

**LAND OWNER'S PERCEPTION ON ISSUES OF
COMPULSORY LAND ACQUISITION OF LAND IN
IGABI AND KADUNA NORTH LOCAL GOVERNMENT
AREA OF KADUNA STATE, NIGERIA.**

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Abstract

Compulsory land acquisition is no doubt a government power to make land available for the provision of social amenities. However, it has attracted numerous controversies. Having resulted to the displacement of a whole/part of the community, affects people cohesion, livelihood and way of life. This study examines the land owner Perception on issues of compulsory land Acquisition in Igabi and Kaduna North Local Government Area of Kaduna State, Nigeria. Random sampling technique was adopted at the first stage in selecting 150 affected property owners (claimants) at Rigasa and Unguwar/dosa in Igabi and Kaduna North for administering questionnaires because they are target population of this research. Purposive sampling techniques was employed at the second stage in selecting 10 Ward Heads for interview. Structured questionnaires was used in the study and descriptive statistics were employed in the data analyses. The interview aspect was analysed using content analysis. The result showed that Majority of the community heads consent were duly informed about the land acquisition in their community, Majority of land owner express satisfaction with the procedures of compulsory acquisition which signifies that the principles of compulsory acquisition used by Kaduna state government is in line with its basic principles consequently, the study recommended that the Land Use Act as the current law governing the compulsory acquisition of land and other land issues needs to be reviewed.

Introduction:

Governments all over the world are mainly responsible for provision of public infrastructural amenities to its citizen. In the provision of such infrastructures

facilities there is need for acquisition of appropriate land (Akujuru & Ruddock, 2013). However, where the government undertakes compulsory acquisition of land for overriding public interest, compensation is often paid in line with the provision of the law to at least restore the affected persons to their original state or its equivalent while at the same time providing the intended benefits to the society (Onyije & Akujuru, 2016).

According to Onyije and Akujuru (2016) Compulsory land acquisition is a tool used to execute the land development function of land administration within the land management paradigm. The use of the compulsory land acquisition tool and the accompanying resettlement compensation method is a very complicated form of land acquisition since it involves the use of forceful deprivation of property.

In Nigeria, compulsory acquisition is a statutory practice under the Land Use Act of 1979 which provided that government cannot rely on land markets alone when and where land is needed to provide major infrastructural facilities for the general public and to promote sustainable development (Food and Agricultural Organization 2009; Pashoulis 2010). Property owners are thus denied their property rights for overriding public benefit and are usually compensated (Means, 2017). However, the Land Use Act of 1979 which was meant to usher in a new land reform in Nigeria became a clog in the wheel of development over the years (Mabogunje, 2009) as the compensation payable under the Land Use Act 1979 is grossly inadequate (Ambaye, 2009).

Ndjovu (2016) opined that the way in which governments in most developing countries have exercised power of eminent domain in a way that has weakened the security of tenure besides payment of little or no compensation. Muzammil (2011) appraised the public-sector land acquisition in Kano State was of the view that government compulsory acquisition rendered people homeless is nothing but complete unjust. Iyanda (2014) noted that lack of adequate, fair and just compensation results led to prevalent resistant to land acquisition. It is against this background that this study tends to further investigate land owner perception on issues of Compulsory Land Acquisition in Igabi and Kaduna North Local Government Area of Kaduna State.

Literature Review

Land as a Concept:

Land is a variable factor that has a broad meaning and it no wonder that different professions view it from different angles (Linsay, 2012). Berry (2016) define land as the solid part of the earth surface not covered by water. This means that land

includes not only the ground or soil but everything which are attached to the earth whether by course of nature as trees and herbage or by the hand of man, as houses and other buildings. It includes not only the surface of the earth but everything under and over it. Sambursky (2014) maintains that is the “solid part of the earth’s surface including all things attached to it. It extends downward to the centre of the earth and upwards infinitely into space.

