OVERRIDING PUBLIC PURPOSE AND COMPENSATION FOR COMPULSORY ACQUISITION OF LAND UNDER THE LAND USE ACT: A LEGAL EVALUATION

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ABSTRACT

The Land Use Act in Nigeria provides a legal framework for the compulsory acquisition of land for overriding public purposes. This article evaluates the provisions of the Act concerning the public purpose and compensation aspects of land acquisition. It examines the necessity for clear definition and genuine public interest in the acquisition process. Additionally, the article discusses the principles of due process, natural justice, and fair compensation that must be adhered to by the government or its agencies. The study highlights the potential for disputes between the government and landowners regarding the adequacy of compensation and emphasizes the importance of a fair and just compensation determination, taking into account market value, improvements to the land, and loss of livelihood. Overall, the article underscores the need for lawful and just land acquisition practices that respect the rights of landowners and ensure the protection of their interests.

***Keywords*:** Overriding Public Purpose, Compensation, Compulsory Acquisition of land

INTRODUCTION

The compulsory acquisition of land for public purposes is a fundamental aspect of land governance in Nigeria, governed primarily by the Land Use Act of 1978.[1] This legislation vests all land within the territory of each state in the Governor of that state, who holds it in trust for the use and common benefit of all Nigerians. One critical aspect of compulsory land acquisition is the concept of overriding public purpose, which allows the government to acquire private land for projects deemed to serve the greater public good.[2] The Land Use Act, along with subsequent judicial interpretations and administrative practices, provides the legal framework for the compulsory acquisition of land.[3] However, the Act also recognizes the importance of compensating landowners whose properties are acquired, ensuring that

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[1]Land Use Act, 1978.
[2] T Ogunrinde, 'Compulsory Acquisition of Land for Public Purpose in Nigeria: A Critical Appraisal' [2015] (23) (2) *Journal of Real Estate Research and Development* 87-102.
[3] Ibid.

they are not unfairly deprived of their rights. This paper seeks to evaluate the Land Use Act on the concept of overriding public purpose and compensation for compulsory land acquisition.

The historical context of the Nigerian land tenure system from the pre-colonial era is characterized by a diverse array of indigenous land tenure practices that varied across regions and ethnic groups.[4] Prior to the arrival of European colonial powers, Nigeria was inhabited by numerous ethnic groups, each with its own distinct land tenure systems. These systems were often communal in nature, with land held collectively by clans, families, or villages. Traditional authorities, such as chiefs or village elders, played a central role in allocating land and resolving disputes.[5] The imposition of colonial rule by the British in the late 19th and early 20th centuries significantly impacted the existing land tenure arrangements in Nigeria. The colonial administration introduced formal land registration systems, land surveys, and individual land titles, which were often at odds with traditional communal landholding practices.[6] Colonial land policies, such as the Crown Lands Ordinance of 1918, vested ownership of all unoccupied or uncultivated land in the British Crown, effectively undermining indigenous land rights. These policies facilitated the appropriation of vast tracts of land for colonial economic activities, such as mining, agriculture, and infrastructure development.

Furthermore, Nigeria gained independence from British colonial rule in 1960, leading to efforts to consolidate and modernize the country's land tenure systems. The Land Use Act of 1978, enacted shortly after the end of military rule, represented a significant departure from previous land tenure arrangements by centralizing control of land in the hands of state governors. The Land Use Act of 1978 abolished existing freehold land tenure systems and vested all land within each state in the Governor, who holds it in trust for the people. This radical restructuring of land ownership which was aimed at promoting equitable access to land, facilitating planned development, and minimizing disputes over land ownership, has led to conflicts over land ownership, competition for scarce arable land, displacement of rural communities, and challenges in accommodating the housing needs of urban populations.[7]

[4] A Akande, 'Public Interest and the Constitutionality of Compulsory Land Acquisition Under the Land Use Act, 1978' [2018] (4) (1) *Covenant University Journal of Law* 120-135.
[5] (n 4).
[6] (n 4).
[7] O Bamgbose, 'Land Use Act and Compulsory Acquisition: Reflections on the Concept of Public Purpose' [2014] (18) (2) *Nigerian Institute of Town Planners Journal* 55-68.

