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COMPENSATION ISSUES IN THE NIGER-DELTA – A CASE STUDY OF BOBOROKU, JESSE, DELTA STATE, NIGERIA

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ABSTRACT: *It is common to find oil companies operating in the Niger Delta region acquiring expansive farmlands to facilitate their operations in the area while the natives of affected communities are generally left in precarious conditions arising from acquisition of their farm lands. The paper examines issues of compulsory acquisition, evaluating the quantum of compensation paid to natives of communities whose farmlands are acquired and issues that must be dealt with to provide adequate compensation to claimants. Using an oil well acquisition base in Boboroku, Jesse in Ethiope-West Local Government Area of Delta State as a case study, various compensation claims were examined vis-à-vis open market claims in compulsory acquisition. It was found that many claimants received N1000.00 or less as full compensation claims for their crops while families lucky to own lands received more reasonable payments. It was established that there was no statutory provision for disturbance losses from revocation of land interest. Also, the productivity of economic crops and trees was not considered nor was computation of claims based on market-values. The paper established that claims should be compensated on the basis of productivity value and lifespan of interests being acquired and not on arbitrary rates supplied by the acquiring authorities.*

KEYWORDS: Compulsory acquisition, Compensation, Niger-Delta, Boboroku, Delta State, Nigeria

INTRODUCTION

Land acquisition will undoubtedly be recurring in the course of developments that are taking place particularly in developing countries. Governments need to acquire land for new housing, develop new roads, widening of existing ones, railway lines, school projects and many other developments while an oil company requires land for oil wells, flow stations, oil and gas pipelines and a flurry of oil and gas related developments. All these activities require compulsory land acquisition from original land owners either in urban or rural areas. Ibagere (2010) notes that there is a forceful dispossession of the property against the will and consent of the owner. Compulsory acquisition therefore precipitates compensation payment to the land owner whose rights have been revoked. The aim is to put the person in such a position as if his land was not compulsorily acquired. The Niger Delta region encompasses contiguous nine oil-producing states with an area of 75,000 sq. kilometers and characterized by brackish mangroves, freshwater and swamp forests as well as low land rainforest with large reserves of crude oil and gas (UNDP, 2006). The region is therefore a home for numerous oil companies (small to multi-nationals) and have been prospecting and exporting crude oil since 1956 when oil became discovered in commercial quantity. Oil exploration and production in this region have led to several spillages, bulldozing of farmlands and economic trees to create rights of way and exploitation of oil wells. These activities have thrown up a number of compulsory acquisition and compensation issues which are governed

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by multiplex of laws such as the Nigerian National Petroleum Corporation (NNPC) Act (Cap 320 of LFN 1990), Mineral Resources Act (Cap 226 of LFN 1990), Petroleum Act (Cap P10 of LFN 2004), Oil Pipelines Act 1956 (Cap 07 LFN 2004), the Land Use Act Cap L.5 2004 and a host of other laws. Boboroku is one of the communities in Idjerhe Clan in Ethiope West local government area of Delta state. It has a population of over 10,000 people that are engaged in farming, fishing and trading and the land is well endowed with crude oil reserves. The commencement of oil exploration activities in the community has led to pollution, spillages and rampant acquisition of lands of individuals, families and the community. This calls for enumeration of interests to identify and ascertain ownership of structures, crops, economic trees, animal traps, fish ponds, shrines or any other item of economic benefit to the claimant. The items identified are put in monetary terms and an appropriate compensation paid to the claimant. This paper therefore examines the issues of compulsory acquisition, evaluating the quantum of compensation paid to claimants of Boboroku Community following the acquisition of their farmlands by Seplat Petroleum Development Company Limited. The study also highlights issues that can be dealt with to provide adequate compensation to claimants during compulsory acquisition.

LITERATURE/THEORETICAL FRAMEWORK

The right to own land in Nigeria has been variously emphasized in the body of laws and in particular, by Section 43 of the 1999 Constitution of Nigeria. The Constitution also recognized the need for compensation as emphasized by Section 44 (1a) and (1b) which stressed (1) The need for prompt payment of compensation, and, (2) Claimant's, "right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria". Thus, the question of a claimant's right to compensation where his land is compulsorily taken for public purpose is not in doubt. However, the bone of contention as emphasized by various studies is the relevant laws governing compulsory acquisition and compensation (see also Akujuru & Ruddock, 2014). The studies emphasized that compensation determined during compulsory acquisition is grossly inadequate to the claimants. The basis for assessing compensation payment in Nigeria is governed by Section 29(4) of the Land Use Act 1978 which enables State Governments to determine amounts payable to claimants in the course of exercising their power of compulsory purchase of land for public interests such as provisions of railway lines and stations, …educational institutions, power stations, housing estates and other public uses (Uduehi, 1987). Other relevant land policies include the Oil Pipelines Act 1956 (Cap 07 LFN 2004) which gives the holder of oil prospecting license or oil mining lease the permission to survey the pipeline route for transporting such oil or gas to a suitable deep-water point or to a refinery or any other location. Uduehi (1987) averred that compensation was payable by an oil prospecting licensee for buildings or structures, crops, profitable trees, disturbance, injuries for failure to repair and depreciation in value of land by works done on it by the licensee. Thus, unlike the 1978 Land Use Act, the 2004 Oil Pipelines Act provided under Part IV Sections 19 and 20 that compensation was payable for any damages done to buildings, crops and profitable trees in addition to disturbance. Uduehi (1987) also listed other heads of claims as damage by oil pollution and accommodation works and noted that compensation was paid for "profitable trees such as mangrove trees" if affected although not compensable under the normal cause of acquisition. The 1978 Land use Act and Oil Pipelines Act 2004, however, ignored compensation for land taken where there was no

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subsisting statutory or customary right of occupancy. With the spate of on-going developments by oil companies and governments, the hitherto serene nature of the rural areas is being tampered with to give way to new roads, housing projects and other activities like laying of seismic lines, drilling and completion of oil wells, detonation of explosives, gas flaring and spillages. In the process of these land acquisitions, the rural dweller whose original means of livelihood is farming, lumbering, fishing and hunting of games loses his farm or forest land forever. Unlike normal compensation issues in countries such as the United Kingdom, claimants in the Niger Delta are apparently left worse off as the enabling laws tend to counteract themselves. While the 1978 Land Use Act in section 29(2) requires that assessments of acquisitions for oil and gas purposes be based on the provisions of the Mineral Oils Act or any legislation replacing the same, section 20(5) of the 1956 Oil Pipelines Act (Cap 07 LFN 2004) notes that compensation be determined in line with the provisions of the 1978 Land Use Act with respect to public acquisitions. This state of confusion prompted Kakulu's (2008) opinion that land acquisition and compensation was fraught with myriad of problems especially acquisitions in the Niger Delta region.

