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Impact of Compulsory Acquisition and Compensation Process on Urban Fringe Resident's Satisfaction in Abuja

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Abstract

Acquisition is deemed necessary when there is need for development or redevelopment results in the payment of damages to those whose properties have been affected by the constituted authority. The study aimed at assessing the impact of compulsory acquisition and compensation on urban fringe resident's satisfaction using Gwagwalada area council of Abuja as study area. Survey research was carried out using questionnaires. The simple random sampling technique was adopted for the study, while data obtained from the field were analysed using statistical package for social sciences. The study found out that notice of taking possession, planning for the project, receiving of award for compensation and disbursement of compensation money were the three (3) procedures of compulsory acquisition and compensation process considered effective by the residents while the remaining procedures were considered ineffective. Further findings revealed that residents were dissatisfied with the compulsory acquisition and compensation process in the study area. The study finally found out that compulsory acquisition and compensation process have the lowest effect on residents' satisfaction as indicated by standardized beta coefficient of 0.458 while adequacy of compensation payment to the claimant has the highest positive effect on resident's satisfaction with compulsory acquisition with standardized beta coefficient of 0.580. The study recommended that the government should also improve significantly in the transparency of standards involved in the process of land acquisition as this will ensure best practices that will enhance community's satisfaction.

Keywords: Compulsory Acquisition, Compensation Process, Urban Fringe, Resident's Satisfaction.

Introduction

Acquisition is deemed necessary when there is need for development or redevelopment results in the payment of damages to those whose properties have been affected by the constituted authority. In Nigeria prior to 1978 government was finding it difficult to acquire land for developmental projects and provision of basic infrastructure principally because individuals have almost absolute control of their land. This difficulty necessitated the government to on the 29th of March 1978 promulgate the 1978 Land Use Decree or otherwise known as the 1979 Land Use Act.

Statement of Research Problem

All the incidental expenses that go with land acquisition are sometimes not paid as abortive expenses. Some of these include: No consideration of how does the family fairs before and after acquisition, monthly family income and expenses before and after acquisition as well as family size need to be considered during compensation, cost for the purchase of the land, land survey fees, registration of the land, and payment of the annual ground rent and others (Ezenwa, 2019). Where the landowner's motive is speculative or where the compensation paid is not enough to purchase an alternative plot the landowner is left empty handed. In this sense and short comings of the compulsory land acquisition and compensation, this study seeks to examine the impact of compulsory land acquisition on the livelihood of the urban Fringes in Gwagwalada Area Council in Abuja in order to unearth the challenges faced by the urban residents after losing their land and properties to compulsory acquisition. Hence, the paper aim at assessing the impact of compulsory acquisition and compensation on urban fringe resident's satisfaction using Gwagwalada area council of Abuja as study area, the following objectives were outline and will be examine vividly; to examine the benefits derived from compulsory acquisition and compensation by residents' in the study area, to determine the level of resident's satisfaction with compulsory acquisition and compensation process in the study area, to identify the challenges of compulsory acquisition and compensation process in the study area, and to examine the effect of residents' perceived benefits derived and the challenges of compulsory acquisition and compensation process on residents' satisfaction.

Literature Review

Concept of Acquisition and Compensation

Countries retain powers of compulsory acquisition to enable governments to acquire land for specific purposes, the nature of these powers and the ways in which they are used are invariably sensitive and have wide implications, including from the perspective of international agreements on human rights and their national expressions. Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant to benefit society. It is a power possessed in one form or another by governments of all modern nations, this power is often necessary for social and economic development and the protection of the natural environment (Ajayi, 2007).

Acquisition and Compensation of Land

Internationally, compensation of all financial harm (indemnification) is often used as a ground for the compensation, however, in Australia, solarium and injurious affection are also part of the compensation (Newell et al., 2011). The appraisal, both market value of the property and of the decrease in value of the remaining property, can be carried out according to different systematic. Commonly used in the Netherlands is the comparison approach, which estimates the value based on comparable transaction prices that should

adequately correspond to the property to be valued in terms of, for example, the location and possible types of use [The European Group of Valuers' Associations (TEGOVA, 2016)].