CONCEPTUAL CLARIFICATION

Overriding Public Purpose and Justification

The Land Use Act allows for the compulsory acquisition of land for overriding public purposes. However, the Act does not provide a clear definition of what constitutes an overriding public purpose, leaving room for interpretation and potential misuse of the acquisition powers by the government or its agencies.[8] Public purpose generally refers to projects or initiatives that serve the public interest, such as:

- Infrastructure Development: Construction of roads, bridges, airports, and other essential transportation facilities.
- Public Utilities: Establishment of water supply systems, electricity grids, and other essential public utilities.
- Social Welfare Projects: Development of schools, hospitals, and other public facilities that benefit the community.
- Urban Renewal and Development: Redevelopment of blighted or underdeveloped areas to improve living conditions and promote economic growth.[9]

Genuine Public Interest Criteria

To ensure that land acquisitions genuinely serve the public interest, it is essential to establish clear and objective criteria and guidelines for determining what constitutes an overriding public purpose. Some key criteria that should be considered include:

- Necessity and Proportionality: The proposed project or development must be necessary and proportionate to the public purpose it seeks to achieve. Alternative options and less intrusive measures should be explored and considered before resorting to compulsory land acquisition.
- Public Benefit and Welfare: The proposed project or development must provide significant and tangible benefits to the community, such as improved access to essential services, enhanced quality of life, and economic opportunities.
- Environmental and Social Impact Assessment: Comprehensive environmental and social impact assessments should be conducted to evaluate the potential impacts of the proposed project or development on the environment, local communities, and affected stakeholders.[10]

[8] (n 4).
[9] Ibid.
[10] (n 8).

Evaluation of Overriding Public Purposes

Given the potential for abuse and misuse of compulsory acquisition powers, it is essential to establish robust mechanisms for evaluating and scrutinizing proposed public purposes to ensure they genuinely serve public interest. Key evaluation criteria and mechanisms that can be employed include:

- Public Consultation and Participation: Engaging affected communities, stakeholders, and the public in the decision-making process through consultations, public hearings, and feedback mechanisms to identify and prioritize genuine public purposes.
- Independent Review and Oversight: Establishing independent review bodies or committees comprising experts, civil society representatives, and other stakeholders to evaluate proposed public purposes, assess their necessity and proportionality, and ensure compliance with relevant laws, regulations, and guidelines.
- Transparency and Accountability: Ensuring transparency and accountability in the decision-making process, including the publication of relevant information, documents, and decisions related to land acquisition and public purposes, and holding government agencies and officials accountable for their actions and decisions.[11]

By adopting clear and objective criteria for determining overriding public purposes, engaging in meaningful public consultation and participation, and establishing independent review and oversight mechanisms, the government can ensure that compulsory land acquisitions under the Land Use Act are conducted in a lawful, just, and equitable manner, respecting the rights and interests of landowners and promoting genuine public welfare and sustainable development.

Compensation

In Nigerian land law, compensation refers to the payment made by the government or acquiring authority to the owner(s) of land that is compulsorily acquired for public purposes under the provisions of the Land Use Act of 1978.[12] Compensation is provided as a form of financial recompense for the loss of land, property rights, and potential income or livelihood resulting from the compulsory

[11] W Olugboji, 'The Right to property in Nigeria: A Critique of the Land Use Act and the Eminent Domain v Doctrine' [2013] (59) (1) *Journal of African Law* 123-145.
[12] LUA 1978, s 29, s6(5) &(7).

acquisition.[13] The Land Use Act and other related laws outline the principles, procedures, and criteria for determining compensation for land that is compulsorily acquired. Compensation is typically based on the market value of the land, considering factors such as the size, location, use, and development potential of the land, as well as any improvements or structures on the land.[14] In addition to the market value of the land, compensation may include additional components such as disturbance allowance, solatium (consolation payment), and rehabilitation or resettlement assistance for affected landowners and communities. The purpose of compensation is to ensure that affected landowners are fairly and adequately compensated for the loss of their land and property rights, thereby mitigating the adverse impacts of compulsory acquisition and promoting social justice and equity.[15]

