

LEAD DEBATE ON A BILL FOR AN ACT TO AMEND THE FEDERAL CAPITAL TERRITORY ACT CAP F6 LAWS OF THE FEDERATION OF NIGERIA 2004 AND OTHER MATTERS CONNECTED THEREWITH (SB 115)

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1.0 Preamble

Mr. President, Distinguished Colleagues, I am delighted for the opportunity to lead the debate on the general principles of a BILL for an Act to Amend the FEDERAL CAPITAL TERRITORY ACT CAP F6 Laws of the Federation of Nigeria 2004 and Other Matters Connected Therewith (SB115). You will recall distinguished colleagues that this Bill was read for the first time on the 27th day of October 2015.

In a nutshell, the proposed bill is intended to respectively amend sections 4 and 20 of the principal Act in order to -

- (a) extend the functions of the Federal Capital Development Authority (FCDA) in the Principal Act to include " providing a policy framework for the compensation and resettlement of the original indigenes of the Federal Capital Territory; and
- (b) provide a normative interpretation of the expression " original indigenes' for purposes of compensation and resettlement of indigenous communities affected by land acquisitions in the FCT.

1.1 Background to the Proposed Amendment

You will recall distinguished colleagues that the white paper issued by the Federal Military Administration of General Murtala Mohammed regarding the Justice Akinola Aguda panel report on the creation of the new Federal Capital Territory recommended amongst others that -

1. all land in the new Federal Capital Territory will be vested in the Federal Government; and

2. the original indigenes within the territory were to be compensated and, or resettled in new places of their choice, outside the FCT at the expense of the Federal Government.

Regrettably Distinguished Colleagues, due to paucity of funds vis-à-vis the volume of compensation, and the urgent need for development of infrastructure in the territory, successive administrations were unable to satisfactorily resettle and or pay adequate compensation to dispossessed land owners as promised by the Federal Government. Consequently, policy focus over the years gradually shifted to giving priority to infrastructural development in the FCT over resettlement and or payment of compensation to displaced indigenous communities. This is exemplified by a directive contained in a letter dated 4th July 1978 signed by the then military Head of State, General Olusegun Obasanjo and a circular dated 10th July 1978 and signed by the then Commissioner for Special Duties/Chairman Federal Capital Development Authority (FCDA), Mr. M. Ajose-Adeogun which directed that all available meagre resources be channeled towards the provision of infrastructure in the FCT and not payment of compensation. This position was reemphasized in yet another directive signed by Mr. M. Ajose-Adeogun, dated 13th July, 1978.

Mr. President, Distinguished Colleagues, permit me to also point out here that apart from the absence of a consistent policy direction regarding land acquisition/compensation in the FCT, the provisions of section 6 of the Principal Act which deals with the issue of compensation does not contain appropriate guide regarding the compensation and or resettlement of displaced indigenous land owners in the FCT as required by section 44 (1) of the 1999 Constitution of the Federal Republic of Nigeria. This further underscores the need to empower the Federal Capital Territory Development Authority through this proposed amendment to make and adopt comprehensive policy on the payment and or resettlement of displaced indigenous communities in the FCT.

The above mentioned shortcoming inherent in the Principal Act has negative consequences on the development of the city as most housing projects embarked upon by private estate developers as well as some major construction projects sponsored by the FCDA are mired by controversies and outright

resistance from indigenous communities . Recent protests by Abuja natives affected by the compulsory acquisition of land for the Abuja land Swap Initiative and the Abuja Centenary City are fresh reminders that all is not well with the compensation and or resettlement policy of the FCT contrary to the vision enunciated by the late General Murtala Mohammed.

2.0 Relevance of the Proposed Amendment

This Bill seeks to mitigate the sufferings and injustices experienced by the original indigenes of the F.C.T with respect to compensation and, or resettlement for their farmlands, residential premises, economic trees, etc., by expressly conferring the statutory responsibility on the Federal Capital Development Authority with respect to providing a policy framework that would ensure that all displaced indigenes are taken into consideration and accordingly compensated and, or resettled. Such a policy will in turn serve as a guide for possible legislation on the most credible and transparent compensation procedure in the FCT. It will also have consequential benefit in ensuring peaceful access to land for developmental purposes thereby minimizing social unrest and security threats posed to the city by aggrieved compensation claimants.

Finally, Mr. President, Distinguished Colleagues, this Bill when passed will address a number of lapses and problems associated with land compensation in the FCT such as corruption on the part of government officials assigned to handle compensation claims; non-payment of compensation for undeveloped land; non-payment of interest on delayed payment, etc. The proposed amendment further reinforces the provisions of section 44(1) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, regarding the issue of compensation.

3.0 Conclusion

Mr. President, permit me to state that pursuant to **Order 77(3) of the Senate Standing Orders 2015 (as amended)**, there is no financial implication regarding the implementation of the proposed amendment since the Federal Capital Development Authority (FCDA) is already an existing government body

saddled with the administration of land, amongst others in the FCT. I therefore, solicit your support for the speedy passage of this Bill.

Thank you for your kind attention

A BILL

FOR

AN ACT TO AMEND THE FEDERAL CAPITAL TERRITORY ACT AND FOR OTHER MATTERS CONNECTED THEREWITH (SB115).

Sponsored by Senator David Umaru

BE IT ENACTED BY THE NATIONAL ASSEMBLY OF THE FEDERAL
REPUBLIC OF NIGERIA AS FOLLOWS;

AMENDMENT OF THE FEDERAL CAPITAL TERRITORY ACT

1. The Federal Capital Territory Act Cap F6 Laws of the Federation of Nigeria 2004 (hereinafter referred to as "the Principal Act") is amended as set out in this Bill.

AMENDMENT OF SECTION 4

2. Section 4 of the Principal Act is amended by inserting a new paragraph (f) with the words "providing a policy framework for the compensation and resettlement of the Original indigenes of the Federal Capital Territory".

AMENDMENT OF SECTION 20

3. Section 20 is amended by inserting the word "Original Indigenes" shall mean persons having ancestral descent within the areas referred to in section 1 of this Act, and have been so settled before the commencement of the Act"

CITATION

4. This Bill may be cited as the Federal Capital Territory Act (Amendment) Bill 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for the compensation and resettlement of the original indigenes of the Federal Capital Territory.