



ASSESSING STATE INFLUENCE ON LAND ACQUISITION DIFFICULTIES FOR FEDERAL GOVERNMENT PROJECT IMPLEMENTATION IN SOUTH-SOUTH NIGERIA (2006 -2016)

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Abstract: Despite the provisions of the Land Use Act (LUA), cap L5 of 2004, namely, to make land available for all stake holders in Nigeria, Federal Government has continuously found it difficult to access land in the States for her construction projects. Does this influence the implementation of her building construction projects in south-south Nigeria significantly? To what extent does the State where the project is domiciled influence land accessibility difficulties? In order to provide answers to these questions a survey approach was used in three States (Akwa Ibom, Bayelsa and Cross River) in South-South Nigeria, randomly selected with two projects in each State for study. Structured questionnaire was used to elicit data from screened 179 respondents. One hypothesis was formulated to guide the research work. The dependent variable studied was land accessibility difficulties, while the State where the projects were domiciled was the independent variable. The analytical tools used included simple percentage tables, one-way Analysis of Variance (ANOVA), Pair-wise and Least Significant Difference (LSD) tests. The hypothesis was tested at .05 level of significance. Findings revealed that State where the projects were domiciled had significant influence on land acquisition difficulties and that Cross River State was significantly different from the other States studied. The research proffers that for land to be acquired with minimal difficulties for Federal Government projects, Federal Government should enshrine in Nigerian operating Land Policy, the customs, traditions and beliefs of the indigenous people, take centre stage in all levels of land administration and educate her land administrative personnel on government's rights in land matters.

Key words: land accessibility difficulties, federal government construction projects, South-South Nigeria, Land Use Act (LUA)

1.0 Introduction

One of the major reasons for the Nigerian Land Nationalization was for ease of land acquisition either for private individuals, company, government or quasi government for project developmental purposes. With the nationalization of Nigerian land by the Land Use Act (LUA), No. 6 of 1978, now cap L5 of 2004, many problems emerge in the event of acquiring land for federal government building project implementation in the States. Zero Draft National Land Policy (2014) reports that some 40 years after the promulgation of the Act the laudable objectives of the Act in making land available for

Nigerians (including the federal government) are not realizable. Several factors, arising from the operation of the LUA account for this, including delay in granting of consent by State Governors, exorbitant processing costs, deliberate refusal to release land to "opposition" political parties in the states, non-composition of the Land Use and Allocation Committee (LUAC) in the States, fraudulent practices of appropriating public land for personal and close associates businesses by State governors, (Zero Draft National Land Policy, 2014), prolonged court cases for compensation, non-reliability of Land Information System (LIS, GIS) on land titling, activities of powerful cartel on

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land matters to hinder government developmental strides, fraudulent representation by government land officers in compensation negotiations, revocation of already allocated lands for federal government projects by the State governors, multiple land claimants and pluralism of legislation (indigenous land law operating side by side the LUA) (Mabogunje, n.d). The forces of these factors differ from State to State thereby dictating the pace by which Federal Government acquires land in the States for her projects.

Projects are one-time endeavors undertaken either by individuals, organizations or governments to provide either goods and/or services for the society. Delays in implementation ultimately culminate to project's time-overrun which results to budget-overrun thereby depleting any gains, social benefits or profits envisaged from such projects (Okott, 2016 and Otieno, 2015) World Bank, reported by Okott (2016) opines that Kenyans do not enjoy gains made from public investments since projects take longer than planned and overshoots initial budget in the wake of land acquisition problem. Kasuku, S., the chief executive officer of the Lamu +Port – Southern Sudan-Ethiopia Transport (Lapset) Corridor Development Authority noted that land issue was a serious challenge not only in Kenya but in other African countries (Otieno, 2015). Anyanzwa (2016) writes that Tanzania is experiencing its own share of frustration over acquiring land for public projects, so also are Kenya, Rwanda and Uganda. In Nigeria since independence, the country is yet to put in place a workable Land Policy (Zero Draft National Land Policy, 2014, (AUC-ECA-AfBD, 2011). The only piece of legislation guiding matters relating to land is the Land Use Act No. 6 of 1978 (now Land Use Act Cap. L.5 2004 LFN). In January 2013 during the Eminent Persons Group (EPG) meeting in Geneva, and the 2nd Grow Africa Forum convened by the World Economic forum in Cape Town, South Africa in May 2013, Nigeria was advised to re-examine its Land Policy and remove all encumbrances to access land and make land information public (Zero Draft National Land Policy, 2014).

