SENATE ADHOC COMMITTEE vs BABACHIR LAWAL

INDEPENDENT FINDINGS & REPORT

NIGERIAN SENATE VS BABACHIR LAWAL: CATBAN's INDEPENDENT FINDINGS & REPORT

In the last couple of months, Nigerians had been gripped by disclosures of alleged fraud & corruption regarding the activities of the Presidential Initiative on North East (PINE). These revelations came to light following Senate investigations into activities at camps of Internally Displace Persons, IDPs in the North East. An interim report of an Adhoc Committee set up by the Senate to investigate activities of PINE led by Senator Shehu Sani, submitted shocking findings of executive abuse of office & misappropriation of public funds, which informed the resolution of the upper Chambers in demanding that the SGF Engr. Babachir Lawal should resign.

Citizens Action to Take Back Nigeria (CATBAN), a Civil Society Organizations in the forefront of anti-corruption matters & agitation for good governance in Nigeria, has taken these developments very seriously.

We thus present below, an account of the entire saga, how CATBAN joined the fray, the feedback from the public, and how we dug deeper to unearth more independent facts for posterity.

1. **HIGHLIGHTS OF THE INTERIM REPORT BY THE SENATE ADHOC COMMITTEE, HIGHLIGHTING RELEVANT SECTIONS:**

Contracts Award:

(a) The Committee discovered that all contracts from the Presidential Initiative on North East (PINE) were awarded under the principle of emergency situation as stipulated in ***Section 43 (i) & (ii)*** *but with absolute disregard to* ***Sub-section (iii) & (iv)*** *of the same* ***Section 43*** *of the Public Procurement Act, 2007 which states that:*

> *"(iii) All procurements made under emergencies shall be handled with explanation but along principles of accountability, due consideration being given to the gravity of each emergency.*
> *(iv) Immediately after the cessation of the situation warranting any emergency procurement, the procuring entity shall file a detailed report thereof with the Bureau which shall verify same and appropriate issue a Certificate of 'No Objection'."*

Similarly, the entire procurement activities carried out by Presidential Initiative on North East (PINE) in the North East contravenes Federal Government's Financial Rules and Regulations, number ***2948*** *which states that:*

> *"(i) Under emergency situation, a procuring entity may engage in direct or single source procurement of goods, works, or services.*
> *(ii) Further to* ***sub-section (i)****, procurement shall be made expeditiously, without losing sight of the principles of accountability and transparency.*

(iii) On cessation of emergency situation warranting Procurement under this method, the procuring entity shall file records of procurement proceeding with a view to obtaining Certificate of 'No Objection' if necessary from Bureau of Public Procurement".

(b) That most of the contracts awarded by PINE have no direct bearing/impact to the lives of the displaced persons apparently languishing in hunger/starvation, disease, squalor and other deplorable conditions in all the IDPs. The contracts under reference include:

(i) PINE contributions to two (2) conferences on Rebuilding the North East; and

*(ii) the purported payment of over **Two Hundred and Twenty – Three Million (₦ 223m) naira** for the removal of invasive plant species in Komadugu, Yobe Water Channels;*

*(c) That the Presidential Initiative on North East (PINE) took undue advantage of the provision of emergency situation contract award in the Public Procurement Act, 2007 to over inflate contracts. Not only that, contracts were awarded to companies belonging to top government officials' cronies, family members and close associates. For example, **Rholavision Engineering Limited** incorporated in 1990 with RC No. 159855 at the Corporate Affairs Commission, Abuja to carry out information and communication technology services, anchored by Engr. Babachir Lawal, the current Secretary to the Government of the Federation was awarded consultancy contract for the removal of the invasive plant species in Yobe state on 8th March, 2016. Although, Engr. Babachir resigned the directorship of the said company in September, 2016, it is on record that he is still the signatory to accounts of the company;*

*(d) That **95%** to **100%** payments of all contracts awarded by PINE have been paid even as some contracts are yet to be fully executed, e.g, payment **of One Hundred and Eight Million naira (₦108m)** only for the supply **1100 units** of temporary tarpaulin carbines at **Three Hundred and Two Thousand naira (₦302,000:00)** per unit made to **Dantex Nigeria Limited** despite the fact that 125 units valued at **₦37.7m** were yet to be supplied.*

*(3) **RECOMMENDATIONS***

(a) The Federal government and States in the North East should as a matter of urgency ensure that food items are adequately and promptly provided to displaced persons in order to address the prevailing mal-nutrition observed amongst them;

