



CLAIMANTS' EXPECTATION OF COMPULSORY LAND ACQUISITION AND COMPENSATION ON THEIR SATISFACTION IN JOS

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ABSTRACT

The research aimed at examines the claimants' expectation of compulsory land acquisition and compensation on their satisfaction in study area with a view to improving the process of compulsory land acquisition and compensation in Jos Nigeria. The study employed descriptive survey design and quantitative research approach. The research used closed ended questionnaire instruments to collect data. A total of two hundred and sixty nine (269) questionnaires were administered to claimants out of who two hundred and fifteen (225) were retrieved and used. The research adopted purposive sampling technique (non probability sampling). Data was analysed using statistical packages for social sciences (SPSS) version 21. The model produced overall R value of .945 and F statistics of 68.321 which are significant as indicated by p value of 0.000. The finding concluded that the independent variable of claimants' expectation of compulsory land acquisition and compensation has the significance effect on c on their satisfaction which explained.

Keywords: *Claimants, Compulsor Land Acquisition, Compensation, Satisfaction, Expectation.*

INTRODUCTION

Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner in order to benefit the society.

According to Umeh, (1973) it is the coercive taking of private lands (individual or communal) or estates and interests in those lands for public purposes. However, the issue of compulsory land acquisition and compensation is a difficult task which can lead to a myriad of problems which are more prevalent in developing countries. Every government's role includes the provision of basic services and infrastructures for its citizenry. The services and infrastructure include water, electricity, school, road, hospitals and air port. While these development projects need large tracts of land in order to be realized, the availability of land is the key challenge faced by most governments (Vitanen & Kakulu, 2018). These infrastructure developmental activities also dislocate families from their home, business from their neighbourhoods and farmers from their farms.

Similar issues to those in the US have arisen in the UK where one London Borough Council compulsorily acquired privately owned property in order to assemble a new site to be transferred to Arsenal football club to enable them to build a new stadium and remain within the borough. Compulsory purchase powers were also used in the public interest in a neighbouring London borough to facilitate the expansion of Tottenham Hotspurs existing football stadium. Both of these were challenged and the settlements led to the provision of alternative accommodation for those displaced together with financial compensation. Increasingly there is tension about the use of compulsory acquisition powers in this way. As stated by Denyer-Green 'There is resistance to the use of these powers where a private undertaking is able to make a profit from the taking of land at a price that disregards the value of the land to the project' (Denyer-Green, 2014).

In Jos due to the rapid growth of population from rural urban migration from other local government of the state which include Barki Ladi, Bokkos and Bassa (Miango) local government area as a result of farmers / herders conflict in the state, there is increased of high demand of land for the development of infrastructures and basic facilities in Jos such as access road, power supply, water supply, schools and health care facilities. The reason this study was carried out in Jos.

However, the research on compulsory acquisition of land and compensation has been widely discussed by various researchers in the world which include Ghimire, Tuladhar and Sharma (2017) studied governance in land acquisition

and compensation for infrastructure that the practices and process in compulsory purchase and compensation are quite different in different countries due to its legal social and political context. The study did not take into cognisance expectation and satisfaction of compulsory acquisition and compensation. Asiama (2015) studied governance in resettlement from compulsory land acquisition in Buidan project. The study revealed that, there are no structures to promote accountability on the part of the acquiring author to the affected person. But the research fails to address both the expectation and satisfaction.

Ndjovu (2016) studied compulsory land acquisition in Tanganyika the study recommended that adequacy of compensation should be improvise by legalising payment of solution on the top of the basic compensation amount. But the study was limited to compulsory land acquisition and did not consider their satisfaction with compensation. Ojikutu, Bennett and Groenendijk (2012) studied an assessment of land acquisition in Nigeria. The result showed Nigeria fulfilled only ten of the forty-four dimensions examined 23%. Singh (2012) studied inefficiency and abuse of compulsory land acquisition the result showed that the bill leaves open several backdoors for states to favour companies but the study did not consider expectation of compensation of land.

