIC said that this amount is not part of their deposit liabilities. This case is still hanging.

(vii) Apart from Linkage Assurance whose deposit has not been determined whether they would be repaid or not, there is another account called the Presidential Committee on Disposal of Assets in the Games Village, Abuja. This Committee had some money trapped in two banks, Fortune International Bank Plc a total of N902.9 million and in All States Trust Bank Plc a total of N172.5 million. The Committee has requested the payment of N172.5 million from Ecobank which assumed the deposits of All States Trust Bank. However, despite the claim by Ecobank that public sector deposits have been paid, the Committee's account is yet to be credited. The problem of Fortune International Bank on the other hand, is that it is still under litigation.

(viii) Other case we discovered through this Public Hearing is the non payment of monetization and leave grant arrears amounting to N6.4 million of the members of the Association of Civil Servants of Nigeria, Federal Government Girls College, Onitsha was also paid to Hallmark Bank which Ecobank assumed but it was classified as public sector money, therefore, has not been paid.

(ix) We also discovered that factors hampering the full payment of depositors, apart from apathy from depositors, there is the protracted litigation embarked upon by the erstwhile shareholders and directors of Peak Merchant Bank, Fortune International Bank and Triumph Bank. These are the three banks still under litigation right now.

(x) As a fall out from the Public Hearing, when we had a meeting with CBN and the NDIC, they promised to pay in full the private deposit liabilities of failed banks still under litigation and these amounted to N10.2 billion made up of N2.7 billion for Triumph Bank Limited and N7.5 billion for Fortune International Bank Limited the Litigations not withstanding.

(xi) We also discovered during the Public Hearing that the Licence of African International Bank (AIB) was not revoked along side the fourteen (14) banks that could not provide the N25 billion at the time of recapitalization.

(xii) There is also non-recovery of debts owed to failed banks especially the ones due to insider credit abuse and this amounted to N53.3 billion attributable to directors of those failed banks who took loan in one way or the other and had refused to pay even up till this moment.

(xiii) We also discovered that depositors with balances below N5,000 have developed apathy and they had not gone forward to claim their money. It will be interesting to know that the sum total of these small balances amounted to over N6 billion free fund with NDIC right now.

RECOMMENDATION

The Committee Recommends as follows:

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1. That the NDIC and all banks involved in Purchase and Assumption should embark on a renewed public awareness and sensitisation campaign in both the print and electronic media on the payment procedures to enable depositors in both pre and post-consolidation failed banks come forward for their deposits. This is not being done right now, and this is our recommendation.

2. The NDIC in the case of pre-consolidation and the assuming banks in the case of post consolidation failed banks that they should establish contact with the unpaid depositors through the addresses indicated in their Ledger Books and invite those customers to specified centres for payment. They keep claiming that they do not have the addresses of those depositors. Meanwhile the monies are free funds for NDIC and even the four banks that have assumed the assets of the failed banks.

3. The NDIC should establish more payment centers for the pre-consolidation failed banks to reduce the inconvenience of processing claims.

4. The NDIC Act should be amended to strengthen the sanctions available to it against insider credit abuse, and the abuse of judicial process to cause delays, therefore, affects its debt recovery capacity.

5. The Committee should be mandated to publish the names of those involved in insider credit abuse.

6. The CBN should re-examine the practice under Purchase and Assumption whereby assuming banks are allowed to cherry pick the good assets of failed banks and leave only the Government to take responsibility for the bad ones.

7. The Afribank which acquired Lead and Assurance Banks should be commended for exemplary implementation of the Purchase and Assumption arrangement. This is because it was discovered that they have paid 99 *per cent* of their depositors' claims amounting to N12.5 billion.

8. The NDIC should review the classification of Linkage Assurance Plc's Public Offer or Escrow the fund with CBN in line with the Securities and Exchange Commission. There is a huge amount in this Account, and NDIC has classified Linkage Assurance as a Public Deposit, and as such, they are not thinking of paying it right away, but we are saying it is not right.

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9. The Ecobank which acquired All States Trust Bank, Hallmark Bank and African International Bank just recently should do more to establish contacts with depositors whose funds are yet to be paid, five years down the line.

10. Ecobank should immediately commence an extensive public awareness campaign to inform depositors and the public about the acquisition of African International Bank. Ecobank only acquired African International Bank in January this year as against 31st December, 2005 when the licences of any bank that could not muster the N25 billion was revoked. It was not the case with African International Bank.

11. Ecobank should resolve the issue of the unpaid deposits of the Defunct Presidential Committee on Disposal of Properties in the Games Village and report outcome to the Committee.

12. Ecobank should liaise with NDIC to ensure that the trapped funds of Association of Civil Servants, Federal Government Girls' College, Onitsha with Hallmark Bank is not wrongly classified as public sector deposit.

13. The Senate should direct the NDIC to come up with a plan for immediate payment of all depositors irrespective of pendency of court cases and to put a definite deadline for completion of the process.

14. The Senate should urge the NDIC and CBN to immediately call a meeting of parties to all pending court cases with the Committee to facilitate Recommendation No. 8.

15. Senate should authorise the Committee to involve experts and consultants to carry out a comprehensive review of all the relevant regulatory Laws in the banking system and submit a framework for holistic legislative amendments.

Conclusion

The Public Hearing has revealed weaknesses in the management of liquidation and the resolution of bank failures. The implementation of the above recommendations should bring improvement to the treatment of Nigerians who deposit their funds in our banking system.

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I thank you all for listening and for the opportunity given to this Committee to do the job.

The President: Are there comments before we go to the recommendations?

Senator Isiaka Adeleke (Osun West): Mr. President, I want to refer us to page 8 where it is stated that: *According to UBA regarding the banks they acquired, NDIC has declared a total liquidation dividends of N4.65 billion and paid out N4.04 billion representing 72.42 per cent.* I think there is a mistake there.

Senator Enyinnaya Abaribe (Abia South): Mr. President, may I also refer to page 8, paragraph 6.3 where the matter of unremitted proceeds of the 2005 public offer for Linkage Assurance is mentioned. The Committee, in treating this did not even treat something that is far more fundamental there. All States Trust Bank also did a public offer in which its funds were with All States Trust Bank. I bought into that public offer and did not know what happened to the money because subsequently when we went back to Eco Bank to find out about the public offer, because it was just a month or so prior to the liquidation of the All States Trust Bank and they claimed they never knew what happened.

Of course, that brings us to the point where the matter of insider trading was treated. That is, paragraph 6.6(b). For a gross sum of N53 billion being lost to other predatory Nigerians who, just because they were directors and managing directors of banks, the matters have just been left to float away. There is nothing here that could lead us to get recovery from this set of people. So, in taking decision here, something must be done about this particular aspect.

I suspect that in the case of All States Trust Bank, the monies that had been paid by Nigerians of all sorts in terms of their public offer should be traced and we should know where exactly those monies are. Again, this matter of insider trading, we should also be able to know what really happened for the loans that were taken without any collateral at all from all those people who found themselves as directors as the case may be.

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Senator Annie Okonkwo (Anambra Central) Mr. President, I want to first of all congratulate the Chairman of the Senate Committee on Banking and Insurance for a job well done.

Some people caused the problems in the banking sector but in this Report there is no recommended in terms of those that caused all this problem. What does the Committee recommend about those people?

Secondly, you mentioned the little deposits that have not been collected which is a huge amount of money. There must be a solution to it. These small deposits that totaled about N6 billion is within the banking sector yielding no interest to the owners but somebody somewhere is benefiting from that amount of money. We must ensure that this money is warehoused in a system where the money will also attract interest for the benefit of the owners of the fund so that whenever they come for it their money will be paid to them. In case they do not come forward to claim the money, we must ensure where the money will go for public benefit. It is very important. I did not see such recommendation in the Report. Maybe, when we come to the recommendations I will have more comments.

Senator Olorunnimbe Mamowora: Mr. President, I want to commend the Chairman and her entire team, Committee Members of the Senate Committee on Banking, Insurance and Other Financial Institutions.

My comments are on general note. Looking at the Report and listening to the presentation, certain things are clear which border on our attitude to issues particularly, issues of trust, because banking and insurance business has trust as a major component. Attitude, also in respect of issues of responsibility. I can see all this clearly shown from the Report presented.

Another issue is on record keeping. I cannot understand why it is being said that it cannot trace depositors. I cannot just understand. These depositors, of course, indicated their addresses as the point of engagement. To say they cannot be traced and adequate efforts not being made, is also not acceptable to me.

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There are also issues of violation or disregard for rules and procedures and even for laws, whether on the part of NDIC or the banks themselves one can see all this in this Report. Of course, if there are violations, disregard and disrespect for rules there must be processes or procedure for enforcement. We can also see lack of enforcement of certain rules and laws. These are things that are clear to me from this Report and I do hope that when we move on to consider the recommendations, we would take appropriate decisions.