Opara (1997) also highlighted that claimants preferred settlements in other locations to cash compensation under the federal government's prescribed method of assessment. The main reason being that cash compensation under the prescribed rate has no bearing with the productivity of claimants. Thus, rural dwellers who may not own substantial interests like dwelling houses are usually not adequately compensated because they may own interests in economic crops and trees and even swamps which may be overlooked as intangible interests by the acquiring authority. Other semi-statutory documents include the Oil Producers Trade Section (OPTS) rates. A cursory look at recommended compensation rates for the nation's oil and gas industry by the Oil Producers Trade Section of the Nigerian National Petroleum Corporation as at 2001 showed glaring inadequacies vis-à-vis the galloping inflation rate in Nigeria. Akujuru and Ruddock (2014) doubted the legality of the OPTS rates as adopted by oil companies while UNDP (2006) also noted that the rates were determined without involving host communities. Thus, there is general impoverishness of the host communities because of poor compensation emanating from oil spills or land acquisitions while victims are unable to seek redress due to numerous technicalities imposed by existing laws. For example, those seeking redress against oil companies and other multinationals in the oil industry can only do so in the Federal High courts. These courts are usually located in state capitals making them out of reach of poor villagers who are unable to engage legal practitioners or other professionals to fight their cause (UNDP, 2006). Thus, the laws guiding compensation claims have been largely unreviewed nor changed thereby prompting community protests, agitations and strives. This no doubt agrees with Anyanwu et al. (2007) that poverty and lack of support for young school leavers precipitates most unrests in the Niger Delta region. Practical claims of various claimants in some of the affected communities are discussed in the next section.

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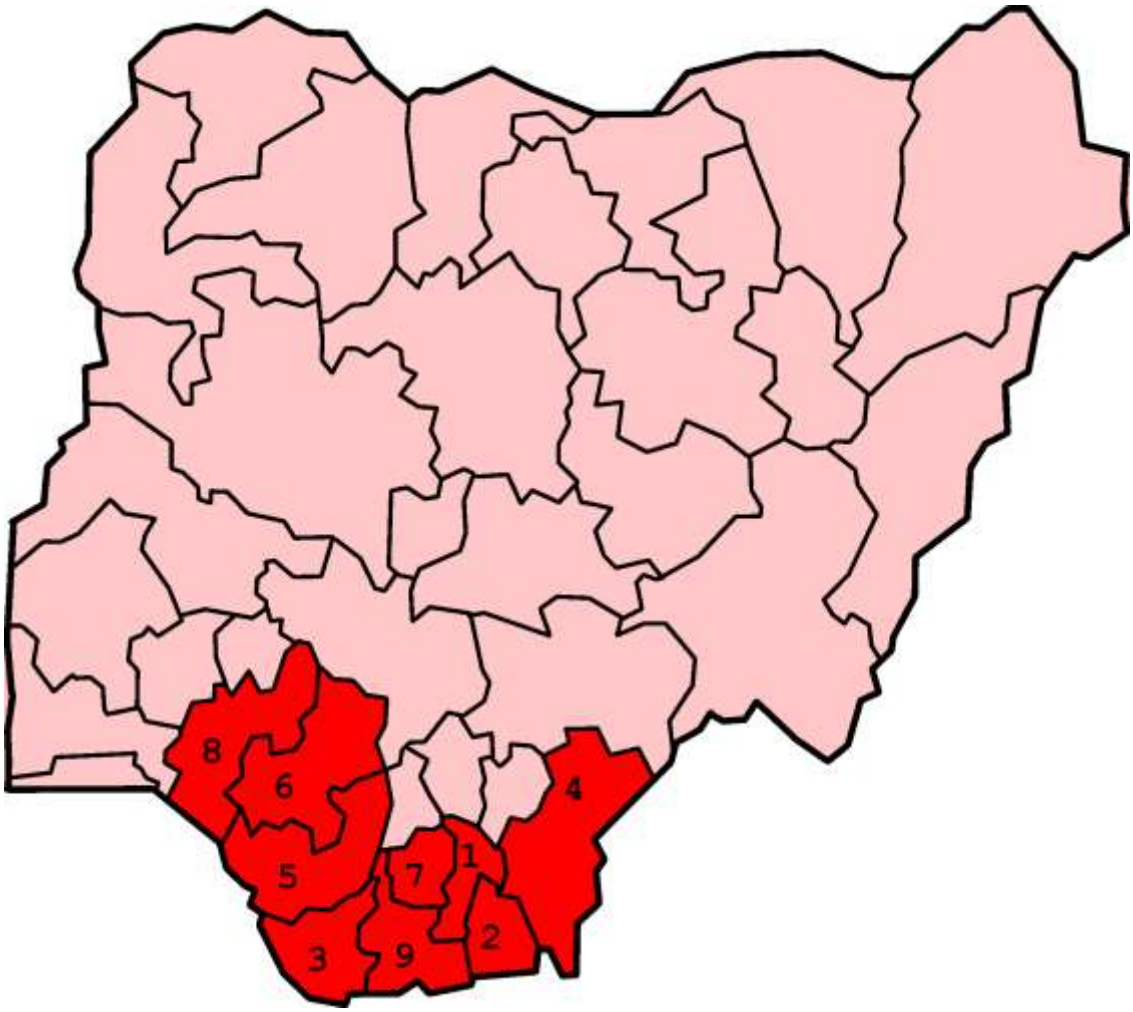

Figure 1: Map of Niger Delta Region

1. Abia, 2. Akwa Ibom, 3. Bayelsa, 4. Cross River, 5. Delta, 6. Edo, 7.Imo, 8. Ondo, 9. Rivers

Source: http://upload.wikimedia.org/wikipedia/commons/a/a4/NigerDeltaStates.png

The Study Area

The subject area is an oil well of 21.26 hectares located in the Boboroku Community. It is one of the communities that constitute Idjerhe (Jesse) clan. Jesse, Mosogar and Oghara clans further make up the Ethiope-West local government area of Delta State (see Figures 1 and 2). Boboroku is bounded in the north by Orhionwon local government area of Edo State and in the east by River Ethiope and Okpe Local government area. It has a population of about 10,000 people that are engaged mainly in farming, fishing and trading. Thus, the site consists of arable land, swamps and age-long streams which link the popular Ethiope River. The swamps and streams form the main source of economic activities in the community as their occupations include farming, rubber taping, lumbering and fishing while its closeness to Aghalokpe and Sapele towns has prompted

