

## **AN APPRAISAL OF THE LEGAL FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION IN NIGERIA**

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### **Abstract**

*Land constitutes one of the most important economic and social resources in Nigeria and serves as the foundation for agricultural production, housing, industrial development, and infrastructural expansion. Despite the existence of statutes governing land, concerns persisted regarding the adequacy, fairness, and effectiveness of compensation awarded to individuals and communities whose land interests were compulsorily acquired for public purposes. This study appraised the legal framework for land acquisition and compensation in Nigeria with a view to assessing its effectiveness in protecting property rights and ensuring equitable compensation. The study adopted a doctrinal legal research methodology. By examining relevant primary and secondary sources, as well as international legal instruments. The provisions of the Land Use Act 1978 and other relevant laws regulating compulsory land acquisition and compensation were critically evaluated. The findings revealed that the existing legal framework provided a legal basis for compulsory acquisition and compensation, but several challenges hindered its effective implementation. Based on these findings, the study recommended the amendment of the Land Use Act to reflect contemporary realities and international*

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*best practices, among others. The study concluded that compulsory land acquisition had remained an essential tool for national development and public infrastructure projects; its legitimacy and effectiveness depended largely on the fairness, adequacy, and promptness of compensation paid to affected persons.*

**Keywords:** Land Acquisition, Compensation, Land Use Act, Property Rights, Compulsory Acquisition.

## **1.0 INTRODUCTION**

Land is essential, central, and fundamental to the social and economic development of any society, whether civilized or primitive. Ozigbo<sup>1</sup> expresses that universally, land is one resource that has generated and attracted the widest attention. This perhaps explains why statutes, regulations, policies, bylaws, edicts, conventions, enactments, and even beliefs held in respect of it keep on emerging, getting reviewed, repealed, conflicted, and even duplicated from time to time.

From time immemorial, the importance of land to mankind and society cannot be overemphasized, and that has necessitated state intervention by way of property legislation in order to ensure adequate and efficient land management policies for the benefit of the majority of citizens. Every person requires land for their support, preservation, and self-actualization within the ideals of society.

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<sup>1</sup> IWJ Ozigbo, 'Alien Property Ownership in Nigeria and the Land Use Act of 1978: An Exploratory Analysis' (PhD thesis, University of Nigeria 2012)

Legal problems associated with land remain a critical concern in Nigeria and across many African nations, reflecting historical injustices, socio-economic disparities and political challenges. Most Countries in Africa already have laws and policies which are meant to regulate land administration and management. Unfortunately, most of the laws are not implemented due to a lack of effective land governance systems in place.<sup>2</sup> Also, there has been a widespread belief that the main challenge regarding land tenure in Africa is tenure dualism and pluralism.<sup>3</sup> Therefore, this paper explores the multifaceted legal issues faced in these countries and proffers possible solutions to address the identified challenges.

## **2.0 THE CONCEPT OF LAND**

Land is defined as anything that is on the surface of the earth and it includes rocks, water, and trees.<sup>4</sup> The Interpretation Act defines land to mean “*any building or anything attached to the earth or primarily fastened to anything so attached, but does not include minerals.*”<sup>5</sup>

Land tenure and property rights have been significant subjects of legal discourse in Nigeria, Ghana, and other African Countries, as they grapple with unique challenges related to land ownership, governance, and utilization. This literature review synthesizes the perspectives of well-known legal scholars, emphasizing the complexities of land-related issues mainly in Nigeria and select African countries, particularly Ghana, Kenya, and South Africa.

