



COMPULSORY ACQUISITION AND COMPENSATION PRACTICE IN NIGER STATE: A CASE STUDY OF LANDS ACQUIRED FOR MAITUMBI NEW ROAD NETWORK PROJECT

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ABSTRACT

Land and landed property are compulsorily acquired in Nigeria and other nations around the world for various developmental public interests. However, it usually comes with some sort of discomforts, as it often results in either displacing people economically or physically. In either way, compensation of affected persons is required. It is against this backdrop that this study seeks to examine the compulsory land acquisition for public interest by Niger State Government and the payment of compensation in respect of Maitumbi New Road Area of Minna, Niger State with a view to establishing comprehensive guidelines that will improve the whole process. The study sampled 400 land owners in the study area, by issuing close ended questionnaires and adopted both descriptive and inferential method of analysis in collecting data for this study. Result of analysis reveals wide gap between compensation paid and the worth of the acquired property resulting to a widespread dissatisfaction with compensation paid to the claimants. The study recommends that compulsory land acquisition should clearly involve all stakeholders from the beginning of the process to the end while upholding the principles of good governance such as community participation; transparency and clear information to claimants and accountability to responsible professionals.

Keywords: *Compulsory Land Acquisition, Compensation, Claimants, Stakeholders.*

INTRODUCTION

Land and landed property are compulsorily acquired in Nigeria and other countries around the world for various developmental public interest which include construction of public roads and parks, provision of services and

utilities such as drainage and sewerage, and installation of social facilities like schools and hospitals. Dispossessed property owner on such instances are being recompensed (Sule, 2014). Compulsory purchase or compulsory acquisition is a term that is generally used when a public authority set out to gain access and control of a particular parcel of land through its public policy instrument. Government acquires land compulsory anytime it requires for public purpose. Land acquisition by government is global and government's police power is normally exercised in the process. This activity in most cases is backed by law. Land acquisition by government is a global phenomenon, though it means different thing in different countries (Oghenekevwe, 2016).

Compulsory acquisition is the power of government to acquire private rights in Land without the willing consent of its owner or occupant in order to benefit society (Food and Agricultural Organization (FAO), 2009). It is a power possessed in one form or another by government of all modern nations. This power is often necessary for social and economic development and the protection of the natural environment. Compulsory acquisition requires finding the balance between the public need for land on the one hand and the provision of land tenure security and the protection of private property rights on the other hand (FAO, 2009). Azuela and Herrera (2009) defines compulsory acquisition as "that power which allows states to acquire property against the will of its owner in order to fulfil some purpose of general interest". They opined that every constitution determines the recognition of private property, and land is acquired under two conditions: just compensation payment and the intention is to satisfy the public interest. The term compulsory land acquisition is used differently in the developed and developing countries.

It is the process by which local and national governments obtain land and premises for development purposes when they consider this to be in the best interest of the community (Kakulu, *et al.*, 2009). Ding (2007) stated that in Asia land acquisition has been used heavily by local government to fuel urban development and finance infrastructure provision and has resulted in increasing social tension and injustice that may impose a long-term threat to stability and sustainable. Compulsory land acquisition is an essential tool of government in acquiring private property to provide public facilities for comfort of the citizens (FAO, 2009). However, according to Famuyiwa and Omirin (2011), it usually comes with some sort of discomforts, as it often results in either displacing

people economically or physically. In either way, compensation of affected persons is required.

LITERATURE REVIEW

Nature of Compulsory Land Acquisition

Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society (FAO. 2009). According to Umeh (2002), it is the coercive taking of private lands (individual or communal) or estates and interests in those lands for public purposes. Compulsory land acquisition is an activity dominated by the government transferring the land ownership or interest in land from privately owned to state owned where the public interest is involved. It is a power possessed in one form or another by governments of all modern nations. This power is often necessary for social and economic development and the protection of the natural environment. Land must be provided for investments such as roads, railways, harbours and airports; for hospitals and schools; for electricity, water and sewage facilities; and for the protection against flooding and the protection of water courses and environmentally fragile areas. A government cannot rely on land markets alone to ensure that land is acquired when and where it is needed. However, a number of countries require that the government should attempt to buy the required land in good faith before it uses its power of compulsory acquisition.