Senator Ahmad Lawan (Yobe North): Mr. President, let me join my Colleagues in congratulating our Sister, the Chairman of the Senate Committee on Banking, Insurance and Other Financial Institutions.

My comment is specifically on insider credit abuse. It is an established fact that insider credit abuse has brought even the largest of banks in the developed world to their knees and it is something that we have to ensure that whoever is involved is punished. Recommendations (4) and (5) particularly on (4) and with your permission I want to read: *The NDIC Act should be amended to strengthen the sanctions available to it against insider credit abuse and the abuse of judicial process that cause delays, therefore its debt recovery capacity.*

I do not know what the sanctions are but I want to believe that the sanctions must be applied to the letter since these people are known. It is abuse of trust that innocent people put their money to a bank and because some people are privileged and opportune to be directors in banks, simply took such monies without due process and use them and at the end of the day, when accident like this happened, it is the ordinary man who had put his money their that suffers. I believe that we have to look at this Act and if the sanctions are not strong and biting enough, then we must strengthen them. I think this is unfair practice in the banking sector that must be stopped.

With this, I must commend the Committee for having done a very good job.

Senator Ayogu Eze (Enugu North): Mr. President, I want to join my Colleagues in commending Senator Nkechi Nwaogu and her team for putting together a very marvelous Report even though there are few shortcomings which are natural when human beings carry out an assignment. Overall they have done a very good job that deserves our commendation.

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This Report brings out very vividly regulatory failures in our banking and financial institutions. The crux of the matter is the issue of reporting and the ability of those who are charged with policing our financial sectors to do their job effectively. Since the world has become a global village, there are a lot of examples we can draw from all over the world. It is not too long ago, maybe, last week the protracted case of the Posing Scheme was concluded in America with the sentencing of Madoff at the age of 71 years. With the sentence he is going to spend his entire life and then borrow from his children and grand children to complete the 150 years jail term. That is the kind of strong message we can send out that we are no longer ready to tolerate the kind of practices that have become rampart in our financial institutions.

I will give you an instance, if you take a historical review of the ownership of many banks in Nigeria, you will find out that people that were recruited with little or nothing to manage some of these banks, in a matter of five years manipulate themselves and become major shareholders or the owners of the banks and no body has said anything. We were here in the 1980s when Umana Umana broke out in Port Harcourt and collected people's money in a manner similar to what Maddoff did in his Posing Scheme. Until today if you ask me how that matter ended and where Umana Umana is I cannot say.

It is business as usual in this country that has left us where we are. We get distressing reports like this one where billions and billions of taxpayers' money put in trust in the care of people who turned out to be no better than criminals because they manipulate the books, cook all sorts of figures and at the end of the day people are the poorer for it. We are here blowing grammar when a lot of people have lost their lives as a result of the activities of these men.

I support what Senator Annie Okonkwo said that a strong message must be issued from here. That those who rape the confidence of our people should pay for it. In this recommendation we must come out with a ringing statement on the kind of punishment that will accrue to any body who is found wanting. Most of the things we are going to achieve as part of the recommendations that have been made is that we must tighten the regulatory framework around these institutions. These are institutions that operate based on confidence and the confidence of the people has been abused. As the true representatives of the people

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we cannot just whitewash the Report. The recommendations that have been made are quite germane but we need to add some bite to them so that at the end of the day, this practice will be brought to halt.

Senator Eme Ufot Ekaette (Akwa Ibom North-South): Mr. President, if you take a look at the recommendations on page 10 starting from No.9 to No.12 what worries me is that when Eco-Bank was supposed to pick up all the liabilities, there is something called due diligence which could determine the prices that Eco-Bank would have paid and that would have ensured that the depositors and the people who got activity done with them would have been captured. You also will find out that we are talking of three banks, money from the public sector and institutions which should have formed part of the liabilities during purchase and they were not captured. I wonder what the Committee is doing to force agencies that do due diligence do it properly because this should have come out at the point of purchase.

It looks as if the depositors and the institutions are being punished. If after consolidation and we are still talking that they have not recover their money, then I want to plead with the Committee that they should look at the law governing the agencies and regulating the practices so that this sort of things will not happen again. As a Senate we cannot brush this aside. It is a large junk of people that we are talking about who had put their money innocently into a system believing that they have assurances and yet they cannot withdraw anything. When you are asked to come and receive N5,000 out of the millions you kept in the bank, it is very discouraging.

I want to congratulate the Committee for bringing this to the fore. I believe that the Senate has more role to play to be able to help the people who have been shortchanged and left at the mercies of these banks and the people who run them as personal warehouse.

Senator Aloysius Akpan Etok (Akwa-Ibom North West): Mr. President, first, I commend the good work of this very Committee, especially in their arithmetical and mathematical presentation of all the data involved.

I want us to very sincerely look at the conclusions and summaries of this Report. If we want to start from the issue of going to the market like the All States Trust Bank went to the market and people paid money

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and after about one month, the Bank went under. Look at how long it has taken. I bought some shares before I came to the Senate. The Bank is no more, the money is not there. Therefore, I want to say that the regulatory framework of our financial sector must be looked into again. This is because there is no reason whatsoever that the NDIC or the Central Bank would have given to the masses about their money not being paid or about the shares we bought. Where is the money? How long does it take to give back the money to the owners?

The Senate must look into the issue of interest where the banks have kept peoples' money for so long. Also, when the money is to be refunded, the people must have value for their money by adding interests to their money because somebody somewhere is earning interest on these deposits. Therefore, owners of this money must also get value for their money.

In addition to that is the issue of NDIC. I am sure that most of the banks that went under might not have any case whatsoever to warrant the delay in paying back the deposits made to them. Why are we keeping this money? We must look at the Laws surrounding regulatory framework of the financial sector.

I want to urge the Senate as the last bus stop of the hope of the common man, to look at all the Acts surrounding the operations of the financial and regulatory Agency and tighten them especially as it relates to insider abuses by those who work there. Some people just establish a bank, collect peoples' money and warehouse the money and will not give loans to others to develop the economy or investment the money. I urge the Senate to look into this and stop this kind of abuses. It is very important.

I believe we would do justice to this Report when we would be looking at the recommendations to ensure we tighten up all loose ends. The Committee has done a good job but let us as Senate look into these recommendations and tighten them so that we can help the masses. How would you explain a situation where somebody has only N5,000 and he cannot be paid this money for a number of years? It is inexplicable.

Senator Heineken Lokpobiri (Bayelsa West): Mr. President, I want to lend my support to what Senator Ayogu Eze said in his presentation and also to say that this is a matter we should be able to impose very strict sanctions to serve as deterrent to those that may want to rob Nigerians of their hard earned money in future.

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On page 5 of this Report, paragraph 6(1)(i), it is stated that before the consolidation exercise started, 36 banks went down the drain. Thirty-six banks died before even the consolidation exercise. We should pause a minute to ask ourselves what was the reason that led to the death of those banks. It was as a result of sharp practices; pen robbery by managers of those banks. If the Law Enforcement Agencies in Nigeria can go after petty robbers who rob people of N100, N20 or N100,000 or N1,000,000 they should take the American example of Mardoff. Also, the Stanford Financial Group is being prosecuted in America for similar sharp practices.

On page 9 it is stated that there were insider credit abuse to the tune of N53.3 billion. This money is lying very fat in the pockets of few Nigerians who were privileged to manage the money of other Nigerians. The Chairmen or Managing Directors of these banks used their positions to abuse their offices by giving to themselves loans that did not pass through due process and not backed by any security and at the end, these banks went dead. This is an opportunity for us to put right what has been wrong in this country for a very long time.

I remember during General Abacha, there was one Zebulon Abule who was Chairman of Crystal Bank from my place. He was arrested by General Abacha, tried and jailed for something that was far less than the amount we are talking about. I do not think that Mr. Abule was accused of up to N500 million but he was arrested, detained, tried and brought to book. Here is a case of N53.3 billion lying in the pockets of few Nigerians who are living larger than life. Some of them have private jets and we are doing nothing about it.

When it comes to the recommendations, it has to be made very clear that these Nigerians who defrauded banks of this N53.3 billion must be brought to book. When their mates in America are being sentenced to 150 years, they should also be sentenced to 100 years.

Senator Anyim Ude (Ebonyi South): Mr. President, when I looked at Recommendation 2 that says: NDIC should establish contact with unpaid depositors. I looked at Recommendation 4 where they talked about insider credit abuse and Recommendation 9 that Eco Bank should do more to establish contact. This is just exploitation. Most of the people involved in Recommendations 2 and 4 must be those we refer to as the masses.

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When the bankers want people to bring their money and open accounts, they use all sorts of sweet talks and all sorts of means to attract and persuade people to come and deposit. There were forms people filled stating their names, addresses *et cetera*. Now we are being told about attempting to establish contact. That is exploitation.

