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Problems of land acquisition and resettlement on a large-scale agricultural project: A case study of the Omi Dam Irrigation Project in Oyi Local Government Area Kwara State Nigeria.

Jonathan Bolaji Afolabi
The University of Montana

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PROBLEMS OF LAND ACQUISITION AND RESETTLEMENT
ON A LARGE-SCALE AGRICULTURAL PROJECT
A CASE STUDY OF THE OMI DAM IRRIGATION PROJECT
IN OYI LOCAL GOVERNMENT AREA, KWARA STATE,
NIGERIA

by

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CAM., Ahmadu Bello University, Zaria, Nigeria, 1980

Presented in Partial Fulfillment of the Requirements
for the Degree of
Master of Public Administration
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Chairman, Board of Examiners

Dean, Graduate School

Date

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This Work is
Dedicated in Honor of the

late Dr. JOHNSON 'OLU ADEDEJI
B.Sc. (North Carolina); M.Sc. (Kentucky)
Ph.D. (Kentucky)

former Chief Planning Officer,
Niger River Basin Development Authority,
Ilorin, NIGERIA
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Acknowledgment</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of Table</td>
<td>viii</td>
</tr>
<tr>
<td>List of Appendices</td>
<td>viii</td>
</tr>
<tr>
<td><strong>Chapter</strong></td>
<td></td>
</tr>
<tr>
<td>I. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Indigenous System of Land Ownership in Nigeria</td>
<td>2</td>
</tr>
<tr>
<td>Government Intervention for the Control and Disposition of Land</td>
<td>3</td>
</tr>
<tr>
<td>Public Reactions to Government Land Policy</td>
<td>5</td>
</tr>
<tr>
<td>Approach of the Study</td>
<td>6</td>
</tr>
<tr>
<td>Limitations of the Study</td>
<td>6</td>
</tr>
<tr>
<td>Advantages for the Study</td>
<td>7</td>
</tr>
<tr>
<td>Purpose of the Study</td>
<td>7</td>
</tr>
<tr>
<td>II. The Communities and Their Relationships with Land</td>
<td>9</td>
</tr>
<tr>
<td>Communities Affected by the Project</td>
<td>9</td>
</tr>
<tr>
<td>Features of Land-Tenure System of the Area</td>
<td>11</td>
</tr>
<tr>
<td>Benefits and Values the Communities Attached to Land</td>
<td>12</td>
</tr>
<tr>
<td>Prospects of Acquisition of Land for Development in the Area</td>
<td>13</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>III. APPROACHES ADOPTED FOR DETERMINING THE LAND REQUIRED AND FOR RESETTLEMENT</td>
<td>15</td>
</tr>
<tr>
<td>Pre-feasibility Studies of the Project</td>
<td>15</td>
</tr>
<tr>
<td>Feasibility Studies and Engineering Designs of the Project</td>
<td>17</td>
</tr>
<tr>
<td>Resettlement Survey on the Project</td>
<td>20</td>
</tr>
<tr>
<td>Initial Involvement of the Communities and Government</td>
<td>21</td>
</tr>
<tr>
<td>Establishment of a Pilot Irrigation Scheme at Ejiba</td>
<td>25</td>
</tr>
<tr>
<td>Problems Brought About by the Establishment of the Pilot Irrigation Scheme</td>
<td>26</td>
</tr>
<tr>
<td>Execution of Omi Dam Irrigation Project</td>
<td>29</td>
</tr>
<tr>
<td>Construction of the Irrigation Facility for the Project</td>
<td>30</td>
</tr>
<tr>
<td>Problems Encountered After the Construction Works of the Project Started</td>
<td>31</td>
</tr>
<tr>
<td>V. ANALYSIS AND RECOMMENDATIONS</td>
<td>42</td>
</tr>
<tr>
<td>Land Tenure System</td>
<td>42</td>
</tr>
<tr>
<td>Lack of Communication Between the Communities and the Authority</td>
<td>43</td>
</tr>
<tr>
<td>Payment of Compensation</td>
<td>44</td>
</tr>
<tr>
<td>Resettlement</td>
<td>44</td>
</tr>
<tr>
<td>Lack of Thorough Study of the Project</td>
<td>45</td>
</tr>
<tr>
<td>Timing Between the Completion of the Project Studies/Designs and the Actual Project Execution</td>
<td>46</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unorthodox Bureaucratic Practices</td>
<td>47</td>
</tr>
<tr>
<td>The Establishment of the Pilot Irrigation Scheme</td>
<td>48</td>
</tr>
<tr>
<td>The Government Land Policy - The Land Use Act</td>
<td>49</td>
</tr>
<tr>
<td>VI. CONCLUSIONS</td>
<td>51</td>
</tr>
<tr>
<td>Problems Internal to the Authority</td>
<td>51</td>
</tr>
<tr>
<td>Problems External to the Authority</td>
<td>52</td>
</tr>
<tr>
<td>SELECTED BIBLIOGRAPHY</td>
<td>54</td>
</tr>
</tbody>
</table>
LIST OF TABLE

Table 1. Details of Award of Contract for the Construction of the Omi Dam Irrigation Project ......................... 30

LIST OF APPENDICES

Appendix

1. Explanatory Notes on Foreign Words and Usages ........................................ 58
2. Map Showing the Coverage of the Omi Dam Irrigation Project ...................... 59
3. Map Showing the Kampe River Basin Study Area ........................................ 60
4. Approval of Land Recommended by the Land Use and Allocation Committee Form - LAND 45A ........... 61
CHAPTER I
INTRODUCTION

The Niger River Basin Development Authority was created by Military Decree No. 87 of September 28th, 1976. The decree also created ten other similar authorities. The establishment of the River Basin Development Authorities was influenced primarily by a disastrous drought in the early 1970s (especially in its Northern States). The drought caused thousands of livestock to die. There were water and food shortages and food prices in the market rose rapidly. The growth rate of the Gross Domestic Product (GDP) was also affected. The growth rate fell from 18.4 percent in 1971/1972 to 7.3 percent in 1972/1973. The functions of the Authorities were to combat the problems brought by the drought disaster. The functions included also the control of floods and erosion; construction and maintenance of dams, dikes, polders, wells, boreholes, irrigation and drainage systems; development of urban and rural water supplies; and the resettlement of persons affected by the development projects.

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3Ibid.


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The Omi Dam Irrigation Project is being developed by the Niger River Basin Development Authority to meet its objective of providing water for farming under irrigation. (Appendix II shows the coverage of the project.) The project involves the damming of the Kampe River at Omi town. The dam, when completed, would facilitate modern mechanised farming through the introduction of an irrigation system. Such a system would enable farmers to farm year round, thus producing two or more rotational crops per year. The implementation of the project involves the acquisition of land for buildings and dam construction, and also land for farming activities.

Indigenous System of Land Ownership in Nigeria

The pattern of the indigenous system of land ownership in Nigeria can be better understood from the Nigeria's customary land-tenure system. According to Helleimer, "The Land Tenure Systems vary from area to area within Nigeria and are frequently complex in character."5

Probably, the most convenient and authoritative example of indigenous system of land ownership in Nigeria with legal backing is the observation of Viscount Haldane while delivering the judgment of the Privy Council in the Tijani v. Secretary of Southern Nigeria. The judgment was quoted by R. W. James that, "The next fact which it is important to bear in mind in order to understand the native land law is the notion of

individual ownership is quite foreign to native ideas. Land belongs to
the community, the village or the family, never to the individual."^6

Government Intervention for the Control
and Disposition of Land

During various stages of Nigeria's development, the government
intervened in the control and disposition of land through promulgation
of Proclamations, Decrees and Acts. The interest of the government in
land issues could be seen in the form of the crucial role land plays as
a factor of production. The intervention started with the Northern
Nigeria Lands Committee that sat in 1909 in England. The committee
recommended:

(a) That the whole of the land whether occupied or
unoccupied is subject to the control and disposition
of the Governor, and

(b) The control is to be exercised as far as possible in
accordance with native law and custom.7

The recommendations of the committee formed the nucleus of the Land and
Native Rights Proclamation of 1910. The Proclamation, thus, provided
legal backing for the principle of compulsory acquisition of native land
in Nigeria.