Land has been regarded particularly by economics of the socialist school of thought it as the it as the factor of production upon which all the other factor of distinguished, the aristocrat the land owner from feuded slaves and the present class. However, in the Nigeria traditional believe, land is conceived as belong to a vast family of which many are deal, few are living countless members are still unborn (Kakulu, 2004).

In a simple parlance, land in this country include the very land itself, the surface soil together with thing on it which are enjoyed with it as being part and parcel of the land by nature such as streams and palm trees. It also includes houses, building and all other artificial structures whatsoever, as well as any estates, interest or right into or over the land (Larbi, 2008). Legally, the concept of the land and whatever is above or beneath the earth surface which individual, group and nation can exercise right control, use and alienation.

Meaning and Concept of Compulsory Acquisition

The term compulsory acquisition is used in its widest sense to defined as the power of government to compulsory acquire private rights in land/landed property without the willing consent of its owner or occupants for the purpose of overriding interest (Akujuru, 2014). This power is often necessary for government in meeting both social and economic development needs of local, state or national government but also for the protection and preservation of the natural environment against the excess of private business or uses (Onyije & Akujuru, 2016). To the researcher, compulsory acquisition is the process where by government acquires land/land premises from individuals, families and communities for the provision of infrastructure for the best interest of the public. The exercise of the power is essentially for both social and economic development and also to protect and preserve the natural environment, in all cases, the land owners or occupiers are deprived of their property rights for overriding public interest, public purpose or public benefit and are entitled to full, just, fair, equitable and adequate compensation (Onyije & Akujuru, 2016). Compulsory acquisition requires finding the balance between the public need for land on the one hand and the provisions of

land tenure security and the protection of private property right on the other hand. To actualize this balance, it is expected countries should apply the principles that ensure the power is not misused, rather used for the benefit of the entire society. Expropriation or compulsorily acquisition refers to government's power to force a person to sell his home, his business, or other property to the government at a price it deems, "just compensation" is one of the most extreme forms of government coercion, and today among the most common (Ray, 2014).

Principles of Compulsory Acquisition and Compensation

There are some guiding principles the guides compulsory acquisition/compensation of land/landed properties from intending or already disposed landowners which is the principle of "equity and equivalence" (FAO, 2009). This principle is the fulcrum for compensation and its application cannot be over emphasize in determining compensation. The principle states that affected landowners and occupants should be neither enriched nor impoverished as a result of the compulsory acquisition of their land/landed properties. The finding principle for ensuring equity and equivalence includes:

- i) **Equivalence:** affected landowners by compulsory acquisition should receive compensation that is no more or less than the loss incurred as a result of the dispossession. Appropriate measures should be used to ensure that the affected landowners and particularly the vulnerable (locals) are not disadvantaged.
- ii) **Balance of interest:** the procedure should ensure the security of the rights of people who were dispossessed of their ownership rights of their land/landed properties while ensuring that the public interest is not jeopardized.
- iii) **Flexibility:** the law should be specific enough to provide clear guidelines, but also flexible enough to allow for the determination of appropriate equivalent compensation.
- iv) Compensation should be able to address both Defacto and Dejure rights in an equitable manner following the principle of equivalence. This means that compensation should take into consideration the legal rights of the dispossessed landowners as well as the rights of occupants who are not recognizable legal rights.
- v) **Fairness and transparency:** the negotiating powers of government and landowners should be as equal as possible. Negotiation should be anchored on an open basis of exchange of information and the

legislation should ensure fair process for determining the value and compensation payable.

- vi) **Fair and adequate:** compensation of compulsory acquisition of land/landed property should be fair and adequate, it should restore dispossessed landowners to a state where they are neither better nor worse off at the end of the revocation exercise (Olusegun, 2009). He further stated that the methods of assessment used by government to determine compensation must sustain the principle of equity under which landowner is to be left whole in terms of naira and that the requirement for the payment of compensation on acquired lands includes the right to compensation and social equity.

However, a study by Akujuru and Ruddock (2014) submitted that the Nigerian acquisition practice does not conform with the above stated principles thus. The inequity embedded in the Nigerian acquisition and compensation practice.

Current Issues and Concerns on Compulsory Lands Acquisition.