I must say that Senator Nkechi Nwaogu's Committee did a good job but I was expecting somewhere along the line where the EFCC, the Police and the Security people should be involved in this. There should be recommendation for the arrest and detention of certain persons. Until we take such serious measures as already mentioned by some of my Colleagues, it would look as if we are just whitewashing.

When we come to the recommendations, I do not know what we are going to do because we have said it over and over again of; how do we ensure that our recommendations and decisions are implemented? It is one thing here to urge and at the end of the day, five or six months or even one year nothing is done.

With your permission, let me digress a bit to say that decisions taken at the Public Hearing on Aviation, I have taken up this matter several times with the Minister to let me see and know what they are doing. I have only ended up seeing letters written to the Secretary to the Government to set up one Committee or the other to implement what we had decided here. For six months, nothing has been done. We must do something to re-enforce that what we say here are not just talk shop. Otherwise, we would end up one year after, nothing would have come out of this beautiful Report.

Senator Bassey Ewa-Henshaw: Mr. President, I commend the Committee for a thorough job but the recommendations are rather numerous and there is need to focus on some key areas that will sanitise our banking system.

The regulatory authorities in this country seem unable to undertake forensic work in banks and that is why I believe that some of the abuses that led to the collapse of banks are still persisting. There is still round tripping going on. There are still directors of banks that take funds from banks, establish branches and put the ownership of those branches in different

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organisations other than the banks. Banks depend on assets to be strong. If you take the banks' asset and domicile it in a separate company that belongs to you privately, you are killing the bank and this is what went on and it is still going on and nothing is being done about it.

It became apparent that some bank directors gave loans to themselves from their institutions without adequate collateral. It amounts to abuse of office. These directors have fiduciary responsibilities for monies that are given to them by ordinary citizens to keep and protect and they have abused those responsibilities and privileges. I have not heard of any one of them properly prosecuted and sent to jail for those abuses. They are still walking the streets. How on earth would we be able to make corrections of these malpractices if we are not able to set examples of those that indulge in these abuses?

The Law requires that when you do a public offer, all the monies that are collected from would-be shareholders are to be placed in an escrow account until the public offer is completed, the CBN has checked through, then the monies are released to the banks involved. Many of these banks did not observe that. They took the monies, put them in their banks and started spending them. It should be possible for the CBN or the NDIC to trace all these monies that banks collected as deposit for shares which were not placed in escrow accounts and hold the people that did this accountable and make them pay back those monies.

Let me finally say that it is important for the survival of our banking industry and, indeed, for our nation that these abuses must be eliminated from our banking system. If they are not, we are going to face more collapses and when the banking industry or the banking sector collapses, it portends great danger to the economy at large. Therefore, steps must be taken to correct them.

Senator Osita B. Izunaso: Mr. President, let me begin by commending the Chairman and Members of this Committee. They have done a very thorough job. If you look at their Report, you would see that they have even gone beyond some of the areas their assignment asked them to do because of their interest in this matter. Their interest is also our interest because we are all involved in a matter of this nature. If you are not involved as a person, you are involved

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through the people that you represent and through other Nigerians particularly some of us who are for the masses. (*Interruptions*)

The President: You said you are for the masses and then you are not too sure anymore. You have started giving up.

Senator Osita Izunaso: I was referring to Senator Smart. I know they were joking because Smart lives in Hilton, how can he be in Hilton and represent the masses. We that represent the masses (*Interruptions*)

There are two critical issues I will like us to look at in this Report. The first one is that the Committee has dealt extensively with the issue of letting us know that over N188.6 billion are depositors' liabilities in all the banks they are talking about. If you consider this money in question you will discover that they did not even incorporate shareholders fund because if you are talking about depositors, it is not only those that deposit money in the banks, what about the shareholders, the innocent people that were involved in the Initial Public Offers (IPO)? This is because some banks did up to four IPOs; they would begin with the Initial Public Offer 1 and 2 within a period of three or four months they are back in the market looking for money.

There are some banks that have been acquired under P&A arrangement but the shareholders of that bank do not even know how much they have. There is no shareholders' record and no share certificate. I will give you an example of Spring Bank.

Spring Bank came into being by acquiring ACB, Citizens Bank and Owena Bank. At the end of the day, they formed what is now known as Spring Bank but people bought shares under ACB, Citizens and Owena Banks before they came together to be Spring Bank. As we talk today those people have not even received their share certificates. They do not even know where they are because their monies are trapped. The same Spring Bank has been bought over by Bank PHB as approved by the Central Bank of Nigeria. What will be the fate of those that actually bought shares in those banks?

The Committee will have to deal with this once more or we incorporate it in our recommendations because those are equally part of depositors' money we are talking about. It is not only those that deposited their money in the bank, what about those that bought shares? It is very, very important.

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Secondly, they are talking about CBN and NDIC paying but also saying that some people are in court. It is not the depositors that went to court, depositors have no business with court. It was the banks that went to court in order to challenge NDIC or to court corners. I believe that we should ask CBN and NDIC to pay the depositors their money. Depositors did not go to court, therefore, they cannot suffer because banks where they put their money went to court for what they did not know about. What concerns them is their money and when they would be paid their money.

With these two points, because I do not want to behave as if we are discussing this Motion afresh; we are only talking about part of the recommendations of the Report. I do not want to go into that temptation of beginning a fresh discussion of this matter. I believe that when we come to recommendations we should be able to streamline them not to exceed more than four or five recommendations and we must be very strong to tell CBN and NDIC to pay people their money.

The President: Distinguished Colleges, the way I would like us to go about this because I have written down so many names. We have discussed this before but it looks as if we are going over that again. I will suggest that we go straight to the recommendations unless somebody has a very strong point that has never been made on this Floor before. If we are going to do this afresh then we will defer this and then many more people can talk on Thursday. I will suggest that we go for recommendations now and in the course of the recommendations you can make your contributions if it comes up on part of the recommendations. Is that alright?

Several distinguished Senators: Yes.

RECOMMENDATIONS

(i) That the NDIC and all banks involved in Purchase and Assumption should embark on renewed public awareness and sensitisation campaign in the print and electronic media on the payment procedures to enable depositors in pre and post consolidation failed banks come forward for their deposits.

Question put and agreed to.

(ii) That the NDIC (in the case of pre-consolidation failed banks) and the assuming banks (in the case of post consolidation failed banks) should establish contact with the unpaid depositors through the addresses indicated in the ledger books and invite them to a specified centre for payment.

Question put and agreed to.

(iii) NDIC should establish more payment centres for the pre-consolidation failed banks to reduce the inconvenience of processing claims.

Question put and agreed to.

(iv) The NDIC Act should be amended to strengthen the sanctions available to it against insider credit abuse and the abuse of the judicial process to cause delays, and therefore, its debt recovery capacity.

Question put and agreed to.

(v) That the Committee should be mandated to publish the names of those involved in insider credit abuse.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, I have an amendment. I am of the opinion that this recommendation should be amended to say that they should forward the names to the appropriate authority for proper sanction.

Senator Sola Akinyede (Ekiti South): Mr. President, I do not think that the Committee should publish the names of the people involved in this abuse. The Central Bank or the NDIC should do that and not the Committee.

The President: The point is this, are the names authentic because if you publish and it is not authentic, the man can go to court.

Senator Nkechi Nwaogu: The names were sent to the Committees by NDIC. We have the list.

The President: Why can NDIC not publish it?

Senator Ahmed Mohammed Makarfi (Kaduna South): Mr. President, I support the amendment Senator Sola Akinyede made but with further clarification that NDIC should within two weeks publish the names of those involved in insider credit

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abuse and report back to the Committee. This will make them have a time frame to do that and report back.

Senator Lee Maeba: Mr. President, my Amendment to Item 4 reads thus: *That the Committee should be mandated to publish the names of those involved in the insiders credit abuse as submitted to them by the NDIC.* This is because the Committee Chairman said the NDIC gave them the names. So, the mandate the Committee is looking for is to publish the names submitted to them by NDIC.

The President: Is this an actionable issue?

Several distinguished Senators: Yes.

The President: If it is actionable, then we must be careful.

Senator Ike Ekweremadu: Under the Legislative Privileges Act whatever we say here is privileged. Nobody can be sued for whatever he said in this Chamber. If she wants to publish it she can publish it right here. She can present the names in this Senate and nobody can sue her in respect thereto.

The President: I thought that what he meant by publication is a newspaper publication.

Several distinguished Senators: No.

The President: Sorry, my own understanding of this recommendation is that we can go to the newspapers and publish the names. Or is it to mention them here?

Several distinguished Senators: No.

The President: Is it to mention them here?

Several distinguished Senators: Yes.

The President: We can mention them here if that is so. Do you have the names?

Senator Nkechi Nwaogu: Yes, Sir.

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The President: How many are they?