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<sup>2</sup> LA Willy, ‘The Law is to Blame: The Vulnerable Status of Common Property in Sub-Saharan Africa’ (2011) 42(3) *Development and Change* 733

<sup>3</sup> P Peters, ‘Inequality and Social Conflict over Land in Africa’ (2004) 4(3) *Journal of Agrarian Change*, 269

<sup>4</sup> A Taiwo, *The Nigerian Law* (Abba Press 2011) 1

<sup>5</sup> Interpretation Act, Cap I23, LFN 2004, s 18

In examining the land tenure systems in Nigeria, Ajai articulates the duality of land ownership that exists in Nigeria, which is characterized by customary tenure and statutory land law. Ajai argues that while the Land Use Act of 1978 attempted to simplify land ownership by vesting land in the government, it inadvertently marginalized customary landholders and disrupted traditional systems of land governance. Similarly, in the context of Ghana, Owusu<sup>6</sup> explores the tension between customary practices and statutory regulations governing land use. He notes that the Constitution of Ghana accommodates both systems; however, the realities often reveal a wider gap between statutory provisions and customary practices, leading to disputes and confusion about land rights.

Land-related conflicts have been a persistent issue in both nations, often exacerbated by weak governance structures. Afolabi<sup>7</sup> discusses the conflict arising from land grabbing, particularly in urban areas, where government officials and private developers undermine the rights of local communities. This exploitation, combined with ineffective implementation of land laws, has led to widespread violations of property rights, prompting calls for judicial reforms to protect landholders. Ndulo<sup>8</sup> highlights the persistent land disputes stemming from the lack of clear land administration policies. He underscores the impact of governance on land transactions, pointing out that the absence of transparency and accountability in land administration often breeds corruption and

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<sup>6</sup> K Owusu, *Land Administration Reforms in Ghana: Prospects and Challenges* (Ghana School of Law Press 2006)

<sup>7</sup> AAO Afolabi, 'Land Grabbing and Corruption: An Analysis of Disputes Between Local Communities and the State in Nigeria' (2005) 2(1) *African Journal of Legal Studies*, 55

<sup>8</sup> M Ndulo, 'Land Law and Governance in Ghana: Challenges and Opportunities' (2016) 60(2) *Journal of African Law*, 119

favoritism, further complicating land access for marginalized communities.

The intersectionality of gender and land rights in Nigeria and Ghana is another critical area of scrutiny. Ibia<sup>9</sup> emphasizes that women's access to land remains significantly restricted due to both customary norms and statutory barriers. In Nigeria, the patriarchal structure of land ownership relegates women to secondary stakeholders in land use, limiting their economic opportunities and reinforcing social inequalities. Conversely, Sarfo<sup>10</sup> posits that while constitutional provisions promote gender equality, the realities on the ground often contradict these aspirations. Sarfo notes that many women remain deprived of land ownership due to entrenched customary practices that prioritize male inheritance rights. She advocates for legal reforms that both recognize and protect women's rights to land.

The implications of land tenure laws on environmental sustainability have also attracted scholarly attention. Abidemi<sup>11</sup> discusses how land laws often fail to incorporate environmental considerations, leading to unsustainable land use practices. The tension between agricultural expansion and environmental conservation has resulted in the degradation of land resources, posing a challenge to sustainable development. In

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<sup>9</sup> OE Ibia, 'Gender and Property Rights in Nigeria: A Review of the Legal Framework' (2019) 8(1) *Journal of Law and Gender Studies*, 33

<sup>10</sup> RN Sarfo, 'Women's Rights to Land in Ghana: Current Trends and Legal Challenges' (2020) 27(2) *Ghana Law Review* 17

<sup>11</sup> IO Abidemi, 'Environmental Law and Land Use in Nigeria: The Need for Judicial Reforms' (2018) 22(3) *Journal of Environmental Law and Policy*, 45

Ghana, Eugene<sup>12</sup> emphasizes the need for integrated land management policies that harmonize land use with sustainable practices. He argues that effective governance frameworks are critical in managing the competing interests of agricultural development, conservation, and urbanization.

Land-related problems have consistently occupied the minds of scholars in Nigeria and the select jurisdictions examined in this paper, namely Ghana, Kenya and South Africa, and take newer dimensions as societies evolve and pose more challenges to land use and administration.

### **3.0 LEGAL FRAMEWORK IN RELATION TO LAND ACQUISITION AND COMPENSATION IN NIGERIA**

Over the years, land and its use have remained vital to both the government and private citizens. The issue of acquisition and compensation becomes pertinent where land is to be put into use to serve a public purpose. Laws have been put in place to guide the process of acquisition of such lands, as well as compensation for such acquisition. Some of these legislations are discussed below.

