

**THE LAW ON NATIVE TITLE TO LAND AND
COMPENSATION FOR COMPULSORY ACQUISITION
(THE NIGERIAN CASE OF THE DIOBUS OF PORT HARCOURT)**

BY

**UCHE JACK – OSIMIRI
Uimh Thag 09239005**

Ph.D DEGREE IN LAW SUBMITTED ON 4th SEPTEMBER 2014

**A THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENT FOR THE
AWARD OF THE DEGREE OF DOCTOR OF PHILOSOPHY (PhD) IN LAW IN
THE SCHOOL OF LAW NATIONAL UNIVERSITY OF IRELAND GALWAY
IRELAND**

TITLE

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Submitted By:

**Uche Jack – Osimiri
LLB (London) LLM (London) Solicitor
Uimh Thag 09239005**

Supervisor:

**Maureen O’Sullivan
School of Law
National University of Ireland
Galway Ireland**

Research Registered;

**Ph.D Degree in Law
School of Law
National University of Ireland
Galway Ireland**

Submission Date:

4th SEPTEMBER 2014

ACKNOWLEDGEMENT

First of all glory be to Jehovah God the maker of all things for the strength and courage to complete this research in spite of the inevitable turbulence and adversities designed by our Creator to sharpen our lives. Forever I acknowledge the miracles of the Lord Almighty. I am indebted to a lot of people. My supervisor Maureen O’Sullivan deserves great commendation for her expertise, invaluable guidance, resourcefulness, efficiency, constant encouragement, prompt and perspicacious attention rendered to me at all the stages in the preparation of this thesis. Maureen has been an amiable person, very sisterly, a great intellectual with fantastic academic prowess and has a very fertile research-oriented mind. The sudden deaths of my mother and my father and man-made obstructions were formidable challenges that would have frustrated this venture but Maureen rose to the exigency of the moment. She made my research flexible but nevertheless maintained her painstaking and principled nature. She is at all times strict and firm. In fact the ‘M’ in Maureen means meticulous, the ‘EE’ mean ‘eagle eyes’ and the ‘S’ in O’Sullivan also means serious scrutiny (surgical operations). Without these sterling qualities this thesis would have suffered pitfalls. At international conferences where I was privileged to meet her, she was friendly and freely mixed with people from all the continents and diverse background. She interacted and exchanged intellectual views with many persons on different subjects. Maureen has been a workaholic, an inquisitive reader always drawing my attention to the legal developments in Latin America, East Africa and many parts of the world. She would forever be my family friend and research collaborator as both of us journey across the academic world. I would like to express my gratitude to Seamus Mac-Mathuna the Secretary to the Council, Sinead Davis, Louise Kelly of International Office, Michael Kavanagh, Dr. Vinodh Jaichand, Professor William Shabas and all the library staff at National University of Ireland Galway, particularly Mr. Hugo Kelly, Margo Donohue, Gabi Honan, Ann Kelly and the Librarian and staff, Institute of Advanced Legal Studies (University of London), Nigerian Institute of Advanced Legal Studies (University of Lagos) and those of the Universities of Cork and Limerick for their support and expert assistance in tracing obscure citations. I owe special thanks and appreciation to the authorities of the National University of Ireland Galway and the good people of Ireland for graciously granting me the home student/EU fees status which provided the financial support for this work. I am grateful to all the staff of the School of Law particularly Professor Gerard Quinn and Dr. Padraic Kenna – the members of the Graduate Research Committee for reading through the manuscript and making tremendous inputs. Prof Ciara O’Neill – the Dean, Prof Donncha O’Connell – the Head of School of Law, Des McSharry-the Law School Administrator, Mary Flaherty, Mary McQuinn and all other academic and administrative staff: - Carmel Flynn, Tara Elwood, Geraldine O’Rourke, Shona Reilly, Michael Coyne, Sarah Robert and Fiona Gardner for their cheerful assistance and co-operation at all times. Special thanks are due to Nigerian Law Reforms Commission who extended their invitation to me in 1990 to present a paper entitled-Reform of the Criteria for the Award of Compensation to Holders of the Undeveloped Plots under Land Use Act 1978. In so doing they stimulated my interest in compensation for compulsory land acquisition at the cradle. My friend, senior colleague and mentor - Professor of Property Law (Justice) I. A. Umezulike (OFR FCI Arb) now Chief Judge - the Judiciary High Court of Enugu State of Nigeria engaged me into infectious discussions on land use reforms and urged me to develop to higher level. My friend and co-participant in international conferences Professor John Preble of Victoria University of Wellington supplied me with so many New Zealand materials. John has been kind to me and answered all my enquiries. It was his various