About 80% of government projects are usually completed beyond scheduled date or abandoned out rightly Amade, Ogbonna and Kaduru (2015). Several factors usually account for this. Earlier authors like Pinto and Slevin

(1987); Belassi and Tukel (1996); Amade, et. al.(2015), Ramlee, Tammy, Noor, Ainun, Abdul and Chan (2016) have carried out empirical studies on some factors which Tukkel and Belasil (1996) successfully grouped into four major categories - project-related factors, project team factors, project organization's factors and external environment factors. No study has been undertaken on acquisition of land being a possible critical factor in public project implementation globally, nor the State of project domiciliation posing diverse significant difficulties in land acquisition for federal government projects in Nigeria. Land acquisition difficulties have been overlooked or ignored by earlier authors which appears to be a fundamental error in the sense that experiences the world over, including Nigeria, show that land acquisition poses a serious problem to public project implementation. In view of the numerous problems associated with this, as mentioned above, and the possible diverse difficulties each State (Region) may pose on land acquisition for Apex government projects' implementation, this study is undertaken to assess the influence of States of projects domiciliation on land acquisition difficulties in South-South Nigeria, in view of the operation of LUA, for the period, 2006 to 2016.

The objective of this study is to determine if land acquisition difficulties for Federal Government projects implementation differ significantly among States in South-South Nigeria, and to proffer ways of playing down on such negative influence on FG projects implementation.

2.0 Theoretical Framework and Literature Review

2.1 Root of absolute ownership of land/customary land administration

Land ownership of any nation originally is rooted in the community which acquired the land initially (Oluyede, 1978; Okoro, 2002). As Oluyede (1978) posits, without the community there will be no individual's ownership of land as an individual will not be able to acquire and retain the land so acquired without the protection of his community against hostile members of other neighboring communities. It is the collective individual limited interests in the community which form the community land, vested in the community leader for the interest of the people (Oluyele, 1978). This ideology of land ownership root transcends most Nigerian towns, other African nations



(Sarbah, 1904) and indeed other nations of the world. This is the sole reason the community has sovereign power over community land and any government seeking to have any dealing with the community land must recognize and comply with the dictates of the community land administrators.

2.2 Land Nationalization

Land Nationalization is simply the process of transforming private land into public land by bringing them under the ownership of a national government or a State (Wallace, 1892 and Oshio, 1990, Great Soviet Union Encyclopedia (1979). Nationalization may occur without compensation to the original owners. It is at variance with socialization, privatization and redistribution in the sense that the government retains the ownership, control and management of land and gives use rights to individuals, families and communities. Land nationalization forbids sale, alienation, and transfer by any other means, and mortgages of land.

Several countries of the world adopt Land Nationalization wholly or partially in solving the problem of public inaccessibility of land for developmental projects. Under Land Nationalization land is not alienated by those holding the use right without the consent of the custodian of the ownership right (Governor or President or Government) in writing. The same principle transcends customary land ownership (Oluyede, 1978 and Nwabueze, 1976). Use rights are given to individual members of the community for all purposes for definite or indefinite durations. The community reserves the right to repossess the land when it is needed for overriding interest of the community, so also is the Government under land Nationalization

2.2.1 Envisaged benefits/problems of land nationalization

The benefits of Land Nationalization as put forward by UAC-AfDB-ECA (2011) and Mabogunje (n.d) include: easy accessibility to and equal land right for all including investors and indigenes for all purposes, security of land right, curb urban land speculation and ligations, enhance land security even for the poor masses, grant unlimited access and control of land to governments for developments, curb astronomical rise in land prices, stop multiple sales of one plot of land to different individuals at the same time, reduce high cost of compulsorily acquired

land for public developments and stem inequality in land ownership among citizens. Carson (2007), ECA (2011), Oshio (1990); Lasabi (2014), Igbintade and Oyeweso (2013), and Ambaye, (2012) enunciate the problems of land Nationalization.