#### **3.1 Constitution of the Federal Republic of Nigeria, 1999**

Compulsory Acquisition and Compensation are treated under the Fundamental Human Rights provisions of the 1999 Constitution. Section 43 of the 1999 Constitution confers the right on every Nigerian citizen to acquire and own immovable property anywhere in Nigeria. Section 44(1) of the Constitution goes on to provide as follows.

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<sup>12</sup> CA Eugene, 'Sustainable Land Management in Ghana: Bridging Land Use and Environmental Conservation' (2021) 18(1) *International Journal of Environmental Law*, 103

No movable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things-

- a. requires the prompt payment of compensation thereof, and
- b. gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or a tribunal or body having jurisdiction in that part of Nigeria.

It follows from the foregoing provisions that no Nigerian citizen's interest in a property shall be compulsorily acquired except in accordance with the provisions of the law, which, by the provisions of section 28 of the Act, the revocation of a statutory right of occupancy must be for overriding public interest. In *CIL Risk and Asset Management Limited v Ekiti State Government*<sup>13</sup> the court held that to revoke a statutory right of occupancy for public purposes, the letter and spirit of the laws must be adhered to. Since revocation of a grant deprives the holder of his proprietary right, the law must be strictly complied with and the provisions must be strictly construed. Any other purpose for revocation of a right of occupancy not specified as public purpose in section 28 cannot be lawful purpose.<sup>14</sup>

Whenever privately held land is required for a public purpose, the Nigerian Land Use Act 1978 categorically stipulates that a notice shall be

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<sup>13</sup> *CIL Risk and Asset Management Limited v Ekiti State Government* (2020) NWLR (Pt 1738) 203

<sup>14</sup> *See also Adamawa State Ministry of Lands and Survey v Salisu* (2021) 2 NWLR (Pt 1759) 1

issued to the holder or occupier declaring that the land is required for public purposes. The Government or any of its designated officers issues such notice as provided for in section 28(6) of the Act.<sup>15</sup>

On compensation for compulsory acquisition of land, the Supreme Court of Nigeria in *Messrs Singoz & Co (Nig) Ltd v U.M. Co. Ltd*.<sup>16</sup> held that if a right of occupancy is revoked for the cause set out in section 28 (2)(b) or 28(3)(a) or (c), the holder and the occupier shall be entitled to compensation for the value at the date of revocation of the unexhausted improvements.<sup>17</sup>

In *Ferguson v Comm, for Works Planning, Lagos State*<sup>18</sup> the Court per Aderemi JCA in establishing the concurrent right of a Tenant and Landlord of a compulsorily acquired property to compensation had this to say:

Equity is about nothing but fairness. It is my considered view that those in occupation of land or landed property with the consent or permission or acquiescence of the legal owners would have acquired some rights in the property. It is only fair that such persons should be given from the compensation money paid for the land; the calculation of what sum to pay must be based on the extent of their interests if fairness or equity would be seen to have been done in the case. It seems to me that is the intendment of the law.

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<sup>15</sup> See *Odogwu v Ilomba* (2007) 8 NWLR (Pt 1037) 488

<sup>16</sup> *Messrs Singoz & Co (Nig) Ltd v UM Co Ltd* (2022) 18 NWLR 213

<sup>17</sup> See also *Goldmark (Nig) Ltd v Ibafo Co Ltd* (2012) 10 NWLR (Pt 1308) 291; *Orianzi v AG Rivers State* (2017) 6 NWLR (Pt 1561) 224

<sup>18</sup> *Ferguson v Commissioner for Works Planning, Lagos State* (1999) 14 NWLR (Pt 638) 315

The quantum of compensation payable to a holder/occupier generally depends directly on the purpose for which the land is being acquired by the government and also the purpose for which the land was used by the holder/occupier prior to the acquisition. As provided in section 29 of the Act, where the affected land is required for a general purpose, the holder/occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements and not for a bare land. In *Olateju v Comm. L & H Kwara State*<sup>19</sup> the Supreme Court held that by virtue of sections 28(1), (2) (b) and 29 of the Land Use Act and section 44 of the 1999 Constitution (as amended), evidence of prompt payment of compensation to the owner of a land acquired by the acquiring authority is a *sine qua non* for a valid compulsory acquisition of the land. Therefore, a Governor cannot validly exercise his power of revocation of land from the holder of the right of occupancy without payment of compensation.