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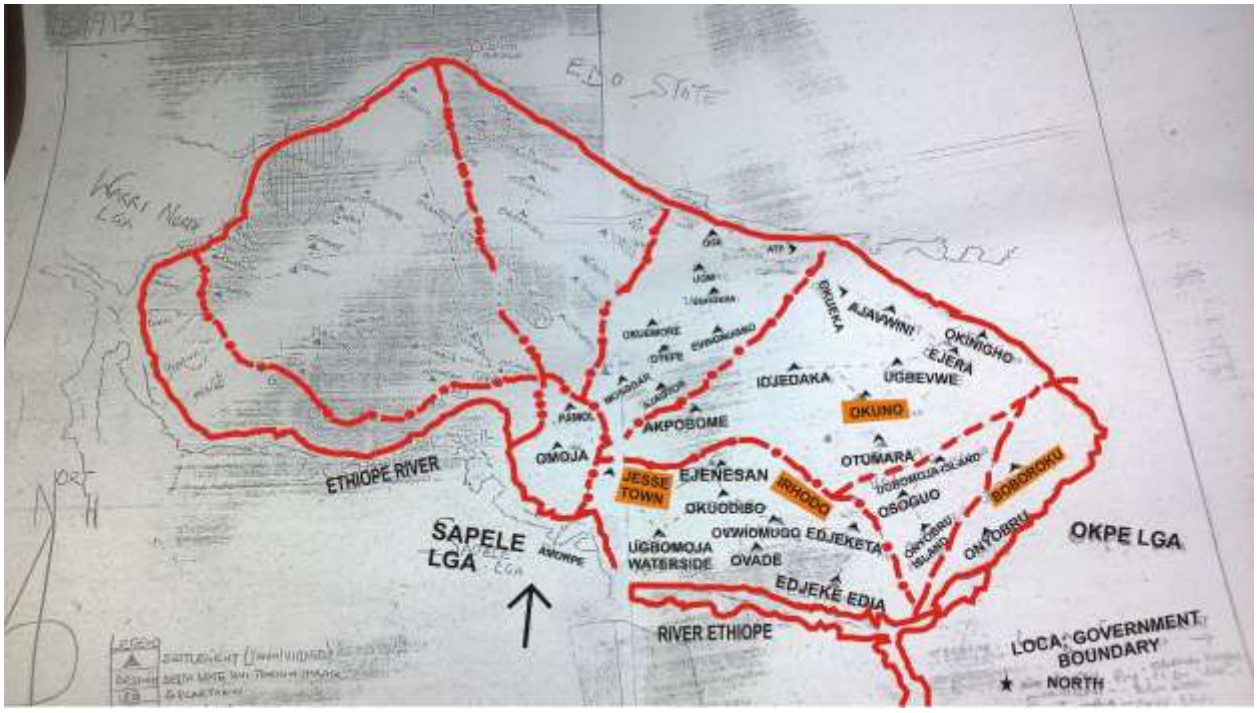

Figure 2: Ethiope-West LGA. Source: Ethiope West LGA, Oghara

its youths to find engagements in other areas outside the community. The community is also well endowed in mineral oil resources, flora and fauna and numerous aquatic life associated with the swamps and streams. The Boboroku community and other associated communities of Okuno, Ekroda, Okudeniran and Okuagbaye recently came to limelight when Seplat Petroleum Development Company Limited (Seplat) acquired an oil well licence located in Boboroku as a base and other communities constituting rights of way to the oil well. Seplat is a leading independent oil and gas exploration and production company founded in 2009 in Lagos and operating in onshore Western Niger Delta basin of Edo and Delta states. It has 45% participating interest in three oil blocks (OMLs 4, 3 and 41). The company enjoys good relationships with the local communities and stakeholders as well as a global memorandum of understanding (GMoU) with the communities including a trust fund for community projects. According to Seplat notes, "it does not practise tokenism but actively seeks to interact and engage people in these communities" (see http://seplatpetroleum.com/).

METHODOLOGY

The study adopted a review of compensation claims compiled by the estate surveying firm of Odudu, Odudu and Partners that was directly involved in the acquisition and compensation procedure. Compensation claims were compiled for Boboroku community and other communities of Okuno, Ekroda, Okudenira and Okuoagbaye that constituted rights of way to the Boboroku oil well. Items listed for compensation in two communities are shown in Table

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1. A survey of open market rates of crops and trees was carried out in Sapele Town to enable comparison with the Delta State rates for crops, economic trees and other items which was adopted for compensation of the claims. The following claims were reviewed, viz, Boboroku (142 claimants) and Okuno (93 claimants).

Table 1: List of Items for Compensation in Two Communities

S/N	COMMUNITY	
	BOBOROKU	OKUNO
1	Cassava	Animal Trap
2	Plantain	Water Melon
3	Cocoyam	Cassava
4	Yam	Rubber
5	Maize	Plantain
6	Mango	Cocoyam
7	Rubber	maize
8	Okra	Yam
9	Pumpkin	Pineapple
10	Guava	Waterleaf
11	Oil Palm Tree	Farm Hut
12	Sugar cane	Pineapple
13	Pepper	Pumpkin
14	-	Lemon grass
15	-	Pepper
16	-	Sugar cane
17	-	Okra

FINDINGS AND DISCUSSIONS

The list of 40 claimants of crops and economic trees in Table 2 showed a total payment by the acquiring authority of N4,146,120.00 based on the statutorily approved rates as against a total of N8,802,750.00 based on open market values. The open market figure could be further juxtaposed with the total claim of 142 claimants of N11,279,079.00 paid to the Boboroku community claimants. That is, if the open market claims of 40 claimants could amount to over N8 million, it is only imaginable what the real claims of 142 claimants would be. Similarly, 39 claimants in Okuno community should have been entitled to an open market claim of N3,195,920.00 as opposed to N1,370,609.00 that was actually paid by the acquiring authority (see Table 3). The records show that, 93 claimants in Okuno community were paid an actual sum of N3,001,006.00 which was low compared with computations based on open market values. The basis of assessing compensation under the Nigerian land policies has been in the front burner for many years. Various writers (Ogedengbe, 2007; Kakulu, 2008; Otegbulu, 2009, Ibagere, 2010; Akujuru & Ruddock, 2014) have noted severally that the quantum of compensation was unjustifiable, inequitable and lacked transparency as the claimant was usually left in a worse position before his interest was acquired.

Section 29(4) of the 1978 Land Use Act provides for compensation as, “an amount equal to value as prescribed by the appropriate officer”. That is, compensation for economic crops and trees is based on approved government and oil company rates (See Appendix A). The rates in Appendix A classify orange trees as N300/tree for mature, N150/tree for medium and

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N100/tree for immature as opposed to open market values of N16,300/tree for mature type. Also, see Appendix B. Coconut tree is classified by government as N225/tree for mature, N100/tree for medium and N45/tree for immature as opposed to open market value of N13,000/tree for mature. Similarly, economic crops such as maize is classified by government as N20/stand for mature, cocoyam at N18/stand for mature, cassava at N200/stand for mature, okra at N50 for mature while open market values for these crops are respectively N150/stand, N350, N150 and N150. Ibagere (2010) remarked that the rates were abysmally too low and went on to ask, "How can an orange tree that yields not less than N1000 per season be compensated for only N150 by government and N600 by oil companies? Or can an oil palm tree with a life span of 25 years be worth only N150 (plantation type) and N50 (other types) when one fruit (or bunch) alone fetches N30 to N50? Thus, the quantum of compensation of claimants is ridiculously low as they are prima facie designed to put claimants in worse position following the acquisition. The claims do not meet FAO's (as cited in Akujuru & Ruddock, 2014) principles of equivalence, fairness and transparency as regard compulsory acquisition. The rates are statutorily fixed by the Appropriate Officer in line with the provisions of section 29 of the 1978 Land Use Act and are hardly reviewed to brace up with open market values.