Oladapo and Ige (2014) studied assessment of claimant's satisfaction to variation in compensation paid for compulsory land acquisition in Nigeria the study revealed a wide disparity between the mean of compensation paid and market value of the acquired property while the relative satisfaction index of claimants towards compensation paid were below acceptable satisfaction level but, the study fail to address the expectation on their satisfaction. Iroaganachi and Gambo (2012) their study focused mainly on the effectiveness of service of notice in public land acquisition and tenancy as a tool for national peace. The outcome indicates that the issuance of notices is significantly poor and improper leading to dissatisfaction among affected persons in Abuja, Nigeria but, does study was limited to claimant satisfaction, effectiveness and ineffectiveness to variation in compensation paid for compulsory acquisition and did not consider the expectation and satisfaction.

Therefore, from the previous studies there is a missing link regarding claimants' expectation of compulsory land acquisition and compensation on their satisfaction of road expansion between secretariat junctions to Bukuru town in

Jos, Nigeria. However, this research is to examine the claimants' expectation of compulsory land acquisition and compensation on their satisfaction in the study area with a view to improving the process of compulsory land acquisition and compensation in Jos. The measures effect of claimants' expectation of compulsory land acquisition and compensation on their satisfaction.

LITERATURE REVIEW

Satisfaction with Compulsory Land Acquisition and Compensation

Inadequate compensation level is the main reason causing social conflicts in government land acquisitions, and it is the main challenge in land acquisition projects. Studies have shown that the living standards of affected property owners have been degraded after land acquisition. In order to ensure land acquisition is done legally, an adequate compensation must be made to the affected landholders. Oladapo and Ige, (2014) Assessment Of Claimants' Satisfaction to Variation in Compensation Paid for Compulsory Land Acquisition in Ondo State, Nigeria The research revealed a wide disparity between the mean of compensation paid and market value of the acquired property, while the relative satisfaction index of claimants towards compensation Paid were below acceptable satisfaction level. The study then recommended among others that, in order to have a peaceable society devoid of conflict and chaos, adequate valuation methods and payments of adequate compensation that will not make claimants worse off than they were, are essential.

Kotaka (2012), adequate compensation must fulfil three conditions namely: payment of all the losses incurred as agreed during a harmonized negotiation (or hearing) in an arm's length sale transaction; consideration of the physical factors as well as non-sentimental value during payment; the date of valuation should be based on the date of first proposal to acquire the land and not when it was being actually acquired. According to Ghatak, Mitra, Mookherjee and Nath (2012) an adequate compensation would be the reservation price for the owner, that is, the price at which the owner would be indifferent between releasing and not releasing the expropriated property. Hence, payment of adequate compensation is the most vital stage throughout land acquisition process whereby the affected land owners are paid for all loss and damages they face due to the acquisition. The compensation requirement under the law demands that the acquisition authority reimburses the affected land owners for the property interest acquired and place them in a good financial position as if the property had not been taken (Ambaye, 2019). An adequate compensation in land acquisition is always being referred to as the open market value of the land

taken simultaneously with its consequences including severance, injurious affection and disturbances. It is constantly been referred to as the value of property to affected property-owners (Omar & Ismail, 2019).

On the other hand, the manner by which the governments in many developing countries like Nigeria exercise the rights of compulsory acquisition undermines tenure security because often, little or no compensation is paid, which afterwards have negative impacts on fairness and transparency (Kortey 2012 & Larbi, 2018). Therefore, the fundamental subject matter in the compensation provisions of the land acquisition statutes is to ensure that a dispossessed property-owner is no worse off and no better off as a result of his eviction (Brown, 1991). Nuhu (2017) pointed out that claimants whose interest are revoked are always at the losing end and usually left in a situation far worse than they were before the revocation; thus, defeating the aim of compensation. The rationale behind compensation payment is justified on socio-political, as well as economic theories as it is a means to keep the stability of social justice. It protects the privileges of the politically under-represented groups, requiring the government to accept the inconveniences resulting from land acquisition (Ndjovu, 2013).