### **3.1.1 Minerals and Mining Act, 2007**

Section 1(1) of the Act provides that

The entire property in and control of all mineral resources in, under or upon any land in Nigeria, its contiguous continental shelf and all rivers, streams and water courses throughout Nigeria, any area covered by its territorial waters or constituency and the Exclusive Economic Zone is and shall be vested in the Government of the Federation for and on behalf of the people of Nigeria”.

The Act in section 1(2) provides further that land in which minerals have been found in commercial quantities shall be acquired by the

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<sup>19</sup> *Olateju v Commissioner for Lands and Housing, Kwara State (2024) 17 NWLR (Pt 1968) 473*

Federal Government in accordance with the provisions of the Land Use Act.

Compensation is payable to the holder or occupier of the land by the prospect in mining licensee or lessee through the acquiring authority in accordance with the provisions of the Land Use Act 1978.

### **3.3 Petroleum Industries Act 2021**

The Petroleum Industry Act 2021 confers the entire ownership and control of petroleum in, under or upon any land in Nigeria on the Federal Government. Land in this context includes dry land, land under the territorial waters or that which forms part of the continental shelf.

By the provisions of section 3(g) of the Act, The Minister of Petroleum is empowered to grant oil exploration license to prospect for Petroleum or Oil Mining lease to exploit Petroleum to any Nigerian citizen or company registered under Companies and Allied Matters Act (CAMA) 2020 with a proviso that the licensee must fulfill certain laid down conditions.

The duration of Oil prospecting license under the Act though renewable is 5 years while oil mining lease does not exceed 20 years. One of the conditions for granting oil lease is that the licensee must have struck oil in commercial quantity. Rent is paid for non-producing concessions while royalty becomes payable as soon as concession goes into production. Indeed, by section 14 of the 7<sup>th</sup> Schedule to the Act, the Nigerian Upstream Regulatory Commission may upon the default of a licensee to make the statutory remittances revoke the license and re-enter the land.

#### **4.0 CHALLENGES ASSOCIATED WITH THE LAND USE ACT 1978**

Over the years the implementation of the Land Use Act (LUA)<sup>20</sup> is bedeviled with plethora of problems such as inappropriate application of the provisions of the LUA by states and poor implementation of LUA. LUA although the most basic law for land administration in Nigeria has failed to resolve the fundamental problems underlying the sustainable development of the land economy and related sectors.<sup>21</sup> There is a conflict of policy and implementation in the Act which has so far impeded the realization of its objectives. It is therefore ripe for the LUA to be reviewed and amended to give it the necessary policy thrust for the realization of its objectives.

##### **4.1 Legal pluralism**

Land Use Act of 1978 created a dual structure of land delivery systems; namely: customary and state systems with the consequence of double purchase from the state and the customary owners. The existence of two legal systems on land ownership creates conflict between customary law and legislations on land in Nigeria. A major reason for the conflict between customary law and the LUA is legal pluralism. Legal pluralism is defined as the existence of multiple sources of law (both state and non-state) within the same geographical area.<sup>22</sup> Ownership of land reflects the cultural values of Nigeria and therefore, customary rights to land are an important aspect that should be properly reflected as part of Nigeria's

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<sup>20</sup> Land Use Act, Cap L5, LFN 2004

<sup>21</sup> KH Babalola and SA Hull, 'Examining the Land Use Act of 1978 and its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State' (2019) 22 Potchefstroom Electronic Law Journal 1

<sup>22</sup> SE Merry, 'Legal Pluralism' (1988) 22(5) Law and Society Review 869

legal system. Therefore, when more than one legal system exists, conflict or clashes between the two legal system can occur. Corrin<sup>23</sup> observes that the co-existence of plural legal systems, especially where they are based on very different norms, throws up complex practical dilemmas such as how to resolve conflicts between constitutionally enshrined individual rights and customary laws, which are not easily resolved by reference to the recognition provisions. By the provisions of Sections 34 and 35, the LUA convert absolute ownership into rights of occupancy, which can be enjoined through statutory or customary rights. Thus, customary rights are recognized.