Table 2: Some Claimants of Boboroku Community

NO. IN LIST	ITEMS	STA-TUS OF ITEM	QUAN-TITY	COMPANY APPROVED RATE (N)	AMOUNT PAYABLE BY COMPANY (N)	OPEN MARKET RATE* (N)	ACTUAL VALUE COMPENSABLE (N)
1	Cassava	B	139	150.00	208800.00	300.00	417600.00
	Maize	A	370	20.00	7400.00	150.00	55500.00
	Plantain	B	16	200.00	3200.00	500.00	8000.00
	Cocoyam	B	110	14.00	1540.00	150.00	16500.00
	Yam	B	21	79.00	1659.00	900.00	18900.00
					222599.00		**516500.00**
3	Cassava	B	308	150.00	46200.00	300.00	92400.00
	Maize	A	96	20.00	1920.00	150.00	14400.00
	Cocoyam	B	18	14.00	252.00	150.00	2700.00
					48372.00		**109500.00**
5	Cassava	B	195	150.00	292950.00	300.00	585900.00
	Mango	B	1	350.00	350.00	4900.00	4900.00
	Maize	A	145	20.00	2900.00	150.00	21750.00
	Cocoyam	B	78	14.00	1092.00	150.00	11700.00
	Rubber	A	4	400.00	1600.00	500.00	2000.00
	Cassava	C	157	100.00	15700.00	250.00	39250.00
	Plantain	B	15	200.00	3000.00	500.00	7500.00
					317592.00		**673000.00**
7	Cassava	C	151	100.00	151000.00	250.00	377500.00
	Plantain	C	85	370.00	31450.00	450.00	38250.00
	Yam	B	57	79.00	4503.00	900.00	51300.00
	Cocoyam	B	101	14.00	1414.00	150.00	15150.00
	Maize	A	310	20.00	6200.00	150.00	46500.00
	Cassava	C	837	100.00	83700.00	250.00	209250.00
	Okra	A	46	50.00	2300.00	150.00	6900.00
					280567.00		**744850.00**
9	Cassava	B	269	150.00	404700.00	300.00	809400.00
	Plantain	B	28	200.00	5600.00	500.00	14000.00
	Yam	B	35	79.00	2765.00	900.00	31500.00
	Cocoyam	B	67	14.00	938.00	150.00	10050.00

ISSN 2055-6578(Print), ISSN 2055-6586(online)

10	Cassava	B	520	150.00	78000.00	300.00	156000.00
	Yam	B	5	79.00	395.00	900.00	4500.00
	Rubber	C	3	200.00	600.00	250.00	750.00
	Plantain	C	7	370.00	2590.00	450.00	3150.00
					81585.00		**164400.00**
13	Cassava	B	150	150.00	**22500.00**	300.00	**45000.00**
17	Cassava	A	121	200.00	24200.00	350.00	42350.00
	Plantain	C	13	370	4810.00	450.00	5850.00
	Cocoyam	B	25	14.00	350.00	150.00	3750.00
					29360.00		**51950.00**
19	Cassava	B	101	150.00	15150.00	300.00	30300.00
	Cocoyam	B	19	14.00	266.00	150.00	2850.00
	Yam	B	7	79.00	553.00	900.00	6300.00
					15969.00		**39450.00**
22	Cassava	B	85	150.00	12750.00	300.00	25500.00
	Cassava	B	151	150.00	22650.00	300.00	45300.00
	Rubber	C	1	200.00	200.00	250.00	250.00
					35600.00		**71050.00**
24	Cassava	B	60	150.00	9000.00	300.00	18000.00
26	Cassava	B	908	150.00	136200.00	300.00	272400.00
	Cassava	B	75	150.00	11250.00	300.00	22500.00
	Cocoyam	B	11	14.00	154.00	150.00	1650.00
					147604.00		**296550.00**
27	Cassava	B	261	150.00	39150.00	300.00	78300.00
	Cocoyam	B	3	14.00	42.00	150.00	450.00
	Rubber	C	2	200.00	400.00	250.00	500.00
					39592.00		**79250.00**
28	Cassava	B	286	150.00	**42900.00**	300.00	**85800.00**
32	Cassava	B	352	150.00	528000.00	300.00	1056000.00
	Cocoyam	B	2	14.00	28.00	150.00	300.00
	Maize	A	33	20.00	660.00	150.00	4950.00
					528688.00		**1061250.00**
35	Cassava	B	216	150.00	**32400.00**	300.00	**64800.00**
37	Cassava	A	57	200.00	11400.00	350.00	19950.00
	Cassava	B	206	150.00	30900.00	300.00	61800.00
	Pumpkin	A	105	50.00	5250.00	60.00	6300.00
	Plantain	B	2	200.00	400.00	500.00	1000.00
	Cocoyam	C	24	14.00	336.00	100.00	2400.00
	Okra	A	2	50.00	100.00	150.00	300.00
					48386.00		**91750.00**
39	Cassava	B	205	150.00	30750.00	300.00	61500.00
	Plantain	B	3	200.00	600.00	500.00	1500.00
	Cassava	A	25	200.00	5000.00	350.00	8750.00
					36350.00		**71750.00**
42	Cassava	B	372	150.00	55800.00	300.00	111600.00
	Cassava	B	56	150.00	8400.00	300.00	16800.00
					64200.00		**128400.00**
45	Cassava	B	133	150.00	19950.00	300.00	39900.00
	Guava	C	1	100.00	100.00	1000.00	1000.00
					20050.00		**40900.00**
48	Rubber	B	2	300.00	600.00	400.00	1000.00
	Rubber	C	65	200.00	13000.00	250.00	16250.00
	Oil Palm Tree	A	1	600.00	600.00	3250.00	3250.00
	Oil Palm Tree	C	3	350.00	1050.00	2800.00	8400.00
	Guava	C	22	100.00	2200.00	1000.00	22000.00
					17450.00		**50900.00**

ISSN 2055-6578(Print), ISSN 2055-6586(online)