The Federal Military Government subsequently promulgated the Land

6James, R.W., Modern Land Law of Nigeria, University of Ife Press,

7Idakwo, S.I.; Braimoh, M.A.; and Bijimi, I.A. "Traditional Land
Tenure Surveys 1963: covering selected parts of Kabba Province and
Zaria Province", Institute of Administration, Ahmadu Bello University,

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Use Decree 1978. The Act vested in the State the control and disposition of land as contained in Section 1. The Section reads, "Subject to the provisions of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the Military Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Decree." With the Act, the power of land acquisition is vested absolutely in the Military Governor of each State.

The provisions of the Act were given unlimited power with constitutional backing which emphasized in Section 274 (5) that: "Nothing in this Constitution shall invalidate the Land Use Decree of 1978 ... and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed ..." In a case involving an Enugu based businessman, Chief R. O. Nkwocha v. the Anambra State Civilian Governor, the Supreme Court of Nigeria unanimously ruled that, "All allocations and revocations of right of occupancy of land granted by the deposed civilian governors under the Land Use Act have come to stay." For this reason, the landowners in Nigeria by law have no role to perform in the acquisition of land. Also, their rights on land are

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limited to the extent of resettlement provided or compensation paid for the value at the date of revocation of their unexhausted improvements and for the inconvenience caused by their disturbance. These rights are spelled out in Section 33, Subsection 1, 2 and 3 of the Act.\(^\text{11}\)

The aims of the Nigerian government's policy on the control and disposition of land are: (1) To ensure availability of land, and security of tenure for productive agriculture; and (2) To make it possible for the government to acquire land and re-apperportion it to small-holders under the River Basin Development Authorities.\(^\text{12}\)

Public Reactions to Government Land Policy

The Nigerian government's policy on land acquisition and resettlement regarding agricultural development has been a subject of controversy and public debates as to its rationality and the acceptance of its modus operandi. The main theme of the debate revolves around the "ownership of lands." The Punch, reporting the radio interview of the Chief of Staff, Supreme Headquarters, Brigadier Tunde Idiagbon, said inter alia that, "Commenting on the controversial Land Use Decree, Brigadier Idiagbon pointed out that the Decree was promulgated to

\(^{11}\) Land Use Decree 1978, p. A59.

correct anomalies existing in the ownership and distribution of land in
the country.\textsuperscript{13}

Approach of the Study

The study of the Omi Dam Irrigation Project took the form of infor-
mation gathering from government official records. Interviews were
also conducted with government functionaries and private individuals,
including landowners affected by the government policy on the acquisition
of land for the project. Field trips to the project site were made to
have on-the-spot assessment of the situation with a view of confirming
information gathered from records and interviews. Moreover, experiences
were drawn from previous works on similar projects regarding land
acquisition and resettlement. Finally, great attention was paid to
public views as expressed in interactions, newspapers, television and
radio.

Limitations of the Study

This study is limited because of the following reasons: First,
there was the problem of inadequate time to study such a complex issue
for which, through the years, the Nigeria government has not found a
solution. Second, the field work had to be carried out in a remote part
of the Kwara State with a very poor road network. Third, the research
work focuses on illiterate farmers and landowners who are sceptical

\textsuperscript{13}The Punch, Lagos, No. 14269, 11th June, 1984, p. 1.
about the roles of researchers. Fourth, the availability of data from government records was extremely limited. And lastly, the issue of land acquisition and resettlement is highly volatile so that caution will have to be exercised since both the government and landowners view the role of researchers with suspicion.

Advantages for the Study

An advantage which assisted me in my research work was that I am a native of Kwara State and have worked in numerous offices in the Civil Service. Hence, my contact with government functionaries in connection with the land acquired was easier. Second, I am an official of the Niger River Basin Development Authority, which made my interactions with people and the obtaining of documents easier. Third, I am a native of the area in which the Omi Dam Irrigation Project is located. Therefore, there is no language barrier between me and the inhabitants during the course of interviews. Moreover, as a native of the area, I have fair knowledge about the people within the area of study.

Purpose of the Study

This paper addresses the problems of land acquisition for Omi Dam Irrigation Project and resettling the affected people by the Authority. The project is used as a case study in order to determine; (1) The communities affected by the project and their relationships with land; (2) The strategies adopted for identifying the land required for the project and for resettling the affected people; and (3) The reactions
of the people affected by the acquisition of the land and the impact of these reactions on the execution of the project. The findings will generate recommendations for the implementation of Omi Dam Irrigation Project as an on-going project and for guiding the implementation of similar projects in the future.
CHAPTER II

THE COMMUNITIES AND THEIR RELATIONSHIPS WITH LAND

This chapter deals with the people and their relationship with land. An understanding of the area will assist in analyzing the traditional method of acquiring lands within the area of study. It will also assist in the evaluation of the strategies used by the Authority to acquire the lands for the Omi Dam Irrigation Project.

Communities Affected by the Project

The study is restricted to the communities whose lands were acquired and duly recognized by the Authority. The communities are Ogga, Omi and Ejiba. It also includes the communities that had petitioned to the Authority for acquiring their lands without their consent. The communities are Idofin-Isanlu (ISANLU); Odo-Ara and Ogbom. All the communities are within the Oyi Local Government Area of Kwara State, Nigeria. They fall into two districts of the Local Government Area. In East Yagba district, there is the Idofin-Isanlu community. In West Yagba district, there are the communities of Ogga, Omi, Ejiba, Odo-Ara and Ogbom.

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14 Minutes of Omi Dam Resettlement Committee meeting held at Area Office, Ejiba, 3rd February, 1984.

there was responsible for the Government take-over.\textsuperscript{18} Only the towns of Idofin-Isanlu and Ejiba are on a road that is motorable all year around. The other communities are situated in remote areas.

Until very recently, the communities and, in fact, the people of Oyi Local Government Area have been living in harmony. According to the Secretary of the Local Government Area, "Before I was posted to this office, I was under the impression that no distinction exists among the people of this area. Any person I came across from this Local Government Area would simply claim that he or she comes from 'Kabba' (the headquarter town).

Features of Land-Tenure System of the Area

All the communities' lands within the area of the study are owned by a group, or groups of families. The lands were traditionally acquired through inheritance. These features of the land-tenure system of the area are complicated by the shifting of people from one community to another and by a family separating into two communities. The ownership of a piece of land, for example, in the area could be between a family who have split into two communities. According to the Bale of Idofin-Isanlu, "There is a piece of land that is owned by Idana/Janta family.

\textsuperscript{18} Adeoti, E.O., "Interview with the Project Manager of the Niger River Basin Development Authority in his office", Ejiba, 13th July, 1984.

\textsuperscript{19} Ifarinde, S.O., "Interview", Kabba, 10th July, 1984.
The communities studied are among the tribal group that were commonly referred to as "Northern Yorubas" before the creation of states in Nigeria in 1967. The tribal and geographical position of the communities made the existing literature on the land-tenure system of the area more confusing. The reasons for the confusion are: (1) before the promulgation of Land Use Act, the area was subject to the Land Tenure Law of Northern Nigeria; and (2) because of their Yoruba tribal grouping, the land-tenure system of the communities was influenced by the system of the Yorubas in Western Nigeria. The confusion was highlighted by J. R. N. Marshall who said that, "Much more is known of Yoruba customary law (Lloyd's book being the latest and best) but it is by no means sure that Yoruba custom in Ilorin and Kabba Provinces is the same in all respects as in the Western Region." 16

The development projects in the communities were almost totally initiated and executed by the communities themselves. The projects were executed through the different development associations of each community. The only exceptions are: (1) the Secondary School in Ejiba, co-sponsored by the community and the Local Government; 17 and (2) the Dispensary/Maternity hospital built by the Ejiba community which was recently taken-over by the Kwara State Government. The increase in population of the town because of the staff of the Authority stationed


17 Ifarinde, S.O., "Interview with Secretary of Oyi Local Government Area in his office", Kabba, 10th July, 1984.
Among the family, some of them are in Idofin-Isanlu and the others are in Ejiba. Also, according to Oba of Ejiba, "Iboro land belongs to Ejiba community. Most of the sons and daughters of Iboro community now reside in Isanlu town. Among them is one Mr. Ayeni Ade-Aperin."

In this area, family lands or community lands are commonly demarcated from each other by 'river', 'fadama land', 'heap of land', 'Peregun tree', 'hill', 'rock', 'bush path', and 'flat land'. In the area, 'family lands' are lands owned by a family within a community and the total of such lands owned by all families within the community becomes the 'community lands'. All methods used in demarcating lands, apart from 'rivers' and 'hills' are of a temporary nature. Although these methods are commonly recognized in the area for demarcating land and have different meanings in accordance with the culture and tradition of the people, their temporary nature is a source of land disputes.

