



**AFRICAN REPARATION ACT**

**OF**

**THE FEDERAL REPUBLIC OF NIGERIA 2004**

*A law to ensure payment of reparation to Nigeria and Africa for injustices visited by western and other nations and to halt the menace of odious and illegitimate foreign debts militating against and crippling African economies.*

Further, being a bill emanating from the African Renaissance Party, (ARP), Nigeria, and proposed to the National Assembly of the Federal Republic of Nigeria to be used to refocus Nigerians and Africans in Nigeria, Africa and world wide to the unfinished business of making the western nations to pay reparations for social dislocation, forcible enslavement, looting of treasures and artifacts, destructions and desecration of cities, empires and civilizations, colonization and centuries of rapacious economic exploitation of our people.

*Whereas:* The poverty inhibiting Black and African economies are traceable to the atrocities visited on them by the processes of colonization and imperialism and in acknowledgement of the fact that if no extra and considerable funds are injected into these economies, such countries shall remain impoverished and beggarly for the foreseeable future. It is therefore imperative that a practical and pragmatic initiative such as the present be pursued for just resolution in response to the historically bestowed legacy of structural impoverishment.

*Whereas:* African Leaders of distinction have worked towards the realization of Reparations for Africa. Outstanding in the campaign was the late Chief M.K.O. Abiola. The present initiative of the African Renaissance Party is the building on laudable foundations that had already been laid by eminent Africans and descendants in the Diaspora.

*Whereas:* In December 1990, Chief Abiola convened and sponsored the first World Conference on Reparation at the Nigeria Institute of International Affairs (NIIA) in Lagos, where he officially inaugurated his campaign for Reparation.

*Whereas:* The International conference featured prominent people from different parts of the World and did a thorough study on the issue of Reparation. Distinguished persons in attendance included Chief M.K.O. Abiola, who was convener and host. Gen. Ibrahim Babangida who was then the Nigerian Head of State, Professor Ibrahim Gambari, Dr. Randolph Peter- the Trinidad and Tobago High Commissioner to Nigeria. Professor A.M Babu of Tanzania, Dudley Thompson the Jamaican High Commissioner to Nigeria, Congressman Craig Washington of the United States of America, Hon. Bernie Grant of Britain, among many others of distinction. At the conference, after a critical look at the Reparation issue, a communiqué subsequently established an International Committee for Reparation (ICR) with Chief M.K.O Abiola as its Chairman and Mr. Frank Igwebueze as Secretary.

*Whereas:* Subsequently, the Reparation cause was taken to the African continental level and to the Organization of African Unity (OAU) which recognized and identified with the campaign. Reparation became a prominent subject of discussion within the

OAU. The 27<sup>th</sup> Summit of Heads of State and Government as well as the 55<sup>th</sup> Council of Ministers. Of the Organization, which met in June 1991 in Abuja, Nigeria and passed resolutions recognizing the injustices to Africa. The resolution affirmed the right to Reparation and suggested a Group of Eminent Persons (GEP), drawn from Africa and the Diaspora, to further take action on the Reparation issue. This Group of Eminent Persons (GEP) was later empanelled formally in June 1992, at the 28<sup>th</sup> yearly Summit of the OAU Heads of State and Government held in Dakar, Senegal. The group (GEP) which has as members, men and women of proven integrity included Chief Abiola, who, as the sole financier of the Reparation cause was elected the Chairman, Professor Ade Ajayi (Nigerian), Ms. Mariam Makeba (South Africa) Professor Ali Mazuri (Kenya), Dr. Amadan Mahtar M'bow – Co-chairman (Senegalese), Ex-resident Aristide Pereira (Cape Verde Island), Professor Samir Amin (Egypt) , Dr. Quaiassan Sackey (Ghanaian), Madam Grace Machel (Mozambique), Ambassador Dudley Thompson (Jamaica) Congressman Roland Dellums (U.S.) and Professor Rex Nettleford (Jamaica).

*Whereas:* To advance the struggle for Reparation to the Global level, the OAU Group of Eminent Persons (GEP) convened the first Pan-African Conference on Reparation in April 1993 at Abuja. The event drew participants from Africa, America, Asia and Europe. It also issued a communiqué aimed at redressing the injustice of slavery, colonialism and imperialism in general in African, a decision which if implemented will quite substantially contribute to alleviating Africa's sufferings as has been the result of centuries of merciless exploitation and inhuman degradation by the West.