50	Cassava	C	161	100.00	161300.00	250.00	403250.00
	Plantain	C	18	370.00	6660.00	450.00	8100.00
	Maize	A	340	20.00	6800.00	150.00	51000.00
	Guava	C	1	100.00	100.00	1000.000	1000.00
	Okra	A	21	50.00	1050.00	150.00	3150.00
	Cocoyam	C	97	9.00	873.00	100.00	9700.00
					176783.00		**476200.00**
53	Rubber	B	1	300.00	300.00	400.00	400.00
	Rubber	C	32	200.00	6400.00	250.00	8000.00
	Guava	C	3	100.00	300.00	1000.00	3000.00
					7000.00		**11400.00**
61	Rubber	C	31	200.00	6200.00	250.00	7750.00
	Cassava	A	75	200.00	15000.00	350.00	26250.00
					21200.00		**34000.00**
66	Cassava	B	350	150.00	**52500.00**	300.00	**105000.00**
	Rubber	C	4	200.00	800.00	250.00	1000.00
	Cassava	C	260	100.00	26000.00	250.00	65000.00
	Yam	B	3	79.00	237.00	900.00	2700.00
					79537.00		**173700.00**
71	Cassava	B	133	150.00	199950.00	300.00	399900.00
	Rubber	B	3	300.00	900.00	400.00	1200.00
	Rubber	C	13	150.00	1950.00	250.00	3250.00
	Guava	C	3	300.00	900.00	1000.00	3000.00
	Sugar cane	A	6	200.00	1200.00	300.00	1800.00
					204900.00		**409150.00**
76	Cassava	B	248	150.00	**37200.00**	300.00	**74400.00**
85	Cassava	B	165	150.00	24750.00	300.00	49500.00
	Rubber	B	1	300.00	300.00	400.00	400.00
	Rubber	C	3	200.00	600.00	250.00	750.00
					25650.00		**50650.00**
99	Rubber	A	1	400.00	400.00	500.00	500.00
	Rubber	C	5	200.00	1000.00	250.00	1250.00
	Cassava	A	78	200.00	15600.00	350.00	27300.00
					17000.00		**29050.00**
103	Cassava	B	546	150.00	81900.00	300.00	163800.00
	Plantain	C	1	370.00	370.00	450.00	450.00
					82270.00		**164250.00**
113	Cassava	B	601	150.00	90150.00	300.00	180300.00
	Oil Palm Tree	C	11	350.00	3850.00	2800.00	30800.00
					94000.00		**211100.00**
118	Maize	A	11	20.00	220.00	150.00	1650.00
	Rubber	C	7	200.00	1400.00	250.00	1750.00
	Cassava	B	168	150.00	25200.00	300.00	50400.00
					26820.00		**53800.00**
127	Rubber	C	3	200.00	**600.00**	250.00	**750.00**
131	Cassava	B	271	150.00	407700.00	300.00	815400.00
	Cassava	B	866	150.00	129900.00	300.00	259800.00
					537600.00		**1075200.00**
135	Cassava	B	341	150.00	51150.00	300.00	102300.00
	Plantain	B	41	300.00	12300.00	500.00	20500.00
	Pepper	A	3	100.00	300.00	1500.00	4500.00
					63750.00		**127300.00**
138	Cassava	B	291	150.00	43650.00	300.00	87300.00
	Cassava	C	17	100.00	1700.00	250.00	4250.00
					45350.00		**91550.00**
139	Rubber	C	15	200.00	3000.00	250.00	3750.00

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	Cassava	B	241	150.00	36150.00	300.00	72300.00
					39150.00		**76050.00**
140	Cassava	A	206	200.00	**41200.00**	350.00	**72100.00**
141	Cassava	A	221	200.00	44200.00	350.00	77350.00
	Oil Palm Tree	C	13	350.00	4550.00	2800.00	36400.00
					48750.00		**113750.00**
	40 of 142 Claimants				**4146120.00**		**8802750.00**

***See Appendix A** **A – Mature, B – Medium, C – Immature**

Table 3: Some Claimants of Okuno Community

NO. IN LIST	ITEMS	STATUS OF ITEM	QU A-NTI-TY	COMPANY APPROVED RATE (N)	AMOUNT PAYABLE BY COMPANY (N)	OPEN MARKET RATE* (N)	ACTUAL VALUE COMPENSABLE (N)
	Animal						
1	Trap		10	100.00	1000.00	800.00	8000.00
	Cassava	A	300	200.00	60000.00	350.00	105000.00
	Water yam	A	10	115.00	1150.00	350.00	3500.00
	Cassava	A	200	200.00	40000.00	350.00	70000.00
	Water yam	A	15	115.00	1725.00	150.00	2250.00
	Cassava	B	150	150.00	22500.00	300.00	45000.00
					126375.00		**233750.00**
8	Cassava	B	320	150.00	48000.00	300.00	96000.00
	Rubber	C	1	200.00	200.00	250.00	250.00
					48200.00		**96250.00**
10	Cassava	B	28	150.00	**4200.00**	300.00	**8400.00**
13	Cassava	B	21	150.00	**3150.00**	300.00	**6300.00**
19	Rubber	A	28	400.00	11200.00	500.00	14000.00
	Rubber	B	15	300.00	4500.00	400.00	6000.00
					15700.00		**20000.00**
21	Plantain	A	1	300.00	300.00	800.00	800.00
	Cocoyam	B	3	14.00	42.00	150.00	**55500.00**
					342.00		**56300.00**
23	Cassava	C	382	200.00	76400.00	250.00	95500.00
	Maize	A	70	20.00	1400.00	150.00	10500.00
	Yam	B	18	79.00	1422.00	900.00	16200.00
					79222.00		**122200.00**
25	Cassava	C	351	100.00	35100.00	250.00	87750.00
	Maize	B	195	15.00	2925.00	100.00	19500.00
	Yam	B	29	79.00	2291.00	900.00	26100.00
	Cocoyam	B	50	14.00	700.00	150.00	7500.00
					41016.00		**140850.00**
27	Cassava	C	384	100.00	38400.00	250.00	96000.00
	Maize	A	209	20.00	4180.00	150.00	31350.00

ISSN 2055-6578(Print), ISSN 2055-6586(online)