2.2 Land nationalization in West African nations and beyond

In Nigeria, the LUA vests all lands in each State in the respective State governors (and NOT in the President) to hold such in trust for the Nigerian people. By Liberian 1850 law, land is majorly the property of the State (ECA, 2011). The Land Nationalization Act No. 75 of 1953 (last amended as No.49 of 1957) places the ownership, control and management of all agricultural land in Union of Burma in their President. Article 40(3) of Ethiopian Proclamation 1/1995 declared all rural and urban land as the property of the State and the Ethiopian people, vesting its ownership of urban land in the President and the management of rural land in the Regional Governors (Ambaye, 2012). In Benin and Guinea Bissau, land is nationalized with ownership right vested in the State, while use rights are given to individuals. In many of the Francophone countries, land is controlled by the State while private grants of ownership rights are given to individuals for private developments through the process of “immatriculation” (Chauveau et. al., 2006). The State also retains and exercises the power of expropriation over land so granted for public interest (Ambaye, 2012). In the Anglophone countries, the State has access to land through exercising her power of eminent domain. In Nigeria, the Land Use Act of 1990 is a replica of the northern Nigeria Land Tenure Law of 1962 and the State Law of 1915 applied earlier on in Ghana as the Ghanaian Land and Native Rights Ordinance of 1931 which vested all lands in the northern part of Ghana in the colonial administration in trust for all Ghanaians (AUC-ECA-AfBD, 2011). In Burkina Faso their 1984 Agrarian Land Reform established a national domain over the entire national territory. (AUC-ECA-AfBD, 2011).

2.3 Provisions for FG acquisition of land under the LUA

One of the major reasons for the Nigerian Land Nationalization was for ease of land acquisition either for private individuals, company, government or quasi



government for developmental projects/purposes. To achieve this, the Act makes the following provisions:

Section 28 (3) a and b; Section 28 (4) b “where land is required by Federal Government for public purposes, the (military) Governor may revoke the right of occupancy on the affected land.” Section 28 (4) a permits the government to revoke right of occupancy for overriding public interest and mining purpose or oil pipelines or any purpose connected therewith.

Down the years the effectiveness of the practicability of these provisions leaves much to be desired. Zero Draft Land Policy (2014) postulates that 40years after the promulgation of the Act, the Act is yet to achieve its objectives due to the following:

- i.the inclusion of the Act in the Constitution makes it inflexible and difficult to effect even minor amendments;
- ii.vesting of all lands comprised in the territory of the State in the Executive Governor of the State;
- iii.the cumbersome and costly procedures for obtaining Certificates of Occupancy, Consents to Mortgage, Assignments and Leases;
- iv.restriction in section 34 of the Act impose on private developers to acquire a maximum of half an hectare of urban land;
- v.inadequacy of compensation for land acquired;
- vi.delay of payment of compensation for acquired land; and
- vii.abuse of the enormous powers vested in the Executive Governors.
- viii.Resistance by the locals who are the original owners of the land

2.4 Steps for compulsory acquisition

Processes for compulsory land acquisition according to Ifediora (1988), Tabansi (2003), Nuhu (2009) and Kuye (2000) follow the following simple steps:

- 1) Site identification and inspection by the acquiring Agency
- 2) Notice of Acquisition to interested claimants by the government
- 3) Perimeter survey and claim survey
- 4) Assessment of compensation payable
- 5) Valuation Report
- 6) Payment of compensation to the claimants by government

7) Payment of Professional fees by claimants to their professional representatives

8) Transferring/Perfection of title documents on the acquired land to government or the acquiring authority/(ies).The former owners/occupiers’ names are deleted by the Lands Registrar and that of the government or its agency is substituted in the place of the former occupiers/owners.

9) Entering and possessing the land.

For future reference, the survey plan and the Notice must be filed in the Land Registry.

Experience has shown that acquisition of land under the Act for even overriding public interest has remained an uphill task despite the fact that the ownership of land in Nigeria has been nationalized.(Zero Draft National Land Policy, 2014).

2.5 Procedures for obtaining State allocation of land for FG developmental Projects in the States under the LUA

The Land Use Act 1990 is silent on the procedures to be followed to obtain State allocation for Federal Government development projects in the States but the following were obtained from the field as to the procedures:

- i.The requiring Federal Agency writes to the State Commissioner for Lands stating its land requirement in size, location and purpose
- ii.The Commissioner refers the request to the state ministry of lands which is the state government arm saddled with such responsibility
- iii.It is expected at this juncture that the Director of lands makes a search and inform the Commissioner of the availability or otherwise of such land in the state.
- iv.If the land is available, the commissioner is informed who subsequently inform the Federal government agency requiring the land to come for a joint preliminary inspection with the officers of the Lands Department of the state. If the acquiring Federal Ministry is satisfied based on its site requirements, the state starts compulsory acquisition processes for the Federal acquiring Ministry.
- v.All things being equal, when the State spots an appropriate site for the Federal Government, either the Federal Government through her Land and Valuation Department in the State or the State Urban and Regional Planning Department carries out the site inspection, boundary



demarcation and site survey and give this data to the State Ministry of Lands who thereafter issue a notice through the State newspaper of the intention of the State government to acquire the land for Federal government project in the State, advising intending claimants to submit their claims to the Federal Lands Department within six weeks failing which the supposed claimants' lands will be treated as unoccupied land and therefore attract no compensation.