Benefits and Values the Communities Attached to Land

The benefits and values the communities attached to lands in this area revolve around the payment of 'isakole' and 'Ida' to the landowners through the family head that owns the land. Things paid for 'Isakole' and 'Ida' vary from family to family and depend on the size of the land leased and the harvest from the land. According to the tradition of the

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20 Balogun, Moses, "Interview with the Bale of Idofin-Isanlu community and other community leaders and land owners in the Bale's house", Idofin-Isanlu, 19th July, 1984.

21 Oguns, Peter A.O., "Interview with the Oba of Ejiba community in his house", Ejiba, 17th July, 1984.
people, the payment of 'Isakole' by tenants signifies that the tenants recognize the family as the owner of the land. It also symbolizes that the landowners have traditionally leased out the land to tenants. The performance of these rights by the tenants is followed by the payment of 'Ida' which translates to mean, "The landowners yearly share of the harvest from the land leased to tenants." Thus, it gives the security to the tenants for the use of the lands.

The performance of these rights by tenants gives the impression that the lease of land in the area is simple, cheap, and easy to meet by tenants. It also symbolizes the recognition of the ownership of the land as the tenants serve as witnesses in event of land dispute. It also gives the impression that the landowners want to be consulted before any acquisition of their lands.

Prospects of Acquisition of Land for Development in the Area

Because nearly all the communities covered by the study are in rural areas with vast amounts of unused land and are struggling to develop their communities through their respective development associations, acquiring land on a smaller scale might be easier. For the same reason, acquiring land for a large agricultural project might be difficult. This is because the land for a large agricultural project would cut-across land belonging to many communities. There is, therefore, the need for each community to derive equal benefits arising from the project. The concentration of these benefits in a community is likely to bring about jealousy among the communities whose lands were acquired for the project.
This assertion is buttressed by the view of Oba of Omi, "It is from the land acquired that we derive benefits to meet the costs of amenities required by the community." The implication of this view is that any community that feels cheated with the location of amenities arising from the project would not cooperate on the release of land for development.

The next chapter deals with the method used for determining the size and for identification of land required for the project. It also discusses the initial involvements of the government and the communities in the project. It will indicate the extent to which the traditional values of the communities on land as treated in this chapter had been taken into consideration for acquiring the land.

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22 Ogun, Ayodele, "Interview with the Bale and other community leaders and landowners of Omi community in the Bale's house", Omi, 12th July, 1984.
CHAPTER III

APPROACHES ADOPTED FOR DETERMINING THE
LAND REQUIRED AND FOR RESSETLEMENT

This chapter concerns itself with the approaches adopted for de­
termining the required land for the Omi Dam Irrigation Project. The
examination of these approaches will help to determine whether they con­
form with the traditional land use/land ownership system of the people.
It will also help to determine the extent the communities were involved
in designing the project. The lessons drawn from this chapter will
assist in evaluating the acceptance or rejection by the communities,
landowners and farmers of the approaches adopted.

Pre-feasibility Studies of the Project

To determine the land required for the project and the suitable re­
settlement approaches to be adopted, three studies were conducted. The
first study dealt with the pre-feasibility studies with term of reference,
among other things, are:

(1) the examination of policy constraints; and

(2) the location of possible project sites in the basin
with a view of selecting priority sites for final
consideration based on such selection, criteria as suitability,
accessibility, expansion possibilities, etc.23

The contract for the study was approved by the Federal Executive Council
with the Head of State as Chairman for award to Messrs Noyuk at a cost

23 Extracted from the records of the Niger River Basin Development
Authority, Planning Section.
of ₦475,080. The agreement for the contract was signed on the 24th March, 1977 to be completed in December, 1978. The map attached as Appendix III shows the Kampe River Basin study area.

One of the schemes identified by the Consultants was, "The construction of a dam across Erigi River near Omi village. This is approximately 13 kilometres above the confluences of the Erigi and Kampe rivers. The water impounded by the dam would be released into two main irrigation canals along either bank of the Kampe and Erigi rivers. Water could be supplied by this scheme to some 10,000 hectares of land." The consultants estimated the cost of the scheme as ₦65,5000,000.

The consultants' reports also highlighted recommendations for integrating the farmers into the scheme by indicating that,

Land tenure - This is a problem which requires study ... . It is also important to give to each holding an equivalent proportion of good quality soils or make appropriate compensations. ... Crop rotation schemes can be developed to overcome the disadvantage of small plots and after the advantage of large scale operations. To establish the crop rotation schemes, it is necessary to develop agreement between the farmers.

The Settlements - The development of the basin will require new settlements to offset manpower deficiencies. Settlement planning is to a large extent institutional planning which can only be achieved by the establishment of community institutions. Settlement should not be uncontrolled due to the many difficulties of integrating settlements into an agricultural development programme.

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24 Ibid.


26 Ibid, p. 22.
The development program must therefore include for such planning and development control.27

The implication of the recommendations of Messrs Noyuk in the pre-feasibility studies is that the problems of land acquisition and resettlement had been left for management to tackle. No regard was given to land ownership problems in the report and policy constraints regarding land.

Feasibility Studies and Engineering Designs of the Project

The second stage of studies for the project is the 'Feasibility studies and engineering designs' of the Omi Dam Irrigation Project selected for development. The letter inviting consulting engineers to submit proposals was dated the 13th of November, 1978.28 The proposals submitted by the consulting engineers were screened by the Authority. Consequently, a N581,700 contract was awarded to Messrs Progress Engineers.29 The term of reference of the studies included investigation of the various land elements.30

In the reports, the consultants made some observations/recommendations pertinent to this study as follows:

The population of the scheme area is scanty and the

27 Ibid.


29 Planning Section's records.

people are largely living in a few scattered villages. The farmers cultivate an average land holding of 2.00 to 7.25 hectares without irrigation facilities. A total amount of W1,830,000 is estimated to be involved in the payment for land acquisition, resettlement, etc.\textsuperscript{31}

The process for land acquisition and resettlement should start immediately and should be completed within two years.\textsuperscript{32}

The reports also indicate that the intensity of agricultural production in the area was low, with 70 percent of the area uncultivated and 25 percent affected by accelerated erosion. Furthermore, an agricultural and forest product survey of 14 villages within a radius of 20 kilometers of the dam revealed that about 50 percent of the farmers operated on family land while about 40 percent depended on land offered by friends. The survey also indicated that every selected farmer cultivated more than one field in any given year. This was attributed not only to the fragmented and scattered nature of their fields but also to the need to guard against crop failure and poor crop yields on a particular piece of land.

In terms of their backgrounds, 75 percent of the farmers were illiterates and their ages ranged from 40-71 years. Also the survey indicated that about 45 percent of the farmers had never heard of irrigation and after irrigation was explained to them about 67 percent agreed that irrigation could be advantageous and that they would be willing to pay for the cost of irrigating their farms. The consultants

\textsuperscript{31}Ibid., Vol. I, p. 27.

\textsuperscript{32}Ibid., Vol. IIIA, p. 44.
estimated the cost of the project to be N52,304,000 as of July, 1980. They also considered the project feasible from an economic point of view, and recommended its implementation.\footnote{Ibid., Vol. IV, pp. 4, 5 and 14.}

The reports made recommendations on compensating and resettling the affected people. It also highlighted the traditional methods of farming in the area of study. However, the consultants failed, contrary to the terms of the contract, to investigate the effects of the existing policies on land ownerships on the project. This serious lapse in the reports of the Consultants gives credence to Tina Wallace's observations that, "Consultants and planners have not yet reached the point where they examine critically the historical record, with its abundant evidence of the modest capacity of researchers and government to solve the problems of rural development."\footnote{Wallace, Tina, "Planning for Agricultural Development: A consideration of some of the Theoretical and Practical issues involved", in The Nigerian Journal of Public Affairs, Institute of Administration, Ahmadu Bello University, Zaria, Vol. VIII, 1979, p. 63.}

Messrs Progress Engineer's reports referred to a disputed land between Isanlu and Ejiba with a sign-post marked "Oyi Leprosarium" as "Ejiba Leprosarium." According to the project manager of Messrs Progress Engineers, "The Leprosarium is nearer to Ejiba town than to Isanlu town, that is why we wrote Ejiba Leprosarium."\footnote{Sahasrabudhe, S.J., "Interview with the Project Manager of Messrs Progress Engineers in his office", Ilorin, 4th August, 1984.} The lack of recognition of
the official sign-posts is a source of future land dispute in the area. This is because the report of the consultants would provide a source of future reference by land agitators.

