

Public Land Acquisition And Administration In Nigeria: Issues, Strategies And Policies

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Abstract—The study identified the agencies that have been involved in land acquisition for public purposes, identified and examined the purposes for which such acquisition have been made; examined the various obstacles encountered and how they were overcome and examined how the acquired land were administered or put into use. This was with a view to provide an insight into the issues and challenges involved and to enhancing this practice in the country. Both primary and secondary data were collected. 50 structural questionnaires were administered on the Law firms within the three senatorial districts in Osun State and the Ministry of Land. In analysing the data collected for this study, descriptive statistics was adopted using SPSS statistical Package. The information from the questionnaires was analysed using frequency distribution tables and simple percentages. The study discloses various obstacles encountered in the acquisition process. Hence, the study presented useful suggestions and recommendations.

Keywords—Public Land Use, Land Acquisition, Land Administration, Nigeria.

1. INTRODUCTION

Land Acquisition literally means acquiring of land for some public purpose by government agency, as authorised by the law, from the individual land owner after paying government fixed compensation in lieu of losses incurred by land owner due to surrendering of his/their land to the concerned government agency. Land acquisition is the tool government used to acquire private properties in order to provide public facilities, tool to assist in the management of a country's natural resources, this tool may be used to help mitigate and prepare against damage from future disaster (both natural and manmade) in the satisfaction of human needs and want via land development (Chandman, 2008).

The power possessed by the state over all property within the state, specifically its power to appropriate private property for public use. Governments therefore have the right of compulsory land acquisition, with compensation, for the broader public service. However, the exercise of such power is not without controversy. The way in which governments exercise this right, especially for urban expansion, undermines

tenure security, and because often little or no compensation is paid, also has negative impacts on equity and transparency. The effect is that there is massive encroachment by expropriated owners, as well as land sales by land owners in informal markets at low prices in anticipation of expropriation. Such powers have been used extensively with many undesirable outcomes including massive encroachments, unpaid compensation, change of use of acquired lands as against the purpose of acquisition, divestiture of state enterprises to private entities, etc. In Osun State land is owned predominantly by customary authorities (clans and families). Difficulties in land acquisition had been mentioned by virtually all public agencies as the most important single factor which frustrated the implementation of a number of their project. In the urban centres, acquisition of land for development projects and building purposes became virtually impossible for individual particularly the low and the middle income groups and small business concerns because the price had become so prohibitive. The rent panel reports identified land as one of the major bottlenecks to development efforts in the country (Olayiwola and Adeleye, 2006).

The Federal Military Government of Nigeria issued a Land Use Act (LUA) (No 6) of March, 1978, which purports to take over the ownership and control of land in the country thereby providing a uniform legal basis for a comprehensive national land tenure system. The act embodies procedure for the transition from customary to state sanctioned tenure of land by substituting the authorities of the several (36) states for the traditional owners or local chieftains in the sectioning of the working rules regarding the use, occupancy, and transfer of land. Article 1 of the Act states that all lands comprised in the territory of each state in the federation are hereby vested in the military governor of the state (Land Use Decree Act, 1978).

Finding a replacement for acquired agricultural land is extremely difficult because there is no land in Nigeria without an owner (Potential or actual). The payment of compensation has always been the untimely; and is meant to assure no loss of welfare by those disposed of their properties, thereby enabling society to maintain optimum position (Olayiwola and Adeleye, 2006). The general principle is that fair market value for the property taken that will make the

owner to replace what has been taken from him. However it seems that no amount of compensation can assuage the feelings of an average Nigerian to whom land has profound cultural and social-political values and spiritual aspects. To the subsistence farmer, land is the basis of his survival; it is to him life given. Thus to take land away from him for a public purpose, with which he cannot identify, without prompt payment of adequate compensation or resettlement, is to ask for trouble. The shortage of funds is another major problem as there is general problem of cash flow in the economy. There remains the human problem of dishonesty among officials and general public. A certificate of occupancy can be revoked for public purpose or a contravention of the Act. The requirement for consent by the governor for statutory right of occupancy or local government for customary rights of occupancy must be first be obtained before any transfer of right over land can be effected. This is cumbersome, vexatious and capable of stifling initiatives (Fabiya, 1984).

Several lives have been lost in clashes between protesters and government security agencies. The commercial banks are uncertain as to the value of certificate of occupancy which they are being asked to take as security for loans bearing in mind that these certificates can be revoked at the whims and caprices of governors. The rate of conversion of prime agricultural land to non-agricultural land use is very alarming. The Land Acquisition Act has been an instrument for the acquisition of land for public purposes and also for companies, and its provisions have been found to be inadequate in addressing certain issues related to the exercise of the statutory powers of the state for involuntary acquisition of private land and property. Often, such acquisition of land leads to displacement of people, depriving them of their livelihood and shelter, restricting access to their traditional resource base, and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences for the affected population, which call for protecting their rights, including those of the weaker sections of society, particularly tribal, tenants, etc. Rehabilitation and resettlement of the persons and families affected by involuntary acquisition of private land and immovable property is of paramount importance. Thus, it is necessary to extend the provisions of the extant policies or statutes for rehabilitation and resettlement of those affected by the acquisition of land under the Act (Standing Committee Report, 2007).

The difficulties in Land acquisition for development projects, with regard to land acquisition for federal projects are burden too great for any single ministry if it has to perform its functions. The problem of wide scale speculative purchase of large tracts of (Communal) land in the absence of land taxes has reached a crescendo. Most of the purchases are done by wealthy non-farmer who held the land idle, wanting to capitalize on an appropriate market situation, while

food production is on the decline (Fabiya, 1974). Many government development process have been shifted by a prohibitive amount of compensation demanded by speculative particular who had previously knowledge of government intension. In other instance disputed claim and counter claims over ownership of the proposed site and the attendant law suit coupled with court injunction which often prevent the development of land subject to mitigation makes such land unavailable (Famoriyo, et. al, 1977).