Senator Nkechi Nwaogu: They are not many, but some of the directors have about twenty-one Accounts totaling between N10 billion and N22 billion per Chairman of a bank. We have the list as submitted to us by the NDIC.

The President: Why did you not include it in your Report?

Senator Nkechi Nwaogu: The Committee looked at it and noted that we needed some kind of approval because of the nature and the sensitivity of what we are talking about. In each failed bank, we have the list of the director, the accounts used and the amount thereof.

Senator Kanti Bello: I believe this Senate is a very transparent one. This Senate cannot and will not be a party to any cabal. Since she has the names it is good she announce the names here and everybody will know it and it will be taken in our Votes and Proceedings.

Senator Joseph Iorshagheer Akaagerger: Mr. President, much as I deplore corruption or anything that will be wrong in public service, I wish to say that this is actionable (*Interruptions*)

The President: No! Senator Akaagerger please, do not mislead us. What anybody says on the Floor here is not actionable. That much I know. That is why I wanted a clarification on whether the publication they are talking of is on the Floor here or in a newspaper.

Senator Joseph I. Akaagerger: The names that will come up on this list are already appointed Chairmen in Federal Parastatals (*Interruptions*)

The President: Are you suggesting that because they have been given appointments, we should not mention them anymore?

Senator Joseph I. Akaagerger: They said they called EFCC and other corrupt agencies on this issue. Why did they not bring the Reports from those agencies before asking that the names be published? Let them bring the Reports first before they publish the names.

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The President: I will put the Question. I think it is as simple as that. (*Interruptions*) Are you making an amendment on it?

Senator Kanti Bello: Point of Order, Mr. President!

The President: Yes, Point of Order, Senator Kanti Bello.

Senator Kanti Bello: Mr. President, it is my duty to point out to my Colleagues that we have sworn to defend the Constitution of the Federal Republic of Nigeria. If we look at Section 15(5) it states that: *The state should abolish all corrupt practices and abuse of powers.* By refusing to mention these names now, we are, in fact, trying not to be in consonance with this particular constitutional provision. So, I strongly suggest based on the Constitution that she should be made to announce the names now.

The President: Your Point of Order is sustained to the extent that what you said is correct, but we are going to decide whether we approve Recommendation No. 5 or not. If it is just mentioning it here, Senator Nkechi Nwaogu, you can do so. But to start with, all of you who are members of the Committee already have the names. So, it is only those of us who are not members of the Committee who do not have the names.

Senator Ahmad Ibrahim Lawan (Yobe North): Point of Order.

The President: Senator Ahmad Ibrahim Lawan, raise your Point of Order.

Senator Ahmad Ibrahim Lawan: Mr. President, I believe that the names should be mentioned but I want to refer us to Section 36 of the Constitution of the Federal Republic of Nigeria. With your permission, I read:

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

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What I want to point out is, when the names were given out to the Committee, did the Committee invite those people? (*Interruptions*) Of course, it was an investigation, it was an Investigative Hearing.

The President: The point he has raised which is also part of the point I was raising is that those of you who are members of that Committee know the names already. If you had attached that as a part of this, all of us here would have been privy to it. Where is the secret now? I think the problem is that for you to get up and begin to read names, which in my candid opinion, is lengthy and unwinding but you can circulate that as an annex to this Report. Is that possible? (*Interruptions*) Senator Lawan, I find it difficult to sustain your Point of Order but I note it.

Senator Adeleke O. Mamowora: Point of Order!

The President: Raise your Point of Order, Senator Mamowora.

Senator Adeleke O. Mamora: Section 88(2) of the Constitution states that:

The powers conferred on the National Assembly under the provision of this Section are exercisable only for the purposes of enabling it to

(b) 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.

This is an investigative hearing which came under Section 88 under the power to conduct investigation. I am of the view that if there are findings, emanating from such investigation, we should know and there is no need to hide anything because we are working under the dictates of the Constitution.

The President: I will put the Question. However, what you said is what all of us are saying. The point is why did they not include this list in the Report? Why are they waiting for another mandate from us to bring the list?

Extension of time

Senator Teslim K. Folarin: Mr. President, pursuant to Order 13 of our Standing Orders, I want to move that the Senate do sit beyond 2.00 p.m.

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Senator Olorunnimbe Mamowora: Mr. President, I rise to second the Motion as moved by the Senate Leader, that the Senate do sit beyond 2.00 p.m.

Question put and agreed to.

Resolved: That the Senate do sit beyond 2.00 p.m.

The President: Senator Nkechi Nwaogu, why are you seeking a new mandate since the original mandate allows you to bring the names? Why do you need another permission to bring the names?

Senator Ike Ekweremadu: Mr. President, we have got to a point of no return on this matter. What we need to do is to ensure that we work within the confines of the law to avoid any possible legal action against us. I want to suggest in that respect that the Recommendation will read thus: *That the Committee should be mandated to name those involved in this insider credit abuse on the Floor of the Senate.*

I want to say with every sense of responsibility that if we circulate it and it is not said here, and it gets outside and somebody picks it, it can be actionable, but anything that is said here, is protected by law. If the list is not ready now, she can come back tomorrow under Personal Explanation without a debate thereafter, she can go through the names. In the interest of this Senate and our integrity that at this stage, we need to know the names.

The President: Whatever amendment, at the end of the day, we would know the names. As long as we are going to have the names, I do not know what amendment you want to add.

Senator Hosea O. Ehinlanwo (Ondo South): Mr. President, this particular Recommendation No.5 the Committee is asking for mandate because they do not want to run foul of the law. We should pass the Prayers. My Amendment is that the Committee is mandated to mention on the Floor of the Senate the names of those who are involved in the insider credit abuse as given to them by the NDIC.

Senator James Manager (Delta South): Mr. President, I am a member of the Committee. We debated this Report and almost all the Members of the Committee signed. As we speak now, that list is with the Chairman. As the Deputy Senate President said, we have come to the point of no return. What you have

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mandated us to do is to expose corruption and that we have succeeded in doing. The fact that the list is not attached is an omission which can be corrected on the Floor of the Senate. You should call on the Chairman of the Committee, my Boss, to read out the names.

The President: The Question is on Recommendation No.5, as amended, the amendment is instead of publish insert mention the names as given to it by the NDIC.

Question put and agreed to.

Recommendation No.5, as amended agreed to.

The President: Recommendation No.6 is: *That the CBN should re-examine the practice under Purchase and Assumption whereby assuming banks are allowed to cherry pick the good assets of failed banks and leave only the Government to take responsibility for the bad ones.*

Senator Mohammed A. Mohammed (Bauchi Central): Mr. President, I want to propose Amendment to Recommendation No.6, that: *The CBN should re-examine the practice under Purchase and Assumption whereby assuming banks are allowed to cherry pick the good assets of the failed banks and in addition the CBN should give this Senate the amount of public money spent on cherry picking.*

The President: Senator Mohammed, I am sorry, I have not followed the amendment.

Senator Mohammed A. Mohammed: *That the CBN should re-examine the practice under Purchase and Assumption whereby assuming banks are allowed to cherry pick the good assets of the failed banks and leave only the Government to take responsibility for the bad ones. In addition, the CBN should inform this Senate the amount of public money expended on cherry picking.*

The President: I will put the Question because I have not been followed.

Senator Felix Kolawole Bajomo: Mr. President, the submission of my distinguished Colleague, Senator Mohammed A. Mohammed is that as a result of the cherry picking from the Purchase and Assumption, certain liabilities are being assumed by those banks. Those ones that are not assumed by those banks are

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picked up by the CBN. It is the public money, the taxpayers' money that is the one he is asking that should be revealed in totality.

The President: I will now put the Question on Recommendation No.6 as amended.

Question put and agreed to.

Recommendation No.6, as amended agreed to.

The President: Recommendation (7) says that: *Afribank, which acquired Lead and Assurance Bank should be commended for exemplary implementation on the Purchase and Assumption arrangement resulting in the timely payment of 99 per cent payment of the depositors' claims amounting to N12.5 billion.*

Senator Andrew Abidemi Babalola (Oyo North): Before we go into Recommendation (7) we also need a new Recommendation in view of Senator Etok's contribution. What I found out is that the post-consolidation acquisitions (*Interruptions*)

The President: Distinguished Senator, if it is a completely new Recommendation, then let us finish with the Recommendations we have here first. There is no specific order in these Recommendations. Senator Nkechi Nwaogu, is there any specific order here?

Senator Nkechi Nwaogu: No.

The President: Why did you say that it must fit in there?

Senator Andrew Babalola: The Recommendation (8) relates to the payment of post consolidation debts. But, most of these payments are done without cognizance to the real value of the money. For instance, AIB took peoples' money five years ago, and today they want to pay the same amount of money back to the owner that cannot be done. If AIB borrowed somebody's money five years ago, it will not be appropriate paying the same amount of money today. So, we need a recommendation here to say that the Central Bank should direct that deposit funds acquired by other banks in post consolidation exercise should be paid with interest or in today's value.

