



Compensation Valuation Practice of Agricultural Properties in Delta State, South Southern Nigeria

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ABSTRACT

The study identified and examined the bases and procedures of compensation valuation practice of agricultural properties in Delta State with a view to promoting best practice of agricultural properties compensation valuation. The results established that the basis of valuation most frequently adopted was depreciated replacement cost as rated by 68% of the respondents. Other bases were: fair or open market value and resettlement subsidy accounting for 28% and 10% respectively of the valuation bases. The study also established that 85% of the respondents rated general inspection, meeting with community members and perimeter survey as the adopted procedure. Activities characterizing compensation valuation practice of agricultural properties in the study area were: physical measurement, serving of notice of acquisition, preliminary survey or reconnaissance and verification of claimants and claims representing 55, 20, 16 and 9% respectively of the compensation valuation practice. The study further revealed that 68% of the respondents choose negotiation as a preferred method of settlement of compensation. Other adopted methods were: cost of new items less depreciation (18%), cost of repair (14%), and cost of new items (market price/value) (10%). The study concluded that best compensation valuation practice of agricultural properties in Delta State could be achieved through the payment of adequate compensation.

Key words: Compensation valuation practice, Agricultural properties, Claimants, Open market value, Delta State

1. INTRODUCTION

The relationship between land and agriculture has been in existence right from time immemorial as evident in the Bible (Genesis 2:7-9). God's creation of land is not doubttable and giving it to man freely underscores the fact that land is the most important asset from which other essential assets including raw materials, minerals resources, food, plants and animals, herbs among other things can be derived, hence, the land is a bundle of economic resources. No individual, family, community, city, or nation can survive without it. Not even generation yet unborn. Perhaps, this is one of the reasons any attempt to take away this vital asset (land) from people, especially in Delta State, the people resist or fight back vehemently. Again, it could be seen as one of the factors contributing to youth restiveness in Delta State.

Land, known as property, is a very scarce resource in Delta State. This is because there is an abundance of water masses, dispossessing the people in Delta State and their communities of the little expanse of land they have and to further rendering the people jobless by polluting the water which provides them their means of livelihood through fishing activities becomes a serious problem which might be difficult to solve easily [1]. Agriculture employs nearly one-half of the labour force in developing nations and a high percentage of rural communities and most especially the rural poor are directly or indirectly dependent on agriculture through farming, food processing, fishing, forestry, and trade [2]. The above assertion reflects the situation in Delta State. Nigeria is notably an agrarian country that has about 70 percent of its population engaging in agricultural activities [3]. Agricultural activities provide for two-thirds of Nigerians who engaged in subsistence farming and earn a low income. Agriculture is faced with fundamental changes. Human population growth, improved incomes, and shifting dietary patterns are increasing the demand for food and

other agricultural products. However, the natural resource base underpinning agriculture is under threat, with growing threats to land and water degradation [4]. This reflects the current situation of land and water resources in Delta State. However, to further add pressure on the little expanse of land available in the State is urbanization as a result of an increase in population. This phenomenon is common in Delta State maybe because of the high migration of people from the northern-east region as a result of insurgency. The high pace of urbanization encourages additional land that has to be acquired from the nearby rural communities through the process of eminent domain. The growing increase in compulsory acquisition, especially, in the urban fringe areas is leading to an ever-growing number of farmers at the brunt of the harsh and unpleasant effects of acquisition [5]. This according to the study, is made worse as the exercise of the power of eminent domain has not been commensurated by adequate compensation and rehabilitation support. Compulsory dispossession of land from private owners can be said to be an issue of serious concern whether globally or locally because ownership of land exists everywhere. That is, there is no land without ownership. Even when compensation is paid to the dispossessed individuals, they still have the reserved feelings that land which is a source of livelihood to them has been taken away from them by compulsory purchase. The bases and procedures of compensation of agricultural properties that are compulsorily acquired have often determined the extent to which compensation payable will be adjudged to be adequate or not. An understanding of the bases and procedures upon which compensation is done in Delta State will provide a picture of the state of things in the study area. The nature of the compensation process involves a series of activities that are stated in by-laws guiding compulsory acquisition in each country.