Resettlement Survey on the Project

The third set of studies conducted on the project are for a 'Resettlement Survey on Omi Dam Irrigation Project'. The terms of reference of the studies are:

(a) Enumerate all farms and settled cattle rearers in the reservoir area of the proposed Omi Dam; and

(b) Enumerate farms along the lengths of the proposed canal alignment (an area of about 8,000 hectares).

The contract was awarded to Messrs RAVOLI (Nigeria) on the 29th of July, 1983 for the sum of N49,600. The report indicates that a total of 1,731 farms belonging to 451 different farmers were enumerated within an area of the study. The report of Messrs RAVOLI is beneficial to this study to the extent that, as what L. A. Adebiyi said, "It demarcated the area into shoreline which tells us about the extent of the impoundment for assessing properties on the area demarcated." 

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36 Extracted from the records of Resettlement Section of the Niger River Basin Development Authority.

37 Ibid.


Initial Involvement of the Communities and Government

The acquisition of land for the Omi Dam Irrigation Project was done in two phases. The first stage involved the acquisition of land for substation offices and staff quarters at Ejiba. The second involved the acquisition of land for developing the project.

After Messrs Noyuk Consultants had identified the project in 1977 as having potential for large scale irrigation development, the first step in implementing the project was to set up an administrative station. According to the General Manager, "I went to Ejiba to look for land for a sub-station, offices and staff quarters. After suitable sites had been identified, later I decided to speak to the Oba of the community." 40

In the words of Oba Peter A.O. Oguns, "The General Manager of the Authority accompanied by Chief S. K. Oshatimehin, who was the Chairman of Oyi Local Government Area, and who happened to be one of our prominent sons, called on me in 1977 for land. We released the land to the Authority willingly because we want development in our community." 41

The General Manager, as a follow-up action, wrote a letter to the Secretary to the Military Government and Head of Service, Military Governor's Office, Ilorin on the 10th March, 1978 regarding the acquisition of 20 hectares of land for the Authority's substation in Ejiba. The letter was copied and sent to the Permanent Secretary, Ministry of Lands

40 Ayinmodu, M. S., "Interview with the General Manager of the Niger River Basin Development Authority in his office", Ilorin, 12th June, 1984.

and Housing, Ilorin and to the Secretary, Oyi Local Government Area, Kabba. The Oyi Local Government Area replied on 10th March, 1978 (with no reference and not written on Oyi Local Government official letter-head paper) stating, "No objection for the proposal to erect sub-station building at Ejiba as shown on your map since the area of block of 20 hectares falls within the layout map."

The spontaneity in the reply of Oyi Local Government Area on the 20 hectares of land required for sub-station in Ejiba is as a result of:

1. The fact that General Manager made adequate consultations with the Oba of Ejiba community;
2. The size of the land required is small and probably falls within the land of few communities; and
3. The Local Government has the power to grant right of occupancy for land of that size.

The next stage was the acquisition of land for the development of the project. In a letter dated the 13th June, 1978, the General Manager wrote to the Permanent Secretary, Ministry of Lands and Housing, Ilorin to request the release of lands as follows:

(a) 10,000 hectares to be developed along the valley of Kampe (Oyi) River between Omi in the South and Ofi in the North for irrigation purposes, and

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(b) 60 hectares for pilot projects in the Kampe River Valley near the Leprosarium. The land will be allocated to farmers for both rainfed and irrigated crop production within the year.\textsuperscript{45}

The Oyi Local Government Area on the 14th June, 1978 replied to the General Manager by commenting, "Oyi Local Government Area has no objection for the acquisition of 10,000 hectares of land for the project and other formalities will follow in due course."\textsuperscript{46} The Permanent Secretary, Ministry of Lands and Housing, Ilorin on 26th June, 1978 replied to the General Manager, writing "Request for acquisition of land for the above project has been referred to Oyi Local Government Area for necessary action."\textsuperscript{47} According to Olanrewaju, "The acquisition of land for the project remained inconclusive up-to-date as no approval had been granted by the Governor. We are still awaiting the response to our letter from the Oyi Local Government requesting for their view on the land required by the Authority. Even though the Governor has the power to grant such request, it is the practice of this Ministry to seek the views of Local Government on such request."\textsuperscript{48}

At the time of this study, the contractors for the project had

\textsuperscript{45}File NBA.21, 13th June, 1978, p. 106

\textsuperscript{46}Oyi Local Government Area, "Acquisition of land for Irrigation Development Purposes Ejiba - KAB/LAN/7/Vol.I/55", Kabba, 14th June, 1984 in NRBDA's file NBA.21, p. 110.

\textsuperscript{47}Ministry of Lands and Housing, "Acquisition of land for Irrigation Development Purposes at Ejiba - LAN/FG.435/11", Ilorin, 26th June, 1978 in NRBDA's file No. NBA.21, p. 112.

\textsuperscript{48}Olanrewaju, Samuel O., "Interview conducted in the Lands Division, Kwara State Ministry of Works, Lands and Housing", Ilorin, Nigeria, 17th August, 1984.
mobilized, and construction had begun. However, the acquisition of land for the project had no legal backing, since the Governor of Kwara State had not communicated his approval to the Authority to acquire the land. The special form for communicating the Governor's approval to acquiring agencies is attached as Appendix IV. A pilot irrigation scheme had been established in Ejiba to introduce the farmers into a modernized irrigation system. The scheme also served as a way of integrating the farmers into the project. Furthermore, the payment of compensation to affected people was in progress. In addition, the Government of Kwara State had been involved in the acquisition of land for the project. Also, some communities whose lands were required for the project were involved initially in the project activities.

The next chapter deals with the effects the above steps taken by the Authority had on the execution of the project at a larger scale.
CHAPTER IV
IMPLEMENTING THE OMI PROJECT AND THE
REACTIONS OF THE AFFECTED PEOPLE

The chapter addresses the implementation of the Omi Dam Irrigation Project. The implementation of the project will be examined in two phases. The first phase deals with the establishment of a pilot scheme before the large-scale execution of the project. The second phase deals with the actual construction work of the project. The reactions of the people affected by the acquisition of the land and by the resettlement methods will be examined in order to highlight the problems encountered on the project.

Establishment of a Pilot Irrigation Scheme at Ejiba

The Pilot Irrigation Scheme at Ejiba was established to generate feedback to assist the Authority in implementing the project on a larger scale. It served the purpose of integrating the farmers to the project. According to Messrs Noyuk Consultants, "A Pilot Scheme is perhaps the most important item on socio-economic factors and studies necessary to accompany a physical development programme."\(^\text{49}\)

Implementing the Pilot Irrigation Scheme, Ejiba

According to Mr. E. O. Adeoti, "The land clearing for the pilot scheme

started in 1977 in preparation for the planting season of 1978. The Decree No. 87, establishing the Authority allows for the allocation of 4 hectares of land to an individual for any purpose. Under this rule, only fifteen farmers could be accommodated into the scheme of 60 hectares of land acquired for the scheme. As a result of the inherent problems envisaged in the running of the pilot irrigation scheme, the Authority made an important decision to set up a committee known as "Ejiba Irrigation Scheme Management Committee". The members of the committee were drawn from the Ejiba community, Government Ministries and Institutions, Oyi Local Government and the Cooperative Movements in Egbe town. The committee met only twice: at an inaugural meeting in 1980 and on the 6th of August, 1980.

Problems Brought About by the Establishment of the Pilot Irrigation Scheme

As soon as land clearing for the scheme began, the dispute regarding the land between Isanlu and Ejiba towns surfaced. According to Oba Oguns, "The land dispute between my community and Isanlu community started in 1977." Clearly, the land dispute between the two communities was influenced by the establishment of the pilot scheme. This is because the

50 Adeoti, E. O., "Interview with the Project Manager in his office", Ejiba, 19th July, 1984.
52 Minutes of the Ejiba Irrigation Scheme Management Committee.

