



The comparative analysis of the practice of compensation payment on revocation of rights of occupancy in Lagos, Niger and Rivers States of Nigeria

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Abstract

This paper focused on the comparative analysis of the practice of compensation payment on revocation of rights of occupancy in Lagos, Niger and Rivers States of Nigeria. Compensation practice on revocation of rights of occupancy in Nigeria is based on the dictates of Land Use Act, CAP L5, LFN, 2004. Sec. 29(4-6) of the Act gives guidelines to the acquiring authority on the heads of claims payable to the affected claimant. However, there exist some anomalies in the payment practice in different States in the form of non-payments, delayed payments, transparency in payment modalities, inadequacies in payments and others. The objectives of the study were: to examine the basis, transparency, extent of non-payment, extent of abiding by the law, the promptness in terms of time lapse and adequacy of compensation payment practices on the revoked rights of occupancy in Lagos, Niger and Rivers States. Structured questionnaires were administered directly to the respondents and retrieved personally by the researcher. The samples used were 131 staff comprising 43 from Lagos, 40 from Rivers and 48 from Niger. The questionnaires distributed were 131, but those collected were 107. The collected questionnaires were 33 out of 43 from Lagos representing 74%, 34 out of 40 representing 85% and 40 out of 48 representing 83.30%. The percentage of questionnaire collected was 81.68% on average. In analysis of data collected, descriptive statistics such as mean and standard deviation were used. Inferential statistics such as ANOVA and Scheffe Post-Hoc test were further applied to above data to test on the hypotheses. The results of findings were as follows: the bases of compensation payments among the States under investigation were the same, however, Niger State have a strict compliance to Land Use Act than Lagos and Rivers State; the practice in the three States were in line with the Act, but compensation payment were inadequate; there were delay in payment of compensation among the States and that there were high degree of non-payment of compensation in the three States under investigation. The practices of compensation payment in the States were not consistent with the global best practice on compensation payments where rights of occupancy is revoked even though they were all made in line with the guiding law-the Land Use Act. Finally, we recommended that there should be a total embracing of Land Use Act by the authorities, there should be transparency in practice, and the enabling legislation should be amended to ensure adequate and timely compensation payment for the revoked rights of occupancy of citizens.

Keywords: revocation, ownership rights, compensation payment

1. Introduction

1.1 Background to the Study

The study looked at the practice of compensation payment in Lagos, Niger and Rivers States of Nigeria and specifically comparing these practices. This enabled the researchers to know the significant difference(s) in practice among the three compared States of Nigeria in terms of adequacy of compensation, time of payments of compensation, transparency in compensation assessment and payment, resettlement of the affected persons or families on incidence of revocation in addition to payment of cash compensation given that they use the same enabling law (Land Use Act). This study was aggravated by the happenings in the country (which interests the researcher) in the area of compensation payment on the revoked rights of occupancy of citizens.

The powers of revocation of rights of occupancy and compensation payment are derived from different sources. The constitutions of many countries provide for both the protection of private property rights and the power of the government to acquire land without the willing consent of the owner. There is, however, great variation. Some

countries have broadly defined provisions for compulsory acquisition, while those of other countries are more specific. Constitutional frameworks that have broadly defined provisions concentrate on basic principles and often simply assert the power to revoke land as the single exception to fully protected private property rights. For example, the constitution of the United States of America mandates that: "No person...shall be deprived of...property, without due process of law; nor shall private property be taken for public use without just compensation." Similarly, Rwanda's constitution states: "Private property, whether individual or collective, shall be inviolable. No infringement shall take place except for the reason of public utility, in the cases and manner established by the law, and in return for fair and prior compensation." Such constitutions leave the details of revocation of rights of occupancy to other legislation and, in some instances, to the interpretation of the courts. Other constitutional frameworks specify in detail the mechanisms by which the government can compulsorily acquire land. They tend to include a specific list of the purposes for which land may be acquired. For example, Ghana's constitution includes provisions detailing exactly what kinds of projects

allow the government to use its power of compulsory acquisition, and specifies that displaced inhabitants should be resettled on suitable alternative land. Chile's constitution identifies the purposes for which land may be compulsorily acquired, the right of property holders to contest the action in court, a framework for the calculation of compensation, the mechanisms by which the state must pay people who are deprived of their property, and the timing and sequence of possession (Chapter III, Articles 19, & 24 of Chile's constitution, 1974). Most countries supplement the constitutional basis for revocation of rights of occupancy, whether broadly or specifically defined, with extensive laws and regulations. National or sub-national laws usually describe in detail the purposes for which revocation can be used, the agencies and officials with such power, the procedures to be followed, and the methods for determining compensation, the rights of affected owners or occupants and how grievances are to be addressed. The regulations that accompany these laws may be particularly important as they often provide the acquiring agency with instructions on how to carry out revocation during all phases of the process. The laws governing revocation of rights of occupancy are part of property law and of part administrative law which dictates governance procedures. Principles of administrative justice and good governance often require that such powers are bound by legal rules which allow for hearings and appeals, and are subject to judicial review.