In the same vein, the popular Arnold Encyclopedia for Real Estate defined compulsory acquisition as the taking of privately owned property for a public use. The taking may be either by a Judicial or administrative proceeding or by a governmental agency or some other body duly authorized to exercise the power. It also makes it clear that the owner need not consent to the taking, but the owner has a constitutional right to receive just compensation for his property.

Compulsory acquisition requires finding the balance between the public need for land on the one hand, and the provision of land tenure security and the protection of private property rights on the other hand. In seeking this balance, countries should apply principles that ensure that the use of this power is limited, i.e. it is used for the benefit of society for public use, public purpose, or in the public interest (Egbenta and Udoudoh, 2018).

Procedure for Acquisitions in Nigeria

The various steps involved in compulsory acquisition and compensation in Nigeria according to Ibagere (2010) are: i) Inspection of a selected parcel of land by the professionals from the Ministry of Lands and Survey, ii) Issuance of notice of intention to acquire land to the disposed owner in government gazettes, daily papers or by pasting the notice on the trees or nearest buildings, and to yield up possession within 6 weeks, iii) Property identification, iv) Receiving of petitions, objections and complain over compensation.

Akinlabi (2009) summate the procedure for acquisition in Nigeria as follows: i) Notice of Acquisition, ii) Procurement of Brief, iii) Claim Survey, iv) Assessment for compensation, v) Valuation Report, vi) Payment of compensation, vii) Professional fees.

The procedure for compulsory acquisition requires adequate notice to be given to the owner, compensation to be paid and the acquisition must be for public purpose (Nuhu and Aliyu, 2009). Ibagere (2010) argues that six weeks is too short a time for computations of adequate claims to be made. He note that the issuance of notice of acquisition through government papers, gazette or pasting on trees and buildings on or near the land makes it difficult in most cases for actual owners who are illiterate to become aware of any intention to acquire their land which in turn gives loopholes for fraudsters to cash in and reap when they did not sow.

Procedures for Compulsory Acquisition of Land in Niger State

Land acquisition is through lands department in Ministry of Lands and Survey which is empowered to acquire land for overriding public interest on behalf of the State Government.

The following are the steps for compulsory land acquisition procedures according to Oyedele (2008) and Nuhu (2008):

Site Inspection: This is the stage where the locational suitability and extent of the acquisition is being determined. The inspection team includes the Estate Surveyor, Land Surveyor, the town planner and the government agencies representing.

Preliminary survey: This involves perimeter survey which involves the process of determining the extent of the boundaries and the total land area.

Gazetting and Publication/Newspaper advert: This is where the survey descriptions are publicized and where the claimants are to submit their claims to the Ministry.

Service of revocation order: This is the publication of the intention to acquire land and the willingness to pay compensation in respect or the losses arising from the acquisition.

Crop enumeration and valuation of property: This is where the enumeration of crops on the acquired site is done with the help of claim survey. Valuation of the existing structures on the site is also done by Lands Department.

Payment of compensation: Payment of compensation is done after approval of claims. Documentation: Necessary documentation is done.

A General View of Compensation for Compulsory Land Acquisition

Compensation simply means recompense for loss, deprivation or injury suffered (Ibagere, 2010). Umezuruike, (1998) defined compensation as ‘placing in the hands’ of the owner expropriated the full money equivalent of the thing of which he has been deprived. Compensations for compulsory acquisition must reflect the price which the claimant would have expected to have obtained for the property on a sale in the open market together with other consequential losses (Rowan-Robinson, 1990). The whole essence of compensation is to put the person in a state the person was before the harmful action of hurt took place. The property owner, therefore, shall be compensated for the losses he/she suffers due to expropriation. In other words, the affected property owner shall be in the same economic position as if the compulsory acquisition had never happened. “Compensation is to repay the affected people for the losses they suffered, and should be based on principles of equity and equivalence” (Belachew, 2013).