The acquisition and management of state lands have left in their trail several unresolved problems. Among them are the acquisition of lands far in excess of actual requirements, unpaid compensation in respect of some of the acquisitions, encroachment on acquired lands, lack of intergenerational equity in the utilization of paid compensation, change of use of compulsorily acquired land as against the purpose of the acquisition, optimizing the use and economic returns of state lands, private sector participation in the development of compulsorily acquired land, etc. There is another category of lands occupied by the state without any acquisition, depriving the land owners the opportunity to demand compensation. The result is loss of public confidence in the state machinery for the management of land, leading to tension between the state and customary land owners, massive deliberate encroachment of state lands, and challenging the state's legitimacy to claim control over compulsorily acquired lands (Larbi, 2008).

The problem of bad administrations has been identify has responsible for ineffective public land acquisition and administration in Nigeria. Therefore, this study will enrich the existing libraries by looking at public land acquisition and administration in Osun state and inform policy maker toward the development of policies to deal with the outstanding issues of compulsory acquisition and also make proposals to guide future compulsory acquisitions. The paper will explore alternative policy options for dealing with these issues so as to provide a sustainable framework for managing state lands efficiently and to reduce the tension between the state and land owners.

2. LITERATURE REVIEW

Land is required for every human activity on earth. It plays an essential role in supporting human existence in our day to day activities. It provides us with living space, the primary products that support our material needs, opportunities and satisfactions dear to our ways of life (Balowe, 1986). Land according to most land economists is believed to be the source of material wealth. Land is the source of most material wealth and to the survival of human existence that cannot be overemphasized as land is the footage of everything on earth. Land is perhaps the single most important natural resource in the sense that it affects every aspect of people's life; their food, clothing, and shelter. It is the base for producing raw materials for the manufacturing industry. It is an important resource. No nation-city or rural area can

survive as an entity without it. Thus, every person in a nation the banker, the industrialist, the labourer, the educator, the student, the architect and the farmer has a vital stake in the country's land problems and its proper utilization (Ukaejiofor, 2007).

2.1 Land Administration: Land Administration is a system comprising the sub-systems that actualize strategies to implement land policies and policies within land management system. It is a binding strategy implementation system. It is a policy that regulates the access to land. It also refers to the way in which the rules of land tenure are applied and made operational urban land administration refers to the state land office responsible for the identification, administration and management of state public land (Larr, 2011).

2.2 Benefits of Public Land Administration: The benefits of Public Land Administration are as follows; Availability of land for allocation in sufficiently large units to bona fide farmers; The creation of conducive situation for rational land use planning in rural areas as well as in urban centres, without any obstruction or delays from land owners; Allocation of adequate land to nomadic cattle farmers who now have no land and who must eventually be settled on fenced farms; Effective halting fragmentation of farmland; the effective blocking of an important avenue of investing ill-gotten wealth and the effective redistribution of wealth by preventing the ownership of vast areas of land by only the rich and powerful (Ighalo & Akinbami, 1994).

2.3 Land Policies: Land policies are rules, customs and regulations guiding the use, allocation, distribution, planning and management of land resources through the media of location, communication and the provision of complementary service as well as being the basis of agriculture, industrial and other urban. Land can be identified as a function of virtually all forms of production and its availability, management and allocation through competing uses which is a primary determinant in the economic performance of a community. The re-allocation or reform of land is commonly considered to be an expedient instrument for achieving greater equity and social justice through the distribution of income as well as a means of creating an economic system designed for increased productivity (Aluko, 2002).

2.4 Objective of Land Policies: The objectives of any land policy can be found in the purpose for which it was established. For example, the LUA, 1978 was promulgated in the country to address the following issues: Removing bitter controversies that resulted, at times in loss of lives and limbs which land was known to be generating; Streamlining, unifying and simplifying the management and ownership of land in the country; Dealing with the uncontrolled speculation in urban and rural land; Assisting the citizenry irrespective of their social status, to realize their ambition and aspiration of owning the place where

they and their families will live in peacefully and Enabling the government bring under control the use to which land can be put in all parts of the country and, thus, facilitate planning and zoning programs for particular users (Fabiya, 1990 and Aluko, 2002).

2.5 Land Ownership in Nigeria: Section 1 of the Act vests all land comprised in the territory of each state in the federation of Nigeria in the Governor of the state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. Section 5(1) of the empowers the governor of a state to grant statutory right of occupancy to any person for all purposes in respect of land, whether or not in an urban area and issue a certificate of occupancy in evidence of such right of occupancy in accordance with the provisions of Section 9(1) of the Act. This right of occupancy is a right which allows the holder to use or occupy land to the exclusion of all other persons except the Governor and is granted for a maximum holding period of 99 years, subject to the payment of grant rent fixed by the governor throughout the holding period (Aluko, 2002).

2.6 Land Alienation and Acquisition: Section 21 and 22 of the Act prohibits alienation, assignment, mortgage, transfer of possession, sub-lease or otherwise however customary or statutory rights of occupancy in Nigeria without the consent and approval of the governor of the state where such right of occupancy was granted. Statutory right of occupancy as interpreted in Section 50 of the Act is a right of the occupancy granted by the Governor under the Act for a maximum holding period of 99 years. Customary right of occupancy right of occupancy as also interpreted in that section of the Act is the right of a person or community lawfully using or occupying land in accordance with the customary law and includes a customary right of occupancy granted by a local government under the Act. Also, Section 28 (1) empowers the Governor of a state to revoke a right of occupancy for overriding public interest subject to the payment of compensation for unexhausted improvements based on the provision of Section 29(4) of the Act (Utuma, 2008).