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The President: Distinguished Senator Nkechi Nwaogu, the point they are raising is that anybody who is going to collect his money should be paid with interest also?

Senator Nkechi Nwaogu: That is why we want to amend the CBN Act, because the present Act does not have such provisions and there is nothing anybody can do.

The President: For a failed bank, it does not provide for you to take your money with interest, that is the point? Distinguished Babalola, unless you have the Act, to carry on the debate that people should be paid with interest when the Chairman is saying that the Act does not provide for any one to receive his money with interest, is just a waste of time.

Senator Andrew Abidemi Babalola: Point of the information. The post consolidation was not failed banks because they did not allow them to fail because other banks acquired them. If Central Bank directed UBA to take my money which is with AIB and five years after, they are asking me to come and take the same amount of money, is not fair.

Senator Felix Kolawole Bajomo: As far as post consolidation deposits are concerned which had been assumed by another bank, the same position that they were originally with the previous bank where the deposits were earning interest would still subsist. As long as the deposits had been assumed, the normal interest would run and anybody who fails to get that kind of interest would have a claim on the bank.

The President: All right, so, post consolidation claims should be paid with interest?

Several distinguished Senators: Yes

Question on additional Recommendation put and agreed to.

Recommendation (7) put and agreed to.

The President: Prayer (8) says that: *NDIC should review the classification of Linkage Assurance Plc Public Offer or escrow the fund with CBN in line with the Securities and Exchange Commission Guidelines.*

Question put and agreed to.

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Prayer (9) says that: *Eco Bank, which acquired All States Trust Bank, Hallmark and African International Bank should do more to establish contact with depositors whose funds are yet to be paid.*

Senator Ike Ekweremadu: I have a point of observation. It appears to me that this Recommendation is the same thing with Recommendations (1) and (2) and should not stand.

The President: What is the difference because we have already said in Recommendation (1) that they should go out and announce and get in touch with both electronic and print media so that many more people can come forward for their deposits? Why did you single out the few banks? Recommendation 9 is the same with Recommendations (1) and (2) it is just that you singled out few banks for that.

Senator Nkechi Nwaogu: AIB is a different thing. As I said earlier, the Banks Licence was not revoked. We had so many correspondences with CBN as to why? But that is not for today's discussion. But, what we are saying is that nobody has been paid any kobo from AIB as at the time this write up was done. If you notice, ECOBANK has been mentioned severally, not that they have done anything wrong, but they were the last Bank to acquire AIB and as at January, no kobo has been paid and we wanted to emphasise that ECOBANK should do a lot more. It should be compelled to pay depositors their monies to catch up with what ought to have been done more than three years ago

The President: If it does not fall into pre-consolidation, then it will fall into post-consolidation. So, post-consolidation is covered by Recommendation (2).

Senator Jibril Aminu (Adamawa Central): Sir, with all respect, I recommend that we leave this Prayer as it is. The Committee must have a special reason for singling out this aspect in making a special emphasis on it. On our own, we would not be satisfied by the global mention in Recommendations (1) and (2). We should leave it. More information is always more useful than less information.

Question on Recommendations 9 and 10 put and agreed to.

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The President: Recommendation (11) says that: *Ecobank should resolve the issue of the unpaid deposits of the defunct Presidential Committee on the Disposal of Properties in the Games Village and report the outcome to the Committee.*

Senator Lee Ledogo Maeba: Point of Order, Mr. President!

The President: Yes, Point of Order, Senator Lee Maeba.

Senator Lee Ledogo Maeba: My Point of Order is Order 70(1) which reads thus: *The following matters not open to debate shall be moved without argument or opinion offered, and shall be forthwith put from the Chair without Amendment:*

Order 70(1)(c): *motion that the question be now put.*

When you put the Question, we expect judgment and nobody can observe your judgment, not even saying something within the judgment. So, we do not want anybody to interfere with your powers which are total by convention.

The President: Distinguished Senator Lee Maeba, thank you very much for given me total and unchallengeable power. In a democratic setting, I guess that trap is rather too obvious for me to jump into it (*Laughter*) However, your Point of Order is sustained. I will go ahead and put the Question in favour of Recommendation (11).

Question put and agreed to.

Recommendation 12 says that: *Ecobank should liaise with the NDIC to ensure that the trapped funds of Association of Senior Civil Servants and Federal Government Girls' College, Onitsha, with Hallmark Bank are not strongly classified as public sector funds.*

Question put and agreed to.

Recommendation (13) says that: *The Senate should direct the NDIC to come up with a plan for immediate payment of all depositors irrespective of pendency of court cases and to put a definite deadline for completion of the process.*

0361

Question put and agreed to.

Recommendation 14 says that: *The Senate should urge NDIC and CBN to immediately call a meeting of parties to all pending court cases with the Committee to facilitate Recommendation 13.*

Senator Osita Izunaso: I have an Amendment, Mr. President.

The President: But Senator Izunaso, we have just ruled on Joel's situation. I have put the Question already. There is no room for Amendment now.

Senator Osita Izunaso: You have not put the Question yet, Mr. President.

The President: After I read out the Recommendation I said those in favour say Aye and it is the reply that I am waiting for. By our Rules you can no longer amend anything. What that means is that you must ask for the Amendment before I put the Question.

Question put and agreed to.

Recommendation 15 says that: *The Senate should authorise the Committee to involve experts and consultants to carry out a comprehensive review of all the relevant regulatory Laws in the banking system and submit a framework for holistic legislative amendments*

Senator Ike Ekweremadu: Again, I believe that is a surplusage because that is the routine work of the Committee. If in the course of your work you engage experts, you do not need our consent. I expect that she should withdraw this.

The President: Well, we just negate it when I put the Question. That is all.

Senator Bassey Ewa-Henshaw: Mr. President, I believe there is a slight change in approach and that is why the problem has arisen. Before you use to say, for example, Recommendation 15 and you pause and that gives time for people who may have anything to say to react. If you start by saying those in favour of Recommendation 15 then there is no opportunity because right from the beginning you have put the Question.

0362

The President: Senator Bassey Ewa-Henshaw, you should be dynamic with the way we are changing things. Anyway, I have taken note of your point. You are digital not analog. I will put the Question and you can negate it if you so desire.

Question put and negated.

Resolved:

- i. That the NDIC and all banks involved in Purchase and Assumption should embark on renewed public awareness and sensitisation campaign in the print and electronic media on the payment procedures to enable depositors in pre and post consolidation failed banks come forward for their deposits.
- ii. That the NDIC (in the case of pre-consolidation failed banks) and the assuming banks (in the case of post consolidation failed banks) should establish contact with the unpaid depositors through the addresses indicated in the ledger books and invite them to a specified centre for payment.
- iii. NDIC should establish more payment centres for the pre-consolidation failed banks to reduce the inconvenience of processing claims.
- iv. The NDIC Act should be amended to strengthen the sanctions available to it against insider credit abuse and the abuse of the judicial process to cause delays, and therefore, its debt recovery capacity.
- v. That the Committee should be mandated to mention the names of those involved in insider credit abuse.
- vi. That the CBN should re-examine the practice under Purchase and Assumption whereby assuming banks are allowed to cherry pick the good assets of the failed banks and leave only the Government to take responsibility for the bad ones. In addition, the CBN should inform this Senate the amount of public money expended on cherry picking.
- vii. Afribank, which acquired Lead and Assurance Banks should be commended for exemplary implementation on the Purchase and Assumption arrangement resulting in the timely payment of 99 per cent payment of the depositors' claims amounting to N12.5 billion.

0363

0364

- viii. Post-consolidation claims should be paid with interest.
- ix. NDIC should review the classification of Linkage Assurance Plc Public Offer or escrow the fund with CBN in line with the Securities and Exchange Commission Guidelines.
- x. Ecobank, which acquired All States Trust Bank, Hallmark and African International Bank should do more to establish contact with depositors whose funds are yet to be paid.
- xi. Ecobank should immediately commence an extensive public awareness campaign to inform depositors and the public about the acquisition of African International Bank. Ecobank only acquired African International Bank in January this year as against 31st December, 2005 when the licences of any bank that could not muster the N25 billion was revoked. It was not the case with African International Bank.
- xii. Ecobank should resolve the issue of the unpaid deposits of the defunct Presidential Committee on the Disposal of Properties in the Games Village and report the outcome to the Committee.
- xiii. Ecobank should liaise with the NDIC to ensure that the trapped funds of Association of Senior Civil Servants and Federal Government Girls' College, Onitsha, with Hallmark Bank are not strongly classified as public sector funds.
- xiv. The Senate should direct the NDIC to come up with a plan for immediate payment of all depositors irrespective of pendency of court cases and to put a definite deadline for completion of the process.
- xv. The Senate should urge NDIC and CBN to immediately call a meeting of parties to all pending court cases with the Committee to facilitate Recommendation 13.