RESEARCH METHIDODOLOGY

Population for the Study

Due to unavailability of census data for Pyata, Tasakpma and Tawyi villages, the population of this study represents an estimated population gotten from the village heads which was used to arrive at a sample size for the study The population also comprises of the staff of Niger Sate Ministry of Lands as at the time of this study are about thirty (30) in number.

Instruments for Data Collection

To achieve the objectives of the study, data were collected for the study through the use of the following instruments; questionnaire, interview and observation.

Primary data

Primary data comprised of the raw data sourced directly from respondents in each village that were affected by the compulsory acquisition of land through structured questionnaires. The primary data comprises of respondents' responses to questions relating to challenges, effects and the level of satisfaction in the process of compulsory acquisition and adequate compensation. The questionnaire was directed to the claimants and the other is question checklist which was used to interview the staff of Niger State Ministry of Lands, Minna Niger State.

Secondary data:

Secondary data are second hand information and they are materials from published and unpublished sources. The sources of secondary data consulted are the published and unpublished works from journal, conference proceedings, textbooks which are relevant to the study.

Method of Data Collection

The methods of data collection involve the use of observation and field survey, interview and administration of questionnaire in order to explore the various avenues to get reliable data for the study; these methods are described as follows:

Data Analysis and Discussion

The presentation of results of both the descriptive and inferential statistics was done in the form of tables and bar graphs. The descriptive statistics shows the varying percentage figures of the variables analysed in bar graphs. A four-point Likert scale of 1 to 4 where 1 = Strongly Disagree, 2 = Disagree, 3 = Agree, 4 = Strongly Agree. From the result, the weighted mean score and relative importance index (RII) was displayed in a tabular form showing the variables assessed.

Identifying the Challenges Associated with the Compulsory Acquisition and Compensation Practice in the Study

Challenges associated with compulsory land acquisition and compensation payment in Maitumbi area, were identified; a 16 items scale was developed to

identify the challenges associated with land acquisition payment in Maitumbi area. This is descriptively illustrated in Table 4.2.

Table 1: Identify challenges associated with the compulsory acquisition and compensation payment in the study area

Challenges	4	3	2	1	RII	Rank
Difficulty in identifying claimants	120	198	20	18	3.17	9 th
Inaccurate enumeration of assets	98	201	21	36	3.01	10 th
Uncooperative attitude of the people	91	183	19	63	2.84	11 th
Low assessment rate for crops and trees	83	175	33	65	5.55	1 st
Introduction of fictitious claimants	97	192	43	24	3.01	10 th
Refusal to accept compensation	52	97	120	87	4.64	5 th
Late payment of compensation	77	107	33	139	4.68	4 th
Inadequate compensation	63	109	43	141	4.52	7 th
Quality delivery of resettlement housing	23	44	137	152	3.65	8 th
Lack of fund	61	99	76	120	4.56	6 th
Government unwillingness to pay claimants	71	103	52	130	4.64	5 th
Land belongs to forefathers and inheritance	69	131	42	114	4.87	2 nd
Lack of transparent conducted by government	77	111	51	117	4.83	3 rd
Greed on the part of claimants	91	121	39	105	2.55	12 th
Inadequate payment of compensation	67	92	51	146	2.22	13 th
High cost of building construction Quality delivery of resettlement housing	33	89	63	171	1.95	14 th

Source: Authors Field Survey, 2021

Note: Strongly Agree = 4; Agree = 3; Disagree = 2 and Strongly Disagree = 1.

The variables were measured using nominal scale a-4-point likert scale i.e. the likert scale ranges from 1-4 where “4” Strongly agree, “3” Agree, “2” Disagree and “1” Strongly Disagree, Consequently, Low assessment rate for crops and trees score a Relative Important Index (RII) of 5.55 and ranked first among variables measured for challenges associated with the compulsory land acquisition and compensation payment in Maitumbi.