However, revocations of rights of occupancy and compensation payments go hand in hand. Compensation, whether in financial form or as replacement land or structures, is at the heart of revocation of rights of occupancy. As a direct result of government action, people lose their homes, their land, and at times their means of Livelihood. Compensation is to repay them for these losses, and should be based on principles of equity and equivalence in line with World Health Organisation's directive. The principle of equivalence is crucial to determining compensation: affected owners and occupants should be neither enriched nor impoverished as a result of the acquisition. Financial compensation on the basis of equivalence of only the loss of land rarely achieves the aim of putting those affected in the same position as they were before the acquisition; the money paid cannot fully replace what is lost. In some countries, there is legal provision recognizing this in the form of additional compensation to reflect the compulsory nature of the revocation. In practice, given that the aim of the revocation is to support development, there are strong arguments for compensation to improve the position of those affected wherever possible (FAO, 2008). According to Akujuru and Les Ruddock, (2014), several authors have justified the revocation of rights of occupancy (Famoriyo, 1984, Syagga and Olima, 1996, Ogedengbe 2007, Kakulu 2008, Otegbulu 2009, Oluwamotemi 2010, Kakulu and Nuhu 2012)^[10, 51, 46, 21, 48, 19-21] as in Obiora, 2016^[45]. All these authors highlighted the basis of assessing compensation payable for revocation of rights of occupancy and emphasized the fact that the process is statutory and that the enabling laws do provide the valuation methods to be adopted. Therefore, revocation of rights of occupancy and compensation generally involves interference by the government or its agencies in land owner's proprietary rights on land.

1.2 Statement of the Problem

Legally, compensation is constitutional and fundamental right of an owner whose right is revoked. All acquisition/revocation laws in Nigeria including the 1999 Constitution made provision for compensation payment of revoked right of occupancy. Although, other laws promulgated before the land use Act made provision for payments for any parcels of land revoked statutorily or customarily from the persons or communities, thus, maximum compensation payable for the land was stipulated. In the same vein, the LUA, CAP L5, LFN, 2004, Sec. 29 (4-6) stipulated the compensation payable on any revocation of right of occupancy by government or acquiring authority. Larbi, (2008)^[26] expounded that the overall land acquisition is in pursuit of the socio-economic development for the public good. Revocation of rights of occupancy and Compensation in different parts of the World is often associated with a number of observable problems (Alterman, 2007); (Crawford, 2007); (Kakulu 2007)^[19-21]; (Plimmer, 2007); (Nuhu, 2007^[42]), and (Kakulu and Viitanenem, 2008) as quoted by Larbi, 2008^[26]. Kotey, (2002) as in Obiora, (2016)^[45] also noted, that the exercise of revocation of rights of occupancy power is not without controversy.

This study, thus, concentrates on the comparative analysis of the practices of Compensation payments on revocation of rights of occupancy in selected States of Nigeria. The way in which governments in many developing countries exercise this power especially for urban expansion, undermines tenure security, and because little or no compensation is often paid, it has negative impacts on equity and transparency (Deininger, 2003)^[7]. The key problems associated with compensation payments in Nigeria on revoked interest as seen in this study were delay in time/period of payment, adequacy of payment, at times, no compensation payment, and transparency in assessment of compensation payment without attaching politics and also whether there is strict compliance to the enabling law-the Land Use Act.

However, these practices of compensation were investigated, analyzed and compared in Nigeria especially among the three old regions of Nigeria via one State each from the region namely Rivers from Eastern region, Niger from Northern region and Lagos State from Western region. The essence of this investigation was to ascertain the significant differences in the compensation payment practices of each of aforementioned States even when they are controlled by the enabling law in terms the mentioned variables like delayed or no payment of compensation, inadequate or otherwise of the payment, transparency in compensation assessment and payment, timeliness of payment of compensation and resettlement of the affected persons or families on incidence of revocation in addition to payment of cash compensation even when they use the same enabling law (Land Use Act) and compliance level on the use of Land Use Act.

