

**ASSESSMENT OF CONFLICTS INHERENT IN THE COMPULSORY  
ACQUISITION OF ZUNGERU HYDRO-ELECTRIC POWER DAM PROJECT  
AT ZUNGERU, NIGER STATE, NIGERIA**

**BY**

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## ABSTRACT

Compulsory land acquisition is one of the most challenging issues in land administration in Nigeria. Compulsory land acquisition in Nigeria for urban growth and for various infrastructure developments has led to several conflicts resulting into litigation between the acquiring authorities and the land owners/occupiers. It is on this basis that the study examined the nature of conflict inherent in land acquisition and compensation of Zungeru Hydro-electric Power Dam Project. The study utilized simple random and census sampling techniques to collect relevant information from both affected people and professional stakeholders respectively. The study analysed 380 retrieved questionnaires through descriptive and inferential method of analysis. The result of relative important index showed that under assessment of structures and economic trees, lack of full participation of indigenous stakeholder, lack of institutional framework for fair compensation and lack of good resettlement plans are the major causes of conflict in Zungeru land acquisition at 93.00%, 91.00%, 90.00% and 89.00% ranked respectively. The study also revealed that lack of direct benefit of acquisition to the affected people and lack of political continuity in government as major reasons for the failure of compulsory land acquisition at 93.00% and 91.00% importance. The result further revealed that provision of better infrastructure in resettlement location and public enlightenment of the whole planning process as major workable solutions to land acquisition conflict at 98.00% and 97.00% importance. The study finally discovered adaption of foreign experience in land acquisition is capable of addressing inadequacy of compensation; discourage statutory valuation, psychological loss and injurious affections properly as 84.00%-94.00% importantly responded. The study concludes that, despite the adherence to the identified FAO, VGI guidelines, yet the problem of land acquisition still persists, therefore the need to adopt foreign experience in land acquisition and compensation become inevitable.

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## **ABBREVIATIONS, GLOSSARIES AND SYMBOLS**

ADB	Asian Development Bank
GOI	Government of India
USAID	United Agency for International Development
RRI	Rights and Resources Initiative
NGOs	Non-Governmental Organisation
FCDA	Federal Capital Development Authority
COHRE	Centre on Housing Rights and Eviction
SERAC	Economic Right Action Centre
UN-Habitat	United Nation Human Settlement Programme
VGs	Voluntary Guidelines on the Responsible Governance of Tenure
EIA	Environmental Impact Assessment
UN	United Nations
ILO	International Labour Organisation
IFC	International Finance Corporation
FMV	Fair Market Value
IVS	International Valuation Standard
CBO	Community Based Organization
HIS	Institute for Housing and Urban Development Studies
IHRB	Institute for Human Rights and Business
RII	Relative Important Index
BBC	British Broadcasting Corporation
FGN	Federal Government of Nigeria
LAR	Land Acquisition and Resettlement
PAP	Project Affected People

LGAF	World Bank Land Governance Assessment Framework
LUA	Land Use Act
HEPP	Hydro Electric Power Project
MDA's	Ministries Department and Agencies of Government
MW	Mega Watts.

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

#### **1.1 Background to the Study**

Compulsory acquisition is one of the challenging aspects of land administration in Nigeria. It is undesired by the land owners, since their land will be taken without their consent. The issues on compensation payable in respect to land acquisition is of great concern, despite all efforts that was put in place by the government to improve on the compensation payment to the affected land owners, they are still dissatisfied. This has raised several criticisms and conflicts from the land owners against the government. One of the challenging aspects of land administration is compulsory acquisition, it is an area filled with tension and series of conflicts between the government, the land owners and other interested groups. The continuous conflictual and inefficiency of the procedures and process of Compulsory acquisition are seen as the main reasons why we have challenges of economic growth and infrastructural development (FAO, 2008).

A land conflict can be explained as a situation where at least two parties claim property rights associated with a piece of land. The right could be rights to manage and generate income from land, to exclude others from the land, to transfer the right, and the right to compensation in case of compulsory acquisition (Wehrmann, 2008). These conflicts should be dealt with accordingly if not, it might lead to destruction of life and properties, resolving land conflicts therefore, requires government intervention by making changes in its policies and implementation. Dissatisfaction with compensation payable also in most cases are the issues that brought about disputes in compulsory land acquisition (Kironde, 2009; Kakulu, 2008). Moyo (2003) highlighted other factors that influence conflicts these includes: - inadequate information on land to be acquired;

inadequate compensation; political interference, the absence of all these if not well managed open doors for challenges and litigations.

Compulsory land acquisition in Nigeria for urban development and provision of infrastructural facilities has led to several conflicts resulting into litigation between the government and the affected land owners who do not want the acquisition. In fact, in most cases land acquisition is not without conflicts. This situation causes undue delay in project implementation resulting from litigations against compulsory acquisition exercises, thereby extending the time frame of the projects to be completed (Simbolon,1995). This therefore, slowdown development and other activities on both sides of the parties creating unhealthy environment and social economic impacts.

Conflicts emerged when land owners are not well informed or being part of the process of acquisition, assessment and payment of compensation for unexhausted improvements. It sometimes led to unusual situation of confrontation and dispute between the parties involved in the process (Kombe & Kreibich, 2006). In addition, according to Kombe (2010) & Mpwehuka (2012), dissatisfactions and objections are key to conflicts inherent in compulsory land acquisition in many nations of the world. This is because land is the main source of people's livelihood, where they live and farm for their sustenance and preserve same for their future generations. These have resulted into delays in projects implementation leading to increased cost of the project, reduction in revenue and taxes accrue to the government and bank charges on loan due to delay in project implantation. If compulsory acquisition must be efficient, fair and legitimate adequate attention should be giving to its process. Strong conflicts between the parties characterise compulsory land acquisition process for various developmental projects in Nigeria. These situations of conflicts, dissatisfaction and

confrontation between the government and land owners justify the fact that there are issues in compulsory land acquisition process which need to be addressed. Land acquisition for Zungeru hydro-electric power development is one of the recent acquisition issues that require investigation specifically in Niger State. Not so much has been documented on the acquisition dynamics of the project. This study therefore, attempted to investigate the conflicts emanating from the land acquisition process of the project.

## **1.2 Statement of the Research Problem**

The situations of conflicts, dissatisfaction and confrontation between the government and land owners characterise compulsory land acquisition process for various developmental projects in Nigeria. This justifies the fact that there are issues in compulsory land acquisition process which need to be addressed. As a result of unclear statutory provisions, land owners who are not satisfied with the payment of compensation resort to violence and litigation. (Kakulu, 2008).

These has led to instability especially where such objections are not settled timely, it jeopardizes local peace and harmony. It was in the light of all these issues confronting land acquisition and compensation process in the country, considering land acquisition for Zungeru hydropower development is one of the recent acquisition issues that require investigation specifically in Niger State. Not much has been documented on the acquisition dynamics of the project. The study therefore attempts to investigate the nature and causes of conflicts emanating from the land acquisition process of the project, and to understand the challenges in compulsory land acquisition the research adopts the following main question: The specific research questions are: what causes

conflicts in the process between the parties, and what can be done to overcome this?

Let's look at the following questions that can identify the problem:

- (i) What are the issues that influence or cause conflicts in the process?
- (ii) What are the attitude and perceptions of the stakeholders in the process and which step requires attention?
- (iii) Are government procedures accepted and followed accordingly?
- (iv) What then can be adopted to reduce or eliminate those challenges and conflict in the process?
- (v) What is the benefit or otherwise of the acquisition on the affected people socially and economically?

### **1.3 Aim and Objectives of the Study**

This study examined the nature of conflicts inherent in the compulsory acquisition process of Zungeru hydro-electric power project with a view to improving conflicts resolutions.

The objectives are to:

- i. Identify the underlying causes of conflicts in compulsory land acquisition procedures from the planning stage to restitution in Zungeru HEPP  
Examine the reasons for successful implementation of compulsory land acquisition in the study area.
- ii. Explore cases/experience of other countries on compulsory land acquisition.
- iii. Evaluate the process and the level of compliance to international best practices (FAO guidelines) in the compulsory acquisition of Zungeru HEPP.
- iv. Determining a workable solution in resolving conflict between acquiring authorities and the landowners.

## **1.5 Justification for the Study**

There have been series of petitions, litigations, allegations and counter allegations from the communities, groups and associations on the acquisition of Zungeru Hydro-electric Power Dam Project at Zungeru. Despite the number of meetings at different occasions and complaints filed at various (MDA'S) Ministries, Departments and Agencies of Government responsible for Land administration and other related issues. Solution to these mountains of problems over the acquisition is not yet in sight as some issues are still pending in the court of law, due to petitions, allegations and counter allegations delay-payment, under payment, omissions and other issues. These has resulted in conflicts between the communities, the contractor and the acquiring authority, despite Niger State Government involvement by setting up a committee to handle payment of compensation, relocation of the affected persons of the Dam construction in solving the problem more issues are still coming up.

Owoeye & Adedeji (2015), Ojigi, (2012) and Nuhu, (2008) observed that compulsory acquisition practice and laws governing land acquisition in the country falls short of critically examining the nature of conflict inherent in the compulsory acquisition and compensation. It is noteworthy that there is very little literature based on empirical studies conducted to support the claims made above in the case of Nigeria. This therefore makes the study relevant as it would contribute to the current discussion on land acquisition, by proposing conditions that support and reinforce land acquisition by the state and governance structure that are able to safeguard general peace and stability devoid of conflict. Suggestions would be on ways of resolving/reducing to the barest minimal issues of conflict between the acquiring authority and the landowners/occupiers. It was in the light of all these issues confronting land acquisition and compensation process in our country, considering land acquisition for

Zungeru hydro-electric power development as one of the recent acquisition issues that requires investigation specifically in Niger State. Little has been documented on the acquisition dynamics of the project.

Several authors make contributions to the subject of compulsory acquisition such as, Azuela & Herrera, (2009) who stated that, compulsory acquisition is the statutory power of government for acquisition of land for public purpose, and the process upon which the power is exercised. Hence there is the need to examine the process by which compulsory powers is exercised. Moyo, (2003) stated that, other factors that influence conflicts in compulsory acquisition includes: lack of information on land to be acquired; inadequate payment of compensation; political issues, if all these are not addressed accordingly it may result into series of litigations. There is therefore, resistance when compulsory acquisition is used for private undertaking, for example, when an individual is profiting from Land taking other than the general public. Denyer-Green, (2005) and Nuhu, (2006) stated that, compulsorily acquisition should be for public purpose, and adequate compensation must be paid to avert resistance and conflicts in the process.

This study therefore attempts to investigate the nature and causes of conflicts emanating from the land acquisition process of the project, this would therefore, establish a foundation for future studies and investigations in contributing to existing knowledge on compulsory land acquisition. This will rekindle general awareness on how delayed payment, under payment of compensation, non-involvement of the locals in the acquisition affected the process and the livelihood of the people thereby igniting conflict. In addition, the study would identify possible channels of communication gaps on the part of the acquiring body and the affected persons. The findings and recommendations of this study will in no doubt have great importance to government

agencies charged with the responsibility of carrying out compulsory land acquisition such as the Lands Department and other Ministries, Departments and Agencies (MDA'S) of Government responsible for Land administration and other related issues and for planning and implementation of land policies for the country.

### **1.6 Scope of the Study**

The research study will focus on identifying causes of conflict in the processes of compulsory land acquisition of Zungeru hydro-electric power dam project at Zungeru, Niger State, Nigeria, identifying these causes and finding ways to resolve them. Identify the underlying causes of conflicts in the process and how it can be improved or eliminated, give suggestions for possible resolutions. It is important that, if successful exercise of compulsory land acquisition for projects development must be achieved these steps must be followed strictly. The study would therefore, identify causes of conflicts in the entire process, and then come up with far reaching solutions to reduce/minimize these conflicts. The study was specifically restricted to nature of conflicts inherent in the compulsory acquisition process of Zungeru hydro-electric power dam project.

The scope of this study covers communities in and around the Zungeru hydro-electric power dam project at Zungeru, Niger State. The study covers the period of assessment and valuation which commenced in 2011 to 2018 when payment of compensation and resettlement of the affected persons started. The study area chosen is an area acquired by Government of Nigeria for the construction of 700MW Zungeru hydro-electric power dam project in Shiroro, Kagara and Wushishi Local Government areas of Niger State. The scope of this study is limited to only 98 communities which were purposely chosen due to the extent to which they were affected by Zungeru hydro-electric power

dam project. The findings of this research could be applied to any compulsory acquisition process in the country. These issues were studied to ascertain the extent to which conflicts inherent in the compulsory acquisition process of Zungeru hydro-electric power project affected the communities around the Dam site, the contractor and the acquiring authority and then offer recommendations to guide future policy on compulsory acquisition.

### **1.7 The Study Area**

Zungeru as one of the towns in Niger State, Nigeria, and it was the formal capital of Northern Nigeria under the British rule between 1902 to 1916. Zungeru derived its name from a corrupted word Dunguru. A British colonialist meet a Gbagi man playing a musical instrument called Dunguru used by the Nupes and Gwaris) in the area. He was asked of the name of the instrument and he said Dunguru. The name of the musical instrument became the corrupted form of the name of the town Zungeru. "Zungeru" therefore, became the name of the settlement till this day. Zungeru was occupied by the British forces in September 1902, the town which was inhabited by the Gwaris. The then administrator Frederick Lugard preferred Zungeru to be the capital of Northern Nigeria over Jebba and Lokoja because of its central location. There was a thick forest which was cleared by the British and a market was established there, also established were military formation, hospital among other things.

In the year 1916, that is two years after amalgamation of Northern and Nigeria in 1914. The Administrator, Frederick Lugard moved the Northern capital to Kaduna and Zungeru came under Niger province The Chief of Wushishi was crowned that same year as the ruler of Zungeru, and after the death of the chief, his son Abubakar became the new chief of the town. Since the movement of the administrative capital to Kaduna

the town has declined in its importance. Zungeru then became monuments town that housed Nnamdi Azikiwe Centre, a project initiated to honour Nigeria's first President, Dr. Nnamdi Azikiwe but was abandoned. This was to be a tribute to the first President of Nigeria conceived and built by the former President, Ibrahim Babangida. There are other educational institutions such as the, Niger State Polytechnic, government and private institutions also.

The Nigerian government also commenced work on hydroelectric power dam which is currently ongoing as at 2019. The dam is being constructed by a consortium led by Sino hydro; it is proposed to generate 700 MW of electricity at full operation. The dominant ethnic groups in Zungeru includes: - Nupe Gwari and other ethnic groups. Christianity and Islam are the main religions in the area. Farming is the main occupation the people of Zungeru surrounded good topography mountains are located nearby. Zungeru area and environs is of a mixed wooded savanna with various plant species. The town and surrounding areas are sometimes hot and sometimes humid parts of Nigeria.