The statutory provisions of the Land Use Act of 1978 in relation to compulsory acquisition in Nigeria has raised a number of issues and concerns among stakeholders in administration of land especially such compulsory acquisition is done for urban properties. These issues include;

- i. Non-inclusion of just compensation principle: under section 29 of the Land Use Act of 1978 which provides for the payment of compensation does not mention the principle of just term compensation or value to the landowner. The principle of “just compensation” aims at providing disposed groups with adequate financial compensation.
- ii. Undefined interest in land: usually more than one interest may exist in land/landed property for example freehold and leasehold interest in land, thus when compulsorily acquiring land it is usually the interests that exist on such land that is being acquired. The Land Use Act assumed compensation for the acquired interest should be made to only the occupier of the land and it is doctrine that title to land is vested in the governor. Thus there exist multiplicities of interest.

People’s perception on Compulsory Land Acquisition

Compulsory land acquisition is the most challenging aspect in land management as it affects both the government and the governed, thus the displaced landowners are usually displeased with the process but are entitled to a fair, just and adequate compensation to minimize their loss (FAO, 2009). Also Kakulu, Byrne, & Viitanen (2009) asserted that compulsory land acquisition is a vital tool of government to

acquire land for the development of its citizens, Where the purpose for compulsorily acquiring peoples land is done with the motive of developing infrastructure such as hospitals, schools, roads, etc., is the usually accepted with less or no resistant, though accompanied with the payment of just compensation and/or resettlements of the affected landowners. However, if the land were compulsorily acquired by government for private motive/undertaking such as for personal development by those in government and or its associates, then there is bound to be some forms of resistance by the landowners (Larbi, 2008). Ndjovu (2016) opined that where landowners are being dispossessed against their will and the amount paid as compensation is unjust or inadequate when compared with their loss, this result to conflicts between landowners, governments and even resistance against the agency involved in the development of such land.

Research Methodology

The target population for the study comprises the land owner (Claimant) at Rigasa U/dosa who were affected by the compulsory acquisition and community leaders within Igabi and Kaduna North. Random sampling technique was adopted at the first stage was used in selecting 150 affected property owners (claimants) for administering questionnaires because they are the one having a direct influence of the project. Second stage, purposive sampling techniques was adopted in selecting 10 Ward Heads for interview.

Data analysis and Discussion of results

Descriptive statistical technique using frequency counts and percentage were used to analyze the opinion of the affected land owner on land acquisition, sources of information on land acquired, the economic position of the claimant before and after compulsory acquisition, level of involvement of affected land owner in the exercise and response from focus group. The result obtained was tabulated using frequency distribution tables and bar charts with the use of Statistical Package for Social Sciences version 22. The qualitative data were transcribed in descriptive manner.

Table 4.1: Source of information on land acquisition

Response	Mean	Std. Deviation	Remark
Written Awareness	2.56	1.421	Agreed
Communication			
Newspaper Publication	2.40	1.143	Agreed
Personal Contact	3.26	.753	Agreed
Through Village Head	3.30	1.001	Agreed

Source: Field survey 2019

Table 4.1 revealed that mean response of the respondents depicts that majority of the respondents agreed that the information on the land acquisition was gotten through written awareness/communication, newspaper publication, personal contact and village heads. This finding is line with recommendation by Nzioki and Kariuki (2012) and Wanyoike (2014) landowner’s needs to be aware of the process and legislation involved in compulsory acquisition so as to reduce the tension of people who are threatened with dispossession.