	Plantain	B	17	300.00	5100.00	500.00	8500.00
	Cocoyam	C	52	9.00	468.00	100.00	5200.00
					48148.00		**141050.00**
28	Cassava	B	324	150.00	48600.00	300.00	97200.00
	Maize	A	71	20.00	1420.00	150.00	10650.00
	Cocoyam	B	88	14.00	1232.00	150.00	13200.00
	Yam	B	21	79.00	1659.00	900.00	18900.00
					52911.00		**139950.00**
30	Cassava	C	681	100.00	68100.00	250.00	170250.00
	Maize	A	306	20.00	6120.00	150.00	45900.00
	Pineapple	C	15	30.00	450.00	50.00	750.00
	Yam	B	29	79.00	2291.00	900.00	26100.00
	Cocoyam	B	37	14.00	518.00	150.00	5550.00
	Waterleaf	A	156	20.00	3120.00	20.00	3120.00
					80599.00		**251670.00**
31	Farm Hut with thatched roof	m^2	9	100.00	**900.00**	3500.00	**31500.00**
35	Pineapple	A	10	80.00	800.00	110.00	1100.00
	Rubber	A	13	400.00	5200.00	500.00	6500.00
	Plantain	A	18	300.00	5400.00	800.00	14400.00
					11400.00		**22000.00**
36	Yam	B	18	79.00	1422.00	900.00	16200.00
	Pineapple	B	47	50.00	2350.00	80.00	3760.00
	Vegetable (Pumpkin)	A	801	50.00	40050.00	60.00	48060.00
	Cassava	B	782	150.00	117300.00	300.00	234600.00
	Cocoyam	B	41	14.00	574.00	150.00	6150.00
					161696.00		**308770.00**
38	Rubber	C	13	200.00	2600.00	250.00	3250.00
	Pineapple	C	14	30.00	420.00	50.00	700.00
					3020.00		**3950.00**
40	Cassava	B	70	150.00	10500.00	300.00	21000.00
	Cocoyam	B	15	14.00	210.00	150.00	2250.00
					10710.00		**23250.00**
42	Cassava	B	91	150.00	**13650.00**	300.00	**27300.00**
44	Cassava	B	41	150.00	6150.00	300.00	12300.00
	Pineapple	B	12	50.00	600.00	80.00	960.00
					6750.00		**13260.00**
46	Plantain	A	10	300.00	3000.00	800.00	8000.00
49	Cassava	B	346	150.00	51900.00	300.00	103800.00
	Cocoyam	B	52	14.00	728.00	150.00	7800.00
	Plantain	C	2	370.00	740.00	450.00	900.00
					53368.00		**112500.00**
51	Cassava	B	411	150.00	61650.00	300.00	123300.00
	Yam	B	50	79.00	3950.00	900.00	45000.00
	Cocoyam	B	72	14.00	1008.00	150.00	10800.00
	Vegetable	A	103	50.00	5150.00	60.00	6180.00

ISSN 2055-6578(Print), ISSN 2055-6586(online)

	(pumpkin)						
	Lemon grass	A	1	20.00	20.00	60.00	60.00
	Plantain	B	15	200.00	3000.00	500.00	7500.00
					74778.00		**192840.00**
52	Cassava	B	343	150.00	51450.00	300.00	102900.00
	Cocoyam	B	52	14.00	728.00	150.00	7800.00
	Plantain	C	2	30.00	60.00	450.00	900.00
					52238.00		**111600.00**
54	Cassava	B	270	150.00	40500.00	300.00	81000.00
	Cassava	C	272	100.00	27200.00	250.00	68000.00
	Yam	B	56	79.00	4424.00	900.00	50400.00
	Cocoyam	B	98	14.00	1372.00	150.00	14700.00
	Lemon grass	A	5	20.00	100.00	700.00	3500.00
	Pepper	A	24	100.00	2400.00	1500.00	36000.00
	Sugar cane	A	13	60.00	780.00	300.00	3900.00
	Okra	A	21	50.00	1050.00	150.00	3150.00
					77826.00		**260650.00**
56	Yam	B	58	79.00	4582.00	900.00	52200.00
	Maize	A	67	20.00	1340.00	150.00	10050.00
	Cassava	B	293	150.00	43950.00	300.00	87900.00
	Cocoyam	B	67	14.00	938.00	150.00	10050.00
	Okra	A	49	50.00	2450.00	150.00	7350.00
	Cassava	C	293	100.00	29300.00	250.00	73250.00
	Lemon grass	A	7	20.00	140.00	700.00	4900.00
					82700.00		**245700.00**
59	Plantain	B	5	200.00	**1700.00**	500.00	**2500.00**
61	Plantain	B	2	200.00	**6000.00**	500.00	**1000.00**
63	Cassava	B	81	150.00	12150.00	300.00	24300.00
	Cocoyam	B	27	14.00	378.00	150.00	4050.00
					12528.00		**28350.00**
65	Cassava	B	272	150.00	40800.00	300.00	81600.00
	Maize	A	50	20.00	1000.00	150.00	7500.00
	Plantain	B	7	200.00	1400.00	500.00	3500.00
	Cocoyam	B	38	14.00	532.00	150.00	5700.00
					43732.00		**98300.00**
67	Cassava	B	101	150.00	**15150.00**	300.00	**30300.00**
69	Cassava	B	191	160.00	**30560.00**	300.00	**57300.00**
71	Rubber	B	51	300.00	15300.00	500.00	25500.00
	Cassava	C	71	100.00	7100.00	250.00	17750.00
					22400.00		**43250.00**
73	Cassava	C	85	100.00	8500.00	250.00	21250.00
	Plantain	C	3	370.00	1110.00	450.00	1350.00
	Pineapple	C	3	30.00	90.00	50.00	150.00
	Maize	A	10	20.00	200.00	150.00	1500.00
					9900.00		**24250.00**
75	Cassava	C	76	100.00	7600.00	250.00	19000.00

ISSN 2055-6578(Print), ISSN 2055-6586(online)

	Maize	A	10	20.00	200.00	150.00	1500.00
	Plantain	C	3	370.00	1110.00	450.00	1350.00
					8910.00		**21850.00**
77	Rubber	A	7	400.00	2800.00	500.00	3500.00
	Rubber	C	5	200.00	1000.00	300.00	1500.00
	Pineapple	C	13	30.00	390.00	60.00	780.00
					4190.00		**5780.00**
81	Cassava	B	385	150	57750.00	300.00	115500.00
	Yam	B	10	79	790.00	900.00	9000.00
					58540.00		**124500.00**
85	Rubber	A	13	400	5200.00	500.00	6500.00
	Rubber	B	5	300	1500.00	400.00	2000.00
					6700.00		**8500.00**
88	Rubber	A	15	400	6000.00	500.00	7500.00
	Rubber	B	3	300	900.00	400	1200.00
					6900.00		**8700.00**
90	Cassava	B	164	150	24600.00	300	49200.00
	Cassava	C	240	100	24000.00	250	60000.00
					48600.00		**109200.00**
92	Cassava	B	312	150	**46800.00**	300	**93600.00**
	39 of 93 Claimants				**1,370,609.00**		**3,195,920.00**

***See Appendix A** **A – Mature, B – Medium, C – Immature**

Implications to Research and Practice

The spate of developments in the form of various construction works, oil exploration and exploitation have undoubtedly put the rural dwellers at the receiving end. Since the days of oil exploration and exploitation in Nigeria, particularly in the Niger/Delta region, the rural dwellers have not known peace as they continue to suffer severe environmental degradation with little or no compensation for their losses. Commenting on the problems of Urhobos in the Niger Delta area, Aweto (2002) averred that, "there are numerous oil fields in Urhoboland (e.g. Ughelli, Kokori and Otorugo) which make significant contribution to Nigeria's crude oil export". He added that, "crude oil exploration have impacted negatively on the people and economy of urhoboland. Periodic spills have resulted in destruction of farmland, rubber plantations and aquatic biota, thereby undermining the rural economy and leaving the people unemployed and pauperized".