There are so much works and researches done on Land acquisitions/revocation of rights of occupancy and compensation payment in Nigeria and other part of the world as stated in Umeh (1973)^[52-53], Nuhu (2006, 2007, and 2008)^[39-42], Oluwamotemi (2010^[48]), Albert Adu-Gyamfi (2012), Olawale (2012)^[47]; Rohan and Liza (2012),

Sule (2014), Akingbehin, Idhoko, Hamzat and Ayuba (2016), Emoh and Nwachukwu (2016)^[8] and so on. But, upon these works so far, none was able to compare if there is any significant difference(s) in their practices in different States/regions of Nigeria as we use the same enabling law (Land Use Act). Based on the aforementioned variables, hence, the problem to this study, this work was able to tackle the problem as identified as it recommended the best path to toe by the acquiring authority.

1.3 Aim and Objectives of the study

This work is focused at the comparative analysis of the compensation payments practices on revocation of rights of occupancy in Lagos, Niger and Rivers States of Nigeria with the following objectives:

1. To examine the basis for the practices of compensation payments (if any) in Niger, Rivers and Lagos States of Nigeria.
2. To ascertain how transparent the payment of compensation by the State governments in the aforementioned States under study.
3. To ascertain if the compensation payments in the States under investigations is/are adequate in line with the enabling statute.
4. To know how timely the payment of compensation in Niger, Rivers and Lagos States are made.
5. To ascertain the extent of non-payment of compensation in revocation of land by government in Niger, Rivers and Lagos States.

1.4 Research Questions

The research provided answers to the following questions:

1. What may be the basis of the practice in the States under study?
2. How transparent are the payments of compensation of revoked rights of occupancy in the State under study?
3. Are the compensation payment practice in revocation of rights of occupancy in the States in compliance with the Land Use Act?
4. How timely do the three States under investigations pay the affected persons?
5. What extent are the cases of non-payment of compensation after revocation of rights of occupancy in Niger, Rivers and Lagos States?

1.5 Statement of the Hypotheses

On this research, the under following hypotheses were tested:

- Ho1: The basis for the practice of compensation payments did not differ significantly among Niger, Rivers and Lagos States of Nigeria.
- Ho2: There is no significant difference in transparency in the payment of compensation among Niger, Rivers and Lagos States of Nigeria.
- Ho3: There is no significant difference in compliance to the Act in compensation payment of disposed interest among Niger, Rivers and Lagos States of Nigeria.
- Ho4: The timeliness in the payment of compensation does not have significant difference in the three States under study.
- Ho5: Niger, Rivers and Lagos States did not differ significantly in cases of non-payment of compensation after revocation of Land by government.

2. Literature Review

2.1 Variables involved in Compensation payments on revoked interests in land.

2.1.1 Basis of Compensation payments

Legislation should define the basis of compensation for the land, and guarantee the procedural rights of people who are affected, including the right of notice, the right to be heard, and the right to appeal. It should provide for fair and transparent procedures and equivalent compensation. Legislation that does not clearly state the basis for compensation may result in inequitably low compensation if values fall, and inequitably high compensation and greater costs to the government if values rise.

Compulsory acquisition is inherently disruptive. Even when compensation is generous and procedures are generally fair and efficient, the displacement of people from established homes, businesses and communities will still entail significant human costs. Where the process is designed or implemented poorly, the economic, social and political costs may be enormous.

Problems may arise when compulsory acquisition is not done well are:

- a. Reduced tenure security: Policies and legislation that strengthen land rights of individuals and communities may be eroded through compulsory acquisition. People may believe they lack tenure security if the government can acquire rights in private land without following defined procedures, and/or without offering adequate compensation.
- b. Reduced investments in the economy: Insecure tenure, with the threat of the arbitrary loss of land and associated income, discourages domestic and foreign investment.
- c. Weakened land markets: Threats to tenure security discourage land transactions, reduce the acceptability of land as collateral, discourage people from investing or maintaining their property, and depress land values.
- d. Opportunities created for corruption and the abuse of power: The lack of protection and transparency can result in injustices which anger citizens and undermine the legitimacy of government.