Compulsory Acquisition of land

Compulsory acquisition under Nigerian Land Law refers to the legal process through which the government or a competent authority acquires private land for public purposes, as authorized by statutes such as the Land Use Act of 1978 or other relevant laws. It involves the exercise of governmental power to compulsorily take ownership or control of land, typically with the payment of compensation to affected landowners.[16] The compulsory acquisition process under the Land Use Act typically involves the following steps:

- Identification of Land: The government or its agencies identify the land required for the proposed public project or development.
- Notification of Landowners: Affected landowners are notified of the government's intention to acquire their land, including details of the proposed public project, the reasons for the acquisition, and the compensation amount offered.
- Assessment of Compensation: An assessment of compensation is conducted to determine the fair and just compensation amount to be paid to the landowners. This may involve independent valuations, consultations with stakeholders, and consideration of factors such as market value, improvements to the land, and loss of livelihood.

[13] (n 11).
[14] Ibid.
[15] (n 8).
[16] Ibid.

- Acquisition Order: If agreement cannot be reached with the landowners, the government issues a formal acquisition order or notice of intention to acquire the land, specifying the public purpose for which the land is being acquired.
- Payment of Compensation: Upon acquisition of the land, the government is required to promptly pay the agreed compensation amount to the landowners or deposit the compensation in a designated account pending resolution of any disputes.[17]

Principles of Due Process and Natural Justice

In conducting compulsory land acquisitions, the government and its agencies are required to adhere to the principles of due process and natural justice, which include:

- Adequate Notice: Landowners must be provided with adequate notice of the government's intention to acquire their land, including details of the proposed public project, the reasons for the acquisition, and the compensation amount offered.
- Right to be Heard: Landowners have the right to be heard and to present their views, concerns, and objections regarding the land acquisition and compensation determinations.
- Fair and Transparent Decision-Making: The decision-making process must be fair, transparent, and impartial, taking into account all relevant factors and considerations, and ensuring that the rights and interests of landowners are respected and protected.[18]

By adhering to these principles and following the prescribed procedures and guidelines outlined in the Land Use Act, the government can ensure that compulsory land acquisitions are conducted in a lawful, just, and equitable manner, respecting the rights and interests of landowners and promoting sustainable development and public welfare.

LAND USE ACT

[17] O B Fagbohun, 'The Impact of the Land Use Act on Land Acquisition and Compensation in Nigeria [2019] (44) (4) *Nigerian Quarterly Journal of International Law* 210-225.
[18] (n 17).

The legal framework governing overriding public purpose and compensation for compulsory acquisition of land is the Land Use Act, 1978. Here's an overview of the key provisions and notable cases:

Land Use Act, 1978

The Land Use Act is the primary legislation governing land tenure, acquisition, and management in Nigeria. The following sections of the Act are particularly relevant to compulsory acquisition and compensation: section 1 vesting of land in the Governor of each state, section 28 Power of the Governor to revoke rights of occupancy for overriding public purpose, section 29 provides for compensation payable upon revocation of rights of occupancy and section 51 provides for the Establishment of Land Use and Allocation Committees at the local government level to advise on matters relating to land allocation, including compensation for land acquisition. The case of *Abebe v Government of Lagos State*,[19] involved a dispute over the revocation of a Certificate of Occupancy by the Lagos State Government for overriding public purpose. The Supreme Court held that the government had the power to revoke the Certificate of Occupancy for public purposes under Section 28 of the Land Use Act. However, the court emphasized that adequate compensation must be paid to the affected landowners in accordance with Section 29 of the Act. Also, in the case of *Oladele v. Ogunleye*,[20] the Supreme Court affirmed the principle that compensation for compulsory acquisition of land must be fair, adequate, and reasonable. The court emphasized the importance of ensuring that compensation reflects the true market value of the land, as well as any special damages or disturbance costs incurred by the landowner. Also famous, is the case of *Igwe v. Lagos State Government.*[21] This case involved a challenge to the revocation of a Certificate of Occupancy by the Lagos State Government for the purpose of urban renewal and development. The Supreme Court reiterated the principle that compulsory acquisition of land must be for a genuine public purpose and that affected landowners are entitled to prompt payment of adequate compensation as stipulated under the Land Use Act. Once again, in the case of *Okuneye v. Ogun State Government*,[22] the Court of Appeal affirmed the principle that the power of the Governor to compulsorily acquire land for public purposes under the Land Use Act must be exercised in the public interest and for the public good. The court emphasized the