(b) Serious efforts should be put by both Federal and State governments of the North East to provide conducive learning atmosphere for the children of the IDPs;

(c) The Federal Ministry of Health should be compelled to immediately deploy their personnel to all the IDPs to support the efforts of the International Humanitarian Crisis Managers and the Nigerian Airforce medical team in providing the necessary medical assistance so as to avert possible outbreak of communicable diseases like cholera, measles, and diarrhea etc;

(d) Federal and State government should intensify efforts towards reconstruction of destroyed infrastructure, re-habilitation and empowerment of the IDPs so that they can go back to their respective homes;

(e) The newly constituted Presidential Committee on the North East Initiative (PCNI) should ensure that there is synergy and proper coordination among all humanitarian crisis agencies if the IDPs are to gain maximally from the entire exercise;
(f) The Presidential Initiative on North East shall forward a detailed report of all contracts awarded by it to the Bureau of Public Procurement (BPP) as requested by ***Section 43 (iv)*** *of the Public Procurement Act, 2007;*
(g) The Bureau of Public Procurement (BPP) should undertake a revaluation of all contracts awarded by PINE under the emergency situation arrangement to recover any proceeds from over-inflated contracts;
(h) Contracts partially executed but fully paid for must be completed by the concerned contractors, or asked to refund the equivalent money of outstanding jobs to the government treasury; and
(i) Any public officer culpable of contravening any of the provisions of the Public Procurement Act, 2007 and the Federal Government Financial Rules and Regulations pertaining to the award of the these contracts should be duly prosecuted by the relevant authorities.

Mr. Senate President, distinguished colleagues, on behalf of other members of the Ad-Hoc Committee, I wish to thank you for the opportunity given to present this interim report pending the completion of the main report.

Based on the forgoing, CATBAN was naturally outraged by the extent of the revelations by the Senate and subsequently issued a statement/ultimatum that if by 31st of December 2016 Engr. Babachir Lawal had not resigned and was not arrested & prosecuted for abuse of office & corrupt practices, we will mobilize Nigerians to take to the street & completely shut down the Office of the Secretary to the Government of the Federation from 1st of January 2017.

2. FEEDBACK AND PRELUDE TO OUR TOUR OF AFFECTED AREAS IN NORTH EAST

After making our outrage and ultimatum known to Nigerians, CATBAN was bombarded with several petitions from reputable NGOs and from respectable Nigerians who made representation that completely put to question the submissions of the Senate Adhoc Committee. They advised we make all efforts in trying to find out the real facts by ourselves before embarking on our exercise to shut down the OSGF, as it would be unfair to base our actions only on the Interim Report of the Senate Adhoc Committee, especially as it has become clear the committee did not give the SGF the opportunity to defend those allegations before making their recommendations.

After due deliberations, we issued yet another statement, temporarily suspending our planned action and alerting the world on our planned mission of sacrifice to Yobe State & the North East despite the odds, to find out for ourselves the true state of all the issues highlighted by the committee, before reaching out to all the parties involved to make their submissions.

3. OUR FINDINGS

I. CONTRACT IS NOT FOR CUTTING GRASS AT IDP CAMPS

One of the most misleading facts we found out on arrival at the project site in Jigawa State is the misrepresentation of the contract by PINE through the terminologies used on the contract award paper. Though the affair is generally referred to as grass cutting contract to clear grass at IDP camps, evidence at our disposal debunk this assertion.

Documents at our disposal indicate that the contract was clearly stated as: **"Award of Contract For The Removal of Inversive (invasive) plants along River Channels & 115 Hectares of Simplified Village Irrigation Operation In Yobe State"**

The documents show that the contract was not awarded to Rholavision. It was awarded to Josmon Technologies Limited with address at 9, Moputo Street, 3RD Floor, Fames-Jal Plaza, Wuse Zone 3,Abuja,

The letter of award of the contract with the title stated above, which was signed by Aminu Ahmed, (Head of Procurement PINE) states: "I wish to refer to your quotation on the above subject and convey approval for the award of contract for the Removal of Inversive (sic) Plant Species along River channels and 115 Hectares of Simplified village Irrigation Operation in Yobe State to your company at the total cost of **Two Hundred and Seventy-Two Million, Five Hundred and Twenty –Four Thousand ,Three Hundred and Fifty-Six Naira, Two Kobo (N272,524,356.02)** only, inclusive of 5% VAT with a completion Period of Three (3) weeks.

"You are advised to communicate to the undersigned your acceptance of this award in writing and thereafter liaise with PINE secretariat for further details on the specification and execution of the contract…."