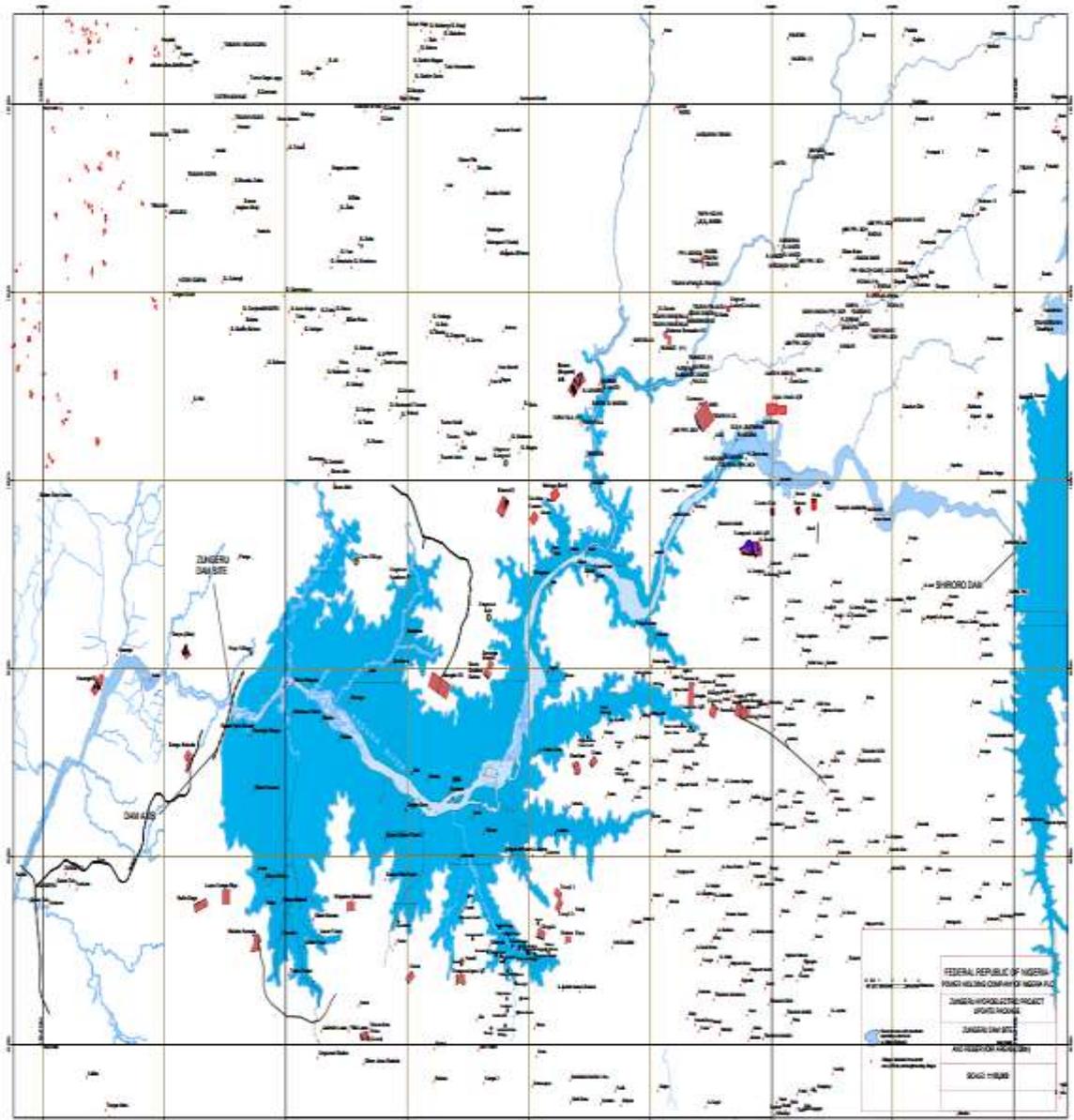


Figure 1.1: Map of Zungeru Dam site and the affected communities  
 (Source: Niger State survey department. 2019)

## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW**

#### **2.1 Conceptual Review**

##### **2.1.1 Definition of compulsory acquisition**

Compulsory acquisition is defined as the statutory power of government to acquire land and landed properties for public purposes. The use of this powers became necessary for government to carry out its developmental projects, and the provision of infrastructural facilities, such as roads, railways, airports; hospitals and schools. Compulsory acquisition is necessary by the government to effectively discharge its responsibility in providing the general public the needed infrastructural development and social services to the people. It is also a means of finding balance between the public need for land for developmental purposes by government, providing land tenure security and also the protecting individual, organisations and communities property rights (FAO 2008).

Compulsory acquisition is complex in nature thereby requiring a clear understanding of its processes and procedures. It has two components, that is, acquisition for public interest and payment of just, fair and adequate compensation. The persons affected by acquisition ought to be taken care of adequately to ensure that they are not worse off but better than the state they were before the acquisition. It is the statutory powers used by some countries to protect their land and land resources such as natural environment like forest reserves and other natural resources, the provision of public service such as good recreational centres, open spaces and to prevent land use conflict. In the same vein, compulsory acquisition is used as a tool to promote equity and fairness, redistribution of land and land resources among the general public (Ding, 2007).

### **2.1.2 The concept of compensation**

Compensation is that monetary payment made to any affected party whose property is affected by government policy or being compulsorily acquired for public use. Cernea, (2000) it is also referred to as “damage substitution”; meaning compensation restores the displaced persons to what was taken away from them, but should also include any other losses to the livelihoods (FAO, 2008).

Asian Development Bank (1998) described compensation as a situation that place an affected person who is paid fair and adequate compensation came to be in a state or situation with project or without project, which means, affected persons would not be worst off because of government acquisition, but maintain the standard of living as they were before resettlement. Mutamba (2009) considered compensation to be equal to market cost and value of the improvements; it should be fair, just and adequate in a statutory manner (Speedy, 1977). Compensation therefore, is an equivalent payment paid to the affected persons whose land or property rights has been acquired for public purposes (Searles 1974 as cited by Ndjovu, 2003).

### **2.1.3 Conflict in compulsory land acquisition**

A land conflict is a social situation where someone encroached into another person’s piece of land to infringe over his property rights. These rights include all benefits derivable from or accruing to the property either to manage, to generate income from the property, to build or develop the property, and right to compensation in case of acquisition (Wehrmann, 2008). Land acquisition conflicts should be dealt with accordingly if not, it might lead to destruction of life and properties, resolving land conflicts therefore, requires government intervention by making changes in its policies and implementation. dissatisfaction with compensation payable also in most cases are

the issues that brought about disputes in compulsory land acquisition. (Kironde, 2009 & Kakulu, 2008). Moyo (2003) stated that, other factors that influence conflicts are: inadequate information on land to be acquired; inadequate compensation, political issues, when all these are not addressed effectively affected land owners may resort litigations over the process.

## **2.2 Causes of Conflicts in the Compulsory Acquisition**

Wily (2011) states that, there are hundreds of millions of hectares of undeveloped land held by communities across countries and other agrarian economies mostly in Africa. Apart from using the land for farming and other basic needs, the practice has been for centuries, it is a means of survival and wellbeing the people and cultural identity of any giving local communities. USAID (2008) stated that, governments exercise of legal authority over community land because of its discretion to allocates large parcels of land to organisations, companies, and Individuals for large-scale development project is of great concerns to the communities as such allocations are not within the context of public purpose, thereby breeding room for conflicts. A trigger for conflict, human rights abuses, and other forms of civil strife arises due to neglect by the private organisations to honour, protect and recognize community rights over land is usually a common issue being cited by Non-governmental organisations and civil society groups which government need to address holistically. This is because most of these organisations only recognised the government who grant then right of occupancy forgetting their common social responsibility to the host community. Dell'Angelo, *et al* (2017) stated that, compulsory acquisition is not conflict free, because it is sometimes associated with violence, loss of life and properties. World Bank Land Governance Assessment Framework Final Report: Nigeria (2011) In summary landholders view expropriation as a day light robbery by the government in favour of the rich and the political class. Niger

Delta region case is a good example, as government fails to engage the local communities and providing a strong legal framework in protecting or providing the required basic infrastructural facilities for the people, the result of which has been the root causes of the continuous confrontation and conflict in the area. Obi (2010) added that, the effect of LUA on the Niger Delta region is unimaginable, this is because the provisions of the Act was viewed as an injustice to the region, the region lost ownership of their land to the government by the reason of the Act, which takes over the controls of the land and its resources, what is then left for the people is unexhausted improvements upon which compensation is paid if compulsory acquisition occurs, depriving them from the use and exploitation of the mineral resources deposited under their land.

### **2.3 Analysis of Land Use Act (LUA) of 1978 and the International Standards in Compulsory Acquisition, Compensation and Resettlement**

Tagliarino (2017) study proved that, Nigeria's legal framework does not comply with international best practices on expropriation. Otubu (2012) added that, the Nigeria Land Use Act has been criticized in all aspect by Non-governmental organisations and civil society groups, scholars, and the public. The Act gave powers of control and management of land in each state of the federation on the Governor. LUA (1978) Subject to this section of the Acts individuals and communities does not own land in Nigeria, but rights of occupancy that is granted to any person, communities, or organisations in rural and urban areas for a definite purpose and for a definite term of years, meaning that all persons have been reduced to a mere tenant. It should also be noted that, despite the grant of right of occupancy, it is not absolute it is subject to some restrictions, this includes seeking Governor's consent to alienate the right by way of assignment, mortgage, transfer of possession, or sublease and also to seek building approval before commencing any development on any parcel of land and so on.

### **2.3.1 Definition of public purpose**

Public purpose in compulsory acquisition is the acquisition of private rights for the use of general public, such as development of public infrastructures. Lindsay, *et al* (2017) public purpose also includes the development of economic infrastructures for the benefit of the general public such as extraction of natural resource for revenue to the government, agricultural production for food security and other activities. Though the law clearly defined public purpose to avoid the risk of government abusing its expropriation powers.

The definition of public purpose by the Act is not clear thereby granting the State Governors powers to use the word public purpose to suite their purpose. This is because the Governor may under the powers conferred on him by the Act to compulsorily acquire parcels of land under the pretext of public purpose to satisfy or settle his cronies or political friends who may use such land for their personal profit-making ventures thereby abusing the context of public purpose. This is because the Act has vested the land on him to hold in trust thereby reducing everyone to a mere tenant of the governor. The above action may not consider whether the projects to be executed by these group of allottees are likely to be for the benefit of the public. The vagueness of public purpose definition by the Act opens doors for the Governors to misuse and abuse compulsorily acquisition powers.

### **2.3.2 Limitations on the amount or type of expropriated land**

VGS provides that, only the minimum land required for a particular project and should be acquired and to also considers areas of significance and pertinent to the livelihood of the people and the community. There is no set limit by the Act to minimize the amount of land required for a particular project provided the acquisition is for a public purpose.

There are no restrictions to any parcel of land that is required for overriding public interest.

### **2.3.3 The process of expropriating land**

The VGs urges government to ensure participatory and transparent planning process for expropriation, and the affected persons should be identified, well informed at all stages. The LUA provides notice of revocation to be served on the titleholder of the right of occupancy to be extinguished and published in any of the widely read national dailies.

### **2.3.4 Compensation for unregistered landholders**

Verstappen, (2016) stated that, titleholders should be respected and be giving adequate consideration by providing just compensation. While Palmer *et al* (2009) added that, VGs calls for respect of the actual titleholders irrespective of the status of the type of right whether customary or statutory provided is acceptable by the society. Although the Act recognizes customary rights of the community in accordance to the custom and tradition of the people.

## **2.4 Valuation of Compulsory Acquisition and Compensation**

Tagliarino *et al.* (2017) carried out legal analysis of FAO, VG's guidelines and the Nigerian LUA and stated that, The LUA specifies the use or adoption of replacement cost approach for the valuation of unexhausted improvements. This is referred to as any improvements permanently attached to the land, this therefore means that compensation is paid on buildings, other installations, economic trees and crops only, but does not covers the cost of the land itself. Though international organisations are advocating for land values and loss of livelihood to be included in the compensation payment.

#### **2.4.1 Prompt payment of compensation**

All the international organisations including Land Use Act advocates for the prompt payments of compensation, but they were not explicit on time period within which compensation must be paid. The LUA is clear about prompt payment of compensation, but the Law provide for percentage increase of the sum total of the compensation for delayed payment.

#### **2.4.2 A Right to negotiate fair compensation**

The FAO and the VGs provides for the right to negotiate compensation, and also to be fair and transparent in all the processes, the LUA does not. But provides for the appropriate officer (Chief land officer of the State) to determine a fair rate of compensation subject to the approval of Mr Governor.

#### **2.4.3 Right to challenge compensation decisions in court or before tribunals**

The VGs and the Nigerian Constitution provides for any aggrieved persons to appeal compensation decisions, that is, if any party or community is aggrieved or dissatisfy with payment of compensation shall by the provisions of the constitution be given the right to appeal compensation in any court of law

#### **2.4.4 Provision of productive alternative land**

The LUA permits the allocation of an alternative land to the affected titleholder whose land or landed property is revoked for use by Government for public purpose. The affected titleholder may either be paid monetary compensation or he is allocated an alternative land, but it will certainly not be monetary and plot allocation at the same time. The LUA also provides for a community who are affected by compulsory acquisition a resettlement site for an alternative accommodation. This is at the discretion of Mr. Governor if the circumstances warrant such.

Table 2.1 highlighted summary of legal analysis of the Land Use Acts, the FAO and the VGs on the standard best practices of compulsory land acquisitions, it shows clearly were Land Use Acts fall short of International best practices.

**Table 2.1: Summary of the Legal Analysis**

<b>International Standard</b>	<b>Origin of the standard</b>	<b>Does LUA with this standard?</b>	<b>Nigeria's Comply this</b>	<b>Comment</b>
Public purpose should properly be defined to allow for judicial review	FAO VGs Section 6.1	No		Definition of public purpose is no clear.
There should be limit for land to be acquired for a particular project.	FAO VGs 16.1–16.2	Mostly No, with the exception of the EIA Decree 1992		The LUA does not state limit to any land to be acquired for public purpose. It is only the EIA that is required.
States should consider areas of sociocultural, and environmental significant important to the people.	FAO VGs Section 16.2	No		The LUA issues notice of acquisition for the proposed projects.
The planning and the process should be transparent and participatory.	FAO VGs Sections 16.1 and 18.2	Partial		Compensation is paid only on buildings, installations and crops on the land, but does not include land value.
All legitimate tenure rights holders, should be respected. Replacement cost method of valuation should be advocated for the basis of acquisition and compensation.	FAO VGs Section 16.6	No		The LUA provides for prompt payment of compensation, but there is no time limit.
Transparent and fairness is advocated to prevent corruption.	FAO VGs Section 16.6	No		The LUA does not room for negotiating compensation. The appropriate officer determines the rate of Compensation.

**Table 2.1: Cont'd**

Right to appeal compensation decisions by any aggrieved parties should be advocated to avert conflictual situations.	FAO VGs 16.6	Yes	Nigeria constitution provides for the right to appeal compensation decisions in court
States to take appropriate measures to provide alternative land.	FAO VGs 16.9	Partial	The LUA granted alternative allocation to affected whose right of occupancy is revoked.

(Source: Adopted from Lagliarino, et al 2017)

## **2.5 Important Lessons/Experience of other Countries**

Various countries of the world based on their laws and customs have various ways of exercising powers of compulsory land acquisition, that will best serve their countries needs devoid of conflicts that may lead to civil unrest, loss of lives and properties.

### **2.5.1 Land acquisition and compensation in Kenya**

In Kenya, land is acquired for public purposes and compensation are paid to the affected persons according to the country's law. The law guiding acquisition in Kenyan is Land Acquisition Act of 1968. The law empowers the Minister of lands to compulsorily acquire land for public purpose and pay compensation Syagga & Olima (1996). Compensation is paid on the physical assets owned by the affected persons, the payment includes current market value of the land, loss of profits and an additional 15 percent for disturbance. Open market is the basis of assessment of compensation the value of land where there is no market evidence replacement cost method can be used.

### **2.5.2 Land acquisition and compensation in Finland**

In Finland the main statutes governing land acquisition is the Expropriation Act No. 603 of 1977. The process of acquisition includes: - voluntary purchase that is, negotiation or exchange and land consolidation. In Finland land acquisition is carried out through a participatory approach. Indicative plan of the project is prepared and presented to the

land owners, it covers new areas needed for the project, due process is adequately followed, first, is meeting with all the stakeholders where all the relevant issues of the acquisition are tabled, the process, the procedures, the basis of valuation and payment of compensation are fully discussed.

### **2.5.3 Land acquisition and compensation in China**

Chan, (2003) stated that, Land is acquired based on the country's Land Administration Law. It is known as 'Zhengdi' which is authorized by the Constitution of China of 1978 and later amended in 1993. It provides for requisition of land for public interest. Basis of valuation is sale comparison and market economic principle of demand and supply. This means that it is a free-market system where forces of supply and demand takes prominence and this are free from any government intervention. The project developers and land owners negotiate their terms and that is why land acquisition and compensation in China are based on market economic principle of demand and supply.

### **2.5.4 Land acquisition and compensation in Malaysia**

In Malaysia land acquisition is based on the Land Acquisition Act of 1960. The procedures of valuation and compensation is the concept of market value and payment of fair and adequate compensation. Market value and adequate compensation are the main basic principles of the acquisition process in the acquisition laws. These principles are the method adopted by the country to satisfy the affected people whose land are acquired for public purpose to avoid dissatisfaction resulting into conflicts.