[19] (2013) LPELR-20330(SC).
[20] (2016) LPELR-40129(SC).
[21] (2018) LPELR-46095(SC).
[22] (2009) LPELR-1523(CA).

importance of transparency, due process, and fairness in the compulsory acquisition process, including the determination of compensation payable to affected landowners.

These cases emphasize the importance of adherence to due process, fairness, and transparency in land acquisition processes, as well as the obligation of the government to pay adequate compensation to affected landowners. In the case of *Abebe v. Government of Lagos State*,[23] the Lagos State Government revoked the Certificate of Occupancy of the appellant's land, citing the need for urban renewal and development, which was considered an overriding public purpose. The appellant challenged the revocation, arguing that it was done without proper consultation and that the compensation offered was inadequate. The court highlighted key issues as follows: concerning Power of Revocation, the case addressed the extent of the government's power to revoke a Certificate of Occupancy (C of O) for overriding public purpose under Section 28 of the Land Use Act; regarding compensation, it examined the requirement for adequate compensation to be paid to affected landowners upon revocation of their rights of occupancy, as stipulated in Section 29 of the Act. The Supreme Court held that the government had the power to revoke the Certificate of Occupancy for public purposes under the Land Use Act, section 28. However, the court emphasized that adequate compensation must be paid to the affected landowners in accordance with Section 29 of the Act. The court highlighted the following key points:

i. Public Purpose

The government's power to compulsorily acquire land must be exercised for a genuine public purpose, such as urban renewal and development. The court affirmed the principle that public interest should prevail over private interests in such cases.[24]

ii. Compensation

The court reiterated the obligation of the government to pay adequate compensation to affected landowners, taking into account the market value of the land, any special damages incurred, and disturbance costs. The compensation must be fair, just, and reasonable to ensure that landowners are not unjustly deprived of their property rights.[25]

[23] (2013) LPELR-20330(SC).
[24] J A Omotola, 'Compulsory acquisition and Compensation under the Land Use Act: A Critical Appraisal' [2015] (37) (2) *Journal of Law, Policy and Globalization* 45-62.
[25] Ibid.

iii. Procedural Fairness

While the government has the authority to revoke rights of occupancy for overriding public purpose, it must follow due process and afford affected landowners the opportunity to be heard. Proper consultation and transparency in the acquisition process are essential to uphold the principles of justice and fairness.[26]

Overall, the Abebe case underscores the importance of balancing public interests with the protection of property rights in compulsory land acquisition under the Land Use Act. It affirms the government's authority to acquire land for public purposes but emphasizes the need for procedural fairness and adequate compensation to safeguard the rights of affected landowners.

STAKEHOLDERS PERSPECTIVE IN LAND MANAGEMENT IN NIGERIA

Stakeholders' perspectives play a crucial role in shaping the discourse surrounding overriding public purpose, compulsory acquisition, and compensation under the Land Use Act, 1978 in Nigeria.

Government Authorities Perspective

Government authorities, including state governors and relevant ministries or agencies responsible for land administration, often view compulsory land acquisition as necessary for advancing public infrastructure projects, urban development, and economic growth. They emphasize the importance of overriding public purpose in justifying land acquisition decisions and assert their authority to exercise eminent domain powers under the Land Use Act. Government authorities may face challenges in balancing competing interests, ensuring transparency and accountability in land acquisition processes, and addressing concerns raised by affected landowners and communities. They must also navigate legal and procedural requirements, such as conducting environmental impact assessments and providing adequate compensation, to mitigate potential conflicts and ensure compliance with the law.[27]

[26] (n 24).
[27] (n 24).