The President: Before we go to the conclusion, Recommendation 4 is that: *The Senate should be mandated to mention the names of those involved in the insider credit abuse as submitted by NDIC.*

Distinguished Senator Justina Nkechi Nwaogu, after mentioning it you will lay it so that it forms part of your Report.

Senator Nkechi Nwaogu: Mr. President, attached is the list as submitted to the Committee by the Nigeria Deposit Insurance Corporation of insider related credits as at June, 2008. This list has the names of the failed banks and the directors involved, outstanding balances as at that date and type of securities provided for those facilities. It is the sum total of this list that made up the N53.3 billion that we are talking about today.

Eagle Bank Limited

There are six companies, six accounts and the directors involved.

Director: Alhaji Ibrahim Aminu Saleh;
Balance Outstanding: N26, 918,438.91.
Type of Security: Personal Guarantee of Alhaji Aminu Saleh
Name of Company: Durumi Properties Limited.

Do I need to read the companies and Directors?

Several Senators: Read everything.

Senator Nkechi Nwaogu: First Cott Nigeria Ltd owned by Mr. Anibe Achimugu. These six accounts are all from Eagle Bank. Alhaji Ibrahim Aminu and Apatti Aminu Saleh is one and the same person.

2nd Company: First Cott Nigerian Limited:
Director: Mr. Anibe Achimugu
Amount involved: N443, 927.21
Type of Security: Personal guarantee of the Chairman Mr. Achimugu

3rd Company: Petrolach Nigeria Limited.
Director: Mr. Anibe Achimugu
Amount involved: N5,791,656.34

4th Company: Hawawu Trust Fund
Director: Doctor P. S. Achimugu
Amount involved: N5,529,349.12
Type of Security: Mortgage Property located at 8C Murtala Mohammed Way, Kano.

5th Company: Arewa Textile Plc
Director: Dr P. S. Achimugu
Amount involved: N119,215,589.20
Type of Security: Personal Guarantee of a Dr. Ejila A. Oyibi.

0365

Total amount for Eagle Bank directors:
N157,898,960.78

Trade Bank Plc (In-Liquidation)

Director: David Chwuka Nwosu
Amount involved: N3,449,829.40
Type of Security: *Equitable Mortgage on Building*

Company: Bojafire & Sons Ltd.
Director: Alh. K. A. Olatunde
Amount involved: N13,398,541.60
Type of Security: No security.

Company: Ogege Integrated Services
Director: Alhaji K. A. Olatunde
Amount involved: N3,693,374.39
Type of Security: No security

Company: Bayo Ayotebi
Director: Mr. Bayo Ayotebi
Amount involved: N1,877,530
Type of Security: Equitable Mortgage on building

The President: Do these people owe the banks or are they the directors of the banks?

Senator Nkechi Nwaogu: Well, for Trade Bank Plc, you have ₦1,287,439,821 (One Billion, Two Hundred and Eighty-Seven Million, Four Hundred and Thirty-nine Thousand, Eight Hundred and Twenty-one Naira) made up of David Chuka Nwosu, Alh. K. A. Olatunde, Bayo Ayotebi, Alh. S. Y. Abdullahi, Alh. Muhammed Shaaba Lafagi and Dr. A. Ishola.

Gulf Bank of Nigeria Plc

Company: Sublime Africane Ltd.
Director: Adeyeba Adedunle Johns
Amount involved: N478,995,363
Type of Security: Personal Guarantee of Prince Kunle Adeyeba

Company: Sublime Commodities Nigeria Limited
Director: Adeyeba Adekunle
Amount involved: N199,319,719
Type of Security: Personal Guarantee of Adeyeba

Company: Sublime Engr. Nig. Ltd
Director: Adeyeba Adekunle
Amount involved: N37,628,376
Type of Security: Personal Guarantee of Adeyeba

0366

Company: Sublime Shipping & Marine Company Limited

Director: Adeyeba Adekunle Jones
Amount involved: N115,590,405
Type of Security: Nil

Company: Adeyeba Adekunle Jones (Loan One)
Amount involved: N103,336,628
Company: Adeyeba Adekunle Jones (Loan Two)
Amount involved: N339,265,235

Company: LYK Engineering Co.
Director: Adeyeba Adekunle Jones
Amount involved: N434,777,572

Company: Adeyeba Adekunle Jones
Amount involved: N5,382,722,528
Type of Security: Stamped All Assets, Debenture of LYK Engineering joint and several guarantee of the directors. Guarantee of Akwa Ibom State Government to the value of the Letter of Credit.

Company: LYK Company
Director: Adeyeba Adekunle Jones
Amount involved: N6,114,298

Company: Eagles Energy Nig. Ltd
Director: Adeyeba Adekunle Jones
Amount involved: N350,760,997

Company: SIMS
Director: Adeyeba Adekunle Jones
Amount involved: N11,892,473
Type of Security: Personal Guarantee of Prince Adekunle Adeyeba

Company: Abisco & Allied Productions Limited
Director: Adeyeba Adekunle Jones
Amount involved: N322,922,961

Company: Dutom Nig. Ltd.
Director: Muiyiwa Osho
Amount involved: N242,117,484
Type of Security: Joint and several guarantees of directors. tripartite Eagle Mortgage on a property situate in Kano and the proceeds credited to the account. Customer has already paid the amount jointly negotiated by awaiting CBN's approval for write-off of this outstanding sum.

Company: Labayco Ventures Ltd.
Director: Alh. Sanusi Ado Bayero
Amount involved: N45,003,963

0367

Type of Security: Original C of O Registration.

Company: Martin Oars Nig. Ltd.

Director: Babajide Rogers

Amount involved: N11,874,216

Total for Gulf Bank of Nigeria: N8,082,222,227

City Express Bank Plc

Company: Prince Samuel Adedoyin

Chairman: Prince Samuel Adedoyin

Amount involved: N2,522,383,669

Type of Security: Personal Guarantee of (Chairman) Prince (Dr.) Samuel Adedoyin

Company: Dayyad Ventures Ltd.

Chairman: Prince Samuel Adedoyin

Amount involved: N207,174,455

Type of Security: Domiciliation of contract Proceeds

Company: Doyin Motors Ltd.

Chairman: Prince Samuel Adedoyin

Amount involved: N30,063,740

Type of security: Lien on Vehicles

Company: Olufunke Adedoyin

Chairman: Prince Samuel Adedoyin

Amount involved: N1,000,707,424.66

Company: Perniel Apartments

Chairman: Prince Samuel Adedoyin

Amount involved: N1,000,961,411

Company: Fenace Nig. Ltd.

Director: Mrs. Sola Adeoti (CEO)

Amount involved: N60,293,241

Type of security: Mortgage Debenture on Property located in Victoria Island

Company: AllSure Nig. Ltd.

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N219,605,416

Company: Chains Inv. Ltd.

Director: Mrs. Sola Adeoti (CEO)

Amount involved: N76,065,999 Clean

Company: Fenace Nigeria Ltd.

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N68,349,438

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Type of security: Mortgage Debenture on Property located in Victoria Island.

Company: Sound Tannery Nig. Ltd.

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N42,383,542

Type of security: Debenture on fixed and floating assets.

Company: Bacom Communications Ltd.

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N101,111,147

Type of security: Legal Mortgage on Property in Victoria Island and Ota

Company: Machinery & Service Ltd.

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N22,267,291

Type of security: Legal Mortgage on Property in Ikorodu Road

Company: Machinery & Services Ltd (Beijing)

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N22,267,291

Type of security: Legal Mortgage on Property in Ikorodu Road

Company: Bacon Holdings

Director: Mrs. Sola Adeoti (MD/CEO)

Amount involved: N18,262,520

Type of security: Lien on metals and proceeds

Total for City Express Bank N5,584,275,864

Assurance Bank of Nigeria Plc

Company: The Communications

Director: Head Office Pastor Eskor

Amount involved: N2,000,075

Type of security: Assets debenture

Company: Enta & Associate Nigeria

Director: Angela Onyeador

Amount involved: N30,755,363.13

Type of security: Legal Mortgage

Company: Hapel Nigeria Ltd, Abuja

Director: Chuka Nwokoko

Amount involved: N31,947,437

Type of security: Equitable Mortgage

0369

Name of Borrower: Chief Joe Anyigbo
Amount involved: N3,423,290

Name of Borrower: Chuka C. Mbonu
Amount involved: N805,505,882

Name of Borrower: Chuka C. Mbonu
Amount involved: N47,200,000

Total for Assurance Bank N924,602,735

Liberty Bank Plc

Name of Borrower: Colodense Nig. Ltd.
Director: Chief Victor Odili
Amount involved: N41,103,49

Name of Borrower: Colodense Nig. Ltd.
Director: Chief Victor Odili
Amount involved: N2,628,979

Name of Borrower: Condolense Nig. Ltd
Director: Chief Victor Odili
Amount involved: N10,858,129

Name of Borrower: Rison Palm Ltd
Director: Dr. T. C. Osanakpo
Amount involved: N43,674,130
Type of security: Personal guarantee of Dr. T. C. Osanakpo (SAN) & others in the sum of N40 million

Total for Liberty Bank Plc- N748,262,738

African Express Bank Plc

Name of Borrower: Chrome Oil Services
Director: Sir Emeka Offor
Amount involved: N7,500,000,000 balance outstanding N3,850,016;
Type of security: Personal guarantee and 100,000 units of Ordinary Shares of Environmental Remediation Holding Corporation, USA.