2.1.2 Fairness and Adequacy of Compensation payment

a) Literary View

Longman Dictionary of contemporary English, New Edition defines the word, "Fair" as "Reasonable and acceptable" and it also defines the word "adequate" as "enough for a particular purpose or activity." In the literary understanding, "fair and adequate compensation in monetary terms may mean any amount of money paid to a person which should be reasonable and acceptable to him and which should be good enough for the particular purpose or activity for which the money is paid."

b) Legal View

It will be noted that the provisions of Section 29 of Land Use Act never stipulate the adequacy of the quantum of compensation to be paid to the claimant. Also, paragraph 36 of the first schedule to the Petroleum Act did not state any principle of assessing what is fair and adequate compensation. Many legal practitioners are of the view that the whole thing is variable, depending on attitude of the parties involved in the compensation payment. According to

Edozie J.C.A (1994), (as in Ibagere, 2012) [17] stated that: “The Petroleum Act did not define the meaning of expression, “fair and adequate compensation”. In my view however, such compensation must be compensation to which they are entitled for damage to their land... the principle is to restore the person suffering the damnun as far as money can do that, to the position he was before the damnun or would have been but the damnun.” “Adequate compensation, according to America law dictionary titled Black’s law dictionary 6th continental Edition (1891), as in Ibagere, 2012 [17], means “Just value of property taking under power of eminent domain payable in money ... Market value of property when taking... such only as puts injured party in as good as a condition as he would have been if injury had not been inflicted”.

Financial award may be inadequate to allow people to enjoy sustainable livelihoods after their land is acquired. People may feel that they are not compensated for the loss of cultural, religious or emotional aspects of the land. Compensation is to repay them for these losses, and should be based on principles of equity and equivalence. The principle of equivalence is crucial to determining compensation: affected owners and occupants should be neither enriched nor impoverished as a result of the compulsory acquisition. Financial compensation on the basis of equivalence of only the loss of land rarely achieves the aim of putting those affected in the same position as they were before the acquisition; the money paid cannot fully replace what is lost. In some countries, there is legal provision recognizing this in the form of additional compensation to reflect the compulsory nature of the acquisition. In practice, given that the aim of the acquisition is to support development, there are strong arguments for compensation to improve the position of those affected wherever possible.

Compensation should address both de facto and de jure rights in an equitable manner following the principle of equivalence. Where occupants have no recognizable legal right or claim to the land occupied, they may be entitled to resettlement assistance and to compensation for assets other

than land. Some form of fair payment for squatters is important, particularly where they are poor, are driven to informality out of necessity, and especially where government has condoned or encouraged the settlement in the first place.

2.1.3 Fairness and transparency

The negotiating powers of the acquiring agency and affected people should be as equal as possible. Reasonable costs of affected people, including support to the poor and illiterate in negotiations, should be paid as part of the compensation. Negotiations should be based on an open exchange of information improvements in order to determine their value. Owners and occupants should hire their own valuers, or find other ways to determine the value of their land.

In some countries, the acquiring agency makes an offer; if this offer is not accepted by the owner or occupant, the acquiring agency makes an official determination of compensation which can be appealed only in court or to a quasi-judicial body such as a tribunal.

2.1.4 Timeliness/Promptness of Compensation Payment

Good faith should ensure that people receive full payment of the agreed-upon compensation sum in a timely manner. Any departure from a standard compensation rule should be based on clearly stated grounds set out in the law, and should be approved by a judicial body or administrative officer superior to the acquiring agency. Legislation should require that possession takes place only after a substantial percentage of the compensation offer has been paid. The laws of some countries include provisions for payment plans, time limits, and other procedures by which people can force payment. Legislation should entitle people to claim interest on any unpaid compensation starting from the date of possession.

2.2 The Empirical Studies

Table below shows the studies carried on by different researchers and their findings upon which the gap were identified.

Table 1: The empirical studies on revocation of rights of occupancy and compensation Payments: This table shows the studies carried out by some researchers on compensation payment on revocation of rights of occupancy.

Author	Topic	Place of research	Method	Results/findings	Remarks
Oluwamotemi, D.K (2010)	Land acquisition, compensation and resettlement in developing Economics; Nigeria as a case study. (Revocation of lekki free trade zone (LFTZ)in Lagos state	Lagos State	Questionnaire were distributed to collect data from the ministry and the affected communities	Compensation was paid for economic crops, physical developments and shrines resettlements were also made inclusive after payment of compensation.	Even when compensation was adequately paid, resettlement was made which is contrary to Land Use Act which stipulates resettlement as alternative compensation. Our study will look to seek why the deviation from the Act.
Ali Haruna, Felix Aromo I, and Bukar Dip Yerima (2013)	Problems of formal Land Acquisition Policies in Nigeria.The case of Jimeta—Yola, Adamawa States.	Adamawa State.	Interpretative research which involve both theoretical and empirical research design	Most lands acquired (40%) were not developed for so many years. Lands were preserved thereby making the state to be predominantly undeveloped. Secondly, there were cases of non-compensation payment after acquisition, most land were acquired not for overriding public interest	There were acquisition done using LUA here but without complying with sections of the said act. it is important to investigate whether there are other laws used in this acquisition or not.