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letter presenting the Ejiba side of the story, dated the 10th of January, 1983 to the Secretary, Oyi Local Government Area, Isanlu, was copied and sent to the General Manager, Niger River Basin Development Authority for his information. 54

The second problem surfaced when complaints regarding non-payment and delay in payment of compensation for economically productive trees, such as mangoes, and locust trees, on the land acquired started pouring into the Authority. The first of the kind came from the Oba of Ejiba community, co-sponsored with Mr. Joseph Iginnugbemi and Mr. J. A. Fagbemi in their letter dated the 27th October, 1981. 55 The same community was earlier quoted as saying that they willingly released land for the project because they wanted development in their community.

The establishment of the pilot scheme was a catalyst for other communities within the same Local Government to start writing letters to the Authority donating lands for the establishment of similar projects. The communities that wrote such letters include: Ogbom, Aiyetoro-Gbedde, Isanlu, Ihalle, Iffe, Ejuku, and Ponyan. 56 This is an indication that each community within the area wanted development in its locality, no matter the sacrifices it was called upon to make. However, the experience from the complaints of Ejiba community on payment about compensation illustrates that communities that donated land for development would


55 Authority's file No. NBA.21/I.

56 Extracted from the Authority's file No. NBA.21/I.
possibly make later demands for compensation after the establishment of
the project.

There was the problem regarding resettlement issues drawn from the
establishment of the Ejiba pilot irrigation scheme. The issue of the
resettlement involves people required to vacate a place, either from farm-
lands or residential houses, in order to make room for physical develop-
ment. In this case, resettlement arose as a result of the compulsory land
acquisition policy of the government as contained in the Land Use Act of
1978. According to the General Manager of the Authority, the establish-
ment of the pilot scheme involved the resettlement of the farmers displaced
on the land acquired for the scheme.\(^{57}\)

According to the Project Manager, "Landowners who are participating
on the pilot scheme refused to pay for land rent rate and would farm any
developed land if the land is not allocated to them. They also threaten
to kill if they are disturbed in their activities on the pilot scheme."\(^{58}\)

In their reactions, some of the participating farmers who are traditional
landowners of the land acquired for the scheme made demands for special
consideration in the allocation of farmlands on the scheme. In the words
of one of them, Josaih Aremu, "Give special treatment to the landowners
in the allocation of farm plots."\(^{59}\) The reactions of the traditional

\(^{57}\) Aiyinmodu, M.S., "Interview", Ilorin, 2nd August, 1984.


\(^{59}\) Aremu, Josaih, "Response from open ended questionnaire adminis-
landowners give the impression that the equitable treatment of all Nigerians to the use of land for farming, as professed by the Land Use Act, is difficult to implement within the area of study.

The establishment of Ejiba Pilot Irrigation Scheme improved the standard of Ejiba community. According to Oba Peter Oguns, "The scheme provided employment opportunities for my community. Our houses were also rented by the staff of the Authority stationed in the town." Also, as earlier indicated in Chapter II, the Dispensary/Maternity hospital built by the Ejiba community was taken over by the Kwara Government due to the fact that the community's population had increased. This increase in population was due to the numbers of the Authority's staff stationed in the town. The improvements in Ejiba town as a result of the establishment of the Authority's substation and the pilot irrigation scheme generated envy among communities. According to Oba D. A. Kumolu, "Amenities should be spread out rather than concentrating them in one place. Before I became the Oba of my community, I taught in a school at Ejiba, and I'm aware of the tremendous development Ejiba has undergone since the project started."  

Execution of Omi Dam Irrigation Project

The Omi Dam Irrigation Project was under construction at the time of the study. It was supposed to provide irrigation facilities capable of irrigating 10,000 hectares of farmlands by gravity. It will involve,  

61 Kumolu, D.A., "Interview with the Oba and other community leaders and landowners of Ogga Community in the Oba's house", Ogga, 18th July, 1984.
when completed, the introduction and integration of the farmers to a modern mechanized system of farming. As a result, it entails the conversion of the farming communities from traditional local farming techniques to modernized farming under irrigation.

Construction of the Irrigation Facility for the Project

The construction works to provide irrigation facilities started on the 29th of June, 1983 when the contracts were awarded. Table I shows details of the contracts:

<table>
<thead>
<tr>
<th>Nature of Work</th>
<th>Name of Contractors</th>
<th>Contact Sum - ₦</th>
<th>Time of Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of Omi Main Dam</td>
<td>Afroworks (Nigeria) Limited</td>
<td>28,500,000</td>
<td>3 years</td>
</tr>
<tr>
<td>Construction of Omi Main Canals</td>
<td>Himma Engineering Company Limited</td>
<td>21,976,507</td>
<td>3 years</td>
</tr>
<tr>
<td>Construction of Omi Distributory Channels</td>
<td>NIKO Engineers (Nigeria)</td>
<td>17,500,000</td>
<td>3 years</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>67,976,507</td>
<td></td>
</tr>
</tbody>
</table>

By the time of this study, some land acquisition and resettlement problems hindering the execution of the Omi Dam Irrigation Project had been solved. Some were completely resolved while others were partially treated. An important step taken in correcting the problems encountered was the establishment of Omi Dam Resettlement Committee. The committee is one of the ways the local communities and experts in different disciplines participate together in the project implementation. The aim of the committee according to the Resettlement Officer is, "To take care of the problems that may occur as a result of the construction of the project." Also, Mr. J. A. Adebiyi stated: "The problems were softened through the excellent administrative way the General Manager conducts the meetings. The General Manager always emphasizes the future benefits the communities would derive from the project instead of the villagers to continue demanding excessive compensation. He is a native of this area and sometimes engages in dialogue with the villages in local language."62

Problems Encountered After the Construction Works of the Project Started

The beginning of construction works of the Omi Dam Irrigation Project brought to light some land disputes, petitions and discontents among the communities within the area of study. There were petitions from some affected communities to the Authority that their lands were used for the project without their consent. According to Bunmi C. Oyeniyi, "The Ogbon


community had petitioned that the land associated with Ogga community by the Authority, actually belongs to them."\(^{64}\) The land dispute between Isanlu town and Ejiba had already been highlighted earlier.

Although the land dispute between Omi and Odo-Ara towns did not come about as a result of the execution of the project, it contributes to a better understanding of the values attached by the local communities to their lands. The dam for the project was being built in Omi town, and Odo-Ara town was among the communities that petitioned the Authority for using their lands without their consent. The land dispute between the two communities arose because a Secondary School jointly sponsored by them was only named after Odo-Ara community. The Omi community protested against the name of the school because it was located on a land belonging to Omi community. According to Oba of Omi community, "The dispute had been partially settled as the joint venture to build the Secondary School had broken down and the land in dispute had been vacated by the two communities."\(^{65}\)

These land disputes, petitions and discontents among the communities within the area of study were influenced by the size of the land required for the project. It involves lands belonging to many communities and families. Due to the temporary nature of most of the means for demarcating land in the area, it renders land boundaries vulnerable to dispute. Moreover, the complexity of the land-tenure system of the area also

\(^{64}\) Oyeniyi. Bunmi Christy, "Interview with the Resettlement Officer of the Authority in the Area Office", Ejiba, 11th July, 1984.

\(^{65}\) Ogun, Ayodele, "Interview with Oba of Omi community and ten other landowners and community leaders at the Obe's house", Omi, 12th July, 1984.
influenced the disputes. In two communities, there are members of a single family to whom a piece of land belongs, who have permanently settled as residents of the two communities. Some of the family members had been conferred with chieftancy titles in the communities to which only natives of the communities have right. This situation, therefore, makes the land-tenure system complex to understand.

In the area of this study, families and communities still cling to user and control rights of all lands, in spite of the Land Use Act. According to Oba D.A. Kumolu, "People who made the Decree are those who have no land in their home towns and wanted to exploit the landowners through the use of their exalted positions in government."66 This situation regarding to the people still clinging to ownership right of land is similar to the observation of Dr. Are when he noted, "... in Southern Nigeria, ultimate ownership of land still appears to rest with the family or the village community."67 For this reason, the compulsory acquisition policy of the government, unless the traditional land ownership in the area is recognized, is likely to be resisted.

The consensus of the people interviewed during the study was that they did not welcome the declaration of their lands as "State Lands". However, they said that they are weak in confronting government policy. The only favorable comment was made by the Bale of Odo-Ara community.