Acquisition and Compensation in Abuja

The ruling of the Abuja Division of the Court of Appeal (1999) states that the Land Use Act (LUA) does not apply to lands within the Federal Capital Territory (FCT) Ipso facto. The distinction between urban and non-urban Land created by the Land Use Act is not applicable within the territory. Hence only the Federal Capital Development Authority (FCDA) is competent to grant Rights of Occupancy in respect of land within the Federal Capital Territory, Abuja. This project examine how land may be acquired in FCT with particular emphasis on the payment of compensation satisfactory of residents'; it reveals that, apart from delayed payment of compensation, current provisions of the law cannot adequately compensate dispossessed owners.

Public Lands Acquisition Act, 1917 (Cap 167)

According to Lauer (2017) this law derived its principle from the English Law whose one of its obligations is that the Acquiring Agent should publish acquisition notice/ issuance for at least six weeks as stipulated in the Act, (section 8 of PLAA, 1917) and also pay adequate compensation for acquired land. Section 3 of this Act authorizes the Acquiring Authority to acquire lands for an Estate in fee simple or for a term of year as it thinks proper. Once the land is acquired, it became vested in the state as its land. The purposes for which land can be acquired by the government are defined as "Matter with respect to which the government has power to make laws". It was this law which zoned the country for the purposes of compensation. It was noted that because of how lands are held in the Northern state of Nigeria, this law was not applicable in the Northern states. Although state can create statutory and customary rights, but these rights can be wiped out when it is required. But in the Southern part of the country where land is owned by individual, families or communities, the rights of ownership can be exercised by each of them subject only to other law like the Town and Country Planning laws of the land, etc.

Land Use Act 1978

The Land Use Act of 29th March 1978 was enacted by the Head of the Military Government Commander -in -chief of the Armed Forces, Federal Republic of Nigeria Lt. General Olusegun. Obasanjo. It is made up of V111 Parts of 51 Sections. Part 1 (General) of the Act, Section 1: Vest all land comprised in the territory of each state except land vested in the Federal government solely in the Governor of the state who would hold such land in trust for the people and would henceforth be responsible for allocation of land in urban areas to individual for all purposes while that in rural areas is vested on the Local government chairman with similar power and responsibilities.

Acquisition Process

The process of adequate compensation in compulsory acquisition of land takes place within distinct legal; cultural; socio-political and historical environmental which influence the delivery of the process by the key actors in it. The basic principles are perceived to quite similar even though the practice may vary in different nation or region, the assessment of the compensation is usually influenced by national and local status, enactments or laws that provide the basis upon by which existing professional standards and method may be applied (Gyasi, 2017). The main status governing Land acquisition and the assessment of compensation in Nigeria is the Land Use Act Decree of No 6 of 1978(hereinafter called the Act). This has been well documented by (otubu 2012). Section 28 and 29, provided that: It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest. Overriding public interest in the case of a statutory right of occupancy means.

The Lead to Compensation in Nigeria

Section 29 sub sections 1-6 of the Land Use Act stated that compensation is deemed right, if a right of occupancy is revoked for the cause of public purpose either by state or Federal Government. The Land acquisition (miscellaneous provision) of 1978 which zoned in the country for compensation purpose, no compensation was payable for land in the Northern state of Nigeria. Compensation was payable only for the unexhausted improvement on land and in some cases for disturbance to customary right of occupancy.

However, in the southern states where freehold was possible, individual, families and communities could own Land and compensated was payable for both Land and Landed properties. The compensation goes a long way in assisting the occupier or right owner of the Land to settle in another place either provided space by Government or purchase Land in another area of choice and carry on its normal activities. Compensation also assists the owner or occupier of Government acquired Land not seeing it as total loss to Government because of public sacrifice.

