

DOI: <https://doi.org/10.52968/15064260>

ISSN: 2805-3346

**RESEARCH ARTICLE**

## **Enhancing Land Governance in Nigeria through Land Pooling and Readjustment Options**

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### **ABSTRACT**

Received: 16 October 2024

Revised: 28 June 2025

Accepted: 11 July 2025

Published: 6 November 2025

**Cite article** as: Thontteh, E. (2025). Enhancing Land Governance in Nigeria through Land Pooling and Readjustment Options. *African Journal of Housing and Sustainable Development*, 6(1), pp. 77-90.

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This article examines advocacy for the introduction of Land Pooling and Readjustment (LPR) in Lagos in the bid to boost development in the urban fringes, leading to a reduction of tensions between the state and customary landowners over land acquisition matters. The article adopted a qualitative approach involving the snowball technique as it assesses narratives supplied by land bureau officials and members of the Nigerian Institution of Estate Surveyors and Valuers (NIESV), who are directly involved with compensation valuation. The interview excerpts reflect professionals' dissatisfaction over developments in the built environment, especially regarding compulsory land acquisition. It is noted that LRP is a viable alternative strategy for anticipating or checking the conflicts often associated with project abandonment after land acquisition. Governments are therefore implored to adopt the LPR approach as a way to secure popular support for infrastructural development initiatives, thus reducing compensation burdens and increasing government revenue through betterment tax and neighbourhood improvement tax. The recommended advocacy approach should involve community development associations, traditional heads and the local governments.

**Keywords:** Conflict, Compensation, Indigenous rights, Land governance, Lagos, Nigeria

### **1.0 Introduction**

Land acquisition is one of the key issues that have emerged since the enactment of the Land Use Decree of 1978, which had the aim of boosting the provision of housing and other infrastructure, as well as extensive farming land for the attainment of food security and generation of foreign earnings through produce exportation. While there is considerable theoretical and empirical literature on large-scale land acquisitions (e.g., Deininger & Binswanger, 1994; Larbi, 2008; Williamson, Enemark, Wallace, & Rajabifard, 2009; German, Schoneveld & Mwangi, 2013; Agunbiade & Lawanson, 2017), only a few studies have reviewed

studies addressing concerns over the 3Cs: Consultation, Consent, and Compensation, as advocated in Land Pooling and Readjustments (LPR). The framework for assessment includes prior consultation, the consent of local people, payment of adequate compensation in terms of Land Value Capture (LVC), and the social, economic and cultural re-integration of landowners.

Accordingly, this study fills the gap by analysing and synthesizing available literature and historical documents. In that regard, the study makes a threefold contribution to the literature. First, it takes

stock of what we know so far about the determinants of land acquisition. Second, it presents a picture of land acquisition processes and compensation modalities. Third, it foregrounds discussions on Land Pooling and Land Readjustment (LPR), focusing on issues of land acquisition and assembly. LPR has often been known to promote conflict-free land acquisition procedures, thus saving government revenue and improving land value capture for landowners (Akiyode, 2021). While the extant literature has considered land pooling from the perspective of urban renewal (Gielen, 2016; Lin, Li, Yeh, He, Hu & Liu, 2018; Jelili, Akinyode, & Ogunleti, 2021), this article considers land pooling as an enabler of conflict-free land acquisition procedures for development.

Land readjustment has been used in the Global North and Global South countries to facilitate urban expansion through rural-to-urban land conversion and to assemble underutilized land in inner cities for densification and redevelopment. The tool has also been used to facilitate post-disaster and post-conflict reconstruction (Pinilla, 2018; Neupane, 2020; World Bank Group, 2022). Land pooling and readjustment are land-exchange schemes in which the exchange ratio is determined by collective bargaining between affected landowners and the agency involved (Li, & Li, 2007). The approval of the exchange ratio is based on the consent of majority of the owners regardless of the size of their landholdings. Land pooling and readjustment mandate *in situ* resettlement, allowing participating landowners to return to the original land sites (or as close as possible) and rebuild their homes after land redevelopment. In contrast, compulsory acquisition involves the displacement of an affected landowner. Land-pooling procedures emphasize community engagement to facilitate consensus building (Zeluel, 2018).

Furthermore, land pooling and readjustment enable land-value capture by requesting owners and users of land to give up a portion of their landholdings to make space for infrastructure development or to create serviced lands for sale to defray project costs. Compulsory land acquisition through eminent domain does not involve cost recovery by recouping land value increments generated by the project. The most advantageous aspect of LPR is the giving up of a piece of land in return for a serviced land of higher value in the future. Thus, to incentivize

landowners to participate in the project, the implementing agency will identify the types and levels of financial risks that the participants bear. It will also propose viable means to mediate and manage the identified risks. However, most times, when the government acquires land compulsorily for public purposes, there is often no legal requirement for performing economic risk mitigation for the affected parties, except in projects involving international agencies such as the World Bank and AIID (World Bank Group, 2022).

