

The Impact of Compensation Valuation in Nigeria Infrastructural Development

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Abstract: *The power to compulsorily acquire the interest in land of an individual for overriding public interest is provided in the Land Use Act. Equally, the Land Use Act and the Nigerian Constitution provides for payment of compensation to anyone whose interest in land is expropriated or compulsory acquired for the common good of the people. The aim of this study is to analyze impact of compensation valuation on community engagement in Nigeria infrastructural development projects with a view to ascertaining the correlation between compensation valuation practices and community engagement outcomes. The total sample size for this study was 140 participants (104 Claimants and 36 Estate Surveyors and Valuers) representing a fragment of the 180 (140 Claimants and 40 Estate Surveyors and Valuers) sample frame considering qualitative data collection. The Sample size was determined Using Taro Yamane's Formular. The opinion of respondents obtained through questionnaire were analyzed both with the use of percentage and frequency table. The findings of this study are analyzed in details. It was discovered that majority of the landowners/community residents are of the opinion that compensation sum offered are unfair and the claimants were not carried along in the decision making process. The research depicts that community members were not fully involved in the compensation valuation decisions thereby in extensively not influencing their willingness of engaging in the infrastructural project. According to a considerable number of estate surveyors and valuers, it has been discovered that the current compensation method outlined by the Land Use Act results in undervaluation of assessed properties, as it fails to reflect their market value accurately. To address this issue, the study strongly recommends that relevant authorities, namely the Federal Government and acquiring authorities, to take prompt action and develop a sustainable compensation valuation process for infrastructure projects in Nigeria.*

Keywords: compensation, valuation, community, engagement, infrastructural development

INTRODUCTION

Developing a country's infrastructure is crucial for economic growth, improving living standards, and enhancing the overall quality of life for its citizens. In Nigeria, like many other developing nations, infrastructure projects such as road construction, energy facilities, and urban development play a critical role in progress. However, these projects often require the acquisition of land and displacement of communities, highlighting the need for fair, transparent, and respectful compensation and valuation mechanisms for affected community Land acquisitions encompass the purchase of ownership rights and user rights, including short or long-term leases or concessions, and cannot be discussed adequately without considering land tenure systems (De Zoysa, 2013). The right to acquire, hold, and enjoy property is a fundamental pillar of a democratic society but is subject to eminent domain, which gives the State the right to acquire private property for the common good (Alias & Daud. 2006) Compulsory acquisition is done

under statutory legislation and aims to benefit the community as a whole, but the owner of the property must be compensated for their loss (Umezurike, 1988).

In Nigeria, the Land Use Act and the Federal Republic of Nigeria's constitution set guidelines for the compulsory acquisition of land and compensation for the owner. However, community engagement is a vital aspect of infrastructure development, particularly in a country as diverse and culturally rich as Nigeria. Effective community engagement fosters cooperation, minimizes conflicts, and ensures that the interests and concerns of local populations are adequately addressed during project planning, implementation, and post-construction phases. Compensation valuation, which determines the financial or non-financial compensation provided to affected communities, has a significant impact on the level of community engagement and cooperation.

The issue of compensation valuation and its impact on infrastructural development in Nigeria has been a major topic of discussion in recent times. According to Ogunba (2019), compensation valuation is the process of determining the fair value of property and assets that will be affected by a development project, with a view to compensating the owners adequately. In Nigeria, compensation valuation is often a contentious issue, as some property owners feel they are not adequately compensated for their losses.

The Second Niger Bridge project in Asaba is a significant development that has faced challenges due to compensation valuation issues. The bridge construction is expected to boost economic development in the region, but the compensation issue had caused delays in the project. As noted by Mbachu (2017), numerous communities have expressed their dissatisfaction with the valuation process, with some rejecting the compensation offers made by the government.

This study seeks to assess the effect of compensation valuation on infrastructure development in Nigeria, using the Second Niger Bridge project in Asaba as a case study. The study aims to investigate the compensation valuation process, identify any challenges, and evaluate the impact of such challenges on the development of the project. Ultimately, the findings of this study would provide insight for policymakers and stakeholders to address compensation valuation issues encountered in Nigerian infrastructural development.