Nuhu B.M and Aliyu A.U (2009)	Compulsory Acquisition of communal land and Compensation issues.The case study of Minna metropolis	Minna, Niger State	The researchers use two methods (i) Reported and unreported court cases in the study area and (ii) interviews	The researchers found out that some acquisitions were done without compensation payment. They also found out that compensation payment for other acquired land were made within some time frame. That lapse of time without claim of compensation made the dispossessed people to lose their right. Some land were acquire without being for public purpose.	Actually compensation was paid to dispose people, while others were not paid. There is also need to know why the government entrenched lapse of time as a condition to get compensation even when you are dispossessed of your land.
Food and Agricultural organization (2008)	Land Acquisition and Resettlement. Framework for agricultural investment in Jigawa State. The case of Bakolori Irrigation project	Jigawa State.	Interview method	That 25,000ha, 13,000 households were physically and 60,000persons economically displaced. No comprehensive survey of land acquired. Delay for so many years before compensation payment. No compensation was paid for economic trees. Farmers on opposition parties were not even paid at all. Increase in flooding due to inadequate implementation of the irrigation project.	Compensation was paid to the displaced farmers, though too late. The people that are in opposition parties were not paid. No compensation for economic trees. All the above trigger off our present research as these are totally against the land use Act provisions. There is need to know if there are other laws or whether the government still follow the Act.
FAO, 1974-1980	Dominion farms acquisition.	Taraba State.	Interview method	An Acquisition of 30,000ha which displaced 45,000 people with little or no compensation and no participation in project benefit.	There is payment of compensation but ion inadequate way. The need for the reason erouse this research.
Food and Agricultural Organisation (2007)	Shonga farm project and Valsolar project	Kwara State.	Interview. method	Shonga acquisition took 13,000ha and 1,289 farmers displaced from 28 communities. Also valsolar project land acquisition took over up to 20,000ha for rice production. In the above, no adequate compensation paid.	The present research intends to know why little or no compensation was paid. To ascertain whether it was based on any legal framework.
Akujuru Victor A and Les Ruddock (2014)	The determination of compensation payable in Niger Delta For Compulsory Acquisition and the need for a Sustainable Practice. The case of OBAGU-UBETA-RUMUEKPE(OUR) Gas plant.	Rivers State	Questionnaires were used.	The land acquired here are being compensated using the provision of land Use Act. That the compensation paid followed the predator mined compensation rate.	There is need to review LUA as compensation paid is so minimal if compared to the compensation scale by OPS.
Idhoko Kingsley, Akingbelim A.M, Hamzat A.A, and Ayuba T(2016)	The process of Land Acquisition in Nigeria, case study of Oyo State	Oyo State	Interview method	The state was seen to follow Land Use Act as a Law in terms of Land Acquisition. Therefore,Oyo State follow the due process of land Acquisition.	Even though the research by Idhoko, Hamzat, Ayuba opined that the Land Acquisition is done using Land Use Act, but the present study will investigate to know if all the state especially those under investigation follow the Land Use Act as the federation enabling law on the Land Acquisition or not.
Albert Adu-Gyamfi (2012)	An overview of compulsory land Acquisition in Ghana. Examining its applicability and effects.	Ghana	Interview and Descriptive Statistics	Acquisition process were not adhered to. It became very difficult for the owners to seek for compensation. There are cases of non-compensation payment.	The guidelines of FAO (2008) should be followed for proper handling.

2.3 Gap identified from the works

From the foregoing, it is a well established fact that the tool to guide land administration in Nigeria is the land Use Act, CAP L5, LFN, 2004. But, from the studies carried out by different authorities, it was seen that different States engage in revocation of rights of occupancy using the same law, but different approaches. There are deviations from the legal framework. The gap identified are as follows: non-payment of compensation to those that their rights were revoked like Niger state as seen by Nuhu (2006, 2008, and 2012) [38-42]. Non-payment of compensation on time is also identified and can be seen also in Adamawa State. Nuhu (2007) [38] also identified lapse of time to prevent payment of compensation at all. There were also cases where compensation was paid and resettlement will also be made. This is seen in Lagos State Acquisition of Lekki Free Trade Zone as seen by Oluwamotemi (2010) [48]. Land Use Act stipulates in Sec. 29 for payment of Compensation to those disposed or that their rights were revoked and it also talks of resettlement as an alternative for compensation if the Governor desires. There has never been any Section of the Act which talked of payment of compensation and at the same time resettles them. Also in some States like Jigawa, no compensation was made for economic trees on acquired land.