The following losses are identified, viz,

1. Oil spillages occasioning pollution of freshwater, streams and springs.
2. Destruction of soils, farmlands, crops and economic trees.
3. Rendering of canals and waterways impassable.
4. Spillages also occasioning poisoning of plants, animals and aquatic life.
5. Oil exploration related diseases afflicting the rural dwellers.

ISSN 2055-6578(Print), ISSN 2055-6586(online)

6. Lack of commensurate facilities such as schools, hospitals, tarred roads, culverts, bridges, lack of electricity and pipe borne water.

7. Farmland acquisitions such as the Boboroku's case are bound to affect numerous families in the communities who are largely dependent on the land being acquired.

8. Inadequate claims that further impoverish the lives of many claimants and consequent restiveness by the youths.

Thus, the dilemma of the rural dweller is further compounded by the inadequacies of the 1978 Land Use Act which cleverly vested all land in the state and also statutorily defined the method of valuing improvements (such as buildings, economic trees and standing crops). It also ensured that an acquiring authority paid little or nothing for land taken. Furthermore, the amount of final compensation for improvements or crops (if any) is minimal because the rates/values are prescribed by the "appropriate officer". Given this hopeless scenario in which the rural dweller finds himself, it is only proper that an acquiring authority should adequately compensate him for the acquired interests in order to put him in a fair state and reduce incessant restiveness in the Niger Delta region

CONCLUSION AND RECOMMENDATIONS

A number of inherent inadequacies of our land policies as currently manifested by the 1978 Land Use Act and other laws were highlighted by considering the aspects of land acquisition and quantum of compensation paid by an acquiring authority. The study discussed the issue of land acquisition as a necessary factor in a country's development and thus, a necessary tool that enables government and other development agencies to access land to carry out their developments. The process entailed compulsory acquisition and resultant compensation payments to those whose farmlands were acquired. The study further noted that several acquisitions were prevalent in the Niger Delta region owing to activities of oil companies that carried out oil explorations. The study also noted that acquisition and compensation matters were governed by a multiplex of laws such as the Mineral Oil Ordinance of 1914, Petroleum Act Cap P10 of LFN 2004) and the 1978 Land Use Act which sometimes work at crossroads. A case study of compulsory acquisition of farmlands in some communities along with Boboroku community oil well was examined. The study found that claims computed on behalf of the acquiring authority were abysmally low obviously putting claimants in a worse position as a result of the acquisition. The study in its analysis established that 40 of the 142 claimants in Boboroku Community received N4,146,120.00 as opposed to N8,802,750.00 they should have received under open market values showing that the rates applied were grossly inadequate. It is therefore recommended that for compensation claims to be meaningful, they must be based on open market values and not values devised by an "appropriate officer" or an acquiring authority. Also, computation of economic crops and trees must be based on their productivity value and lifespan and this should be properly computed by the professional estate surveyor and valuer. Finally, government must overhaul the current enabling laws to take cognizance of global practices in the matters of compulsory acquisition and compensation in Nigeria.

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Future Research

Further necessary is necessary to harmonize relevant laws on quantum of compensation in order to device a model that will be adequate to a majority of the claimants.

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APPENDIX A

RECOMMENDED MAXIMUM COMPENSATION RATES FOR ECONOMIC TREES AND CROPS IN GRADES. EFFECTIVE 31ST JULY, 2000

S/N	ECONOMIC CROPS/TREES	MATURE (A)	MEDIUM (B)	IMMATURE ©
1	Mango	N500	N350	N225
2	Coconut	225	100	45
3	Guava	190	140	100
4	Pawpaw	110	80	40
5	Locust Bean Tree	155	120	100
6	Shea nut tree ekan	135	120	100
7		200	150	110
8	Banana	300	200	150
9	Plantain	400	200	170
10	Pineapple	80	50	30
11	Bamboo/India	100	50	30
12	Oil Palm Tree a. Plantation Tree b. Other Types	 600 500	 450 300	 350 230
13	Orange/Tangerine	300	150	100
14	Coffee	450	350	300
15	Bagoruwa	300	250	200
16	a. Kolanut Tree b. Kolanut Gbanja	450 350	350 250	300 200
17	Raffia Palm	600	450	350
18	Rubber Tree	400	300	200
19	Agbono (Duoh Mango)	550	400	300
20	Starapple/Ndiya/Udara/Oliem	300	240	200
21	Oha (Mkpafore)	120	70	50
22	Pepper Fruit	500	350	200
23	Bitter Kola	550	400	250
24	Grape fruit	400	280	220
25	Lemon	300	170	130
26	Lime	350	200	120
27	Calabaah Tree	200	160	100
28	Camwond	50	30	20
29	Ugiri (Ibaba)	150	70	30
30	Hardwood (Mahogany, Iroko, Abura, Obeche, etc)	2000 1650	1200 1200	800 1000
31	Soft wood, e.g. cheanut tree	500	300	200
32	Sonbaba	375	300	200
33	Animal Trap	100	per metre	run
34	Date Palm	250	200	150
35	Alilitiba	50	15	20
36	Eucalyptun	30	15	10

ISSN 2055-6578(Print), ISSN 2055-6586(online)

37	Rimi (Silk Cotton)	400	250	200
38	Goriba	40	25	15
39	Tonmuya	40	30	20
40	Oluglaya	35	25	18
41	Native Pear (Orunmwun)	300	120	80
42	Avocado pear	300	180	100
43	Cactun	12	8	6
44	Gmelina	200	100	100
45	Neem (Dogo Yaro)	67	50	30
46	Cocon Tree	600	450	350
47	Gum Arabic	250	200	125
48	Native Plum	57	40	25
49	Oil Bean Tree	400	300	200
50	Castor oil tree	300	300	200
51	Wallnut	600	500	400
52	Bread Fruit (Dinya)	70	50	35
53	Mat Plant	23	18	12
54	Indigo	45	35	27
55	Amonid tree (Ebollebor umbrella	50	30	20
56	Crona Rubber Tree	500	400	250

