

Landholders' Awareness of Compulsory Acquisition of Land and Compensation Process in Bauchi, Nigeria

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Abstract. This study aims to assess landholder's awareness of compulsory acquisition of land on their satisfaction with the compensation process in Bauchi, Nigeria, to identify areas of weakness in the process and propose areas of improvement. The study adopted the use of a quantitative approach and data were collected through a questionnaire survey from 327 landholders affected by the compulsory acquisition and compensation exercise by the Bauchi State Government. The data collected were subjected to descriptive with mean ranking, frequency distribution. The study revealed that the respondents are aware of the process before the compulsory acquisition and during the process of compulsory acquisition they were also aware of. This means that the respondents agreed that they were aware of the process/procedures involved in compulsory land acquisition, laws, and procedures guiding compulsory land acquisition and compensation process. It recommended that Landholders should be made more aware of the process involved in compulsory acquisition and compensation not only at inception but up to the end of the exercise.

Keywords: landholders; awareness; compulsory acquisition; the compensation process.

INTRODUCTION

Governments all over the world are responsible for the provision of public infrastructural facilities to its citizen. The process of providing such facilities and infrastructures is the acquisition of appropriate land which is a worldwide phenomenon [4]. However, where the government undertakes compulsory acquisition of land for an overriding public interest, the communities and the people should be made aware of the processes involved and restored to an equivalent situation they were before the compulsory acquisition while at the same time providing the intended benefits to the society [3].

In Nigeria, the land is being compulsorily acquired for the provision of public infrastructures such as airports, hospitals, roads, schools, railways/line, housing, markets, and other public facilities. The acquisition of land for overriding public interest has generated serious sentiments with regards to the compensation paid to those affected or dispossessed by acquisition [3]. According to [3] the

process of compulsory land acquisition by the government from landholders for overriding public interest may ultimately bring benefits to the citizens but will result in the disruption of the people whose land/landed property were acquired. It displaces families from their homes, affects agricultural and business activities.

In summary, landholders are always affected in one way or the other. The determination of the Amount payable as compensation for interest in land and landed properties compulsorily acquired is a function of the provision of the Act, Decree (LUA 1978), and other relevant statutory enactments guiding the process. The framework usually dictates the method and basis of assessment as well as the procedures, heads of claims, and the rules of the respective parties [11].

Literature Review

The history of compulsory acquisition and compensation practice in Nigeria can be traced back to the pre-colonial days, though it is done on a minor

scale because as at then land was readily available for the government in the provision of infrastructure. The history of compulsory acquisition and compensation has been in existence during the early days of British Colonialism.

Before the colonial era land is where compulsorily acquired by the community from private individuals/ families the compensation is usually not in monetary terms but the elders and high chiefs who were assigned trustees of the community would provide an alternative land (farming parcel), where there is a development on such land example a house, the landowner will be given a new land and the house will be erected by joint communal efforts, thus land compulsorily acquired before the colonial era is usually acquired based on overriding community interest [2].

Immediately, after the cessation of Lagos to Queen Victoria of Great Britain and Ireland in 1961, there was a growing influx of missionaries which led to the congestion of Lagos island, this increased demand for land to decongest Lagos island and expand the city through the provision of more social amenities. This necessitated the pulling of buildings and acquiring private land, thus the course met with resistance and protest by the landholders, Ordinance no. 17 of October 1863 was promulgated which gives power to the then colonial governor to pull down affected buildings subject to the payment of compensation. This became the precursor of the "Public Land Acquisition Ordinance", later known as the "Public Land Acquisition Act" of 3rd May 1917 (Cap 167 laws of the Federation of Nigeria and Lagos).

However, there exist some variations in the system of compulsory acquisition and compensation between the southern and northern parts of Nigeria, before the Land Use Act of 1978. In the southern part of Nigeria private land ownership was the order of the day and compulsory acquisition and compensation was guided by Cap 167 of the laws of Federation, whereas in the northern part of Nigeria the state-held land in trust for the people, compulsory acquisition and compensation were guided by the land and natives Right Ordinance (Cap, 96) and later the Land Tenure Law of 1962. In 1978 the Land Use Act was promulgated which unified the southern and northern tenure system [2].

