



DYNAMIC MULTIDISCIPLINARY JOURNAL OF NIGERIA

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DYNAMIC MULTIDISCIPLINARY JOURNAL OF NIGERIA
DELTA STATE UNIVERSITY LIBRARY, ABRAKA, DELTA STATE, NIGERIA.
Email: dmjon2080@gmail.com
ISSN: 2955-0564

Volume 4, Number 1, January, 2024

PUBLISHED BY DYNAMIC MULTIDISCIPLINARY JOURNAL OF NIGERIA
DELTA STATE UNIVERSITY LIBRARY, ABRAKA, DELTA STATE, NIGERIA

AN APPRAISAL OF COMPULSORY LAND ACQUISITION AND COMPENSATION PRACTICE IN NIGERIA: A CASE STUDY OF BAYELSA STATE

BY

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Abstract

This study is an appraisal of the land acquisition and compensation practice in Nigeria with Bayelsa State as a case study. The study was necessitated by land and property owners who voiced out their dissatisfaction and anger towards the compulsory acquisition of lands by the Government and that the conditions precedent for valid compulsory acquisition of land and compensation practice in Nigeria is not strictly adhered to by government. As a result, there is non-payment of compensation for land and property acquired in most cases. The aim of the study is to appraise the compulsory land acquisition and compensation practice in Nigeria with Bayelsa State as a case study. Four research questions guided the study and the doctrinal research methodology was adopted. Existing literature were reviewed. The reviewed literature was organized under compulsory land acquisition practice in Nigeria, compensation for compulsory land compensation practice in Nigeria. The findings of the study revealed that: Compulsory land acquisition practice is not strictly adhered and/or complied with in most states in Nigeria, same with the procedures for the acquisition processes. In some cases, notice of acquisition of land was not issued to land owners. The study also revealed that compensation on the acquired land and/or property are not paid to the land owners and in some situation where compensation is paid, there is delay in the payment of compensation, while in some cases, compensation is paid after protracted litigations and in other cases compensation paid to land owners is grossly inadequate. The study also revealed that compulsory land acquisition and compensation practice in Nigeria fall below the constitutional requirements of payment of adequate compensation promptly to owners and the land use Act compulsory land acquisition requirements among others. Based on the findings, some recommendations were made.

Keywords: Acquisition, Compensation, Compulsory Land Acquisition, Compensation Practice, and Bayelsa State

Introduction

Compulsory land acquisition and compensation practice in Nigeria dates back to the colonial era when lands were compulsorily acquired by the colonial government for public purposes⁴. Upon colonization by the British, the colonial officials found it expedient to build secretariats, construct telecommunication masts, build schools, hospitals, roads, and other essential infrastructures for the colony. To actualize these goals, land is required and it would be capital-intensive to purchase land from families, communities, and individuals in order to provide these basic infrastructures for the citizenry, as there was paucity of funds by the colonial government to accomplish all these.

Hence, the colonial government, resorted to compulsory land acquisition and for this to be successful, it required legal backing. Thus, the Colonial government enacted special ordinances that would empower them to compulsorily acquire land for public purposes.

Notable among such ordinances was the Town Improvement Ordinance of 1863. This ordinance empowered the Governor in Lagos to acquire and demolish any buildings and other structures for public purposes and pay compensation to the affected individual(s) accordingly. This was subsequently followed by the Swamps Improvement Ordinance of 1863. Upon the enactment of this Ordinance, swamp owners were compelled to compulsorily reclaim their swamp lands or face the penalty of having them auctioned to anybody that would be able and willing to reclaim them. And in a situation where there was no willing purchaser, and the lands were considered advantageous to public service or purpose, the governor could compulsorily take possession of them for services of the colony and pay compensation to the owners⁵. Compulsory acquisition is a critical development tool for governments, and for ensuring that land is available when needed for infrastructure⁶. Salihu and Udoekanem⁷ stated that the cardinal objective of compulsory land acquisition is to enable government have access to land for the provision of basic infrastructures for the benefit of all citizens.

Furthermore, Otuturu and Abdullahi⁸, posited that the rationale for government compulsory acquisition of land in Nigeria is the need to overcome the inherent socio-economic inhibitions in the land market as a result of land holding system in the country. Where the land in question is family land, for example, there would be unnecessary delay in conveying a series of family meetings to obtain the required consent for a valid alienation of any interest therein. Also, since land is a social security of the last resort, most families will not be willing to make their lands available to the state in sufficient quantities for development purposes. The authors further argued that compulsory acquisition is needed to prevent private selfishness from impeding the development process. Since the purpose for which compulsory acquisition powers can legitimately be exercised is a public one, it is presumed that the social cost of taking the land may quite outweigh the private benefit of keeping ownership. Considering all these, the State resorts to compulsory acquisition of land for development purposes.

Compulsory land acquisition and compensation practice in Nigeria today is provided for in the Constitution of the Federal Republic of Nigeria, 1999, as amended and the Land Use Act of 1978. Under the Constitution, for example, the right to acquire and own property in any part of the country is constitutionally guaranteed. Also, the Constitution accords legal right to government to compulsorily acquire land in any part of the country for public purposes. These rights, whether in the military or democratic dispensation, are always protected in the Constitution. For example, section 44 provides thus:

No moveable or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by law that, among other things:

- (a) requires the prompt payment of compensation therefore and
- (b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

Thus, section 44 of the 1999 Constitution as amended guarantees and safeguards a person's right against compulsory acquisition of his property except on the condition that he is adequately paid or promptly compensated. Besides, laid down statutory provisions on the procedures for the acquisition must be strictly adhered to⁹.

Despite this constitutional provision, landowners whose land were compulsorily acquired by government for public purposes in Nigeria have complained bitterly that due process was not followed in the acquisition by acquiring authority and that notices of acquisition was not given to them. In addition, compensation was not also paid to them. In some cases, where compensation was paid, the amount paid was grossly inadequate. According to Amaechi and Ifeanyi¹⁰ who investigated compulsory land acquisition and compensation practice in three (3) States in the different geo-political zones in Nigeria, Lagos State (South-West), Niger State (North-central) and Rivers State (South-South). The results of the findings indicated that due process was not followed in the acquisition of land from the landholders. Also, that compensation paid to the land owners whose land was acquired by government for public purposes was inadequate. Moreover, there was delay in the payment of compensation and in most cases, non-payment of compensation in the states that were studied.