vi. The Federal Lands/Valuation unit thereafter carries out the enumeration of crops and valuation of unexhausted improvements on the land for the purpose of paying compensation

vii. Federal Government acquiring Agency pays compensation to the affected claimants, follows through until the State Lands Registrar deletes the name of the former land owners, substitutes the name of the Federal acquiring Agency and gives it a Letter of perpetual Exchange in respect of the land so acquired.

viii. The Federal Government moves in and takes possession of the site and commences development.

The Federal Government is not under any obligation to pay to the State Governor any rent for the land so acquired. Apart from publishing the Notice of acquisition in the State-owned newspaper and other widely-read newspapers for record and future information purposes, it is also documented in the State and Federal Gazettes, which by settled Law, constitutes Notice to the world at large. There is no constitutional provision that the Federal Government's land so acquired can be revoked by the State government for overriding public interest. But it was gathered that many times sites acquired by Federal government for public projects are left undeveloped (Zero Draft National Land Policy, 2014) for long warranting previous owners or encroachers to reenter and utilize such lands.

The researchers questioned the rationale behind using the provisions of compulsory acquisition law when the LUA stipulates that all land is domiciled in the State Governor for the use and enjoyment of the people and as such the taking of land situated in the State by government should be automatic. After all, the major reason for the promulgation of the LUA was to make land readily available/acquired to/by the government for her projects. It was argued that despite such laudable provisions by the

LUA, the practical operations still follow the "out-gone" compulsory acquisition laws of acquiring land first from the original owners (communities or families), compensation paid before handing same to the apex government for use. This we consider an anomaly.

2.6 Project defined

A Project is defined by the Project Management Institution (PMI) Guide of the United States of America as "a temporary endeavor undertaken to create a unique product or service" (www.pmi.org, 1996). Cleland (1995); Davis (1951); UNIDO (1986) and Baum and Tolbert (1978) give the definitions of Project to be a one-time endeavor which has a definite starting date with unique characteristics.

2.6.1 Maturing of Circumstances for Construction Project

Projects only come into existence because of an existing need for certain goods and services within a given time period. If there are no needs, then there would be no need for any type of projects to be executed to cater for those needs. Projects are not new innovations to humans' existence. Before the colonial era, our societies were efficiently organized even though in their primitive ways. Activities were undertaken to cater for and sustain the then growing human populations. The predominant occupations of the people were hunting, trading and farming. People needed to be fed. The maturing circumstance was the food need of the people. The farmers determined the food needs of the people and planned towards providing them at the appropriate period. They decided what factors were needed in the food production and how such factors needed to be assembled for the cultivation. For example they knew which parcel of land they had to bring into cultivation, what crops and tubers to be grown, when to clear the farmland, plant the crops, weed the farm and maintain the crops until they were ready for harvest. Also, where paid labor was needed, they knew where and who to employ for the farm work. The hunters on the other hand had to find out what type of bush meat was preferred in their locality and if the people were economically capable in procuring them. Armed with this information, the hunters sought where such animals could easily be harvested and made available at the appropriate time for their consumers. Traders did the same. They found out the desired goods of the people, planned to source for



them and make them available for the people at a price. All these endeavors are projects in their own right for the fact that they require capital (budget), time target and quality standard. From the above, it is clear that the ideas of projects are not foreign to our traditional setting (Okorafor, 2001).

2.7 Public Project needs

In the public setting, people of nations have differing various needs ranging from hospitals, road network, markets, schools of all types, sewage system, electricity installation and energizing, housing, transportation, foods, etcetera. In supplying these needs, the government must budget for them, planned for their execution against time targets and within acceptable standards for the people's benefit.

Public developmental projects are usually undertaken for social or political reasons. Ogbuefi (2011) advises that in appraising public-sector projects before execution, social related matters should be taken into serious consideration. These include socio-cultural norms, beliefs, customs, and subsistence of the people thereby guaranteeing or otherwise the acceptability of the intending projects by the host communities. This thought is echoed by Belassi and Tukel (1996), Goodman (1988) and Ramlee et. al (2016). On the feasibility and viability sides, the authors advocate that the variables that must be studied are varied and include: physical variables - availability and suitability of appropriate site in good location and possibility for future expansion. The site characteristics should include: soil texture, water contents, water table levels, fauna and flora, climatic conditions, geographical layout (topography), the population of the local dwellers, their occupation, reception of the intending project by the locals, the ease of and cost of acquiring the site, the envisaged acquisition costs are also to be examined (Ogbuefi, 2011 and Goodman, 1988).

