



LAND OWNER'S DISCERNMENT ON COMPULSORY LAND ACQUISITION OF LAND.

**IGABI AND KADUNA NORTH LOCAL
GOVERNMENT AREA OF KADUNA
STATE, NIGERIA IN FOCUS.**

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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. Simple Random and purposive sampling was used to select 150

affected property owners (claimants) in the study area with the use of structured questionnaire.

Descriptive statistics and

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content analysis were employed in the data analyses. The perceptions of landowners in the Igabi and Kaduna North Local Government Areas of Kaduna State, Nigeria, on issues of compulsory land acquisition are investigated in this study. A formal questionnaire was used to select 150 affected property owners (claimants) in the study area using simple random and purposive sampling. The data was

analyzed using descriptive statistics and content analysis. The result showed that majority of the community heads consent to the fact that were only informed about the land acquisition in their community, majority of land owner express satisfaction with the procedures of compulsory acquisition which pointed to the fact that the principles of compulsory acquisition used by Kaduna state government is in line with its basic principles. Therefore, 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 infrastructural 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 statutory under the Land Use Act of 1979 which made the provision that government cannot depend only on land markets when land is considered necessary to provide foremost infrastructures for the public and to promote development (Food and Agricultural Organization 2009; Pashoulis 2010). Property owners are thus deprived of their property rights for overriding public benefit and are usually compensated (Means, 2017). However, the Land Use Act of 1979 which was enacted to usher in a new land reform

in Nigeria became a setback of development over the years (Mabogunje, 2009) as the remuneration payable under the Land Use Act 1979 is grossly inadequate (Ambaye, 2009).

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

STATEMENT OF THE PROBLEM

The overall aim of land acquisition is in hunt of the socio-economic advance for the unrestricted good (Larbi, 2008). Compulsory acquisition and valuation for reimbursement in different parts of the World is however, often associated with a number of apparent problems, issues, loopholes and disputes (Alterman, 2007; Crawford, 2007; Kakulu, 2007; Plimmer, 2007; Nuhu, 2007, and Viitanen and Kakulu, 2008). Kotey (2002) also submitted, that the exercise of Land Acquisition Law is not without disagreement. The way in which authorities in many developing countries exercise these noticeable problems affects tenure security, and because little or no remuneration is often paid, it has negative effects on equity and fairness (Deininger, 2003). From whatever angle one looks at land, it is on it all individuals or group in the community carryout their day to day affair. Man's life is closely linked to land and whatever occur to land has an effect on man (Falola, 2000). Claimants whose interest had been denied are usually left in a position far worse than they were before the revocation.

Steinsholt (2007), assessing Norwegian outlined a number of factors such as lack of standards method on how land acquisition should be

carried out, these include: Absence of an institutional framework, lack of political will and the negotiator's preference who do not have any standard guidelines for their work. Nuhu (2009) also corroborate this there is the absence of a universal model and standard for compulsory acquisition and payment of compensation. Umar (2014) describe compensation payment in Katsina State as being unfair where by placing the displaced persons in a destitute condition. Mudi (2012) evaluated the publicsector land acquisition in Kano State and he concluded that government role in making people homeless is a total unjust. Compensation problems have created various forms of crises as the mode of land acquisition has led to the inadequate payment and food insecurity and social injustice among the displaced persons (Halima, 2012). Bawa (1994) shown that there is a wide differences between the amount of compensation paid and the market value of the property while the satisfaction of the claimants were below acceptable level. The criteria used in the valuation of compensation were considered as under valuation over exploitation of natural resources and so on. (Charles, 2011). From the foregoing, the underlying factor is the nonpayment of adequate compensation for land so acquired. This study will further investigate on the compensation arrangement and effectiveness of the valuation approached adopted in the study area and also look at the socio-economic status of claimant after the compensation exercise.

Research questions Arising from the foregoing, the research addressed are:

- i. What are the existing ways for compulsory land acquisition and compensation payable to claimants in area?
- ii. What is the effectiveness of the valuation process for compensation?
- iii. How do people view the compensation policy/practice in the area?