Dundas & Evans (2001) stated that, basis of compensation should be on the principles of market value. It should be noted that, presenting the use of the best and acceptable way for government to compulsory acquire land for its developmental projects is not the matter, but payment of adequate, fair and just compensation is the most important

aspect of the process where the people affected by the act are happy and that is the cross of the matter. The participatory approach of all the land owners and the key stakeholders in the process of land acquisition is key and serves as the major determinants in the acquisition processes.

### **2.5.5 Land acquisition and compensation in India**

The governing law guiding the process and the procedures of land acquisition and compensation in India is the Land Acquisition, Rehabilitation and Resettlement Act of 2013. The act brought about transparency in compulsory land acquisition, compensation and rehabilitation in the country and it builds the confidence of the affected people. Its objective is to provide transparent, fair and efficient process of the acquisition, and taken of possession of the acquired land. Before the Act, land acquisition in India was controversial and debatable. Eminent domain is the term used when land valuation and compensation is to be carried out for land acquisitions. Despite direct and indirect employment generation contributed by private enterprises, the perception of the people is viewed negatively, as it was like disposing the poor and enriching the privilege in the society. For this reason, they are being sceptical of leaving the area or accept unfair compensation. This has generated tension resulting into conflict and violence. The valuation of land and other related decisions on land acquisition are poorly developed.

### **2.5.6 Land acquisition and compensation in Norway**

The Country's constitution is the legal instrument used for land acquisition and compensation in Norway. Steinsholt, (2010) Stated that, when government need to carryout land acquisition for public purposes compensation are paid from the nation's treasury. The Norwegian law permits land acquisition for public and private purposes, and compensation is paid to the affected person to keep them in a better state they were

before the acquisition. The acquisition and payment of compensation is based on current market value of the property and additional payments for damages for losses suffered by the owners.

These lessons/experiences from other countries are summarised accordingly in Table 2.3 highlighting the laws and regulations in operation in these countries, the procedures of land acquisition and land valuation approaches.

**Table 2.3: Summary of Important lessons/experience from other countries**

S/No	Countries	Law and regulations	Procedure for land acquisition	Land valuation approaches
1	Kenya	Land Acquisition and Water Act and Electricity Power Act. the 1968.	The procedure is based on valuation of physical assets and the current market value of the land, and any loss of profits over the land and an additional 15 percent of the market value of land for disturbance.	The valuer has a wide range of alternative valuation methods to choose from.
2	Finland	Expropriation Act No.603 of 1977.	Participatory approach is considered in Finland. The use of results that satisfy the acquiring authority and does not produces little disadvantage to the original land owners.	compensation of the property and for damages.

**Table 2.3: Cont'd**

3.	China	Land Administration Law of China  It is based on the economic principles of demand and supply	Compensation based market price and basic market economic  Public participation is not broadly involved	Compulsory acquisition is based on market economic principle.
4	Malaysia	Land Acquisition Act 1960	Market value and adequate compensation	The market value is the basis for compensation
5	India	Land Acquisition, Rehabilitation and Resettlement Act. 2013	There is no fair or just compensation because they are sceptical of government activities.  No Public participation in the process.	The basis of assessment and compensation is the current market value as determined by sale transactions and comparison.
6	Norway	The Constitution of the Kingdom of Norway.	The law permits acquisition for public and private purpose, and compensation is paid to put the affected person in a good state he was before the acquisition	The approach is based on current market value and additional cost for damages or loss.

(Source: Subash *et al*, 2017)

## 2.6 International Best Practice on Compulsory Land Acquisition Process

International organisations, academicians and researchers have developed a discussion on international best practices of compulsory land acquisition and compensation. The main focus is on how the process and the procedures of land acquisition can be carried out with minimum level of conflicts and litigations. The contributions made by these organisations, academicians and researchers forms the bedrock for this research.

### 2.6.1 Principles guiding the process of compulsory acquisition

The FAO Handbook (FAO,2008), developed guidelines for compulsory land acquisition and provide key steps to be followed in the process as shown in Table 2:3. These

guidelines provide an insight on ways to examine Compulsory land acquisition process. It provides basic principles for a successfully Compulsory land acquisition process, based on equity, justice, fairness and equivalence. They are based on the following principles:

1. Acquisition of the parcel of land to be acquired should be specific for the purpose intended.
2. The process should be Participatory involving all stakeholders.
3. Due process of acquisition should be defined and time limits to enhance proper planning.
4. Flexibility and transparency should be adhered to.
5. The parties should be served with adequate information and notices, and should be in the languages that is well understanding by the people.
6. Adequate assistance to the parties for participating effectively in negotiations.
7. Adequate supervision and monitoring should be carried out.
8. Taking possession shall be after payment of full compensation.

The International best practice on compulsory land acquisition process as advocated by FAO (2008) summarised and explained the procedures/steps in compulsory land acquisition process in Table 2.4.

**Table 2.4: Steps in compulsory land acquisition process**

<b>Nos</b>	<b>Procedures/Steps</b>	<b>Explanation</b>
1.	Planning	The planning process should be participatory to includes all the relevant stakeholders. The location and size of the land under acquisition should be defined.
2.	Publicity	Publication of notices to inform owners and occupant of government intention to acquire their lands, and to request for submission of claims for compensation. The parties should be served with adequate information and notices, and should be in the languages that is well understanding by the people.
3.	Valuation and submission of claims	Valuation should be fair, transparent, regulation guiding valuation should be flexible. The process should also be based on de facto and de jure rights. The basis of assessment must clearly be stated. Owners and occupant should be paid adequate and just compensation. Negotiation may follow.
4.	Payment of Compensation	The affected people must be paid adequate compensation for their unexhausted improvements and for their land or be resettled elsewhere on an alternative land.
5.	Possession	Taking of the physical possession or ownership of the acquired land by the government must be after full payment of compensation except if there are certain agreed terms and conditions which are accepted by the parties involved.
6.	Appeals.	Land owners may appeal or contest the compulsory acquisition, the process and amount of compensation paid.
7.	Restitution	There should be provision for restitution whereby the land under acquisition may revert back to its owner in the event the purpose of the acquisition is no longer relevant, or cannot be used for that purpose.

(Source: FAO Guidelines, 2008)

The process of acquisition should be in good faith, to avoid litigation and others forms of vices that characterise compulsory acquisition leading to conflicts and loss of life and property. Failure to do so could lead to extra costs to the government. (Azuela & Herrera, 2009). Kombe, (2007). Flexibility and transparency should be adhered to and taking in good faith, to ensure completion of the intended project. The steps have been modified to fit into that of FAO (2008). They are: - 1) Planning. 2) Publicity. 3) Valuation and submission of claims. 4) Payment of compensation. 5) Possession. 6) Appeals and 7) Restitution (Figure 2.2).

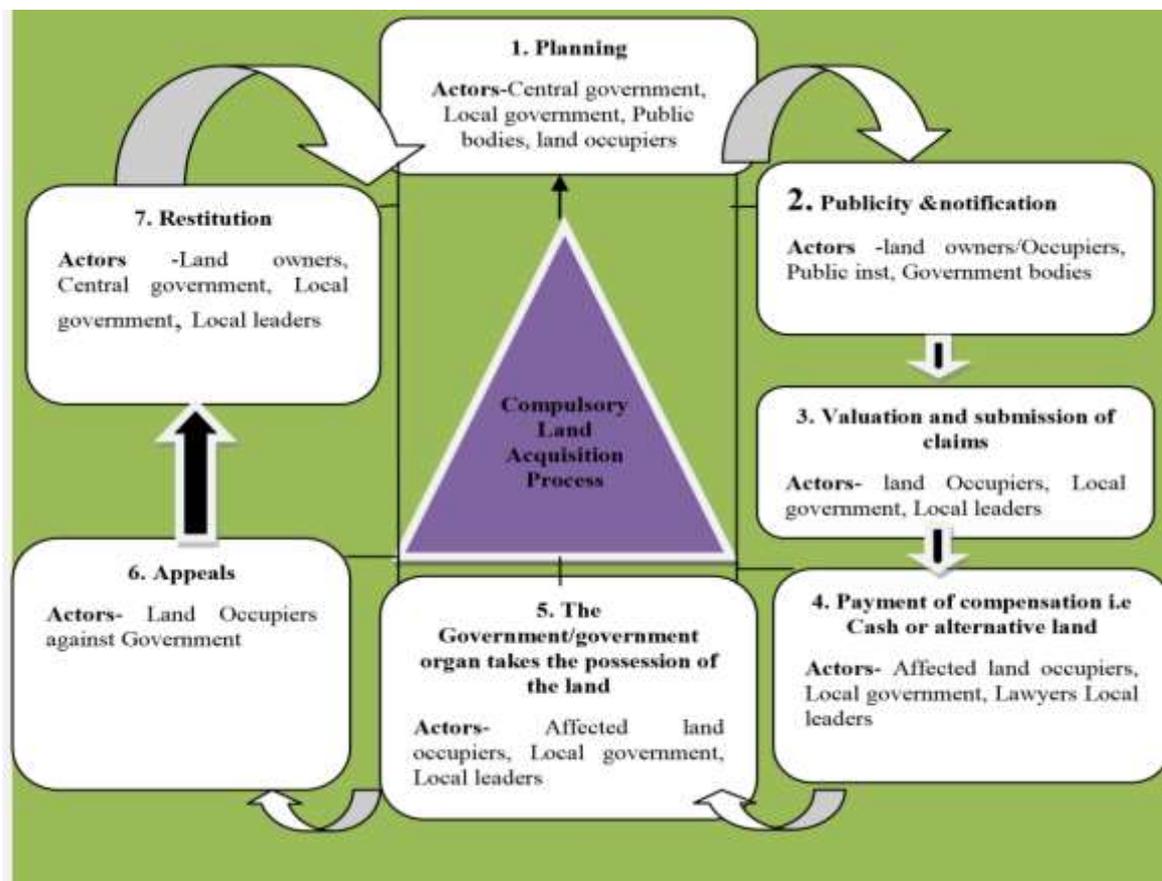


Figure 2.2: Steps of Compulsory Land Acquisition Process  
Source: Adopted from Kombe, (2007)

### **2.6.2 Entitlement to compensation in compulsory purchase**

In Michelman as quoted by Ndjovu (2003), In compulsory acquisition purpose of acquisition must be clearly stated to avoid ambiguity in the process so as to determine entitlement to compensation. Four factors are identified for compulsory land acquisition exercise.

- (i) If government or its agency have entered or take possession of the property belonging to the claimant.
- (ii) If the claimant has sustained any degree of damage which has affected the value of the property.
- (iii) If the loss incurred by the claimant does not outweigh the gain of the general public.
- (iv) If the claimant has been restricted of his liberty for the conduct of some activity considered harmful to other people.

### **2.6.3 The Rights and principles in compulsory purchase**

IHS report (2010) highlighted four ways upon which the rights and principles of compulsory acquisition need to be taken into consideration. These are; -

1. **Legality:** Expropriation, Compulsory purchase, Eminent domain are all legal term used by different countries to acquire land for public purposes. This means that land acquisition cannot be carried out by any country without the enabling laws that governs acquisition in that country. In other words, there must be a legal means upon which these activities must be carried out or implemented. Considering land acquisition as an area filled with tension, its activities must be governed by laws or statutes.

2. **Rights Involved:** Compulsory acquisition involved the revocation of the rights of occupancy of an individuals, organisation or communities for public interest, which is

the enabling power of government to access land for its developmental projects. The rights involved includes the statutory and customary rights of occupancy or any other rights recognized by law or accepted by the society as the case maybe.

**3. Compensation:** Compensation is paid for unexhausted improvement as provided by the enabling laws.

**4. Purpose:** For any Compulsory acquisition to takes place the purpose of acquisition must be stated and must be for the provision of public purposes that will better the lives of the general public such as roads, hospitals, schools water schemes or dams and or any other activities that is for public benefit.

## **2.7 International Standards for Compulsory Land Acquisition Application**

FAO (2008) in its quest for best practices in compulsory land acquisition highlighted three basic principles upon which the process would follow. These include: -

### **2.7.1 Protection of law and fair procedure**

Rules and regulations are guiding principles upon which compulsory acquisition can be carried out and implemented successfully. It built trust and confident on government when the process of compulsory acquisition is carried out according regulations, which must be followed to prevent any disputes. The people must also be protected in situations as they express their grievances if not satisfy with compensation payment.

### **2.7.2 Good governance**

Good governance should guide the processes and the procedures of land acquisition which must be transparent, fair and acceptable to the people to build trust on the acquiring authorities. Institutions should adhere to good governance in the discharge of

their responsibility to prevent corrupt practices and abuse of power, and those found one thing should be sanctioned.

### **2.7.3 Equivalent compensation**

The laws and regulation guiding compulsory acquisition and compensation should be adhered to, so as to restore people's lives and confidence. Qualified Estate Surveyors and Valuers should on the vanguard of promoting transparency in the process of undertaking the assessments for compensation.

### **2.7.4 Arguments in support of compulsory acquisition**

Compulsory land acquisition has greatly been criticised by many researchers while many also are advocating for it, considering it as a necessary tool use by the government to carry out its developmental projects based on the following outlined reasons for advocating for the legislation.

#### **a) Provision of Public Good**

Government of every nation is saddled with enamours responsibility of providing infrastructural facilities such as, schools, hospitals, roads the list is endless. Hence the need for land acquisition for the provision of these facilities, since government cannot at all times allow the private sector to provide these facilities because they are profit oriented and because, the services provided by these entities would not be withing the rich of the poor and the vulnerable in the society.

#### **b) Land Use Compatibility**

To prevent unhealthy environment and to control development, government may re-direct Land Use for various purposes. These may include residential, commercial, industrial and other uses for safety, convenience and economy for the effective function of our environment. The land use compatibility is obvious in our settings to achieve a

better and orderliness in our town and cities where all the facilities are working in harmony in an environment.

### **c) Promote Equity and Justice**

Compulsory land acquisition is the power of government to acquire land for public use and it is also a tool used by the government to re-distribute land and land resources to ensure equity, fairness and justice in the society. To achieve this government acquires large parcels of land through compulsory acquisition for allocation to the general public at a subsidized rate to ensure judicious and equitable distribution of land. In addition, it promotes the provision of basic social facilities such as open spaces, recreational parks, game reserves and conservation of natural environment. This is because, if these facilities are left in the hands of private entities, it might not be within the reach of the poor in the society and the aim of promoting justice, equity and fairness may not be achieved.

## **2.8 Compulsory Acquisition and Compensation in Nigeria**

In Nigeria, compulsory land acquisition and compensation is as old as Nigeria itself, it dates back to the colonial period when the colonial government compulsorily acquired land for public purposes to drive its developmental projects. These public purposes include: - Schools, Hospitals, Roads, and other facilities. They enacted laws and regulation which enables them to achieve successful compulsory purchase of Land. In Nigeria today the law that governs acquisition of land and compensation is the Land Use Act No. 6 of 1978, which vest all land in each state on the Governor, it also gave power to the Governors to compulsorily acquire land for public purposes to carry out its developmental projects and also for the provision of infrastructural facilities such as Schools, Hospitals, roads, railways, airports dams and other facilities.

The Act gave the Governors power to revoke rights of occupancy of any individual, communities or organisations for overriding public interest and pay compensation for buildings and other installations in accordance with the provisions of land use act. The acts provide for depreciated replacement cost method of valuation for the assessment and payment of annual ground rent if any, paid by the occupier in the year of revocation of the right of occupancy. Olawoye (1982) reported that, Public Land ordinance of 1876 was one of the earliest regulations, enacted by the colonial administration to enables them acquire Land for public purposes. The laws and regulations were later modified in 1917 and known as Public Lands acquisition Act; which was fashioned in accordance to British laws. Further modifications were also carried out this time it is known as State Lands (Compensation) Decree of 1968 followed by Public Lands Acquisition (miscellaneous provision) Decree of 1976. All these modifications of the laws and regulations were all in operation governing the process and procedures of land acquisition in the country until 1978 when Land Use Act was eventually enacted and later form part of Nigerian constitution. The Act provided for the replacement cost method of valuation as the basis of assessment and payment of compensation. Though the Act of 1917 provided for open market value as basis of assessment and payment of Compensation to the affected persons.

In Nigeria compulsory land acquisition and compensation is a statutory valuation and it is usually carried out in accordance with the provisions of the Act, as the acts provides the basis and the method of assessment and valuation. (Section 29 of the Act). The compensation heads as the basis of compensation includes the following: -

- (a) **Undeveloped land:** The Act provides for payment an amount equal to annual ground rent if any paid by the occupier during the year of revocation as

compensation, this means the Act does not provides for payment for market value of the land.

