5⁸ Third Five Years (35) of Land Administration and Management in Abuja the Federal Capital Territory (FCT) of Nigeria

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Key words: Land Administration, Land Management, Cadastral, Resettlement Issues, Squatter Settlements, Computerization, Land Information System, Geographic Information System.

SUMMARY

Forty years ago the Federal Government of Nigeria took the bold decision to move the seat of government from the coastal area of Lagos to a more central location of Abuja. In doing so an area of about 8,000 square kilometer was curved out of the neighboring North Central states of Kwara (now Kogi), Plateau (now Nasarawa) and Niger to be the new Federal Capital Territory (FCT) and placed the area under the control of the Federal Government. By the year 1980 effective development activities towards the building of the new City of Abuja and the entire territory commenced in earnest. It is now thirty five years since construction work started in the city of Abuja and the FCT. The seat of the Federal Government effectively moved from Lagos to Abuja about twenty four years ago.

This paper looked at the implementation of the Abuja Master Plan from the Land administration perspective and the various challenges faced by Land administrators and land Managers. It also examined resettlement issues, squatter settlements and various policy changes during this period of thirty five years. It is based on my personal experiences of a land officer who has being involved in land management and administration within the FCT in the last thirty years of his carrier.

A lot has been achieved in the last thirty five years but a lot more needs to be done. Some of the major challenges in land administration of the FCT are highlighted and possible solutions offered.

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1. INTRODUCTION

On February 3, 1976, the Fedreal Government of Nigeria announced the decision to move the nation's capital out of Lagos at the coastal area, to a Federal Capital Territory of about 8,000 square kilometres in the Central part of the Country and that:

"....the few local inhabitants in the area, who need to be moved out of the Territory for planning purposes, will be resettled outside the area in place of their choice at Government expense...."

(Gen. Muhammed, 1976)

This was the first major policy statement in respect of the Federal Capital Territory (FCT) which lead to the establishment of the Federal Capital Development Authority (FCDA). Subsequently, the FCT Act was enacted in 1976. The Act vested the entire 8,000 square kilometres of the FCT land area in the Federal Government of Nigeria. Section 1 (1) of the Act provides:

"There is hereby established a Capital Territory in and for the Federal Republic of Nigeria to be designated as the Federal Capital Territory, Abuja (hereinafter referred to as the Federal Capital Territory)".

Section 1 (3) of the said Act also provides that:

"The area contained in the Capital Territory shall, as from the commencement of this Act, cease to be a portion of the States concerned and shall henceforth be governed and administered by or under the control of the Government of the Federation to the exclusion of any other person or authority whatsoever and the ownership of the lands comprised in the Federal Capital Territory shall likewise vest absolutely in the Government of the Federation".

The above relevant sections of the law provide the legal frame work for the establishment of the FCT and its administration. Subsequently the FCDA/FCTA came into existence with a Minister of cabinet rank as the political head of the outfit. Section 18 of the Act delegates the powers of the President to the Minister in respect of land administration and management of the FCT landmass.

2. LANDUSE POLICY IN NIGERIA

Policies are conceptual frame work for Government decisions that are aimed at giving directions to development and distribution of resources. Land is amoung the most important resources of any Country in the world. Individuals and organisations interested in development will therefore require clear policy guidelines on all Land issues to help them in their project planning and investment decisions as they relate to real estates. The Land Use Act of 1978 is the principal law guiding land Acquisition, resettlement and its allocation to all eligible Nigerians, Private and Government Organisations thereby evolving a policy of equitable land redistribution within Nigeria. The law was conceived as a progressive piece of legislation designed to introduce a comprehensive National Law Policy that gives every Nigerian the right to use and enjoy land in the Country. No matter its

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short comings, it is the law currently in force which controls the use and administration of land in the country.

The law harmonizes the two major tenure systems operating in the Country before 1978 into one. It made every landowner a tenant of the Government by vesting all land in each state of the Federation in the State Governors. In the FCT, the land is vested in the President of Nigeria. In both cases the land is held in trust for 'the use and common benefit of all Nigerians', for the realization of equity, fairness and justice in the control and management of land, resettlement and compensation. The aim of this policy is to ensure that the operation of Land Administration and Management is not only based on the principles of equity but also for efficiency and flexibility along with the broader goal of helping all citizens especially the Urban poor to gain access to affordable, suitably required and approximately located land with adequate security of title and tenure, occupation and development rights. Whether these goals are achieved is entirely a separate topic for another discussion.