It is revealed from the above that the problems associated with compulsory acquisition and compensation in Nigeria originated as a result of making land available for the provision of social

amenities/infrastructures by the government led to the enactment of various laws relating to compulsory acquisition and compensation. Several statutes have been enacted to regulate compulsory acquisition and compensation in Nigeria, these include; Public Land Acquisition Act 197 (Cap, 167 of 1958); Land Tenure Law of Northern Nigeria (Cap, 59 1962); Public Land Acquisition Miscellaneous Provision Decree 33 of 1976; State Land Resumed Decree 36 of 1968; Mineral Act Cap 360, Laws of the Federation of Nigeria 1990 and Land Use Act Decree no. 6 of 1978 (now Land Use Act 1978 cap 202 Law of the Federation of Nigeria).

The revocation and compensation of the Act are contained in sections 28 and 29 (part 5). Section 28 of the Land Use Act of 1978 states that revocation shall be for overriding public interest while Section 29 states that the holders/occupiers of the right of occupancy revoked for overriding public interest shall be entitled to compensation under the following head of claims; Land: for an amount equal to the rent, if any paid by the occupier during the year in which the right of occupancy was revoked (Section 29 subsection 4(a)); Buildings, installation and improvement thereon: the amount of the replacement cost of the building, installation or improvements, that is to say, such cost as may be assessed on the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interest at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works been such cost thereof as may be substantiated by documentary evidence and proof to the satisfaction of the appropriate officer (Section 29 subsection 4(b)).

Crops: crops on land apart from any buildings, installation, or improvement thereon, for an amount equal to the value as prescribed and determined by the appropriate officer (section 29 subsection 4c).

Landholder's Awareness of Compulsory Acquisition and Compensation. Landholders whose land was compulsorily acquired for overriding public interest by the government as a result of demand by a citizen for the provision of social amenities, need to be aware of the processes involved in the compulsory acquisition and their right to adequate and just compensation as enshrined in the constitution of Nigeria.

According to [17] landholders needs to be aware of the process and legislation involved in compulsory acquisition and compensation to reduce the

tension of people who are threatened with dispossession. According to [21] these processes include Planning and decision to acquire land, Legal preliminaries including getting statutory authority, surveying and serving notice, Field investigations including getting a valuation and holding an inquiry, and Payment of compensation to affected landholder's.

The power of government to compulsorily acquire land from landholders for overriding public interest will unarguably bring great benefits to its citizen but it results in disruption to landholders whose land was compulsorily acquired as it affects the farming and business activities [16]. Compulsory land acquisition by the government sometimes led to the displacement of people's livelihood, family, and even a whole community, the need for just and adequate compensation to restore them to what they were before their displacement. Where landholders are not aware of the compulsory acquisition procedures, landholder's or even the community affected feel cheated and their rights infringed by the government [21].

However, where the acquiring agency of government carry out compulsory land acquisition satisfactorily and pay adequate and just compensation to the affected landholder's whereby restoring them to an equivalent situation before their displacement/ dispossession at the same time providing infrastructure/development to the public, the landholder's feel satisfied [20].

Although the power of government to compulsorily acquire land for overriding public interest can be abused, where the process/ procedures for compulsorily acquiring land is unfair to the landholder's, not involving landholder's in the process and inadequate compensation paid for the dispossession can reduce land tenure security, resistance on the side of landholder's, reduce public confidence in the rule of law and result to an unclear, unpredictable and enforceable procedures create opportunities for corruption [1].

Conflicts between government and dispossessed landholders can be reduced if not eliminated if there will be clear policies that define the purpose for which government may acquire land and the procedures for acquiring such land should be fair and transparent and the compensation should be just and adequate, which is guided good government and adherence to the rule of law [9].

Landholders should be aware of the procedures involved in the process of compulsory acquisition and compensation. This will lead to the success of the intended project by the government, meetings should be organized with the affected landholder's in a convenient location to them, both men and women should be given opportunities to partake in such gathering, where necessary the local language should be used in the presentation and discussion [6, 12].

A transparent and fair procedure of compulsory acquisition and compensation and adequate awareness on the side of the government to the dispossessed landholders will ensure adequate provision of land for infrastructural development and ensures stability in the economy and confidence to intending investors.

Methodology

The quantitative research approach is adopted in this research due to the nature of the research problem that involves the Effects of Landholder' awareness and involvement in compulsory acquisition and compensation paid in Bauchi. A descriptive survey design was adopted for this research because it uses the question of "what"? The target population is derived from landholders whose lands were compulsorily acquired for the development of the Airport and Airforce Base in Bauchi situated in Durum village.

For this research, the sample frame consists of 1128 landholders for the Airport and 985 landholder's for the Air Force Base that is a total of 2113 landholders whose land was compulsorily acquired and compensation paid in Durum. The sample size is 327 for this research and was arrived at using the [13] sample table.