suggestions that led to the choice of the topic and paper titled: Native Land Title and Compensation for Compulsory Acquisition which I presented at Australia/Asian Law Teachers Association Conference 2005 held at University of Waikato Hamilton New Zealand and its subsequent publication by the NZ Centre of Jurisprudence in 2006. I must continue to appreciate Hon Justice Iche Ndu the Chief Judge of the Rivers State and Hon Justice PNC Agumagu the President of the Customary Court of Appeal Port Harcourt, Justices Ben Nwankwo, CI Uriri, EN Teetito, Milton Dabibi, Adolphus Enebeli, GC Aguma and Magistrate Linda Ugboaja and Augustine Ogoma for all the encouragements which sustained the completion of this work. I am greatly indebted to Kingsley Ogbonda, Judy Campbell, Aleruchi Cookey-Gam, OCJ Okocha (SAN), Esther Joe, Ekineta Kingson, Ema and Grace Mgbakiri, William Odenwingie, Iwaribo and Patience Dappa, Emeka Okalla, Eddy Amadi, Esther Odushola, Richard Ross, Bright and Prince Megbo, Dorothy Inyang, Aaron Brown, Bala Hassan, Ephraim Jombo, Joshua Green, Siyeofori George, July Jombo, Cynthia Asiegbu, Samuel LongJohn, Kingsley Onuah, Stella Ikemadu who played key roles too numerous to be recounted here. I appreciate the remarkable support from my secondary school days' classmates and life-long friends Linus Awute, Late Reginald Omin, DJ Amiofori, Ema Wakwah-Awuse, Monday Weneah, Dr Enoch Orlukaraka, Late Echile Onuodu, Late Azubuike Amaefula, Levi Nwabueze Clinton Georgewill, Mathias Ajoku, Walter Wokeh, John Ajah, Godspower Ojigburu, Joseph Amuri, Vincent Ogeh, Edwin Amadi, Timothy Orji, Vincent Wigbudu and Brigadier General Elton Amah. I remain thankful to King Alfred and Queen Josephine Diete-Spiff, Chief Orabule Adele, Prince Paul Wonodi, the Reverend Messenger John Wangbu and Anthony Nwakoh for all the interventions to the 'powers that be' at the critical hour. My lawyers Emmanuel Ukala - Senior Advocate of Nigeria (SAN), Edwards Obiokor, Mark Agwu, Dike Udenna, Ken Obayi and all members of EC Ukala law firm for the rescue operations against the determined oppressors and unrepentant aggressors. My colleagues in the 'academia' Professor Simeon Achinewhu the Vice Chancellor Rivers State University of Science & Technology Port Harcourt and Professors (late) Sydney and Jane Ngozi Ojoko, Bedford Fubara who insisted that I must complete the PhD, John Alawa, NS Okogbule, Israel Worudji, late Jan Lawson Nnyeruka, Chidi Halliday, BC Eddie-Amadi, CT Emejuru, CAJ Chinwoh, Uzodinma Frank-Igwe, FC Ikeh, Linus Nwauzi, Grace Akolokwu, Jerry Amadi, Boma Tobi, Orby Peters-Adiela, Lesley Jaja, Soibi George-Ibikiri, Desmond Wosu, and John Thompson for their support at various times. My former and present undergraduate and postgraduate students at the old Imo State University Okigwe (now) Abia State University Uturu (1986 -1998), University of Ado-Ekiti (1998-2000), Ebonyi State University Abakaliki (2000-2003), Joint Tax Board Training School (Visiting Professorial services at Lokoja, Akwanga, Kaduna and Abuja study centers) (2001-2008), University of Uyo (Adjunct Professorial services 2007-2010) and Rivers State University of Science and Technology Port Harcourt (2001 to date) provided the fertile ground with which I experimented, tested my research ideas, acquired more knowledge and teaching skills in course of my numerous 'academic voyages'. My professional colleagues in taxation at the Chartered Institute of Taxation of Nigeria (CITN) former Presidents (late) Emmanuel Osemene, DA Olorunkeje, EI Ijewere, JK Naiyeju, JB Okele, TO Aiyewumi, AA Balogun, GF Fashoto, KA Adigun, Prince Quadri, John FS Jegede and the current President MAC Dike, Ojike Amachree Wekulom, Max Ekwerike, John Apiabinyesim, Clement Akanibo, Edward Mark, Chuks Eze, Cyril Edeh, Femi Aborowa, HO Taiwo, CO Olabode, MOC Oyeleke Abiola Sanni, Ade Ipaye, Dr.(Mrs.) Teju Sumorin, Ayo Da'Silva, AO Otitoju, Max Ekwerike, Dr. EE Williams and Olajumoke Simplice for all the encouragement. My law classmates Samuel Nwakohu, Raymond Anyawata, Temple Waamah, Vaughan McCKintosh, Harcourt Uwom and Justice Else