We were informed that a major director in the company above has a twin brother who is working as a personal assistant to one of the Senators. We could not ascertain if the Senator has any direct interest in the firm or contract.

II. RHOLAVISION IS NOT THE MAIN CONTRACTOR, BUT ENGAGED AS PROJECT CONSULTANTS AT COST OF SEVEN MILLION NAIRA ONLY

Again, we found out from the document from PINE that Rholavision was not the main contractor that got the job. Rholavision was engaged only as

a consultant even though the Senate Committee created the impression that the company of the SGF executed the contract.

The letter from PINE was titled: "**Award of Contract For The Engagement of MSSRS Rholavision Engineering Limited As A Consultant**" and reads: " I wish to convey to you the approval for award of contract to you as a Consultant on Removal of Invasive Plant Specie along River Channels and 115 Hectares of Simplified Village Irrigation Operation in Yobe State at the cost of **Seven Million, Nine Thousand, Five Hundred and Sixteen Naira, Ninety-Six kobo(7,009,516.96) only, inclusive of all taxes, for the period of six (6) Weeks….**

The letter was also signed by Aminu Ahmed, (Head of Procurement, PINE).

From the foregoing we were able to verify even from the documents that the contract in question has nothing to do with grass cutting at any IDP camp, but of course it was to clear invasive plants in River Channels which will aid the rehabilitation of IDPs by enabling easy flow of water through the channels to help fishing activities, enable proper irrigation for farming activities, and eliminate flooding for the communities during rainy season, when they return home from the camps after being displaced by Boko Haram insurgency.

During the course of our investigations with PINE, we were made to understand that Rholavision Engineering Nigeria Limited were co-opted into the project as consultants based on their past successful work in the north east. The provided verifiable evidence showing that the company had been engaged in the clearing of the thypa grass from the Hadejia/Jamaare River Basin in 2013, a contract they executed for the African Development Bank (ADB).

III. LIKE SURE-P: POLITICAL INTRIGUES, CORRUPTION AND CONSTITUENCY PROJECT WAR

Our findings revealed that corruption which usually trails federal contracts channeled to states is at the heart of this crisis. We found out that some officials of one of the states in the region does not want PINE contracts awarded to independent companies, but rather that the funds from PINE should be allocated to their state through them directly. We understand this is why one of the state government officials specifically told the Senate Committee that PINE had not done anything in their state despite our on the spot assessment which shows clear evidence of clearing/evacuation of invasive plant species & irrigation operation on

115 Hectares of land. We have video evidence & pictures to show the state of the invasive plants in the river channels and the newly cleared channels. There is also evidence of the list of those who participated in the project and benefitted from the work.

We further learnt that though the Senate Committee have facts about the contract in question and are aware that Rholavision just got a consultancy job for Seven Million Naira, they continually put up the impression to the public that Rholavision got as much as the total contract sum for the execution of the project. Evidently speaking, they refused to mention the fee for the consultancy being seven million naira.

We also found out that soon after President Muhammadu Buhari came into office, Engr. Babachir Lawal did a head count of the personnel at the PINE control center in Abuja. He instituted an investigation into their activities, and found out about the huge issues related to corruption within the management, under the office of the former National Security Adviser where PINE was domiciled. Already, it was realized the One Billion naira had already been embezzled through award of loans to fictitious NGOs formed by most of the personnel within. He therefore recommended a review of their operations which led to the merger of PINE with Victim Support Fund. President Buhari finally approved the formation of PCNI as the latest interventionist agency under the leadership of General TY Danjuma. Funnily enough, the Senate Committee made no mention of this.

IV. BABACHIR'S RESIGNATION FROM RHOLAVISION

a) Facts available to us show that Engr. Babachir Lawal actually resigned from Rholavision Engineering and all other companies he had shareholdings in, through his letter of resignation addressed to his lawyers, D. D Azura & Co, Suite C7/8 Bensima House, Plot 2942 Cadestral Zone A6, off Aguiyi Ironsi Street, Maitama, Abuja on 28th August 2015.
b) Facts reveal he was a Director to 8 other companies (Rholavision Engineering inclusive).
c) Facts available reveal he resigned from all the companies simultaneously (Rholavision Engineering inclusive).

4. ON -THE -SPOT INDEPENDENT ASSESSMENT IN NORTH EAST BY CATBAN

Our goal was to find out if indeed any work has been done at all. Remember that the work in question is the intervention by PINE within the Hadeja – Nguru wetlands, spanning an area of 3,500sqkm, made up of 12 Local Governments from 3 States (Yobe, Jigawa, & Bauchi).