Economic Crops

S/N	CROPS	RATE	PER	STAND (N)	RATE	PER	HECTARE (N)
		A	B	C	A	B	C
1	Millet	14.00	9.00	6.00	45,000.00	22,500.00	12,000.00
2	Guinea Corn	18.00	15.00	10.00	56,000.00	28,000.00	16,000.00
3	Soya Beans	20.00	17.00	13.00	58,000.00	40,000.00	30,000.00
4	Irish Potatoes	21.00	18.00	14.00	96,000.00	65,000.00	45,000.00
5	Acca	15.00	10.00	7.00	50,000.00	45,000.00	36,000.00
6	Babba	14.00	10.00	8.00			
7	Duma	14.00	9.00	6.00	47,000.00	36,000.00	18,000.00
8	Wheat	18.00	16.00	12.00	115,000.00	90,000.00	57,250.00
9	Niaga	12.00	8.00	5.00	35,000.00	25,000.00	18,000.00
10	Beniseed	15.00	8.00	5.00	35,250.00	25,220.0	12,150.0

ISSN 2055-6578(Print), ISSN 2055-6586(online)

						0	0
11	Maize	20.00	15.00	11.00	112,500.00	100,250.00	81,520.00
12	Rice	25.00	18.00	15.00	120,000.00	118,000.00	115,125.00
13	Boano (croaper)	21.00	19.00	16.00	50,000.00	30,250.00	25,150.00
14	Boano (standing)	15.00	11.00	8.00	35,150.00	25,250.00	17,000.00
15	Cotton	11.00	8.00	6.00	33,750.00	26,150.00	15,250.00
16	Groundnut	20.00	15.00	11.00	70,250.00	56,000.00	35,000.00
17	Cocoyam	18.00	14.00	9.00	56,250.00	30,120.00	22,000.00
18	Yams	115.00	79.00	50.00	1,000,000.00	950,000.00	500,250.00
19	Sugar Cane	60.00	45.00	35.00	105,250.00	75,250.00	51,000.00
20	Cassava	200.00	150.00	100.00	800,000.00	650,250.00	450,000.00
21	Pepper	100.00	60.00	40.00	105,250.00	100,000.00	55,125.00
22	Kanaf (Jute)	50.00	40.00	25.00	115,000.00	103,000.00	65,000.00
23	Tobacco				112,5000.00	103,000.00	70,000.00
24	Sweet Potatoes	90.00	60.00	45.00	700,000.00	500,125.00	350,000.00
25	Vegetables, e.g. Carrots, Cabbages/Onions, pumpkin, okra, ets	50.00	30.00	25.00	55,000.00	45,000.00	25,125.00
26	Bitter leaf, Water leaf, Editan, Afang, etc	20.00	15.00	10.00	35,000.00	25,000.00	17,125.00
27	Tomatoes	200.00	150.00	100.00	750,000.00	650,000.00	350,125.00
28	Mellon	250.00	200.00	150.00	800,000.00	680,000.00	420,000.00
29	Gaurd Mangiova				32,750.00	22,500.00	27,000.00
30	Garden egg (yola)	50.00	35.00	25.00			
31	Lemon Grass	20.00	12.00	8.00			
32	Alligator Pepper	25.00	15.00	10.00			
33	Water Melon	30.00	20.00	12.00			

ISSN 2055-6578(Print), ISSN 2055-6586(online)

Source: Delta State Ministry of Agriculture

Others:

Fish Pond……..N1,000.00/m2

Shed……...N2,000.00/m2

Animal Trap……..N100.00

Animal Fence……N100.00/m.run

Shrine (Personal)……...N5,000.00

Shrine (Family)…….N10,000.00

Appendix B

Computation of Open Market Values of Some Economic Crops and Trees

Plantain/Banana

A bunch sells for N800.00

Life span = one season

A = N800.00, B = N500.00, C = N450.00

Pepper

1 stand = 3 Bunches @ N350.00/bunch = N1,050.00/stand

Life span, say, 3 years

Yield of 3%

Amount of N1 @ 3% in 3 years is 1.0927

N1,050.00 x 1.0927 = N1,447.33, say, N1,500.00/stand

A = N1,500, B = N1,300.00, C = N1,000.00

Rubber tree

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20 Rubber Trees produce 20Litres of latex

1 Rubber tree = 1 litre of latex @ N300.00/litre less cost at 10% = N270.00/l

Life span, say, 20 years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

N270.00 x 1.8061 = N487.64, say, N500.00/tree

A = N500.00, B = N400.00, C = N250.00

Coconut

1 Tree produces 80 fruits @ N100.00/fruit = N8000.00 less 10% cost of production = N7200.00

Life span, say 20years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

N7200.00 x 1.8061 = N13,003.92, say, N13,000.00/tree

A = N13,000.00, B = N10,000.00, C = N8,000.00

Guava

1 tree produces 200 fruits @ N5/fruit = N1000.00

Life span, say, 20 years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

N1000.00 x 1.8061 = N1,806.10, say, N1,800.00/tree

A = N1,800.00, B = N1,500.00, C = N1,200.00

Cashew

1 tree produces 150 fruits @ N5/fruit = N750.00

Life span, say, 20 years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

ISSN 2055-6578(Print), ISSN 2055-6586(online)

N750.00 x 1.8061 = N1,354.58, say, N1,300.00/tree

A = N1,300.00, B = N1,000.00, C = N800.00

Sugar Cane

1 strand of 5ft = 5 portions @ N60.00/portion = N300.00/strand

Water leaves

3 strands = 1 bunch = N60.00/bunch

1 strand = N20.00/strand

Pineapple

One fruit = N110.00/fruit

A = N110.00, B = N80.00, C = N50.00

Pumpkin

1 bunch = N50.00

Life span, say, 5 years

Yield of 3%

Amount of N1 @ 3% in 5 years is 1.1593

N50.00 x 1.1593 = N57.60, say, N60.00/bunch

Maize

1 strand produces 3 cobs @ N50/cob = N150.00

Mango

1 tree produces 150 fruits @ N20/fruit = N3000.00 less 10% cost = N2,700.00/tree

Life span, say, 20 years

Yield of 3%

ISSN 2055-6578(Print), ISSN 2055-6586(online)

Amount of N1 @ 3% in 20 years is 1.8061

N2,700.00 x 1.8061 = N4,876.47, say, N4,900.00/tree

Oil Palm Tree

1 tree produces 5 bunches/year @ N400/bunch = N2000.00/tree less 10% cost = N1,800.00/tree

Life span, say, 20 years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

N1,800.00 x 1.8061 = N3,250.98, say, N3,250.00/tree

A = N3,250.00, B = N3,000.00, C = N2,800.00

Okra

1 strand produces 3 bunches @ N50/bunch = N150.00/strand

Lemon grass

20 strands = 1 bunch @ N700.00/bunch

Orange tree

1 tree produces 200 fruits @ N50/fruit = N10,000.00/tree less 10% cost = N9,000.00/tree

Life span, say, 20 years

Yield of 3%

Amount of N1 @ 3% in 20 years is 1.8061

N9,000.00 x 1.8061 = N16,254.90, say, N16,300.00/tree

Yam = N350.00/tuber

Cocoyam = N150.00/bunch

ISSN 2055-6578(Print), ISSN 2055-6586(online)