Thompson read part of the manuscripts and offered useful suggestions. My colleagues in the Law firm of Osimiri-Osimiri & Co; - Chief FA Eneawaji, Emenike Eke, Francisca Ogbu and Azikiwe Amadi exempted me from vital duties to enable me concentrate on this project. The chambers secretaries Priscilla Chisa Nkelu and Glory Akawa took pains to type and retype obscure manuscripts. My godparents (late) Chief Simon Onwudiegwu and his family:- Mama Rose, Chief Ogooh, Chinyere Nwigene, Ekwi Ajemba, Ammon Onyenobiya, Kennedy, Daddy Felix Uruaka, Mama Janet, Noel and Adaobi for the sustaining the support. Special thanks are due to my dearest in-laws (Nze) Patrick and (Lolo) Gladys Ogus, Chibuzo, Chijioke, Ocheze, Vincent, Uloaku and the Ogbuokiri's – Nzenwa, Elijah, Ambrose and Francis (SR & JR) for all the prayers and support. Chief Ebenezar Omereji gave me materials which touched on the Port Harcourt lands acquisitions. Sir BC Ezenwoye, (late) Fidelis Okpara and Chief Augustin Nwankpa gave me patronage which blossomed my legal practice at the cradle. Uncle Fred Uchenwere, Haret Gladys Amos and Menuchim Smith Levi-Okpara and Chief Josiah Otto showed exceptional interests. I also owe thanks and appreciation to members of my family. Until her death on 24th November 2010 barely one year after the commencement of this research, my mother Love Ada Jack-Osimiri (Nee Thompson) (1939-2010) has been my great motivator, inspirator who inculcated in me the spirit of hard work at the cradle, encouraged this research when she asserted that educational achievements are limitless and that I could pursue a PhD degree after almost three decades as a law teacher cum practitioner. I also thank my father High Chief Jack Tete Osimiri (1939-2014) for his initial support until his recent transition to the great beyond to join his wife on 16th January 2014. My gracious maternal grandfather His Highness (Eze) Thompson Damini Uche Amadi (1910-1985) deserves much commendation. He laid the foundation of my education when he sent my mother to school at the peak of sex discrimination and fought for equal rights for women. Until his peaceful transition, he remained a constant source of support for my educational attainments. My maternal grandmother, Agnes Anwajie Thompson (Nee Ndah) (1922-1999), for her upbringing - She nurtured me to life with so much love, care and attention. My wife Ngozi Ednah Jack-Osimiri, my daughter Chigoziri Michelle Jack-Osimiri and my son Ajichi Patrick Jack-Osimiri; for without their forbearance, co-operation and understanding, this research would not have been accomplished. It is not possible to mention everybody. All my friends, relatives and teachers at every level of my education – those who bore the anguish of making me whatever I am today know that I appreciate and have special love for all of them. I must not fail to mention 'teachers of distinction' who played key roles in my life at the primary, secondary school and at the universities levels. Late Chief Hart Enyi Ogwanye (1899-2006) taught in my village school and was also the catechist of the church from 1917 to 1970's impacted tremendously on three generations of my family. Sir Ogwanye and his wife Selina (Mama Ogwanye) as they were fondly called; were Mum's baptismal parents and taught Grandfather Thompson, my parents Jack and Love, uncles, aunts, I and my siblings. The others are Gladson Idawari Dakoru, late Anyaegbu, Alfred Eze-Otto, late Chief Nathaniel Ruka Woke, Chief Geoffrey Ekuke Eke, late Theophilus Aleruchi Onyegbula, Alexander Amesi, late Kingsley Okechuku Amadi, late Felix Joshua Woke, Nathan Omah, Nwoka Echomgbe, Samuel Otamiri, Dacosta Isaac Orlu, Justice CI Uriri, GA Gahia, late Chief Peter Wel-Otonnah, Kiki Briggs, Goodnews Martins, Georgewill, late Sokari Dokubo Douglas, Owukori Phillips, late Clinton Obinna, late Emmanuel Benibo, Stephen Bowles, Peter Hayward, late Chief Soibi Wokoma, Harold Strauss, Ann Halpern, Nina Scott, Ella Rule, Charles Blake, Leroy Redhead, Mike Molleyneux, Peter Bennett, Malcolm Davies, Jean Clarke, Lesley Orr-Ewing, Ann Phoneux, Mohammed Ramjohn, Chris Reed, Margaret Noble, Ann Denton, Raymond Angel, Webster, late

Sir Jack IH Jacob, Michael Zander, Anthony Guest, Jill Martins, ER Hardy-Ivamy, Ian Saunders, late John E Adams, Auberry Diamond, Graham Zellick and John Yelland. I honour and appreciate them all. I must continue to remember Ian Piggott a national of Ireland and the Assistant Production Manager New Era Laboratories Limited Wales Farm Road, North Acton, London who graciously offered me vacation jobs in 1981, 1982 and 1983 which provided additional financial support to my studies. Robert Home, a Professor of Land Management and Environmental Laws, School of Law Anglia Ruskin University, Chelmsford England was so kind to me. He read through this work and not only made valuable suggestions but gave me so many materials which improved its quality. However, this work is mine and I acknowledge all errors, although unintended.

Uche Jack-Osimiri

Tuesday the 2nd day of September 2014.