Landowners and Communities Perspective

Landowners and communities directly affected by compulsory land acquisition often express concerns about the loss of their property rights, livelihoods, and cultural heritage. They advocate for fair and just compensation, meaningful consultation, and participation in decision-making processes. They may also raise objections to land acquisition projects perceived to disproportionately benefit private interests or to cause social and environmental harm. Landowners and communities may face challenges in asserting their rights and interests in land acquisition processes, particularly if they lack access to legal representation, information, or resources. They may experience feelings of powerlessness, insecurity, and marginalization when confronted with government-led development projects that threaten their land tenure security and way of life.[28]

Civil Society Organizations Perspective

Civil Society Organizations (CSOs), including non-governmental organizations (NGOs), advocacy groups, and community-based organizations, often advocate for the protection of human rights, environmental sustainability, and social justice in land governance processes. They monitor and scrutinize government actions, raise awareness about the impacts of land acquisition on marginalized communities, and mobilize public support for policy reforms and legal interventions. CSOs may encounter challenges in accessing relevant information, engaging with decision-makers, and influencing policy outcomes in the face of entrenched interests and power dynamics. They may also face risks of reprisals or legal constraints when advocating for the rights of affected communities, particularly in contexts where freedom of expression and civil liberties are restricted.[29]

Private Sector Entities Perspective

Private sector entities, including investors, developers, and corporations, often view compulsory land acquisition as necessary for implementing business ventures, infrastructure projects, and real estate developments. They seek legal certainty, streamlined regulatory processes, and clear property rights to facilitate investment and economic growth. Private sector entities may encounter challenges related to land tenure insecurity, bureaucratic delays, corruption, and conflicts with local communities when

[28] Ibid.
[29] J A Omotola, 'Compulsory acquisition and Compensation under the Land Use Act: A Critical Appraisal' [2015] (37) (2) *Journal of Law, Policy and Globalization* 45-62.

acquiring land for development purposes. They may also face reputational risks and legal liabilities if their activities are perceived to violate human rights, environmental regulations, or ethical business practices.[30]

In summary, stakeholders' perspectives on overriding public purpose, compulsory acquisition, and compensation under the Land Use Act in Nigeria reflect diverse interests, rights, and concerns. Balancing these perspectives requires transparent, participatory, and inclusive land governance processes that uphold the rule of law, respect human rights, and promote sustainable development for all stakeholders involved.

EMERGING TRENDS AND CHALLENGES REGARDING OVERRIDING PUBLIC PURPOSE FOR COMPULSORY ACQUISITION OF LAND UNDER THE LAND USE ACT, 1978

Emerging trends and challenges regarding overriding public purpose for compulsory acquisition of land under the Land Use Act, 1978 in Nigeria reflect evolving dynamics in land governance, economic development, and social justice.

Urbanization and Infrastructure Development

Rapid urbanization and population growth are driving increased demand for land for infrastructure development, housing, commercial projects, and public utilities. As urban centres expand, there is a growing emphasis on using eminent domain powers to acquire land for road construction, transportation networks, and other urban infrastructure projects.[31]

Private Sector Investments

The rise of private sector investments in real estate, energy, mining, agriculture, and tourism sectors is driving a surge in land acquisitions for commercial and industrial purposes. Large-scale land deals, often involving foreign investors, are reshaping land use patterns, raising concerns about land grabs, displacement of rural communities, and loss of agricultural land.[32]

[30] Ibid.
[31] O Ayotunde, *Land Law in Nigeria* (Princeton Publishing Co 2012) 350-390.
[32] (n 31).