**(b) Buildings and installations:** These are unexhausted improvements which the Act provided for to be paid compensation, and the basis of assessment for compensation is the replacement cost method of valuation. This means that, Replacement cost, less any depreciation, and any other works upon which capital was expended and can be substantiated by proof of evidence such as receipts or any other means of evidence that can be authenticated by the Chief Lands Officer.

**(c) Crops and economic Trees:** The assessment of crops and economic trees are based on the gazetted rates of crops and economic trees as determine by the Chief Lands Officer and approved by the Governor and gazetted accordingly.

### **2.8.1 Valuation methodology**

Nuhu (2008) stated that, in Nigeria, the basis of assessment and method of valuation for compulsory land acquisition is the Replacement Cost approach. It considers the current costs of construction and applying the appropriate rate of depreciation. The Act does not consider value of land in the assessment and computation for payment of compensation for real property under compulsory acquisition.

The steps are as enumerated below: -

#### **a) Preliminary Investigation and Property Identification**

A site visits to identified the parcel of land required and its suitability for the purpose it is required for by the relevant authorities, stakeholders are also identified to enables proper dissemination of information and notices.

### **b) Public Notification and Participation**

Publication of notice by the government of his intention to acquire a parcel of land, stating its size, location and the purpose of the acquisition, to the public and all other interested parties through government gazette. The notice is giving using various means of communication such as Radio, Television, Newspapers in appropriate language understand by the people and meeting with the traditional institutions for adequate coverage.

### **c) Compensation Assessment**

The Act provides basis for valuation and assessment of compensation in Nigeria.

### **d) Payment Compensation to the Dispossessed Owners**

After the assessment all those affected by the acquisition are entitle to payment of compensation.

### **e) Taking Possession**

When compensation is paid it concludes the process of acquisition and the acquiring authority takes possession of the acquired land or property.

### **f) Survey and Transfer of Property Right**

With the taken over of the acquired parcel of land the acquiring authority takes charge of its administration and management.

### **g) Appeal**

The constitution provides for land owners to appeal to the court of law for determination if not satisfied with the acquisition and payment compensation.

The analysis of the various laws in Nigeria as shown in Table 2.4 highlighted various laws and regulations in practice since 1917 to the Act of 1978 which is currently the enabling law guiding the process of land acquisition and compensation in Nigeria. It should be noted that, the Public Land Acquisition Law of 1917 provided for payment of

compensation for lands, damages, severance and injurious affection and the use of open market value as the method of assessment. The 1962 Land Tenure Law on its part provided for payment for disturbance, unexhausted improvement and depreciated replacement cost as method of assessment. The 1968 State Lands Compensation Decree No 38 and Public Lands Acquisition of 1976 both provided for payment for land, unexhausted improvement and depreciated replacement cost as method of assessment except for payment for compensation that will be off set against cost of resettlement under 1976 Law. The Land Use Acts of 1978 on the other the Acts does not provide for payment for land, it only provides for refund of ground rent if paid by the occupier for that year of acquisition, but it allows for payment for buildings, fixtures, crops and economic trees. Depreciated replacement cost method is used as method of assessment while payment in the case of resettlement is at the discretion of the Governor.

**Table 2.4: Analysis of the various laws in Nigeria (1917, 1962, 1968, 1976 &1978)**

<b>The process</b>	<b>Public Land Acquisition 1917</b>	<b>Land Tenure Law 1962</b>	<b>State Lands Compensation Decree No 38, 1968</b>	<b>Public Lands Acquisition 1976</b>	<b>Land Use Acts (LUA) 1978</b>
Notice of acquisition	6(six) weeks' notice	-	-	-	-
of Claim	-Lands -Damage	- -Disturbance	-land -Unexhausted improvement	-payable for land - Unexhausted improvements	- Ground rent is payable for the land -Buildings, fixtures & crops)
Compensation payable	- Severance	-Unexhausted improvement			
Method of assessment.	Open market value	Depreciated replacement cost.	Depreciated replacement cost.	Depreciated replacement cost.	Depreciated replacement cost method
Settlement	-	-	-	Compensation to be off set against cost of resettlement	Discretionary by the Governor
Compensation					

Source: Nuhu, (2008)

## **2.9 Conflicts Inherent in Land Acquisition and Compensation;**

### **Review of Past Studies**

One of the challenging aspects of land administration is compulsory acquisition, it is an area filled with series of conflicts between the government, the land owners and other interested groups. A land conflict is a situation where the property rights of person(s) over a piece of land has been encroached upon, either to manage, to generate income, and or to erect a building and the right to compensation in case of compulsory acquisition. These conflicts should be dealt with accordingly if not, it might lead to destruction of life and properties, creating unhealthy environment.

Adebayo & Oriola (2016) studied the nexus of land conflicts and rural-urban migration in south-west Nigeria, the study employed descriptive method of analysis and it discovered that, there are series of conflicts arising from compulsory land acquisition from the rural growing population was due to the neglect by successive government to provide the needed infrastructure in those areas, provision of agricultural implements and incentives to help boost agricultural production, the desire of the young growing population for white collar jobs are some of the push-pull factors for rural-urban migration. The study recommends that government should be proactive and be sensitive to the plight of the people by instituting a land use policy that will provide for an effective land administration which would go a long way in reducing to the barest minimal conflicts arising from these local communities on access to land, quick and timely resolution of land conflicts and the provision of rural infrastructural development in these rural communities to forestall conflicts and rural-urban migrations. This should be taking into consideration in the government development plans.

Bernard *et al.* (2018) examined the conflicts over land acquisition and ownership in the Dorma traditional area, Ghana. The study examined land conflicts by analysing all the information gathered through descriptive technique. The results obtained shows that, there are some major factors responsible for triggering land related conflicts and litigations in the area of study. These factors include (1) Undocumented lands, (2) Lack of awareness of land related laws, and (3) Overlapping jurisdictions and mandates between state and traditional authorities. These factors were thoroughly discussed in details and the study came up with some recommendations which include (1) Citizens could be encouraged to document their lands (2) Updating of land laws among lawyers and (3) Creation of system to offer proper dialogues among stakeholders.

Muazzam *et al.* (2017) examined land-use conflict and socio-economic impacts of infrastructure projects in Diamer Bhasha Dam in Pakistan. The study utilized descriptive method of analysis to identify the impacts and it was discovered that the land acquisition and payment of compensation process and procedures were improper and does not satisfy the yearning and aspiration of the people and the future livelihoods of the affected persons are uncertain and this were identified as major impact. The impacts of the issues raised affected the completion of the project due to improper finance arrangement, conflicts resolution among the actors and the input of the stakeholders were also of concern. In the light of this issue's strategies for improved infrastructure project governance are identified.

Qian (2015) examined land acquisition and compensation in post-reform China in Hangzhou. The study utilized descriptive method of analysis and the study discovered that compensation can be monetary payment, provision of job placement which serves as job security assistance to the affected people, this is because of uncertainties of job

placement and competition that abound in the labour market and adapting to a new life in spite of improvement in land compensation.

Lombard & Rakodi, (2016) studied Urban land conflict in the Global South, it was discovered through descriptive analysis that conflicts caused by land acquisition for hydroelectric and other projects, the study identified meaningful public participation and consultation in decision-making as an effective conflict-resolution mechanism as related to compensation issues, this was evidenced as the affected communities hold no legal land titles, especially in tribal areas.

Subash *et al.* (2017) assessed the governance in land acquisition and compensation for infrastructure development in Nepal. The result of descriptive analysis showed that the processes and the procedures of land acquisition and compensation depends on the existing laws and regulation of any country which are enacted based on the political economical and other institutional frameworks of the country. The study reveals that each nations of the world has its laws and regulations and guidelines governing land acquisition and compensation, as such they also have different basis upon which assessment and payment of compensation are carried out. This approach therefore depends on the social, political and economic parameters of the country. The study recommends international best practices and good governance principles should be adopted which includes stakeholder's participation, proper information discrimination, fair and transparent process and procedures involving all the affected persons.

Zhu *et al.* (2018) studied land-acquisition and resettlement (LAR) conflicts, the results of the study showed that, a spatial mismatch between the spatial behaviour of human activities and at the same time there is injustice in the allocation of resources, infrastructural facilities, and socio-economic developments in our urban and rural

settlements thereby accelerating Land Acquisition and Resettlement (LAR) conflicts. When there is injustice in the distribution of resources for public good it triggered land acquisition conflicts. It should be noted that when there is imbalance in the resource allocation for public good or the allocation does not correspond to the pre- and after LAR, the basic rights of the people to social space are not safeguarded and various groups cannot equitably share spatial resources. The affected persons exp a high level of dissatisfaction with the process and the procedures this because in comparing their pre-LAR conditions, it was not as expected because they felt they should be better off, and LAR conflict undeniably occurs.

Ndjoku (2016) studied the causes of dissatisfaction among compensated landowners in Tanzania. The result of interviews conducted were analysed and result revealed that inadequate compensation, non-adherence to the laws, non- resettlement practice, exercise of force by government and lack involvement of project affected people were identified as most critical source of contentions. The study recommends that government should follow its legal procedures and processes of compulsory land acquisition.

Wilbard (2010) studied Land Conflicts in Dar es Salaam. The study discovered that the processes and procedures of land acquisition for public purposes should be clear, fair and transparent. The laws and regulations governing the processes should strictly be followed, to give persons affected by the process a sense of belonging so as to avoid undesirable negative consequences that may likely triggering conflicts between government and landowners. It was noted that some land acquisition conflicts can be politically motivated which are likely to undermine the socio-economic sustainability of the less privileges in the society and may triggered the peace and stability of the

community leading to the destruction of life and properties. The study concludes and recommends that rules and regulations governing the practice of land acquisition need to be reformed in order to review the current top-down approaches to land acquisition processes and procedures, public participation, dialogue, reliable mechanism, adequate information dissemination, budgeting for payment of compensation at the planning stage are key strategies to effective compulsory acquisition practices.

Ali *et al.* (2013) examined the problems of formal land acquisition policies in Nigeria. They study collect data on hectares of land acquired by Adamawa State Government. The findings reveal that State Government acquired 470 hectares of land in the state between the year 2000 and 2010 for various developmental purposes under compulsory acquisition. Out of the total land area acquired only 178 hectares that is (38%) have been developed leaving about (62%) 292 hectares remain yet to be developed. It was further revealed that continued expansion of informality with a total of 1973 hectares of land was also acquired by the state government with no meaningful developments going on various hectares of lands acquired creating anxiety in the mind of the populace as the people may not have access to their land any more to carry out their agricultural activities. The paper finally highlights some of the implications of acquiring large hectares of land without corresponding developmental activities on such lands and recommends measures to reduce the problems of formal land acquisition policy in the State.

Pham *et al.* (2013) examined compensation and resettlement policies after compulsory land acquisition for hydropower development in Vietnam. The study analysed the primary data through descriptive method, and the result revealed that despite many improvements made to land acquisition policies, poor implementation policies is still a

concern to the affected persons as it could not mitigate the adverse impacts on the displaced persons. The study further discovered that measure taking on payment of compensation are ineffective and none or absence of any productive land for resettlement of the affected persons accelerate the resistant of the communities displaced. The study therefore recommends that best practices should be put place and good governance measures of land acquisition should be urgently be put into practice.

Tagliarino *et al.* (2017) studied the compensation for expropriated community farmland in Lekki free trade zone in Lagos, Nigeria. The study utilized descriptive analytical method and qualitative technique. The study analysed 140 affected households' opinion and it was discovered that payment of compensation to the affected communities by government is inadequate and insufficient and were not provided with suitable alternatives. The study also found out that government did not comply with international best practices on land acquisition and compensation, both in terms of its laws and its practice in Lekki free trade zone case. It was recommended that land use act should adapt the international valuation standard definition of market value.

Albert (2012) examined the compulsory land acquisition in Ghana. The study utilized qualitative and quantitative approach, and it was found that 82% of the total land acquired by the state has not followed due process and proper executive instruments. Also, about 44% of the total lands acquired by the government have not been utilized. The result of the study further reveals some bottlenecks in the processes and procedures of land acquisition where the involvement of land owners at the initial stage is missing.

### **2.9.1 Identified gaps**

Despite the increasing land acquisition conflicts, previous studies have been limited to focus on some specific incidences that are related to large-scale civil strife or politically

motivated conflicts. To critically address land acquisition and compensation conflicts and land ownership problems in Nigeria, especially in Zungeru land acquisition, there is the need to understand the workings and the operations of land tenure system. This study attempts to identify inherent causes of the conflicts and adopting the international standards in addressing the conflicts.

Table 2.5 is the summary of review of past studies by various authors between 2010 and 2018, showing their study areas, research areas, methodology of their studies and their findings.

**Table 2.5: Summary of Conflicts Inherent in Land Acquisition and Compensation; Review of Past Studies**

<b>Author/Year</b>	<b>Study area</b>	<b>Research Area</b>	<b>Methodology</b>	<b>Findings</b>
Tagliarino <i>et al.</i> (2017)	Lagos, Nigeria	Compensation for Expropriated Community farmland in Nigeria:	Descriptive analytical method and qualitative technique.	That the Nigerian government failed to comply with international standards on acquisition and compensation, in terms of its law and its practices in the LFTZ case.
Subash <i>et al.</i> (2017)	Nepal	Governance in Land Acquisition and compensation for Infrastructure Development.	Desk Study Analysis	The processes and the procedures of land acquisition and compensation depend on the existing laws and regulation of any country in accordance to its economic and political situations.
Albert. A. (2012)	Ghana	An overview of compulsory land acquisition in Ghana.	Qualitative and quantitative analytical framework	The study reveals some bottlenecks in the process and procedures of land acquisition due to the absence of the land owners at the initial stage.
Adebayo & Oriola (2016)	Nigeria	The nexus of land conflicts and rural-urban migration in south-west Nigeria,	Descriptive method of analysis	The study discovered that conflicts arising from access to land include neglect by successive government in providing rural infrastructure, apathy to agriculture, desire for white collar jobs are some of the push-pull factors for rural-urban migration.

**Table 2.5: Cont'd**

Ndjovu (2016)	Tanzania	Understanding causes of dissatisfaction among compensated landowners in expropriated programs in Tanzania	Mean analysis	The study reveals that inadequate compensation, non-adherence to the laws, unfavourable resettlement practices, use of force by governments and acquiring authorities in making PAPs accept compensation, and lack of their involvement in the acquisition processes were identified as the most critical sources of discontent.
Pham and Others (2013)	Vietnam	Compensation and resettlement after compulsory land acquisition for Hydropower Development in Vietnam: Policy and Practice	Mean Analysis	The results show improvements in land acquisition policies, but poor implementation measures largely cannot prevent or even mitigate the adverse impacts of the displaced persons.
Ali <i>et al.</i> (2013)	Jimeta-Yola Nigeria	Problems of formal land acquisition policies in Nigeria.	descriptive analysis	Finding indicate that State Government acquired 470 hectares in the state between the years 2000 and 2010 out of which 178 hectares (38%) have been developed while 292 hectares (62%) is yet to be developed.
Wilbard (2010)	Tanzania	Land Conflicts in Dar es Salaam.	descriptive method	The study concludes and recommends that rules and regulations governing the practice of land acquisition need to be reformed in order to review the current top-down approaches to land acquisition processes and procedures.
Zhu <i>et al.</i> (2018)	China	land-acquisition and resettlement (LAR) conflicts		The study reveals a high level of dissatisfaction in comparison to pre-LAR conditions, and LAR conflict undeniably occurs.
Lombard & Rakodi, (2016)	Mexico & others	Urban land conflict in the Global South	descriptive analysis	The study reveals that, conflicts caused by hydroelectric and other projects identified, public participation and consultation in decision-making is an effective conflict-resolution mechanism which were all related to compensation issues. As the affected communities hold no legal land titles.