Although the Slave trade occurred over 500 years ago in the main, Africans have retained all the moral and legal justification to demand compensation from the West as Slavery and colonization remained the very foundation of the backwardness of Africa as was laid in the foundations colonization and the Atlantic African Slave Trade which cost Africa several million able – bodied men and women. The physical and psychological brutality, socio-cultural dislocations and economic dysfunction which trade in human beings imposed on Africans and the Black race in general is terrible and beyond either quantitative or qualitative comparison in human history. It was from these traumatic experiences of Africa that the West achieved her present development. The argument is that the West must pay compensation to us for the brain, sweat and blood of our forefathers. For the forced labour enjoyed for centuries from millions of vibrant Africans shipped away from Africa to build the wealth they are living on today.

The last major event on this reparation cause was the 1993 conference in Abuja. It is now over 10 years since then. The **African Renaissance Party (ARP)** is persuaded that it is appropriate time the Reparation claim was renewed and thus: -

***Whereas:*** A preponderance of academic research has revealed that judicial action backed by political means is the appropriate next step in the new world order of the 21<sup>st</sup> century to bring the age long struggle to a just logical conclusion.



## **Explanatory Memorandum.**

A bill to acknowledge in Nigeria, African and the world community of Nations, on injustice wrought by the Atlantic as well as Saharan Slave trade, as to their cruelty, brutality, inhumanity and systemic injustice visited upon the African continent and Africans by those nations, individuals, companies as well as organisation that organized, financed, shipped and enslaved Africans on slave plantations over centuries and to examine the primary motivational processes of colonization and imperialism and the consequence of its impact on Nigeria and Africa

To examine the Atlantic and Saharan African Slave trade as commercially funded by nations transporting African out of organized crime against Nigerians, humanity and the peoples of African and the descendants.

It establishes a National Commission for pursuing the goals of Reparations for Nigeria and Africa struggle the AFRICAN REPARATION COMMISSION.

# AFRICAN REPARATION ACT 2004

## ARRANGEMENT OF SECTIONS

Section:

### **Part I      Establishment, Appointment and Powers**

1. Short title /commencement
2. Interpretation
3. Establishment of African Reparation Commission
4. African Reparation Commission
5. Commission shall be body corporate
6. Composition of Board
7. Qualification of Chairman
8. Remunerations
9. Integrity of Board members
10. Tenure of office
11. Removal of members of Board
12. Resignation of Members of Board
13. Tenures of office
14. Tenure of office by Act
15. Category of officers
16. Control of other persons or authority
17. Supervision by higher authority
18. Quorum
19. Oath of office
20. Pension Act
21. Secretary of Commission
22. Commissioners, deputy-Commissioners e.t.c.
23. Powers of officers
24. Assistance by all relevant

### **Part II      Function of the Commission**

1. Investigation and Research
2. Legal platforms
3. Analysis
4. Reparations v. Foreign debts
5. Engagement of Lawyers
6. Articulation of Reparations
7. Scholars and other professionals
8. Strategies
9. African Parliaments

**Part III                      Judicial Action Fund**

1. Annual grants from Federal Government
2. Contributions by State Governments
3. Corporate bodies and others
4. Non -Governmental Organisation
5. Fund raising events and activities.

**Part IV                      Special Activities of Commission**

1. General
2. Cultural, historical and traditional African films
3. Cultural, historical and traditional African tourist complexes
4. Universities, polytechnics, and other tertiary institutions
5. Campaigns and crusades against debts
6. World wide web

**Part V                      Advisory Council**

1. Appointment of Advisory Council
2. Composition of Council
3. Stipends and allowances

**Part VI                      Special projects of Commission**

1. National Unity Monument
2. African Union Monument

**Part VII                      Schedules and Miscellaneous**

1. Supplementary provisions relating to Board
2. Proceedings of Board
3. Chairman presides
4. Quorum
5. Other persons on advice missions
6. Standing and ad-hoc committees
7. Presiding at Committees
8. Decisions of Committees.

## Miscellaneous

1. Fixing of seal of Commission
2. Contract or instrument not under seal
3. Receiving in evidence
4. Validity of proceeding of Board
5. Personal interest of members in matters



## SHORT TITLE/COMMENCEMENT

1. This Law may be cited as 'African Reparation Act ', 2004 and shall come into force on 1<sup>st</sup> October 2004

## INTERPRETATION

2.