Principle of Assessment of Compensation

The various state public land acquisition laid down for assessment of compensation and land acquired for public purpose is geared towards achieving an open market value. Therefore, the following basic rules formed the basis of assessing compensation for land until section 15 of the public lands acquisition Act repealed by the Land Use Act, 1978. No allowance was to be made for the fact the acquisition was compulsory. The claimant was not expected to be paid on inducement for surrendering his land or interest. The value of land was usually taken as the amount the land would fetch if sold in open market by a willing seller to a willing buyer, it meant compensation was based on the best value the property could fetch at the date of acquisition.

Compulsory Lands Acquisitions and Compensation under Land Tenure System

The multiplication of Land tenure system in Nigeria has played a significant role in the evolution of the country's Law of compulsory Land acquisition and compensation, prior to the advent of the British rule; Nigeria had as many Land tenure systems as it had tribes and ethnic groups. Under the customary land tenure system land was vested in the elders and the paramount. Chiefs to hold in the trust for both them and entire community at large. Permanent alienation of Land which was believed to belong to the gods and ancestors was meant for economic and social benefit of the entire community. The need to use land for public purpose in the pre-colonial era was very limited owning to the low level of public activities and development. However, whenever such needs arose, it was the elders and the paramount chiefs who exercise the power of granting land to the Government for developments. Those whose land were affected would be resettled or be given a substitute elsewhere as means of "Compensation "this practice is still being conducted under native tenure system in some part of the federation especially in the rural area where there's communal land holdings.

Constitutional Provision of Acquisition and Compensation of the 1999 Constitution

Constitution of the Federal Republic of Nigeria treats compulsory Land acquisition as a matter affecting fundamental human right subject to certain provision. Section 4(1) of the constitution state that, "No moveable property or any interest in an immoveable 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 manner and for the purpose prescribed by that law among other things" Requires the prompt payment of compensation. Given to any person claiming such compensation a right of access for the determination of his interest in property and the amount of the compensation to a court Law or tribunal or body having jurisdiction in that part of Nigeria.

Land Value and Compensation – Equity

Basic to any consideration of compensation for and the value of land is the principle of Equity. Equity Law simple stated concern the relationship between the individual and corporate entities, that you must unto other what you reasonable expected to do to you. The right to compensation for any property acquired (voluntarily or compulsory) is a basic proprietor and human right. Particularly where such acquisition is compulsory, an owner is entitled to do so more and not less than he is being deprived'. Value is a function of certain economic considerations. The supply and demand interaction within the legal, institutional, and sociological framework. However, the basic fact is that the right of a dispossessed owner to that value for compensation, the compensation must reflect the value under the circumstances of the person who is compelled to sell, this value in inclusive of damages for loss of business, Loss of goodwill, and reduction in profit.

Payment of Adequate Compensation (Provision Under Land Use Act Decree of 1978)

Section 6(5) of the Land Use Decree No 6 of 29th March 1978 provided for the right to receive compensation for the value at the rate of revocation or acquisition of the unexhausted improvement(s). Land: An amount equal to rent (if any) paid by the occupier in the year of revocation. Contrary to what is been practice. Crop: An amount equal to the value as prescribed and determine by the appropriate officer, and Building Installation, or other improvement on the Land aside from crops an amount equal to the depreciated cost determine, based on the method of assessment, prescribed by the appropriate officer, and satisfaction substantiated cost of reclamation work. In case of any delay in payment of compensation there should be payment of simple interest at current Bank rate for the delayed in the payment stated in section 29. In case of any dispute that may arise in amount of compensation should be referred to the Land Use and allocation committee for resolution as contained n section 30, no court is expected to exercise jurisdiction on any question pertaining to the adequacy or otherwise of amount of compensation assessed or paid under the decree section 47(2).