2.8 The criticality of land to public project implementation

It is noteworthy that all that man needs for his existence come from land, he being originally created from its components. Kingdoms fall or rise based on their access to and proper utilization of land resources in their disposal. The Asian Tigers (Japan, South Korea, China and Taiwan) thrived economically and were reckoned in the first half of

the 20th century as the world fastest growing economies because they could manage their land resources successfully (Boyce, Rosset, Stanton, 2005). East Timor in Southern Asia was in crisis economically because of its chaotic land tenure arrangements occasioned by its government's corrupt practices regarding land matters (Carson, 2007). Zimbabweans suffered untold economic hardships due to its Prime Minister, Robert Mugabe's style of redistributing the nations acquired lands amongst his kit and kin, to the detriment of the poor landless of Zimbabweans (Carson, 2007). In Uganda, out of the 18 documented projects of Uganda National Road Authority (UNRA), as at 2015/16 financial year, it was discovered that the 51km Kampala-Entebe Expressway valued at \$479 gulped the highest land acquisition bill of \$10ml. A claimant who has a stone quarry in a land area of 10 acres demanded \$14million as against a valuation figure of \$1.1million issued by the chief government Valuer. This problem delayed the execution of the civil works in some sections of the road for months and the UNRA officials diverted the road project from the costly land to a cheaper land along the project route (theestafrican, 2016). A 17-km, second phase Kampala northern bypass valued at \$75.7million, cost \$5.2million in cost of land acquisition by close of 2015/16. The 104-km Mubende-Kakumiro-Kagadi road valued at \$141.6 million, gulped \$2.9ml in land compensation. It was delayed over disagreement about valuation figures by claimants.

It should be noted that site availability is the starting point of any project and except the site is acquired with minimal difficulties, no project can start and on time. Site acquisition can be made easy, if the locals who originally own the land, together with the State government buy into the proposed project.

2.9 Difficulties in acquiring land for public projects in some African/world Countries

2.9.1 Land speculation

During vision 2030 meeting on mega projects held in East Africa, Nairobi, the Director General, Gituro Wainania warned that land speculation, if not checked, will be one of the biggest huddles to realizing the economic blueprint. The Director observed that once land owners understand that government is desirous of acquiring land for public projects, they quickly raise their land price by 1000%! He



illustrated with a case in Lamu where there were three different land values of \$5,000, \$10,000 and \$20,000 by the government, development partners and the community respectively. In the end \$15,000 was paid for the site. The community wanted nothing but cash and bluntly refused alternative resettlement site (Otieno, 2015). Similar concerns have been raised by Kenyan finance secretary, Henri Rotich, that land speculations has been part of the reason for the unnecessary delays in implementing some infrastructural projects. He warned that the delays were making projects costly which will warrant revising some projects budgets.

2.9.2 Exorbitant Land prices

Apart from Kenya's Lamu Port project, the standard gauge railway project, also encountered delays in its implementation because residents demanded more money for their land and property. Anyanzwa (2016) write that Tanzania is experiencing her share of frustration over acquiring land for public projects such as Liquefied Natural Gas (LNG) pipeline construction as well as road linking the country to Burundi., Kenya and Rwanda. Uganda also experienced similar problem in relation to her Kampala- Entebe Expressway project. A claimant who had a stone quarry in a land area of 10 acres demanded \$14million as against a valuation figure of \$1.1million issued by the chief government Valuer. This problem delayed the execution of the civil works in some sections of the road for months and the UNRA officials opted to divert the road project from the costly land to a cheaper land along the project route (theeastafican, 2016).

2.9.3 Compensation related issues

As at 2015/16 financial year, out of 18 documented projects, Ugandan 51km Kampala-Entebe Expressway valued at \$479ml gulped the highest land acquisition bill of \$10ml as compensation. Several complaints were raised by property owners bothering on land valuation figures which dragged on for months causing project execution delays. Others resorted to litigation and the matters lingered on for over two years (theeastafican, 2016). In all, road projects undertaken by Ugandan National Road Authority (UNRA) amounted to \$36ml in 2015/16 financial year. A 17-km, second phase Kampala northern bypass valued at \$75.7million, cost \$5.2million in cost of land acquisition by close of 2015/16. The 104-km

Mubende-Kakumiro-Kagadi road valued at \$141.6 million gulped \$2.9ml in land compensation. It was delayed over disagreement about valuation figures by claimants. The project was funded by Ugandan government and executed by CCCC. theeastafican, (2016) writes that most of the land acquisition payments made were related to old and delayed projects. This makes hard to realize time allotted to the execution of those projects. The UNRA states that they have changed the system of land acquisition from reliance on external consultants to utilization of internal staff. This, the Authority confesses, has reduced average time taken to conclude on acquisition deals.