Similarly, a non-probabilistic sampling technique using snowball is used. The target population of this study was all the landholders affected by the compulsory acquisition and compensation exercise by the Bauchi State Government. A population consists of a group that shares common characteristics from which individuals or units are chosen out of the population for the study [14].

Reliability is a measure of how the scale is free from random error. Internal consistency measures the degree to which measurement scale responses are consistent across constructs [7]. The author [5] stated that the most common measure of reliability is Cronbach's alpha. The

recommended minimum value of Cronbach’s alpha for scales is 0.7 [8, 15]. The reliability of the measurement scale was assessed using the recommended minimum of Cronbach’s alpha coefficient of 0.7. Table 1 is shown below.

Table 1 – Cronbach's Alpha Scale Interpretation

Cronbach's alpha	Internal consistency
$\alpha \geq 0.9$	Excellent
$0.9 > \alpha \geq 0.8$	Good
$0.8 > \alpha \geq 0.7$	Acceptable
$0.7 > \alpha \geq 0.6$	Questionable
$0.6 > \alpha \geq 0.5$	Poor
$0.5 > \alpha$	Unacceptable

Source: [10]

Also, table 2 depicts the result of Cronbach’s Alpha test conducted on the questionnaire constructs. The test revealed that both awareness and involvement have good internal consistency with Cronbach’s Alpha of 0.79 each while satisfaction has an excellent internal consistency with Cronbach’s Alpha of 0.87. This is shown in table 2.

Table 2 – Cronbach’s Alpha Value of questionnaire constructs

No	Variables	Item Statistics/ No. of construct	Cronbach’s Alpha Value	Reliability status
1	Awareness	10	0.79	Acceptable
2	Involvement	9	0.79	Acceptable
3	Satisfaction	14	0.87	Good

Validity refers to the extent to which a scale measures what it is meant to measure [19]. The author [7] opined that there exist other measures of validity which include; criterion validity, content validity; construct validity is the overriding objective invalidity, and it has focused on whether the scores serve a useful purpose and have positive consequences when they are used in practice. For purpose of this research construct validity was adopted.

Table 3 revealed that landholders are very aware that they are entitled to compensation due to compulsory acquisition with a mean score of 4.6407 ranked 1st, while their level of awareness on the procedures involved in compulsory land acquisition and awareness on the items to be

compensated with a mean score of 4.5556 and 4.5185 ranked 2nd and 3rd respectively. Landholders are also aware and issued with revocation notice for the land compulsorily acquired and that the constitution provides for the payment of adequate compensation with a mean score of 4.4889 and 4.3556, ranked 4th and 5th respectively.

Table 3 – Landholders awareness of compulsory acquisition of land and compensation

Variables	Mean	Std. Deviation	Ranking	Remark
Entitle to compensation due to the acquisition	4.6407	.48067	1	Very High
Procedures involved in the acquisition	4.5556	.49783	2	Very High
Item to be compensated	4.5185	.50058	3	Very High
Revocation notice	4.4889	.57022	4	Very High
Constitution provides for compensation	4.3556	.68945	5	Very High
Provisions of the constitution for acquisition	4.2037	.80379	6	Very High
Notice is given by the government for the acquisition	4.0667	1.08522	7	High
Land use act is used in defining compensation	3.8630	1.09736	8	High
Calculations for compensation	3.5852	1.57057	9	High
Published in the government gazette of notice	3.5444	1.29478	10	High

Also, provisions of the constitution that provides for compulsory land acquisition for overriding public interest and are aware of the notice given by the government for compulsory land

acquisition with a mean score of 4.2037 and 4.0667 ranked 6th and 7th respectively.

landholders are aware that the Land Use Act provides the guiding principles in determining compensation, aware of the calculations of compensation and any related cost, and are also aware that the land to be compulsory acquired are being published in the government gazette of notice with a mean score of 3.8630, 3.5852 and 3.5444 ranked 8th, 9th and 10th respectively.

Therefore, the result above indicates that the level of landholder's awareness of compulsory acquisition of land and compensation in the study area is very high and high respectively.

CONCLUSION

This study aimed to assess landholder's awareness in the compulsory acquisition of land and compensation process in Bauchi to identify areas of weaknesses in the process. The study came at a time when the government compulsorily acquires land for overriding public interest to provide infrastructural facilities.

The findings from the survey carried out indicated that landholders are fully aware of the process of compulsory acquisition but are dissatisfied with the compensation process. Landholders should be made more aware of the process involved in compulsory acquisition and compensation not only at inception but up to the end of the exercise.

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