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ABSTRACT

This thesis evaluates the native title of the Diobus¹ and adequacy of compensation paid for the acquisition of Port Harcourt in 1913 for public purposes by the British colonial administration. The amount is disputed as not commensurate with the compulsory sacrifice made. This study utilizes the pre- and post-independence legal developments in Nigeria and other countries to elucidate the above. References are also made to legal literature and authors' opinions in newspapers to tap public responses to Diobu land-related rights. The applicable criteria and quantum paid in other jurisdictions are articulated to serve as comparative benchmarks in an attempt to redress the perceived injustice. The transplant into Nigeria, of a regime of compensation whereby the expropriated owners are given a stake in the business located on their land, is advocated to emulate Indian legislation whereby the owners who are compelled to part with their land must be co-opted as shareholders in the enterprises. In addition, the Indian model provides solatium monetary payments beyond the actual damages. This appears most suitable transformative social justice oriented criteria for the reassessment of compensation payable to the Diobus and future acquisitions in order to rebuild the economic livelihood of the expropriated landowners to ensure regular sources of income for their subsistence comparable to what is obtainable in other jurisdictions. The above is the most suitable way to fill the deficiencies noticeable and remedy the injustices of the past regime as it affects the Diobus who are resisting their landlessness and have become restive over what they classify as insufficient compensation dictated by the dominant bargaining power of the colonial government. The repeal of the Land Use Act is advocated because of its inability to operate in a capitalist economy. A modernized Public Land Acquisition Act modeled along the proposed reform is advocated.

¹ Diobus is the second name of the Rebisi clan of Ikwerre tribe. They inhabit some part of the Niger Delta as their traditional land. This is what is known today as Port Harcourt the capital city of Rivers State of Nigeria.

PROBLEMS BEING INVESTIGATED

“Diobu” is the second popular name of the Rebisi clan². They are groups of villages that constitute the larger Ikwerre³ ethnic minority tribe of Nigeria. Their population is presently over three million people. They occupy the Eastern part of the Niger Delta region in the ‘Bight of Biafra’s world geographical map and currently inhabit the Port Harcourt local Government Area of the Rivers of Nigeria. Their native title (which comprises arable ancestral land traditionally used for crops farming, forests reserves used for hunter-gathering/ foraging of animals for food or wild life⁴, collection of medicinal plants, flowers, fruits and river banks/creeks used for fishing for subsistence) was acquired by the British colonial administration as per compulsory purchase agreement dated 18 May 1913 as amended on 28 October 1927 and 02 May 1928 respectively. The consideration of £2000.00 (two thousand pounds sterling) initially paid to them was rejected as they threw away the cheque as a sign of protest. Though they were granted farming rights in 1927 over parts of the native land acquired but not yet utilized, the subsequent increase of the compensation to £7,500 (pounds sterling) in 1928 was disputed as inadequate because, it was dictated by the dominant bargaining powers of the colonial administrators. The Diobus resorted to litigation to claim commensurate compensation from the High Court of Nigeria, to the West African Court of Appeal and eventually to the Privy Council. They were deprived of victory in these courts because of the 50 years ban placed on the sensitive colonial documents. Today their action is statute barred because of the excess of 12 years limitation period placed on actions touching the interests on land.

The Diobus are presently living in clusters and have become restive over their landlessness. At various times they contemplated the option of guerilla warfare to advance their land rights. Their complaint against the Federal government and the Rivers State government of Nigeria (the successors-in-title to the British Crown) is that they were forced to bear the burden that ought to be borne by Nigerian society as a whole contrary to the principle of law in *Armstrong v. US*⁵ which states that where an individual is compelled to bear the burden that should have been borne by the whole community, adequate compensation must be paid. This is part of the common law protection of property rights also known as the native title which cannot be extinguished without commensurable compensation. The adequacy must relate to the true value of the interests derivable from the land reflecting the various utilities associated with its uses in pursuit of the principle that the expropriated landowner should not be put in a worse position as a result of the acquisition. For 100 years (1913-2013), the Diobus’ native land title acquired, was used to establish the cosmopolitan city of Port Harcourt to accommodate the railway, airport, seaport, educational institutions, industrial layouts, housing estates, government agencies and the petroleum industry which yield the bulk of revenue and earn foreign exchange to the government of Nigeria. These activities created severe socio-economic dislocation or imbalance among the Diobus as their

² Rebisi is one of the sons of Aparu. Ikwerre begat Aparu. Rebisi popularly called Diobu is one of the grandsons of Ikwerre. See the genealogy of patrilineal ancestry of Ikwerre sons and descendants who founded many villages which collectively constitute Ikwerre tribe of Nigeria

³ Ikwerre is one of the minority tribes in the Niger Delta part of Eastern Nigeria presently classified under South-South geo-political zone of Nigeria

⁴ *Sea Star Malindi Limited v. Kenyan Wildlife Services* (2002) 1 Kenya L.R. 722 (per Otendo J) and *Ngera v. Kenya Wildlife Services* (1998) Kenya L.R. 314 (CA)

⁵ 364 US 40 49 (1960)

sources of livelihood have been confiscated and the inadequacy of compensation paid to them will be investigated in this thesis.

The second problem is that the Diobus for survival now depend on rental income accruing from the houses they built. The present urban renewal and regeneration whereby their landed properties were demolished or balkanized for roads expansions, slum clearances and installation of water and sewage systems made their position worse because paltry sums were paid to them as compensation by the Rivers State government. This leads to the third problem of inadequacy in the criteria for the award of compensation. The assessment of compensation using the payment of “simple cash market value” of the land appropriated by the State’s powers cannot stand the test of time. It is an unrealistic satisfaction of injury in the face of the world-wide hyper-inflationary trends which constantly erodes its pecuniary value thereby leaving the expropriated landowner worse-off. It is argued that the best remedy for such situation is to be found in the Indian model of giving the expropriated landowners a partnership stake in the business venture sited on the land compulsorily acquired⁶ in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Indian) Act 2013. This would be the most appropriate criteria for the reassessment of compensation payable to the Diobus in order to rebuild their means of livelihood and ensure a regular source of income for their subsistence. This is equivalent to the rebuilding of economic livelihood of the expropriated landowners comparable to what is obtainable in Canada and New Zealand under the United Nations guidelines for payment of compensation for the Construction of Dams designed to improve agriculture⁷.