The right of an individual to acquire and own land or property in any part of Nigeria, and the right to be paid adequate compensation promptly for land compulsorily acquired by government is one of the fundamental human rights guaranteed by the 1999 Constitution of the Federal Republic of Nigeria as amended. The practice of compulsory land acquisition and compensation vary from State to State. However, in Bayelsa State, the compulsory land acquisition and compensation practice has not yet been established by any research work. It is against this background that the study seeks to appraise compulsory land acquisition practice in Nigeria: A case study of Bayelsa State.

Research Questions

The following research questions will guide the study:

- (1) What is the compulsory land acquisition practice in Nigeria?
- (2) What is the compensation practice for land compulsorily acquired in Nigeria?
- (3) What is the extent of compliance of the compulsory land acquisition practice in Nigeria by Bayelsa State?
- (4) What is the extent of compliance of the compensation practice in Nigeria by Bayelsa State?

Aim and Objectives of the Study

The aim of the study is to appraise the compulsory land acquisition and compensation practice in Nigeria with Bayelsa State as a case study. Specifically, the study will be premised on the following objectives:

- (1) To examine the compulsory land acquisition practice in Nigeria
- (2) To examine the compensation practice for land compulsorily acquired in Nigeria
- (3) To appraise the extent of compliance of the compulsory land acquisition practice in Nigeria by Bayelsa State
- (4) To appraise the extent of compliance of the compensation practice in Nigeria by Bayelsa State

Reviewed Literature On Compulsory Land Acquisition and Compensation Practice in Nigeria

Compulsory land acquisition by government for public purposes is guaranteed under the Constitution of the Federal Republic of Nigeria 1999 as amended¹¹. However, for the compulsory acquisition to be valid in Nigeria, it must meet up with some statutory provisions and conditions which include adequate notice of acquisition by the acquiring authority or government to the landowners; payment of adequate compensation by government to the land owners; and the acquisition must be for public purposes; and that any person who is not satisfied with the

acquisition process can seek redress in court of law.¹²

Akingbehin¹³ investigated land acquisition process in Nigeria, the case of Oyo State to ascertain whether the acquisition process was in tandem with the Constitution of the Federal Republic of Nigeria 1999 as amended and Land Use Act requirements. The doctrinal research method was used for the study. The study revealed that when the State Government wanted to acquire land for public interest, the first step was to direct the Ministry of Land to make land available in a designated area where the project would be sited. Upon the location of the land and its suitability for the project, the Survey department carried out survey of the land. The next stage is to gazette and make adverts to notify the general public that the said land is now government property via acquisition. After the gazette and advert, the next stage is the enumeration stage where assessment/valuation of development on the acquired land for compensation is made. Then invitation for compensation is made to the land holder and the compensation strictly based on the development on the land.

Although the process is fair, but it falls short of acquisition practice in Nigeria and international best practice for the acquisition of land by government for public purposes. Before government takes possession of the land by surveying the land after identification process, the right step to be taken is to put the land holder on notice, informing him of the government's intention to acquire the land for public purpose. Secondly, there was no provision in the research findings that empowered any aggrieved person who is not satisfied with the process to seek redress in court of law. This negates the Constitution of the Federal Republic of Nigeria 1999 as amended.

According to Adekunle,¹⁴ the objective of the study was to investigate the acquisition and compensation process in Bauchi state and to also ascertain whether the landowners were aware of the acquisition process. The study adopted the use of quantitative approach and data was collected through questionnaire. The study revealed that the compulsory land acquisition practice in Nigeria is adhered to. That after the identification of the land to be acquired for public purpose, the landholders are being informed of government's intention to acquire the land or property for public purposes, and their assessment and compensation is done and revocation notice is issued. This is a fair process of acquisition of land compulsory for public interest in Bauchi state. However, there was no indication from the author's findings whether a person who is not satisfied with the acquisition process can seek redress in court.

Deeyah and Akujuru¹⁵, in their study, aimed at investigating compulsory acquisition practice in road construction in Rivers State in line with best practices. The study adopted descriptive research method using survey approach. The study revealed that although the landholders were notified of government's intention to acquire their land for public purposes, in line with best practices, that the method of notification do not get to the people as required by law. The study also revealed that there is no transparency in the compensation assessment and that compensation was paid to the land owners but their views were jettisoned and not reflected in the compensation process. It was also observed that the right to seek redress in court of law was not also mentioned.

Daniel¹⁶ examined land acquisition processes in Jos. The research method used for the study was the descriptive method and documentation and questionnaire survey method was used to collect data from respondents. The findings revealed that there was fair compliance with the land acquisition practice in Nigeria. Respondents agreed that notice of acquisition was given to them, and they submitted their claim to government. And compensation was not promptly paid. Moreover, the acquisition process gives opportunity to those who are not satisfied with the process to seek redress and appeal.

Aliyu, Muhammad, and Shekarau¹⁷, investigated the discernment of land owners with regards to compulsory land acquisition. One of the objectives of the study was to determine the acquisition practice in Kaduna State. Non doctrinal research method was used for the study and questionnaire was used to collect data from respondents. The findings revealed that land owners whose land were compulsorily acquired, were given notice on the acquisition by the authority. However, majority of the land owners were not involved in the evaluation process. The authors did not tell us whether compensation was paid to the land owners or not, and whether the owners were not satisfied with the acquisition process and given the right to seek redress in court or not.

Okoronkwo and Ohaegbulem¹⁸, lamented that there is gross violation of landowners' rights in acquisition practice in Imo State. They posited that there was no adequate compensation, no notice of revocation was issued to them, among others but the researchers did not find out whether landowners whose land are compulsorily acquired were given the right to seek redress in courts.

Compensation is not only a prerequisite but also of immense importance in compulsory land acquisition, without which, there will be no valid acquisition by acquiring authority. The 1999 Constitution of the Federal Republic of Nigeria and the Land Use Act provide for adequate compensation. For instance, section 44 of the 1999 constitution as amended provides thus; “No movable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purpose and for the purposes prescribed by a law that, among other things – (a) requires the prompt payment of compensation”.