Decisions about land acquisitions taken in isolation are no longer sufficient. The conflicts it often generates between the landowning family and the government agency suggest the need for robust and integrated consultation and consent during the acquisition processes (Hui & Bao, 2013; Neupane, 2020). The drivers for large acquisitions by government have traditionally been for overriding public interest, which could be socially or economically motivated. This means that acquisition processes need to be sustainable rather than simply one-off processes that occur for delivering prejudged outcomes. The components of the appraisal for sustainable land acquisition often bring new considerations to the acquisition decision-making process (Asongu & Nguena, 2014), such as economic appraisal not only to estimate the level of the costs and benefits of the options for risk management but also to identify the key factors determining them, as well as to seek out and refine better options for all concerned at lower costs and greater environmental and social benefits.

For government authorities considering the acquisition of sites, an appraisal might typically involve a reconnaissance survey, which will involve determining whether statutory or customary titles exist, consultations with various stakeholders in the community, reaching stakeholder consent on boundaries to be acquired, and deciding adequate compensation. For Akiyode (2021), the purpose of compulsory acquisition does not often focus on overriding public interest projects, as communities are mostly not involved in project execution. This sometimes leads to displacements and marginalization of the poor, as well as loss of power, for the executing political party.

A practical illustration of this scenario is the Lagos-Calabar Coastal Road Highway acquisitions in the year 2024. This 700-kilometer project extends from Victoria Island in Lagos to Calabar in Rivers State. The acquisitions resulted in significant displacement, destroying businesses, properties and landowning families along the corridor. The government disbursed a total sum of 18 billion naira (approximately \$11.7 million) as a lump-sum payment to affected individuals, designating the zone as infrastructure corridors. These acquisitions generated numerous conflicts involving landowning families and a group of investors referred to as “compensation petitioners”, with legal proceedings ongoing as at the time of writing. The primary source of contention centres on inadequate compensation that failed to account for injurious affection and negative impact on the sociocultural values of land occupants. Although the project is underway, the government aims to safeguard national infrastructure by engaging the landowners. A key issue is whether involving local populations in the process, without entirely displacing them, could mitigate conflicts, thus framing the development as a public good. This situation underscores the importance of Land Pooling and Readjustment (LPR) as a strategy for equitable compensation and sustainable development.

Thus, this study advocates land assemblage for urban expansion and revitalization with minimal displacements through Land Pooling and Readjustment (LPR) in Lagos. In achieving this aim, the study assesses land acquisition and compensation processes, alongside the actors and procedures involved in land pooling and readjustment adaptations. The article is presented in four parts. Section one reflects the background to the study, section two outlines land acquisition practice in Lagos and its many challenges, section three outlines the methodology adopted, and the fourth section talks about the key elements of LPR that should be adopted and contextualized in Lagos.

## **2.0 Land Acquisition Practice in Lagos and its Many Challenges**

Integrating decision-support tools, as well as the application of brainstorming programmes from the outset, are key to sustainable land acquisitions. This position needs to be established and agreed both for

consistency and transparency, in the face of a dearth of guidance (Pollard, Brookes, Earl, Lowe, Kearney, & Nathanail, 2004). At present, issuance of notices is required for land acquisitions; however, a study by Olapade, Ojikutu and Aluko (2022) has shown that this is sometimes contentious, causing considerable feud and bitterness between landowning families, community members and government agencies. German, Schoneveld and Mwangi (2013) assessed the contemporary processes of land acquisition through an overview of parameter description, which includes legal provisions to protect customary rights —whether through formal titling or recognition of existing systems of land occupation and tenure. These mechanisms are meant to ensure that local rights to land and other natural resources are safeguarded during the negotiation process. They also consider provisions for permanent changes in the status of formally recognized customary rights.

There is an envisioned process for consulting customary land users about investment and land alienation. First, there are legislated steps and processes through which customary rights holders are informed, consulted or given decision authority over land alienation and its terms. Three related sub-parameters are involved here: (a) the role of intermediaries – the legislated role of government agencies or other actors in regulating, mediating or facilitating the negotiation process; (b) mechanisms for local representation that specify the representation of “local communities” or customary rights holders in the negotiation process; (c) compensation mechanisms that specify the level, type and distribution of compensation to be paid in cases of customary land alienation. Second, there are impact-mitigation requirements in relation to the negative socioeconomic impacts of large-scale investments, with these requirements needing to be met by project proponents. Third, there must be dispute resolution and monitoring of social impacts, as well as, where stipulated, specification of the social dimensions or indicators to be monitored and the legally recognized mechanisms to be used by aggrieved parties.