The fourth problem is that parts of the land originally acquired for public purposes are no longer used as such and have been taken over by individuals by virtue of assignments made to them by the government functionaries. One such example is the land acquired for use as a police station. This was subsequently abandoned because the police station was relocated elsewhere. Shops were subsequently erected thereon by the Police Officers Wives Association (POWA) and let to private tenants. The question has arisen as to the entitlement to the rents by the Police Officers Wives Association. The Diobus contend that as the original landowners they are legally subrogated and entitled to receive the rents by virtue of the right of reversion to the abandoned land. They were poised to file a court action to assert this proprietary right. This issue has been exhaustively treated with references to Nigerian and comparative materials from foreign jurisdictions.

The Diobus still regard themselves as the owners of Port Harcourt land and want their grievances redressed through the reassessment of the compensation. They still want to assert their rights to reclaim part of the land abandoned because their public purpose(s) have failed, through the right of reversion. There are other occupiers/claimants such as customary tenants and licensees. There are also problems of compensation paid for the undervalued houses demolished for road expansions and reconstruction pursuant to urban regeneration and slum clearances in Port Harcourt.

⁶ Even if there is no business cited on the land or where the one located thereon fails, the expropriated owner can be compensated by yearly government royalty paid to them as there are presently no social security or unemployment benefits obtainable in Nigeria. Where the business cited on the acquired land fails, the land could revert to its former owner in line with the principles stated in chapter Five (below).

⁷ Roquet & Durocher - UNO World’s Commission on Dams (2006) pp.9-10.

OBJECTIVE OF THE STUDY

The main objective of this study is to investigate the development of native title to land of the Diobus community of the Ikwerre tribe of Rivers State of Nigeria and the inadequate compensation paid to them by the British colonial administrators for the acquisition of their land in Igweocha (meaning a bright city built on the rock) later renamed as Port Harcourt pursuant to the compulsory purchase agreements dated 18 May 1913 as amended in 28 October 1927 and 02 May 1928 respectively. This study probes the historical origin, context and the legal development of the Nigerian law of compulsory land acquisition from the time of the first colonial government of 13 August 1861. The problem of under compensation has been identified as it endangers the affordability of decent economic living standards of the Diobus. The thesis focuses on the issue from the property rights perspectives (as opposed to the angles of human rights and legal history) utilizing comparative experiences in terms of the approach and strategies (the desirability of introducing forms of international legal regulations on compensation practices successfully introduced in other jurisdictions) as a response and guide on how to resolve the analogous problems of the Diobus. It attempts to test the existing domestic legal framework and suggests remedies – arguing in favour of Nigeria adopting transformative legislative reforms to promote social justice and sustainable development.

The global standards distilled from case law from foreign jurisdictions would aid the decision making responsibility of the Nigerian government and its policy implementation towards the Diobu people whose compensation needs to be reassessed to mitigate economic hardship caused to them. If the international benchmark prescribed by the United Nations Organization guidelines for the assessment of compensation for construction of dams designed to improve agriculture (which were respectively applied in Canada and New Zealand with commendable success) and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Indian) Act 2013 method of co-option of the expropriated landowners into the business enterprise sited on the acquired land, are transplanted into Nigeria, it would reform the criteria for reassessment not only for Diobus but would guide awards of adequate compensation for subsequent compulsory land acquisitions. The repeal of the Land Use Act is advocated because it is a legislation incapable of operating in the capitalist economy such as Nigeria. The Public Lands Acquisition Act should be reformed along the guideline of rehabilitation of the expropriated landowners. The reformed Act would give the courts robust statutory powers to award compensation beyond the limitation of the “simple cash market value” alone and to extend it to the provision of the source of income for the survival of the expropriated landowners and the rebuilding of their livelihoods. This would be appropriate recompense for the compulsory sacrifice for the public good within the paradigm of the adequacy of compensation contemplated by the constitutional provisions. This would redress the injustice of the past regime. The improved compensation reforms regime advocated here would provide a platform whereby other stakeholders who have interests in the acquired land shall have their interests reassessed and adequate compensation commensurate to their compulsory sacrifice for the public good paid to them. In addition to the rights of the Diobus, the study also focuses on future land acquisitions for public purposes and strikes a balance between public projects and those designed to stimulate investment and economic development in the country in pursuit of the much orchestrated public private sectors partnership (PPP).