He observed, "The Act has helped to reduce the amount of disharmony caused by land disputes among the people of my community. In the event of any land dispute brought to me for adjudication, I will simply refer both parties to the provisions of the Act that vest on the State the ownership of lands, and both parties in the disputes will return home."68

The land disputes, petitions, and discontents were also influenced by the desire of the communities to derive their share of benefits arising from the project. In this regard, all the communities were unanimous in demanding that the Authority should locate amenities in their communities. According to Bale of Idofin-Isanlu, "We are expecting the Authority to extend electricity supply to the community."69 Speaking on behalf of the Omi community, the Bale said, "We are not worried about the inadequate compensation if only our community is provided with amenities."70 The representative of Ogga community stated, "We are not worried about the land acquired, provided amenities are provided for our community, and the bridge over Oyi river linking Omi town with our community is built."71 The Ogboms also wanted amenities to be provided in their community. In addition they wanted the bridge on Oyi river at Omi town to be built, and a road constructed to link the community with another Authority's


69 Balogun, Moses, "Interview with him and others", Odofin-Isanlu, 19th July, 1984.

70 Ogun, Ayodele, "Interview", Omi, 12th July, 1984.

project at Mela.\textsuperscript{72} For this reason, any community which feels cheated in the allocation of amenities arising from the project is likely to be uncooperative with the Authority in the future.

The land disputes, petitions and discontents regarding land acquired were influenced by the communities' desire for closer communication and collaboration with the Authority. They wanted to be contacted before their lands were cleared. Also, they wanted to be involved in the project activities. The representative of Idofin-Isanlu said, "The Oba of Isanlu, community and landowners have not been contacted until today on the land acquired. The landowners had petitioned to the Authority, but no response. We should be involved in the affairs of the project like other communities whose lands were acquired."\textsuperscript{73}

The representatives of Odo-Ara community reacted by saying that, "We were not informed that our land would be acquired for the project."\textsuperscript{74} As spokesman for the Omi community, their Bale said, "We knew that something was happening because two expatriates came to ask me about five years ago if the community would like to be resettled. I told them to come back later for a reply after the entire community had been consulted. We heard nothing more until we saw bulldozers clearing our lands."\textsuperscript{75}

\textsuperscript{72} Owogbemi, Olusida, "Interview with the Oba and two others representing landowners in the house of the Oba", Ogbom, 18th July, 1984.

\textsuperscript{73} Balogun, Moses, "Interview", Idofin-Isanlu, 19th July, 1984.

\textsuperscript{74} Ogun, Monisi, "Interview with him and others", Odo-Ara, 12th July, 1984.

\textsuperscript{75} Ogun, Ayodele, "Interview", Omi, 12th July, 1984.
According to Ayo Faseyi, "When the contracts for the construction of the Omi Dam Irrigation Project were awarded and published in some of the Nigerian dailies, the first reaction of Omi community was to come to the Authority's headquarters to complain that they were not aware any work was to be done in their town." 76

According to the representative of Ogga community, "We were contacted in 1981 by our son, the Minority Leader of the Kwara State House of Assembly, who recommended we accept the project whole-heartedly. Apart from that, nobody informed us, or involved us until recently when our Oba was invited to serve on the project Resettlement Committee." 77

Likewise, the representatives of Ogbom community said, "We were not contacted before the community's land was cleared. We have petitioned to the Authority but have not received any response." 78 Inadequate communication impedes the development of a large scale agricultural project. Pertaining to this inadequacy, Tina Wallace remarked in his study of the Bakolori Irrigation Project, "The picture then was one of confused directives. ... Lack of communication between the scheme and the farmers was very evident and was the cause of much farmer anxiety." 79

76 Faseyi, Ayo, "Interview with him in his office at the Authority's headquarters", Ilorin, 30th July, 1984.


78 Owogbemi, Olusida, "Interview", Ogbom, 18th July, 1984.

The second problem encountered by the execution of Omi Dam Irrigation Project concerns the payment of compensation to the affected people. The people were displeased with the non-payment of compensation. They also resisted the inadequacy and delay in the payment of compensation. The communities were unanimous in expressing dissatisfaction regarding the payment of compensation for economically productive trees, such as the locust trees, pawpaw, mangoes and cashew. According to Oba Oguns, "Adequate compensation was not paid by the Authority, and where paid, was unreasonably delayed." 80

According to representative of Idofin-Isanlu, "Apart from the land acquired without our consent, our crops were destroyed without compensation." 81 On behalf of the Odo-Ara community, their representatives said, "Until now no compensation has been paid to anybody." 82 The people of Omi community expressed similar discontent, saying, "We were supposed to be compensated for crop destruction, yet some people have received little compensation and others have not been compensated at all." 83 The Oba of Ogga expressed the view that his people were not concerned about the land acquired provided compensation was paid." 84 Also, the Oba of Ogbom community said that, "No compensation has been paid yet." 85

The discontents of the communities affected by the project on the payment of compensation had direct impact on the execution of the project. All the contractors executing the construction works stated that they experienced violent reactions from farmers, who threatened to kill them with guns, arrows and cutlasses, during the course of construction. According to the contractors, "The Authority did not pay compensation to the farmers." The Site Engineer of Afroworks elaborated, saying, "Between September, 1983 (when we moved to the site) to 3rd February, 1984 (when 50 percent of the compensation on dam axis was paid), no tangible construction could be done in the field because the people refused to allow us to work."

The problem of payment of compensation was further aggravated by the diversion of a check raised by the Authority on the Kwara State Chief Lands officer with respect to compensation to beneficiaries. Instead of the direct disbursement of the amount to the beneficiaries, the check was paid to the Treasury of the Kwara State Government. Those beneficiaries were further pressuring the Authority for the payment of their compensation. The issue was again raised during the meeting of the Omi Dam Resettlement Committee held on 3rd February, 1984 at the Ejiba Area Office.

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86 Interview with T.D.D. Chandrapala and Petro Matibag, Project Engineer and Chief Civil Engineer respectively of Himma Engineering in the company's office at Egbe on 9th July, 1984; Mr. K. Karunakarau, Site Agent of Nike Engineers held in the company's office at Ejiba on 11th July, 1984; and Isa Adeboye, Site Engineer of Afroworks (Nigeria) in the construction field at Omi town on the 12th July, 1984.

As per the minutes of the meeting, "The Chief of Ejiba wanted to know the fate of his people about the unpaid compensation since 1978. The question was answered by the Chief Agricultural Officer who said that their compensations had been paid to Kwara State Government who paid it into Revenue Section of Kwara State Ministry of Finance instead of paying them."\(^88\)

The extent of the reactions of the people affecting the execution of the project was such that the contractors had to withdraw from the field. Their withdrawal affected the work schedule, resulting in escalating the contract prices of the project. Contract prices can be escalated either through the 'inflation' or 'penalty' clauses of the contract agreement. According to the Authority's Resident Engineer, "We have to reimburse the contractors for their expenses incurred due to administrative faults of the Authority."\(^89\) So far, the Authority has paid a similar claim up to the amount of ₦10,000 to Messrs Afroworks (Nigeria) Limited.\(^90\)

Other difficulties were encountered during the period of execution of the project as a result of the resettlement strategy adopted by the Authority. These difficulties arose as a result of the representatives of Odo-Ara community explaining, "We are not happy because our original farmlands had been taken over and no alternative provided, particularly for planting yams."\(^91\) Although the people of Omi community were not

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\(^{88}\) Minutes of Omi Dam Resettlement Committee meeting held on 3rd February, 1984, at Ejiba Area Office.


\(^{90}\) Ayinmodu, M.S., "Interview", Ilorin, 2nd August, 1984.

going to be displaced, they added, "If we are to be moved from our present location, the new place must be on land owned by the community. Moving us to another community's land makes us like slaves in another man's land."\(^{92}\)

The extent to which the resettlement strategy adopted by the Authority affected the execution of the project could be seen from a statement of Mr. K. Karunakarau, who said, "After the farmers had harvested their crops, they replanted another type of crops on the same farm, even though compensation had been paid to them on the harvested crops."\(^{93}\) Also, according to Bunmi Oyeniyi, "During one of the meetings of the Omi Dam Resettlement Committee, farmers in Omi and Ogga communities resisted the promise that they would be resettled in Ofi area. As in Bakolori project, the farmers complained that the proposal was not acceptable due to the distance of Ofi from their communities."\(^{94}\) The farmers expressed determination to continue to farm the acquired land until acceptable alternative land is provided. Until this is done, the execution of the project will continue to be disrupted.