2.7 Land Management: Section 2 (1) of the Act provides as follows: As from the commencement of this Act: All land in urban area shall be under the control and management of the Governor of each state. All other land shall subject to this Act be under the control and management of the Local Government within the jurisdiction of which the land is situated. Also, sub-section (2) of this section provides for the establishment of the Land Use and Allocation Committee (LUAA) in each state of the Federation of Nigeria with responsibility of advising the Governor on any matter connected with the Management of land to which the paragraph(a) of sub-section (1) of this section relates and sub-section (5) also provides for the establishment of Land Allocation Advisory Committee (LAAC) for each Local Government in the country with responsibility of advising the Local

Government on any matter connected with the management of land to which paragraph (b) of subsection (1) of this section relates. The promulgation of the LUA was aimed at redirecting the general philosophies of pre-existing land tenure systems in Nigeria through the application of a uniform statutory regulation of ownership and control of land rights and to stimulate easier access to land for greater economic development as well as promote national cohesion (Utuma, 2008).

2.8 Impact of LUA: The LUA has impacted both positively and negatively on the availability of land for development in Nigeria in such a way that it has provided access and freedom for individuals to acquire land in any part of Nigeria and people have better and secured titles to their land. But on the other hand, it has also made it difficult to acquire land because of government bureaucratic process of acquiring land and the issuance of Certificate of Occupancy and the vesting of lands to the government; all these have made it difficult for individuals to acquire land. The LUA has an impact on property development in a way that brings sanity and gives an insight or idea of the kind of property to be constructed in an area for a particular purpose by zoning into either commercial, residential and so on (Atilola, 2009).

There are some noticeable challenges in the LUA and these include: The procedures for acquiring land through government take a longer period to process the application form and the processing of the C-of-O while through private purchase does not take time, which has made some developers to acquire through both processes; LUA affect property development especially residential and commercial development as a result of vesting of all land in the hands of the Government, that any individual, organization or Co-operate body cannot alienate, transfer, sale part of their properties without the consent of the Governors; It has been observed that despite the long processing of title document and granting of land by the government, developers prefers to acquire land through the government in order to have a better title to their lands than the Open market due to fraud; Expenses incurred in acquiring land through Government are at high cost. Acquisition of land through the Government is associated with problems of double allocations. Acquisition of land in the study area through open market purchase is at high risk due to issuance of fake title document but it is also less time consuming. Valuation during acquisition process only crops/economic trees on land are valued or development on such lands, not considering that the land itself has a market value (Atilola, 2009).

2.9 Land Reform Act: Initially the appreciation of the need for land reform had come from the difficulties experienced as the country embarked on a major housing provision in reform through mortgage financing. The previous administrations had found that the LUA by vesting State Governors with powers of consent to a mortgage transaction had put a major stumbling block on the effective development of a

housing market in the country. This is apart from any problem of securing land and getting a Statutory Certificate of Occupancy from the government. Consequently, two types of land reform are being promoted in the country presently. The first involves expunging the LUA of 1978 from the constitution and deleting those clauses that gave State Governors power to have to consent to mortgage transactions and assignment of land. The second does not entail any such constitutional amendment. All it involves is to remove the uncertainties under which most Nigerians continue to enjoy their possessory rights to their land (Mabogunje, 2002). Two clauses of the LUA of 1978 are critical in this regard. These are sections 34 (2) and 36 (2). The former relates to land in urban areas and states that: "Where the land is developed, the land shall continue to be held by the person in whom it was vested immediately before the commencement of this Act as if the holder of the land was the holder of a statutory right of occupancy issued by the Governor under this Act". Similarly in respect of the vast majority of land owners living in rural areas, section 36 (2) states as follows: "Any occupier or holder of such land, whether under customary rights of otherwise howsoever, shall if that was on the commencement of this act being used for agricultural purposes, continue to be entitled to possession of the land for use for agricultural purposes as if a customary right of occupancy had been granted to the occupier or holder thereof by the appropriate Local Government, and the reference in this subsection to land being used for agricultural purposes includes land which is, in accordance with the customary law of the locality concerned, allowed to lie fallow for purposes of recuperation of the soil. Land reform in the nation is very essential because of the following reasons: The government cannot remain indifferent to a problem that is widely regarded as an obstacle to national development; The government cannot remain unconcerned about a system where only the rich and powerful own all land and such people use land to derive 'unearned income'; A situation whereby governments and individuals encounter serious problems in acquiring land for development should no longer be tolerated. Land should be made available without tears to both private and public organizations for economic growth and development (Ighalo and Akinbami, 1994).

2.10 Types of Acquiring Agencies in Public Land Acquisition: The acquiring agencies to public land acquisition include the following: Government department, ministries and agencies at the national and regional levels; Local governments; Public bodies with statutory obligation such as company responsible for energy and water services; Private body regulated by government such as airport authorities, forest enterprises. Energy companies, railways, and telecommunication. Each agency authorize to public land acquisition have its own regulatory guideline on what acquisition have permitted and how to carry out the processes defined in national legislation (Homer, 2008).

2.11 Public Interest and Public Purpose:

Acquisition in the public interest could mean acquisition by government for public bodies and statutory corporations, but also for private companies and individuals for purposes which although they may contribute to public welfare, confer a direct benefit, including profit, on the user. Hotels, private houses, real estate development, banks, filling stations etc. fall into this category. Whereas the constitution provides that any property compulsorily taken possession of or acquired in the public interest or for a public purpose shall be used only in the public interest or for the public purpose for which it was acquired and that where the property is not used for such purposes, the pre-acquisition owner shall be given the first option for acquiring the property and shall on such re-acquisition refund the whole or part of the compensation paid to him there is no such provision in the pre-1992 compulsory acquisition laws (Larbi, 2008).