In Nigeria, the state has exercised its power of eminent domain under various enactments since colonial times. Its objective in so doing has been socioeconomic development for the public good. The acquisition and management of these lands

have given rise to several unresolved issues. Among such issues are the acquisition of lands far in excess of actual requirements, unpaid compensation in respect of some acquisitions, encroachment on acquired lands, lack of intergenerational equity in the utilization of paid compensation, change of use of compulsorily acquired land as against the purpose of the acquisition, optimizing the use and economic returns of state lands, and private-sector participation in the development of compulsorily acquired land. The result has been a loss of public confidence in the state machinery for the management of land (Barry & Roux, 2016), frequently leading to tensions between the state and customary landowners, massive deliberate encroachment on state lands, and challenges to the state's legitimacy to claim control over compulsorily acquired lands.

Eminent domain refers to the power possessed by the state over all property within its jurisdiction and, specifically, its power to appropriate private property for public use. Thus, governments have the right to compulsory land acquisition – with compensation – for the broader public service (Land Use Act, 1978). However, the exercise of such power is not without controversy. The way in which this power is exercised in Nigeria, especially for urban expansion, tends to undermine tenure security. Moreover, owing to inadequacies in compensation payment and negative impacts on equity and transparency, many undesirable outcomes have ensued, including massive encroachments, unpaid compensation, change of original use of acquired lands, and divestiture of state enterprises to private entities.

## **2.1 Compulsory Acquisition and Policy Practice**

To extract the eminent domain practice on land acquisition, the researcher examined the following documents: the Nigerian Railway Corporation Act (1955), the Petroleum Act (1969), the Federal Housing Authority Act (1973), the Nigerian Port Authority Act (1999), the Land Use Act (1978) (later the Land Use Act, 2004), the Nigerian National Petroleum Corporation Act (2004), and the Nigerian Mining Law (2007).

The first stage after expression of interest by the government to acquire land for public infrastructure or public housing is a request to the commissioner in charge of land matters in the state to carry out the processes in executing the eminent domain power. This is followed by project site identification, which is undertaken by the town and country planning directorate of the ministry in conformity with area zoning plans. Once the land is identified, a perimeter survey of the land is produced by the cadastral unit of the survey department. The survey plan is then submitted to the director of the lands and housing development department to draft the acquisition notice.

The second stage is the pasting of the acquisition notice for the revocation of rights of occupancy. Thus, once the boundaries are confirmed by the Surveyor General, with the production of the relevant site plans and site descriptions, the commissioner for lands goes ahead to publish the revocation notice in daily newspapers and the State Gazette. Regarding overriding public interest in the case of a customary right of occupancy, as specified in Section 28 (3) of the Land Use Act of 1978, notice of revocation of right of occupancy must be published and served on holders of interest in the land acquired. The gazette acquisition notice is then sent to the Governor of the state where the land was acquired, requesting him to revoke the Right of Occupancy on the land in accordance with Section 28 subsection 4 of the Land Use Act of 1978.

The third stage is community involvement. Upon the expiration of the notice, after six weeks, a meeting is held between the acquiring authority (the Ministry of Lands) and the benefiting community. Issues discussed at such meetings include purpose of acquisition and likely benefits accruable to the community, traditional consultation of the community, community participation in the enumeration exercise and appointment of community representatives to aid the enumeration exercise. Community involvement is expected to be the first step once the land has been earmarked, before the actual pasting of notice of acquisition (NIESV, 2022), as land pooling and readjustment require consultations with the supermajority (Jelili, Akinyode, & Ogunleti, 2021; Olapade, Ojikutu & Aluko, 2022).

The fourth stage is the field inspection/enumeration exercise/assessment of compensation. Here, the enumeration/valuation of crops/structures is undertaken to determine the compensation payable to the affected people/community(ies), who are referred to as claimants. A certificate of enumeration is issued to each claimant. On the appointed date, the parties meet in the field, properties are inspected and owners are identified for data and valuation purposes. Thereafter, compilation of compensation schedules is done (see Section 29 (1-6) of the Land Use Act, 2004).

The final stage is the payment of compensation to claimants after the compensation schedules have been approved by the commissioner for land matters. The valuer pays compensation to the claimants and obtains an indemnity certificate from them. The schedule of payment and indemnity certificate are returned to the Ministry of Lands for record purposes. However, before this final stage of payment, myriads of conflicts may ensue between the claimants and land ministry officials regarding land value and ownership rights. Where there are counterclaims and litigations, the Ministry of Lands approaches the Ministry of Works to obtain the records. In many cases the records are either incomplete or cannot be found. At this stage the acquisition process and purpose are stalled and government intentions for acquisitions are unfulfilled. Sometimes, projects are abandoned for decades; at some other times, government applies force through armed police and soldiers, sometimes leading to loss of lives and maiming. Yet, a major objective of enacting the Land Use Act of 1978 is to create uniformity of land policies across the country and to prevent land conflicts.

Going forward, the Land Use Act has not been able to achieve its intents and purposes on land conflicts after over four decades. This calls for a rethink of the approaches, procedures and strategic mechanisms for enhancing community participation and executing government's intentions in infrastructure development or other projects meant for public use.