**Table 2.5: Cont'd**

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Qian (2015)	China	land acquisition and compensation in post-reform China in Hangzhou	descriptive method of analysis	The study discovered that compensation can be monetary payment, provision of job placement which serves as job security assistance to the affected people; this is because of uncertainties of job placement and competition that abound in the labour market and adapting to a new life in spite of improvement in land compensation.
Muazzam <i>et al</i> (2017)	Pakistan	land-use conflict and socio-economic impacts of infrastructure projects in Diemer Bhasha Dam in Pakistan	descriptive method of analysis	It was discovered that improper land acquisition, inadequate compensation, resettlement and future livelihoods were identified as major impact.
Benard <i>et al.</i> , (2018)	Ghana	The conflicts over land acquisition and ownership in the Dormaa traditional area, Ghana.	descriptive technique	The results show that, three major factors have triggered land related conflicts and litigations. These are (1) undocumented lands, (2) lack of awareness of land related laws, and (3) overlapping jurisdictions between state and traditional authorities

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(Source: Field Survey, 2019)

## **CHAPTER THREE**

### **3.0 RESEARCH METHODOLOGY**

#### **3.1 Sources of Data**

##### **3.1.1 Primary source of data**

According to Twumasi (2001) any research technique may fall under two (2) main categories, namely qualitative or quantitative research method. Primary data collected through fieldwork in the study area. The measuring instruments included the use of an in-depth interview of Claimants in the selected towns. This was used in combination with pre-coded and open-ended questionnaire based on the objectives the study. The 'Open' questions allow the respondents to expatiate on issues they are addressing. Information on compulsory acquisition and its effect on the Claimants were gathered from some farmers, landowners, opinion leaders and community leaders. The interview was adopted as this method would acquaint the researcher to have a better knowledge of the problem under study. The technique offered opportunity to the respondents to express themselves on the subject matter of the study as much as possible. This also permits the researcher to explain some questions to the respondents in areas they are not fully knowledgeable. Self-administered questionnaires give the respondents the chance of answering specific questions. The interview was conducted in Hausa and English languages, though there are many languages spoken in the area which includes; Gbaygi, Pangu, Kamuku and Yelwa.

##### **3.1.2 Secondary source of data collection**

Secondary sources of data used comprises of both published and unpublished materials, secondary data collected include; Land Use Act No 6 of 1978, gazetted rate for assessment and payment of compensation. Other sources include reports, journals, newspapers, and internet search, information collected or gathered are based on area of

study, such as compulsory acquisition and compensation, land ownership, land use conflicts, conflicts management and resolutions, land laws and policies and from the State department of Lands on land acquisition and compensation for this study.

### **3.2 Research Design**

The Research design deals with the general procedure and source of data employed in the study. The procedures and the techniques employed in the study are majorly structured questionnaire for the Claimants and the Professional Stakeholders, site visitation, direct observation, interviews and discussions. An in-depth comparative and exploratory method to operate the research objectives for better execution of the assignment was adopted. The approach therefore considers: review of relevant literature on the subject of the study. In order to answer the research questions of the study, the researcher carried out site visitation to the affected persons in different parts of the communities to obtain first-hand information from the respondents, the site visit was helpful as the researcher was able to see for himself the conditions of the respondents to deal with the high risk of bias in the application of the method of data collection, a list of confirming questions was designed for respondents prior to the conduct of the actual interviews.

### **3.3 Study Population and Data Requirement**

The concept of population is basic to descriptive and analytical research. Mairi Robinson (1996) as cited in Twumasi (2001) defined population as the number of people living in a particular area. The study further described population as all groups that consists of all the possible quantities or values relevant to a statistical study, from which representative samples are taken in order to determine the characteristic of the whole. There are other local settlers (Fulani's Normand's) who live in these

communities/ but does not form part of the research. The survey was therefore directed on only those who were directly affected by the acquisition. In this study, the claimants, community leaders, the Consultants Estate surveyors and valuers, the Attorneys, Legal practitioners and the acquiring authorities, Traditional institution of (Minna, Kagara and Kontagora Emirate council's representatives) constitute the population. This are the population this research studied and it became pertinent to study the characteristics of the population.

### **3.4 Sampling Frame**

The sample frame of the study was drawn from the 98 Communities affected by the Zungeru Hydro-electric power dam project spread across Shiroro, Kagara and wushishi local government areas of the State, the professionals and other stakeholders in the acquisition process. The 98 Communities consist of 8,018 households and 60 number professionals and stakeholders as the total population of the area affected by the acquisition which make up the sampling frame of the study upon which the sample size was determined.

### **3.5 Sample Size**

The sample size for the study population of the claimants was determined using Slovin's formula as expressed below:

$$n = \frac{N}{1+N(e)^2} \quad 3.1$$

Where; n = Sample size

N = Sample population size

e= Margin of error (0.05)

Based on the sample size model applied to the study population of 8,018 households, the sample size of 381 approximately was derived.

**Table 3.1: Administration of Questionnaires**

<b>population</b>	<b>Number of questionnaires administered</b>	<b>Number of questionnaires retrieved</b>	<b>Percentage analysed</b>
Claimants	381	325	85%
Stakeholders	60	55	92%
Total	441	380	86%

(Source: Field Survey, 2019)

### **3.6 Sampling Technique**

Data for the study were collected through field survey and distribution of questionnaires using multi -stage sampling technique. These stages include selection of five communities within the affected local governments areas for the study and the professional stakeholders in land and land related matter to include Consultants Estate Surveyors and Valuers, Attorneys, Legal practitioners and other stakeholders. The five Communities selected include Gurmana, Manta, Maikakaki, Gavia and Kamata Communities. These communities were selected because of their traditional status and their population density and the communities were zone on percentage ratio of 30%, 25%, 20%,15% and 10%. Questionnaires designed for collecting data from the respondents were distributed based on these ratios. The choice of this method is based on the ground that every respondent has equal chance of been selected. The affected people comprised of 8,018 claimants which was subjected to sample size model in order to have sizeable number to be sampled. The study identified 60 professional stakeholders in the exercise of land acquisition process in Zungeru which comprised of Estate surveyors, Attorneys, Legal practitioners, staff of State and Federal Ministries of Power, Works, Land and Housing.

### **3.6.1 Purposive or census Sampling**

Purposive sampling technique was used for professionals and stakeholders who were directly involved in the exercise and have relatively small population and to determine these professionals and the stakeholders, a census sampling required the study to sample all.

### **3.7 Method of Data Collection**

Questionnaires, interviews, site visitation and observation were the methods used to collect data for this study. Two sets of questionnaires comprised of sections were designed for this study. One to be completed by the Claimants and the other by the Professional stakeholders in the study area, based on the sample size a total of 381 for the claimants plus 60 for the stakeholders totalling 441 copies of questionnaires were distributed to the claimants and the stakeholders in the study area. The questionnaires were distributed using simple random sampling technique based on the apportioned percentage ratio 30%, 25%, 20%, 15% and 10% for Gurmana, Manta, Maikakaki, Gavia and Kamata Communities respectively in the study area. At Gurmana a total of 114 copies of a set of questionnaires were distributed to the claimants out of which 97 were completed and returned. At Manta 95 copies of a set of questionnaires were distributed to the claimants out of which 81 were completed and returned. At Maikakaki 76 copies of a set of questionnaires were distributed to the claimants out of which 65 were completed and returned. At Gavia 57 copies of a set of questionnaires were distributed to the claimants out of which 49 were completed and returned and at Kamata 39 copies of a set of questionnaires were distributed to the claimants out of which 33 were completed and returned. Thus, out 381 copies of a set of questionnaires distributed to the claimants in the five selected Communities a total of 325 copies of questionnaires were completed and returned, representing 85% of the copies of the questionnaires

distributed to the claimants. Similarly, 60 copies of a set of questionnaires were distributed to the professional stakeholders out of which 55 were completed and returned, representing 92% of the copies of the questionnaires distributed to the professional stakeholders.

### **3.7.1 Questionnaire design**

A structured questionnaire was designed to obtain relevant data from the respondents for this study. The personal method of administering questionnaires was used as against other methods. This is aimed at ensuring higher returns, clearer explanation to respondents to minimize the misinterpretation of questions. This also afforded the researcher the opportunity to make further observations while administering the questionnaires. The questions were structured in a simple and unambiguous manner for clarity of the respondents.

### **3.7.2 Personal observation/field survey**

In primary data collection, on the spot assessment without participation of respondents was carried out. This includes several visits to land under acquisition at Zungeru to see the kind of structures and economic trees on ground. Prior to the distribution of the questionnaires, the study embarked on a reconnaissance survey to get the researcher acquainted with the areas of study. Photographs revealing some of the housing types and the constraints as they affect residential developments in the study areas were also taken.

### **3.7.3 Interview**

This is simply a personal interview section in which the researcher asked the claimants, consultants and government officials, questions that were designed to enable the researcher achieve the study aim. The interview was targeted at the claimants, Heads of

lands officials directly involved in land acquisition and compensation in Zungeru Hydro-power project.

### **3.8 Method of Data Analysis**

Data gathered from the field study were edited and the quantitative data collected were analysed using Excel, Bar and pie charts for data analysis, while the qualitative data collected from the in-depth interviews were analysed descriptively. Descriptive analysis comprised Likert scaling, percentage and mean. Inferential statistic using Chi-square test to determine the relationship in the opinion of respondents and spearman rank correlation to examine the relationship between ranking, T-test is also employed to determine the difference between opinions. The method of analysis required for each objective of study, nature of data and techniques used is presented in Table 3.3.

#### **3.8.1 Likert scale**

This was adopted to measure the mean average response of the respondents, the Mean Score (MS) was used in ranking the variables, which was estimated using the formula in equation (1) below

$$MS = \frac{5n_5 + 4n_4 + 3n_3 + 2n_2 + 1n_1}{N} \quad 3.2$$

Where n is the scores given by the stakeholders based on five-point scale of 1 to 5 and N the number of the stakeholders that rated the attributes

#### **3.8.2 Inferential method**

Inferential techniques employ the use of chi-square test, t-test and spearman's rank correlation.

- a) **Cronbach's alpha Test:** this was used to test internal consistency of itemized questions posed to the respondents, and to test the reliability of the responses gathered through questionnaires. The general rule of thumb requires Cronbach's

alpha statistics to be 0.75 or more before the responses are said to be internally consistent and reliable for the study.

$$\alpha = \frac{N \cdot \bar{C}}{V + (N - 1) \cdot \bar{C}} \quad 3.3$$

Where  $\alpha$  - Cronbach's alpha, N - number of items,  $\bar{C}$  - bar is the average inter-item covariance among the items and  $\bar{V}$  - bar equals the average variance.

Table 3.2 is the results of the Cronbach Alpha test on the reliability of the variables as indicated in the objectives of the study to sure and precise if the results of the responses received from the respondents are internally consistent and reliable for the study.

**Table 3.2: Reliability Results of Cronbach's Alpha on Responses**

Variables tested	Cronbach's Alpha Test
Response on causes of conflicts	0.77
Response on the reasons for the failure of compulsory land acquisition	0.79
Response on workable solutions to compulsory land acquisition conflict	0.86
Responses on the applicability of foreign experience in land acquisition and compensation	0.89
Responses on level of compliance to FAO guidelines	0.88

Source: Field Survey, (2019)

- b) **Chi-square:** this technique was employed to determine the relationship in mean response of the respondents. In other word, it was used to test if the opinion of respondents is statically related or not.

Table 3.3 outlined the objectives of the study, the method of analysis and the techniques adopted which include a combination of well-structured questionnaire backed up with an in-depth interview and the use of Mean, relative Important Index (RII) and Chi-square test to analyse the results.

**Table 3.3: Objectives of Study, Method of Analysis and Analytical Technique**

<b>Objectives of Study</b>	<b>Instruments of data collection</b>	<b>Data analysis method</b>
Identify the underlying causes of conflicts in compulsory land acquisition procedures from the planning stage to restitution in Zungeru HEPP	The combination of well-structured questionnaire backed up with an in-depth personal interview	Mean, relative Important Index (RII) & Chi-square test
Examine the reasons for successful implementation of compulsory land acquisition in the study area.	The combination of well-structured questionnaire backed up with an in-depth personal interview	Mean, relative Important Index (RII) & Chi-square test
Explore cases/experience of other countries on compulsory land acquisition.	The combination of well-structured questionnaire backed up with an in-depth personal interview	Mean, relative Important Index (RII) & Chi-square test
Evaluate the process and the level of compliance to international best practices (FAO guidelines) in the compulsory acquisition of Zungeru HEPP.	The combination of well-structured questionnaire backed up with an in-depth personal interview	Mean, relative Important Index (RII) & Chi-square test
Determining a workable solution in resolving conflict between acquiring authorities and the landowners.	The combination of well-structured questionnaire backed up with an in-depth personal interview	Mean, relative Important Index (RII) & Chi-square test

(Source: Field Survey, 2019)

## CHAPTER FOUR

### 4.0 RESULTS AND DISCUSSION

#### 4.1 Introduction

This chapter comprised the result and discussion of findings of the analysis of data collected from claimants of Zungeru land acquisition and that of the stakeholders. To achieve a precise analysis of data collected a total number of 441 questionnaires was distributed to the Claimants and the professional stakeholders out of which a total of 380 questionnaires was received, representing 86% of the total questionnaires distributed which was adequate for analysis for the study. The chapter presented the result of the analysis of claimants and stakeholder response in tables and charts using percentages, mean, relative important index (RII) and chi-square test. The chapter is subdivided into two parts, firstly the chapter presented the analysis of claimants' responses and secondly the analysis of stakeholders' responses.

Table 4.1 is the results of socio-economic characteristic of affected persons of Zungeru hydro-electric power dam land acquisition. It shows that majority of the affected persons were male, who are mostly famers, it should be noted also that, 60% have lived in the area for more than 60 years and 62.8% of the affected land is owned by different family groups. This implies that majority of persons affected by the land acquisition for Zungeru hydro project were agrarians or famers/fishermen who had lived as families for more than 60 years, in order words, their ancestral origin has been attached to the land which has spiritual effects on the people.

**Table 4.1: Socio-Economic Characteristic of Affected Persons of Zungeru Land Acquisition**

Socio-Economic Characteristic		Frequency	Percent	Cumulative Percent
Gender	Male	305	93.8	93.8
	Female	20	6.2	100.0
	Total	325	100.0	
Occupation	Civil Servant	44	13.5	13.5
	Farming	220	67.7	81.2
	Artisan	61	18.8	100.0
	Total	325	100.0	
How Long Have You Been Staying Here?	Less than 10years	16	4.9	4.9
	11-30yrs	21	6.5	11.4
	31-60years	93	28.6	40.0
	more than 60years	195	60.0	100.0
	Total	325	100.0	
Ownership Status	Individual owner	97	29.8	29.8
	occupied			
	Lease	10	3.1	32.9
	community-ownership	14	4.3	37.2
	family-owned	204	62.8	100.0
Total	325	100.0		

Source: Field survey, (2019)

Figure 4.1 is a chart showing type of ownership rights of the people in the study area which shows that 90.46% of the affected people have been on their land before the promulgation of Land Use Act which the Acts recognized as deemed grantees. This is followed by people on lease for purpose of agriculture 7.38% while 2.15% owned state grant, with 0% receipt evidence and 0% had no certificate of occupancy.