**Agent:** means any person employed by or acting for another and includes an Officer of a public body, or an officer servicing in or under any public body, or a corporate body or any political party or institution, a trustee, an administrator or executor of the estate of a deceased person, a sub-contractor, any employed by or acting for such trustee, administration, executor, or subcontractor.

**Associate:** in relation to a person who is an employed, agent, nominee or representative, trustee, firm or incorporated company known to the direction or influence of such person.

**Business:** Means any activity carried on for the purpose of gain, or profit and includes all property denied from or used in or for the purpose of carrying on such activity, and all the rights and liabilities arising from such activity.

**Chairman:** means the Chairman of the commission appointed under section- of this Act.

**Commission:** means the African Reparation Commission established under section- of this Act.

**Constitution:** means – constitution of the Federal Republic of Nigerian

**Dealing includes:**

- (a) Any purchase, sale, loan, charge, mortgage lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement,
- (b) Any agency or grant of power of attorney; and
- (c) Any act which result in any right, title or privilege, whether present, past or in the future.

**President:** means the President of the Federal Republic of Nigeria.

### 3. ESTABLISHMENT OF COMMISSION, APPOINTMENT AND POWERS

#### AFRICAN REPARATION COMMISSION

Body  
corporate

4. There is hereby established a commission to be known as the African Reparation Commission (hereinafter in this Act referred to as "the Commission").
5. The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
6. The commission shall consist of a chairman and eight (8) other members one at least of which shall come from each geo political zones.
7. The Chairman shall be a person with a person passion for the African Reparation causes and must be a Nigerian
8. Remuneration of members of the Commission must be determined by the National Revenue Mobilization, Allocation and Fiscal Commission.

Integrity of  
members

9. The Chairman and members of the Commission who must be persons of proven integrity as well as patriots shall be appointed by the President, upon consultation by the Senate and shall not begin to discharge the duties of their offices until they have declared their assets and liabilities as prescribed in the constitution of the Federal Republic of Nigeria.
10. The Chairman shall hold office for a period of four (4) years and may be reappointed for another four (4) years but shall not be eligible for reappointment thereafter. The other members of the Commission may be reappointed for another term of three (3) years but shall not be eligible for reappointment thereafter.

Removal  
of  
Chairman  
and  
members

11. Notwithstanding the provisions of section (C) of this Act, the Chairman or any member of the commission may at any time be removed from office by the president acting on an address supported by two-thirds (2/3) Majority of the senate praying that he be removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.
12. The Chairman or any members of the commission may resign his appointment by notice in writing under his hand addressed to the President and the Chairman and that member shall on the date of the receipt of the

notice of resignation by the President cease to be a member of the commission.

13. The Chairman and members of the commission shall hold office on such terms and conditions as may be specified in their instruments of appointment, and in the exercise of their functions; they shall not be subject to any other authority except as prescribed by the act.
14. The tenure of office and conditions of service of the staff of the commission shall, subject to the provision of this act, be determined by the commission.
15. The commission shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose shall prescribe its own rules.
16. The commission shall have power to appoint, designate and deploy such number and category of officers which, in the opinion of the commission, shall be required to assist it in the discharge of all or any of its functions and have power to pay persons so employed such remuneration (including allowances) as is in accordance with section ( ).
17. The commission shall in the discharge of its functions under this act not be subject to the direction or control of any other person or authority.
18. An officer pursuant to this act shall have such powers as may be conferred upon him under this Act and shall be subject to the direction, control and supervision of the Chairman or any other officer of the commission superior to him in rank, and shall exercise his powers and discharge his duties in compliance with such directives or instructions as may be given by the chairman.
19. The Chairman and any two (2) members of the commission shall constitute a quorum.
20. Every member of the commission shall, before assuming the duties of his office, subscribe to the oath prescribed in the Federal Republic of Nigeria for public officers.
21. Service in the commission shall be approved service for the purposes of the pension Act.

Oath of  
Office

Secretary to  
commission



22. There shall be a secretary to the commission appointed by the President who under the general direction of the Chairman shall be responsible for keeping the records of the commission.
23. There shall be appointed such number of commissioners, Deputy commissioners, Assistant Commissioners, researchers, prosecutors as may be necessary for the purpose of carrying into effect the provision of this act.
24. An officer appointed under subsection – shall have such powers as may be vested in him under this control and supervision of the Chairman or any other superior officer of the Commission and shall exercise his powers, and discharge his duties in compliance with such directives as may be given orally or in writing by the Chairman or any other superior officer of the commission.
25. Subject to the provisions of this Act, an officer of the commission when investigating or prosecuting a case of abuse of human right, destruction and desecration of artifacts etc. shall be assisted by all relevant organs of government and institutions.