Nuhu and Aliyu¹⁹ investigated Compulsory Purchase and Payment of Compensation in Nigeria: A case study of Federal Capital Territory (FCT) Abuja. The socio-legal research method was adopted for the study. Questionnaire was used to collect data from respondents. The findings revealed that 25% of the respondent's received compensation within 1-2 years after the acquisition; about 20% received compensation within 2-4 years, about 12.5% received their compensation 4-6 years after the acquisition and 42% of the respondents did not receive their compensation. Furthermore, 50% complained that what was paid to them as compensation is grossly inadequate. These findings show violation of citizens right to prompt or timeous compensation for the acquisition of their property compulsorily by acquiring authority.

Oluwamotemi²⁰ investigated Land acquisition, compensation and resettlement in developing Economics: Nigeria as a case study (Revocation of Lekki Free Trade Zone (LFTZ) in Lagos State. Questionnaires were distributed to collect data from the Ministry and the affected communities. The results/findings indicated that compensation was paid for economic crops, physical developments and shrines resettlements were also made inclusive after payment of compensation.

Nuhu and Aliyu²¹ investigated compulsory acquisition of communal land and Compensation issues. The case study of Minna Metropolis, Minna, Niger State. The researchers adopted 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 lands were acquired not for public purpose.

Akujuru and Les Ruddock²² investigated the determination of compensation payable in Niger Delta for compulsory acquisition and the need for a sustainable practice. The case of Obagu-Ubetarumuekpe (OUR) Gas plant Rivers State. Questionnaires were used to collect data. The results/findings indicated that the land acquired and compensated was paid using the provision of

Land Use Act. That the compensation paid followed the predator mined compensation rate. Amaechi Ifeanyi²³ investigated the comparative analysis of the practice of compensation payment on revocation of rights of occupancy in Lagos, Niger and Rivers States of Nigeria. The results/findings indicated that the bases of compensation payments in the States under investigation were the same. However, Niger State have a strict compliance to Land Use Act than Lagos and Rivers State. And the practice in the three States were in line with the Land Use Act, but compensation payment was inadequate. Also, there was delay in payment of compensation among the States besides high rate 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.

Obineme, Udobi and Ifediora²⁴ investigated compensation processes on land compulsorily acquired by government for public use. The descriptive research method was used for the study. Questionnaire and interview were used to collect data. The study revealed that although compensation was paid on the compulsorily acquired land, there was delay in the payment and the compensation is grossly inadequate. These findings fall below the constitutional requirements of prompt payment of compensation.

Haruna, Aromo and Yerima²⁵ investigated Problems of formal Land Acquisition Policies in Nigeria. The case of Jimeta—Yola, Adamawa States. The Interpretative research which involves both theoretical and empirical research designs was adopted. The results/findings revealed that there were cases of no compensation payment after acquisition, and most land were acquired not for overriding public interest.

The Food and Agricultural Organization (FAO)²⁶ investigated the Dominion farms acquisition in Taraba State. The Interview method was used for the study. The findings/results indicated an acquisition of 30,000 hectares of land which displaced 45,000 people with little or no compensation and no participation in project benefit. Furthermore, Food and Agricultural Organisation (FAO)²⁷ investigated the Shonga farm project and Valsolar project in Kwara State. The Interview method was used for the study. The findings show that the Shonga acquisition took 13,000ha and 1,289 displaced farmers from 28 communities. Also, valsolar project land acquisition took over up to 20,000ha for rice production. In the above, no adequate compensation was paid.

Compulsory Acquisition of Land and Compensation Practice in Bayelsa State

For compulsory acquisition of land to be valid in Bayelsa State, it must comply with the Bayelsa State Lands Acquisition and Revocation Regulations, 2015. Section 2 of the law provided for the procedures for compulsory acquisition of land thus; that the Governor may compulsorily acquire land in any part of the state by taking the following steps:

- (a) Identification of suitable land for public purpose and acquisition.
- (b) Survey of the land.
- (c) Notice of acquisition.
- (d) Identification of the land owner(s) or holder(s) of right of occupancy.
- (e) Assessment of economic crops and other unexhausted improvements on the land.
- (f) Computation and payment of compensation.
- (g) Preparation of Notice of Revocation of title to land and publication in National Dailies.
- (h) Publication of the land acquisition in a Gazette.

Furthermore, the notice for the compulsory acquisition or revocation must be properly served on land owner in other for the acquisition to be valid. Section 3 of the law provided thus; that

- (1) A notice of revocation shall be served on the identified land owner(s) or holder(s) of right of occupancy and shall be signed under the hand of the Governor or a public officer duly authorized in that behalf by the Governor.
- (2) The title of the identified land owner(s) or holder(s) of a right of occupancy shall be extinguished upon service of a notice of revocation.
- (3) The notice of revocation of title to land shall expressly state the grounds for the revocation which shall either be;
 - (a) For public purposes; or
 - (b) Upon breach of condition of grant.

Provided that where the revocation of title to land is for public purposes, the identified land owner(s) or holder(s) of right of occupancy as the case may be, shall be entitled to compensation for the value of their unexhausted improvements at the date of revocation.

Also, the section provides for the procedures for the service of the notice on the land owner. The provision stated thus:

Subject to the provisions of the Land Use Act 1978, service of the notice of revocation of title to land shall be deemed effective:

- (1) By delivering it to the person to whom it is addressed; or
- (2) If after reasonable enquiry and attempt, it is impracticable to effect service on the holder(s) of right of occupancy or occupier(s) of land, the notice shall be served in the following manner;
 - (i) By leaving it at the usual or last known place of abode of that person; or
 - (j) By sending it in a prepaid registered post addressed to that person at his usual or last known place of abode; or
 - (k) By addressing it to him by the description of 'holder' or 'occupier' of the premises; or
 - (l) By delivering it to any named person on the premises; or
 - (m) If there is no person on the premises to whom it can be delivered, by affixing a copy of it on a conspicuous part of the premises.
- (3) In the case of service of notice of revocation in accordance with paragraph (2) above, the notice of revocation and the manner of its service shall be published in the Gazette and in at least one national Daily Newspaper.
- (4) In the case of an incorporated company or body;
 - (i) By delivering it to the Secretary or Clerk of the company or organization at its registered or principal office.
 - (ii) By sending it through a prepaid registered post addressed to the Secretary or Clerk of the company or organization of that office.²⁸

The law also provided for Compensation payable on Revocation of Title to Land in Bayelsa state. The section provides the following:

- (1) If a right of occupancy or title to land is revoked for the cause set out in Section 3 subsection (3) paragraph (a) of these Regulations, the holder(s) of right of occupancy or identified land owner(s) as the case may be shall be entitled to compensation for the value of their unexhausted improvements at the date of revocation.
- (2) If the holder(s) of right of occupancy or identified land owner(s) entitled to compensation is a community, the Governor may direct that any compensation payable to it should be paid—

- (a) To the community; or
- (b) To the paramount ruler/leader of the community (as the case may be) who shall dispose it for the benefit of the community; or
- (c) Into some fund specified by the Governor for the purpose of being utilized or applied for the benefit of the community.²⁹

Valuation Methodology

The methodology for the valuation of buildings for compulsory acquisition in Nigeria as stipulated by the law is the Replacement Cost approach or popularly known as the 'Contractor's method'. The Replacement cost method of valuation assumes the following: Current costs of construction, and the appropriate depreciation. The replacement cost method of valuation is based on a faulty assumption that cost is related to value. This explains the reason why the method is suitably used for valuing properties of a special nature, which are rarely sold. Some properties compulsorily purchased are income - yielding properties which could best be valued using the investment or income method of valuation. The prescription of the replacement cost method of valuation for the assessment of compensation for all kinds of properties compulsorily purchased or acquired for public purposes is erroneous. The methodology for the valuation of crops and economic trees for compensation under the Land Use Act is not spelt out, however the Ministry of Lands, Housing & Urban Development, Government of Bayelsa State of Nigeria, has a compensation rate for Economic Trees and Crops in Bayelsa State. This is shown in the table below³⁰.

Under the Land Use Act, the current practice is based on the arbitrary fixing of prices for crops and economic trees compulsorily acquired by the Land Officer. These prices are grossly inadequate as would be seen in the case study. Ideally, the market value of land, which is the price the land will be offered for sale in the open market by a willing seller is the value that adequately compensates for the land. This is the basis on international best practice all over the world, in United Kingdom, Zambia, Kenya and other Countries of the world. The Land Use Act attaches no value to land hence the value of land is not added to the Depreciated Replacement Cost of building in the computation of compensation for real property under compulsory purchase.

Government Compensation Rate For Economic Trees And Crops In Bayelsa State

S/N	TYPE OF ECONOMIC TREE	APPROVED RATE PER STAND		
		MATURE	IMMATURE	SEEDLING
1.	PAW-PAW	200	100	50
2.	LOCUST BEEN TREE	200	100	50
3.	MANGO	1000	500	250
4.	COCONUT	1200	600	300
5.	SHEANUT TREE	200	100	50
6.	GUAVA	400	200	100
7.	CASHEW	600	300	150
8.	BANANA	800	400	200
9.	PLANTAIN	1000	500	250
10.	PINEAPPLE	150	75.00	37.50
11.	INDIAN BAMBOO	100	50.00	25.00
12.	OIL PALM TREE			
13.	(a) PLANTATION TYPE	2000	1000	500
14.	(b) OTHER TYPES	1200	600	300
15.	ORANGE/TANGERINE	1000	500	250
16.	COFFEE	500	250	125
17.	KOLANUT TREE	800	400	200
18.	RAFFIA PALM	800	400	200
19.	RUBBER	1000	500	250
20.	STAR-APPLE/NDIYA/UDARA	800	400	200
21.	PEPPER FRUIT/MINMI FRUIT	1000	500	250
22.	BITTER KOLA	800	400	200
23.	GRAPE FRUIT	600	300	150
24.	LEMON	600	300	150

25.	LIME	800	400	200
26.	CAINWOOD	200	100	50
27.	CALABASH	300	150	75
28.	HARDWOOD: EG MAHONAGY OBECHE	3500	1750	875
29.	SOFTWOOD E.G. CHOE NUT	1500	750	375
30.	BAOBAB	400	200	100
31.	DATE PALM	400	200	100
32.	SISAL	300	150	75
33.	ATILITIBAR	200	100	50
34.	EUCALYPTUS	200	100	50
35.	RIMI (SILK COTTON)	200	100	50
36.	NATIVE PEAR (UBE)	1000	500	250
37.	AVOCADO PEAR	1000	500	250
38.	BREAD-FRUIT (NKWA)	400	200	100
39.	CACTUS	400	200	100
40.	NEEM (DOGONYARO)	600	300	150
41.	COCOA	800	400	200
42.	GMELINA	500	250	125
43.	GUM ARABIC	200	100	50
44.	NATIVE PLUM	600	300	150
45.	OIL BEAN TREE	500	250	125
46.	MAT PLANT	200	100	50
47.	CASTOR OIL	200	100	50
48.	WALLNUT TREE	4000	2000	1000
49.	INDIGO	200	100	50
50.	MANGROVE	400	200	100
51.	ICHEKU	400	200	100
52.	STAKING STICK	100	50	25
53.	SOUR SUPP	400	200	100
54.	INDIAN ALMOND	400	200	100
55.	ANIMAL TRAP/FENCE	200 PER METER RUN		
56.	FISH POUND	LARGE	MEDIUM	SMALL
		50,000	30,000	15,000
57.	SHRINE	CATEGORY - A	CATEGORY - B	CATEGORY
		COMMUNITY	FAMILY	- C
		100,000	50,000	INDIVIDUAL
				30,000
58.	TOMB STONE/GRAVE	LUMP SUM 50,000- 100,000		

S/N	TYPE OF CROPS	RATE PER HECTARE			RATE PER STAND		
		MATURE	IMMATURE	SEEDLING	MATURE	IMMATURE	SEEDLING
59.	PUMPKIN	10,000	5,000	2,500	40.00	20.00	10.00
60.	BITTER LEAF	5,000	2,500	1,250	20.00	10.00	5.00
61.	WATER LEAF	5,000	2,500	1,250	10.00	5.00	2.50
62.	CABBAGES, CUCUMBER, CARROT	5,000	2,500	1,250	50.00	25.00	12.50
63.	ONIONS						
64.	OKRO	12,000	6,000	3,000	50.00	25.00	12.50
65.	TOMATOES	10,000	5,000	2,500	40.00	20.00	10.00
66.	GROUND MANGOES	8,000	4,000	2,000	100.00	50.00	25.00
67.	MELON	20,000	10,000	5,500	40.00	20.00	5.00
68.	ALIGATOR PEPPER	4,000	2,000	1,000	20.00	10.00	5.00
69.	LEMON GRASS	5,000	2,500	1,250	40.00	20.00	10.00
70.	GARDEN EGGS	5,000	2,500	1,250	20.00	10.00	5.00
71.	GUINEA CORN	15,000	7,500	3,700			
72.	SOYABEANS	15,000	7,500	3,700			
73.	IRISH POTATO	20,000	10,000	5,000			
74.	WHEAT	28,000	10,000	5,000			
75.	RISGA	4,000	2,000	1,000			
76.	BENISEED	4,000	2,000	1,000			
77.	MAIZE	20,000	20,000	10,000	40.00	20.00	10.00
78.	RICE	40,000	20,000	10,000			
79.	BEANS (CREEPERS)	10,000	5,000	2,500			