## **2.2 Reflecting Sustainable Approach in Compensation**

In dealing with compulsory land acquisitions, the state is often faced with three issues: outstanding

issues in situations where the acquisition process has been completed and compensation paid; occupation without acquisition; completion of acquisition but failure to pay compensation. There is a need to review the acquisition processes and procedures to enable would-be expropriated owners to participate in the process. The government will not open negotiations for any land for which compensation has been fully paid regardless of the current use of the land and any dispute arising therefrom. This stance remains a source of conflict between the state and citizens, as some of these lands have been converted to commercial use.

Up-to-date and accurate land records are important for improving governance in land administration and for reducing tensions between the state and its citizens (Famuyiwa, 2022; Pinilla, 2018). In resolving such conflict, local knowledge should not be discounted (Olapade, Ojikutu & Aluko, 2022). Local communities are usually aware of the areas that have not been formally acquired, the extent of land being occupied and the uses to which they are being put. In searching for options for dealing with these issues, such that the use of compulsory purchase powers will not be considered ultra vires, the agency involved must consider three issues: (a) the use of compulsory purchase powers outside the statutory wording of the legislation; (b) the misuse of the powers; (c) a breach of the rules of natural justice.

Certainly, according to Ghebru, Woldeyohannes, Edeh, Ali, Deninger & Okumo (2014), these rules require impartiality on the part of the decision-maker and the right to hear and be heard in a matter affecting a person's interest. Regarding the quite dynamic and progressive nature of law, the authors observed that what constituted an interpretation thirty or forty years ago may not hold substance in the present day. As such, because society itself is changing rapidly in response to development in all spheres, law cannot stay static. As society's engine, therefore, law must be seen to move along with developmental trends, otherwise chaos, anarchy and confusion could result.

A sustainable land acquisition process must guide the evaluation of any policy options and the new land laws to be drafted. Several options have been implemented in the past in dealing with

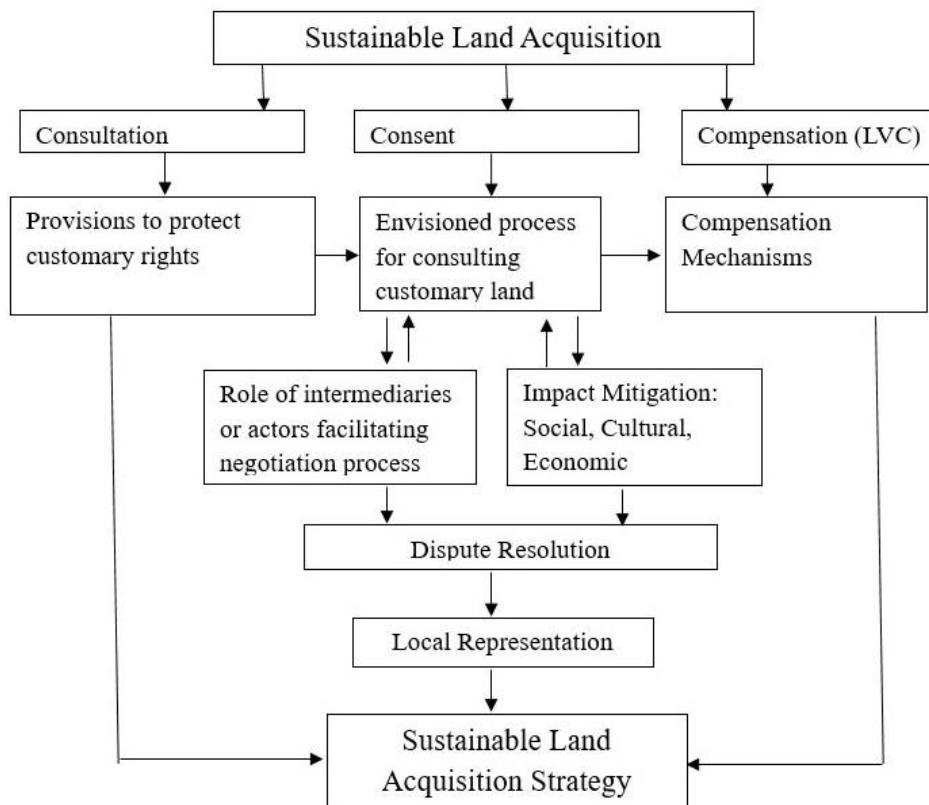
compensation payments, one of which is the lump-sum payment that has created intergenerational equity problems. Sometimes problems result from the ceding of a portion of land to the customary landowning families (this method is called land excision). These old methods have proved ineffective and unpopular despite providing good lessons and guidance. The sustainable policy options should address these outstanding issues in a way that would be generally acceptable to the public.

The following options and strategies may be considered. One, government may develop appropriate guidelines and standards for compulsory acquisition. Currently, there are no standards for compulsory acquisition for various uses – education, health, agriculture, commercial, industrial, etc. Two, the state should consider alternatives to monetary compensation, including provision of infrastructure and special projects for affected landowning groups and communities, taking into account factors such as land location

(urban/fringes), size of land involved, and the national interest.