Again, unresolved land disputes by UNRA officials between family members slowed down land acquisition processes.

2.9.4 Illegal permit charges

A study in India reveal that bribes and informal charges levied during the permitting procedure for development amount to 15% or more of total project cost, and if not paid lead to additional delays and increases

2.10 Possible Factors accounting for land acquisition difficulties by Nigerian Federal Government in the States

From matters raised above the following are discovered as possible factors accounting for difficulties in acquiring land by Nigerian Federal government for her construction projects in the States:

- i. Outright denial of land allocation by the State Governors due to political differences
- ii. Corrupt practices by politicians and land officials.
- iii. Prolonged procedures for land acquisition. This can take years on end.
- iv. Unwillingness of the State Governors to allocate subsequent sites because of previously abandoned ones by Federal Government or her agencies of land acquired for development.
- v. Delay due to long-drawn unsettled compensation issues in courts.
- vi. Litigation over compensation matters can drag on for years. New Kenya's law provides that in order not to delay public projects as a result of court cases instituted by claimants over inadequacy of compensation, public projects will continue pending determination of the cases (Anyanzwa, 2016)



- vii. Non-reliability of Land Information System (LIS) and improper/inadequate titling information, leading to inability by Federal acquiring Agencies to pay compensation to right claimants. This problem leads to multiple claimants over land resulting to court cases and cumbersome procedures to unearth and settle authentic lease holders over the acquired land.
- viii. Lack of co-operation by the locals whose lands are compulsorily acquired to support projects that they do not require. Federal government usually locates projects without seeking to know the urgent needs of the people from the people. Many at times restiveness erupts in such areas leading to project stoppage.
- ix. Revocations of Federal government allocated sites by State governors.
- x. Exorbitant compensation claims by the claimants engineered by dubious State land's officials.
- xi. Ignorance of Federal land workers as to the right of Federal government in land acquisition in the States.
- xii. Unavailability of appropriate sites, in good location, for the projects.
- xiii. Lack of timely payment of compensation.
- xiv. Unaccepted alternative site for resettlement of the claimants.
- xv. Fall out on negotiation matters with claimants and their representatives on compensation matters
Uganda second phase Kampala northern road bypass was majorly affected by unresolved compensation claims amidst ongoing construction works. This work is funded by the European Union (EU) and executed by a Portuguese company, Mota Engil Engenharia e Construcao SA. The construction works had a 3-year execution period (2014 - 2017) but it exceeded it because of unresolved land disputes between the UNRA officials and land owning-family members which slowed down the land acquisition process.
- xvi. Outrageous and senseless demand by claimants
- xvii. Incompetent Valuers. In Uganda the UNRA director, Mr. Kasakya, M., argued that the Chief Government Valuers' office contributes to a lot of acquisition delays due to constraint on resources in that office.
- xviii. Ignorance of the claimants and their unwillingness to comply by the operation of the LUA over land matters etcetera.

Xix. External causes, exogenous to the project.

2.11 Effects of land acquisition difficulties on public construction projects in other nations

Land acquisition difficulties can bring the following possible effects on the implementation process of projects

- i. Delay in start off time leading to overall overrun in project time
theeastfrican, (2016) writes that land acquisition rolled out on some projects had dragged on for more than a year, leading to high risks of late completion and accumulated interest incurred on borrowed funds.
- ii. Budget overrun as a result of increase in project costs incidental by inflation in costs of materials, machines and equipment, labor (project personnel) and money (interest rates on capital borrowed for the project).
- iii. Increased external debt in projects sponsored by external lending bodies like World Bank, UNIDO, EU, UNESCO etc
- iv. Abandonment of projects
- v. Increased overall project costs due to high costs of compensation payments
- vi. Depletion of envisaged benefits/profits from the projects: World Bank stated in her latest Kenya Economic Update titled "Beyond resilience- Increasing Productivity of public Investment" that Kenyans do not enjoy gains made from their public investments since projects take longer than planned and overshoots initial budget in the wake of land acquisition challenges (Okott, 2016)
- vii. Wastage of funds utilized in preliminary project planning activities
- viii. Accumulated running costs by contractors, who because of difficulties by government to acquire useable land on time, suffer idle time in project sites and end up incurring accumulated running costs. This posed a big problem to UNRA's resource base (theeastfrican, 2016).