Compensation valuation practice being regulated by legislative laws is full of complexity. It is sensitive in nature and requires pragmatic methods to deal with it. To reduce youth violence to the minimum level after dispossessing them of their source of livelihood, the methods to be adopted in the settlement of compensation must be such that give the dispossessed what seems to be adequate to them. Though the Land Use Act specified the method to be used, there are some circumstances that the law is silent about. Hence, identifying and examining the methods of settlement of compensation in those circumstances will help in enhancing better practice. The practice of compensation valuation of agricultural properties in Delta State is saturated with so many challenges which the literature has not been able to cover. Though, scholars like Viitanen and Kakulu [6] highlighted some challenges such as poor practices, inadequate compensation, conflicts in the legislative statutes upon which compensation valuation practice is premised, corruption, unqualified valuers, or valuation personnel, among others. However, little or nothing has been done on burning issues that seem to be generated by the practitioners themselves. Therefore, the study focuses on the evaluation of compensation practice for agricultural properties in the study region with a view to promoting the best strategic practice.

2. RESEARCH METHODOLOGY

2.1 Study Area

The Niger Delta with an estimated area of about 70,000km² is one of the World's largest deltas (Akujuru and Ruddock, 2014). It is located in the Central part of Southern Nigeria between latitudes 50°33'49"N and 60°31'38"E in the North. Its Western boundary is given as Benin 50°44'11"N and 50°03'49"E and its Eastern boundary is Imo River 40°27'16"N and 7°03'27"E. The region situated in the southern part of Nigeria, is bordered in the east by the Republic of Cameroun and in the south, by the Atlantic Ocean. Within Nigeria, the region is defined both geographically and politically for revenue sharing purposes. The geographic Niger Delta includes the litoral States of Rivers, Bayelsa, Delta, Cross River and Akwa Ibom and has an area of about 67,284 square kilometres with a combined population of 16,331,000 persons. The political Niger Delta includes these and in addition, Abia, Edo, Imo, and Ondo. Thus the land area of the region is 112,110 square kilometres of land as at 2006 [7]. The region occupies about 12% of Nigeria's total surface area and is shown in Figure 1.

The area consists of a vast coastal plain spanning approximately 853 km² facing the Atlantic Ocean endowed with immense natural resources especially hydrocarbon deposits. It is estimated to have about 37.2 billion barrels of proven oil and 5.153 trillion cubic feet of gas reserves as at the end of 2012 [8]. The crude oil production and export of the region accounts for about 95% of the nation's total export earnings and more than 75% of Federal Government revenue in 2011, and places the country as the largest oil producer in Africa and the world's ninth highest producer of crude oil and the 10th highest gas producer, according to the International Monetary Fund (IMF). The region has a lot of gas reserves, which when sufficiently harnessed, could yield income for an excess of crude oil incomes.



Figure 1: Map of Nigeria showing the Niger Delta States (a), Map of the political Niger Delta. Adapted image from NASRDA (b), and Map of Delta State

There are about 606 oil fields in the Niger Delta, of which 360 are on-shore and 246 are offshore [9]. Most of the new oil fields are deep water fields developed and being developed offshore. Within the Niger Delta area, there are over 21,000 kilometres of moderate-to-large (152 mm–1219 mm diameters) oil pipelines; about 5284 oil wells drilled and 527 flow stations for crude oil processing, with more than 7000 km of oil and gas pipelines traversing the entire area. Many rural communities in Delta State depend on nature to varying degrees for their wellbeing. Such dependence may be for food, raw materials for many uses such as building, basket weaving, carving, fish traps, farm routes, fish boats, farm huts, silos, fire wood and other uses, traditional medicines to satisfy their subsistence needs, and religious and cultural beliefs. Most of the goods gathered from nature being social and cultural are akin to public goods and are freely gathered by members of the communities without any person laying claim to ownership. Since these goods occur on land within the Niger Delta, especially Delta State, land owners have always claimed loss of income when they are destroyed by any contamination.