Three, the basis of compensation may be changed from lump sum to annual payments in order to ensure intergenerational equity. However, the dilemma here is whether the state must be indebted to a particular community forever for acquiring land for national development projects. Alternatively, the state may pay a lump sum but ensure that the uses to which the funds are put will fulfil the requirements for intergenerational equity. Four, trusteeships may be established, with each expropriated community setting up a trust into which compensation money is paid and managed by trustees. This may also address the intergenerational equity issue. It is also possible to penalize encroachments and use the proceeds to pay compensation. It should be noted, however, that no one option may be sufficient in seeking solutions to the outstanding issues. All the same, a combination of some of the above options may provide the necessary solution and, thus, reduce land conflicts.

**Figure 1:** Sustainable Land Acquisition Conceptual Framework



**Source:** Author's Conceptualization

**Table 1:** Implementation of Land Readjustment and Pooling in Different Countries

Country	Overview of Implementation	Implementation Approach	Implementing Policy
India	<p>Consolidation of farmlands</p> <ul style="list-style-type: none"> <li>- Infrastructure development, land value improvement and timely completion of projects</li> <li>- Reproduction of existing social, economic, and cultural co-integration amongst landowners</li> <li>- The involvement of tenants and other non-property owning residents in the process were recorded</li> </ul>	<ul style="list-style-type: none"> <li>- People Private Public Participatory (PPP) Approach</li> <li>- NGO</li> <li>- Housing Cooperatives</li> </ul>	<ul style="list-style-type: none"> <li>- Amendment of planning Laws</li> <li>- City Development Plans (CDP)</li> <li>- Town Development Act</li> </ul>
China	<p>Conversion of rural land into urban buildings and renewal of blighted communities. Re-define urban development frameworks</p> <ul style="list-style-type: none"> <li>- Innovative institutional arrangements to motivate and incentivize land developers</li> </ul>	<ul style="list-style-type: none"> <li>- Wiling residents and municipal government</li> <li>- Participatory approach</li> <li>- Private developers</li> </ul>	<ul style="list-style-type: none"> <li>- Adjustment of land ordinance in 1999 to accommodate LRP</li> <li>- Simulated housing relocation and resettlement scheme</li> <li>- Change in land use to accommodate development</li> <li>- Establishing the Local Government Act (2009) which explicitly defined land pooling and provided for the scope of its use</li> </ul>
Thailand	<p>Housing re-development</p> <ul style="list-style-type: none"> <li>- Re-development of communities, housing and infrastructure development</li> <li>- The poor landowners were forced to sell their land due to high construction cost: displacements</li> </ul>	<ul style="list-style-type: none"> <li>Public Participatory process</li> <li>- NGO</li> <li>- Residents and landowners</li> <li>- Cooperatives</li> </ul>	<ul style="list-style-type: none"> <li>- National Housing Authority Agency Rules</li> </ul>
Columbia	<p>Cost optimization to finance urban infrastructure</p> <ul style="list-style-type: none"> <li>- Equitable sharing of land value</li> </ul>	<ul style="list-style-type: none"> <li>- Urban renewal</li> <li>Land Planning and management finance tool initiated by a private institution (Los Andes University)</li> </ul>	<ul style="list-style-type: none"> <li>- Amendment of the urban development laws to accommodate Land pooling</li> </ul>
Indonesia	<p>Upgrade of slums and small lot sizes in urban areas and consolidation of farmlands</p> <ul style="list-style-type: none"> <li>- Provision of infrastructure through in-situ development</li> </ul>	<ul style="list-style-type: none"> <li>Landowners participatory scheme</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of housing and urban development</li> <li>- Subsidies from govt.</li> </ul>
Ethiopia	<p>Re-development of community, and informal settlement upgrading</p> <ul style="list-style-type: none"> <li>- Re-development of housing, land value capture</li> </ul>	<ul style="list-style-type: none"> <li>NGO,</li> <li>Inclusivity of private landowners in the techniques adopted</li> <li>- Community/actors participation</li> </ul>	<ul style="list-style-type: none"> <li>- Local Development plan-focusing on physical situation and general land use.</li> </ul>

		<ul style="list-style-type: none"> <li>- Proper democratic handling of issues</li> <li>- Neighbourhood Committee</li> </ul>	
Egypt	Regulate urban growth in peri-urban areas and prevent sprawl <ul style="list-style-type: none"> <li>- Informal areas upgrading</li> <li>- Conversion of agricultural land to building land</li> </ul>	- NGO	<ul style="list-style-type: none"> <li>- Urban Planning Law</li> </ul>
Nigeria	Urban renewal/upgrading of housing <ul style="list-style-type: none"> <li>- Land value capture and infrastructure development, increased housing units</li> <li>- Displacements of tenants and other non-landowners</li> </ul> <p>Delay in timely execution of project</p>	Public participatory approach	Lagos State Urban Renewal Authority (LASURA) <ul style="list-style-type: none"> <li>- Lagos State Physical Planning and Development Regulation (2005)</li> <li>- Subsidies from government</li> </ul> <p>- Land pooling scheme</p>