3. FCT (ABUJA) LAND ADMINISTRATION (LAND USE) POLICY

The Abuja Master Plan and the Regional Development Plan of the FCT both approved in 1979 and 1980 respectively are the guides to the planning and design of plots of land for various land uses. The introduction/approval of the application forms formats and policy guidelines set in motion the allocation of land to individuals, companies and other corporate organisations, by the President-in-Council in 1980. The basic principles behind Land Administration in Abuja include the need to ensure:-

- National integration in residence and business ventures,
- Adequate availability of essential services to the inhabitants of the Territory in terms of food and other services as well as a functional city at all times,
- The integration of the local inhabitants of the FCT into the main stream of not only the economic but also social life of the city,
- The observance of the relevant provisions of the Land Use Act and the FCT Act and other applicable laws.
- Other guiding principles include:
 - Ability/capacity to develop/build within a given period (normally two years),
 - Submission of Tax clearance Certificate of not less than three years preceding the year of application (i.e. applicant must not be a tax defaulter) and payment of non-refundable processing fees.

All allottees are required to comply with the conditions of grant as contained in the Certificate of Occupancy (C of O) evidencing the grant. In particular, minimum amount of improvements are imposed on all categories of uses in order to ensure that allottees of plots develop them to reasonable standards befitting the status of the nation's capital. In addition, an offer for Right of Occupancy (R of O) is subsequent to: -

- Acceptance by the Allottee in writing within thirty days of the grant;
- Plots allocated must be fully developed within two years of acceptance;
- Ground rents are subject to five-year revision period and are payable in advance at the beginning of every year,
- The maximum lease period for most grants is 99 years,

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4. HISTORICAL BACKGROUND TO LAND ADMINISTRATION IN THE FCT

As earlier stated, Section 1(1) (3) of the 1976 Act vested all lands in the Federal Government. Section 18, delegates the powers of the Presidents over land to the Minister of FCT. What stated as a unit in 1980 became a full department in 1988 charged with the statutory responsibility of implementing the provisions of both the FCT Act and the Land Use Act. The initial intention of Government to evacuate the entire inhabitants of the FCT out of the Territory was later dropped. The Abuja Master Plan approved in 1979 is the guide to planning and design of plots for various land uses - such as Industrial, Agricultural, Residential, Commercial etc.

5. ISSUANCE OF STATUTORY TITLE TO LAND WITHIN THE FCC

Abuja City is developed in phases. (Phases I – IV). There are seven residential districts in phase I plus a Central Business District. Issuance of title to plots of land started in 1980 and all the phase I districts have been issued with titles. Over 90% of these phase I districts have been developed by both public, private individuals and corporate organisations. These are the districts that have been provided with basic infrastructural facilities such as roads, sewage, power, communication etc. The Central Area is now at reasonable stage of development because of the issueance of titles to plots of land in this area.

6. PROBLEMS OF LAND ADMINISTRATION WITHIN THE FCT

It took some seroius government efforts to build peoples' confidence to invest on real estate development in the FCT. Once that confidence was gained, pressure began to mount. After the final movement of the seat government, from Lagos to Abuja, in November, 1991 the focus of the entire Country shifted to Abuja with a corresponding rise in demand for land.

The most serious problem of Land Administration is that of record keeping. This was up to the year 2003, before the develpment of a spatial data infrastructure and the subsequent establishment of Abuja Geographic Information Systems (AGIS) land database. The Department has over 250,000 applications(i.e. request for plot of land allocation submitted by both individual and corporate organisations) dating back from 1980 domicile in the land records office. This implies having over 250,000 paper files. (See Figures 1 & 2). With such large number of files and very small office space, it is not easy to keep and or retrieve files within a short time. The file registers often get mutilated because of age and the many hands that handle them frequently.



Figures 1 & 2:- Stacks of land files in the old Land Registry

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The Land Registry then had over 25,000 titles covering a lease period of 99 years. There was inadequate storage facilities for the executed deeds documents. It was therefore very easy to compromise the security of these important documents. The development of a spatial data infrastructure tremendously reduced the amount of time taken in retrieving land records and making them more secured. It also led to the establishement of Abuja Geographic Information Systems (AGIS) which is a new player in land administration and management is within the FCT. There was also the problems of different organisations that were engaged in the issuance of titles over land in FCT. About eight of such organisations were identified before the computerisation of the land registry. These were sources of conflictes which were eliminated after the establishement of AGIS.