2.2 Data Requirement and Research Design

The study aimed at examining valuation for compensation of agricultural properties in Delta State. In order to achieve the aim of the study through its objectives as laid out in chapter one, the following secondary data was required: records on various compulsory acquisition and compensation valuation for agricultural properties that were successfully done in the study area, compensation procedure employed and the characteristics of the various compensation activities involved. Besides, questionnaire was drawn to obtain data/information on compensation valuation practice from agents employed by claimants such as estate surveying and valuation firms in the study area,

the acquiring authorities (Government Officials), and Oil Company Officials. In addition, information and data were also obtained from clients represented by estate firms.

2.3 Study Population

The population of the study consisted of the key stakeholders in compensation valuation practice. These were classified into three groups. The first was the registered estate firms involved in compensation valuation in the study area. This was because they have the statutory backing to represent claimants' interest (Decree No. 6 of 1978) in compensation valuation. Besides, their professional training as estate surveyors and valuers also qualified them for the compensation exercise. Second was the acquiring authority (Land Officers) representing either the Federal or State Government and Oil Company officials representing their company during compulsory acquisition and compensation. Information from the acquiring authority was also important because the law has vested in them the power to acquire. Third were the claimants whose interests have been revoked and made landless in the study area.

2.4 Sampling Frame for the Study

The sampling frame consisted of all registered estate firms who participated in the valuation for compensation exercise at the three communities under study in Delta State during the gas pipeline project. The sampling frame of the estate firms that were involved in the exercise was obtained from the Ministry of Lands and survey, Asaba, Delta State. At Kwale the registered firms were 7, at Aboh the registered firms were 6 while at Abiaruku the registered firms were 4. This made a total of 17 registered estate firms all practicing in Asaba capital of Delta State, except one who practices in Agbor. The number of claimants whose land were dispossessed was also got from the ministry of lands, Asaba, Delta State. At Kwale, the claimants were 207, at Aboh, the claimants were 187, and at Abiaruku, the claimant were 181. This made a total of 575 claimants in the three communities. The sampling frame also covered the Land Officers from the Ministry of Lands in Delta State and officials from the Oil Company (Pillar Oil). The Land Officers in the acquisition units of the Ministry were 9 while the Oil Company Officials were 6.

2.5 Method of Sampling

The method adopted was the non-probability sampling techniques such as accidental-driven sampling and purposive sampling. Census method was adopted for the participated estate firms, Land Officers and Oil Company's officials and the accidental-driven sampling was adopted for the claimants in the study area. The reason for the non-use of probability sampling techniques was the difficulty of securing data from some claimants whose interest has been revoked for public benefit.

2.6 Method of Data Analysis

The study employed appropriate descriptive statistical method of data analysis. These included Frequency Distribution, Relative Importance Index (RII), Mean Ranking, and factor analysis. To achieve objective one, the study adopted frequency distribution and mean ranking. For objective two, the study adopted mean ranking. For objectives three and four, the study adopted relative importance index and factor analysis respectively.

2.6.1 Relative Importance Index

This method was used to rate the activities involved in compensation valuation practice and the challenges associated with compensation valuation practice of agricultural properties. This technique rated the most activities that generate concern to the stakeholders by assessing the significance of each of the activities. It is expressed as in equation (1).

$$RII = \frac{\partial W}{AN} \quad (1)$$

Where:

RII = Relative Importance Indices

∂W = sum of weight given to each of the rated factors by respondents.

A = Highest weight

N = Number of respondents.