Therefore, our research was to seek to know if there were such anomalies contrary to the LUA. It also seek to know if there were any other existing laws these States use, if not, it recommended the appropriate measure to enable the universal application of the enabling law-the Land Use Act, to the country and the affected areas in specific in other to fill the gap.

3. Research Methodology

3.1 Sampling Technique

The sample technique used was cluster random sampling. Cluster Random sampling is a technique is a simple random sampling in which each sampling unit is a collection or cluster of elements (Nworuh, 2014) [44]. Cluster sampling deals with some geographical conglomeration of the population (Gupta, 2015) [15-16]. The samples, in this technique, were drawn from the population which was heterogeneous in nature, thereby, overlapping. This overlapping population was separated into homogeneous groups or strata, then, apply simple random sampling on each stratum or group to get the samples. The populations were drawn from three States from different regions which a

State was drawn from each of the three old regions in Nigeria. Three States which include Lagos, Niger and Rivers were sampled. This means that the population was overlapping in nature where we had Estate officers, High Estate officers, Valuation Officers, Assistant directors and Directors of lands in the same office of each ministries of land, survey an Town planning. Each state was treated as a cluster as they were each in the same geographical territory. From which the sample was stratified into homogeneous strata where the Estate officer, Higher Estate officers, Valuation officers, Assistant directors and directors of land were grouped separately. Here, simple random sampling techniques were used on each homogenous group as they, at this point, have the same characteristics.

Sample of the Study on the three States were 43 staff from Lagos, 40 from Rivers and 48 from Niger State totaling them to 131 staff. The constituent of this sample was 43 in Lagos which includes 1 director, 6 assistant directors and 16 Estate officers, 10 Higher Estate officers and eight valuation officers. Also, 48 in Niger which include: 1 director, 5 Assistant directors, 20 Estate officers, 14 Higher Estate officers and 8 valuation officers. And in Rivers, 40 which include 1 director, 4 assistant directors, 15 Estate officers, 10 Higher Estate officers and 10 valuation officers.

3.2 Method of Data Analysis

Data analysis for this work was analysed through the use of appropriate statistical techniques. Descriptive Statistical techniques which measures mean score, variances and standard deviation were adopted to classify descriptive result and was presented in form of tables and descriptions while inferential statistics such as ANOVA (F-test) analysis was used to test Hypothesis. A scheffe Post Hoc test was carried out to identify where the significant differences existed.

3.3 Data Presentation and Analysis

3.3.1 Administration and Recovery of Questionnaire

A total of One hundred and thirty one (131) copies of the questionnaire were distributed to Estate Officers, Higher Estate Officers, Valuation Officers, Assistant directors and Directors of Lands Lagos, Niger and Rivers States Ministries of Land, Survey and Town Planning. Table 2 below shows the number distributed and recovered from each State.

Table 2: Questionnaire Administered and Percentage Returned

State	Questionnaire Distributed	Questionnaire Returned	Correctly Filled	Percentage of Correctly Filled (%)
Lagos	43	33	33	74.40
Niger	40	34	34	85.00
Rivers	48	40	40	83.30
Total	131	107	107	81.68

Source: Field Survey, 2018.

In Lagos State, 43 copies were distributed but 33 were filled correctly and returned. Ten questionnaires were not returned. In Niger State, 40 copies were distributed but 34 were filled correctly and returned. Six were not returned. In Rivers State, 48 copies were distributed, but 40 were filled correctly and returned. Eight were not returned.

Table 2 above indicates that while 131 copies of the questionnaire were administered to the respondents in the three States but 107 representing 81.68% were returned.

Lagos, Niger and Rivers States accounted for 74.40%, 85.00% and 83.30%, respectively for the correctly filled number.

3.3.2 Comparing the Compensation payment Practices among the States under study.

Research Question One: What are the bases for the compensation practices in the states under study?

