

L.N. 57 of 1970

TRIBUNALS OF INQUIRY DECREE (1966 No. 41)

Instrument Constituting the Apapa Road Project Tribunal of Inquiry

Under the powers conferred upon me by section 1 of the Tribunals of Inquiry Decree 1966, and of all other powers enabling me in that behalf, I, MAJOR-GENERAL YAKUBU GOWON, Head of the Federal Military Government and Commander-in-Chief of the Armed Forces hereby constitute and appoint a Tribunal of Inquiry (to be called "the Apapa Road Project Tribunal of Inquiry") with the terms of reference hereinafter appearing:

AND for this purpose I appoint—

Mr Justice J. A. Adefarasin

Mr T. M. Aluko

Mr Ahmed Talib

Mr Balarabe Ismaila

Mr D. A. Dafinone

to be members of the tribunal with full powers and authority to hold private meetings only:

AND I direct that Mr Justice J. A. Adefarasin aforesaid shall be the Chairman of the tribunal, and I appoint Mr T. A. Otubanjo to be the Secretary to the tribunal:

AND I further direct that any three members of the tribunal shall constitute a quorum and that the tribunal shall hold its first meeting in Lagos on Monday 25th May 1970, and the tribunal shall thereafter hold the said Inquiry upon such dates as the Chairman may determine; and I further direct that the tribunal shall have power to regulate its own proceedings:

TERMS OF REFERENCE

2. The tribunal shall, with all convenient speed, inquire into the various aspects of the contracts in respect of the Apapa Road Project and the increases in the cost of the project since the signing of the contracts by the contractor and the Federal Government,

AND in particular, it shall—

(a) examine how far the respective variations in the plan and or design of the Apapa Road Project have resulted in the increase over and above the sum of £4,920,107-15s-11d being the cost agreed upon in the contract dated December 22, 1966, between the Federal Government and Messrs A. Guffanti;

(b) determine the propriety or otherwise of those variations and allocate responsibility for their authorisation;

(c) consider whether in obtaining the approval of the Federal Executive Council on 6th November 1968 to the variations in the plan and or design of the project and the resultant increased estimated total cost of £8,563,000, all relevant and available vital information was placed before that Council;

(d) examine the cause of, and allocate responsibility for, the delay in bringing to the notice of the Federal Executive Council the latest variations in the plan and or design of the project and the steep rise thereby in the contract price to £13,957,277;

(e) examine the method adopted by the contractor in the execution of the project during the period between November 1968 and March 1970 when the Federal Executive Council was not informed of the variations referred to in paragraph (d) above, and decide whether that mode of executing the contract was designed to bring about those variations and thereby prejudice an objective appraisal of the cost of the project ;

(f) assess the role of the Consultants as respects variations in the plan and or design of the project and the resultant increases in cost referred to in paragraphs (a) to (d) above and determine whether the Consultants have thereby adequately protected the interest of the Federal Government in the execution of the project generally ;

(g) examine the role and activities of all public officers connected or associated with the execution of the project and, in particular, as respects the variations in the plan and or design of the project and determine the extent to which they have failed in the discharge of their responsibilities,

AND make such recommendations as the tribunal may think fit including if necessary, the modification or termination of the contract and the proper legal steps to be taken to effect such modification or termination.

3. AND I hereby require that the tribunal shall submit its report to me in Lagos within two months after the date of its first meeting, or within such extended period as I may hereafter allow in writing.

GIVEN and issued under my hand at Lagos this 20th day of May 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*