3. RESULTS AND DISCUSSION

3.1 Questionnaire Distribution and Response Rate

A total of 288 questionnaires were distributed to claimants representing 50%, 17 to participated estate firms, 9 to land officers and 6 to oil company officials. However, out of the 288 questionnaire administered to the claimants in their different locations (Kwale, Aboh and Abiaruku), 241 questionnaires (84% response rate) were returned and 203 out of 241 returned were found useful representing 70%. For the estate firms and land officers (acquiring authority), response rate was 100% and all the questionnaire were useful. While out of the 6 questionnaire administered to oil company officials a total number of 5 questionnaires (83% response rate) were returned and found useful. Table 1 provides details of questionnaire distributed to claimants, Estate firms, Land Officers (acquiring authority) and Oil Company Officials and their level of response. The Table revealed that the highest response rate of 100% by Estate firms and Land Officers could be as a result of their few numbers and level of interest in the study. However, response from claimants is also high perhaps because of the sensitive nature of the subject matter in that area. At Kwale, it was 69%, Aboh 75% and Abiaruku 68%. The response from the Oil Company Officials is also high with 83% response rate. This could also be as a result of the sensitive nature of the study to them as their activities are characterized by acquisition and compensation especially on farmland and fishing operations.

Table 1: Questionnaire distribution and response rate

Study Area	Questionnaire Administered	Questionnaire Retrieved	Response Rate (%)
Kwale	120	83	69%
Aboh	84	63	75%
Abiaruku	84	57	68%
Ministry of Lands and Survey, Asaba	9	9	100%
Oil Company (Pillar Oil)	6	5	83%
Estate Surveyors	17	17	100%
Total	320	234	73%

Source: Author's Survey, 2016.

3.2. Compensation Valuation of Agricultural Properties

3.2.1 Agricultural Properties Compensation by Estate Firms

The findings as contained in Table 2 revealed that depreciated replacement cost was ranked 1st with a mean of 4.00. This is expected because of the Land Use Act (LUA) which stipulated the use of depreciated replacement cost basis. However, according to Ashwin and Aditi [10] it has not been acceptable to the people in Delta State because they term it to be non-satisfactory.

Table 2: Bases of Valuation mostly adopted for Compensation Valuation of Agricultural Properties by Estate Firms

Bases of Valuation	Mostly Adopted 5	Moderately Adopted 4	Somewhat Adopted 3	Slightly Adopted 2	Not Adopted 1	Total	Mean	Rank
Depreciated replacement cost	8	4	3	1	1	17	4.00	1
Fair market value	6	4	3	1	3	17	3.53	2
Open market value	5	5	3	2	2	17	3.53	3
Open market value plus other losses	5	4	1	4	3	17	3.24	4
Average annual output value	3	3	4	6	1	17	3.06	5
Market value plus disturbance and other losses	2	5	2	4	4	17	2.82	6
Equivalent restatement	2	3	4	5	3	17	2.76	7
Resettlement subsidy	1	0	2	1	13	17	1.53	8

Source: Author's Survey, 2016.

In other to fulfill the dictates of the law, valuers term to use it but in meeting the yearnings of the people they fall back on fair market value as it was ranked 2nd with a mean of 3.53 which is very close to the mean of depreciated replacement cost. Though fair value may be termed to be reasonable and just but in real sense it does not cover adequacy, this is because loss of communal identity, land appreciation and other valuables provided by ecosystem are

completely eroded. Therefore, fair value may not cover up the above mentioned factors. Thus, the use of fair value is premised on the basis of reasonability and justice but does not fulfill compensation adequacy. Open market value was ranked 3rd with a mean of 3.53. Open Market plus other losses was ranked 4th with a mean of 3.24, Average annual output value was ranked 5th with a mean of 3.06. Market value plus disturbance and other losses was ranked 6th with a mean of 2.82. This could be attributed to the law guiding compensation valuation practice which does not make provision for disturbance, severance and injurious affection and is characterized by incomplete heads of claims but capitalized on the use of depreciated replacement cost basis. Equivalent reinstatement was ranked 7th with a mean of 2.76. Resettlement subsidy was ranked 8th with a mean of 1.53. This is expected because resettlement of the people in another area may all most look impossible because land in Delta State is very scarce owing to water masses engulfing the entire State.