THE SIGNIFICANCE OF THE STUDY

The significance of this study is that if the proposed legislative reforms are implemented, the landowners who are compelled to make compulsory sacrifices for the public good would be given incentives of adequate compensation in money or money's worth. These would include a stake in the business enterprise sited on their acquired land and providing them with a source of income to rebuild the source of their livelihood in exchange for the expropriation. This work adds to the growing literature in the discipline of property law because it advocates that proper values which reflect the different utilities derived from the land – starting from the present users and its future potentialities are taken into account in the reassessment of the compensation of the Diobus but also to the future acquirees. These statutory reforms would give the courts powers to award compensation based on the future rebuilding of sources of the livelihood for the expropriated landowners beyond the “simple cash market value” criteria which had become obsolete because of the world-wide hyper-inflationary trends. Just, adequate and full compensation is paid only when it leaves the expropriated landowners in no worse off position. This study is significant as it highlights the problems associated with compulsory acquisition which are abject poverty and squalor which the Diobus have been subjected to for over 100 years. It explores and distills the legal developments in foreign countries, attempts to strike a balance between the public good and industrialization needs of the entire country or a section of it, vis-à-vis the private property rights and the welfare of the expropriated landowners. The work further contributes to knowledge because it establishes the origin, basis, development and consolidation of the Diobus' native title. These documented accounts would provide certainty to Diobus native title, discourage spurious claimants and also provide an internationally harmonized benchmark of reformed guidelines for the assessment of adequate and durable compensation for compulsory acquisition which would guarantee source of income and livelihood for the expropriated landowners.

LITERATURE REVIEW

From the survey of the previous research works carried out on this subject, there are articles and books on native land title and compensation for compulsory acquisitions in Nigeria but there is none specifically devoted to the legal aspects of the acquisition of Port Harcourt for 100 years now from 1913 to 2013, the subsequent juridical and juristic developments and how to tackle the socio-legal and economic problems created by the disputed compensation paid to the Diobus. Some of the previous works are as follow:-

1. Umeh, J.A. – Compulsory Acquisition of Land and Compensation in Nigeria (1973 Sweet & Maxwell London)
2. Uduehi, G.O. – Public Lands Acquisition and Compensation Practice in Nigeria (1987 John West Publication Ltd. Lagos).

The authors of Nos. 1 and 2 are professional estate surveyors and valuers whose pioneering research efforts were carried out in 1973 and 1987 for 41 and 26 years respectively. Both are now obsolete. There has been fundamental legislative intervention – the revolutionary statutory nationalization of all land in Nigeria by virtue of the Land Use Act 1978, the judicial interpretations and other controversies that require critical enquiry.

Some other research works by the authors are as follows:-

3. Aba, Ranami – Compulsory Land Acquisitions and Compensation (1974) Vol. 1 (No. 1) Nigerian Estate Surveyors' Journal p. 15.
4. Oretuyi, S.A. – Public Takeover of Land – Federal and State Government Rights over land – the Conflict (1979) p. 74 National Workshop Report (Edited by Prof Omotola).
5. Sonoiki, O. Land Values and Questions of Compensation (1979) p. 74 National Workshop Report (Edited by Prof Omotola).
6. Omotola, J.A. – Compensation Provisions of Land Use Act (1980) 16 Nigerian Bar Journal p. 32.
7. Ogbuigwe, A.E. – Compensation and Liability for Oil Pollution in Nigeria (1985) 3 Journal of Private and Property Law University of Lagos p. 21.
8. Utuama, A.A. – Compulsory Acquisition and Revocation Processes (1990 – 1993) 17 Nigerian Journal of Contemporary Law p. 28.

9. Omotola, J.A. – Quantum of Compensation for Oil Pollution – Environmental Laws in Nigeria (1990) p.285.
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12. Shishi, John M. – Legal Framework for Community Compensation in Nigeria (2004) Vol. 1 (No. 1) p. 49 Nasarawa State University Law Journal.
13. Jack-Osimiri, U. – Award of compensation to holders of undeveloped plots under Land Use Act - case for reforms (1991) Vol. 2 (No. 7) pp. 29-34 Justice Journal of Contemporary Legal Problems (Nigeria).
14. Jack-Osimiri, U. – Native Land Title and Compensation for Compulsory Acquisition (2006) Vol. 9 pp. 196-209 Yearbook on New Zealand Jurisprudence published by the School of Law, University of Waikato Hamilton in conjunction with the New Zealand Centre of Jurisprudence
15. George, Soibi Hebron, - Compulsory Land Acquisition in Nigeria 1997 (LLM coursework & minor thesis) Rivers State University of Science and Technology Port Harcourt) deals with the philosophy and problems. It does not deal with the inadequate compensation paid to the Diobus.
16. Fekumo, Johnson Finine – Compulsory Acquisition of Land and Compensation in Nigeria 2003 (PhD Thesis University of Lagos) deals with the problems and prospects. Again apart from its restriction to the Nigerian jurisdiction, it does not address the subject matter – the processes of the compulsory acquisition of the Diobus native title and the inadequate compensation paid to them. The author did not use comparative materials and adaptation of ideas from different common law jurisdictions to address the Diobus problems to find durable solutions.

The research works referred to above dealt with some of the aspects of compensation for compulsory land acquisition but did not address the specific problems of the Diobus whose lands were acquired by the British colonial government for the construction of Port Harcourt municipality and the compensation paid to them whose inadequacy is still being disputed for over 100 years after the acquisition. In spite of the above, there are no known research works which concentrated on how to assess, improve or provide durable mechanism for the reassessment of reasonable, fair, full or adequate compensation for the Diobus using international guidelines and comparative materials.