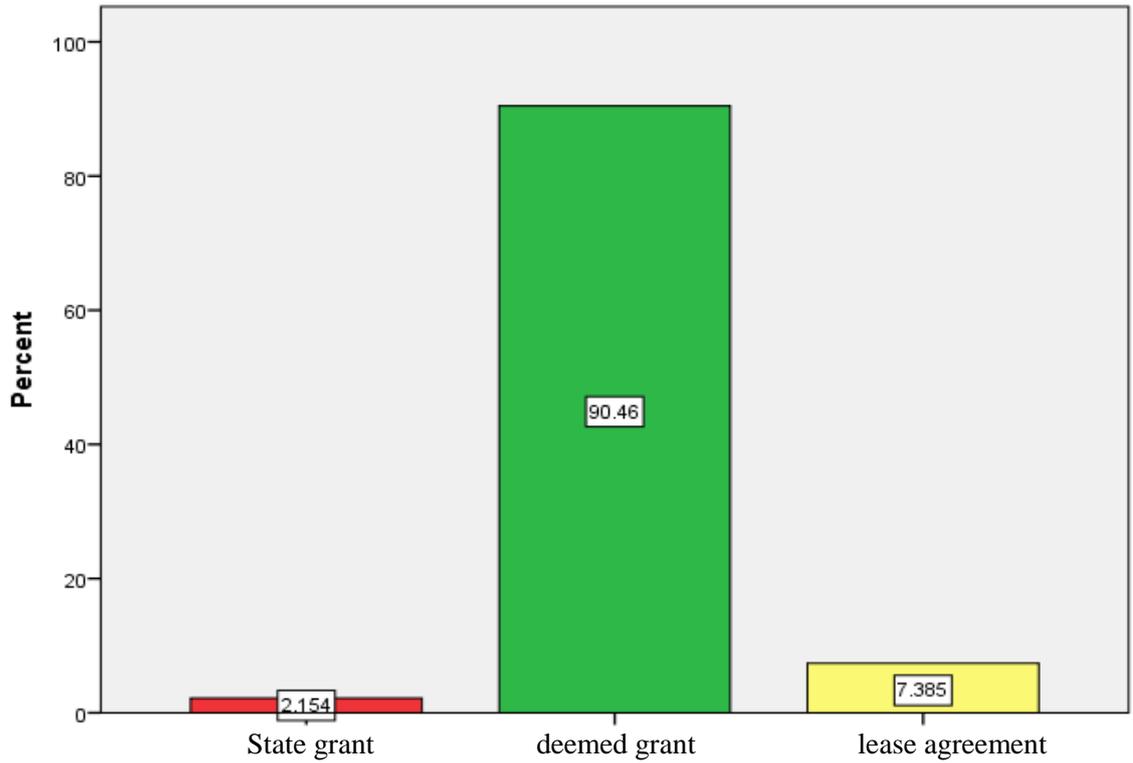


Figure 4.1: Type of Ownership Right  
(Source: Field Survey, 2019)

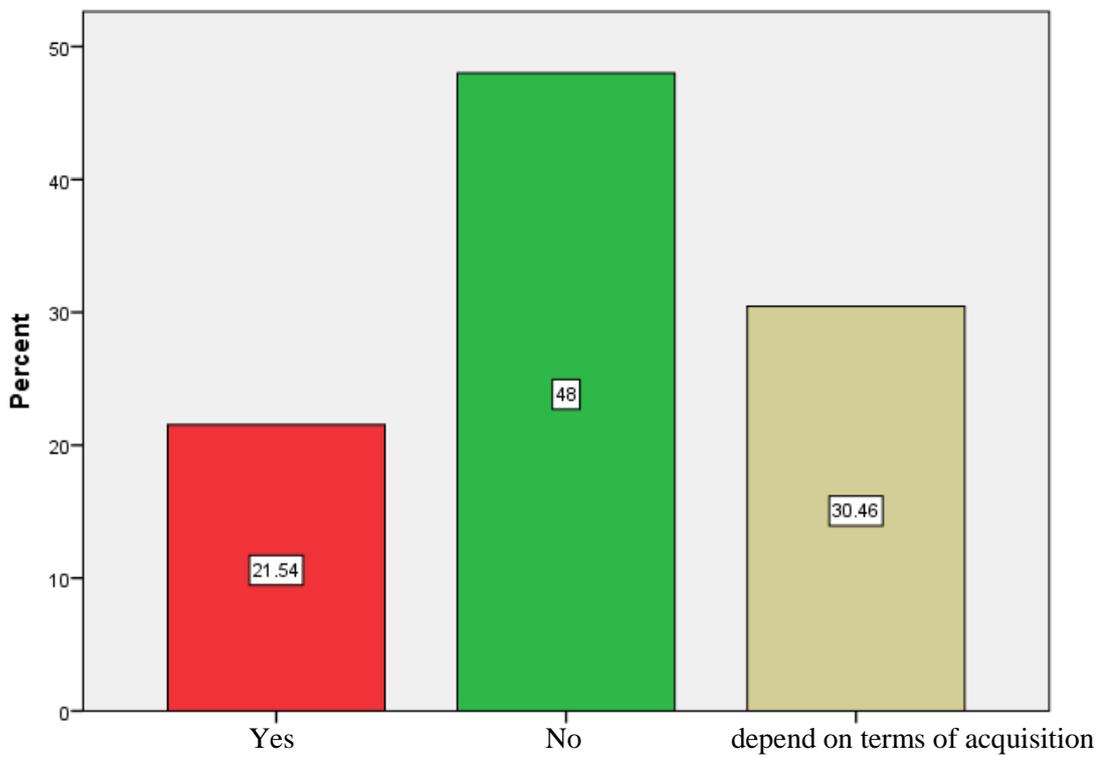


Figure 4.2: Agreement to Government Intention to Land Acquisition  
(Source: Field Survey, 2019)

Figure 4.2 is the response of the claimants on whether they agree with government intention to carry out acquisition of their parcels of land for the project 48.00% responded in negation, 30.46% agree but subject to what government has to offer in addition to compensation, if the term of acquisition offer is good they are willing to agree with government intention, while 21.54% responded in affirmative.

**Table 4.2: Respondents' Satisfaction to the Process of Land Acquisition**

<b>Process of Land Acquisition</b>	<b>N</b>	<b>Highly satisfied</b>	<b>fairly satisfied</b>	<b>not Satisfied</b>	<b>Total</b>	<b>Chi-sq</b>	<b>p-value</b>
Site identification process	N	4	84	237	325	22.12	0.000
	%	1.2	25.8	72.9	100		
Ownership assessment process	N	11	75	239	325		
	%	3.4	23.1	73.5	100		
Enumeration process	N	4	87	234	325		
	%	1.2	26.8	72	100		
Assessment economic tree process	N	4	75	246	325		
	%	1.2	23.1	75.7	100		
Assessment of the structure process	N	8	75	242	325		
	%	2.5	23.1	75.5	100		
Promptness in payment	N	4	59	262	325		
	%	1.2	18.2	80.6	100		
Adequacy of compensation sum	N	4	75	246	325		
	%	1.2	23.1	75.7	100		
Method of assessment	N	4	59	262	325		
	%	1.2	18.2	80.6	100		

(Source: Field Survey, 2019)

Table 4.5 result revealed that the affected people were not satisfied with the all processes of land acquisition. The test of the relationship in the opinion of the affected persons on the level of satisfaction revealed that p-value of 0.000, the chi-square statistics at 22.12 is found significant, in other words, the opinion of affected people that are not satisfied with the land acquisition process is statistically significant, therefore

the respondents were related in their opinion of not satisfied with the process land acquisition.

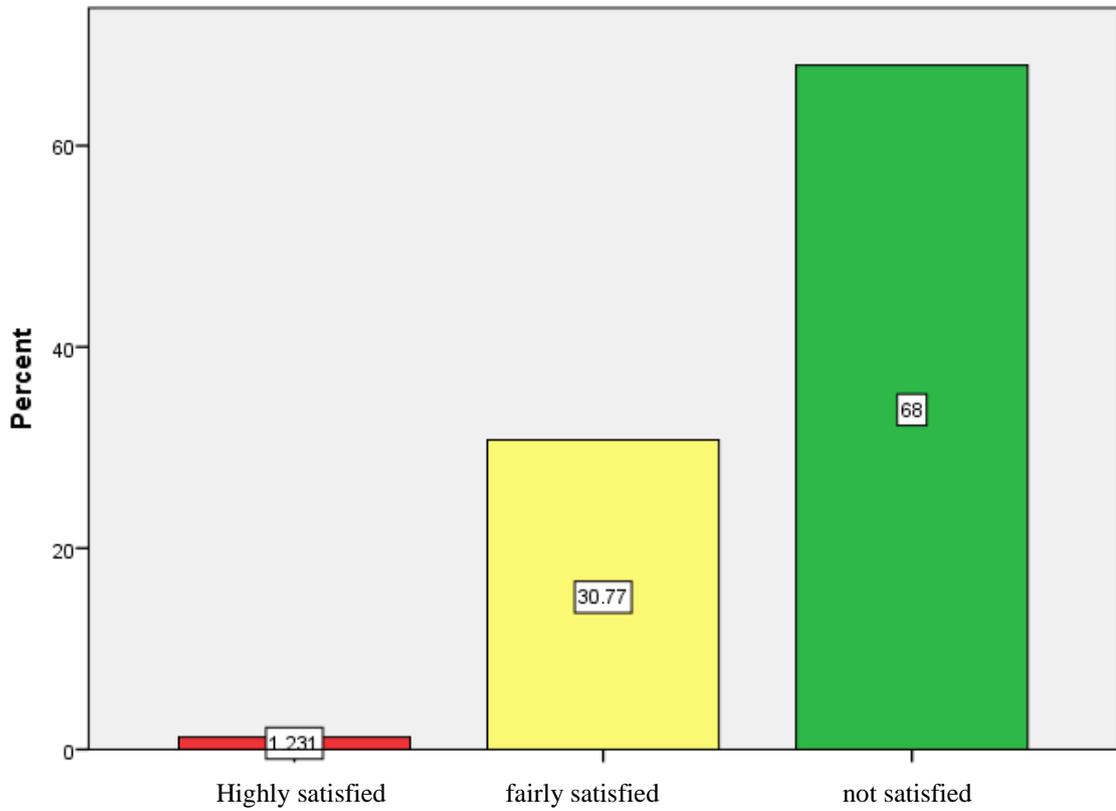


Figure 4.3: Level of satisfaction with the Resettlement Location  
(Source: Field Survey, 2019)

Figure 4.3 shows the level of satisfaction of the affected people with the resettlement locations, 68.00% were not satisfied, 30.77% were fairly satisfied while 1.23% were satisfied. This showed that majority of affected people were not satisfied with the resettlement location. The reason for their non-satisfaction is presented in figure 4.4.

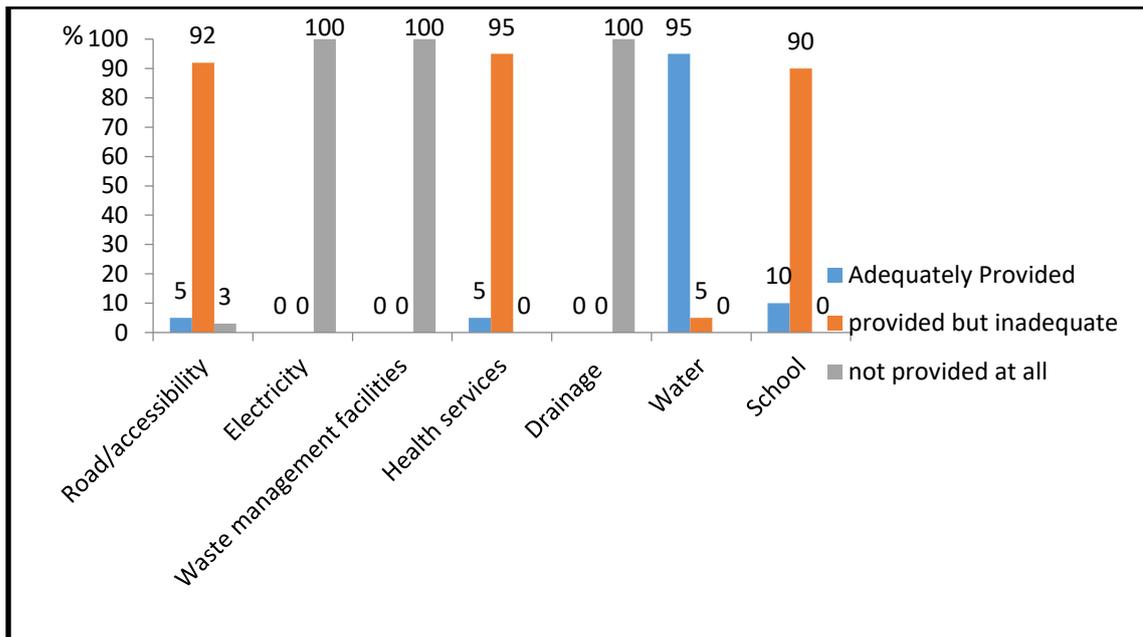


Figure 4.4: Availability of Basic Infrastructure in Resettlement Location  
(Source: Field Survey 2019)

Figure 4.4 revealed the level of infrastructural provision in the resettlement locations which is grossly inadequate. Only water was adequately provided at 95.00% response, road accessibility, health services and school were provided but not adequate to service the affected persons in the resettlement locations, response to its inadequacy at 92.00%, 95.00% and 90.00% respectively. Electricity, waste management facilities and drainage were not provided at all.



Plate I: Health Facility Built for the Community at the Resettlement Sites  
(Source: Field Survey, 2019)

Plate I, shows the health service center in resettlement location. This is considered grossly inadequate for 500-1000 resettled persons including children. The clinic is characterized by inadequacy of space and services.



Plate II: School facility built for the Community at the Resettlement Sites  
Source: Field Survey 2019

Plate II, shows the school facilities provided for resettled persons. The school is a block of three-number class room with adjoining toilet. This is also grossly inadequate considering the number children of school age in the resettled area.



Plate III: water facility Built for the Community at the Resettlement Sites  
(Source: Field Survey, 2019)

Plate III, shows the water facility provided for resettled persons the borehole has the capacity of serving the resettled persons, this is considered adequate to supply portable water to the people.

**Table 4.3: Level of Satisfaction of affected people from Planning to Restitution**

<b>Planning-restitution process</b>	<b>N</b>	<b>Highly satisfied</b>	<b>fairly satisfied</b>	<b>not Satisfied</b>	<b>Total</b>	<b>Chi-sq</b>	<b>p-value</b>
Planning process	N	9	70	246	325	25.11	0.000
	%	2.8	21.5	75.7	100		
Level of Publicity	N	4	80	241	325		
	%	1.2	24.6	74.2	100		
valuation and submission of claim	N	9	75	241	325		
	%	2.8	23.1	74.2	100		
Payment of compensation sum	N	14	70	248	325		
	%	4.3	21.5	74.2	100		
Possession	N	7	70	248	325		
	%	2.2	21.5	76.3	100		
Appeal	N	5	71	249	325		
	%	1.5	21.8	76.6	100		
Restitution	N	4	74	247	325		
	%	1.2	22.8	76	100		

(Source: Field Survey, 2019)

Table 4.3 revealed that the affected people were not satisfied with all the entire process from planning to restitution. The study further tested the relationship in the opinion of the affected persons on the level of satisfaction revealed that at p-value of 0.000, the chi-square statistics at 25.11 is found significant, in other word, the opinion of affected people on non-satisfaction towards the land acquisition process statistically significant, therefore the respondents were related in their opinion of non-satisfaction in the acquisition process.

## 4.2 Analysis of Professional Stakeholders Response

The study analyses the stakeholder responses toward the conflict issues in the acquisition of Zungeru hydro-electric project. The stakeholders comprise of Legal practitioners, Estate Surveyors and Valuers, Federal and State Ministries of Power, Works, Land and Housing and the stakeholders in the affected community.

Table 4.4 shows the demographic information of the professional stakeholders in the study area.

**Table 4.4: Demographic Information of Respondents**

Demographic information of Stakeholders		Response Frequency	Response Percentage	Cumulative Percent
Gender	Male	50	90.9	90.9
	Female	5	9.1	100.0
	Total	55	100.0	
Educational qualification	ND/NCE	3	5.5	5.5
	HND/B.SC	34	61.8	67.3
	M.sc/MTech	15	27.3	94.5
	PhD	3	5.5	100.0
	Total	55	100.0	
Year of experience	10yrs and below	4	7.3	7.3
	11-20yrs	37	67.3	74.5
	21yrs and Above	14	25.5	100.0
	Total	55	100.0	

(Source: Field Survey, 2019)

**Table 4.5: Causes of Conflict Zungeru Land Acquisition**

Identified Causes of Conflict (Alpha @ 0.82)	N	Sum	Mean	RII	Rk	Ch-sq	p-value
Lack of Strong legal framework for protecting the land rights of local communities	55	233	4.24	.85	5	20.02	0.000
lack of good resettlement plans	55	245	4.45	.89	4		
Inadequacy of compensation	55	209	3.80	.76	7		
Lack of provision for injurious affections	55	202	3.67	.72	8		
lack infrastructure in resettlement location	55	209	3.80	.76	7		
Under assessment of structures and economic tress	55	257	4.67	.93	1		
lack of full participation of indigenous stakeholders	55	251	4.56	.91	2		
lack of institutional framework for fair compensation	55	249	4.52	.90	3		
Lack of clear ownership rights to land	55	229	4.17	.83	6		

(Source: Field Survey, 2019)

Table 4.5 presented identified result of the major causes of conflict in Zungeru HEPP land acquisition. The five-point Likert scale employed to rate the causes from strongly agree to strongly disagree (5-1) revealed the weighted mean and relative importance index (RII). The result showed that under assessment of structure and economic tree was ranked first cause of conflict during field assessment, lack of full participation of indigenous stakeholder was ranked second major cause and lack of institutional framework for fair compensation. These were the three major causes of conflict which stakeholders have identified at 93.00%, 91.00% and 90.00% importance respectively. The chi-square result revealed that the chi-square statistics at 20.02 is statistically significant, and at p-value (0.000) is less than 0.05 level of significance. The study revealed that the respondent was significantly related in their opinion toward causes of conflict in the study area.