2.12 Effect of Compulsory land Acquisition

The exercise of the powers of compulsory acquisition over the years has left several undesirable outcomes resulting in debates as to what uses land acquired by the state can be put. Leases of these lands are granted to statutory institutions, corporate bodies and private individuals for development. All tenures of state lands are limited to leaseholds and licenses. Generally most of the land compulsory acquisitions were not used for the purpose for which it acquired. Some legal practitioners take a very narrow view of the meaning of public purpose and therefore advocate for return of acquired lands to the pre-acquisition owners in the event of any change of use of any portion of the land (Ighalo and Akinbami, 1994).

2.12.1 Occupation without Acquisition: The next critical issue of compulsory acquisition is the number of sites occupied by state agencies without acquisition. The state is both an inefficient administrator as well as a predator on land that in law or in fact belongs to ordinary land users. For almost of these occupations the acquisition process was started but ended at the Site Advisory Committee level. Once the SAC approved the acquisition, the beneficiary institutions entered the land, in contravention to the laws of acquisition. It means the expropriated owners cannot put in claims for compensation, causing a lot of resentment from the communities and agitation for the return of these lands. Such situations raise critical governance issues in the use of compulsory acquisition powers. The situation is compounded where such lands are divested by the state to private entities (Larbi 2008).

2.12.2: Compensation: The Constitution states that compulsory acquisition of property by the State shall only be made under a law which makes provision for: the prompt payment of fair and adequate compensation; and a right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right

and the amount of compensation to which he is entitled. The various claims for which an expropriated owner may be compensated are: market value of the land taken; replacement value of the land taken; cost of disturbance; other damage (severance and injurious affection); or grant land of equivalent value (Larbi, (2008).

2.12.3 Restrictions on Acquired Land: Land acquired can be transferred only for a public purpose and with prior approval from the appropriate government. Acquired land that is unused for five years from the date of possession shall be returned to the appropriate government. Whenever acquired land is transferred to another individual, 80% of the difference between the consideration received and the original acquisition cost shall be shared among the original land owners and their heirs (Olayiwola, 2006).

2.12.4 Cost of Acquisition: Compensation awarded including the solatium and other amount and interest payable thereupon; demurrage to be paid for damages caused to the land and standing crops in the process of acquisition; cost of acquisition of out-project land for settlement of displaced or adversely affected families; cost of development of infrastructure and amenities at resettlement sites; additional cost of resettlement as may be required after admissible adjustment of rehabilitation and resettlement cost against compensation awarded to affected persons or families; administrative cost of acquisition of land including both in-project and out-project areas lands; and administrative cost involved in planning and implementation of resettlement and rehabilitation packages for providing physical rehabilitation and resettlement to the entitled and interested families, displaced or adversely affected on account of in-project acquisition of land (Standing Committee Report, 2007).

2.12.5 Land Acquisition Compensation Disputes Settlement Authorities: Currently, all land acquisition cases are referred to civil courts for a decision. The Act establishes the Land Acquisition Compensation Disputes Settlement Authority at both the state and national levels to adjudicate all land acquisition disputes within six months. The Act gives these Authorities the same powers as a civil court and deems all proceedings of the Authorities as judicial proceedings. In the event of a dispute, the land owner must file a written complaint with the Collector. The Collector shall refer any dispute cases to the Authority within 15 days from the receipt of the complaint. If the Collector fails to act, the land owner may petition the Authority directly to request the Collector to file the reference within 30 days. If the Authority decides in favour of the land owner, they shall award compensation for market value of the land, property damages, damages to the land owner, damages to the land owner's salary, movable, or immovable property, expenses incurred by the owner for change or residence or business, and any damages resulting in a loss of profits from the time of declaration to possession of the land. In the Act, the Authority

awards a sum of 12% of market value from the publication of notification to the date of possession or compensation paid. Furthermore, the land owner receives an additional sum of 30% of the market value. The Act increases this sum to 60% of market value. Land Resold by Acquiring Body under the Bill, if the acquired land is resold, the acquiring entity must calculate the difference between the new sale price and the original acquiring price (Ighalo and Akinbami, 1994).

3. RESEARCH METHODOLOGY

Data for this study will be obtained from both primary and secondary sources. Questionnaire survey and direct observations were used to acquire the primary data. Such data will include: the socio-economic backgrounds of respondents, the agencies that have been involved in land acquisition for public purposes, various obstacles encountered in the acquisition process and how they were overcome and how the acquired land were administered or put into use. The sources of the class of data include: the Ministry of Land, Osun State Property Development Corporation (OSPDC) and Law firms representing the claimants all within the guidance of the study's objectives. A preliminary survey revealed that there were 42 members of staff from the OSPDC. Twenty Five (25) members of staff from the OSPDC representing 59.5% were purposively selected for having full experiences on public land acquisition process; also a preliminary survey revealed that there were 39 registered law firms in Osun state. Twenty Five (25) Law Firms 64.1% representing the claimants were purposively selected from Ministry of Land which has the list of registered Law Firms involved in various acquisitions using random sampling technique. From which each head the Firms were sampled. The total number of questionnaires administered was fifty (50). Twenty-five (25) were administered to selected Staff of Osun State Ministry of Land / Property Development Corporation out of which twenty-two (22) were retrieved, twenty one (21) were retrieved out of twenty five (25) administered to the Law Firms. The

data collected was analysed using descriptive statistics such as percentages, charts, frequency tables and inferential statistics method for the purpose of achieving the research objectives. Frequency table were used to analyse responses from the respondents while percentages and bar chart were used to deduce the relationship between various responses.