80.	BEANS (UPRIGHT)	10,000	5,000	2,500			
81.	GROUND NUT	20,000	10,000	5,000	20.00	10.00	5.00
82.	COTTON	4,000	2,000	1,000			
83.	YAM	80,000	40,000	20,000	200.00	100.00	50.00
84.	SWEET YAM	40,000	20,000	10,000	150.00	75.00	50.00
85.	WATER YAM	30,000	15,000	7,500	100.00	50.00	25.00
86.	COCOA AM	30,000	15,000	7,500	50.00	25.00	12.50
87.	CASSAVA	50,000	25,000	12,500	200.00	100.00	50.00
88.	SUGAR CANE	30,000	15,000	7,500	20.00	10.00	5.00
89.	PEPPER	20,000	10,000	7,500	25.00	12.00	6.25
90.	TABACCO	10,000	5,000	2,500			
91.	SWEET POTATO	20,000	10,000	5,000	40.00	20.00	10.00

Source: Ministry of Lands, Housing & Urban Development, Government of Bayelsa State of Nigeria, 2022.

Analysis of The Extent of Compliance with Compulsory Land Acquisition and Compensation Practice in Bayelsa State

Undoubtedly, the Bayelsa State Government has the constitutional right to compulsorily acquire any property for the overriding public interest or public purposes in line with the provisions of section 44(1), (a) & (b) of the 1999 Constitution (as amended) and section 29 of the LAUA of 1978. However, in doing so, the government must comply with at least the following three fundamental procedures, namely: Adequate notice to the landowner. The landowner should be notified of the planned acquisition of his land. The Land Use Act states the nature of the notice and the manner of service thereof. Secondly, the purpose of the acquisition must be disclosed. Disclosing the purpose of the acquisition at the outset is necessary to enable the landowner to know the purpose for which his land is being acquired for, and lastly, payment of compensation to the landowner. The law is unequivocal and stipulates in this regard that any compulsory acquisition done by government without strict adherence to these three fundamental principles is null and void.

In Bayelsa State, in the unreported case of *Johnne v The Hon. Commissioner for Land and Survey & 4 Ors*³¹, the government of Bayelsa State purportedly acquired the land of the 2nd sets of Defendant and allocated it to the claimant. And notice of acquisition of the land was not served on the landowners but on the Paramount Ruler of Kpansia community for onward service on the 2nd set of Defendant. The Court held that the notice of acquisition was not properly served on the landowner as a result, the acquisition by government was declared null and void. The court stated

thus:

The service on the Paramount Ruler of Kpansia for onward service to the Williams' family the 2nd set of Defendant is void *ab initio* and hence the purported grant of the same land to the Claimant is also void for failure to serve the requisite notice under the circumstance of the fact of this case on the Williams' family the 2nd set of Defendant. I so hold.

In the case of *Warri v. The Government of Bayelsa State*,³² the brief facts of the case as put before the court by the Applicant was that sometime in 2013, the Respondent, through the Ministry of Agriculture & Natural Resources went to Ofoni, the Applicant's community to acquire a large expanse of land, including the Applicant's two portions of land. The Applicant's family was identified by the Respondent as one of the land-owning families. They cleared round the entire land and surveyed it.

The two portions of land had numerous economic trees, crops and other improvements that were not counted and enumerated for the purpose of payment of compensation. Also, the Applicant family as deemed holders of customary right of occupancy over the two portions of land were not served with any notice of acquisition or notice of revocation, and no compensation was paid to the Applicant. However, according to the Applicant, on the 30th August, 2020, the Respondent used bulldozers, swamp buggies and other machines to clear the expanse of land in question. The Applicant's family wrote to the Respondent through their lawyer to discuss payment of compensation to them, but did not receive any response from the Respondent hence the filing of this action, through fundamental right under Section 44(1) of the 1999 Constitution as amended, that they are entitled to compensation. However, instead of the court to hear the matter on merit, the court struck out the matter on the ground that the matter ought not to come through fundamental rights enforcement. The Court struck out the application of the Applicant on the ground that the Applicant brought his application via the Fundamental Rights (Enforcement Procedure) Rules 2009, instead of through writ of summon. And that once a claim of entitlement to compensation and damages for compulsory acquisition of land is raised, title of the claimant becomes an issue and he is bound to prove it.

In the unreported case of *Prince Macauley Wekede & 3 Ors v. Government of Bayelsa State & Ors*.³³ The 1st set of defendants (Bayelsa State Government) purportedly acquired the land in dispute from the Claimants who are not the real owners of the land, and compensation was not paid to the Claimants. As a result, the acquisition did not comply with the statutory provisions for compulsory acquisition as set out in Section 29 of the Land Use Act & the CFRN 1999. When the 2nd set of Defendants who are the original owners of the land got wind of the matter, they were made parties by court order sequel to a motion on notice filed by their Counsel. Delivering judgment, the court held for the 2nd set of defendants that from the totality of the evidence before the court, the 2nd set of defendants did prove on the balance of probabilities or preponderance of evidence that title to the land in dispute rests in them as the said land fall within the area partitioned to their ancestor Osain. Consequently, the court granted the relief sought by the 2nd set of defendants. And further stated that the purported acquisition of the land by the 1st set of defendants without compensation is null and void as the Defendant has not validly acquired the land having not complied with the statutory provisions.