Renewable Energy Projects

Nigeria is experiencing a growing interest in renewable energy projects, such as solar, wind, and hydroelectric power plants, as part of efforts to diversify the energy mix and reduce reliance on fossil fuels. These projects require large land areas for installation and infrastructure development, leading to increased competition for land resources and potential conflicts with local communities.[33]

Climate Change Adaptation and Resilience

Climate change impacts, including extreme weather events, sea-level rise, and desertification, are exacerbating land degradation and natural resource scarcity in Nigeria.[34] There is a growing recognition of the need to incorporate climate change considerations into land use planning, resilience-building measures, and disaster risk management strategies.[35]

Information and Communication Technologies

The adoption of digital technologies, such as geographic information systems (GIS), remote sensing, and land information management systems, is facilitating more efficient and transparent land administration processes. These technologies enable better land mapping, cadastral surveys, land registration, and dispute resolution mechanisms, contributing to improved land governance outcomes.[36]

CHALLENGES REGARDING OVERRIDING PUBLIC PURPOSE FOR COMPULSORY ACQUISITION OF LAND UNDER THE LAND USE ACT, 1978

1. Land Tenure Insecurity

Widespread land tenure insecurity, overlapping land claims, and weak land registration systems undermine property rights protection and hinder investment in land development. Many communities lack formal land titles or rights of occupancy, leading to disputes, land grabbing, and vulnerability to land expropriation without adequate compensation.[37]

[33] O O Oyebisi, *Land Use Act Decree No. 6 of 1978 with States Edicts and Perpetual Conditions: Practice and Procedure* (MIJ Professional Publishers Ltd 2005) 50-68.
[34] Ibid.
[35] Ibid.
[36] n35.
[37] O Albert, *The Land Use Act and Land Use Planning in Nigeria* (Malthouse Press Limited 2011) 100-120.

2. Procedural Injustices

Procedural injustices in land acquisition processes, including lack of consultation, transparency, and participation, erode trust in government institutions and fuel grievances among affected communities. Inadequate compensation, delays in compensation payments, and arbitrary decision-making exacerbate social tensions and conflicts over land rights.[38]

3. Corruption and Rent-Seeking

Corruption, rent-seeking behaviour, and political interference in land administration undermine the rule of law, distort land markets, and exacerbate inequalities in land distribution. Elite capture of land resources, patronage networks, and informal land transactions perpetuate exclusionary practices and marginalize vulnerable groups.[39]

4. **Environmental Degradation**

Unsustainable land use practices, including deforestation, land conversion, and pollution, degrade ecosystems, diminish biodiversity, and threaten natural habitats and water resources. Land acquisition for large-scale agricultural projects, extractive industries, and infrastructure development often leads to environmental degradation, loss of ecosystem services, and adverse impacts on local livelihoods.[40]

5. Social Displacement and Vulnerability

Compulsory land acquisition can result in social displacement, loss of livelihoods, and vulnerability among affected communities, particularly marginalized groups such as indigenous peoples, women, and smallholder farmers. Inadequate resettlement and rehabilitation measures, lack of alternative livelihood options, and limited access to justice exacerbate social inequalities and perpetuate cycles of poverty.[41]

Addressing these emerging trends and challenges requires holistic approaches to land governance that prioritize inclusive decision-making, sustainable land management practices, and

[38] Ibid.
[39] Ibid.
[40] Ibid.
[41] A Ibrahim, *Nigerian Land Law* (Sweet and Maxwell 2006) 300-320.

equitable access to land resources. Strengthening legal frameworks, enhancing institutional capacity, promoting stakeholder participation, and fostering dialogue among key actors are essential for achieving more just, transparent, and sustainable land governance outcomes in Nigeria.[42]

6. Inadequate Compensation

The compensation provided to landowners for compulsory land acquisition often fails to reflect the true market value of the land or adequately compensate for loss of livelihoods, disturbance costs, or intangible losses. This can lead to grievances among affected landowners and communities who feel unfairly compensated for their land. Delays in the payment of compensation to affected landowners are common and can result in prolonged hardship, financial insecurity, and legal uncertainties. Government agencies responsible for land acquisition may face bureaucratic inefficiencies, funding constraints, or disputes over valuation assessments, contributing to delays in compensation payments. This was displayed in the case of *Oladele v. Ogunleye*,[43] the Supreme Court affirmed the principle that compensation must be fair, adequate, and reasonable, reflecting the true market value of the land and any special damages incurred by the landowner. The court emphasized the importance of ensuring that compensation amounts are based on objective evaluation criteria and provide just redress for the loss of property rights.