4. DATA ANALYSIS, INTERPRETATION AND DISCUSSION

4.1.1 Analysis of Data Retrieved from Law firms: From the table 1 below, the study shows that there are 13 male and 8 female representing 61.9% and 38.1% respectively from the respondents. It shows that male actively participated in acquisition of land than the female. The age of respondents ranges from 25 to 50 years with 31 to 40 years having the highest representing 57.15 as shown in the table below. The table shows the educational qualification of people who were involved in acquisition of land with the least being Bachelor of Science (BSC). Table 1 shows the year of professional experience of respondents with 4-6 years having the highest representing 61.9%. The table shows the area of specialization of respondent and it shows that 61.9% specialize in acquisition of land. What can be deduced from this is that there are competent people from the state that can represent claimants' interest. The table shows the position and rank of respondents with the Barristers having the highest with 42.9%. It can be deduced from this that the respondents are competent to participate in this exercises. The table shows the level of awareness of land acquisition for public purposes in Osun state and it shows 100% of awareness and it can be deduced from this that land is actually been acquire from the state. The study shows that with their qualification and the experience most of the respondents represent the claimant with 17 respondents representing 81% said they have represent claimant. This could be attributed to awareness on the part of the claimant. The study also has clearly shows that acquisition took place in all Senatorial district of Osun State.

Table 1 Socio-Economic Characteristics, Experiences of Public Land Acquisition and Administration from Law Firms.

Sex of Respondent	Frequency	Percent	Position/Rank in the Office	Frequency	Percent	Did you Receive any Notice Before Acquisitions	Frequency	Percent
Male	13	61.9	Senior Partner	8	38.1	Yes	21	100.0
Female	8	38.1	Barrister	9	42.9	If the Answer is Yes How Many Days/Month Noticed Received		
Total	21	100.0	Senior Staff	4	19.0	Below 1 month	4	19.0
Age of Respondent			Total	21	100.0	1-2 month	9	42.9
25-30	4	19.0	Awareness of any Land Acquisition for Public Purposes in Osun State			2-3 month	8	38.1
31-40	12	57.1	Yes	21	100.0	Total	21	100.0
41-50	5	23.8	Have you Represented any Claimant for the Acquired Land			Was the Notice given before Acquisition Adequate		
Total	21	100.0	No	4	19.0	Yes	21	100.0
Educational qualification of Respondents			Yes	17	81.0	Did the Acquisitions Exercise involve the Active Participation of Professionals		
ANIVS	5	23.8	Total	21	100.0	Yes	17	81.0
B.SC	8	38.1	Was the Acquired Land within			No	4	19.0
M.SC	4	19.0	Osun West	6	28.6	Total	21	100.0
PhD	4	19.0	Osun East	7	33.3	Has any Compensation been paid on the Acquired land		
Total	21	100.0	Osun Central	4	19.0	yes	12	57.1
Year of Professional Experience			All of the above	4	19.0	No	9	42.9
1-3	4	19.0	Total	21	100.0	Total	21	100.0
4-6	13	61.9	Exact Position of Acquisition Land			Nature of Compensation		
above 9	4	19.0	Ajaka Estate, Ilesa	4	19.0	Land Compensation	9	42.9
Total	21	100.0	Free Trade Zone	4	19.0	Money Compensation	12	57.1
Area of Specialization			Ipetu-Ijesa	4	19.0	Total	21	100.0
Agency / Valuation	13	61.9	Olufi Estate, Gbongan	5	23.8	What can Government do to Ensure Adequate / Prompt payment of compensation		
Lawyers / Acquisition	4	19.0	Oroki Estate, Osogbo. Akoda Estate, Ede.Gbongan, Ode Omu Etc.	4	19.0	Provision of more facilities and adequate equipment	12	57.1
Estate Surveyor, acquisition and Valuation.	4	19.0	Total	21	100.0	Adequate Allocation to be granted to the acquiring authority for the payment of compensation.	5	23.8
Total	21	100.0	Year that the Acquisition took place			The acquiring authority should be properly briefed on ways of compensation	4	19.0
			2-5	4	19.0	Total	21	100.0
			5-10	8	38.1			
			15-20	9	42.9			
			Total	21	100.0			

Source: Author's field survey, January 2015

Table 1 clearly illustrated the exact position of the acquisition that has recently taken place in Osun state to include: Ajaka Estate, Ilesa, Free Trade Zone, Ipetu-Ijesa, Olufi Estate, Gbongan Oroki Estate, Osogbo. Akoda Estate, Ede.Gbongan, Ode Omu Etc. The Table 1 shows the year that the acquisition took place which ranges between 2-20 years. Most of the acquisition took place 15-20 years representing 42.9%. It can be deduced from the table that everyone agreed that the acquiring authorities give notices before action is taken on such land. It can be deduced from the table that notices given ranges from 1-3 month before the land can be acquired. The nine respondents representing 42.9% agreed that 1-2 month noticed received was given. As shows in the table it can be deduce that the notice given by

acquiring authorities is adequate since 21 respondents representing 100% agreed that the notice is satisfactory. As shown in table it was deduced that acquisitions exercise involved the active participation of professionals with 17 respondents says yes representing 81%. It was observed that 12 respondent representing 57.1% said yes that compensation was paid why 9 respondent representing 42.9% said no. It can be deduced that compensation has not being paid on all the land acquired why more than half have being adequately compensation. Base on the experience of the respondents it was observed that the nature of compensation tends to be monetary with 12 respondent representing 57.1% and 9 respondent representing 42.9% said it was land that was used for compensation. From the table the respondents made

some useful suggestions that provision of more facilities and adequate equipment for the acquiring agents, adequate allocations to be granted to the acquiring authorities for the payment of compensations and that the acquiring authorities should be properly briefed on ways of compensations were proffered as solution to incessant dispute.