#### **4.2 Excessive Bureaucracy in Land Administration**

Excessive bureaucracy in obtaining Governor's consent and approval for land transactions and certificate of occupancy among other shortcomings has made land registration in Nigeria very prohibitive. As reported by World Bank (2015), Nigeria ranked among the lowest in terms of ease of registration of property title. While it will take twelve days and fifteen days to register property title in Rwanda and Botswana, respectively, such title will take seventy-seven days to be registered in Nigeria. In addition to excessive bureaucracy depicted by the highest number of procedures required for property registration in sub-Saharan Africa (13 procedures in Nigeria as compared to 9 in Kenya), the cost of property registration in Nigeria (20.8% of property value) is the highest when compared with that of other countries in the region. The process of obtaining title is expensive and tedious. Consequently, after over 30years of operation of the LUA, less than 3 percent of land in the country, mainly in urban areas, is

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<sup>23</sup> J Corrin, 'Plurality and Punishment: Compensation between State and Customary Authorities in Solomon Islands' (2019) 51 *The Journal of Legal Pluralism and Unofficial Law*, 29

covered by title deeds and only an average of 23.1 percent of household in Nigeria own land (National Bureau of statistics, 2011).  
iv. Under the LUA underdeveloped or bare land has no commercial value and as such cannot be pledged as collateral for mortgage purposes. In addition, by virtue of section 51 of LUA a mortgagee is specifically excluded from the class of persons who are regarded as holders of right of occupancy and hence entitled to compensation in the event of revocation of right of occupancy of mortgaged property. This has hindered the development of mortgage and housing delivery in Nigeria. The enactment of LUA has greatly affected the value and reliability of land as a form of security for lending

### **4.3 Inadequacy of Compensation Provisions**

By section 44(1) of the Constitution, ‘No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law, among other things;

- a.) Requires the prompt payment of compensation thereof;
- b.) Give to any person claiming such compensation a right to access for the determination of
- c.) his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.’

Judging from the above, the provisions of the Constitution mandating the government to pay prompt compensation for any interest in land acquired compulsorily is unambiguous. The constitution literally used the word

‘immovable property’ which the Black’s Law Dictionary described to include land and property attached thereto.

However, the regime of the LUA, creates inconsistencies. Section 28 of the LUA empowers the Governor of a state to revoke private rights over land for overriding public interest. Also, section 29 (1)(4) provides that the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements; and compensation under subsection The provisions of the Act which limits the payment of compensation to improvements on lands only, is repugnant to natural justice, equity and good conscience.

#### **4.4 Land Grabbing and Customary Land Rights**

Despite no unanimous definition of land grabbing, a generally accepted view is that the practice involves the appropriation of large swatches of land in Africa, often by transnational companies with the aim of securing benefits in food supply and energy security.<sup>24</sup> Land grabbing is a contemporary practice of twenty-first century that has fundamentally changed the power dynamics in the land ownership patterns, which has increasingly become detrimental to the rights, freedoms and livelihood of local, peasant and indigenous populations in Africa. Axiomatically, land grabbing affects customary land tenure systems and peoples’ possession of the land as a natural resource and a means of livelihood<sup>25</sup>

#### **4.5 Environmental Concerns and Land Degradation**

Nigeria, endowed with rich natural resources, has also faced significant environmental challenges, particularly concerning land use and

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<sup>24</sup> O de Schutter, ‘The Green Rush: The Global Race for Farmland and the Right of Land Users’ (2011) 52 *Harvard International Law Journal*, 504

<sup>25</sup> *ibid*

management. Deficits in regulation, enforcement, and awareness have led to land degradation, deforestation, pollution, and conflicts over land ownership and use rights. Some key environmental issues affecting land in Nigeria are highlighted below.