Table 3: Respondents’ Mean Ratings on the basis of the practice in the states under study

	Lagos State (n=33)		Niger State (n=40)		Rivers State (n=34)	
	Mean	Remark	Mean	Remark	Mean	Remark
1. Every revocation goes with compensation payments	4.33	Agree	4.39	Agree	4.24	Agree
2. All compensation payment is in line with Sec. 29 of LUA	4.21	Agree	4.46	Agree	4.15	Agree
3. There is compensation for land in addition to other heads of claim	3.94	Agree	2.29	Disagree	3.52	Agree
4. The compensation paid is through the client's attorney	3.97	Agree	4.20	Agree	4.21	Agree

The result in Table 3 shows that respondents from the Lagos and Rivers States agree that the four items listed are the basis for the practices of compensation. The mean ratings of respondents from Lagos state ranged from 3.94 to 4.33 and from 3.52 to 4.24 for Rivers state. Respondents from Niger state however agree on three items (item 1, 2 and 4) out of the four items listed as the basis for the practices of

compensation with their mean ranging from 4.20 to 4.46. They however disagreed on item 3 (mean 2.29) as being part of the basis for the practices of compensation. Research Question Two: Is there transparency in the assessment and payment of compensation in the states under study?

Table 4: Mean Ratings on transparency in assessment and payment of compensation in the states under study

	Lagos State (n=33)		Niger State (n=40)		Rivers State (n=34)	
	Mean	Remark	Mean	Remark	Mean	Remark
1. All revocation are done with direct authority of the Governor/ representative	4.48	Agree	4.83	Agree	4.52	Agree
2. All revocation of rights of occupancy done is for direct public purposes	4.21	Agree	4.51	Agree	4.27	Agree
3. At times, government resettles or relocates affected persons in addition to full compensation made to them	3.82	Agree	2.39	Disagree	3.48	Agree
4. There is sentiments like political that can delay compensation payment	4.34	Agree	4.40	Agree	4.48	Agree
5. There are other laws that guide the valuation carried on by the State for compensation Payment	2.64	Disagree	2.00	Disagree	2.12	Disagree
Mean of means	3.69	Agree	3.62	Agree	3.77	Agree

The results in Table 4 shows the mean of means for respondents from Lagos state to be 3.69, Niger state 3.62 and 3.77 for Rivers state. These means show that there is transparency in assessment and payment of compensation in the states under study. The item by item analysis shows that respondents from Lagos and Rivers states agree on four items (item 1, 2, 3 and 4) and disagreed on one item (item 5). Respondents from Niger state on the other hand agree on

three items (item 1, 2 and 4) and disagree on two items (item 3 and 5).

3.3.3 Test of Hypotheses

Hypothesis One (H0₁): The basis for the practices of compensation payments will not differ significantly among Niger, Rivers and Lagos States.

Table 5: Analysis of variance on basis for the practices of compensation payments among Niger, Rivers and Lagos states

	Sum of Squares	Df	Mean Square	F	P-value
Between Groups	24.48	2	12.24	2.05	.13
Within Groups	618.91	104	5.951		
Total	643.40	106			

As shown in Table 5, the F-ratio (df: 2/104) is 2.05 and the P-value (.13) was greater that the stipulated 0.05 level of significance. It was therefore decided that there is no significant difference in the basis for the practices of compensation payments among Niger, Rivers and Lagos

states. The null hypothesis was therefore not rejected. Hypothesis Two (H0₂): There will be no significant difference in transparency in the payment of compensation among Niger, Rivers and Lagos States.

Table 6: Analysis of variance on the transparency in the payment of compensation among Niger, Rivers and Lagos states

	Sum of Squares	Df	Mean Square	F	P-value
Between Groups	34.17	2	16.58	3.91	.02
Within Groups	440.88	104	4.23		
Total	474.05	106			

As shown in Table 6, the F-ratio (df: 2/104) is 16.58 and the P-value (.02) was less that the stipulated 0.05 level of significance. It was therefore decided that there is a significant difference in transparency in the payment of compensation among Niger, Rivers and Lagos states. The

null hypothesis was therefore rejected. Since the ANOVA test was significant, it shows that all the means are not equal. Hence, a scheffe Post Hoc test was carried out to identify where the significant difference existed. This is presented in Table 7.