4.1.2 Analysis of Data Collected from Osun State Ministry of Land / Property Development Corporation

From the State Ministry of Land / Property Development Corporation point of view as shown in table 2a, 10 respondents representing 45.5% agreed that the land acquisition they administered took place between 1-5 years ago, while 4 respondents representing 18.2% agreed that theirs took place 5-10 years, 8 respondents representing 36.4% agreed that land acquisition took place between 15 -20 years ago, From this it could be deduced that for the last 20 years acquisitions of landed properties took place. From Table 2a it can be deduced that acquisitions of landed properties occurred in the entire senatorial districts that comprises Osun West, Osun East and Osun Central in Osun State. Table 2a showed the various purposes for which the acquired lands were used for these include: Road Construction, Air Force Base, Free Trade Zone, Housing Schemes, Industrial purpose, and International Market. Others comprise Market, Residential and Commercial. Table 2a also illustrated if the land have been put to use or not. 10 respondents representing 45.5% said Yes the land have been put to use why 12 respondent representing 54.5% said No that the land acquired have not been put to use. The study shows the various acquiring agencies that include: Osun State Property Development Corporation (OSDPC), Ministry of Land,

Nigerian Air Force, Osun State Government. The study also demonstrated that the acquiring authorities publish notices before the acquisition took place with all the respondents representing 100% asserted that notices were giving. Table 2a confirmed that 18 respondents representing 81.8% agreed that Consultant / Agent represented the claimant(s) as regard payment of compensations. Why just 2 respondents representing 9.1% respondents claimed such did not occur.

Table 2a explains that 20 respondents representing 90.9% agreed that arrangement was made for the claimant's representative for the payment of compensation why 2 respondents fail to agree with this submission. Table 2a give the nature of compensation paid to the claimants and it prove that 20 respondent representing 90.9% agreed that monetary compensations were adopted why 2 respondents agreed with land compensation were used. Table 2a shows that 10 respondents indicating 45.5% agreed that compensation were paid while 12 respondent representing 54.5% agreed that compensation were not paid. What can be deduced from this is that both party recognised the need for amicable settlement in term of monetary and landed compensation, but the compensation are not regularly been paid and there is shortfall on the compensation paid. Table 2a also illustrated the time frame for the compensations paid. Various options were given ranges from 2-3 month, between six month to one year, few months, more than six months, and over two years, not too long while some respondents attributed the timing on the availability of fund from the acquiring authorities and it depends on the terms of contract between both parties. Has shown in the Table 2a respondents representing 95.5 agreed that problems are encounter during acquisition.

Table 2a Experiences of Public Land Acquisition and Administration from Osun State Ministry of Land / Property Development Corporation

Has any Land Acquisition taken place in Osun for the past 20 years?			Has the land been put into use		
	Frequency	Percent		Frequency	Percent
Yes	22	100.0	Yes	10	45.5
When did Acquisition takes place			No	12	54.5
1-5	10	45.5	Total	22	100.0
5-10	4	18.2	Who acquired the land		
15-20	8	36.4	OSPDC	6	22.3
Total	22	100.0	Ministry of Land	2	9.1
21 Was the acquired land within the following region			Local government	4	18.1
Osun West	2	9.1	Nigerian Air Force	1	4.6
Osun East	4	18.2	Osun State Government	4	18.1
Osun Central	8	36.4	Others government ministries	5	22.7
All senatorial Districts	6	27.3	Total	22	100.0
No respond	2	9.1	Did the government publish any notice before the acquisition took place		
Total	22	100.0	Yes	22	100.0
What was the purpose of the land acquired?			Did any Consultant / Agent represents the claimant(s) as regard payment of compensation.		
Road Construction	3	13.6	Yes	18	81.8
Public bye-pass	1	4.6	No	2	9.1
Hospitals	1	4.6	No response	2	9.1
Public schools	2	9.1	Total	22	100.0
Air Force Base	1	4.6			
Free Trade Zone	1	4.6			
Housing Schemes and Industrial purpose.	3	9.1			
Industrial Purpose	1	4.6			
International Market	1	4.6			
Commercial	2	9.1			
Residential,	6	27.3			
Total	22	100.0			

Source: Author's field survey, January 2015

Table 2b Experiences of Public Land Acquisition and Administration from Osun State Ministry of Land / Property Development Corporation

Do you encounter problems during such acquisition	Frequency	Percent	Did any Consultant / Agent represents the claimant(s) as regard payment of compensation.	Frequency	Percent
Yes	21	95.5	Yes	18	81.8
No	1	4.5	No	2	9.1
Total	22	100.0	No response	2	9.1
If the answer is Yes what is / are the problem (s)			Total	22	100.0
Disturbance from the claimants.	2	9.1	Is there any arrangement for the claimant(s) representative for the payment of compensation		
Illegal encroachments by the people believed to be fraudsters and land owners who desired to be compensated before allowing any meaningful takeover of the land	2	9.1	Yes	20	90.9
It was not easy for the land owner to release their property easily.	2	9.1	No	2	9.1
Most of the claimants did not take it easy in enumerating cash crops in the acquired land	3	13.6	Total	22	100.0
non-cooperation of the public on the acquisition	3	13.6	What was the nature of compensation paid to the claimant		
Owner of the land refused to cooperate with the government	2	9.1	Land Compensation	2	9.1
Problem of land owner. They don't want to release their land to the government	2	9.1	Money Compensation	20	90.9
Resistance from the land owners.	2	9.1	Total	22	100.0
Some owners of the land are not cooperative because of what is on the land now.	2	9.1	Has the compensation been paid		
The claimants are no cooperative because they are not happy over their land being acquired.	2	9.1	Yes	10	45.5
Total	22	100.0	No	12	54.5
			Total	22	100.0
			How long does it take to process the compensation payable		
			1-2 Months	1	4.5
			2-3 Months	2	9.1
			Between 6 month to 1year	2	9.1
			Few months	2	9.1
			It depend on the availability of fund from the acquiring authority	4	18.2
			It depends on the terms of contract between both parties	4	18.2
			More than 6 months	2	9.1
			Not too long	2	9.1
			Over 2 years	3	13.6
			Total	22	100.0