LITERATURE REVIEW

Concept of Compensation Valuation

Compensation valuation is a critical component of land administration systems for Infrastructural development. Jiboye et al. (2020) emphasized that compensation plays a vital role in ensuring fairness, justice, and equity in land acquisition processes for infrastructural development. It often involves determining the appropriate monetary value of a property being acquired for such developments (Fagbenle et al., 2018). The fair valuation of compensation ensures landowners are adequately compensated for their loss or disturbance due to infrastructural projects, removing any possible resistance (Fatile et al., 2018). Adequate compensation can encourage community acceptance and foster peaceful collaboration for infrastructural development (Olawoye et al., 2019). Compulsory land acquisition is the power used by governments of modern nations to acquire rights or interests in land without the consent of its owners or occupants in order to benefit the society (Food and Agricultural Organization (FAO), 2008; Lindsay, 2012). To Kuye (2009), it is “a system of expropriating individuals of their rights of ownership to an estate or interest in land while converting these rights to monetary entitlements by way of compensation”.

Compensation Under the Legislation in Nigeria

According to Baum, Sams, Ellis, Hampson, and Steven (2007), the experts proposed a comprehensive list of items that should be included in the heads of claim when assessing compensation for land acquisition. In cases where the entire land is taken, they suggested that the market value should serve as the basis for assessment. Additionally, compensation should cover various aspects such as fees for solicitors and valuers, removal expenses, transportation

costs, publicity, goodwill for business premises, depreciation in the value of stocks, and special adaptations for replacing the premises. For cases where only a portion of the land is taken, the heads of claim should take into account the value of the part that is being acquired, as well as compensation for severance and injurious affection. If no land is taken, the compensation claim should focus on the reduction in the value of the interest held in the land.

Baum et al (2007) further argued that these heads of claim align with the provisions of the Land Compensation Act of 1961. In Nigeria, different laws and regulations have been enacted to determine the assessment of compensation for compulsory land acquisition. However, these previous legislations have been superseded by the Land Use Act (Decree No 6 of 1978), which outlines the following provisions.

Heads of Claim and basis of Valuation:

Land – Reimbursement of ground rent for the revocation year (if already paid),

Building – improvement or installation on land, minus any depreciation along with interest at the bank rate for delayed payment of compensation, Crops on land, excluding any buildings, installation, improvement thereof, amount determined and specified by the appropriate officer. According to Udoekanem, Adoga, and Onwumere (2014), the current legislation has transformed everyone into mere occupants on land, therefore, no one will be eligible for compensation on what they do not own. Ogedengbe (2007) and Famuyiwa and Ominrin (2011) argued that the existing legislation is severely lacking in several areas. The Act does not acknowledge the sale of land, yet individuals still engage in buying and selling land. Under the legislation, this group of people is not entitled to any compensation if their lands lack improvement. The Act separates land from building, which leaves it legally unprotected, as land encompasses everything attached to it. It fails to account for disturbances and other expenses like goodwill, solicitors' fees, severance, and damages. Fixed rates are provided for economic trees and crops, which do not consider factors such as proximity to market, river or stream, and farming inputs (Nuhu, 2008; Kakulu, 2008). However, the views expressed by these writers align with the position of the NIESV, which consistently urges Nigerian authorities to remove this legislation from the Constitution in order to facilitate amendments in line with global best practices.

Link Between Compensation Valuation and Nigeria's Infrastructural Development

Economic Implications

Compensation valuation practices have significant economic implications for Nigeria's infrastructural development. Adequate and fair compensation can attract investments and promote economic growth, as it provides certainty to investors and minimizes the risk of legal disputes (Oladapo, 2019). According to Oluwadare (2017), when communities are compensated appropriately, they are more likely to support infrastructure projects, leading to increased productivity, job creation, and overall economic development.