Nuhu (2016) further affirmed that when land is compulsorily acquired for a just motive there should be prompt and adequate payment of compensation that will better the lots of the concerned parties in question in order to enhance their livelihood and contributions to the economic and social activities of the society. Kakulu, (2017) consequently identifies lack of transparency; lack of professional standards; bad governance and an underlying fabric of corruption as being accountable for inadequate compensation assessment and payment. In United States, United Kingdom, and most Commonwealth countries, there exists a standard that is aimed at financially reimbursing a dispossessed person adequately known as fair compensation. In the United States, the market value of the subject property is generally held as fair compensation for the dispossessed landowners (Eaton 1995).

Adequate compensation is thus a fair payment by the Government for property it has acquired under land acquisition and compensation so that the owner is not worse-off after the acquisition. It is also described as due compensation or land damages. While reasonable market value is regarded as the price that a seller is willing to accept and a buyer is willing to pay on the open market and in an arm's-length transaction; the point at which supply and demand intersect (Garner, 1999). The sum payable may represent a sum not only for the property acquired, but also other losses suffered in consequence of the acquisition. The fundamental principle is to place the affected property-owners in the same

position, after the acquisition as they were before (Brown, 1991; Teo and Khaw, 1995).

Compensation payment should for that reason equitable to the price at which the owner would willingly have parted with the right expropriated (Trefzger 1995). In contrast, compensation is based on the yardstick of value to the owner in the United Kingdom. The value to the owner compensation principle comprises of market value together with other losses suffered by the claimant (Denyer-Green 2014). In furtherance to the above, Morris and Pandey (2017) posited that market values are higher than the value used to compensate the affected party when compensation is paid. Compensation in financial form or as replacement land or structures is at the heart of compulsory acquisition. As a direct result of government action, people lose their homes, their land, and at times their means of livelihood. Compensation is to repay them for these losses, and should be based on principles of fairness and equivalence. Though, there are no strict rules requiring the owner to secure a similar property from the compensation awarded (Viitanen, Falkenbach & Nuuja 2010).

The principle of equivalence is crucial to determining compensation; affected claimants and occupants should neither be enriched nor impoverished as a result of the compulsory acquisition. Financial compensation on the basis of equivalence of only the loss of property rarely achieves the aim of putting those affected in the same position as they were before the acquisition; since the money paid cannot fully replace what is lost (Debnath 2018). In line with the shortcoming pointed out in Debnath (2018) above, Viitanen and Kakulu (2018) buttressed that in some countries there is legal provision recognizing it in the form of additional compensation to reflect the compulsory nature of the acquisition. Although, in practice given that the aim of the acquisition is to support development, there are strong arguments for compensation to improve the position of those affected wherever possible.

For instance, Section 44 (1) of the Federal Republic of Nigerian 1999 Constitution states that, no movable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by law that, among other things: (a) Requires the prompt payment of compensation thereof; and (b) Gives to any person claiming such compensation a right of access to the determination of his interest in the property and the amount of compensation to a Court of law or tribunal or body having jurisdiction in that part of Nigeria.

According to Ndjovu (2013) the indemnity principle is predominant in most western countries; the theory assumes that a dispossessed titleholder would go

out into the market and purchases with his compensation money a property more or less similar to that which had been acquired.

However, in USA and in France compensation indicates what the owner has lost; to compensate for the taking and not to directly pay the cost of equivalent in statement (Eaton, 1995). Compensation determination requires sufficient valuation skills and the use of appropriate techniques to yield fair and adequate amount payable (Wilfred & Anim 2011) the practice of valuation for compulsory acquisition of landed property is governed by legislative statutes that vary from one country to another. The assessment of compensation which is described as statutory valuation is usually influenced by local and national statutes, enactments or laws that provide the basis upon which existing professional standards and methods may be applied. This process introduces some difficulty into the practice of valuation for compensation that is not usually associated with other forms of valuation (Viitanen & Kakulu 2018). Proper valuation process is the most important step for the claimant, which Ndjovu (2013) pointed out as the way to reach adequate compensation.