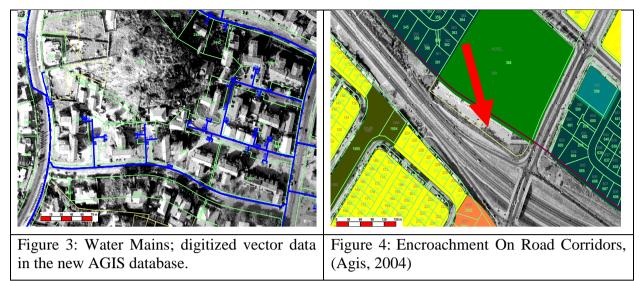
7. THE NEW AGIS DATA-BASE FOR LAND ADMINISTRATION & MANAGEMENT

Land Administration is wholly dependent on accurate information, which can only be obtained from a reliable Land Data Base. It is sine qua non for any Land Management operation (s), decision making and land transactions. Reliable Data Base is the only means for the establishment and maintenance of an accurate record of land holdings, site development, land use activities, land based taxation and for monitoring of land transactions. The data-base must be the reference for all Government officials, NGO's and business community when dealing with land matters. It should improve the environment for investment in housing development, active property market operations, conveyances and revenue raising/collection.

• AGIS was set up to achieve the above objective and within the thirteen years of its operations it has revolutionised the entire operations of the Land Administration and other land related departments of the entire FCT. It makes the preparation and production of appropriate reports and publications required by the public and private sector, including individuals and organisations that need information on land acquisition and transactions much easier.

In general, wide selections of graphical and textual data have been captured into the system. Over 6,000 maps have been captured and are available in digital form. The GIS is structured in over 105 data groups with over 1600 attributes and contains more than 185,000 objects. Aerial Photographs and Satellite Images that cover the entire FCT and even beyond are included into the GIS. A map index for various map scales and the administrative boundaries were digitised and are available in the GIS for better orientation. Over 1,800 "as built" drawings of Engineering Infrastructure, covering FCC Phases I & II, as well as part of Phase III were obtained, scanned and stored in the form of raster data. The "as-built" drawings for trunk water and sewer lines have also been scanned. Digital data for the Water Networks in FCC Phase I was obtained from FCT Water Board and migrated from AutoCAD into GeoMedia. The cleaning and updating of the data was also done. (See Figure 3).

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Development Control Activities: - The street network for Phase I and part of Phase II of the City which were named were digitised into the GIS. Detailed information from available files for approvals of Building Plans was keyed into the system. The information capture is for the period 1980 to 2015. The essence of this exercise is to provide database form that will be used in subsequent stages of the city development. Similarly Planning and Survey Data such as The Master Plan for the City and the Land Use Plans for Phases I, II & III were scanned, georeferenced and digitised into the GIS. All available Topographical Maps at scale 1:10,000 were scanned, clipped, georeferenced and are available in the GIS as raster backdrop. All available Cadastral Maps and many layouts and redesigns, even beyond Phases I, II & III of the City as well as all the Area Councils, have been scanned, clipped, georeferenced and are available in the GIS. To update the cadastral data, over 20,000 old Title Deed Plans (TDP) have been scanned and over 310,000 Property beacons (PB) coordinates were calculated from the Survey data and TDPs. From this over 132,000 plots (As at: 2016) were determined and digitised covering FCC Phases I & II.

The System now gives information on landed properties, cadastral maps, land records, land use, street network, engineering infrastructure, trunk sewer- and water lines. This information came from digital maps and databases, from aerial photos and satellite images, individually or in combination from their respective sources, offering 100% coverage of what is available for Phases I, II & III of FCC as well as the six Area councils with more than 90% accuracy. The system can produce a variety of graphic and tabular information products, ranging from lists, report and paper maps to vector, raster and database data. The information products can be used for decision support in land allocations and all kinds of land related matters like detecting, documenting and resolving cases of multiple allocations of plots, encroachments on corridors of roads, water- and sewer trunk lines as well as land use mismatches (see Figure 4). Decision concerning land can now be taken from a more informed position with a much reliable data. It is expected that within a very short time most land related operations would be fully incorporated into the new database in the FCT.

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8. LAND REGISTRY AND REVENUE GENERATION

The Land Registry is the nerve centre of the entire Land Administration Department of the FCT. It is here that all title documents are perfected and all transactions registered in line with the provisions of Land Registration Laws of the Country and the Land Use Act. Over 15,490 were issued with certificates of occupancy evidencing each grants. These figures have since changed with the coming of AGIS. In the last 35 years more 75,000 titles were granted within the FCT with about 35,000 issued with Certificates of Occupancy.