**Source:** Author's Compilation from UN-Habitat (2018); Gielena & Mualam (2019); Famuyiwa, (2022)

### 3.0 Methodology

This qualitative study drew data from purposive structured interviews through the snowball technique. It assesses information from land bureau officials and NIESV professionals directly involved with compensation valuation practice. The primary data was complemented with a thorough review of historical documents, official reports of the Nigerian Institution of Estate Surveyors and Valuers (NIESV) Professional Practice Committee (PPC), and journal articles. In keeping with COVID-19 guidelines and protocols, the interviews were conducted via WhatsApp calls and Zoom. With the consent of participants, the interviews were recorded and subsequently transcribed for the study.

At the first call, the researcher stated the purpose of the call and introduced the study, thereafter, requesting the consent of the interviewee either to proceed with the interview or schedule another meeting via Zoom.

The interview was structured based on a series of questions aiming to highlight the pre- and post-acquisition situations, as well as the stakeholders involved, the components of the compensation package, and alternative strategies that may be adopted to end the conflicts that often lead to project abandonment after land acquisition. According to Creswell (2012a, b), a sample size of one to five participants is deemed adequate for a qualitative study involving narrative inquiry research. The data, collected partly in the local language, was first translated into English by a professional translator;

thereafter, inferences were drawn from the responses. The data was subjected to credibility, authenticity and reliability tests. As part of this process, the transcribed responses and the consequential inferences were shared with the respondents via email and WhatsApp for validation.

#### Desk Study

Data was also collected from web searches, published documents such as books, articles, journals and conference papers, as well as reports of the NIESV Committee on the subject matter of compensation. These documents generated key points from different schools of thought, with best practices identified.

#### Data Editing

By meticulously reviewing the recordings to check for errors and determine whether the transcription was done according to the interview guide, the researcher further validated the fieldwork. Thus, this data editing stage involved data screening and cleaning, which is an essential requirement for the editing process. This is to ensure that indecipherable or not able to be understood responses are discarded.

#### Data Coding and Exploratory Data

The process of identifying responses and attaching tags to them is called coding. For this study, the coding was done to facilitate transcribing and interpreting the data on a computer spreadsheet.

Thus, the data was explored after cleaning to assess indicative trends to demonstrate its error-free status.

### Interview Excerpts

Our government have used land acquisition (eminent domain) method of acquiring land for developmental projects. The law relating to the land acquisition is very rigid in its approach and hence little scope of redressing the landowners' issues. [The] Various designated authorities [that] have been mentioned under the law are very complex to approach and high corruption in the said process often makes the process detrimental for the marginal communities. Theoretically, there is a scope of public participation in decision making, however, practicality of its implementation is defined with an otherwise approach. – **Respondent 010**

Thanks for wanting to know more about the practices in my country, First and foremost my country is bedevilled with a lot of complexities in areas of culture and religious disparities. Again, land is seen as a family heritage, hence difficult for owners to relinquish for overriding public purposes. In addition to that is the weak institutional framework and capacities. I think that a better way to get the consent of landowners can help preserve the culture and economy of the community. – **Respondent 020**

Lagos is open to innovative ideas. As a land official, I'm aware of the land pooling/readjustment approach; it has been used by Lagos State in the implementation of light-rail projects. However, the timely completion of the projects is critical since a political regime can change the policy on land and infrastructure development – **Respondent 030**

The current practice of land acquisition is full of anomaly. Can you imagine [that] some federal and state establishments sideline the valuation department in the ministry of lands and engage independent valuers to carry out the function of the valuation department in the ministry of lands? This process takes the responsibility and the records from the ministry of lands and places them in the ministry of works, whereas the ministry of works does not have the competence for the valuation of land and

buildings. You won't believe it that sometimes they use force and intimidation to carry out the valuation exercise. This is accomplished by employing the services of the armed forces personnel and the Police. NIESV Professional Practice Committee Member – **Respondent 040**

In my 20 years of practice, I have seen many ugly sides of land acquisition through eminent domain. Sometimes, government evokes the compulsory purchase tool to acquire land in a particular community and later excises part of the land in exchange for compensation; this happened in Ibeju Lekki. I have also seen where government purportedly acquired land for overriding public interests, but the land was latter used for a purpose that could not be adjudged as a public-interest purpose. Real Estate Consultant and Developer – **Respondent 050**

### 4.0 Adopting Innovative Approach: Land Pooling and Readjustment Option

The practice of compulsory acquisition in Lagos raises issues of governance in land management. It is necessary to make provisions that provide for quality management of the expropriation processes, protection of property rights, just and fair compensation for those who lose their rights, a pro-poor approach to compensation, reduced uncertainty in the valuation process, and land reform. This process should consider the promotion of good governance in the expropriation process. Expropriation-related land tools, such as better planning processes, transparent compensation procedures, good enumeration of expropriated owners, and mechanisms for conflict resolution, must be developed to support the process.