However, the process of valuation for compensation in compulsory acquisition of land takes place within distinct legal, cultural, socio-economic, political and historical environments which influence the delivery of the practice by key actors in it (Kakulu, Byrne and Viitanen 2019). Compensation valuation is statutory and claims must therefore meet the statutory requirements if they are to succeed. Therefore, legal provision guiding its practice and the accuracy of its interpretation is essential to a valuation ensuing in adequate compensation (Hayward 2018).

Kakulu, (2017) asserts that valuation for compensation is not only expected to satisfy

Professional standards of valuation but in addition, constitutional provisions and international requirements for just, fair, adequate and equitable value must be met. This is often far from reality; which was why Nuhu (2017) attributes the controversies connected with compensation in Nigeria perspective to the provisions of statutory methods of valuation contained in the Land use Act (LUA). Compensation for compulsory land acquisition under the LUA is calculated on the un exhausted improvement on land, based on depreciated replacement cost plus rent, if any, paid by the occupier in the year of revocation of the right of occupancy as provided in section 29 (4) (a) of the (LUA). This contradicts the basis of open market valuation and provides for a basis of valuation which Adisa (2010) established as inadequate. Further details was given by Nuhu, (2018) that the LUA opposes the basis of open market valuation for assessment of compensation payable to the claimant and embraces dictated valuation. It forms the basis for assessment of compensation for compulsory

land acquisition otherwise refers to as head of claims (LUA, Section 29 (4)). The replacement cost method of valuation is based on a faulty assumption that cost is related to value. This explains why the method is rightfully used for valuing properties of a unique nature, which are rarely sold. Some properties compulsorily acquired are income - yielding properties which might best be valued using the investment or income method of valuation. Hence, the prescription of the replacement cost method of valuation for the consideration of compensation for all kinds of properties compulsorily acquired remains contentious.

Expectation of Compulsory Land Acquisition and Compensation

The compulsory acquisition of land has always been a delicate issue and is increasingly so nowadays in the context of rapid growth and changes in land use. Governments are under increasing pressure to deliver public services in the face of an already high and growing demand for land. Many recent policy dialogues on land have highlighted compulsory acquisition as an area filled with tension especially when the land claimers are not expect of the legislation on land acquisition (Government of Kenya, 2011). From the perspective of government and other economic actors, the often conflictual and inefficient aspects of the process are seen as a constraint to economic growth and rational development. Land claimers need to be expecting of the legislation in dealings with land acquisition. The process also brings tension for people who are threatened with dispossession (Nziuki & Kariuki, 2012). Compulsory land acquisition involves four key steps, namely (i) Planning and the decision to acquire land, (ii) Legal preliminaries including getting statutory authority, surveying and serving notices, (iii) Field investigations including valuation and holding of inquiry, and (iv) Payment of compensation to those being dispossessed.

Although compulsory acquisition of land for development purposes may ultimately bring benefits to society, it is disruptive to people whose land is acquired (Nyamboga, 2016). It displaces families from their homes, farmers from their fields, and businesses from their neighbourhoods. It may separate families, interfere with livelihoods, deprive communities of important religious or cultural sites, and destroy networks of social relations. If land claimers are not expecting land acquisition procedures, they feel cheated and feel that their rights are infringed into by the government. If compulsory land acquisition is done poorly, it may leave people homeless and landless, with no way of earning a livelihood, without access to necessary resources or community support, and with the feeling that they have suffered a grave injustice. If, on the other hand, governments carry out compulsory land acquisition satisfactorily, they leave

communities and people in equivalent situations while at the same time providing the intended benefits to society (Nzioki & Kariuki, 2012).