The failure to monitor land acquisition so as to prevent encroachment on it by land speculators created problems. The effect of this lapse on the execution of the Omi Dam Irrigation Project could be seen from the remarks of Mr. L.A. Adebiyi, the Authority's Resident Engineer on the

\(^{92}\)Ogun, Ayodele, "Interview", Omi, 12th July, 1984.
\(^{94}\)Oyeniyi, Bunmi, Christy, "Interview", Ejiba, 11th July, 1984.
project. According to him,

After the acquisition of the land, some developments were undertaken by the villagers and farmers within the area. For example, the Ejiba community crossed the canal alignment to build houses. In this case, the buildings will either be demolished to allow the original design of the project to be maintained (necessitating payment of heavy compensation), or, the canal has to be realigned. If the canal is realigned, it will affect the contract sum because more earth work would have to be carried out by the contractor. The realignment also affects the efficiency of water flow on the project, as the whole irrigation system will be affected if the project is not re-designed. The Authority chose to realign the canal because of the heavy compensation that would have to be paid if the buildings are demolished. Moreover, the project will not be re-designed because of the heavy expenses involved.

The delay in awarding the contracts for the construction of the project also affected the total contract sum of the project. The delay in awarding the contract for the construction works caused the contract price to be increased by £15,672.507. The construction works was estimated on 30th July, 1980 for £52,304,000 and was awarded in 1983 at £67,976,507. Inflationary trends in Nigeria were the probable reason for this increase.

The next chapter analyzes the problems encountered from the implementation of the Omi Dam Irrigation Project. From this analysis recommendations to solve or minimize the problems on future projects will be offered.

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CHAPTER V
ANALYSIS AND RECOMMENDATIONS

This chapter analyzes the lessons and problems highlighted in the earlier chapters in order to determine their consequences on land acquisition and resettlement, with the Omi Dam Irrigation Project as a case study. This analysis will generate recommendations that will be useful for the Authority in implementing the project. It will also serve as a guidance for the Authority and for other agencies and individuals in implementing similar large-scale agricultural developments in Nigeria.

1. The Land Tenure System. The pattern of land ownership of the area is complex. Also, there is almost no clear boundary demarcation between lands belonging to different communities and families. These problems are potential sources of land disputes in the area, which could impede the implementation of the Omi Dam Irrigation Project or other similar development projects in the area. The lack of response of the Authority to the petitions of some communities could have disastrous future consequences.

There is the need for further research to determine the relationships between the organization of the communities and their patterns of land ownership. The type of problems that require further research include issues such as the question of which community has control over a family's land in the event that such family moved voluntarily en masse from one community to another.
For a short-term remedy, it is recommended that a high-powered panel be set up by the Authority to probe into the disputes and submit recommendations to guide the management. The communities involved in the disputes should be represented on the panel. For long-term purposes, it is suggested that the State Government should inaugurate a board whose function would be to effect land registration in order to determine family and community lands. The Land Surveyors should be involved to ensure proper demarcation of the lands in the State.

2. The Lack of Communication Between the Communities and the Government. The communication for acquiring the required land was grossly inadequate to such an extent that Omi town, on whose land the structure of the dam is being built, was not initially involved in the acquisition of the land. Effective communication links help to normalize relationships of disastrous consequences.

It is suggested that, "The Preparation and Publication of Notice" as it applies to town and country planning regulation of Northern Nigeria be adopted with modifications, for acquisition of lands for large-scale agricultural development. The details are contained in Section 16, Subsections 1 to 7 of the Northern Nigeria Town and Country Planning Regulations. 96

The recommendation will enable the extent of the land required to be known by people having interest on the land. Also, publishing and

displaying the documents of the required land at strategic places will afford interested parties to be informed of the proposal to acquire the land. It will, thus, reinforce the bureaucratic contacts with communities and landowners whose lands are required for project development which was found deficient in the case of Omi Dam Irrigation Project.

3. The Payment of Compensation. The payment of compensation forms the basis of rejection of acquisition of land for Omi Dam Irrigation Project by the landowners and the farmers. At the time of the study, the sum of N146,016.68 had already been paid as compensation to landowners and farmers. This amount represents only about 8 percent of the total amount of the N1,830,000 estimated by the Consultants for payment of land acquisition and resettlement. The amount paid is considered very low even though the resettlement program for the project had not started.

It is recommended that compensation should be paid in full as soon as land is acquired. By doing so, the execution of similar projects would not be hampered as experienced on Omi Dam Irrigation Project.

4. The Problem of Resettlement. By the time of this study the farmers displaced on the land acquired had not been resettled. The consequence of this was that the farmers refused to move out of the acquired land, thereby disrupting execution of the project. Likewise, the landowners participating in the pilot irrigation scheme refused to obey the management policy of the scheme.

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97 Extracted from the files of the Authority.
It is recommended that people whose farmlands were acquired for project development be provided with alternative suitable farmlands before embarking on project execution. This recommendation will alleviate the sufferings of the farmers who will have no land to farm on after the acquisition of their farmlands. It would also help to alleviate the problems encountered by contractors during the execution period of the Omi Dam Irrigation Project.

5. The Lack of Thorough Study of Project. The reports submitted on the Omi Dam Irrigation Project by the Consultants, particularly on land with emphasis on land acquisition and resettlement, are deficient because no attempt was made to find out the willingness of the landowners to release land for the project. Also, it was not determined whose lands were required for the project. These are the basis of the Land Use Act of 1978 of which the term of reference of both the pre-feasibility and the feasibility studies required the Consultants to evaluate policy issues that could affect the project.

It is recommended that the management should properly monitor the reports and activities of Consultants assigned to undertake studies of a volatile nature like lands issue. This would eliminate vague reports from Consultants, thus passing the burden of further studies to the management. It is also recommended that the monitoring and evaluation unit of the Planning Section of the Authority should be required to regularly submit reports on all problems affecting project implementation, in order to guide managerial decisions. At the time of this study, no such report was written on land acquisition for the Omi Dam Irrigation Project.
6. The Timing Between the Completion of Project Studies/Designs and the Actual Project Execution. The studies of the Omi Dam Irrigation Project including the designs of the project, were completed and submitted to the Authority on the 30th July, 1980. It was only on the 29th June, 1983, after a three year interval, that the contracts for the construction of the project were signed. The delay in the award of the contract affected the contract price, which was estimated in 1980 as ₦52,304,000 and was awarded in 1983 at ₦67,976,507. The difference of ₦15,672,502 between the estimated price and eventual award price was more than enough to pay, in full, compensation to people affected by the project. The payment of full compensation to affected people could have eliminated violent reactions encountered during the construction period.

It is recommended that the awarding of contracts for construction works should be hastened after the studies and designs are completed. The suggestion would help to beat galloping inflationary trends which are constantly increasing in Nigeria as experienced on the Omi Dam Irrigation Project. Thus, there would be more money available to the government for other development projects or for the payment of adequate compensation to affected people by the acquisition of land for projects.

7. The Unorthodox Bureaucratic Practices. Some of the problems of land acquisition and resettlement on the Omi Dam Irrigation Project can be attributed to unorthodox bureaucratic practices. First, formal approval to acquire the land required had not been given by the Governor. This means that there is an "inclusive acquisition" of land for the project. It shows the lapses in the functioning of bureaucracy of the
Authority, the Ministry of Lands and Housing and the Oyi Local Government. It could also be a result of insufficient organization in both institutions. There should be a prescribed manner to bring up outstanding matters for further action.

It is recommended that the Authority, which is the acquiring agency, in order to guard against such future lapses, should specify a schedule of duties of the Resettlement Section (the Section responsible for issues connected with land, acquisition and resettlement). According to Bunmi Oyeniyi, "The Section is young and has no schedule of duties yet. We only concern ourselves with the payment of compensation." 98

Second, the Ejiba community crossed the canal alignment to build residential houses. The Authority decided to realign the canal instead of demolishing the houses for the construction of the irrigation canal. The consequences of the Authority opting to realign the canal could be disastrous to the operation of the project. There is the likelihood that farmers allocated irrigation land below the point of the canal realignment would not get adequate water for their crops as originally designed. This could lead to the refusal of these farmers to participate on the project.

It is suggested that future acquisition of land for large scale agricultural projects be properly monitored as soon as the land is acquired and should continue until after the project has been executed. Skeletal monitoring of the land could continue after the execution of the

98 Oyeniyi, Bunmi, Christy, "Interview with the Resettlement Officer in the Area Office", Ejiba, 11th July, 1984.
project, as encroachment on the land is possible at any time. For this reason, the recruitment of special patrol land guards, depending on the size of the project, could be encouraged.