**Table 4.6: Reasons for the Failure of the Compulsory Acquisition**

Reasons for the Failure	N	Sum	Mean	RII	Rk	Chi.sq	p-value
Issues of personal interest not public purpose	55	233	4.2364	.85	4	18.44	0.000
lack of full participation of stakeholders	55	245	4.4545	.89	3		
Lack public trust in Government	55	209	3.8000	.76	5		
Lack of political will	55	202	3.6727	.73	6		
Lack of knowledge of laws and regulations governing the compulsory land expropriation process.	55	209	3.8000	.76	5		
lack of direct benefit of acquisition to the affected people	55	257	4.6727	.93	1		
Lack of political continuity in government	55	251	4.5636	.91	2		
Valid N (listwise)	55						

(Source: Field Survey, 2019)

Table 4.5 result identified the most important reasons for the failure of most government compulsory land acquisition. The five-point Likert scale employed to rate the identified failure from strongly agree to strongly disagree (5-1) revealed the weighted mean and relative importance index (RII). The result showed that lack of direct benefit of acquisition to the affected people was ranked first reason for the failure of compulsory land acquisition. Lack of political continuity in government was ranked second the most important. Lack of full participation of stakeholders was also ranked third reason and issues of personal interest not public purpose was ranked fourth. These were the four the most important reasons for the failure of compulsory land acquisition and the level response are given at 93.00%, 91.00%, 89.00% and 85.00% importance respectively. The result chi-square test presented was used to test if the relationship of the opinion of the respondents were related towards the identified causes or not. The result revealed the chi-square statistics at 18.44 is statistically significant and at p-value (0.000) is less than 0.05 level of significance. The study revealed that the respondents were significantly related in their opinion toward the identified reasons for the failure of compulsory land acquisition in the study area.

**Table 4.7: Applicability of Experience from other countries in relation to Compulsory Land Acquisition in Nigeria**

Foreign Experience	N	Sum	Mean	RII	Rk	Chi-sq	p-value
Any damage sustained on asset, and loss of profit over the land, an additional 15 percent of the market value for disturbance.	55	244	4.4364	.89	3	23.00	0.000
Compensation for the adjacent object; right of mortgage; compensation for disadvantages; and compensation for damages.	55	250	4.5455	.91	2		
Compensation based on 6–10 times. The settlement subsidy payment based on 4–6 times and maximum payment for each hectare of acquired land shall not be higher than 15 times the average production value.	55	239	4.3455	.87	4		
Market value is the appropriate basis for compensation for land acquired	55	259	4.7091	.94	1		
Market value is determined by examining the sale transactions and comparison.	55	274	4.1822	.84	5		
Valid N (listwise)	55						

(Source: Field Survey, 2019)

Table 4.7. result revealed that all foreign method of acquisition process had a very high relative important index indicating that high level applicability and acceptance in Nigeria land acquisition process. The five-point Likert scale employed to rate the response of stakeholders ranges from strongly agree to strongly disagree (5-1) revealed a high weighted mean and relative importance index (RII). Respondents strongly agree that market value should be adopted as an appropriate basis of compensation and it is ranked first at 94.00% level of importance. Compensation for damages and disadvantages accrued to mortgagees was ranked second at 91.00% level of importance. Damage sustained by the physical asset and loss of profits that was lost in the process and an additional 15 percent of the market value for disturbance was ranked third the most importance foreign experience to be adopted in Nigeria at 89.00% level of importance. Compensation based on 6–10 times amount of subsidy payment for each hectare of acquired land and market value based on recent sale transaction and sale comparison were ranked fourth and fifth at 87.00% and 84.00% level of importance respectively. The result chi-square test presented was used to test if the relationship of

the opinion of the respondents were related towards the identified causes or not. The result revealed the chi-square statistics at 23.00 is statistically significant and at p-value (0.000) is less than 0.05 level of significance. The study revealed that the respondents were significantly related in their opinion toward the applicability and acceptance of foreign experience in land acquisition process.

**Table 4.8: Level of Compliance to International Best Practices (FAO guidelines)**

International Best Practices	N	Sum	Mean	RII	Rk	Chi-sq	p-value
Meaning of public purpose should be clear to allow for Judicial review	55	263	4.79	.96	2	27.44	0.000
Acquisition of minimum resource where proposed expropriation related to spiritual matters and livelihood	55	241	4.38	.88	6		
The planning and process for acquisition should be transparent and participatory.	55	244	4.43	.89	5		
Respect all customary rights holders, especially the vulnerable and marginalized groups.	55	249	4.52	.91	4		
Valuation for land should take into account properties that rarely come to market, such as sociocultural, religious, spiritual and environmental values.	55	243	4.41	.88	6		
Prevent corruption, and other forms of vices but the process should be transparent and decentralized.	55	246	4.47	.89	5		
States should reserve right to appeal compensation decisions	55	270	4.90	.98	1		
Measures to provide access to productive land should be put in place.	55	257	4.67	.94	3		
Valid N (listwise)	55						

(Source: Field Survey, 2019)

In table 4.8, the five-point Likert scale employed to rate the level of compliance ranges from always comply to never comply (5-1) revealed the weighted mean and relative importance index (RII). The result revealed that all the identified FAO standards were highly complied with by government as responded, right to appeal compensation decision was ranked first and 98.00% relative level of compliance. Meaning of public purpose should be clear to allow for judicial review was ranked second at 96.00% relative level of compliance, measures to provide access to productive to be put in place was ranked third at 94.00% level of compliance and respect customary rights holders, especially the vulnerable and marginalized groups was ranked fourth at 91.00% level of

compliance. The result chi-square test presented was used to test if the relationship of the opinion of the respondents were related towards the identified causes or not. The result revealed the chi-square statistics at 27.44 is statistically significant and at p-value (0.000) is less than 0.05 level of significance. The study revealed that the respondents were significantly related in their opinion toward the identified international best practices to compulsory land acquisition in the study area.

**Table 4.9: Workable Solutions to Compulsory Land Acquisition Conflict**

<b>Workable Solution</b>	<b>N</b>	<b>Sum</b>	<b>Mean</b>	<b>RII</b>	<b>Rk</b>	<b>Chi-sq</b>	<b>p-value</b>
Full participation of Stakeholders	55	258	4.69	0.94	4	33.02	0.000
Transparency in the Assessment Process	55	264	4.80	0.96	3		
Provision of better infrastructure in resettlement location	55	302	4.90	0.98	1		
payment of adequate and fair compensation	55	257	4.67	0.93	5		
Public enlightenment of the whole planning process	55	266	4.84	0.97	2		
Valid N (listwise)	55						

(Source: Field Survey, 2019)

Table 4.9 provides for a workable solution to compulsory land acquisition conflicts. The five-point Likert scale employed to rate the identified solutions from strongly agree to strongly disagree (5-1) revealed the weighted mean and Relative Importance Index (RII), show that provision of better infrastructure in resettlement location was ranked as first solution to compulsory land acquisition conflict, Public enlightenment of the whole planning process was ranked second the most important and transparency in the assessment process was also ranked third reason. These were the three important workable solutions to compulsory land acquisition conflict and the level of responses are given at 98%, 97% and 96% importance. The result chi-square test presented was used to test if the relationship of the opinion of the respondents were related towards the identified causes or not. The result revealed that, the chi-square statistics at 33.02 is statistically significant and at p-value (0.000) is less than 0.05 level of significance. The

study revealed that the respondents were significantly related in their opinion toward the identified workable solutions to compulsory land acquisition conflict in the study area.

### **4.3 Summary of Findings**

1. The study discovered that, affected people were not satisfied with all the process of land acquisition. The study further revealed that majority of affected people were not satisfied with resettlement plans because the basic infrastructure for the livelihood of affected people were not adequately provided by the government. Therefore, the entire process from planning to restitution has been found unsatisfactory to the affected people.
2. The study also revealed that, Poor planning of the project leading to delay in payment of compensation has been one of the factors influencing conflict in the process of acquisition between the major stakeholders. This therefore, brought about agitations, tensions and reactions from the affected people, this shows that government did not undertake adequate feasible plan and enough budgetary provision for payment of compensation in good time. Inadequate or lack of proper budgeting as against the FAO (2008) which provides for budget estimate of compensation cost to overcome unnecessary delay of the project.
3. The study also discovered that under- assessment of structures and economic trees, lack of full participation of indigenous stakeholder, lack of institutional framework for fair compensation and lack of good resettlement plans have been identified as major causes of conflict in Zungeru land acquisition. Therefore, there is the need for legal framework for protecting the rights and welfare of claimants in the affected local communities.

4. The study also advocates the re-introduction of The Public Land Acquisition Acts of 1917 which is in consonance with best practices, as it provides for payment for Land, Damages, severance/injurious affection and open market value as method of assessment. This would go a long way in reducing or elimination conflicts in Compulsory Land Acquisitions processes.
5. The result revealed that lack of direct benefit of acquisition to the affected people, lack of political continuity in government, lack of full participation of stakeholders and issues of personal interest not public purpose as major reasons for the failure of most land acquisitions. The study therefore revealed that, the affected people feel that acquisition has no direct benefit and problem of personal interest under the shadow of public interest has made the affected people unsatisfied with the process.
6. The study further revealed that provision of better infrastructure in resettlement locations, Public enlightenment of the whole planning process and transparency in the assessment process were also identified as most importance solutions to compulsory land acquisition conflicts. The study therefore showed that good resettlement plan that will bring basic infrastructure couple with transparency in the assessment process is deficient in process of land acquisition.
7. The study further revealed that, land acquisition process from other African countries can be adopted into Nigerian land acquisition process. The adoption is capable of addressing inadequacy of compensation; discourage statutory approach, psychological loss and injurious affections properly. Lessons/experience from other countries revealed that, open market value as basis of assessment for compensation valuation is capable of addressing many deficiencies in the land acquisition process.

8. The study revealed that, FAO guidelines were highly complied with, yet the problems of land acquisition still persist. Most of the identified FAO standard complied with by the government such as right to appeal compensation decision, public purpose should be clearly defined to allow for judicial interpretation. Therefore, the need to adopt other African countries system become inevitable.

#### **4.4 Discussion of Findings**

The findings from the study have unravelled the challenges resulting into conflicts in the process of land acquisition in the study area, these ranges from dissatisfaction, poor planning, under-assessment of structures and economic trees to individual self-interest of the parties involved in the process. The study utilized simple random and census sampling techniques to collect relevant information from both affected people and professional stakeholders respectively. The result of relative important index showed that under assessment of structures and economic trees, lack of full participation of indigenous stakeholder, lack of institutional framework for fair compensation and lack of good resettlement plans are the major causes of conflict in Zungeru land acquisition which was ranked respectively at 93.00%, 91.00%, 90.00% and 89.00%.

Findings also revealed that lack of direct benefit of acquisition to the affected people and lack of political continuity in government as major reasons for the failure of compulsory land acquisition at 93.00% and 91.00% importance. It further revealed that provision of better infrastructure in resettlement locations and public enlightenment of the whole planning process as major workable solutions to land acquisition conflict at 98.00% and 97.00% importance. In addressing inadequacy of compensation; discourage statutory valuation, psychological loss and injurious affections, most of the respondents or 84.00% - 94.00% importantly responded to the adaption of foreign experience in process of land acquisition.

## **CHAPTER FIVE**

### **5.0 CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Conclusion**

The study of conflicts inherent in land acquisition process of Zungeru Hydro-electric Power Dam Project has unravelled immediate and remote causes of conflicts associated with the process of acquisition and compensation. Poor planning of the project leading to delay in payment of compensation has been one of the factors influencing conflict in the process of acquisition between the government and the affected people. This therefore, brought about agitations, tensions and reactions from the affected people, this has showed that Government did not undertake adequate feasible plan and enough budgetary provision for payment of compensation in good time.

Inadequate or lack of proper budgeting as against the FAO (2008) which provides for budget estimate of compensation cost to overcome unnecessary delay of the project. Another aspect was the method of assessment of physical structure and economic trees which is highly ambiguous to many affected people, institutional framework for fair compensation that incorporate loss of profit due to acquisition is found lacking in the process and affected people will continue to be unsatisfied unless additional value for loss of profit is included in compensation sum.

The Public Land Acquisition Acts of 1917 which is in consonance with best practices should be re-introduced as it provides for payment for Land, Damages, severance/injurious affection and open market value as method of assessment, as against the provisions of the Land Use Acts of 1978 which has a lot of shortcomings.

Good resettlement plans that would have served as incentive to the affected people is not in place and a successful land acquisition must provide a complete package of welfare to affected people in order to take care of injurious affections, psychological and spiritual attachments of their affected land. Failure experienced in the exercise as discovered is as a result of personal interest rather than public interest as against land use act specification. Affected people feeling of lack of direct benefits from land acquisition has also aggravated the failure of the exercise. For any successful land acquisition and compensation, transparency is key and a good resettlement package that will provide basic infrastructure in resettlement locations. Adoption of lessons/experience of land acquisition from other countries is capable of addressing inadequacy of compensation, deficiency in statutory method, psychological loss and injurious affections properly. Despite the adherence to the identified FAO guidelines, the issues associated with land acquisition still persists.

## **5.2 Recommendations**

Base on the analysis of findings and conclusion of the study the followings were recommended.

1. There should be a new institutional framework that incorporates loss of profit, injurious affection, spiritual and psychological loss of attachments to provide a fair compensation. In order to achieve this, the controversial method of statutory application must be subjected to judicial review.
2. The people affected by land acquisition should form the bulk of direct benefit accrued from public projects in term of employment, human capacity development and royalties for the development of the affected areas. There

should therefore, be a clear provision under Corporate Social Responsibility (CSR) to be documented for proper implementation.

3. Transparency is the key to any successful land acquisition process. Therefore, the process of acquisition from planning to restitution must be unambiguous and proper consultation of relevant stakeholders majorly the indigens should to be incorporated for proper implementation of the process.
4. The study discovered that infrastructures provided at the resettlement sites are grossly inadequate considering the population of persons to be resettled at various resettlement sites. it is therefore recommended that adequate resettlement package that will provide basic infrastructure in various locations is highly recommended to the authority.
5. Nigerian Land Use Act should be made flexible to adopt experience of land acquisition from other countries, this is because experience from other countries is capable of addressing inadequacy of compensation, deficiency in statutory method, psychological loss and injurious affections properly.
6. The Public Land Acquisition Acts of 1917 which is in consonance with best practices should be re-introduced as it provides for payment for Land, Damages, severance/injurious affection and open market value as method of assessment.

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### **Status**

Expropriation Act No. (603/1977) of Finland

FGN (1976) Public Lands Acquisition (miscellaneous provisions) Decree, 1976 – Supplement to official Gazette N0.39, Vol. 63, Part A

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Land Acquisition Act (1968), Cap 295, Kenya

Land Acquisition (Amendment) Act, 1990 Kenya

## APPENDIX A

### FEDERAL UNIVERSITY OF TECHNOLOGY, MINNA, SCHOOL OF POSTGRADUATE STUDIES, DEPARTMENT OF ESTATE MANAGEMENT AND VALUATION.

#### TO WHOM IT MAY CONCERN

My names are Bake, James Tetengi, a Masters of Technology (M.Tech) student of the Department of Estate Management and Valuation, School of Postgraduate Studies, Federal University of Technology, Minna. I am carrying out a thesis on the **Assessment of conflicts inherent in the compulsory land acquisition of Zungeru Hydro-electric power Dam project at Zungeru, Niger State, Nigeria.**

The research considers the practice of compulsory acquisition and compensation in Nigeria, which is characterized by the absence of clear and consistent statutory provisions; communities that are dissatisfied with the quantum of compensation paid to them resorting to violence and litigation, valuers who because they are constrained by statute tend to lean towards the dictates of the parties they represent. Strong challenges ~and conflicts therefore, between land owners and the acquiring authorities characterise compulsory land acquisition process for various developmental projects in Nigeria.