AIM AND OBJECTIVES

This research is aimed at probing into the issue of compensation for land acquired for road construction in Igabi and Kaduna North Local Government Area of Kaduna State, Nigeria, with a view to find out its effectiveness on people's wellbeing so that social planning policies can be adopted.

To achieve this aim, the following objectives are pursued: which are to:

1. Identify various Compensation arrangements in the area
2. Elicit the opinion of the affected communities on the payment of compensation and
3. Elucidate on the post compensation problems on the socio-economic status of the claimant in the area

Literature Review

LAND AS A CONCEPT:

Land is a variable that has an extensive meaning and no wonder that different professions refer to it from different angles (Lindsay, 2012). Berry (2016) described land as that solid portion of the earth's surface uncovered by water. This depicts that land includes the ground or soil and everything attached to the earth by course of nature as trees and herbage or by the hand of man, like houses and other buildings. It encompasses not just the earth's surface, but also everything under and above it. Sambursky (2014) It is the "solid component of the earth's surface, and all objects connected to it," according to it. It reaches all the way down to the earth's core and all the way up into space indefinitely. Land has been regarded as the factor of production upon which all other factors are distinguished, the aristocrat the land owner from feudal slaves and the present class, by socialist economics. However, in the Nigeria traditional belief, land is conceived as belonging to a vast family of which many are dead, few are living countless members are still unborn (Kakulu, 2008).

Land in this region, in simple terms, refers to the land itself, the surface soil, and things on it that are enjoyed as part and parcel of the land by nature, such as streams and palm trees. It also includes any estates,

interests, or rights into or over the land, as well as homes, buildings, and other artificial structures. (Larbi, 2008). Legally, under the concept of the land. Land encompasses whatever is above or beneath the earth surface which group, individuals, and nation can put into effect right to control, use and alienation.

MEANING AND CONCEPT OF COMPULSORY ACQUISITION

The term compulsory acquisition is used in its broadest context, as the authority of the government to compel the acquisition of private rights in land/landed property without the owner's or occupants' permission for the purposes of overriding interest. (Akujuru, 2014). This Power is often needed for government to meet both local, state, and national social and economic development needs, as well as to protect and preserve the natural environment from excessive private business or uses. (Onyije & Akujuru, 2016). To this study, compulsory acquisition is the means where by government get land/land premises from individuals, families and communities for the provision of facilities for the best interest of the masses. 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 denied of their property rights for overriding public use, public interest or public benefit and are permitted to full, just, fair, equitable and adequate compensation (Onyije & Akujuru, 2016). Compulsory acquisition entails pronouncement of the balance between the public need for land on the one hand and the the protection of private property right on the other hand. To obtain 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, also known as forced purchase, refers to the government's power to compel an individual to sell his or her home, company, or other property to the government at a price determined by the government. "Just compensation" is one of the most severe types of government coercion, and is still used today (Ray, 2014).

PRINCIPLES OF COMPULSORY ACQUISITION AND COMPENSATION

The concept of "equity and equivalence" is one of the guiding principles that guides compulsory acquisition/compensation of land/landed properties from intending or already disposed landowners. (FAO, 2009). This principle is the basis for compensation and its application cannot be over stressed in determining compensation. The theory notes that the compulsory purchase of land/landed properties can neither enrich nor impoverish the affected landowners and occupants. The following are the guiding principles for ensuring equality and equivalence:

Equivalence: Compulsory acquisition impacted landowners should obtain compensation equal to or less than the damage sustained as a result of the eviction. Appropriate steps should be taken to ensure that affected landowners, especially the most vulnerable (locals), are not harmed.