3.3 Adopted Procedures for Compensation Valuation Practices by Estate Firm

The result in Table 3 presents the procedures adopted for compensation valuation practice of agricultural properties, general inspection was ranked 1st with a mean of 3.82. This is attributed to valuers familiarizing themselves with the land to be acquired and also the community members as well as seeking community interest or individual interest to represent. This corroborated with Table 3 where land officers ranked general inspection as 1st with a mean of 4.00. Meeting with community members was ranked 2nd with a mean of 3.65. This is expected because valuers have to relate with community members so as to get a good number of the community members to represent and to educate them on the processes involved. Enumeration of unexhausted improvement was ranked 3rd with a mean of 3.29. The reason could be attributed to the high level of interest of valuers in this aspect because this aspect gives room for manipulation and ill-manner practices. Next was computation of claims, payment of claims, settlement of dispute and appeal which were ranked 4th, 5th, 6th, and 7th with means of 3.24, 3.12, 2.94, and 2.82 respectively.

Perimeter survey was ranked 8th with a mean of 2.59. This could be that valuers see it to be more relevant to the acquiring authority than them. From Table 4 perimeter survey was ranked 2nd with a mean of 3.33 by land officers as against what was ranked by valuers. Claim survey was ranked 9th with a mean of 2.18. This is expected because valuers do not make use of claim survey just like their counter part the acquiring authority. This could also be traceable to their inward intention to manipulate enumeration of crops and economic trees because claim survey is expected to serve as basis for assessment of individual interest especially as it relates to agricultural properties. Publication of notice was ranked 10th with a mean of 1.88. This is expected because this aspect of the procedure is restricted to the acquiring authority. External valuers do not make publication of notice of acquisition but only does in the Ministry of Lands acting as government agent of acquisition.

Table 3: Procedures adopted for Compensation Valuation Practice of Agricultural Properties by Estate Firms

Procedures	Not adopted 1	Slightly adopted 2	Somewhat adopted 3	Moderately adopted 4	Mostly adopted 5	Total	Mean	Rank
General inspection	8	2	4	2	1	17	3.82	1
Meeting with community members	5	5	4	2	1	17	3.65	2
Enumeration of unexhausted improvement	5	3	2	6	1	17	3.29	3
Computation of claims	5	4	1	4	3	17	3.24	4
Payment of Claims	3	6	1	4	3	17	3.12	5
Settlement of dispute	2	7	1	2	5	17	2.94	6
Appeal	4	2	4	1	6	17	2.82	7
Perimeter survey	5	1	1	2	8	17	2.59	8
Claim survey	2	2	3	0	10	17	2.18	9
Publication of notice of acquisition	0	1	4	4	8	17	1.88	10

Source: Author's Survey, 2016.

3.4 Awareness Procedure for Compensation Valuation Practices of Agricultural Practices

Findings from Table 4 revealed the level of awareness of claimants on the procedures for compensation valuation practice of agricultural properties in the study area. General inspection was ranked 1st by claimants with a mean of 3.62. That claimants are very much aware of general inspection. This is expected because the people and communities are pre-informed so that acquiring authorities do not fall victim of strange object, vigilante group mal-treatment or other harsh thugs who might give a different meaning to the inspection. General inspection was ranked 1st in both tables with means of 4.00 and 3.82 respectively. This emphasizes on the importance of general inspection to compulsory acquisition and compensation valuation practice. Meeting with community members was ranked 2nd with a mean of 3.58. This is perhaps attributed to the need of communal chiefs and family heads alongside with the acquiring agents to brief the community members on the proposed plan of acquisition of their land by government or any other agency authorized for such. Perimeter survey was ranked 3rd with a mean of 3.33. This may be that claimants see the land surveyors as they take physical measurement using their instruments within the area marked for acquisition. Payment of claim, publication of notice, computation of claims and settlement of dispute were ranked, 4th, 5th, 6th, and 7th, with mean of 3.32, 3.22, 3.12 and 2.96 respectively.