#### **4.6 Environmental Degradation and Land Use**

Land degradation in Nigeria is predominantly due to deforestation, agricultural expansion, and urbanization. The Food and Agriculture Organization (FAO) estimates that over 90% of forests in Nigeria have been lost due to logging, agriculture, and urban development<sup>26</sup>. The National Environmental Standards and Regulatory Enforcement Agency (NESREA) Act 2007 is the body of law which aim at protection and sustainable development of the environment and its natural resources. The lofty objectives of the Act are however still far from being achieved as adequate enforcement has been a major bane to its effectiveness<sup>27</sup>.

#### **4.7 Oil Pollution and Land Contamination**

The oil sector, pivotal to Nigeria's economy, has also led to significant land pollution. Oil spills in the Niger Delta region have rendered large tracts of land uninhabitable and destroyed the ecosystem. The Nigerian Oil Spill Detection and Response Agency (NOSDRA) was established to address these issues; however, the effectiveness of its operations has often

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<sup>26</sup> Food and Agriculture Organisation (FAO), Global Forest Resources Assessment 2020: Main Report (FAO 2021) <[www.fao.org](http://www.fao.org)> accessed 17 March 2025

<sup>27</sup> Environmental Law Research Institute, 'A Synopsis of Laws and Regulations on the Environment in Nigeria' <<https://elri-ng.org/environmental-law-policies-in-nigeria>> accessed 17 March 2025

been criticized due to inadequate funding and insufficient advocacy<sup>28</sup>. The Supreme Court's ruling in *Shell Petroleum Development Company of Nigeria Limited v. S.S. Abubakar*<sup>29</sup> reinforced the liability of oil companies for environmental degradation, establishing that these companies must take due diligence in their operations to prevent such ecological destruction.

Environmental issues affecting land in Nigeria reflect broader governance and regulatory weaknesses. A combination of robust legal frameworks, effective enforcement, and community engagement is necessary to create a sustainable balance between development and ecological preservation.

## **5.0 PROSPECTS OF THE LAND USE ACT OF 1978<sup>30</sup>**

### **5.1 Promotion of Uniform Land Administration**

One of the major prospects of the Land Use Act is the establishment of a uniform system of land administration throughout Nigeria. Before the enactment of the Act, different regions operated diverse customary and statutory land tenure systems, which often created confusion and legal uncertainty. The Act provides a common legal framework for land ownership, allocation, and management, thereby enhancing consistency and predictability in land transactions. The Act also creates opportunities for easier access to land for residential, commercial, industrial, and agricultural purposes. By vesting land in the Governor of each state, the

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<sup>28</sup> N Ezenwa-Ohaeto and others, 'An Appraisal of the Impact of the National Oil Spill Detection and Response Agency on Environmental Pollution in Nigeria' <<https://journals.ezenwaohaetorc.org>> accessed 17 March 2025

<sup>29</sup> *Shell Petroleum Development Company of Nigeria Limited v SS Abubakar (2018) 12 NWLR (Pt 1620) 394*

<sup>30</sup> K Owusu, *Land Administration Reforms in Ghana: Prospects and Challenges* (Ghana School of Law Press 2006)

government possesses the authority to allocate land to individuals, corporations, and public institutions for developmental projects. This facilitates the establishment of industries, housing estates, educational institutions, and other infrastructural developments.

### **5.2 Promotion of Economic Growth and Investment**

The Land Use Act contributes significantly to economic development by making land available for productive use. Investors require secure access to land before establishing businesses or industries. Through statutory rights of occupancy and certificates of occupancy, the Act provides a measure of security that encourages both domestic and foreign investment, thereby stimulating economic growth and job creation. Agriculture remains a vital sector of the Nigerian economy, and the Act offers prospects for expanding agricultural activities. State governments can allocate large portions of land to farmers, agricultural cooperatives, and agribusiness firms. This encourages commercial agriculture, mechanized farming, increased food production, and improved rural livelihoods.