In the unreported case of *Chief Robert Akputakpu & Ors v. Capital City Development Authority & 2 Ors*³⁴ the Claimants' case was that the 1st and 3rd Defendants purportedly acquired their land without no formal notice of acquisition from the 1st and 3rd Defendants to acquire their property and the purpose for the acquisition was not made known to them. Despite these, the 1st and 3rd forcefully entered the land, cleared it and destroyed their crops and intended to appropriate the

said land. However, it is the admission by the Claimants' witness CW1 under cross examination that they are not against the acquisition of the portion of their family land by the government, though compensation for the acquisition had not been paid. It is the evidence of the Defence that the Claimants refused to be part of the discussion for the acquisition and even refused to accept compensation for the portion of the family land acquired. The court held that the claimants are entitled to compensation.

In the unreported case of *Mr. William Linus & 3 Ors v. Bayelsa State Government & 2 Ors*³⁵, the facts of the case as put forward by the Claimants is that the land in issue was inherited by them through their ancestors. That sometime in the year 2004, the Government of Bayelsa State served a notice of intention to acquire parcels of land from various families in Kpansia-Epie, on the Paramount Ruler of Kpansia dated the 15th day of March 2004 for overriding public interest. Another letter of intention to acquire additional 10 hectares of land was served on the Paramount Ruler of Kpansia community also for overriding public interest. While the State government successfully acquired the parcel of land measuring 14.8 Hectares from the Claimants and compensation paid to individual members of the family and took possession of the same, they did not conclude the acquisition of the additional parcel of land from the Claimants' family measuring 8.62 Hectares and that the Claimants continued to exercise maximum acts of possession over the said unacquired parcel of land.

Sometime in the month of December 2013, the 3rd Defendant among several other alleged allottees of the Bayelsa State Government entered the land to lay claims to the land in issue. That this was resisted by the Claimants leading to the 3rd Defendant petitioning against the Claimants to the Police after they failed to come to an agreement with him over his acquiring the property. They alleged that the land was not acquired for overriding public interest as it was allocated to individuals.

The issue for determination was whether or not the Defendants complied with the conditions in line with the purpose for the acquisition. The Court held thus:

From the evidence before this court, the Notice of the acquisition of the land the subject matter in dispute was served on the Paramount Ruler of Kpansia-Epie. It is also agreed that the land acquired belonged to various families of Kpansia and not communally owned.

Section 44 of the Land Use Act prescribes the method of service of notices of acquisition and to effectively serve any such notices of acquisition the provisions of that section of the Land Use Act must be complied with. In the case of *Crutech v. Obetan* (2011) 15 NWLR (pt.1271) 588, it was held that where a statute provides a particular method of doing something or performing a duty which is regulated by statute, that method and no other must be the one to be adopted. Therefore, the only way service of a notice of acquisition can be valid is where it is done in accordance with section 44 of the Land Use Act. The said section 44 provides for the personal service of notice of acquisition except where personal service cannot be affected. The only method of service on third parties allowed is as stated in subsection (e) if not practicable by reasonable enquiry to ascertain the name or address of the holder or occupier of the land on whom it should be served, by addressing it to him by the description of 'holder' or 'occupier' of the premises to whom it may be delivered, by affixing it, or copy of it, to some conspicuous part of the premises.

The only permits service to be affected on third parties who are on the land to be acquired and if there are no such parties by a notice fixed on a conspicuous part of the land to be acquired. The Paramount Ruler of Kpansia has not been shown to have been on the land purportedly acquired by the Defendants. Any service of any

notice not done in accordance with the provisions of the Land Use Act is not a valid service. From the above it is clear that personal notice of the acquisition of the land in dispute was not affected. The only conclusion to draw from the defective service is that the whole process of acquisition stands on shaky ground and therefore the said alleged acquisition ought to be declared null and void. However, having determined that the Claimants have not been able to establish their root of title to make them entitled to the declarations they seek, I shall refrain myself from making any declaration in respect of the acquisition of the land in dispute by the Defendants.

The only thing left for me to do is to dismiss this suit.

In the light of the above, this suit is hereby dismissed.

Compensation is the life wire of acquisition. Once compensation is paid by government or the acquiring body on the acquired land, the government is discharged of its constitutional responsibility of payment of compensation. However, where compensation paid is inadequate, the affected person is required by the Land Use Act to approach the Land Allocation Committee. In the unreported case of *Ebidamowei Robert & Ors. v. His Excellency, Dr. Goodluck Ebele Jonathan*³⁶, the fact of the case as presented was that the Claimants are the rightful owners of their respective developed landed properties situated at Dr. Goodluck Street, Kpansia, Yenagoa Bayelsa State. However, the Defendants compulsorily acquired the said landed properties for the personal benefit and use of the 1st Defendant. The statutory notice of acquisition was served on the Claimants family as a result compensation was adequately paid to the Claimants family. However, after receiving the compensation, the Claimants went behind and instituted this action on the ground that the compensation paid by the Defendant to them was not adequate. The court held that the Claimants having received compensation without protest, are deemed to have waived any right to complain over the amount already paid and have also abandoned any right of action they may have had before the receipt of the compensation already paid.

The Court relied on Sections 29 and 30 of the Land Use Act, LFN 2004 provides thus:

29 (1) If a right of occupancy is revoked for the cause set out in paragraph (b) of subsection (2) of section 28 or (c) of subsection (3) of the same section, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

30 – Where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use Act and Allocation Committee”.

Also relying on *Kano v. The Govt of Adamawa State & Ors*³⁷. (2014), the Court of Appeal on deciding on the body that should be responsible for hearing disputes as to compensation payable for compulsory acquisition of land, held thus:

“Much as it is recognized that the law is equally emphatic that the compensation to be paid, the Appellant should be paid the value of the property at the time of acquisition, and justice must be dispensed according to law. This was neither an impossibility nor should it have been rocket science to the Respondents, if there was good faith, in view of Section 30 of the Land Use Act which anticipates exactly such a situation. It provides as follows:

30. References of dispute as to compensation

Where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of Section 29 of this Act, such dispute shall be referred to the appropriate Land Use and Allocation Committee.” Per SANKEY,

J.C.A. (P.50, paras. B-E)

Base on the above, the Court struck out the matter and made the following pronouncements: “The law is clear on what ought to be done in disputes concerning amount of compensation. I have carefully gone through the processes and found that the Claimants despite writing a series of letters to the 2nd and 3rd Defendants, did not visit the Land Use and Allocation Committee the Claimants, not being joint owners of, or having a common interest in the properties in respect of which adequate compensation is sought, cannot institute and maintain a joint action as they have done in this case. Counsel to the 2nd and 3rd Defendants rightly submitted that this court does not have jurisdiction and I so hold. In conclusion, the preliminary objection brought by the 2nd and 3rd Defendants/Applicants succeeds. The suit is hereby struck out”. The Court followed the requirements in the compulsory acquisition and compensation procedures as stipulated by law. Thus, the Court is in order in this judgment.