- i) **Balance of interest:** The process should protect the interests of citizens who have been deprived of their land/landed property ownership while also ensuring that the public interest is not jeopardized.
- ii) **Flexibility:** The law The legislation should be precise enough to include clear guidance while still being flexible enough to allow for the determination of adequate equivalent compensation. should be specific enough to provide clear guidelines, but also flexible enough to allow for the determination of appropriate equivalent compensation.
- iii) **Fairness and transparency:** The negotiating powers of concerned authority and landowners should be as equal as possible. Negotiation should be based on an open basis of exchange of facts and the legislation should ensure just process for estimating the value and compensation payable.
- iv) **Fair and adequate:** Compulsory land/landed property acquisition compensation should be reasonable and sufficient, restoring dispossessed landowners to a position where they are neither better nor worse off at the

conclusion of the revocation process. Compulsory land/landed property acquisition compensation should be reasonable and sufficient, restoring dispossessed landowners to a position where they are neither better nor worse off at the conclusion of the revocation process. (Olusegun, 2009). However, a study by Akujuru and Ruddock (2014) asserted that the Nigerian acquisition practice was not in conformance 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 regarding compulsory acquisition in Nigeria has brought about number of issues of concerns among stakeholders land administration especially when such compulsory acquisition is done for urban assets. These issues are:

- i. No inclusion of the concept of just compensation or benefit to the landowner in section 29 of the Land Use Act of 1978, which allows for the payment of compensation. The theory of "just justice" seeks to provide fair financial compensation to disadvantaged groups.
- ii. Undefined interest in land: There are several interests in land/landed property, such as freehold and leasehold interests in land, when land is compulsorily purchased, it means that the interests that exist on such land that is also acquired. The Land Use Act presumed that compensation for the acquired interest should be paid to only the occupier of the land and it is law that title to land is vested in the governor. Thus, there is existence of multiplicities of interest.

People's discernment on Compulsory Land Acquisition

Compulsory land acquisition is the most difficult aspect in land administration as its has effects on both the government and the

governed, thus the displaced property owner are usually unhappy with the exercise but are permit to a fair, just and adequate compensation to minimize their loss (FAO, 2009). Also Kakulu, Byrne, & Viitanen (2009) noted that Compulsory land acquisition is a critical tool for the government to acquire land for the development of its citizens, with the goal of developing infrastructure such as hospitals, schools, and roads. It is generally approved with little to no resistance, but only if it is followed by only compensation and/or resettlements for the affected landowners. Nevertheless, If the land is compelled to be purchased by the government for a private motive/undertaking, such as personal advancement by those in government and or its associates, the landowners are obliged to refuse (Larbi, 2008). Ndjovu (2016) opined that when landowners are evicted against their will and the compensation paid is unfair or insufficient in relation to their loss, this leads to disputes between landowners, governments, and even opposition to the entity responsible for the land's growth.

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

The opinion of the affected land owner on land acquisition, sources of information on land acquired, the claimant's economic position before and after compulsory acquisition, level of involvement of the affected land owner in the exercise, and response from the focus group were all analyzed using descriptive statistical techniques using frequency distribution tables and bar charts with the use of Statistical Package for

Social Sciences (SPSS) version 22. The qualitative data were transcribed in descriptive manner.

Table 1: Source of information on land acquisition

Response	Mean	Std. Deviation	Remark
Written Awareness Communication	2.56	1.421	Agreed
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 1 revealed that the majority of the respondents accepted that they were aware about the land acquisition through written awareness/communication, newspaper publishing, personal correspondence, and village heads. This result is consistent with Nzioki and Kariuki (2012) and Wanyoike (2014) recommendations that landowners need to be informed of the process and legislation involved in compulsory acquisition so as to reduce the tension of people who are threatened with dispossession.