### **5.3 Use of Land as Collateral for Credit Facilities**

The Act enhances the economic value of land by enabling holders of recognized land interests to use their land rights as security for loans and other financial facilities. Financial institutions are more willing to grant credit where land ownership is legally recognized and documented. This prospect promotes entrepreneurship, business expansion, and capital formation. The Act provides government authorities with the legal basis to regulate land use and implement urban planning policies. Through effective allocation and control of land, governments can ensure orderly development of cities and towns, prevent overcrowding, reduce the

growth of slums, and facilitate the provision of essential infrastructure such as roads, drainage systems, and public utilities.

#### **5.4 Reduction of Land Disputes and Conflicts**

Land disputes have historically been a major source of litigation and communal conflict in Nigeria. The Land Use Act offers prospects for reducing such disputes by providing legal procedures for land allocation, documentation, registration, and transfer. Proper documentation of land rights increases certainty of ownership and minimizes competing claims over the same parcel of land. Also, the Act empowers government to acquire land for overriding public purposes. This enables the construction of roads, railways, airports, schools, hospitals, power projects, and other public facilities necessary for national development. Without such powers, acquiring land for large-scale public projects could be extremely difficult and costly.

#### **5.5 Promotion of Social Equity in Land Distribution**

The Act seeks to prevent the concentration of land ownership in the hands of a few individuals and families. Government control over land allocation creates opportunities for broader access to land resources by different segments of society, including individuals who may not possess traditional or inherited land rights. The Act provides a legal framework that supports the growth of the real estate sector. Developers can obtain land rights for housing projects, commercial complexes, and mixed-use developments. This contributes to increased housing supply, urban expansion, and employment generation within the construction industry. Land administration under the Act generates revenue for governments through fees, rents, consent charges, registration fees, and other land-

related charges. These revenues can be utilized to finance developmental projects and improve public services.

### **5.6 Advancement of Digital Land Administration Reforms**

The Act provides a foundation upon which modern land administration systems can be built. Current efforts by many state governments to digitize land records, automate land registration processes, and develop geographic information systems are capable of improving transparency, reducing fraud, and enhancing efficiency in land management. Government control over land use enables authorities to regulate activities that may adversely affect the environment. Through zoning regulations and environmental policies, land can be allocated and utilized in a manner that promotes sustainable development, environmental conservation, and effective management of natural resources. A properly administered land tenure system increases investor confidence and improves the ease of doing business. When land acquisition processes are transparent and efficient, businesses can acquire land more quickly for their operations, thereby enhancing Nigeria's attractiveness as an investment destination. The Land Use Act of 1978 possesses significant prospects for Nigeria's socio-economic development. Its potential benefits include uniform land administration, increased investment, agricultural expansion, urban planning, reduction of land disputes, infrastructure development, social equity, revenue generation, and sustainable land management. The realization of these prospects, however, depends largely on effective implementation, institutional efficiency, transparency, and continuous legal reforms aimed at addressing the shortcomings of the Act.

The paper therefore found that Nigeria possesses a comprehensive legal framework governing land acquisition and compensation, principally anchored on the Constitution of the Federal Republic of Nigeria 1999 (as

amended) and the Land Use Act 1978. These laws confer extensive powers on government authorities to acquire land for overriding public purposes while imposing an obligation to compensate affected landholders. The paper found that the concept of "overriding public interest" under the Land Use Act is broad and often susceptible to abuse, leading to acquisitions that may not genuinely serve public purposes. In several instances, land acquired ostensibly for public purposes is subsequently transferred to private individuals or corporate entities, thereby raising concerns about transparency and accountability.

The paper further found that compensation under the existing legal framework is generally inadequate. The Land Use Act primarily compensates for unexhausted improvements on land rather than the market value of the land itself. This approach frequently places dispossessed landowners and occupiers at an economic disadvantage and fails to reflect prevailing realities in the land market.

Another significant finding was that delays in the assessment and payment of compensation remain a persistent challenge. Many affected persons experience prolonged periods before receiving compensation, thereby causing economic hardship, displacement, and loss of livelihood. The paper also found that the procedures for determining compensation lack uniformity across different states. Variations in valuation methods, administrative practices, and institutional capacity often result in inconsistencies and perceptions of unfairness among affected persons.