Table 7: Scheffe Post-Hoc on transparency in the payment of compensation among Niger, Rivers and Lagos states

(I) Educational Qualification	(J) Educational Qualification	Mean Difference (I-J)	P-value
Lagos State	Niger State	1.35*	.02
	River State	.61	.49
Niger State	Lagos State	-1.35*	.02
	River State	-.73	.31
River State	Lagos State	-.61	.49
	Niger State	.73	.31

*Significant

As indicated by the Post-Hoc test (Scheffe test) in Table 7, there is a significant difference in transparency in the payment of compensation among Lagos and Niger states. As shown in the table, Lagos State is 1.35 greater than Niger State in the report of transparency. However, no significant difference was found between Lagos and River states, and between Niger and River states.

4. Summary of Findings, Conclusion and Recommendations

4.1 Summary of findings

The study primarily focused on the practice of compensation payment on revocation of rights of occupancy in Lagos, Niger, and Rivers States of Nigeria. Based on the analysis of data collected, the major findings of the study were:

1. The bases for compensation payment on revocation of rights of occupancy among the States under investigation were the same. However, Niger State has a strict compliance to the Land Use Act in terms of the basis of payment than Lagos and Rivers States who resettle displaced owners in addition to full compensation payment contrary to Sec.33(1). It was also observed that the practice of compensation payment on revoked interest on land amongst the investigated States were not transparent. This was seen in the null hypothesis which rejected the claim of transparency in the practice with value of 0.02 level of significance which is less than the critical value of 0.05 level of significance.
2. The payments of compensation on revocation of rights of occupancy in the affected States under investigation were in line with the provisions of Land Use Act. However, the compensation payment amongst the investigated states were inadequate. This was supported by the null hypothesis test carried which accepted that there is no significant difference in the adequacy of compensation payment amongst the states under investigation.
3. The study also showed that all compensation payments on the revocation of rights of occupancy amongst the three States under investigation were not concluded on time. However, there is significance difference in payment of compensation on timeliness between Lagos and Niger States and Rivers and Niger States. But, Lagos and Rivers States has no significant difference in timeliness of payment.
4. On the extent of non- payment of compensation on the revocation of rights of occupancy in the affected States, investigations showed that there were high extents of non-payment of compensation to the affected owners after revocation. However, the hypothesis showed that there is significant different in non-payment amongst the affected States with value of 0.01 level of significance as compared to critical value of 0.05 level of significance. It showed that there is significant difference in cases

non-payment of compensation between Lagos and Niger States. No significant differences were found between Lagos and Rivers States and Niger and Rivers States.

5. It was also observed that the practice of compensation payment on revoked interest on land amongst the investigated States were not transparent. This was seen in the null hypothesis which rejected the claim of transparency in the practice with value of 0.02 level of significance which is less than the critical value of 0.05 level of significance.

4.2 Conclusions

The study has been investigated, data collected and analyzed which lead to the decision that the practice of compensation payment after revocation of rights of occupancy from the owners of such right in the three States did not meet up with the global best and standard practice of full and adequate compensation payments. It should be noted that the global best and standard practice of compensation payment for rights of occupancy revoked should be to place the affected person on the position that he/she should not be best-off or worst-off before and after the revocation process proper. Furthermore, investigations showed that the practice of compensation payment amongst the three affected States under study were guided by the existing law-Land Use Act, CAP L5, LFN, 2004. By implication, the Act could not represent a first class law which should guide both the acquiring authority and the affected owners adequately. Therefore, the practice of compensation payment on revocation of rights of occupancy in Lagos, Niger and Rivers States were guided by land use Act. However, there were some practice which derailed from normal, like, in resettlement of the affected in addition to compensation payments, instead of the provision of the law as in Sec. 33(1) which provided for resettlement in lieu of compensation payable in line with the Act as was observed in Lagos and Rivers State and also payment of full value of land in addition to other heads of claim as provided in Sec. 29(4) of the Act as was observed in Lagos and Rivers States too.

4.3 Recommendations

In order to maintain an adequate and dependable compensation payment practice on revocation of rights of occupancy from the affected owners, we recommend as follows:

1. That Lagos and Rivers States should embrace the tenets of the guiding law-Land Use Act like Niger State. This will enable the acquiring authorities to follow the same basis of compensation payments as opposed to what was seen among the three States.
2. There should be transparency in compensation payment practice process on revocation of rights of occupancy in all the States.

3. There should be a revisit to the law which guides compensation practice. This will enable the paying authority to pay adequately to the affected people.
4. Payments of revoked interests on land should be timely concluded to enable the affected persons to utilize the funds received on their relocation process. It should be enshrined in the law on the specific days, months or period it will take the acquiring authority to conclude payment to the affected, else, there should be sanctions attached to defaulters.

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