The Department of Land Administration is one of the most important single revenue generator of the entire FCTA. Between the year 1999 and 2002 a total sum of N1, 708,590.828.73k was collected as various land fees and charges. Since the inception of AGIS in 2004 over 40 billion naira was collected as land revenue up to 2015. This is expected to continue rising with the more efficient system now in place.

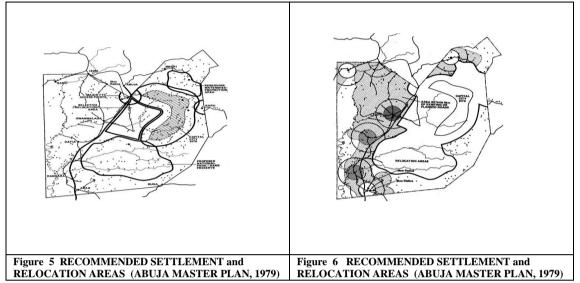
9. RESETTLEMENT ISSUES WITHIN THE FCT

As earlier seen in the introductory part of this write-up (section 1.1 - 1.3), the initial conception by Government was that of complete and comprehensive resettlement out of the entire FCT of the *"few local inhabitants"* to *"place of their choice at Government expense"*. That is why the enabling Act establishing the FCT vested all land in the Federal Government (S.1 (3) of FCT Act). However right from the very beginning resettlement policy within the FCT has been a subject of inconsistency. The first major policy change on resettlement came through a circular signed by the Head of State in July 13, 1979 to the three affected States of Niger, Plateau and Kwara, informing them about slight change in Resettlement policy. For this category, the Master Plan of Abuja listed 40 villages that would be relocated in the initial stage of the City growth. These settlements are within the areas earmarked for the City development as well as the 5 kilometres of the Capital City site designed to protect the periphery of the City from development encroachments or unplanned expansion of existing settlements. Additional 85 villages would also have to be relocated as the City expands to the 3.1 million ultimate populations.(Master Plan, 1979) (See Figs.5 & 6).

The Master Plan estimated that about 264 settlements involving approximately 50,000 people then, could be relocated, assuming that all the elements of the Regional Plan contained in chapter 12 of the Master Plan were to be implemented. Although this represents a very high percentage of the total numbers of existing settlements, (42 - 46 percent), it must be recognized that this represents a total relocation programme, which would be executed over many years. It should also be noted that the Master Plan favoured the option of relocation within the FCT to existing villages, which already have some of the basic community facilities. (See Figures 5 & 6). This option might better address the potential socio-cultural preferences of the population who could potentially be served through existing community facilities. (Master Plan, 1979). An ecological survey was conducted in 1977 and the report indicated that a large part of the territory was still infested with tsetse-fly whilst the river courses still provided breeding grounds for the simulium fly, the carrier of the disease vector giving rise to river blindness. To evacuate all the human population whose farming activities had helped to keep down and destroy much of the habitat favourable to the tsetse-fly was to compromise the future health status of the population of the new capital. In the circumstance, the decision to evacuate all the inhabitants had to be revised and compensation and resettlement undertaken only in

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respect of those occupying the site chosen for building the city. In addition to the above, a detailed study of the area in question, had made it clear that the local inhabitants within the Territory were far from

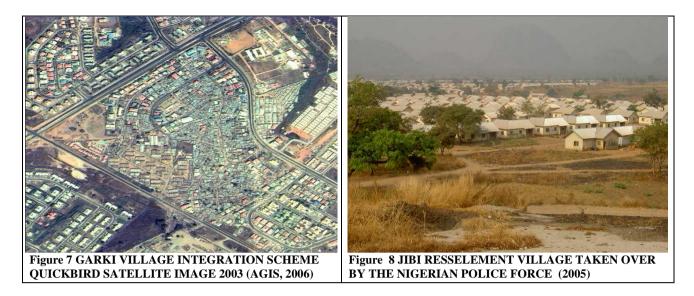


being 'few' in fact well over 316,000 people were enumerated and not the 25,000-50,000 earlier thought. It was then estimated that the funds required for their compensation entitlement and resettlement outside the FCT were put at over 1.8 Billion Nigerian Naira (a huge amount of money then). In these circumstances, resettlement costs would have been astronomical, and would have delayed the development of the New Capital then. The above two reasons necessitated a major shift in resettlement policy which was announced by Government in July 13, 1978 and it states in parts thus:

"...those not affected by the first phase of resettlement, but wish to move out of the territory may do so, but such people will have no claims on the FCDA, as they have not been forced to leave. This in effect means that inhabitants (indigenes) not moved out during the present exercise who decide to stay will now be deemed to be citizens of the FCT and FCDA will soon appoint an administrator to administer them and look after their welfare. The present land area gazetted as FCT will remain. The site cleared for the building of the capital itself will be evacuated and resettlement of the people so evacuated can take place within or outside the territory. The meager funds available now should be

spent more on development of infrastructure rather than on payment of compensation..." By January 30, 1980, this policy change was further confirmed following Senator A. D. Rufai's Presidential Ad-Hoc Committee Report. On December 2, 1992 the Government made a complete U- Turn and opted for *"Integration Policy"* for those who have chosen to remain in the FCT as against complete resettlement. Accordingly Garki Village within Garki II District of the City in Phase I was allowed to remain, except for the people to be affected by the construction of access roads and other infrastructures (See Figure 7). This policy change disregards the provision in Chapter 12 of the Abuja Master Plan.

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In 1999 the *"Integration Policy"* was reversed for that of complete resettlement again. Four Settlements of within Phase II of the City were slated for resettlement outside the FCC. Actual construction work stated at the end of 1999 on the new site in Jibi resettlement town outside the FCC to the north. Most of the houses were completed and ready for occupation by end of 2002. While the people affected were fully prepared for movement to the new location, another policy change to place. In preparation for the 2003 general election the additional security personnel brought into the Federal Capital Territory occupied the buildings under the resettlement scheme. The Government looked the other way - perhaps out of political expediency? (See Figure 8). What happened in the year 2003 set the clock of resettlement programme years back. That same year the FCTA, having realized that it would be practically impossible to implement the original provisions of the Abuja Master Plan, without a well-articulated resettlement policy in place decided to take a bold step to resettlement. It embarked on the restorations of the original provisions of Master Plan. One of the cardinal principles of this policy is of course the complete resettlement of all areas hitherto earmarked for resettlement by the Master Plan.

The foregoing confirms the fact that Resettlement Policy within the FCT has always been a subject of controversy and inconsistencies. However virtually all these changes were done administratively, leaving the legal aspect intact without any amendment to reflect the shift in policy. As it is now, the inhabitants remain legally alienated from their land, and most do not seem to realize that the entire 8,000 square kilometres of the FCT is now subject to statutory title, by virtue of Section 1 (3) of the FCT Act. Section 297, sub section 2 of the 1999 constitution of the Federal Republic of Nigeria further affirms the above provision that:

"--- the ownership of all lands comprised in the Federal Capital Territory, Abuja shall vest in the Government of the Federal Republic of Nigeria".

It should be noted that unless and until the FCT Act is amended as well as the above section of the constitution by an Act of the National Assembly, particularly section 1(3), the present problem/confusion regarding the question of 'indigenes' and 'non-indigenes' 'resettlement' or

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'integration', 'Rural' or 'Urban' land and its ownership (Control and Management) would continue to persist.

Ressettlement as it affects the FCT is catergorised into two:- those who opted to move out of the FCT and those who opted to stay within the FCT. A total of 6,958 households were evacuated out of the FCT before the change in resettlement/compensation policy in July 1978. A total of 2,035 households went to Niger and 4,923 went to the then Plateau (now Nasarawa State). The second group includes those that opted to remain within the Territory but had their places of abode affected by development projects.

10. AREAS DUE FOR RESETTLEMENT

All settlements within Phase II and III of the FCC, are due for urgent resettlement and payment of compensation for economic trees and crops already assessed. Twenty four villages are in this cartegroy. The Master Plan recommended guidelines regarding resettlement within the FCT falls into five categories:- Settlements within the area 5 kilometres of the Capital city site; Settlements within the area proposed for game reserve (i.e. Robo (Bobo) plains)'

- Settlements within 1 kilometre of the watershed and all settlements within the watersheds of the proposed reservoirs in Bwari-Aso Hills (That is both the Upper and Lower Usuma Dams of which only the Lower Usuma dam has so far been built).
- Settlements in the FCT within five kilometres of the intersection of the two major road corridors (Route A-2) entering the northern part of the FCT at Zuba.
- Settlements of old Nyanya and old Karu along Route A-234 exits from the FCT at the eastern flank.