As shown in table 2b, the problems that are encounter during acquisition has responded to by the respondents include: disturbance from the claimants; illegal encroachments by the people believed to be fraudsters and land owners who desired to be compensated before allowing any meaningful takeover of the land, it was not easy for the land owner to release their property easily; most of the claimants did not take it easy in enumerating cash crops in the acquired land; non-cooperation of the public on the acquisition; owner of the land refused to cooperate with the government; problem of land owner they don't want to release their land to the government; resistance from the land owners; some owners of the land are not cooperative because of what is on the land now; the claimants are no cooperative because they are not happy over their land being acquired.

5. DISCUSS OF FINDINGS

What can be inferred from this study is that there are competent professional from the state that can represent claimants' interest. The study shows the level of awareness of land acquisition for public purposes in Osun state and it shows 100% of awareness and it can be deduced from this that land is actually been acquired from the state. It can be deduced from the study that everyone agreed that the acquiring authorities give enough notices before action is taken on acquired land. It can be presumed from the study that noticed given ranges from 1-3 month to 1year before land can be acquired. From the study it can be reason that the noticed given by acquiring authorities were adequate since 21 respondents representing 100% agreed that the notices were satisfactory. From the study was deduced that acquisitions exercise involved the active participation of professionals with 17 respondents representing 81% agreed. It was observed from the that 12 respondents representing 57.1% that said yes that compensation were paid why 9 respondents representing 42.9% said no. it can be deduced that compensation have not been paid on all the land acquired why more than half have being adequately compensated.

Base on the study it was observed that the nature of compensation tends to be monetary with 12 respondents representing 57.1% and 9 respondent representing 42.9% said it was land that was used for compensation. From the study the respondents made some useful suggestions that adequate allocations to be granted to the acquiring authorities for the payment of compensations and that the acquiring authorities should be properly briefed on ways of compensations. From the study it as being established that Land Acquisition took place in Osun in the last 20 years and the study has revealed that acquisitions of landed properties occur in the entire senatorial districts. The study also illustrate whether the land acquired have been put to use or not. 10 respondent representing 45.5% said yes the land have been put to use why 12 respondent representing 54.5% said No that the land acquired have not been put to use. The study also shows the various acquiring agencies to include: Osun State Property Development Corporation (OSDPC), Ministry of Land, Nigerian Air Force, Osun State Government

The study also established that the acquiring authorities publish notices before the acquisition took place with all the respondents representing 100% assented that notices were giving to the person whose land is to be acquired. The study confirms and agreed that Consultants / Agents represent the claimant(s) as regard payment of compensations with 18 respondents representing 81.8% why just 2 respondents representing 9.1% respondents claimed such did not occur. It could also be deduced from the study that 20 respondents representing 90.9% agreed that arrangement was made for the claimant's representative for the payment of compensation. The

study confirmed the nature of compensation paid to the claimants and it prove that 20 respondent representing 90.9% agreed that Money Compensations were adopted why 2 respondents agreed that it was land compensation. It could be deduced from this that other form of compensation was no exploited.

What can further be inferred from the study is that parties from the acquired land recognised the need for amicable settlement in term of monetary and landed compensation, but the compensation are not regularly been paid and there is shortfall on the compensation paid as shown in the study were 10 respondents indicating 45.5% agreed that compensation were paid while 12 respondent representing 54.5% agreed that compensation were not paid. The study also illustrates the time frame for the compensations paid on land acquired. Various options were given ranges from 2-3 month, Between 6 month to 1year, few months, More than 6 months, and Over 2 years, not too long while some respondents attributed the timing on the non-availability of fund from the acquiring authorities and on the terms of contract between both parties.

Has shown in the study, respondents representing 95.5 agreed that problems are encounter during acquisition. The problems include: Disturbance from the claimants; Illegal encroachments by the people believed to be fraudsters and land owners who desired to be compensated before allowing any meaningful takeover of the land, difficulty of forcefully acquiring land from the owner for the release their property was not easy; Most of the claimants did not take it easy in enumerating cash crops in the acquired land and there were no cooperation from the public; Owner of the land refused to cooperate with the government to release their land and resistance from the land owners; some owners of the land are not cooperative and not happy because of what is on the land as at the time the land was acquired.

6. SEARCHING FOR ALTERNATIVE POLICY OPTIONS

Search for alternative policies and strategies would therefore have to take these factors into consideration: The policy options available to the state must address the outstanding issues and these must generally be acceptable to the public. They following options may be considered: Develop appropriate guidelines and standards for compulsory acquisition. Currently, there are no standards for compulsory acquisition for various uses – education, health, agriculture etc. This has created the situation where lands are deemed to have been acquired in excess of actual need. Complete all outstanding acquisitions based on actual needs that will have the opportunity to submit claims for compensation. This will require a high expenditure in terms of surveying, inventory, and completion of the procedures for compulsory acquisition. Return lands in excess of actual need to the pre-acquisition owners to reduce the compensation burden. The dilemma is that when the

state needs land in the future it may have to acquire at a higher price. The State should consider alternatives to monetary compensation including provision of infrastructure, special projects, off-loading of government shares in viable companies and ex-gratia payment to affected landowning groups and communities and taking into account factors such as location of the land (urban/rural), size of land involved, national interest, etc. The basis of compensation should be changed from lump sum to annual payments to ensure inter-generational equity. The dilemma is whether the state must be indebted to a particular community forever for acquiring land for national development projects? The state should agree with expropriated owners through local discussions and the fact that it might not be able to pay all the outstanding compensation, there is need to pay token lump sum to all expropriated owners for the pre-acquisitions to close the chapter on the outstanding issues. Return unutilised lands to the pre-acquisition owners in lieu of payment of compensation and regularise encroachments at penalty and use proceeds to pay compensation.