The intervention work involves manual channel removal of aquatic weeds (typha & other), simplified irrigation scheme, provision of motorized & manual boats, & construction of water control gates.

CATBAN alongside the local NGOs went to the Likori bridge in Marma Channel on the Hadeja River. We found the first project sign post which consists of the contractors' & consultants' details. It is at that spot that we interviewed some of the locals. Malam Magaji Likori is a farmers & fisherman, and he informed us that the entire communities have not had any meaningful intervention in the past 30 years. This gave room to the spread of the thypa grass along the riverine areas, adversely affecting all agricultural activities. Another local, Malam Umar Muhammed also lamented over the stagnation of the water channels as a result of the invasion by the aquatic weeds leading to extensive flooding within the communities. As such, most of them lost their homes and farmlands. In order to see for ourselves the level of improvement as a result of the invention work, we took a boat down into the water canals that were previously over grown with thypa grass. We paddled towards Burwa Fadama under Kabak community which subsequently lead down Nguru Lake. It was at that point we gathered that, at that part of Marma channel some communities were wiped out. Examples of such communities are Kakayau village, Matara Gari Gana, Duwa Kaku. Also down the Marma Channel within Yobe State, communities like, Sabon Gari, Araro, Maja Kakori, etc were also wiped out.

The fact that it was our first day and the day we arrived, we only had a little time before dusk, so we decided to go back to our hotel and plan for the next day.

Alongside our guide, the next day we went straight to Kabak and we were received by the Village Head in person of Alh. Abdullahi Muhammad. The Village Head expressed joy on how the intervention had improved their livelihood. He stated that for 30 years of instability of the flow within the region, all economic activities had been stagnated resulting in untold suffering for all the agrarian communities. He said the Presidential Initiative for the North East was a tremendous relief that helped them in solving the lingering irrigation water crisis.

One of the community leaders and NGO representative narrated how it was before the PINE intervention. That they had to adapt to rationing water usage among the various communities as it was not enough to go round due to blockages. There were clashes between the communities due to the fact that the water was not enough for all the communities to use in their homes, farms, and fishing at the same time, so they adopted the rationing solution which has worked in fostering harmony.

They also formed the community river watch to aid in this respect and to also enable the communities keep track of water levels. He said "The river is a system which is intertwined and interrelated. If you touch one place, you have to touch the other. In the past, the challenge had

been of some areas were cleared and some not. So it does not make any impact. But this time, it is a complete clearance of all blockages". The community leader described the effort as commendable.

After breakfast and a rundown of itinerary on Friday the 30th of December 2016, we headed for Kaban community in Kirikasamma Local Government Area of Jigawa State, where we met with the Bulaman Kaban, Abdullahi Mohammed.

Malam Abdullahi Mohammed, the Village Head acknowledged engaging thousands of people who to manually cut out the invasive plants and clear them from the water thereby clearing out the blocked water ways and rivers. In addition to clearing the waterways, a motorized canoe (engine boat) has been given to each community that is on the riverine area for surveillance of the waters to ensure safety and forestall further occurrence of the thypa menace. According to the Bulaman Kaban, the intervention has made life easier and more comfortable for them and the several Internally Displaced Persons (IDPs) they sheltered from Borno and Yobe States.

From Kabak, the CATBAN Team went down to Gagiya Village where we also met with the Bulaman Gagiya, Ibrahim Grema Gagiya, who led the team to inspect the water control gate constructed under the PINE project at Kabak. The water control gate is like a chamber that controls and aids downstream flow towards Guri, Wachakal, Madamuwa, Tagama, Tagali, Gabaruwa down to Karage into Yobe River, draining into the Lake Chad basin.

In all the communities, farm lands that had been rendered useless by flood for the past 20 years have been reclaimed and farming activities have resumed within the last four months.

We visited the Emir of Bade in Gashua Bade Emirate, HRH Mai Abubakar Umar Suleiman, who reaffirmed the positive impact of the intervention projects by the Presidential Initiative in the North East (PINE). According to Mai Abubakar Umar Suleiman, the thypa grass had caused complete blockage of water flow in all water channels and tributaries which in turn caused severe suffering to his people who rely on the water for their livelihood, thereby grounding all economic activities and causing redundancy.