Assistance by  
All

## PART II

## FUNCTIONS OF THE COMMISSION

The functions of the commission shall include to:

1 Delve into the archives to research specific cases of atrocities, illegalities and injustices committed against Nigerians and Africans for appropriate litigations in Western, International and African courts of law.

2. Create legal platforms for programme actualization of the goals of reparation struggle.

3. Undertake comprehensive analysis of successful reparation claims, viz a-viz that of Nigeria and Africa.

4 Demonstrate to Nigerians, Africans and the world community that reparation due to Nigeria and Africa are several times the value of the odious foreign debts presently crippling their economies.

5. Engage patriotic lawyers who shall be commissioned to competently and effectively proceed to appropriate courts of law in Nigeria and around the world to institute legal action for reparations and vigorously pursue them as appropriate.

6. Engage scholars, professionals' artist and entertainers and others of special talents in activities and projects as may be necessary to advance the reparation struggle.

7 The Commission shall liaise with all appropriate local as well and foreign agencies to ensue that all reparation due to Nigeria and Africa are properly articulate and computed and cause all foreign debts to be subtracted from there and further cause demands to be made on the foreign governments concerned for payment of the balance to the government of Nigeria and Africa.

8 The commission shall evolve strategies to cause all those who contributed or otherwise played active parts in despoiling Nigerians and Africans to apologise for such atrocious acts.

9 The Commission shall evolve strategies of urging parliaments of other African nations to consider and enact laws on reparation to their countries and to Africa.

Engagement  
by the Laws



## PART III

## JUDICIAL ACTION FUND

### FUNDING:

It shall be the responsibility of the commission to establish a Judicial Action Fund, which shall be funded through;

1. Annual grants from the Federal Government of Nigeria.
2. Contributions from state Government in Nigeria freely given.
3. Contributions from corporate bodies as well as citizens.
4. Contributions from Non Governmental Organisations (NGOs), donor agencies and international organisation
5. Fund raising events and activities.

## Part IV

## SPECIAL ACTIVITIES OF COMMISSION

### 1. Cultural, Historical and Traditional African Films.

The Commission shall enter into agreements with competent film production Companies and establishments to undertake and execute the production of feature as well as documentary cultural, historical and traditional African films based on the lives and times of notable African patriots and afrocentric personalities and eras, as well as civilizations as a means of promoting the background and crusade of Reparation for Africa.

### 2. Cultural, Historical and Traditional African Tourist Complexes

The Commission shall enter into understandings with competent tourism development concerns and establishments as well as local communities to undertake and execute the conceptualizing, designing, planning, construction and operation of cultural, historical and traditional African Tourist Complexes as a means of concretizing the promotion of the background, grounds and crusade of Reparations for Nigeria and Africa.

### 3. Universities, Polytechnics, Colleges of Education and other Tertiary Institutions' arts Exhibitions.

The Commission shall undertake the collection of Art Works from Nigerian Universities, Polytechnics, colleges of Education and other Tertiary Institutions' whose work themes border and delve on African history and heritage; organize national, continental and other International Arts Exhibitions with such works make sales and pay parts of proceeds to the originating tertiary institutions involved, while retaining part as commission service charges.

### 4. Campaigns and Crusades against Odious and Illegitimate Debts.

In the execution of its duties under this Act, the commission shall undertake and organize campaigns and crusades against odious and illegitimate debts militating against Nigerian and African economies.

### 5. World Wide Web.

The Commission shall design, host and perpetually operate a comprehensive website laced with information on its activities and as a channel of receiving information and feedbacks from the world on its activities, programmes, strategies and goals.

## **Part V**

### **AFRICAN REPARATION ADVISORY COUNCIL**

- 1-2. There shall be appointed by the Commission, an Advisory Council of 37(thirty-seven) composed of 3 Historians, Politicians, Lawyers, Sociologists, Traditional Rulers Anthropologists, etc. The Advisory Council shall be so composed that a member each shall be an indigene of every state in Nigeria, plus the Federal Capital Territory.
3. The Advisory Council shall be paid such stipends and allowances as may be determined by the Commission.

## **Part VI**

### **SPECIAL PROJECTS OF COMMISSION**

1. National Unity Monument

To enhance the spirit of togetherness amongst all the ethnic nationalities and other stake holders in the Nigerian project, the Commission Shall enter into understandings with public as well as private segments of the Nigerian nation in transforming Zuma Rock into a National Unity Monument.