Enumeration of unexhausted improvement and crops was ranked 8th with a mean of 2.94. This could be attributed to their illiteracy level because many claimants may not really understand what valuers do in this aspect since valuers represent them in this aspect. Claim survey was ranked 9th with a mean of 2.61. This is expected because the acquiring authority do not compel claims to prepare claim survey for the assessment of their claims rather assessment is done in a manner that benefits the agents and acquiring authority. Appeal was ranked 10th with a mean of 2.58. This also corroborated with the findings in Table 3. This could be attributed to the non-existence of land use and allocation committee in the rural areas to hear and settle cases of aggrieved claimants in compensation valuation practice rather claimants are taught illegal way of improving their heads of claims. Among the procedures identified, the study revealed that claimants are quiet aware of the procedures, however, the study revealed that claim survey as one of the procedures for land acquisition and compensation is yet to be known by the claimants this corroborates with the statement of Nuhu and Aliyu [11] that in spite of the highlighted procedures, it is pertinent to ask whether they are strictly adhered to as to what can be term adequate compensation as claimed upon acquisition. This may affect the assessment of the properties especially crops as it should form basis for enumeration for each claimant. Ashwin and Aditi [10] also affirmed that often, the land acquisition process is neither consultative nor transparent.

Table 4: Level of Awareness on the Procedure for Compensation Valuation Practice of Agricultural Properties by Claimants

Procedures	N	Not aware 1	Slightly aware 2	Somewhat aware 3	Moderately aware 4	Extremely aware 5	Mean	Rank
General inspection	203	31(15.3%)	24(11.8%)	11(5.4%)	62(30.5%)	75(36.9%)	3.62	1
Meeting with community members	203	18(8.9%)	34(16.7%)	21(10.3%)	73(35.9%)	57(28.1%)	3.58	2
Perimeter survey	203	23(11.3%)	31(15.3%)	43(21.2%)	68(33.5%)	38(18.7%)	3.33	3
Payment of claims	203	42(20.7%)	25(12.3%)	23(11.3%)	53(26.1%)	60(29.5%)	3.32	4
Publication of notice of acquisition	203	36(17.7%)	33(16.3%)	25(12.3%)	69(33.9%)	40(19.7%)	3.22	5
Computation of claims	203	39(19.2%)	21(10.3%)	44(21.7%)	74(36.4%)	25(12.3%)	3.12	6
Settlement of dispute	203	29(14.3%)	61(30.0%)	40(19.7%)	35(17.2%)	38(18.7%)	2.96	7
Enumeration of unexhausted improvement	203	42(20.7%)	33(16.3%)	34(16.7%)	83(40.8%)	11(5.4%)	2.94	8
Claim survey	203	57(28.1%)	40(19.7%)	44(21.7%)	49(24.1%)	13(6.4%)	2.61	9
Appeal	203	42(20.7%)	68(33.5%)	43(21.2%)	33(16.3%)	17(8.4%)	2.58	10

Source: Author's Survey, 2016.

4. CONCLUSION

The subject matter of compensation valuation practice of agricultural properties is generating a lot of heat in the study area. The findings from the study no doubt, confirms the earlier skepticism express by authors. The compensation process seems to be in disagreement with the expectation of the people in Delta State thereby creating a vacuum. There is need for the compensation process to be review so as to fit the demands and expectation of the people. There is therefore, the need for policy makers and all the other stakeholders to take urgent measures to bridge the clear gap

between compensation process and the expectation of the people. The study has recommended that there should be a review of the basis for compensation valuation stipulated by the Land Use Act to meet up with the current realities. The review of the basis should account for several losses such as losses of communal identity, loss of benefit from the ecosystem, land appreciation overtime among others. Strict adherence to the procedures for compensation practice of agricultural properties, verification of identity of claimants and claims before and during compensation payment using thumb printing machines, review of methods of settlement of compensation with emphasis on negotiation and more emphasis on professionalism and not sharp practices were also suggested. It is very important to note that the real estate profession, no doubt has become a trade for all, lawyer and engineers, quantity surveyors, builders amongst others are infiltrating the profession. Therefore, all hands must be on deck to make our profession stand out because it is only the acquisition of requisite competence that can make the difference among the many players in the field.

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