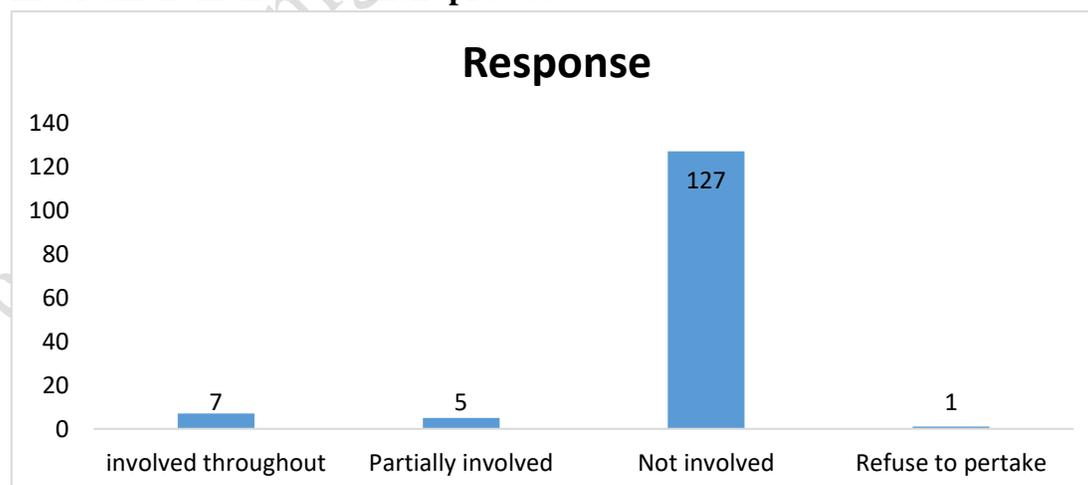
Table 4.2: consideration of opinion for the site acquisition

Response	Mean	Std. Deviation	Remark
Fully Considered	2.62	1.311	Agreed
Partially Considered	2.58	.700	Agreed
Not Considered	1.51	.844	Disagreed

Source: Field survey 2019

The findings on table 4.2 depicts the consideration of respondents opinion for the land acquisition, thus majority of the respondents agreed that their opinion was fully or partially considered. Meanwhile majority of the respondents declined that their opinion was not considered. Thus this finding is in line with the UN Declaration on the Rights of Indigenous Peoples as approved by the Human Rights Council (2007), Article 10 that “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return”.

Involvement in the assessment process



Source: Field survey 2019

The result in figure 4.8 revealed that majority of the respondents 127 of them were not involved in the assessment process, only 7 of the respondents were involved throughout the process, 5 respondent were partially involve while 1 of the respondent refuse to partake in the process. This finding is line with the findings of Adams & Palma 2007 that non-involvement of landowners in the acquisition process reduce public confidence in the rule of law and result to an unclear, unpredictable and enforceable procedures create opportunities for corruption.

Table 4.4: Economic position after and before acquisition

Response	Mean	Std. Deviation	Remark
Fully Improved	2.42	1.232	Disagreed
Partially Improved	2.63	.884	Agreed
No improvement	2.61	1.244	Agreed

Source: Field survey 2019

The result on the above Table 4.4 depicts the economic position before and after acquisition. It was revealed that that majority of the respondents agreed that economic position have partially improved and no improvement after the acquisition. Correspondingly majority of the respondents disagreed that the economic position has fully improved. This is in line with the assertion of Wanyoike (2014) and Tavonga 2013 that for government's exercise of compulsory acquisition to be efficient, fair and legitimate land owner should be restore to the an equivalent situation prior to their displacement.

Conclusion

It can be concluded that Road construction project for Igabi and Kaduna North has affected the community negatively and have thus impacted on their well-being in the same direction. Majority of the community heads consent were sort about the land acquisition in their community. There is awareness in the process of compulsory acquisition and there is an upliftment in the economic position of the affected land owner. Majority of the community heads agreed that the process of land acquisition was fair and satisfactory.

Recommendation

This study assess issues in compulsory acquisition in Igabi and kaduna North, Nigeria The findings suggest that Social justice should always allow to come in to

being as it played an important role in land acquisition, where land is compulsorily acquired, if an alternative land should be provided and where it will not be given an equivalent amount should be paid in place of the property acquired. Adequate enlightenment of displaced persons is needed in order to reduce negative post-resettlement impact on the affected persons. This should include both the property owner and the community heads. It is also recommended that the Land Use Act as the current law governing the compulsory acquisition of land and other land issues needs to be reviewed.

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