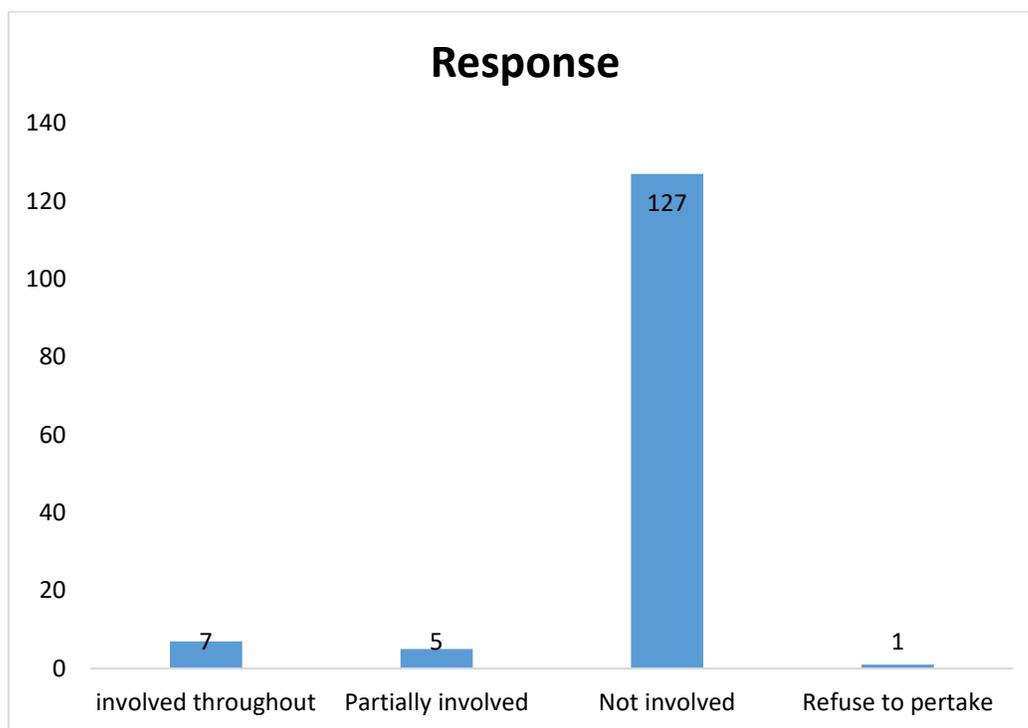
Table 2: consideration of opinion for the site acquisition

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

Table 2 indicates that respondents' opinions were taken into account for land acquisition, with the majority of respondents agreeing that their opinions were taken into account entirely or partially. Meanwhile, the majority of respondents claimed that their views were not taken

into account. As a result, this conclusion is consistent with the United Nations Declaration on the Rights of Indigenous Peoples, which was accepted by the Human Rights Commission, According to Article 10 “Indigenous peoples shall not be forcefully expelled from their lands or territories,”. No relocation shall take place without the indigenous peoples' free, prior, and informed consent, as well as an agreement on just and equal compensation and, where possible, the option of return.”



Source: Field survey 2019

Figure 1- Involvement in the assessment process

Figure 1 shows that the majority of the respondents (127 of them) were not involved in the evaluation process, only 7 were involved in the process, 5 were partially involved, and 1 refused to participate in the process. This result is consistent with Adams & Palma's 2007 findings that landowners' non-involvement in the acquisition process reduce

public confidence in the rule of law and result to an unclear and enforceable procedures create opportunities for corruption.

Table 3 Economic position after and before acquisition

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

Source: Field survey 2019

The economic condition before and after the acquisition is depicted in Table 3 above. The majority of respondents accepted that their financial condition had changed partially or not at all as a result of the purchase. As a result, the majority of respondents denied that the economy has fully changed. This is in line with Wanyoike (2014) and Tavonga (2013), who argue that in order for the government's compulsory acquisition to be successful, equitable, and legal, landowners should be restored to their pre-displacement situation.

Conclusion

It can be concluded that the road development project for Igabi and Kaduna North has had a negative effect on the community and, as a result, on their well-being. The majority of community leaders were in favor of land acquisition in their area. There has been an improvement in the economic position of the affected land owner as a result of the compulsory acquisition process. The majority of community leaders agreed that the land acquisition process had been fair and satisfactory.

Recommendation

This study examines issues surrounding compulsory acquisition in Igabi and Kaduna North, Nigeria. The results indicate that social justice should still be permitted to exist, as it played an important role in land acquisition. Where land is required to be purchased, an alternate site should be offered if possible, and if this is not possible, an equal sum should be charged in lieu of the property acquired. In order to minimize

negative post-resettlement consequences for displaced people, adequate education is needed. Both the land owner and the community leaders should be included. It was also suggested that the Land Use Act, which governs compulsory acquisition of land and other land-related issues, be reviewed.