He said, some years ago, they provided 6% of Nigeria's fish with the Gashua River having 26 different species of fishes. But today, they are now extinct to less than 20. He further disclosed that migration of people who had been displaced from their homes from Adamawa and Borno States due to the Boko Haram insurgency made situations worse as there were no lands to accommodate them, so they took in the IDPs into their own homes and fed them until PINE came and opened up their water sources, and gave Bade Emirate 90 pumping machines, 12 manual boats & 4 motorized boats for irrigation farming. He called on Nigerian leaders especially elected representatives to always come back to the constituencies that elected them to ensure they deliver on their responsibilities as leaders, and to also monitor

and cross check on already awarded projects in order to ensure execution and implementation. He cited an example, with a contract that was awarded in 2014 for the diversion of water at Marawaji for N350million which was never executed. Mai Abubakar Umar Suleiman expressed appreciation and gratitude to the Presidential Initiative on the North East (PINE) as well as the Government of Muhammadu Buhari for bringing succor to his people as well as many others in Jigawa and Yobe States whose communities depend on the Hadeja-Kamadugu-Yobe river, and solving for them a problem that has strangled them for 30 years.

From Bade Emirate, we went to Nguru Emirate but the Emir of Nguru was unavailable. However, we authoritatively gathered from the community heads that 115 irrigation pumps, 16 motorized boats, & 42 manual boats were provided for them. Also typha removal exercise had been carried out which has improved water flow. Other beneficiaries in the community include IDP fisherman/farmers from Baga in Borno State.

5. CONCLUSION

The thypa grass is an invasive form of water plant that grows roots deep beneath the sea bed and sprouts upwards filling up all water surfaces and obstructing water flow. Because it has roots deeply sunk into the water bed, it hardly dies off completely. With time, it sprouts back up and regrows from its deep roots.

The contract for the manual removal of invasive water species at the Hadejia Kamadugu River channel that was awarded to Josmon Technical Nigeria Ltd commenced on 5th March 2016 and was completed on 19th March 2016. The handing over ceremony of distributing pumping and irrigation machines and engine boats was conducted the same day.

Mallam Hussaini Danjuma is the contractor that executed and supervised the manual removal of invasive species in the waterways. He disclosed to us that Josmon Engineering Nigeria Ltd went to IDP camps in Yobe and Borno States and brought almost 3840 workers who were employed to go into the water and manually remove the thypa grass from the water and clear them. The exercise took 3 weeks of extensive work nonstop. After the contract was concluded, a lot of the displaced persons just recently settled in the host communities.

According to the Mallam Husseini Lawal, aside from clearing the thypa grass from the water and opening up all the blockages, PINE also dug 115 boreholes across all the communities and wired 115 hectares of land with 45 inches of 2 inch pipes, 115 irrigation pumps, 12 power boats and 49 locally made boats (canoes) which were distributed amongst communities in Bade, Karasuwa, Jakusko and Nguru Local Governments. Malam Ali Ado of the Presidential Initiative on the North East who himself is an indigene of Nguru Local Government, pointed out the fact that the thypa is a specie of grass that was brought in by Eurasian migratory birds from Europe and Canada sometime in the early 80s.

The Duke of Edinburgh Prince Philip was said to have visited Yobe and Jigawa States in 1988 in trail of birds from the Palace in England and spoke about the thypa grass.

CATBAN can assert with authority that the contract was indeed carried out. The claims that it was meant to clear grass in IDP camp or that nothing has been done are nothing but unfortunate lies. That the company which executed the project gave kickback to the SGF to the tune of N195million is also false, because in the first instance, the contract was executed and the scope of their job entailed not only the clearing of the invasive plans but also sinking of 115 boreholes, laying of pipes across 155 hectares for irrigation, provision of aquatic pumps and supply of boats. If they then give N195 million as kickback from a contract of N240m, what then did they execute the project with? It simply would mean the project was given them as a free source to make money, which contradicts the fact that the projects were genuinely executed. Josmon Technologies also provided evidence to show they borrowed N170million from Rholavision to enable them complete the contract within the specified duration, with an agreement to repay with interest of N25million (documents to all submissions are attached). The testimonies of people we met & the evidence before our CSO group prove conclusively that it was a worthwhile contract that was executed to the benefit of the people

We will like to advice government not to allow the people suffer more hardship due to elite politics, as there is the need for regular monitoring of the thypa grass on water to avoid further blockage after the recent opening up of the channels facilitated by PINE.

Thank you

CITIZENS ACTION TO TAKE BACK NIGERIA (CATBAN)

TUESDAY, 3RD JANUARY 2017

ABUJA, NIGERIA