For public participation of citizens to be useful and meaningful, it must be effective participation. This can only happen if citizens and organisations are provided with all the necessary information to enable them to meaningfully engage in any consultations. This is because information raises the level of debate and influences opinion that might otherwise be compromised by mistrust and bias. The power of compulsory land acquisition can be abused. Unfair procedures for the compulsory acquisition of land and lack of involvement of the land claimers and inequitable compensation for its loss can reduce land tenure security, increase tensions between the government and citizens, and reduce public confidence in the rule of law. Unclear, unpredictable and unenforceable procedures create opportunities for corruption (Adams and Palma, 2017).

According to FAO (2009) conflict is reduced when there are clear policies that define the specific purposes for which the government may acquire land, and when there are transparent and fair procedures for acquiring land and for providing equitable compensation. Public meetings provide an opportunity for people to learn more about the project and the legal provision. In these meetings they are able to receive answers to their questions about the process and its procedures, and to voice their concerns. The meetings illustrate accountability and transparency when the government has to justify its proposal to compulsorily acquire land (Larbi, 2018).

Open discussion at public meetings help the government to improve its understanding of the needs and concerns of affected communities, and to prepare responses that reduce the number of challenges to the compulsory acquisition (Kombe, 2010). Ongoing, open communication with land claimers about the project can be crucial to its success: when people are not given sufficient opportunity to express dissent as part of the normal process, they may engage in other forms of protest that block the project. Meetings should be held at times and places that are convenient for all affected people, both men and women, and should be planned and designed with local communities to ensure that all are heard, especially the vulnerable.

The period for public comment begins with preparation of documents that describe the main features of the project. The information should be displayed in a location that is easily accessible to the public. People should have the opportunity to review the documents and submit written or oral objections to the project. The government should respond to these objections in writing. The body overseeing the public review should recommend whether or not to alter the original plan as a result of the objections received. Once notice has been

given and the public review process is concluded, people should submit claims for compensation of losses that will result from the compulsory acquisition of their land. When governments compulsorily acquire land, they have an obligation to ensure that the process is completed in an equitable and transparent manner. People should not be impoverished because their land was acquired by government. Equitable and transparent procedures are also needed for economic growth: compulsory acquisition will destabilize the economy if investors perceive that their rights to land are not adequately protected by the government. Public interest and are entitled to full, just, fair, equitable and adequate compensation. Ideally, compulsory purchase is an important tool in land acquisition although in many countries land acquisition is arranged through other means such as by voluntary agreements (Viitanen & Kakulu, 2019). Land acquisition for overriding public interest, public purpose, or public benefit can be easily understood and accepted where the purpose is to build a school, hospital, recreational facility or to provide infrastructure and services that members of the public can physically see and use.

However, where in the process of acquisition a private undertaking is able to profit from the taking of land at a price which disregards the value of the land to the project, then there is bound to be some form of resistance by the land claimers (Denyer-Green, 2014). Compulsory land acquisition is one of the most challenging questions in land management. It is a process that is undesired by the land claimers, as they have to be dispossessed against their will. In addition, the issue of compensation payable in respect to the acquisition is also alarming. Although several measures have been used by acquiring authorities to improve the compensation package, affected land claimants' are still dissatisfied. In fact, land acquisition has raised a number of criticisms and has caused conflict between the land claimants' or occupiers and the acquiring authority (Martin 2010).

Therefore the aim of this research is to examine claimants' expectation of compulsory land acquisition and compensation on their satisfaction in study area with a view to improving the process of compulsory land acquisition and compensation in Jos Nigeria.

Conceptual Framework

The conceptual framework of this research presented in Figure 1 below shows the diagrammatical representation of the effect of claimants' expectation of compulsory land acquisition and compensation on their satisfaction. Expectation independent variables while satisfaction is dependent variable of the research.