This doctoral thesis seeks to address these issues or shortcomings.

FRAMEWORK COVERAGE

Nigeria is a Republic which consists of 36 component states and a Federal Capital Territory (FCT) of Abuja. One of them is the Rivers State whose seat of administration is situated at 'Port Harcourt' -a city established by the British colonial government in 1912. In order to house the then sub-administrative capital and seaport (for exports of palm oil/kernel, coal, cam-wood and ivory) the British colonial administrators compulsorily acquired the native title of the Diobus. It was of considerable commercial importance to establish a cosmopolitan centre to sustain the boom of the British export and import trades which existed and have continued to flourish to date. The study covers the property rights perspectives (as opposed to the angles of human rights and legal history) starting from the historical evolution of the Diobus native title and the general evaluation of the common law recognition of the existence of native title, initially in the United States of America and drawing a comparison with its development in form of aboriginal title in Canada, Australia, Malaysia, Fiji, New Zealand, South American countries and indigenous title ownership in South Africa, Tanzania, Namibia and Botswana. The extent of the Diobus' native title is appraised and tested in the light of the various components of the definitions of land and the limitations imposed by the common law and statutes. The initial development of native title in land in Nigeria from the primordial settings in the patriarchal and matriarchal communities, its subsequent emergence into family land and communal land ownership and the progressive changes in its management pattern in pre-colonial times as it affected the Diobus, are critically examined. The British colonial government's acquisition of native land title through Treaties of Cession of Lagos on the 13 August 1861, New Zealand on 21 May 1840, Canada on 03 October 1873, Fiji on 10 October 1874 and the 1884 German initial acquisition of Tanzania (the former Tanganyika) and its subsequent hand-over by the League of Nations to Britain as a trust-territory, are contrasted. In respect of Port Harcourt the British colonial administrators chose a method of acquisition different from the usual treaties. In Nigeria, the first ever compulsory purchase agreement was that of 18 May 1913 and its subsequent amendments of 29 October 1927 and 02 May 1928 are critically examined in the light of the judicial and juridical interpretations of its effect on the native title of Diobus relying on the primary and secondary sources of evidence. The other categories of occupiers such as customary tenants and subsequent migrants, whose status may likely qualify as licensees, are critically examined. The extent of the applicability of the received land laws of the United Kingdom which introduced freehold fee simple estate with its statutory modifications are contrasted with the new type of estate called the 'right of occupancy' introduced by the Land Use Act 1978 which has the attributes of a strange type of leasehold peculiar to Nigeria, Tanzania and to some extent Singapore and Hong Kong. The enabling legislation, the Public Land Acquisition Ordinance 1908 which was consolidated in 1917 specified the procedures for the compulsory purchase of lands. The various interpretations of public purposes from its original perspective of the general public good to the subsequent global trends of the economic well-being and industrialization of the whole country or a section of it precipitated by the public and private sector partnership (PPP) and the need to strike a balance and achieve mutuality of fairness, are highlighted. The repeal of the Land Use Act is advocated because it is a legislation incapable of operating in the capitalist economy such Nigeria. The criteria for the determination of the value of compulsorily acquired lands specified by the Public Lands Acquisition Act is considered unjust and inadequate in view of the excessive reliance on the "simple cash market value" as the criteria for the assessment of compensation. This is contrary to the spirit of adequacy contemplated by the constitutional provisions. In light of the

comparative best practices obtained in foreign jurisdictions, modernized Public Land Acquisition Act through legislative reform is advocated which would give the courts statutory power to award compensation based on the future rebuilding of sources of income and livelihood of the expropriated landowners beyond the 'simple cash' market value criteria which have become obsolete and anachronistic because of the world-wide hyper-inflationary trends. The suggested reforms would ensure that just, adequate and full compensation are paid to expropriated landowners which would leave them in no worse position and serve as an international benchmark for the reform in Nigeria so that the Diobus compensation can be reassessed and adequate one based on the 'Indian model' can be adopted to give them a stake holdings in the profits made from the projects/business enterprises sited on their ancestral land acquired for public purposes.

The study covers many years from the pre-colonial times and the 153 years from the time of colonial intervention on 13 August 1861. Seventy five percent of Nigerian laws are inextricably intertwined with laws of the United Kingdom. When Lagos was ceded to the British monarch by virtue of the Treaty of Cession dated 13 August 1861, there were legal systems existing in the various kingdoms that were conglomerated to form the protectorates of Northern and Southern Nigeria on 01 January 1900 but the UK laws were superimposed and implemented. This remained an important landmark in the legal history of Nigeria because it is the cut-off date for the reception and applicability of the United Kingdom laws termed the pre-1900 statutes of general application applicable in Nigeria. Northern and Southern Nigeria were amalgamated in 1914. From 1952 to 1959 the County Council Provinces metamorphosed into Eastern, Northern, Western regions and Federal Capital Territory of Lagos with separate laws. In spite of this, UK cases are relied upon as precedent whenever disputes arise out of identical legal situation. The post-1900 era witnessed the verbatim re-enactment of UK statutes by the colonial legislature to provide the necessary framework for the land legislation particularly the Public Lands Acquisition Ordinance 1908 and its consolidation of 1917.