Total for African Express Bank Plc
N3,850,016,620.00

Hallmark Bank Plc

Name of Borrower: ALH. B.I. BUNU
Director: Alhaji B. I. Bunu
Amount involved: N113,697

0370

Name of Borrower: Bunu B.I.
Director: Alhaji B. I. Bunu
Amount involved: N339,750,831

Name of Borrower: Prime Investment
Director: Alhaji B. I. Bunu
Amount involved: N17,532,974

Name of Borrower: Prime Investment
Director: Alhaji B. I. Bunu
Amount involved: N9,067,504

Name of Borrower: International Engineering Construction
Director: Alhaji B. I. Bunu
Amount involved: N43,460,932

Name of Borrower: Ecadin Holdings
Director: Chief F. E. C. Adiele
Amount involved: N72,805,295

Name of Borrower: Nigzan Inter
Director: Chief F. E. C. Adiele
Amount involved: N468,021,269

Name of Borrower: Eagle Metal
Director: Chief F. E. C. Adiele
Amount involved: N168,098,215

Name of Borrower: J. Udeagbala Ltd
Director: Chief J. Udeagbala
Amount involved: N159,873,213

Name of Borrower: Cassa Paper
Director: Chief Jude Akpunku
Amount involved: N992,012

Name of Borrower: Anita Plastics
Director: Chief Jude Akpunku
Amount involved: N38,209,604

Name of Borrower: Shield Insurance Ltd
Director: Chief Mark Wabara
Amount involved: N9,577

Name of Borrower: Akinyelure P. Oluwole
Director: Chief P. O. Akinyelure
Amount involved: N670,660

Name of Borrower: Eres N.V. Ltd
Director: Chief P. O. Akinyelure
Amount involved: N1,609,459,129

0371

Name of Borrower: Woodland Investment
Director: Dr. Sam Eke
Amount involved: N10,715,908

Name of Borrower: Woodland Investment
Director: Dr. Sam Eke
Amount involved: N4,340,002

Name of Borrower: Samek Nig Ltd
Director: Dr. Sam Eke
Amount involved: N244,755,283

Name of Borrower: Mamoc Engineering
Director: Dr. Sam Eke
Amount involved: N15,047,265

Name of Borrower: Anyaehie Foundation
Director: Nnamdi Anyaehie
Amount involved: N41,049

Name of Borrower: Leezol Farms Ltd
Director: Nnamdi Anyaehie
Amount involved: N8,292,690

Name of Borrower: Leezol Ltd
Director: Nnamdi Anyaehie
Amount involved: N8,292,690

Name of Borrower: Nnamdi R. Anyaeh
Director: Nnamdi Anyaehie
Amount involved: N1,984,493

Name of Borrower: Maduako Transport
Director: Nze C. O. Maduako
Amount involved: N36,711,418

Name of Borrower: Maduako Transport
Director: Nze C. O. Maduako
Amount involved: N17,899,568

Name of Borrower: Maduako C. O.
Director: Nze C. O. Maduako
Amount involved: N39,512,382

Name of Borrower: Lifeshield P.
Director: Nze C. O. Maduako
Amount involved: N2,918,940

Name of Borrower: Liefshield P.
Director: Nze C. O. Maduako
Amount involved: N2,388,172

0372

Name of Borrower: Transglobe Investments
Director: Nze C. O. Maduako
Amount involved: N11,377,290

Name of Borrower: Amaic Paper Ltd
Director: Sir Ambrose Ejiogu
Amount involved: N24,098,025

Name of Borrower: Ejiogu Ambrose
Director: Sir Ambrose Ejiogu
Amount involved: N4,081,703

Name of Borrower: Pilgrims Super
Director: Sir Ambrose Ejiogu
Amount involved: N693,764,708

Name of Borrower: Asafra Int'l
Director: Sir Ambrose Ejiogu
Amount involved: N382,363,205
Name of Borrower: Amaic Paper
Director: Sir Ambrose Ejiogu
Amount involved: N173,083,101

Name of Borrower: Ejiogu Ambrose
Director: Sir Ambrose Ejiogu
Amount involved: N29,764

Total for Hallmark Bank Plc N9,307,820305

Lead Bank Plc

Name of Borrower: J. I. Abulime
Director: J. I. Abulime
Amount involved: N5,845,335

Name of Borrower: Mallam Saleh Jambo
Director: Mallam Saleh Jambo
Amount involved: N17,253,415

Name of Borrower: Easy Link Aviation
Director: Captain Onu
Amount involved: N26,639,206

Name of Borrower: Omicron Imaging
Director: Chief Amao
Amount involved: N415,738

Total for Lead Bank Plc N50,153,695

Metropolitan Bank Plc

Name of Borrower: Dr. Christian Adigije
(National Assembly)

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Director: Dr. C. Adigije
Amount involved: N1,951,900

Name of Borrower: Riverline
Director: Chief (Mrs.) Remi Adiukwu Bakare
Amount involved: N1,093,247,535.40

Name of Borrower: Minaj Systems Ltd
Director: Senator Mike Ajegbo
Amount involved: N210,291,896.21

Name of Borrower: Fiogret Ltd
Director: Great Ogboru
Amount involved: N799,798,421.99

Name of Borrower: Ibeto Petrochemical Industries Ltd

Director: Chief C. M. Ibeto
Amount involved: N643,340,680.92

Name of Borrower: Segbak Ventures
Director: Segun Bakare
Amount involved: N3,988,408.00

Name of Borrower: Chief Oladapo Sarumi
Director: Chief Oladapo Sarum
Amount involved: N3,847,743.90

Name of Borrower: Globe Motors Holding Nig Ltd

Director: Chief Anumudu
Amount involved: N2,040,309.00

Name of Borrower: Oluwalogbon Motors Ltd
Director: Chief S. O. Bakare
Amount involved: N544,585,269.86

Name of Borrower: Skencourt Ltd
Director: Chief (Mrs) Remi Adiukuwu Bakare
Amount involved: N98,111,661.79

Name of Borrower: Corporate Oil & Gas Ltd
Director: Muyiwa Bakare; Yemi Braithwaite
Amount involved: N40,536,457.69

Name of Borrower: Huina Nigeria Ltd
Director: Chief Unachukwu
Amount involved: N234,205,516.73

Name of Borrower: Oluwalogbon Farms Products Ltd

Director: Chief S. O. Bakare
Amount involved: N21,311,398.00

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Name of Borrower: Bauhaus International Ltd
Director: Dr. Victor Onukwughu
Amount involved: N544,192,543.00

Name of Borrower: Star Finance & Trust Ltd
Director: Chief S. O. Bakare
Amount involved: N250,000,000.00

Total for Metropolitan Bank by Directors -
N4,491,449,744.93

All States Trust Bank Plc (In-Liquidation)

Name of Borrower: Alaseri Co. Ltd
Director: Chief Ebitimi E. Banigo
Amount involved: N1,121,623.29

Name of Borrower: Netexpress Ltd
Director: Chief Ebitimi Banigo
Amounts involved: N612,514,361.47 and
N257,748,993.10

Name of Borrower: CT & P Construction Co. Ltd
Director: Chief Ebitimi Banigo
Amounts involved: N324,274,423.65,
N344,645,924.90 and N108,684,250.28

Name of Borrower: Global Communications Network
Director: Chief Ebitimi Banigo
Amounts involved: N494,164,383.56 and
N170,838,444.85

Name of Borrower: OGS Trading Co. Ltd
Director: Chief Ebitimi Banigo
Amounts involved: N320,213,412.49 and
N508,371,910.46

Name of Borrower: International Securities Ltd.
Director: Chief Ebitimi Banigo
Amounts involved: N152,377,728.68 and
N54,579,378.93

Name of Borrower: Southern Rose
Director: Chief Ebitimi Banigo
Amount involved: N138,646,884.67

Name of Borrower: Healthcare Services
Director: Chief Ebitimi Banigo
Amount involved: N57,266,470.90

Name of Borrower: Ise Hanson & Co. Ltd.:
Director: Chief Ebitimi Banigo

0375

0376

Amount involved: N228,014,970.84
Type of security: Pledge over the company's floating assets. Letter of set off from various accounts