Conversely, if compensation valuation practices are flawed or perceived as unjust, it can deter potential investors, hinder project implementation, and undermine economic progress (Oyeniran, 2016). The study by Akindele (2018) emphasizes the need for a robust compensation valuation framework that aligns with economic development goals and ensures equitable distribution of benefits.

Social Implications

Compensation valuation also has significant social implications for Nigeria's infrastructural development. Adequate compensation can contribute to community well-being, social cohesion, and the overall quality of life (Adeoye, 2019). When communities are fairly compensated, they are more likely to support the project, reducing social tensions and conflicts (Ojelabi, 2017).

On the other hand, inadequate compensation or lack of community involvement can lead to social unrest, displacement, and the erosion of social fabric (Ogundele, 2018). The study by Adegboye (2019) highlights the importance of considering social impacts in compensation valuation methods to ensure sustainable and inclusive infrastructural development

RESEARCH METHODOLOGY

This study adopts a descriptive survey design, this design entity the process of gathering information from a representative sample of a population. A survey design was adopted because the target population is made up of individual landowners/claimants and Estate surveyors about whom various variables could be measured by asking questions and their relationship among variables to be examined through further analysis. Therefore, questionnaires were administered on landowners/claimants and Estate surveyors and Valuers who are connected with the compensation valuation on Nigerian infrastructure projects. The total sample size was combination of the survey participants and the estate surveyors interviewed. The total sample size for this study was 140 participants(104 Claimants and 36 Estate Surveyors and Valuers) representing a fragment of the 180(140 Claimants and 40 Estate Surveyors and Valuers) sample frame considering qualitative data collection. The Sample size was determined Using Taro Yamane's Formular.

The opinion of respondents obtained through questionnaire were analyzed both with the use of percentage and frequency table.

RESULT AND DISCUSSION OF DATA

.Questionnaires were used for the collection of data out of One hundred and four(104) questionnaires that were administered to landowners/community residents Eighty- Five(85) were eventually answered, filled returned the questionnaires while out of thirty six (36) questionnaires administered to estate surveyors thirty (30) was eventually answered , filled and returned. This gave a response rate of 82%.

Analysis of Data

Response from Landowners/Community Residents

Awareness of Infrastructure Project on Compensation Valuation in Nigerian Infrastructure Development.

The Table 1 depicts the responses of the respondents to questions on awareness of infrastructure project on Compensation Valuation in Nigerian Infrastructure Development.

Table 1: Respondents opinion on awareness of ongoing or past infrastructure projects in their community

RESPONSE	FREQUENCY	PERCENTAGE OF RESPONDENTS
Yes	83	97.7
No	2	2.3
Total	85	100

From Table 1, it shows that 83 which represent 97.7% of the respondent are aware of any ongoing or past infrastructure projects in the community case study while 2 which represent 2.3% of the respondents are unaware. Implication drawn from this isthat majority of the respondents are aware of any ongoing or past infrastructure projects in the community.

Table 2: Respondents opinion on ongoing or past infrastructure projects as a crucial development for their community.

RESPONSE	FREQUENCY	PERCENTAGE OF RESPONDENTS
Strongly Considered	50	58.8
Considered	15	17.6
Undecided	10	11.8
Unconsidered	7	8.2
Strongly unconsidered	3	3.5
Total	85	100

From Table 2, 50 of the respondents which represent 58.8% strongly considered any ongoing or past infrastructure projects as a crucial development for the community, while 15 of the respondents which represent 17.6% considered any ongoing or past infrastructure projects as a crucial development for the community, while 10 of the respondents which represent 11.8% are undecided with any ongoing or past infrastructure projects as a crucial development for the community, while 7 which represent 8.2% unconsidered any ongoing or past infrastructure projects as a crucial development for the community while 3 which represents 3.5% strongly unconsidered any ongoing or past infrastructure projects as a crucial development for the community. Implication drawn from this is that majority of the respondents strongly considered any ongoing or past infrastructure projects as a crucial development for the community

Perception of Compensation Valuation in Nigerian Infrastructure Development.