It was followed by Land belonging to our forefathers and inheritance with RII score of 4.87 and ranked 2nd among the identified challenges associated with land acquisition, Lack of transparency conducted by the government, score a RII of 4.83 and ranked 3rd; followed by Late payment of compensation as part of the challenges with RII score of 4.68 and ranked 4th.

The table further shows that refusal to accept compensation and Government unwillingness to pay claimants score an equal RII of 4.64 and ranked 5th among the measured variables, Lack of fund score RII of 4.56 and ranked 6th, Inadequate compensation was also identified as part of the challenge with RII score of 4.52 and ranked 7th, Quality delivery of resettlement housing score RII of 3.65 and ranked 8th among the variables. Difficulty in identifying claimants score RII of 3.17 and ranked 9th, Inaccurate enumeration of assets and Introduction of fictitious claimants score and equal RII of 3.01 and ranked 10th respectively, Uncooperative attitude of the people score RII of 2.84 and ranked 11th, Greed on the part of claimants score RII of 2.55 and ranked 12th, Inadequate payment of compensation score RII of 2.22 and ranked 13th while High cost of building construction Quality delivery of resettlement housing score the less RII of 1.95 and ranked 14th among the measured variables.

Examining the Effects of Compulsory Acquisition on the Socio-Economic Livelihood of the Claimants in the Study Area

Examining the effects of compulsory acquisition on the socio-economic livelihood of claimants; the claimants were evaluated based on their economic activities before and after the acquisition and this is descriptively illustrated below in Table 2.

Table 2: Effects of Compulsory Acquisition on the Socio-Economic Livelihood of Claimants Before and After Acquisition

S/ N	BEFORE ACQUISITION			AFTER ACQUISITION		
	Item owned or have access to	Frequency	Percentage	Item owned or have access to	Frequency	Percentage
	Income and Asset Holdings	174	49%	Income and Asset holdings	179	17%
		18	51%		100	70%
	Access to house	2		Access to House Asset ownership		

Asset ownership			Employment and Occupation			Employment and Occupation		
				17%		65	12%	
Employed	60	28%			Employed	101	4%	
Skill based work		20%			Skill based work	88	13%	
Petty Business	102	17%			Petty Business		8%	
Farming	71				Farming			
	60							
Business network		5%			Business network	51	5%	
	20							
Business occupation		5%			Business occupation	51	7%	
	20							
Real estate agent		6%			Real estate agent	0	2%	
	23				Art work occupation	0	2%	
Social Capital			Social Capital			Social Capital		
Family capital	190	53%			Family capital	141	52%	
Social network	105	29%			Social network	102	16%	
Community based organization		5%			Community based organization		7%	
	20					53		
Religious Services		20 %			Religious organization	61	2%	
	21	6%						
Religious organizations								
Public Infrastructure			Public Infrastructure			Public Infrastructure		
Public services	97	27%			Public services	166	24%	
Access to power source	122	34%			Access to power sources	89	0%	
Access to market	37	10%			Access to market	%	0%	
						21		
Access to Health Centre	30	8%			Access to Health Centre	30	0%	
Access to education	39	10%			Access to education	25	22%	

Access to water	21	6%	Access to water	25	2%
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Source: Authors Field Survey, 2021

Social-economic status before acquisition

Table 2 shows that around 51% were employed and 13% were in petty business. Other occupations with their respective proportions in blackest included: formal business (7%), urban farming (4%), real estate related activities (5%) and art related activities were (2%). Moreover, social assets assumed a great importance to Maitumbi households by enabling them to access income opportunities and material assets.

Table 2 further shows that, income and asset holding was pertinent to around 36% of respondents. Potentially asset holding enforce collective interests and mobilizing tangible resources in times of crisis including food assistance or job opportunities through various networks. Socio-economic activities of the claimants as revealed that 36 percent of respondents had access to physical infrastructure before the acquisition. The dominant infrastructures that were available to almost all respondents include power, market and education.