3.1 Materials and Methods

The researchers adopted a survey case study approach in three randomly selected States (AkwaIbom, Bayelsa and Cross River) out of the six South-South Nigerian States. Two projects were randomly selected in each of the three States for study covering the study period 2006 to 2016. The projects studied included: Mbierebe Ibesikpo Site and Service Housing Scheme and New Housing Scheme at Ikot Ntuen Nsit/Afia Nsit, North West of Uyo metropolis,



Akwa Ibom State; Federal Housing Authority (FHA) Estate, Odukpani and New Housing Scheme, Ikot Ekpo, North East of Calabar Municipality, Cross River State; and New Housing Scheme, Otuoke located outside the State capital and the Federal Secretariat Complex, Swali in

Yenagoa, Bayelsa State. The independent variable was the State while the dependent variable was land acquisition difficulties. The population of the study was 213 personnel as shown in Table 1 below:

Table 1 Study Sample

S/No.	Stratum	Population	Sample size
1	Stratum 1 Ministry staff: Project Supervisor/Managers (architects, Quantity surveyors, land surveyors and team members in the State Ministry of the three States including members of the Abuja Project monitoring Consortium)	46 (all States inclusive of 5-man consortium)	51
2	Stratum 2 Contractors and sub-contractors	82 – (all States and all projects inclusive)	53*
3	Stratum 3 Residents of FHA Estate, Odukpani, Calabar	80 end users	80
	Total	213	184

*These are all the contractors who actually reported for and took up the project works.

3.2 Presentation of Data, Analysis and Discussion of findings

Analysis of data was in two stages; firstly, frequency analysis of respondents' responses and secondly, mean and

standard deviations of the items of responses. The analyses are therefore presented below: Table 2 presents the percentile components of the respondents

Table 2 Strata of Respondents

Respondents	Frequency	Percent	Valid Percent	Cumulative Percent
Govt. Employers./consortium members	46	25.7	25.7	25.7
Residents of FHA Estate	80	44.7	44.7	70.4
Contractors	53	29.6	29.6	100.0
Total	179	100.0	100.0	



The Table 2 shows that 46 out of the 179 respondents are Fed. Min. of Power, Works and Housing workers from the three States studied, together with the monitoring consortium members. This represents 25.7% of the total respondents. 44.7% of the respondents are the end users (80) of one of the partly completed projects and 29.6% (53) are the contractors who participated in the implementation of the projects under study. It should be noted that the

workers of the Ministry who were included in the study are the in-house professionals in the Ministry such as architects, quantity surveyors, Estate surveyors and valuers, civil engineers, electrical engineers, urban and regional planners, and other un-professionally certified staff involved in procuring of project sites and project works in the Ministry.

Table 3 Successful/Timely Acquisition of project sites by State for FG projects

State	Project sites	No. of Respondents	Timely/successful acquisition of site			
			Yes	%	No	%
Akwa Ibom	Mbierebe Obio site/service scheme	35	0	0	35	100
	2016 New Housing scheme	-do-	20	54.1	15	45.9
Bayelsa	Fed. Secretariat Complex	13	0	0	13	100
	2016 New Housing scheme	-do-	13	100	-	0
Cross River	FHA Residential Estate	131	70	63.1	61	36.9
	2016 New Housing Scheme	-do-	0	0	131	100
Total		179	103	29	255	71

Table 3 above tells a simple story: land is available but not easily acquired for project implementation. Aggregately, 71% of the respondents held that the project sites were not successfully and timely acquired to make room for the commencement of project implementation. 29% say the sites were successfully and timely acquired. From the table, the sites which were successfully acquired are shown to be those of the New National Housing scheme across the nation. Field investigations revealed that State Governments were given timelines to make land available, failing which the States would forfeit the projects. What most Governors did was to take already acquired un-utilized land (sites) in their domains and donated such for

the implementation of the project (Akwa Ibom, Bayelsa, and Cross River FHA projects). Even at that, entries into the already acquired sites were still problematic due to fresh demands by the locals.

3.3 The study hypothesis

H0:

State has no significant influence on land acquisition difficulties of the projects studied.