The paper revealed that customary landholders are particularly vulnerable during compulsory acquisition processes. Although customary rights of occupancy are recognized under the law, many rural communities encounter difficulties in proving ownership and securing adequate

compensation due to inadequate documentation and weak institutional support. The study further found that access to justice remains a challenge for many victims of compulsory acquisition. The high cost of litigation, prolonged judicial proceedings, and limited awareness of legal rights often discourage affected persons from seeking legal remedies against unlawful acquisitions or inadequate compensation.

The paper identified weak institutional coordination among land administration agencies, valuation departments, and compensation authorities as a major impediment to the effective implementation of the legal framework. This often contributes to bureaucratic delays, inefficiency, and administrative bottlenecks. The paper found that rapid urbanization, population growth, and increasing demand for land have intensified disputes arising from compulsory acquisitions. Consequently, land-related conflicts continue to constitute a significant proportion of litigation before Nigerian courts.

The paper also revealed that judicial intervention has played a crucial role in protecting property rights and ensuring compliance with constitutional safeguards. Nigerian courts have consistently emphasized the requirement of due process, lawful acquisition procedures, and the payment of compensation where compulsory acquisition occurs.

Finally, the study found that despite its shortcomings, the existing legal framework provides a viable foundation for balancing public developmental needs with private property rights. However, substantial legislative, institutional, and administrative reforms are required to ensure transparency, fairness, prompt compensation, and effective protection of the rights of affected landowners and communities.

It is recommended that a thorough reform of land tenure systems in Nigeria and the other countries examined. Governments should enact legislation that clearly defines and protects tenure rights for all categories of landholders, including customary owners and women. The dual legal systems that currently coexist in most of these jurisdictions create uncertainty and conflict; a unified and codified framework that harmonizes customary and statutory land rights is urgently needed. Land tenure security is fundamental to sustainable land management and economic development, and without clear legislative clarity, the problems identified in this paper will persist.

African countries must put in place more effective mechanisms for enforcement of available laws as it has been revealed in this work that inadequate enforcement remains one of the major challenges facing land administration in Africa. Concerted efforts from policymakers, non-governmental organizations, and community leaders is advocated for, in order to reform the legal frameworks governing land use and ownership. Such reforms can promote social justice, economic empowerment, and sustainable development.

This paper also advocates for proper harmonization of laws as legal pluralism has been highlighted as being one of the major pitfalls to tenure systems in the country discussed. The land tenure systems in the countries discussed should be reformed to promote certainty as to applicable laws over land and land administration.

The legal challenges related to land in Nigeria, especially as it relates to acquisition and compensation, highlight the complexities and impact of history, culture, politics, and environmental considerations. Addressing these issues requires comprehensive reforms in land ownership laws and

policies that prioritize transparency, equity, and sustainability. The advocated reforms if adopted by other African countries will be pivotal in addressing issues related to land use. Land remains one of the most valuable resources that man is endowed with and as such proper management and administration of this resource can be a panacea for accelerated progress and development.

## **6.0 CONCLUSION**

The legal framework governing land acquisition and compensation in Nigeria, principally under the Land Use Act 1978 and related constitutional provisions, provides a foundational structure for balancing the demands of public development with the protection of private property rights. However, the practical operation of this framework has revealed significant gaps, particularly in relation to the adequacy of compensation, procedural delays, inconsistent valuation practices, and weak institutional coordination.

While the framework continues to support government efforts in acquiring land for overriding public interest, its effectiveness is often undermined by administrative inefficiencies and limited access to justice for affected persons. These challenges have, in many instances, led to perceptions of unfairness and mistrust in the land acquisition process. Nevertheless, the framework remains essential to Nigeria's development trajectory, as it enables the provision of infrastructure, urban expansion, and economic growth. Strengthening transparency, ensuring prompt and fair compensation, and improving institutional capacity will be critical to enhancing its legitimacy and effectiveness in the future.