Furthermore, in the unreported case of *Famous Akalama & 2 Ors v. The Attorney General of Bayelsa State and Anor*³⁸. The Applicants' case as can be gleaned from their affidavit evidence is that each of the three families of Emafi, Amain and Amagiama own portions of land located at Omeliga Bush along the Sabatoru/Ogbia/Nembe Road in Akipilai Community and on which the members carry out farming activities. Sometime in March 2017, agents of the 2nd Respondent in the company of one Chief Kuroduote Sagbe, a native of the neighboring Obioma Community, were sighted by members of the Applicant's family carrying out the survey of portions of the Applicant's family' land for the purpose of acquisition and establishment of a government project by the State Government. However, notice of the acquisition and the area of land affected by the acquisition was not served on the Applicants as required by the law. The three families, together with the families of Fiwari and Arigo, also of Akipilai Community, wrote through their Solicitors, Oruke, Idiedo & Partners, to the 2nd Respondent and copied to Ministries of Agriculture and Natural Resources and Housing and Urban Development, demanding an Invitation to negotiate the payment of compensation and a pre-action notice of 30 days within which to comply. This letter was again ignored. Thus, this action was initiated for the payment of compensation to the Applicant. The Court, however, struck out the case on the ground that the process of acquisition was not completed. Relying on Section 46 (1) the court stated that:

The type of relief anticipated by this limb of Section 46 (1) of the CFRN is a relief in respect of a right that has already accrued. It certainly does not apply with respect to a non-existent or inchoate right. In essence, revocation of the title of the holder of a right of occupancy and the consequent vesting of same in the acquiring authority, is one of the facts necessary to establish the Applicants' right to compensation and other reliefs claimed in the Originating Motion. That fact is clearly missing in the case of the Applicants as it is donated by their affidavit evidence as noted by the Court. It is for this reason that I hold that the Applicants case does not disclose a cause of action and I accordingly resolve issue no. 1 in favour of the Respondent and hereby struck out the case the Court held.

That was the ruling of the court, but I beg to differ that the Applicants, relying on Section 46 of the CFRN, that they can seek the reliefs sought even if the process of acquisition is not complete on the principle that any person whose right is likely to be contravened in any State in relation to him may apply to a High Court in that State for redress. You must wait for your right to be infringed upon before seeking redress.

In the unreported case of *Peter Oyiborhuerakpor v The Government of Bayelsa State*³⁹. The facts of the case was that the Applicant's Ughwujivwie family are the holders of deemed customary rights of occupancy over twelve (12) different portions of land situated at Ofoni Community in Sagbama Local Government Area of Bayelsa State. That sometime in 2013, the Respondent, through the Ministry of Agriculture & Natural Resources, came to Ofoni Community to acquire a

large expanse of land, which also includes the Applicant's Ughwujivwie family's twelve (12) portions of land. The Respondent's Ministry of Agriculture & Natural Resources cleared round the entire land and also surveyed same. And identified the Applicant's Ughwujivwie family as one of the landowning families affected by the intended acquisition. There were numerous economic trees, crops, fishponds, canals, animal fences, residential huts, oil processing mills and cassava processing mills on the said twelve (12) portions of land, and compensation was not paid.

That from 2013 till the date when the matter was filed, the Respondent neither served a notice of acquisition and/or notice of revocation on the Applicant family nor counted and assessed the said economic trees, crops, fishponds, canals, animal fences, residential huts, oil processing mills and cassava processing mills for the purpose of payment of compensation for them. The Applicant's Ughwujivwie family, in conjunction with some other families, wrote a letter to the Respondent which was served on the Hon. Commissioner for Agriculture & Natural Resources, the Hon. Attorney-General/Commissioner for Justice and the Hon. Commissioner for Lands & Survey, wherein the Respondent was asked to invite the Applicant's Lawful Attorney, Richman Oruke, Esq. for negotiation for the purpose of ascertaining and agreeing on the amount of compensation payable for the lands, economic trees, crops, fishponds, canals, etc. However, the said letter was treated with disdain and levity, as the Respondent neither replied same nor invited the Applicant's aforesaid Lawful Attorney for negotiation. Despite the foregoing, on the 30th day of August 2020, the Respondent brought bulldozers, swamp buggies and other machines to clear the land and started clearing the land, without first counting or taking record of the economic trees, crops, fishponds, canals, animal fences, residential huts, oil processing mills and cassava processing mills on the said twelve (12) portions of land. This necessitated the filing of this matter in Court and the Applicant sought the following reliefs:

1. A DECLARATION that the Respondent's various acts of compulsorily taking possession of the Applicant's Ughwujivwie family's twelve (12) different portions of land situated at Ofoni Community, surveying the said portions of land, and using bulldozers, swamp buggies and other machines to clear three (3) of them, thereby destroying the economic trees, crops, fishponds, etc thereon, without first counting and assessing the aforementioned unexhausted improvements and without making prompt payment of compensation for them, violated the Applicant's Ughwujivwie family members fundamental right guaranteed under Section 44 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Court struck out the matter for lack of jurisdiction, stating that it ought to have come through fundamental right enforcement. The court stated thus:

“Unless he is shown to have a vested right or interest in the subject-matter of his claim under Section 44 of the 1999 Constitution of the Federal Republic of Nigeria, a claim to entitlement to compensation cannot succeed. Once a claim or entitlement to compensation and damages for the compulsory acquisition of land is raised, title of the claimant becomes an issue and he is bound to prove it. The Appellant as plaintiff failed to discharge this duty.” The Claimant has made a claim for entitlement to compensation and damages for compulsory acquisition which, by their affidavit evidence, they are not opposed to (See paragraphs 72 to 83 of the affidavit in support of the application). In the circumstance, the title of the Claimant has become an issue (see paragraphs 4 to 16 of the affidavit in support of the application) which cannot be properly ventilated through the vehicle of the Fundamental Rights (Enforcement Procedure) Rules, 2009”.