In *Igwe v. Lagos State Government*,[44] the Supreme Court emphasized the need for prompt payment of compensation to affected landowners and the importance of procedural fairness, transparency, and accountability in land acquisition procedures. The court underscored the duty of government agencies to adhere to legal and administrative requirements, expedite compensation payments, and provide adequate information and recourse mechanisms to affected stakeholders.[45]

7. Valuation Disputes

Disputes over the valuation of land and determination of compensation amounts are frequent and can prolong legal proceedings, exacerbate tensions, and undermine trust in the land acquisition process. Valuation methods may vary, and landowners may challenge government assessments, seeking higher compensation based on alternative valuation criteria or expert opinions. In *Arowosaiye v. Ogun State*

[42] (n 41).
[43] (2016) LPELR-40129(SC).
[44] (2018) LPELR-46095(SC).
[45] A Ibrahim, *Nigerian Land Law* (Sweet and Maxwell 2006) 300-320.

Government,[46] the Court of Appeal emphasized the importance of transparency and objectivity in valuation assessments and stressed the need for expert evidence and due process to resolve valuation disputes fairly.

8. Inequitable Distribution of Compensation

There may be disparities in the distribution of compensation among affected landowners, with some receiving disproportionately low compensation compared to others. Factors such as social status, political connections, and bargaining power may influence compensation outcomes, leading to perceptions of injustice and favouritism. In *Adams v. Federal Republic of Nigeria*,[47] the Court of Appeal underscored the importance of equitable distribution of compensation and cautioned against arbitrary or discriminatory practices in compensation payments.[48]

These cases highlight the challenges and complexities surrounding the compensation regime for overriding public purpose land acquisitions under the Land Use Act, 1978 in Nigeria. Addressing these challenges requires reforms to improve transparency, fairness, and efficiency in land valuation and compensation processes, as well as measures to enhance support for affected communities and ensure their meaningful participation in decision-making processes[49].

RECOMMENDATIONS AND CONCLUSION

Policy Recommendations

Based on the findings of the study, the following policy recommendations are proposed to improve the legal framework and practices governing the compulsory acquisition of land under the Land Use Act:

1. Enhance Clarity and Definition of Public Purpose: The Act should provide clearer definitions and criteria for determining what constitutes an overriding public purpose. This will help to prevent arbitrary or unjustified land acquisitions and ensure that acquisitions genuinely serve the public interest.
2. Strengthen Due Process and Natural Justice Principles: The government and its agencies should adhere strictly to the principles of due process and natural justice when acquiring land. This includes providing adequate notice to landowners, conducting comprehensive impact

[46] (2017) LPELR-42813(CA)
[47] (2014) LPELR-22786(CA).
[48] A O Adekunle, *Land Law in Nigeria* (Evans Brothers Nigeria Publishers Ltd 2007) 200-203.
[49] Ibid.

assessments, and allowing affected parties the opportunity to voice their concerns and objections.

3. Establish Fair and Transparent Compensation Mechanisms: A fair and transparent compensation framework should be developed, taking into account market value, improvements to the land, and any loss of livelihood suffered by the landowner. Independent valuation processes and dispute resolution mechanisms should be established to ensure that compensation amounts are fair and justly determined.
4. Enhance Public Participation and Consultation: The government should promote greater public participation and consultation in the land acquisition process, allowing affected communities and stakeholders to participate in decision-making and contribute to the identification and planning of public projects.

Conclusion

The Land Use Act plays a crucial role in regulating land ownership, control, and management in Nigeria. However, the provisions governing the compulsory acquisition of land for overriding public purposes raise significant legal and ethical concerns, particularly regarding the justification for land acquisition and the determination of compensation for affected landowners.

This study has highlighted the need for clearer definitions of public purpose, stronger adherence to due process and natural justice principles, and the establishment of fair and transparent compensation mechanisms. By addressing these issues and implementing the proposed recommendations, the government can ensure that land acquisition processes under the Land Use Act are conducted in a lawful and just manner, respecting the rights and interests of landowners and promoting sustainable development and public welfare