Consideration should be given to increasing the amount of compensation well above the prevailing market value, in the bid to accelerate acquisitions and avoid wasting time and money on negotiations. The state should even be given a limit within which to agree on compensation, losing the right to acquire the land should it fail to do so within the given time frame. It is time to think outside the box and develop innovative approaches towards land acquisition that promote equity and transparency as well as sustainability.

This leads to discussions on devising innovative approaches towards land pooling and readjustment. The state is gradually moving away from the use of eminent domain to land readjustment and pooling, especially for infrastructure development purposes and residential housing (Akiyode, 2021). However, the processes are still bedevilled by absence of a participatory approach at the conceptualization stage.

#### **4.1 Conceptualizing Land Pooling and Readjustment**

Land pooling is the process of re-parcelling assembled land from owners or communities by government or her agency for redevelopment purposes (Akinyode, 2021). This concept entails a process where landowners can transfer their rights and titles in exchange for another land that is as close as possible to the original land parcel and location, after the redevelopment is completed. This process is known as land pooling (World Bank, 2022).

On its part, land readjustment is the process where landowners allow for redevelopment in their neighbourhoods and surrender their land rights to the government or her agency to re-subdivide their land in order to allow for infrastructural improvement, such as widening of roads, drainage construction, street light installation and other local facilities. Land readjustment does not involve the legal transfer of titles. In this article, however, these terms shall be used interchangeably.

Compulsory land acquisition and LPR are not mutually exclusive. Many times, the dominance of compulsory purchase does not hinder the adoptability of LPR. In fact, the two methods complement each other in most situations. For example, if an LPR project only has the consent from most of the landowners, the government may exercise its eminent domain power to take land from dissenting owners. In other words, LPR projects need eminent domain for execution.

One major disadvantage of LPR is in protecting private property rights and the poor. The poor are often landless or informal land occupants. If an LPR project only allows legal landowners to decide on its operations, there will be no guaranteed protection

for the renters or self-settlers. There is, however, no easy solution to this problem unless the conventional perceptions and legal interpretations of "private property rights be re-defined to include "occupancy right"? It is a high-level policy and legal issue that is yet undetermined in most African countries, hence the issue of slum and eviction poses a serious challenge to various land policy administrators (Kresse & Krabben, 2022).

#### **4.2 Stages and Design**

Lagos, Nigeria's commercial capital, has often used the compulsory land acquisition tool for infrastructure developments and other projects by evoking the eminent domain power as stipulated in the Land Use Act of 1978 (Mabogunje, 1993; Osabuohien, 2014; Thonteh & Omirin, 2015; Adisa, 2020). However, over the last decade, the land readjustment tool has become more popular among political administrators and government in Nigeria, especially in Lagos.

Land readjustment has gradually been accepted as an alternative to compulsory purchase, as it does not entail payment of compensation, with landowners still retaining large portions of their land heritage while having value added to it in terms of infrastructural services (Jelili et al., 2021; Famuyiwa, 2022). To boost interest in this approach, adequate advocacy must be made to political heads and community members in Lagos for wider acceptability.

As Gielena and Mualam (2019) and Zeluel (2018) have observed, there are many benefits in adopting land readjustment, including the potential increase of land and property value, and employment generation for the local community. Where the project is underway, it is seen as a viable tool for land assembling. Land readjustment offers built-in participatory and inclusive decision-making mechanisms as it supports the development of underutilized urban land. However, the tenants often suffer because some of them are already vulnerable by virtue of other life conditions, trade or economic loss for the period of displacement. Other issues include the complete displacement of renters and the resulting adverse impact on social interactions at the community level.

### 4.3 Implementation

The underlisted are the following stages for designing and implementing land readjustment: context assessment, initiation, preparation and organization, design and approval, implementation; completion; evaluation and scaling up (source: World Bank training, 2022).

#### Context Assessment and Initiation of Project

Context assessment and project initiation happen simultaneously. After the government expresses its interest to acquire land through readjustment for public infrastructure, a request is made to the commissioner in charge of land matters in the state to activate the process of informing land owners' in the particular community. Thereafter, project site identification is carried out by the town and country planning directorate of the ministry to search for suitable sites for the project, which should also be in conformity with the zoning of the area. Once the land is identified, a perimeter survey of the land is produced by the cadastral unit of the survey department. The survey plan is then submitted to the director of the lands and housing development department to draft the acquisition notice for the area required.

The second stage is the pasting of the readjustment notice. Once the boundaries are confirmed by the surveyor general, with the relevant site plans and the site description produced, the commissioner for lands proceeds to publish the land readjustment notice in the dailies and in the State Gazette. Notice of the portion of land required for public purposes is published and served on holders of interest in the land acquired. The Gazette Acquisition Notice is then sent to the State Governor for approval of the land readjustment initiation to completion stage.