Social-economic status after acquisition

Analysis in Table 2 shows that there was a decline of respondents involved in different economic activities. About 8% of the respondents are engaged in petty trade as compared to 13% before land acquisition. There is also emergence of jobless people (5%) who are not involved in any economic activities. A notable observation in Table 2 is the disappearance of certain occupations i.e. real estate agency and other occupations in the area. Table 2 further shows that loss of assets such as land which is a source of income and employment put the claimants in more difficult position economically to sustain their families. The analysis shows that about 17% of the respondents had access to housing facilities. However, those who constructed new houses, the houses were of low quality, unfinished and of small size compared to former houses before acquisition due to inadequate compensated. Around 71% of respondents in new unfinished houses and others are under construction. Evaluation of claimant's socio-economic variation before and after compulsory land acquisition indicates a decline in the proportion of respondent's earnings per month after acquisition.

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Table 3: Relative Satisfaction Index of Claimants towards Compensation Paid

S/N	Factors/Variables	VD(1)	D(2)	S(4)	VS(5)	RSI	Ranking
1.	The approach of the acquiring authorities to claimants on compensation matter	190	106	67	41	0.41	5 th
2.	Response of land officers when clarifications and questions were raised	272	228	109	53	0.44	2 nd
3.	The time taken for the payment to be effected	294	216	117	41	0.43	3 rd
4.	The idea of appointing agents by claimants to ensure adequate Compensation	277	248	102	39	0.42	4 th
5.	Compensation paid compared with the worth of property	184	157	43	15	0.47	1 st
6.	The acceptance of the proposed project by the claimants	290	215	107	37	0.43	3 rd

Source: Authors Survey, (2019)

Analysis in Table 3 above, compensation paid compared with worth of property ranked the highest among the main factors highlighted to be the determinants of claimant's satisfaction towards compensation paid on land acquisition. This was evident from its relative satisfaction index of 0.47. Response of land officers when clarifications and questions were raised came next with a relative satisfaction index of 0.44. From the Table, all the factors highlighted scored a

relative satisfaction index below 4.0, meaning that the responses from claimants tend towards dissatisfaction.

The respondents (claimants) were given opportunity to rank their satisfaction level on compensation paid as presented in Table 3. Relative satisfaction index (RSI) analysis was carried out using certain factors that were considered determinants of claimant's satisfaction towards compensation for land acquisition. Relative Satisfaction Indexes of below 4.0 was revealed, denoting that claimants' responses tend towards dissatisfaction. It should be noted that compensation paid compared with worth of property appears to be the main factor as evidence from its relative satisfaction index of 0.47. This is thus in consonance with the findings of Alias and Daud (2006); Omar and Ismail (2009); Nuhu (2009) that the major challenge faced in land acquisition is the quantum of compensation perceived by respondents as inadequate to fulfill adequate compensation perception under relevant laws.

Conclusion and Recommendations

It is evident from this study that the discrepancy between compensation paid by the acquiring authority and the actual worth of claimants' property in the open market is a sensitive issue requiring utmost attention. Data analysis reveals wide gap between compensation paid and the worth of the acquired property resulting to a widespread dissatisfaction with compensation paid by claimants. Socio-economic statuses of the claimants were not recovered after acquisition as they lose their occupations, business opportunities and sources of income, aspects that led into decline of household income and livelihood upkeep. The implication of this is varying forms of negative attitudes that could bridge the peace of the land. Therefore, adequate valuation methods and payments of adequate compensation that will not make claimants worse off than they were, are crucial aspects in acquisition exercise that require comprehensive guidelines that will improve the whole process.

The following recommendations are made based on the findings:

Valuers should make judgment on compensation value based on current market conditions. This will meet the expectations of the claimants and ensure hitch free acquisition process and enhance smooth running of planned development.

Valuers should be allowed to use the applicable methods rather than the sticking to a particular method of valuation as provided in the Land Use Act.

Affected landowners should be involved in planning and implementation of acquisition project and should be given help to understand every aspect of the process.

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