To test this hypothesis, one-way analysis of variance (ANOVA) was adopted with State where the projects are domiciled, as factor and land acquisition difficulties as dependent variable. The descriptive statistics of the dependent variable by State is presented in table 4 below:

Table 4 Descriptive statistics of variable (dependent) by State

Variable	State	N	Mean	Std. dev.	Std. Error	Minimum	Maximum
Land acquisition difficulties	Akwa Ibom	35	14.46	4.730	.800	6	22
	Bayelsa	13	13.69	5.023	1.393	6	22
	Cross River	131	25.79	5.261	.458	10	30
	Total	179	22.71	7.239	.540	6	30



From the above results in table 4, Cross River State came first in land acquisition difficulties with a mean of ($x = 25.79$), followed by Akwa Ibom state ($x = 14.46$) and Bayelsa with the least mean of ($x = 13.69$).

The ANOVA table below presents the results of the test of significance differences between the States:

Table 5 One-way ANOVA of independent variable of Land Acquisition difficulties by State

Variable	Source of variation	Sum of squares	Df	Mean Square	F-Value	P-Value
Land acquisition difficulties	Between groups	4691.462	2	2345.731	88.537*	.000
	Within groups	4689.516	177	26.494		
	Total	9380.978	179			

*Significant at .05 level. $P < .05$

The results as presented in table 5 above indicate that the P-value (.000) of the dependent variable associated with its computed F-value (88.537) is less than the alpha value (.05), the level of significant set for the study. Hence, the null hypothesis was rejected and the alternative retained. This means that the States where the different projects are located have significant influence on land acquisition

difficulties for the Federal Government construction projects studied.

To identify the pair of means that was responsible for the observed significant result, the Least Significant Difference (LSD) test was computed. The results are presented in table 6 below:

Table 6 Pair wise comparison of the dependent variable - land acquisition difficulties - for Federal Government projects by State

Variable	State	Akwa Ibom	Bayelsa	Cross River
Land Acquisition difficulties	Akwa Ibom	14.46**	.765	11.331*
	Bayelsa	.648	13.69	12.096*
	Cross River	.000	.000	25.79

*Significant at .05 level. $P < .05$. **values along main diagonal are States' means, above it (the diagonal) are States' mean differences and below it (the diagonal) are corresponding P-values.

The results of table 6 show that for land acquisition difficulties, Cross River State is significantly different from other States. All the other paired comparison results are as presented in the table.

4.0 Discussion of findings

The test of the study hypothesis was to discover whether the State where the projects are located had any significant influence on land acquisition difficulties of the projects studied.

In testing this hypothesis it was discovered that State where the different projects were domiciled had significant influence on land acquisition difficulties. Land acquisition difficulties was most acute in Cross River State for several reasons: a police officer was murdered

by the youth in the course of acquiring the land; demand of unnecessary compensation by the community youth after the government alleged that compensation was paid for the land previously; and continuous daily demands and harassment by the youth of the contractors when the site was eventually delivered to the contractors for work. The next difficult State was Akwa Ibom State where site for Mbierbe Housing Scheme was denied government out rightly by the indigenes, and Afia Nsit people who resisted entry into their land initially even with new compensation packages for 2016 National Housing Scheme. Instead of surrendering the site for federal government project, the Mbierbe people encroached on the site for their uses and the Federal Government's project was abandoned. Bayelsa State was the most peaceful State among the three States where land



acquisition was easiest. The two projects sites at Swali and Otuoke were acquired without troubles from the local communities.

Following from the initial results of testing this hypothesis, the Least Significant Difference (LSD) was carried out to locate the pair of means that was responsible for the observed significant results in the test. The results, as mentioned earlier, are presented in table 6 above and show that in land acquisition difficulties, Cross River is significantly different from Akwa Ibom (.000) and Bayelsa (.000). Summarily from the result of this test, it is discovered that Cross River State had the greatest problem in land acquisition.

5.0 Conclusion from the Findings

Cross River posed greatest problem in land acquisition difficulties for Federal Government projects located and was significantly different from Akwa Ibom and Bayelsa States in relation to land acquisition difficulties. This difference was majorly due to continuous problems over land related issues caused by the community youths in Ikot Omin of Cross River State where one of the two projects was located. It was discovered that despite the laudable provisions of the LUA, namely, to make land easily acquired by the Government for public developments, the underlying ownership of the native communities have negative influence on ease of acquisition by the Government. To mitigate on this, the Federal government should enshrine in the LUA the customs, traditions and beliefs of the locals, take centre stage in all levels of land administration, educate her land administrative personnel in regards of government rights and set aside all other operating laws relating to land which make the provisions of the LUA unworkable.

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