#### Preparation and organization

The preparation and organization of the project is executed through the following process. First, community involvement takes place. Upon the expiration of the notice, after six weeks, a meeting is held between the acquiring authority (the ministry of lands) and the benefiting community. Sometimes, it takes a couple of months after expiration of the notice to hold a meeting. Issues discussed at such meetings include purpose of acquisition and likely

benefits accruable to the community, traditional consultation of the community, community participation in the enumeration exercise, and appointment of community representatives to aid the enumeration exercise. It should be noted that community involvement is expected to be the first step (that is, at the context assessment stage) once the land is earmarked, before the actual pasting of notice and acquisition. The conflict redress mechanism is through the court system and a special mediation council mechanism initiated by the government. However, community participation from the outset of intention to acquire remains an aspect that is mainly lacking in the processes used by government.

#### Design and approval

The major thing done here is to design the project and conduct its environmental impact assessment – in social, economic, political and, of course, environmental terms. Most times formal households surveys are not conducted. In any case, a land-based ratio is used for determining the land contribution ratio for each of the participating community members. The land readjustment process and its implementation are not within the purview of the local government, as projects in this category are usually executed by the state government.

#### Implementation and completion

At the implementation stage, the contractor gets to site to commence actual pulling down of existing structures and construction of the facilities approved by the government. The project is done in phases. In most cases, this process ignores the needs of community members, who are forced to relocate pending completion of the project. Most times around 20-40% of the community land is taken, with the only benefit being the ripple effect of the project on land value in the location.

#### Evaluation and scaling up

A project is often evaluated for efficiency and effectiveness. However, in most parts of Nigeria, evaluation and scaling up are often not part of the government procedure. This is because, by the completion of the project, the political tenure of the initiating administration would have elapsed. Therefore, if the successor administration is not

favourably disposed to such infrastructure, then the project remains unevaluated

Usually the evaluation is done through the users of infrastructure or community members whose land has been taken. This process mostly happens through agitations, protests and carrying of placards, posters and marching to the governor's office for redress or appeal on the project's negative impact on the community and residents of the location.

It should be noted that the stages of context assessment and initiation are domesticated according to the local context and technical know-how of the executing officer at the land bureau. The design and approval stages follow a thorough examination of the Environmental Impact Assessment (EIA) of the project. Finally, the implementation and completion stages are the actual construction of the project, usually without consideration of its impact on the residents or community members whose land has been taken.

## 5.0 Conclusion

In Lagos, there is yet no clear delineation of property rights and keeping of records relating to land, especially within a setting that is rife with political instability and impacts negatively on landowners. In this setting, political administrators acquire land through eminent domain for public infrastructure or housing, even though the project may fail to take off during their tenure. Sometimes, the successor may not prioritize the kind of public infrastructure and project embarked upon by their predecessor, leading to abandonment. In such cases, land would already have been seized from the owners, with no value exchanged in any form.

Most times, governors tend to use their administrative powers through the relevant departments in the land bureau to embark on land readjustment for infrastructure and public housing. Nowadays, however, land pooling and readjustment are adjudged to be alternative approaches to land development. These strategies are effective tools that local governments can use to take on regeneration projects while engaging and involving the original residents and landowners as stakeholders. Indeed, the main challenge is to obtain the consent of all affected landowners.

Moreover, land readjustment needs strong local institutions and a sound legislative framework to be implemented effectively. Another challenge is obtaining the consent of all existing landowners for the regeneration project. Indeed, land readjustment is a viable alternative to compulsory purchase and market transaction in assembling land for redevelopment, as it eliminates dangerous conflicts, court cases and project delay. The major benefit of this approach is that upgrading programmes do not have to wait until formal property rights are settled. As government officials and land users are trying to resolve the complex issues related to informal land rights, public and private upgrading initiatives could commence in the bid to improve the living conditions of the urban poor. This approach has been used in many countries, such as Brazil, Colombia, and South Africa (UN-Habitat, 2018).

It bears noting that there is no single approach to land pooling and readjustment (Kresse & Krabben, 2022), as different countries have dissimilar institutional settings, as well as design preferences and implementation strategies. Most times, policymakers and analysts select context-specific elements of LRP according to country peculiarities and local conditions. commendably, Lagos has embarked on projects with LRP, although its legislature has not yet passed a bill to officialise the policy. In the light of these observations, therefore, this study recommends a pragmatic and gradualistic approach that re-institutionalizes indigenous knowledge in efforts to secure the buy-in of landowners and other stakeholders.

## Acknowledgements

- (A) The NIESV Council Members and the Professional Practice Sub-Committee have been extremely supportive through interviews granted and for providing access to their report archives.
- (B) World Bank Group: the Open Learning Campus (OLC) for the 5-week training that gave me an insight into land pooling/land readjustment as an alternative to compulsory acquisition. That training motivated this qualitative study.

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