Table 3: Respondents opinion on the fairness and equability of the compensation offered

RESPONSE	FREQUENCY	PERCENTAGE OF RESPONDENTS
Very fair	-	-
Fair	20	23.5
Undecided	10	11.8
Unfair	40	47.05
Strongly unfair	15	17.6
Total	85	100

Table 3 shows that 20 which represent 23.5% of the respondents are of the view that the compensation sum is fair, while 10 which represent 11.8% of the respondents are undecided on the fairness on the compensation, while 40 which represent 47.05% are of the view that compensation sum offered is unfair, and 15 which represent 17.6 % are of the view that offered compensation sum is strongly unfair. Implication drawn from this is that majority of the respondents are of the view that the offered compensation sum is unfair

Table 4: Respondents opinion on the rate of community members involvement in the compensation valuation decisions.

RESPONSE	FREQUENCY	PERCENTAGE OF RESPONDENTS
Highly Involved	5	5.9
Involved	20	23.5
Undecided	5	5.9
Not involved	45	52.9
Strongly not involved	5	5.9
Total	85	100

Table 4, shows that 5 which represent 5.9% of the respondents were highly involved in the compensation valuation decision, while 20 which represent 23.5% of the respondent were involved in the compensation valuation decision, while 5 which represent 5.9% of the respondents were undecided in the compensation valuation decision, while 45 which represent 52.9% of the respondent were not involved in the compensation valuation decision, and 5 which represent 5.9% of the respondent were strongly not involved in the compensation valuation decision.

Implication drawn from this is that majority of the respondents were not involved in the valuation decision.

Table 5: Respondents opinion on the agreement of fair compensation valuation positively influences community development and cooperation.

Response	Frequency	Percentage of respondents
Strongly Agree	85	100
Agree	-	-
Undecided	-	-
Strongly Disagree	-	-
Disagree	-	-
Total	85	100

Table 5 shows that 85 which represent 100% of the respondents strongly believe that positive community engagement can lead to better infrastructure project outcome and community development.

Response from Estate Surveyors

From the total 36 of questionnaire distributed to Estate Surveyors and Valuers, the retrieved and analyzed questionnaires were 30.

Table 6: Respondents opinion on the agreement that method of assessment under the land use act leads to under-assessment.

Response	Frequency	Percentage of respondent
Strongly agree	26	86.7
Agree	4	13.3
Undecided	-	-
Disagree	-	-
Strongly disagree	-	=
Total	30	100

In table 6, it is evident that 26 respondents, which accounts for 86.7% of the total, strongly agreed that the assessment method utilized under the land use act results in under-assessment. Additionally, 4 respondents, equivalent to 13.3% of the total, agreed with the notion that the assessment method leads to under-assessment. Therefore, it can be concluded that all respondents concurred that the assessment method under the land use act results in under-assessment, albeit varying in the extent of agreement.

Table 7: Respondents opinion on the agreement that the DRC method in compensation valuation results to open market value.

Response	Frequency	Percentage of respondent
Strongly agree	-	-
Agree	-	-
Undecided	-	-
Disagree		
Strongly disagree	30	100
Total	30	100

The data presented in table 7 indicates that a total of 30 respondents, accounting for 100% of the participants, express a strong disagreement with regards to the DRC method in assessing compensation valuation leading to the determination of the open market value.

Table 8: suitability of fixed rate for the assessment of farmland

Response	Frequency	Percentage of respondent
Very suitable	-	-
Suitable	-	-
Undecided	-	-
Unsuitable	25	83,3
Very unsuitable	5	16.7
Total	30	100

The table 8 shows that 25 which represent 83.3% of the respondents views the adoption of fixed rate for farmland assessment is unsuitable and 5 which represents 16.7% of the respondents views the adoption of fixed rate for farmland assessment very unsuitable.

The implication that can be drawn from this that all of respondents that it's not suitable to fixed rate on farmland, opinion were only different on the degree unsuitability.

Table 9: Respondents opinion on the agreement to the exclusion of land value in compensation valuation.