7. RECOMMENDATIONS

Government should have a policy that prevent or minimise forced displacement of people by promoting non-displacing or least displacing alternatives; or genuinely voluntary transfer of land, for meeting development objectives of the nation. To ensure that acquiring authorities follow participatory, transparent and democratic processes, with prior informed consent of affected persons and to ensure that the provision of land for infrastructure projects where the benefits largely accrue to the general public; government should not only compensate for assets acquired, but also compensate for loss of habitats, livelihoods and opportunities. The displaced people should be resettle and rehabilitate, as well as restored or improved their access to all social services, in accordance with their aspirations.

The government at various level i.e. local government, state government and federal government should be encourage to provide more facilities and adequate equipments needed to improve the agency in charge of public land administration and acquisition in terms of skilled labour and other resources. Government in charge of land acquisition and administration in Osun state such as ministry of land and OSPDC should make the process and proceedings more attractive to affected individual land owners by means of adequate compensation, enlightenment, mobilization and conduction of public hearing for transparency in order to make the acquisition simple and more interesting exercise. It was therefore proposes that a National Commission for Land Acquisition, Resettlement and Rehabilitation (NCLRR) be set up, with powers to supervise, and exercise oversight over land acquisition, resettlement and rehabilitation.

In all circumstances land acquisition should discourage forced displacement and minimise adverse impacts on people, habitats, environment and biodiversity; and most minimise adverse impacts on food security by actively discouraging acquisition of agricultural land, and promoting local economies and most comprehensively define project affected persons/families and most provide for a just compensation and rehabilitation package, sensitive to the aspirations, culture, community, natural resource base and skill base of the affected people. Furthermore, it most ensures humane, participatory, informed, consultative and transparent process and to provide for effective implementation. Compensation and entitlements should be through partial compensation in form of land bonds. The use of infrastructure bonds may help to reduce the upfront cost of land acquisition for essential public projects. The state should pursue the use of infrastructure bonds as a form of payment to land owners. At the same time, it is necessary to find out the actual loss resulting from displacement. There is a need for compulsory Social and Environmental Impact Assessment, ensuring that the subsequent problems of loss of employment, social surroundings and emotional trauma are accounted for. Only when there is an idea about the actual loss caused to various stakeholders, that the actual monetary and non-monetary compensations can be fixed.

The Land Acquisition Act should make violation of the law by public officials a punishable offence. The land acquired for project that remains unused should be returned to the displaced families with a nominal cost recovery. The developers to deal directly with the landowners; these will prevent the protests over land acquisition, environmental issues and objections being raised, and reduce the delays in the implementation of projects. The role of government agencies becomes important they should be completely transparent, and flexible in implementation of land acquisition policy this could help both the investor and the landowner. The policy should include person which have lost any traditional rights. Hence, there is a need for an independent judicial body to review the amount of compensation calculated and hear the objections. Acquisition costs will include payment for loss or damages to land, and costs related to resettlement of displaced residents.

There is need to redefine "public purpose", so as to restrict the scope of land acquisition under the Act to provision of land for strategic purposes vital to the state, and for infrastructure projects where the benefits accrue to the general public is essential. There is need to establish Land Acquisition Compensation Disputes Settlement Authority to exercise jurisdiction, powers and authority with regard to the acquisition of land by the Government, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation. Also, it is desirable to make the various steps of the land acquisition process time bound, so that the entire

process can be completed within a reasonable period of time. This will be in the interest of the land owners and farmers whose lands are acquired as well as the projects and requiring bodies.

As mentioned before, compensation for the tribal population in terms of their cultural and livelihood context can be tricky to fix. The Rehabilitation and Resettlement Bill should incorporate a lot of suggestions which are sensitive to the inadequacy of monetary compensation. It should outline minimum benefits for displaced families such as land, house, monetary compensation, skill training and preference for jobs. Only monetary compensation is not sufficient. Introduction of cadastral survey that will enable the state know the extent of the land each community, family, individual or any other land unit. Although cadastral survey is expensive; determination of ownership is messy and time-consuming. But it is high time the country took an inventory of her resources, both human and material. After it has been determined, it is then necessary to document ownership through title registration.

8. CONCLUSION

The state cannot expect to get away with an unjust land acquisition policy. The current land acquisition policy in Osun State violates the democratic fabric of the constitution. The issue of displacement is an example of how law has to be consistent with socio-economic, cultural and political circumstances, and appears to have failed in doing so. As it appears, there is a strong need to put legal thought into issues concerning the land acquirers as well as to thoroughly investigate issues regarding removing the imbalance from the system. Land acquisition and involuntary displacement continue to result in great distress and resistance and often violence in many parts of the country. It is important that these proposed statutes are reviewed once again with a view to making these more just and humane, and to ensure that the processes of acquisition and involuntary displacement are more transparent and fair, and those affected by the development projects are made partners in development.

A single comprehensive law should be formulated which would discourage forced displacement, and minimise adverse impacts on people, habitats, environment, food security and biodiversity. The law should ensure that all possible options of more barren, less fertile and waste lands have been explored before acquiring agriculture land. It should also comprehensively define project affected persons/families, and provide for a just, timely compensation, resettlement and rehabilitation package through a humane, participatory, informed, consultative and transparent process, allowing for effective and fair implementation.

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