Also, the main claim for compensation for compulsory acquisition of the twelve (12) portions of land (reliefs 1, 2, 4 and 5 of the application and grounds 5 and 7 for the reliefs sought) cannot be properly brought by way of Fundamental Rights Enforcement Procedure”

The Court instead of looking at whether the acquisition process followed due process and

compensation was paid to the people, struck out the case for lack of jurisdiction even when the Respondent admitted that the Applicants are the owners of the said land in their affidavit. In this case, compulsory acquisition and compensation procedures was not followed by the Court.

In the unreported case of *Chief Pray God Pelesai & 2 Ors. v Hon. Attorney general of Bayelsa State & 2 Ors*⁴⁰ the claimants brought this suit on behalf of themselves and in a representative capacity as individual members of the unregistered farmers' Co-operative situate in Ikolo community. It is the claimant's case that sometime in 2012, the government of Bayelsa State proposed to acquire some land belonging to Ikolo community for the purpose of building an airport. That after due consultation and negotiation with the community and individual families that owned land in the acquired area of land, the land was evaluated, assessed and compensation duly paid to those affected. Claimant further contends that the defendants failed to carry out any assessment valuation of their crops planted on the land acquired, but entered the land thereby destroying their farmlands. The said action of the Defendants precipitated the filing of this suit.

It was also the case of the Defendants that notice of revocations was served on the Claimants and compensation was also paid in respect of the land acquired (inclusive of developments and improvements on the land) for the establishment of the international Airport at Ikolo community, Bayelsa State, to all the stakeholders, individuals, families, groups and the community members after direct negotiation with them including the claimants on record. The court dismissed the case and stated thus:

By the provision of the Land Use Act 1978, Section 28 (1) precisely, the Governor can acquire land for overriding public purposes or interest. The laid down procedure to do this is to give due legal notice to the persons whose lands are to be acquired and then pay them compensation in line with the valuation/assessment report of the property so acquired. The evidence before me shows unequivocally and clearly that the defendants compulsorily acquired the lands subject matter of this dispute in accordance with the provisions of the Land Use Act 1978. That compensation was paid to the communities, bodies and persons affected by the said acquisition including the claimants on record.

In conclusion, the case of the claimants lacks merit in all its ramifications, and I accordingly, enter an order that this case be and is hereby dismissed.

This judgment also follows the procedure for acquisition and compensation in Nigeria.

Summary of findings

The findings of the study are summarized as follows:

1 The study revealed that compulsory land acquisition practice is not strictly adhered to in most states in Nigeria. This also applies to the procedures for the acquisition processes. In some cases, notice of acquisition of land was not issued to land owners.

2 The study also revealed that compensation on the acquired land and/or property is not paid to the land owners in some cases, and in some situation where compensation is paid, there is delay in the payment of compensation, while in some cases, compensation is paid after litigations, and in some cases, compensation paid to land owners is grossly inadequate.

3. The study also revealed that compulsory land acquisition and compensation practice in Nigeria fall below the Constitutional requirements of payment of adequate compensation promptly to property/landowners and the Land Use Act compulsory land acquisition requirements.

4. The study also revealed that compliance of compulsory land acquisition practice is low, as the procedures are not strictly followed in Bayelsa State. In some of the reviewed cases, acquisition notice was not issued to the land owners, in some cases where notice of acquisition was issued, the notice was not properly served or followed the laid down procedures in the Land Use Act.

5. The study also revealed that the extent of compliance with compensation practice in Nigeria by Bayelsa State can be rated low. This is because in the reviewed cases, there are some land owners whose parcels of land were compulsorily acquired and were not paid compensation until after

protracted litigation.

6. There is an abuse of compulsory land acquisition powers by Government and/or Governors in Nigeria.

Conclusion

Compulsory land acquisition practice is not strictly followed in most states in Nigeria. This is the same for the procedures for the acquisition processes. In some cases, notice of acquisition of land was not issued to land owners. Compensation for the acquired land and/or property are not paid to the land owners and in some situation where compensation is paid, there is delay in the payment of compensation on land compulsorily acquired, in some cases, compensation is paid after litigations, and in some cases compensation paid to land owners is grossly inadequate. Compulsory land acquisition and compensation practice in Nigeria fall below the constitutional requirements of payment of adequate compensation promptly to landowners as required by the constitution of the Federal Republic of Nigeria 1999 as amended and the Land Use Act. The compliance of compulsory land acquisition practice in Bayelsa state is low, as the procedures are not strictly followed in Bayelsa State. In some of the reviewed cases, acquisition notice was not issued to the land owners, in some cases where notice of acquisition was issued, the notice was not properly served or followed the laid procedures in the Land Use Act.

The study also revealed that the extent of compliance with compensation practice in Nigeria and by Bayelsa State can be rated low. This is because in the reviewed cases, there are some land owners whose land have been compulsorily acquired but compensation was not paid until after protracted litigation. There is an abuse of compulsory land acquisition powers by Government and/or Governors in Nigeria. The study on appraisals of compulsory land acquisition and compensation practice in Nigeria: A case study of Bayelsa State, has revealed that the compulsory land acquisition practice is not strictly followed in Bayelsa State and Nigeria generally.

Recommendations

Based on the findings of the study, the following recommendations were made:

- 1 The procedure for compulsory land acquisition in the Land Use Act and the Constitution of the Federal Republic of Nigeria 1999 should be reviewed to include some stringent conditions to coerce government to follow the procedures and/or obey the laws they make.
- 2 Section 44 (1) of the 1999 Constitution of the Federal Republic of Nigeria as amended should be reviewed to insert the clause that before the government can take possession of any land compulsorily, the government should pay compensation first before taking possession, and failure to do so shall make such compulsory acquisition null and void.
3. The Land Use Act, of 1978 and The Bayelsa State Lands Acquisition and Revocation Regulations, 2015 should be reviewed to insert stringent penalty when government failed to follow the procedures for compulsory land acquisition practice. The Bayelsa State Lands Acquisition and Revocation Regulations, 2015 the principal law regulating acquisition and compensation, should be reviewed to include some coercive clauses on the part of government to pay compensation to the landowner after identifying the land government intended to compulsorily acquired before taking possession and the time frame for compensation to be paid to landowner should be stipulated, and failure to comply with the time should render the acquisition null and void.

Endnotes

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