The cosmopolitan city of Port Harcourt was acquired over 100 years ago - initially in 1912 but officially documented on 18 May 1913 by virtue of a compulsory purchase agreement, made between the natives and the British colonial administration. Subsequently, the Property & Conveyancing Law 1959 Western Nigeria was enacted to provide a further framework for land law. The process of change continued until the political independence of 01 October 1960 and the Republican era of 01 October 1963. The post-1978 witnessed the parting of ways between the UK and Nigeria in the development of the latter's land law. Significantly, the Land Use Act 1978 introduced sweeping land reforms which introduced an estate in land called the "Right of Occupancy" which apart from the differences in terminology, resembles and has the attributes of a leasehold as the predominant method of landholding, thus bringing it into conformity with the Land Ordinance of the defunct Northern Nigeria, Tanzania and to some extent Hong Kong and Singapore. In spite of this, the criteria for the assessment of compensation for the compulsory acquisition appear inadequate. The right to own property imports the guarantees for the payment of adequate compensation for deprivation. Thereafter the first, second, third, fourth and fifth decades since independence, are scrutinized and an examination of the future development which explores – transformative social justice is advocated for the repeal of the Land Use Act 1978 and in its substitution, Public Lands Acquisition Act which would be reformed along the above criteria.

HYPOTHESIS OR RESEARCH QUESTION

This thesis argues that compensation for the acquired native title is adequate if it is not only fair and reasonable but also accounts for all the losses and injuries occasioned to the owner whose land or interests in land have been compulsorily acquired. The compensation to be adequate must not leave the expropriated landowner in a worse position. This is the hypothesis or central theme of this research.

RESEARCH METHODOLOGY

This is largely a library based doctrinal PhD thesis with a comparative element where appropriate. Its theoretical normative approach is centered on the adequacy or inadequacy of compensation paid to the Diobus. The research questions formulated above need to be answered through critical enquiries into statutes, subsidiary legislations, case law, treaties, examination of archival materials such as historical records consisting of colonial letters, progress reports, other correspondences and academic literature. It would also tap public responses to land-related matters in form of newspaper articles; in order to reach a considered decision as to what is to be rightfully regarded as Diobus native title and the adequacy of compensation they received for its compulsory acquisition. However, it is not limited to legal developments in Nigeria but rather a mixed methodology of in-depth analysis of comparative materials utilizing the jurisprudence of real property law to tap interpretative devices by way of analogies; on how adequate compensation is assessed and calculated in other jurisdictions such as India, Malaysia, Kenya, Zambia, Tanzania, Australia, United States, West Indies, Ireland, Canada, Fiji and New Zealand with similar common law heritage. These comparative materials are highlighted to explain the similarities, differences and shortcomings in order to harmonize the international best practices available. The study would also suggest transformative reforms – to repeal the Land Use Act in order to curb its land-grabbing excesses and address the controversies over the issue of adequacy of compensation payable not only to the Diobus but to other landowners for subsequent compulsory land acquisitions.

It also appraises what is known as “comparative enforcement” – how the different legal systems and cultures have addressed the problems of under - compensation which the Diobus now face. For example what degrees of successes or failures were recorded in these foreign jurisdictions. The study is basically not a major comparative one since the social habits, history and economic factors prevailing in those jurisdictions are not exactly the same as that of the Nigerian Diobus.

The thesis examines the conversion of the original allodial title to land of the Diobus in the pre-colonial times into fee simple estates in colonial era and into the “right of occupancy” in the post-colonial independent republican era. It is largely based on what adequate compensation should be and how it is to be reassessed in respect of the Diobus with the adaptation of ideas from the above-mentioned common law jurisdictions. In addition to the general analysis of the principles of compulsory acquisition, the impact of the enabling legislations on the procedures and the challenges to irregular acquisitions, the principles of the calculations and basis of the reassessments of what should be the adequate compensation as it relates to Diobus, are appraised in the light of the comparative best practices obtainable in many jurisdictions. The reforms advocated in this work are such that would repeal the Land Use Act - which is incapable of operating in a capitalist economy such as Nigeria. The Public Lands Acquisition Act needs urgent reform along side the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement (Indian) Act 2013 which would give the courts statutory power to award compensation based on the future rebuilding of sources of income, livelihood and rehabilitation of the expropriated landowners beyond the “simple cash market value” criteria which are now obsolete due to the world-wide hyper-inflationary trends. This is the policy proposal for reforms focused on the future directions of Nigerian compulsory land acquisition. The line of enquiry spans from the pre-colonial time and the

subsequent period of 153 years from the foundation of the Nigerian State by virtue of the acquisition of Lagos by the Treaty of Cession dated 13 August 1861 and the first ever compulsory purchase of native land title of the Diobus by the British colonial government in November 1912 and its subsequent documentation dated 18th May 1913. The secondary sources of the research derived from the published and unpublished documents such as books, journals, newspapers and others, supplement this research work.