References

- Adams, M. & Palmer, R. (2007). Independent Review of Land Issues, Volume III, 2006-2007, Eastern and Southern Africa. *Unpublished document*.
- Akujuru, V. (2014). A framework for determining the compensable value of damages due to contamination to wetlands in the Niger delta of Nigeria, A Thesis submitted in partial fulfilment of the requirements for the award of the Degree of Doctor of Philosophy of the University of Salford, Manchester, U.K.
- Akujuru, V. A. & Ruddock, L. (2013). Compulsory Acquisition Practices and the Determination of Compensation Payable in the Niger Delta, 1(1), 1–10.
- Akujuru, V. A. & Ruddock, L. (2014). The Determination of Compensation Payable in the Niger Delta for Compulsory. *Journal of Sustainable Development in Africa*, 16(2), 1–13.
- Ambaye, D. W. (2009). Land Valuation for Expropriation in Ethiopia: Valuation Methods and Adequacy of Compensation. Being a paper presented at the 7th FIG Regional Conference, Hanoi, Vietnam, 19-22 October. Asian Development Bank.
- Berry, W. (2016). *Kentucky's natural heritage: an illustrated guide to biodiversity*. University Press of Kentucky.
- Food & Agricultural Organization (FAO) (2009) *Good Governance in Land Administration*, Rome: FAO Land Tenure Studies.
- Iyanda, A. (2014). Communal Land Acquisition and Valuation for Compensation in Nigeria. *International Journal of Scientific and Research Publications*, 4(11), 1–7.
- Kakulu, I.I. (2008). "An Analysis of Processes and Methods in Compulsory Land Acquisition and Compensation." Unpublished Doctoral Thesis – University of Reading.
- Kakulu, I., Byrne, P. & Viitanen, K. (2009). 'Phenomenological Research in Compulsory Land Acquisition and Compensation. 'FIG Working Week 2009, Eilat, Israel, 3-8 May.
- Larbi, W. O. (2008). Compulsory Land Acquisition and Compensation in Ghana : Searching for Alternative Policies and Strategies, (ranked 105), 1–21.
- Lindsay J.M., (2012). *Compulsory Acquisition Of Land Un Ghana: Policy And Praxis* "Land Use Policy 21(2) pp115-127.
- Mabogunje, A.L. (2009). Land reform in Nigeria: progress, problems & prospects.
- Means, G. (2017). *The modern corporation and private property*. Routledge.
- Muzammil M. (2011), Issues Arising from Land Acquisition for Commercial Development at Dan Gwauro, Kumbotso Local Government, Kano, Unpublished Masters thesis. Geography Department, Bayero University Kano.

- Ndjovu, C. (2016). Understanding Causes Of Dissatisfactions Among Compensated Landowners In Expropriation Programs In Tanzania, 5(1).
- Nzioki, N. & Kariuki, C. (2012). An Investigation into the Process of Compulsory Acquisition and Suggestions on the Choice of Valuation Methodology in making Claims for Compensation for Land for Various Infrastructure. *Africa journal of Ecology* 46(1) 22-29.
- Olusegun, K. (2009). *Principles and Practice of Property Valuation*, Olusegun Kuye and Associates, Lagos.
- Onyije, I.R & Akujuru, V. (2016). Appraising the Equity of Nigerian Compensation Practice. *International Journal of Development Research*, 6(11), 1–5.
- Pashoulis, V. (2010). Law and Valuation of the Compulsory Purchase in the Republic of Cyprus and Recommendations for Improvement. FIG Congress 2010, Sydney, Australia, 11-16 April.
- Ray, S. (2014). *On the Question of Land acquisition for Private Development: Lessons from the US, Indian, and China* (No. 2014-32). University of Connecticut, Department of Economics.
- Sambursky, S. (2014). *The physical world of the Greeks* (Vol. 826). Princeton University Press.
- Tavonga, N. (2013). *A proposed economic household model on land acquisition and utilisation between males and females in A1 Resettlement Schemes in Zimbabwe, 2000-2002*. Zimbabwe Open University.
- Wanyoike, J. G. (2014). *Determinants Of Land Owners Perception On Compulsory Land Acquisition By Government For Project Implementation*. Unpublished M.Sc Thesis, University of Nairobi, Kenya.
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