Compensation Practice in Nigeria, the Strength and Weakness The Strength

For whatever that is the positive must also have element of negativity, compensation in no small measure as assisted a lot especially for Government to create development, it also allows the Government to acquire Land willing from owner for development projects. Another major strength of compensation is that it encourages owners of Land to part with their property since they knew that compensation will be paid on the acquired Land either voluntarily or compulsorily acquired, especially for owners that has no means to carryout development on the Land. More so, the strength of compensation in Nigeria is that it has also discourage the collection of Land unjust either by Government or private body because of awareness of compensation payment base on section 29 of Land Use Act of 1978, which stated "if a right of occupancy shall be entitled to compensation for the value at the date of revocation of their unexhusted".

The Weakness

The weakness (Lapses) which brought about the project is mostly on proper implementation of the Land Use Act, 1978 and other Laws enacting in the regulation of Land especially on acquisition and compensation, the implementation of adequate acquisition and compensation in Nigeria. Such as the; Not payment of acquired Land as per capital market value. Delay in the payment of compensation to claimants. Not payment of interest to claimant by Bank because of delay by Banks. Lack of equity in the payment of compensation, a possible under value / under compensation in one case and possible over value / overcompensation in other.

Various Criticisms on Compensation Provision

Nuhu (2006) realized that the implementation of previous governing public Land acquisition and the ineffectiveness of compensation in Nigeria have generated controversy and disputes. Base on this submission, Nuhu also cited the process of land acquisition and compensation within framework of LUA in the development of the new capital territory Abuja in Nigeria, reveals that the existing provision cannot compensate dispossessed land owners adequately, Nuhu submission was attributed to the controversies associated with compensation to the provision of statutory method of valuation contained therein suggest the need for reforms in statutory valuation processes in Nigeria to this effect the Nuhu submission is right in the sense that the statutory method of valuation as regards to compensation is faulty and called for reviewed.

Victor (2009) "the amount of loss for which a property owner is compensated when His or Her property is taken, should put the owner in as good position peculiarly as held to the market value" by the submission of Victor, compensation paid should place the property owner in the position He would have been had his property not been acquired with aid of using market value in determine just compensation, adopting a fair value of the property compulsorily acquire. To this effect Victor, submission only focuses on fair value with regards to open market value in compensation process. Strongly agreed with Victor submission, but viewing it from the perspective that property market is irregular and of course since the property market is not static or fixed, we can only assume a price in perpetuity, likewise the land Use Act is also silence on fixed price the way out to the market value or fair value should be the proper implementation of section 29 sub-section (2) "which stated that the value of compensation should base on the date of revocation.

Urban Fringe

The urban fringe is an area occupied by the urban community that lives and resides in the urban environment as a group or in certain group which was formed or naturally due to urbanization. The formation of the urban fringe concept is based on two circumstances, which is because of urbanization and the result of the urban Fringe formation concept brought about by the planning and strategy of re-developing the urban area. Hence, the urban Fringe formation concept must take into consideration the basic characteristics of the urban Fringe environment, which consist of its geography, background of the Fringe, type of Fringe, the position or status of the Fringe, traditional practices and culture, local organizations, certified status of the land title and the land, distance from the city centre and the community's interrelationship.

The "Urban Fringe" Concept

This study has conducted literature review in identifying and determining the characteristics of the formation of urban fringe areas which are very few discussed in specific practice of local government especially in Malaysia. Although Hepburn (2015) in

most of his articles talks about the concepts of the fringe-town (Desa-Kota) that are very related to the facilities and infrastructure in determining both connections, but in characteristic this study seem that no specific meaning in defining the urban fringe concept clearly. The "urban fringe" concept was formed by combining the basic characteristics of the physical, social and economic environments in the fringe and the urban area.

Claimants Perception of Land Acquisition and Compensation

It has earlier been stated that claimants are those individuals whose land/interest on land has been revoked by the government for overriding public interest. Perception on the other hand as defined by the Oxford Advance Learner's Dictionary of Current English is "the process by which we become aware of changes (through the sense of sight, hearing, e.t.c.); act or power of perceiving". From this definition, it is obvious that the process of land administration and management will play a vital role in restoring peace and harmony in our society. Land administration and management means direction, control and supervision of interests in land with the aim of securing the optimum return which need not always be financial but may be in terms of social benefits, status, prestige, political power or some other goals.