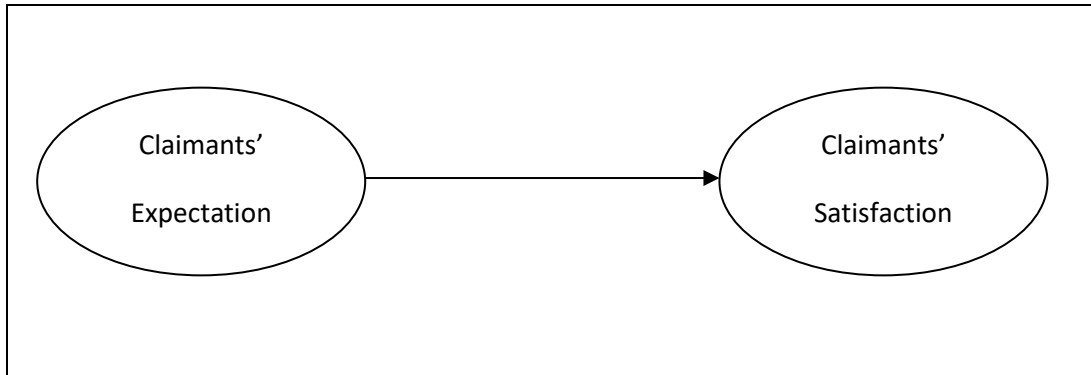


Figure 1: Conceptual framework

RESEARCH METHODOLOGY

The study employed descriptive survey design. Descriptive survey research seeks to obtain information that describes existing phenomena by asking individuals about their perceptions, attitudes, behavior or values (Mugenda & Mugenda, 2003). The target population is derived from land claimant whose lands were compulsorily acquired for the road expansion project between secretariat junctions in Jos.

The sample frame of this study is the entire 868 land claimant affected by road expansion between secretariat junctions to Bukuru Town (ministry of works 2014). If the sample frame is 868 therefore, the sample size is 269 by using Krejcie and Morgan table (1970).

But this research has employed purposive sampling (non probability sampling). This because purposive sampling the sample is approached having a prior purpose in mind. The criteria of the elements that are to include in the study is predefined. So it not include everyone who is available rather those available are included who meet the defined criteria (Alvi, 2016). This study has adopted the questionnaire instruments for collect data. The questionnaire aided in collecting more personal and in-depth information. Questionnaire is a survey research instrument which contained a number of structured questions used to collect primary data from respondents. Response on both the independent variables and the dependent variable was obtained using a 5-point Likert scale based on close-ended questions.

Data analysis was conducted after the data was collected. The research yielded quantitative data from the structured items. The analysis of the coded data was done using the Statistical Package for Social Sciences (SPSS). Quantitative methods of data analysis were used in which descriptive statistics like frequencies and percentages were applied to summarize quantitative data and analyzed using descriptive and inferential statistics.

RESULTS AND DISCUSSIONS

The linear regression was used in analyzing the effect of claimants' expectation of compulsory land acquisition and compensation on their satisfaction.

Table 1: The linear regression Analysis

Model		B	R	F	t	Sig.	Tolerance	Decision
1	(Constant)	.357	.945	68.321	16.857	.000		Significant
	Expectation	.704			15.342	.000	.698	

a. Dependent Variable: Average: Satisfaction

b. Predictors: (Constant), Average: Expectation

Key: B = Beta value; R = Regression and Sig = Significant

Table shows the linear regression result. The model produced overall R value of .945 and F statistics of 68.321 which are significant as indicated by p value of 0.000 far below the recommended maximum of 0.05 (Pallant, 2011). This shows that the model predicts revealed that the independent variables of claimants' expectation of compulsory land acquisition and compensation on their satisfaction explained 94.5 percent has the effect on claimants' satisfaction with significance at $P < .000$.

CONCLUSION

This study examines the claimants' expectation of compulsory land acquisition and compensation on their satisfaction in study area with a view to improving the process of compulsory land acquisition and compensation in Jos Nigeria. The model produced overall R value of .945 and F statistics of 68.321 which are significant as indicated by p value of 0.000. The finding concluded that the independent variable of claimants' expectation of compulsory land acquisition and compensation has the significance effect on c on their satisfaction which explained 94.5 percent.

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