It should be noted with concern that the lack of resettlement of most of the inhabitants hitherto earmarked for relocation is now causing serious planning and Land Administration constraints within areas of the FCC in particular and the FCT in general. For instance, settlements like Mabushi, Jabi, Utako and Durumi, all within the phase II of the FCC are fully developed as shanty - towns with very serious squalid conditions. Similarly, Karmo and Idu have virtually merged to from a big sprawling urban slum. (see Plates 10 -12 below). The same could be said of Gwagwa and Jiwa (formerly two distinct settlements) that have now merged together as a result of rapid population growth. Old Karu and Old Nyanya are also now merged into one big urban slum. The integration of Garki village into the City Plan has created an urban slum within what could have been a beautiful city. The people are now 'caged in' without farmlands and with no room for expansion of their existing houses. Though they are sheduled to move to a new resettlement site at Apo to the South of the City the movement has been delayed sevarly. Fortunately the present administration has decided to look into these issues with utmost concern by reverting to the original policy of comprehensive resettlement since 1999. What is however not yet clear is whether the provisions of the Master Plan as listed on 13.2 (i) – (v) above would be easy for implementation in view of the reality on the ground now. The above scenario was what led to the massive demolition of squatter settlements within the FCT ten years ago. The last five years has witness little or no activities on this front.

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11. CONCLUSION

In conclusion it is important to highlight some of our major challenges of land administration and managent within the FCT in the last thirty five years:-

- General policy inconsistencies particularly as it affect resettlement programmes.
- General lack of political will to execute comprehensive resettlement policy and programmes.
- Lack of adequate funds. This is always responsible for delay in payment of compensation, delay in or non-completion of projects, immobility of project staff.
- Lack of adequate public enlightenment on matters affecting land management.
- Resistance and hostility of indigeneous people affected by resettlement and planning schemes, has been hampering physical development of the City greatly.
- Acute shortage of office accommodation has over the years remained one of the biggest constraints that the Department of Land administration as well as that of Resettlement and Compensation has been experiencing. Similar stuation also affect the Development Control Department.
- Absence of separate and dedicated Land Account (e.g. for Development levy). Such land revenues could be use for the provisions of infrastrure.
- Extreme pressure from individuals seeking for allocation within service areas of FCC, as a result of non-provision of infrastructural facilities in most of the planned areas.
- Lack of resettlement has greatly slowed down development in a lot of the Phases II & III districts as the would-be-developers are confronted with initial problem of paying compensation to the squatters and bearing the cost of dislodging them.

The last thirty five years has witness giant strides in the development of the City of Abuja and the entire FCT. Addressing the above challenges would go along way in solving most of the issues of poor land management within the FCT. Doing so would require a strong political will and transperency in line with global best practices. Let me conclude with the words of S. Rowton Simpson where he said,

"Land is the source of all material wealth. From it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal or precoius stones. We live on the land and to the land our bodies or ashes are committed when we die"

Efficient and good land management is one attribute of good governance the world over. No responcible government can afford to play with this most important means of production. It is therefore the responcibility of land related proffessionals like the o continue to advice and guide the political leadership of our country towards achieving this goal.

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BIOGRAPHICAL NOTES

The Author holds a Bachelor's Degree (Education & Geography) and Master's Degree in Land Resources with specialization in Land Administration all from Bayero University (BUK), Kano – Nigeria.

He has over 30 years of working experience, 25 of which were spent as a Land Officer in the administration of the Federal Capital Territory, Abuja. Has worked (during his national service year) as an Instructor in Map Reading with the Nigerian Army School of Artillery, Kachia – Kaduna state, Nigeria,(1983/84).

He has also worked as a Geography Teacher in many Secondary Schools and a Polytechnic in Nigeria. He has had the privilege of attending an Advance Training Program in Gavle – Sweden on Land Administration and Geographical Information, organized by Swedesurvey (the overseas agency for the National Land Survey of Sweden) sponsored by SIDA.(August –September, 2004).

He has served at various times as Secretary of the Technical Committee on Rural Lands within the FCT, Ministerial Committee for the Appraisal of Physical Planning and Development Issues within the FCT, Land Use and Allocation Committee of the FCT, Task term on Computerization of the Cadastral and Land Registry of the FCT, which led to the establishment of Abuja Geographic Information Systems (AGIS), a body that is the only official source of geospatial information for the Federal Capital Territory, Abuja - Nigeria. He was once the Director of Land Administration Department of the FCT and a former Special Assistant to the Governor of Nasarawa State as well as the Project Manager, Nasarawa Geographic Information Service (NAGIS). He is now the Minister of State for Environment in the Federal Ministry of Environment Abuja, Nigeria.

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