Name of Borrower: Bytronex Nig. Ltd.:
Director: Chief Ebitimi Banigo
Amounts involved: N614,457,618.96 and N263,367,302.11

Name of Borrower: Segiya Assets Management Ltd.:
Amounts involved: N623,314,000.61 and N320,299,085.27

Name of Borrower: Koniko Trust Fund
Amounts involved: N739,450,051.58 and N320,299,085.27

Name of Borrower: All Stars Oil Co. Ltd.
Amounts involved: N548,285,259.99, N148,171,235.79 and N52,979,470.40

Name of Borrower: Transglobal Energy Ltd.
Amounts involved: N491,566,095.16 and N222,226,595.95
Name of Borrower: Carinade Ltd.
Amounts involved: N36,150,193.34 and N42,375,843.29

Name of Borrower: Chief Ebitimi Banigo
Amount involved: N765,794,475.76

Name of Borrower: Prof. NTA Henshaw
Amount involved: N17,987,389.17

Name of Borrower: Resource Trading and Investment
Amounts involved: N29,411,770.49, N181,660,125.85 and N186,205,814.82

Name of Borrower: Building & Allied Technical
Amounts involved: N812,681,219.62 and N336,423,354.47

Name of Borrower: Ekele Services Ltd.
Amounts involved: N660,303,490.94 and N236,766,326.82

Name of Borrower: INEMO Ltd.
Amounts involved: N693,234,423.33 and N323,580,433.86

Name of Borrower: International Properties Ltd.
Amounts involved: N666,622,575.74 and N273,718,448.66

Name of Borrower: E.F. Shaw 1
Amount involved: N2,007,680.05

Name of Borrower: E.F. Shaw 11
Amount involved: N11,804,580.23

Name of Borrower: Combined Heritage
Amounts involved: N117,398,595.95 and N73,496,243.21

Name of Borrower: FONTNAB Investment Ltd.
Amount involved: N255,744,302.86

Total for All States Trust Bank Plc
N15,170,852,591.19

Sum total of these banks and directors as listed is =
N53,304,978,684.83

The total amount recovered so far in all the activities as stated by NDIC is **N4,752,983,380**. This is the list.

The President: Thank you very much. I noticed that your voice was getting weaker and weaker but you have tried. Well done. Please lay the list on the Table.

(The list accordingly laid on the Table)

Shall we now take comments?

Senator Bassey Ewa-Henshaw: Point of Order! It is Order 53(6).

The President: Read it.

Senator Bassey Ewa-Henshaw: Order 53(6).says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.* I want to move a Motion that we re-open the issue of Recommendations on this particular Report.

The President: A substantive Motion by my interpretation has to be in writing. If you had given me the unchallengeable power to interpret then, you

0377

0378

should accept that it can only come through a written Motion and it has to be reflected on the Order Paper. Senator Ewa-Henshaw, may I rule or you want to withdraw it?

Senator Bassey Ewa-Henshaw: Mr. President, I appreciate the point you have made. We did not have the benefit of this section of the Report by the time we came to a conclusion on the Recommendations. Therefore, I think it is important for us as a Senate to be given an opportunity even if you had spoken before, to make comments on this Section that none of us was privy to before the conclusion of the debate on the Report.

The President: But in all honesty, the benefit we did not get was the names involved. People spoke extensively on how people could run banks down and be roaming the streets as if nothing has gone wrong. I do not know what you want to bring in your substantive Motion. But truly, a substantive Motion, first of all, has to come through a written Motion, properly reflected on our Order Paper. The benefit we did not get was the details of the names and the amount of money connected, but people talked extensively about the fact that so many people had run down banks and like Madoff, they should all be in detention and somebody even talked of Stanford & Co. We did not have the benefit of the individual names involved.

Senator Bassey Ewa-Henshaw: Mr. President, I am bound by your decision. The point is that the Recommendations do not include suggestions by the Committee that these people should be prosecuted and greater efforts be made to recover these sums. That was not in the Recommendation.

The President: All right, I got your point but I rule you out of Order because it has to come through a substantive Motion.

Senator Enyinnaya H. Abaribe (Abia South): Mr. Speaker, today has been a very revealing day and I am sitting down by the side of my sister, Senator Nkechi Nwaogu and she has been getting threatening texts. This Senate should also move that nobody will blame her for reading out a Report sent to her by NDIC as per those who owe using the insider trading. If people want to threaten her for something that comes from

NDIC for which by virtue of the fact that she is the Chairman of the Committee and has to read this on the Floor of the Senate, protection should be granted to distinguished Senator Nkechi Nwaogu.

The President: Thank you for that information. I would comment on it before we close.

Senator Joseph Iorshagheer Akaagerger: Mr. President, let me first of all, thank you for giving me an opportunity to make a few comments on this. Let me just make a passing comment on the issue of security of legislators which you are already pursuing. I want to believe that with the facts that are emerging at the moment, we speed our efforts on the security of legislators. Let me come to the issue in question.

I am tempted to say that we need to quickly develop a data system on criminality in this country. If we have had a data system and information has been properly passed, disseminated to Senators, certain people will not be in positions of authority today. Because of what we have heard, I want to believe that the EFCC that was reflected as a party that appeared before this Senate Committee ought to have brought a Report with respect to these people. At the moment, without seem to seeing any Report in that regard, this is not correct.

This has equally raised issues concerning our legal system. I believe completely, in the principle that people should not be condemned before they are tried and convicted. The on presumption of innocence should not be practiced to the extent that we make a mockery of ourselves.

On the one hand, we are transparent, on the other hand, we are trying to show that proper people should be in places, but we could see what has happened here today. I do not need to say much on that one. I only want to say that let the Senate pass a message to the Hon. Attorney General and Minister of Justice to begin to develop an International Law in Criminality, where appropriate protocols are developed.

The President: Distinguished Senator, you know we had really concluded this debate. For you to start a fresh lecture is not proper. I thought you were going to make a simple and straightforward comment. This debate had been concluded. What she did was to read out the annexure and lay it on the Table. It does not warrant you to begin a new debate on the issue. Your direction would have been to say thank so that we can wind up this matter.

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Senator Sola Akinyede (Ekiti South) Mr. President, I would first of all congratulate the Senate for taking this historic step in disclosing these names today, which has never been done in the history of this country. We have gone a long way in trying to sanitise the financial system in our country.

It is unbelievable what we heard today. We cannot just imagine those figures. It is unfair to those who have made those deposits. As the Chairman of the Senate Committee overseeing the EFCC, I will personally ask the Chairman of the EFCC to provide us with a Report on what she has done so far in the recovery effort in this area.

In criminal cases, time does not run against the State, even if it is twenty years, or more those who are suspected to have committed offences should be brought to justice. So, I will ask the Chairman of the EFCC to provide me with the Report on what she has done on this issue.

The president: We have concluded this matter. So, I, on behalf of the Senate, express our very sincere appreciation to the Chairman of the Committee and the Members, more importantly for the courage to have brought this to lime light. I want to assure you that you have performed wonderfully well and there is absolutely nothing for you to fear because you have done what you ought to do for this Country. I want to assure you that all those sending threatening text messages to you should think twice about what they have done to this country rather than having the effrontery to even send text messages to you. I believe that all of us here should take collective responsibility for this Report which is not from Senator Nkechi Nwaogu. This is a Senate Report and we stand together by you and all of us here collectively take full responsibilities for this Report. None of us is going to shy away from it in the Chamber here or outside the Chamber. Those who have been named here ought to think twice and be ashamed of themselves and not to be sending text messages to you.

On behalf of the Senate, I guarantee your personal safety and I would report to the Inspector General of Police to provide adequate security to you and if possible to the other Members of the Committee. You should just go about your duty normally and do not think that anybody is going to threaten your life because you have done what you ought to do for this country. You are a patriot and you should be proud of that.

My Colleagues, I thank all of you for having the courage, too, to agree that we should accept this Report which is far reaching and we would do what we ought to do because that is the covenant we signed with Nigerians to be transparent, honest and sweep nothing at all under the table in the present Senate and we would not sweep anything under the table.

If there is a reason for more substantive Motion to be brought on the same subject-matter, there is no reason why we can not take it, but it has to come properly, because we must also play by the rule, that is what we have taken our oaths to do.

Senator Teslim Folarin: Mr. President, I move that we step down other items on the Order Paper to another legislative date.

Senator Adeleke Mamowora: Mr. President, I rise to second the Motion that other items on the Order Paper be stood down to another legislative day.

Question put and agreed to:

Resolved: That the Senate do stand down other items on the Order Paper to another legislative date.

ADJOURNMENT

And it being 3.00 p.m. the Senate adjourned without Question put pursuant to Order 13(8) of the Senate Standing Orders.

The senate is adjourned accordingly at 3.00p.m