Research Methodology Research Design

This study adopted the quantitative design, which involved the administration of questionnaires to the target population, and the likes to extract necessary information for the study.

Research Strategy

This study adopted the survey strategy because is more reliable. According to Whiston (2012) defined validity and reliable in research as obtaining data that is appropriate for the intended use of the measuring instrument. Therefore, a well design questionnaire was administered to the target respondents to retrieve necessary data for the research study.

Instruments for Data Collection

The instrument used for the study was close ended questionnaire based on a five-point Likert scale.

Sampling Technique

The study adopted the simple random sampling technique which was used to determine the sample size for the study.

Sample Size

The sample size for the residents affected were (500) minimum and the study projected to

(217) sample size using the sample size table developed by Krejcie and Morgan (1970).

Method of Data Analysis

The data from the study was analysed using descriptive and inferential analysis, objectives 1, 2 and 3 were analyzed using mean while objective 4 was analyzed using multiple regression analysis.

Data Presentation and Analysis

Table 3: Compulsory Acquisition Benefits

		N	Mean	Ranking
1	The project generally improved the wellbeing of the citizens	217	3.28	1 st
2	The project attracted investment/economic opportunities to the community	217	3.09	2 nd
3	The claimants benefited financially due to adequacy of compensated amount paid	217	2.26	3 rd
4	The project attracted infrastructural development to the community	217	2.26	3 rd
5	The project that warranted compulsory acquisition brought about employment opportunities	217	2.14	5 th
6	The project met the basic needs of the people	217	2.12	6 th
	Average		2.53	

However, respondents revealed that four of the measurement items from the table above were not benefits they derived from compulsory acquisition such as financial benefits from the compensated amount paid as the amount paid could not make them start a life somewhere else, attraction of infrastructural development, employment opportunities because of the project and project meeting the needs of the people. All the above items were disagreed upon by the respondents judging from the recorded mean values of 2.26, 2.26, 2.14 and 2.12 respectively. An average mean value of 2.53 presented in Table 3 implies that residents did not find the project for which land were compulsorily acquired beneficial to them.

The result with regards perceived benefits derived from compulsory acquisition process implies that residents did not find the project for which land were compulsorily acquired beneficial to them. The finding is in line with the result of Wanyoike, (2014) who exposed in his study that the project for which land were compulsorily acquired for does not meet the basic needs of the people.

Table 4: Challenges of Compulsory Acquisition and Compensation Process

S/N		N	Mean	Ranking
1	Late payment of compensation	217	3.88	1 st
2	Inadequate payment of compensation	217	3.86	2nd
3	Low assessment rates of crops and trees	217	3.65	3rd
4	High cost of building construction	217	3.43	4th
5	Inaccurate enumeration of assets	217	3.22	5th
6	Difficulty in identifying claimants	217	3.18	6th
7	Land belongs to forefathers and Inheritance	217	3.18	6th
8	Government unwillingness to pay claimants	217	3.04	8th
9	Greed on the part of claimant	217	2.65	9th
10	Lack of transparent conduct by government	217	2.63	10th
11	Refusal to accept compensation	217	2.55	11th
12	Introduction of fictitious claimant	217	2.42	12th
13	Lack of fund	217	2.35	13th
14	Uncooperative attitude of the people	217	2.28	14th
15	Quality delivery of resettlement housing	217	2.20	15 th

However, the Table 4 reveals that refusal to accept compensation, introduction of fictitious claimant, lack of fund, uncooperative attitude of the people and quality delivery of resettlement housing are all do not challenge of compulsory acquisition process in the study area since their mean values (2.55, 2.42, 2.35, 2.28 and 2.20 respectively) fall under the neutral range on the scale.