2. African Union Monument.

To enhance the spirit of fraternity amongst all the nations of the Black world and the Africa Continent, as well as the Caribbean, the Commission shall enter into understandings with the cultural, information, tourism and archeological departments and agencies of the African continent and the Black world to transform the Aso Rock in Abuja, into an African Union Monument.



## SCHEDULE

### SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

#### Proceedings of the Board

1. Subject to this Act and section 26 of the Interpretation Act (which provides for decisions of a statutory body to be taken by majority of its members and for the Chairman to have a second or casting vote), the Governing Board may make standing orders regulating the proceedings to the Agency and any committees thereof.
2. Every meeting of the Board shall be presided over by the Chairman. If the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at that meeting.
3. The quorum at a meeting of the Governing Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and 5 (five) other members.
4. Whereupon any special occasion, the Board decides to obtain the advice of any person on any particular matter, the Board may co-opt that person to be member for as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum committees.
5. (i) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.  

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(ii) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of person, not necessarily members of the Commission as the Commission may determine in each case.

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6. The decision of the committee shall be of no effect until it is confirmed by the Board.  

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## MISCELLANEOUS.

7. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Secretary of the Commission or such other member authorized generally or especially by the Commission to act for that purpose.
  8. Any contract or instrument, which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Chairman or by any other person generally or specially authorized by the Commission to act for that purpose.
  9. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.
  10. The validity of any proceeding of the Board or committee thereof shall not be adversely affected-

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    - (a) By any vacancy in the membership of the Board or
    - (b) By any defect in the appointment of a member of the Board or committee, or
    - (c) (c) By reason that a person not entitled to do so took part in the proceedings.
  11. Any member of the Board or committee thereof who had a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.
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12. The Commission shall establish and maintain a fund from which shall be defrayed all expenses reasonably incurred by the Commission for the execution of its functions under this Act.
  13. There shall be paid and credited to the fund established pursuant to subsection (12) of this Part, such moneys as may in each year be approved by the Government of the Federation for the purpose of the Commission.

Validity Of  
Proceedings

Normal fund of  
commission



14. The Commission may accept gifts of land, money or other property (whether within or outside Nigeria) upon such terms and conditions, if any, as may be specified by the person or organization making the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Commission under this Act.
15. The Commission shall keep proper accounts, in a form which conforms with accepted commercial standards of receipt, payments, assets and liabilities and shall submit the accounts, payments, assets and liabilities, and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the auditor-General of the Federation.
16. The Commission shall have power to borrow money from banks with the approval of the Board.
17. The Commission shall not later than 30th September in each year, submit to the Council of Ministers report of its activities during the immediately preceding year and shall include in such report the audited accounts of the Commission.
18. Any person who –

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- (I) Willfully obstructs the Commission or any authorized officer of the Commission in the exercise of any of the powers conferred on the Commission by this Act; or
  - (II) Fails to comply with any lawful enquiry or requirements made by any authorized officer in accordance with the provisions of this Act, shall be liable on conviction to imprisonment for term not exceeding 4 years or a fine of N 45,000, or both such imprisonment and fine.
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## DEDICATION.

This Bill is dedicated to Chief M.K.O.Abiola and to the entire members of his International Committee for Reparation; It is dedicated to the Eminent Persons Group (GEP) that was empanelled in 1992.

This Bill is dedicated to Representative John Conyers, Jr. of the Congressional District of Michigan, U.S.; It is dedicated to Bishop Henry M. Turner, to the Nation of Islam; to Imari Obadele and his Malcolm X Society.

This Bill is dedicated to the National Coalition of Blacks for Reparations in America (NCOBRA); It is dedicated to the TransAfrica Forum to the Millions For Reparations; to the African American Jewish Coalition for Justice; the Africa Reparations Movement; to the Black Radical Congress; to the Black Think Tank, All For Reparation and Emancipation; Reparations Central; as well as to all other noble organizations and individuals involved in the Reparations to Africa cause.

This Bill Is dedicated to King Jaja of Opobo, to Patice Lumumber, to Queen Nzinga of Angola, to Sultan Atahiru of Sokoto and to Oba Ovaramwem of Benin.

This Bill is dedicated to all Nigerian and African patriots; to all pan Africanists, and to all true leaders of Africa.

This Bill is dedicated to my children and to yours.

It is dedicated to the Spirit of African Renaissance for the Restoration of our Dignity.