The research therefore, aim to find out the factors that influence conflicts in the land acquisition process.

#### QUESTIONNAIRES TO CLAIMANTS

SECTION A: PARTICULAR INFORMATION					
Interviewee No.....Date.....					Ward.....
Sex  Male <input type="checkbox"/>  Female <input type="checkbox"/>	AGE				NATIONALITY  Nigeria <input type="checkbox"/> Non-Nigeria <input type="checkbox"/>
	Below 20	Between 21-40	Below 21-60	Above 60	
Have you been resettled? (a) Yes <input type="checkbox"/> (b) No <input type="checkbox"/>					

SECTION B: GENERAL INFORMATION				
2. How long have you been living here?	(a) Less than 1 year <input type="checkbox"/>	(b) 1-2 years <input type="checkbox"/>	(c) 2-5 years <input type="checkbox"/>	
	(d) 5-10 years <input type="checkbox"/>	(e) More than 10 years <input type="checkbox"/>		
	(d) Family house <input type="checkbox"/>	(e) Other legal status (if any please specify) ..... (f) Unknown <input type="checkbox"/>		
4. What kind of particulars do you have to verify that you live here? (You can tick more than one option)	(a) Title <input type="checkbox"/>	(b) Receipt of buying the land <input type="checkbox"/>	(c) Rental agreement document <input type="checkbox"/>	
5. Were you satisfied with the new resettled location? (a) Yes I am satisfied <input type="checkbox"/> (b) I am not satisfied <input type="checkbox"/> (c) I don't have any way <input type="checkbox"/>				
6. Do you have or satisfy with the following services at this settlement?				
1. Level of	Availability	Accessibility	Quality of Service	The usage of the

Services	(a) Yes (b) No		a) Near b) Average c) Far			a) Good b) Average c) Fair			service a) Often b) Occasional c) Never use		
	Public transport										
Roads											
Primary school											
Secondary school											
Health service/hospital											
Place of Worship											
Bus stands											
Water											
Electricity											
Sanitation (toilet)											
Drainage											
Garbage collection											
	<b>Process of Land Acquisition</b> (3=Highly Satisfied, 2=fairly satisfied, 1=not satisfied)					<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	
a)	Site identification process										
b)	Ownership assessment process										
c)	Enumeration process										
d)	Assessment economic tree process										
e)	Assessment of the structure process										
f)	Promptness in payment										
g)	Adequacy of compensation sum										
h)	Method of assessment										
	<b>2. Level of Satisfaction from Planning to Restitution</b> (5=strongly Agree, 4=agree, 3=Indifferent 2=disagree, 1=strongly disagree)					<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	
	Planning process										
	Level of Publicity										
	valuation and submission of claim										
	Payment of compensation sum										
	Possession										
	Appeal										
	Restitution										

## APPENDIX B

### FEDERAL UNIVERSITY OF TECHNOLOGY, MINNA, SCHOOL OF POSTGRADUATE STUDIES, DEPARTMENT OF ESTATE MANAGEMENT AND VALUATION.

#### TO WHOM IT MAY CONCERN QUESTIONNAIRES TO PROFESSIONAL STAKEHOLDERS

My names are Bake, James Tetengi, a Masters of Technology (M.Tech) student of the Department of Estate Management and Valuation, School of Postgraduate Studies, Federal University of Technology, Minna. I am carrying out a thesis on the **Assessment of conflicts inherent in the compulsory land acquisition of Zungeru Hydro-electric power Dam project at Zungeru, Niger State, Nigeria.**

The research considers the practice of compulsory acquisition and compensation in Nigeria, which is characterized by the absence of clear and consistent statutory provisions; communities that are dissatisfied with the quantum of compensation paid to them resorting to violence and litigation, valuers who because they are constrained by statute tend to lean towards the dictates of the parties they represent. Strong challenges and conflicts therefore, between land owners and the acquiring authorities characterise compulsory land acquisition process for various developmental projects in Nigeria.

The research therefore, aim to find out the factors that influence conflicts in the land acquisition process.

#### **Demographic Information of Professional Stakeholders**

1. Gender of Respondents      Male [ ] Female [ ]
2. Educational qualification of respondents: NCE/ND [ ] HND/B.Sc [ ] M.sc/M.tech [ ] PhD [ ]
3. Year of experience: 10yrs and below [ ] 11-20yrs [ ] 21yrs and Above [ ]

#### **4. Kindly Rate the Causes of Conflict in Land Acquisition in Zungeru**

<b>Causes of Conflict in Land Acquisition.</b>					
<b>(5=strongly Agree, 4=agree, 3=Indifferent 2=disagree, 1=strongly disagree)</b>					
<b>Causes of conflict in land acquisition in Zungeru</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Lack of Strong legal framework for protecting the land rights of local communities					
lack of good resettlement plans					
Inadequacy of compensation					
Lack of provision for injurious affections					
lack infrastructure in resettlement location					
Under assessment of structures and economic tress					
lack of full participation of indigenous stakeholders					
lack of institutional framework for fair compensation					
Lack of clear ownership rights to land					

**5. Kindly Rate Reasons for the Failure of the Compulsory Acquisition**

<b>Reasons for the Failure of the Compulsory Acquisition</b>					
<b>(5=strongly Agree, 4=agree, 3=Indifferent 2=disagree, 1=strongly disagree)</b>					
<b>Reasons for the Failure of the Compulsory Acquisition</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Issues of personal interest not public purpose					
Lack public trust in Government					
Lack public trust in Government					
Lack of political will					
Lack of knowledge of laws and regulations governing the compulsory land expropriation process.					
Lack of direct benefit of acquisition to the affected people					
Lack of political continuity in government					
Lack of knowledge of laws and regulations governing the compulsory land expropriation process.					

**6. Kindly Rate the Workable Solutions to Compulsory Land Acquisition Conflict**

<b>Workable Solutions to Compulsory Land Acquisition Conflict</b>					
<b>(5=strongly Agree, 4=agree, 3=Indifferent 2=disagree, 1=strongly disagree)</b>					
<b>Workable Solutions</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Full participation of Stakeholders					
Transparency in the Assessment Process					
Provision of better infrastructure in resettlement location					
payment of adequate and fair compensation					
Public enlightenment of the whole planning process					

**7. Kindly Rate Applicability of Experience from other countries in relation to compulsory land Acquisition in Nigeria**

<b>Experience from other countries</b>					
<b>(5=strongly Agree, 4=agree, 3=Indifferent 2=disagree, 1=strongly disagree)</b>					
<b>Experience from other countries</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Physical assets owned any damage sustained, and any damage from loss of profits over the land and an additional 15 percent of the market value for disturbance.					
Compensation of the object; right of mortgage; compensation of disadvantages; and compensation of damages.					
Compensation based on 6–10 times. The settlement subsidy payment based on 4–6 times and maximum payment for each hectare of acquired land shall not be higher than 15 times the average production value.					
Market value is the appropriate basis for compensation for land taken.					
Market value is determined by examining the sale transactions and sales comparison is more preferred.					

**8. Level of Compliance to International Best Practices (FAO guidelines)**

<b>Experience from other countries</b>					
<b>(5=Always comply, 4= some timely, 3=occasionally 2=Rarely, 1=Never comply)</b>					
<b>Experience from other countries</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Clear definition of public purpose to allow Judicial review					
Acquisition of minimum resource where proposed expropriation related to spiritual matters and livelihood					
The planning and process for expropriation is transparent and participatory.					
Respect to all legitimate tenure rights holders, especially vulnerable and marginalized groups					
Land valuation systems should take into account non-market values, such as social, cultural, religious, spiritual and environmental values					
Prevent corruption, particularly through use of objectively assessed values, transparent and decentralized processes					
States should provide a right to appeal compensation decisions					
Appropriate measures to provide adequate access to productive land.					

**APPENDIX C**

**LIST OF CLAIMANTS AFFECTED BY THE ACQUISITION AND THEIR RESTTLEMENT SITES (35No SITES).**

<b>S/No</b>	<b>Communities</b>	<b>No of Structures</b>	<b>New Sites 35nos</b>	<b>Total No of Structures</b>
1	Manta	508	Agbegbe I	508
2	Gunugu	218	Agbegbe II	718
3	Joko	397		
4	Goto – Manta	70		
5	Gbage – Manta	31		
6	Unguan Fulani Maikakaki	78		
7	Gidan Alh. Alfa	119		
8	Tudun Alh. Baushe	14		
9	Sabon Gida	137		
10	Dogon Gora	64		
11	Gidan Abdullahi Fulani	57		
12	Maikakaki	68		
13	Shettu	24		
14	Gidan Alh. Umaru Maikakaki	9		
15	Palaka	14		
16	Unguan Fulaji Maikakaki	78		
17	Fulani Tudun Wada	----		
18	Gidan Bagudu	03		
19	Gidan Sama	----	Bocipe	282
20	Dama	78		
21	Layi	197		
22	Jatayi	7		
23	Luwa	43		
24	Gidan Tsoho Fulani			
25	Gidan Sani Luwa	9		
26	Gidan Kuku	5		
27	Gidan Kuku	11		
28	Gidan Ba'ada	3		
29	Unguan Gangara Luwa	10		
30	Aura Fulani			
31	Maidawa Fulani			
32	Unguan Makeri	8		
33	Gidan Iliyasu Luwa	5		
34	Bmada Luwa			
35	Gidan Kuku Kamata	114		
36	Tudun Fulani Kamata	35		
37	Gidan Alh. Moh'd Luwa	8		
38.	Luwa Kamata	58		58
39	Gidan Aboki		Rafin Goje	52
40	Unguan Maiseje	21		
41	Mashigin Gungu	22		
42	Gidan Waziri Luwa	7		
43	Gidan Farin Mutum Luwa	2		
44	Gidan Alh. Hako	9	Gabas Rafin Goje	30
45	Unguan Alh. Nabasa			
46	Gidan ALh. Dogo Luwa			
47	Gidan Moh'd Tukur	21		
48	Kami	106	Gbamagala	184
49	Saikna	40		

50	Unguwan Fulani Kami	38		
51	Kini	172	Adokopuba	333
52	Gbagawyi/Marafa	39		
53	Gbagawyi Bimada Kini	122		
54	Guwa		Mararaban	214
55	G. Lidna	3	Jenuko	
56	Gijiwa	211		
57	Lukuma/Musakpa	134	Tawyi II	134
58	Shambuyi Kami			
59	Unguwan Sumaila	120	Bawape	120
60	Jankaro	60	Dungurukpma	60
61	Beri Gari	68	Malugo	68
62	Beri Kago			
63	Dnapagolo		Yamma Gwaima	58
64	Gudumi	65	Apmabuyi	91
65	Ba'aji	26		
66	Gavia	286	Gabas Gwaima	286
67	Magami	221	Bikoro	494
68	Sabon Gari Magami	40		
69	Farin Fula I & II	72		
70	Tayidna	3		
71	Shana	158		
72	Asiyinko	49	Ajatan Aboki I & II	1686
73	Gurmana	1617		
74	Old Gurmana	20		
75	Musakpama	93	Tawyi	93
76	Gungu	71	Gurya	71
77	Gidan Malam Dahiru Kamata		Walako	71
78	Kutawi	24	Burmi	24
79	Unguwan Fulani Manta			
80	Gbaga Asse	2	Kochi	2
81	Gini (Giyi)	9	Garatu	9
82	Rumache	89	Tsaunin Asibi	101
83	Onfani	12		
84	Kwatayi	101	Kampanin	114
85	Abarishi	13	Asibi	
86	Ang. Gbisidna			
87	Bussan	6	Bussan	6
88	Baha	41	Baha	41
89	Ndna Yula Weto (Ndna-yeto)		Diyepe	
90	Kurmi Gurman	1	Tsasunin Bawa	1
91	Unato Panelili	46	Anguwa Waziri	46
92	Jabiki Sama	28	Kampanin Asibi	28
93	Gbagawi	39	Tudun	161
94	Marafa Gbagawi	122	Saminaka	
95	Labi	102	Ashiliywe	102
96	Samboro	70		70
	Magami Gava	72		72
98	Mada	18		18

**APPENDIX D**

**LIST OF CLAIMANTS AFFECTED BY THE ACQUISITION AND THEIR  
RETTLEMENT SITES (35No SITES).**

<b>S/No</b>	<b>Communities</b>	<b>New Sites 35nos</b>	
1	Manta	Agbegbe I	
2	Kutawi		
3	Unguwar Fulani Manta		
4	Gunugu	Agbegbe II	
5	Jiko		
6	Guto – Manta		
7	Gbaga – Manta		
8	Sabon Gida Kadama		
9	Labi		
10	Mada		
11	Unguwan Fulani Maikakaki		Zhawyi II
12	Gidan Alh. Alfa		
13	Tudun Alh. Baushe		
14	Sabon Gida		
15	Dogon Gora		
16	Gidan Abdullahi Fulani		
17	Maikakaki		
18	Shettu		
19	Gidan Alh. Umaru Maikakaki		
20	Palaka		
21	Fulani Tudun Wada		
22	Gidan Bagudu		
23	Gidan Sama	Bocipe	
24	Dama		
25	Layi		
26	Jatayi		
27	Luwa	Kango Riyo	
28	Gidan Tsoho Fulani		
29	Gidan Sani Luwa		
30	Gidan Hassan Luwa		
31	Gidan Kuku		
32	Gidan Ba'ada		
33	Unguwan Gangara Luwa		
34	Aura Fulani		
35	Maidawa Fulani		
36	Unguwan Makeri		
37	Gidan Iliyasu Luwa		
38	Luwa Kamata		
39	Bmada Luwa		
40	Gidan Kuku Kamata		
41	Tudun Fulani Kamata		
42	Gidan Alh. Moh'd Luwa		
43	Gidan Aboki	Rafin Goje	
44	Unguwan Maiseje		
45	Mashigin Gungu		
46	Gidan Waziri Luwa		

47	Gidan Farin Mutum Luwa	
48	Gidan Alh. Hako	
49	Unguwan Alh. Nabasa	
50	Gidan ALh. Dogo Luwa	
51	Gidan Moh'd Tukur	
52	Kami	Gbamagala
53	Unguwan Fulani Kami	
54	Saikna	Mutum Daya
55	Kini	Govingo
56	Gbagawyi/Marafa	
57	Gbagawyi	
58	Gbmada Kini	
59	Guwa	Bida-pai (Ashirwe)
60	G. Lidna	Ashirwe
61	Gijiwa	
62	Lukuma/Musakpa	Tawyi II
63	Shambuyi Kami	
64	Unguwan Sumaila	Aljannu Dnagbe
65	Jankaro	Dungurukpma
66	Gbaga Asse	
67	Beri Gari	Malugo
68	Beri Kago	
69	Dnapagolo	Gwalma Yamma
70	Gudumi	Apmabuyi
71	Ba'aji	
72	Gavia	Gwalma Gabas
73	Magami gavia	
74	Magami	Bikoro A&B
75	Sabon Gari Magami	
76	Farin Fula I & II	
77	Tayidna	
78	Asiyinko	Ajatan Aboki I & II
79	Gurmana	
80	Old Gurmana	
81	Kurmin Gurmana	
82	Jabiki sama	
83	Unato palali	
84	Wusisi	
85	Birike	
86	Kokki	
87	Jankasa	
88	Musakpama	Tawyi
89	Gungu	Gurya
90	Gidan Malam Dahiru Kamata	Walako
91	Gini (Giyi)	Garatu
92	Rumache	Tsaunin Ishama11
93	Onfani	Tsaunin Ishama1
94	Kwatayi	Kampanin Asibi A
95	Abarishi	
96	Aparagado	
97	Ang. Gbisidna	Kampanin Asibi B

98	Magashin Gurmana	
99	Bussan	Bussan
100	Baha	Baha
101	Ndna Yula Weto (Ndna-yeto)	Gbisindna
102	Dama	
103	Knunu	Zhawyi
104	Lawo	Mararaba wasa
105	Gidan gangara	
106	Gidan baoda	
107	Gwandara onfani	Anguwa Ladan
108	Fiyi gurmana	Kabana A&B
109	Kasimi	
110	Yelwa	
111	Sudna	
112	Karibo	
113	Ung. Kampani	
114	Zhigiri	Aljannu