Response	Frequency	Percentage of respondent
Strongly agree	-	-
Agree	-	-
Undecided	2	6.7
Disagree	28	93.3
Strongly disagree	-	-
Total	30	100

According to Table 9, it is evident that 28 individuals, accounting for 93.3% of the respondents, strongly express their disagreement towards the exclusion of land value in compensation valuation. On the other hand, 2 respondents, representing 6.7% of the total, remain undecided on this matter.

These findings indicate that a majority of the participants are against excluding land value in compensation valuation.

Summary of Findings, Conclusion and Recommendations

Summary of Findings

The effects of compensation valuation on community engagement in Nigerian infrastructural development projects is highlighted by the opinion of respondents in the aspect of socio-economic characteristics of landowners and estate surveyors connected to second Niger bridge project Asaba, assessing the existing compensation valuation approach, perception of the landowners/community residents on compensation valuation, community engagement and participation and overall impacts of infrastructural development projects in community residence awareness of infrastructural projects in second Niger bridge Asaba axis.

The findings from the analysis of the respondents opinion:

- 1 It was discovered that majority of the landowners/community residents are aware of ongoing and past infrastructural projects in second Niger bridge Asaba axis, as well considered the projects as crucial development for the community.
- 2 It was discovered that majority of the landowners/community residents are of the opinion that compensation sum offered are unfair.
- 3 The research depicts that community members were not fully involved in the compensation valuation decisions thereby in extensively not influencing their willingness of engaging in the infrastructural project.
- 4 It was deduced from the landowners/community residents that positive community engagement leads to a better infrastructure project outcome and community development.
- 5 A significant finding emerged from the majority of estate surveyors and valuers, indicating that the current approach to evaluating compensation under the land use act results in undervaluation.
- 6 The findings indicate that a significant number of estate surveyors and valuers express dissatisfaction regarding the implementation of a fixed rate, as stipulated in the land use act, for assessing the value of crops and economic trees grown on farmland. This approach overlooks crucial factors such as land value, other legitimate claims, and associated expenses, thereby failing to accurately determine the market value of the farmland.
- 7 The consensus among most estate surveyors and valuers suggests that it would be erroneous to disregard the value of land when conducting compensation valuation. Simply considering the depreciated replacement cost of the building alone does not accurately reflect the market value of the property being assessed.

CONCLUSION

In conclusion the research work highlights the importance of compensation valuation in Nigerian infrastructural development projects. Adequate assessment of compensation valuation ensures that affected communities are adequately engaged and their concerns addressed. The finding emphasized the necessity of a standardized and transparent procedure for determining the value of compensation. The existing methods of valuation for compensation, as recommended by the Land Use Act, are deemed to be unjust and unequal,

as they fail to adhere to the principle of equivalence. Moreover, they are inconsistent with commonly accepted approaches to valuation and do not align with international best practices. Consequently, an exact and dependable process of valuation becomes indispensable in order to promote community engagement, reduce conflicts, and facilitate sustainable development.

Recommendations

The study proposes a suitable policy response from the relevant authorities, specifically the Federal Government and the acquiring authorities, with regards to establishing a sustainable approach for valuing compensation in infrastructure projects in Nigeria. It is crucial to involve all stakeholders adequately throughout this process. In addition, the government should make significant improvements in ensuring transparency in the criteria applied during land acquisition. This will promote the adoption of best practices and ultimately lead to greater satisfaction among the community.

To achieve these, it is essential to undertake a comprehensive assessment of the various assets involved, such as land, buildings, crops, and economic trees. This assessment should be conducted using appropriate valuation methods to determine their true values accurately. By doing so, an accurate valuation can be obtained, which will contribute to the fair and just compensation of affected individuals.

In particular, it is recommended that compensation be provided to holders of undeveloped lands, at the very least equivalent to the amount they initially invested when acquiring the land from the state or other third parties. Good communication, sensitization, creation of awareness and involvement of communities in the compulsory acquisition and compensation exercise. Government needs to go beyond making publications on National dailies and gazetting to contacting and informing the affected property owners by holding meetings with the affected property owners, preceded with serving of notice explaining Government's intentions and reason for acquiring their properties pursuant to section 28 (4 & 6) of Land Use Act.

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