The other unorthodox bureaucratic practice on the Omi Dam Irrigation Project which was identified during this study was that a check raised by the Authority on the Kwara State Chief Lands Officer with respect of compensation to beneficiaries was paid into the State Treasury. The consequence of not paying the beneficiaries was that the Authority, which has responsibility for the success and failure of the project, was held accountable by the beneficiaries for the non-payment of the compensation.

It is recommended that the system of disbursement of compensation to beneficiaries be made directly by the Authority assisted by the staff of relevant State Ministries and the Local Government Areas affected. Implementing this suggestion would not in any way usurp the power conferred on the Governors or on the Local Governments by the Land Use Act.

8. The Establishment of the Pilot Irrigation Scheme. A pilot scheme is intended to introduce the communities to the innovations to be provided by the actual project. It also provides feedback to the Authority for implementing the scheme on a larger scale. The consequence of the establishment of only a pilot scheme at Ejiba is that the communities whose lands were acquired for the project denied any knowledge of the acquisition of their lands for the project. The communities also expressed anxieties regarding distribution of amenities from the project and on the lack of participation in the project activities.

It is recommended that future plans to implement large-scale
agricultural development should have the pilot schemes divided into smaller scales and be located in different communities. This practice would help to reduce or eliminate the anxieties of the communities whose lands are acquired for project development as experienced on the Omi Dam Irrigation Project. Also, it is recommended that the memberships of Omi Dam Resettlement Committee be enlarged to include members from Isanlu, Ogbom and Odo-Ara towns. These were the three communities that petitioned that their lands were affected by the project. The membership of such committee should in future include broad representation from all communities involved.

9. The Government Land Policy - (The Land Use Act). Dating from the time of British occupation of Nigeria, numerous committee regulations and laws (including a Decree) were formulated for the control and distribution of land in Nigeria. The latest of these laws is the Land Use Act of 1978. The policy deals with the concept of ownerless land. In contrast, according to Professor Elias, "The indigenous system does not admit that land can ever be without an owner."99 In fact, during the study, the traditional landowners of the land acquired for the Omi Dam Irrigation Project behaved like the owners of their lands.

There is need to harmonize these two perspectives on lands in Nigeria. If not, it is predicted that in the near future, an elite, rich class of the society will acquire all available land in Nigeria for self

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aggrandizement in the name of making the nation self-sufficient in food production. If that is allowed, the obvious thing that will happen is a class struggle resulting in a land revolution in the country.

It is, therefore, recommended that a National Commission on land policy be established. The Commission should be charged with reviewing the existing land policy as the developmental state of Nigeria dictates. The Commission will then undertake land registration in Nigeria. Thus, the disputes arising from land ownerships that could affect the acquisition of land for large-scale agricultural projects in Nigeria will be minimized, if not eliminated.

The next chapter summarises the problems of land acquisition and re-settlement on the Omi Dam Irrigation Project.
CHAPTER VI

SUMMARY

This chapter provides the summary for the problems of land acquisition and resettlement identified during the study of Omi Dam Irrigation Project. The problems could be classified into those regarded as internal or external to the Authority.

Problems Internal to the Authority

The success of the Omi Dam Irrigation Project depends on the ability of the Authority to solve the problems internal to the organization. First, the Authority should conduct thorough investigations into various land disputes and decide upon a solution acceptable to the communities affected. Second, the Authority should arrange to pay full compensation on the land acquired. This will prevent further violent reactions of the people affected. Third, the people whose farmlands were acquired for the project should be provided with alternative suitable farmlands without delay. It would arrest further interruptions in the project construction and future management of the project by the people whose farmlands were compulsorily acquired.

Fourth, the responsibilities of the Resettlement and Project Monitoring and Evaluation units of the Authority should be properly defined and enforced. This will allow adequate follow-up actions on land to be acquired and eliminate the administrative lapses identified during this study. Also, it would allow for adequate and prompt project evaluation in order to forestall the violent reactions of the people.
encountered during the execution of the project because of management deficiencies. Fifth, benefits arising from the project should be evenly distributed among the communities whose lands were acquired. This will eliminate possible disastrous consequences that might arise in the future from the anxieties expressed by different communities regarding their needs for benefits that the project would provide.

Problems External to the Authority

Some of the inhibiting problems to the success of the project could only be solved through cooperation from external sources. First, a National Commission on Land Policy is required to undertake land registration in the country. The establishment of the Commission would afford the review of land policy in the country as might be necessary. The land registration will facilitate proper demarcation of family and community lands, thus reducing land disputes highlighted in this paper. These disputes were brought about by the lack of official means for boundary demarcation. The review of the policy will also facilitate the dynamic operation of land policy that is capable to integrate the government objectives on land with the values of the traditional landowners. The review will arrest possible future wholesale resistance of the traditional landowners to the compulsory land acquisition policy of the government.

Second, the Guide to Land Use Act should be amended to incorporate the need for adequate publication of documents relating to the land required for large-scale agricultural projects. This amendment is aimed to complement the inadequacy of bureaucratic contact experienced in the
acquisition of the land for the project. Third, interministerial cooperation is required to allow prompt award of contracts for project construction after its design. The cooperation will help to remedy the escalation of contract prices as a result of inflation arising from delay in contract awards. Fourth, acquiring agencies should be required to disburse compensation directly to beneficiaries and should be assisted by the appropriate Ministries and Local Government Areas. This requirement will arrest the incidence of non-payment of compensation by an agency that has no responsibility for the success of the project.
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Appendix I

LIST OF EXPLANATORY NOTES ON FOREIGN WORDS AND USAGES

1. 'Isakole' refers to the obligations or demands that a tenant on land should meet before land for cultivation is given to him. These obligations include salt, kolanuts, hoe, cutlass, fish and local wine called (burukutu). The performance of these obligations signify that the tenants on land recognize the owner of the land.

2. 'Ida' refers to yearly rent payable to the land owners by tenants on land, and payable from the harvest derived from the land. The quantity demanded by each community differs from place to place.

3. 'Oba' is a Chieftaincy title for the community leader with many other chiefs serving under him in advisory capacity.

4. 'Peregun' is a type of plant or tree used for demarcating different lands in Yoruba communities. The plant could not be burnt out by fire.

5. 'Bale' is the chieftaincy title conferred on community ward head who is responsible to the 'Oba'.

6. 'Naira' is the name of Nigeria currency notes. One naira has an American equivalent of 1.3 dollars.

7. 'Authority' is used in the paper inter-changeably with Niger River Basin Development Authority.
Appendix II: Omi Dam Irrigation Project

Source: Records of the Ilamina Section of N.R. River Basin Development Authority.

LEGEND
- SELECTED POPULACE
- IRRIGATED AREAS
- PROPOSED RESERVOIR

PROPOSED AREA FOR IRRIGATION

ISANLU-ESA

EGBE

OMI

KAMPE RIVER BASIN
IRRIGATION PROJECT.
Project Location Map

Source: Noyuk Consultants Interim Report on Kempe River Basin
Appendix IV

LAND 45A

Ref. No.: ...............  
Ministry of Works, Lands,  
and Survey,  
Lands Division,  
Ilorin,  
Kwara State.

Date .................. , 19....

.............................................................  
.............................................................  
.............................................................  

APPROVAL OF LAND RECOMMENDED BY THE LAND USE  
AND ALLOCATION COMMITTEE  

I am directed to refer to your letter No. .................. of  
.................., 19.... and to convey the Honourable Commissioner's  
approval to setting aside the parcel of land of about .......... sq.  
metre/hectares at ........................................... for the  
purpose of ......................... as recommended by the members of  
the Site Board Meeting held on ........................., 19....  

2. The amount of compensation payable* is N.......... will be conveyed  
to you later.  

3. The Signature Plans will now be prepared and forwarded to you  
in due course.

*Delete as appropriate

..........................  
for Permanent Secretary  
....../58  

61
Ref. No..........................
Lands Division, Ilorin.

Date ..................... 19....

Copy to: The Surveyor-General
Ministry of Works, Lands and Surveys,
Survey Division,
Ilorin.

Above for your information and further necessary action. Your
file reference is No. ............... 

...........................................
for Director of Lands.

Copy to: The Zonal Officer,
Zonal Office,

..................

Above for your information with reference to your letter
No. ..................... of .................., 19...

...........................................
For Director of Lands