The result is similar with the finding of Kuma, Fabunmi and Kemiki, (2019) which indicate that the enumeration and assessment, payment of compensation as well as changes of ownership were determined ineffective.

Table 5: Satisfaction Level with Compulsory Acquisition Process

S/N		N	Mean	Ranking
1	The entire process/procedure of acquisition and	217	3.03	ıst
	compensation			
2	Capturing/computation of asset during enumeration	217	2.95	2nd
3	Timeliness of Acquisition Notice	217	2.53	3rd
4	Timeliness of payment	217	2.47	4th
5	The acceptance of the proposed project by the	217	2.47	4th
	residents before implementation			
6	Response of land officers when clarifications and	217	2.34	6th
	questions were raised			
7	Compensation amount paid compared with the worth	217	2.33	7th
	of property			
8	Government's reason for compulsorily acquisition	217	2.19	8th
9	Items compensated	217	2.16	9th
10	Amount paid as compensation	217	2.09	10th
	General Satisfaction		2.46	

The result is similar with the finding of Oladapo and Ige (2014) who revealed a wide disparity between the mean of compensation paid and market value of the acquired property while the relative satisfaction index of claimants towards compensation paid were below acceptable satisfaction level while, Ndjovu (2016) asserted that dissatisfaction in the land acquisition exercise is a worldwide experience.

Table 6: Model Summary^b

Tuble of Woder Sommary									
Model	R	R	Adjusted	Std.	Change Statistics				
		Square	R Square	Error of	R Square	F	df1	df2	Sig. F
				the	Change	Change			Change
				Estimate					
1	.181ª	.033	.024	.365	.033	3.614	2	214	.029
a. Predictors: (Constant), Challenges, Benefit									
b. Dependent Variable: Satisfaction									

Table 6 reports R value of 0.181 which suggests that the benefits derived by residents and challenges of compulsory acquisition (the independent variables) have 18.1% relationship with residents' satisfaction with the acquisition and compensation process (the dependent variable). Also, an R square value of 0.033 implies that the independent variables have 3.3% influence on the dependent variable, that is to mean that benefits derived and challenges of acquisition process in the study area accounts for 3.3% variance in residents satisfaction, therefore by implication 96.7% of the variance in residents satisfaction is accounted for by other factors not considered in this model. More so, Table 6 reveals a p-value of 0.029 which

means that the influence the independent variables have on dependent variable is significant since p-value is less than 0.05 as suggested by (Pallant, 2011).

Conclusion

This research examines the impact of compulsory acquisition and compensation on urban fringe resident's satisfaction in Abuja. The research has achieved four objectives which include; examine residents' perceived challenges of compulsory acquisition and compensation process in the study area; assess the level of residents' satisfaction with the entire process of land acquisition and compensation in the study area; assess the effect residents' perceived benefits derived and challenges of compulsory acquisition and compensation process has on residents' satisfaction with land acquisition and compensation process in the study area. Analysis and outcome have led to the conclusion that late payment of compensation, inadequate payment of compensation, low assessment rates of crops/trees and high costs of construction are the major challenges of compulsory acquisition and compensation in the study which has led to a generally dissatisfied with the entire process of land acquisition and compensation.

Recommendations

This research has three (3) recommendations which are derived from the findings, the recommendation is as follows.

The study recommends that the government should improve significantly in the transparency of standards involved in the process of land acquisition as this will ensure best practices that will enhance community's satisfaction and should improve on benefits the residents can derive from compulsory acquisition such as financial benefits from the compensated amount paid, attraction of infrastructural development, employment opportunities as a result of the project so that project can meet the needs of the people and the intent for which it was developed.

This study equally recommends that government should try and pay compensation to the affected residence on time, provide adequate payment of compensation, while assessment rates of crops/trees should be increased.

Government should improve acceptance of the proposed project by the residents before implementation, timeliness of payment, response of land officers when clarifications are demanded, compensation amount paid compared to worth of property, government's reason for compulsory acquisition, items compensated, and amount paid as compensation.

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