

## **Phenomenological Research in Compulsory Land Acquisition and Compensation**

**Iyenemi Ibimina KAKULU, Nigeria, Peter BYRNE, United Kingdom and Kauko VIITANEN, Finland**

**Key words:** Phenomenology, qualitative research, research paradigms, compulsory acquisition, compensation, research methodology.

### **SUMMARY**

Generally, academic research is conducted within paradigms, which represent a researcher's particular way of thinking about a subject matter and which are shared with other like minds. When an area of inquiry is in its infancy and there are no scientific theories from which to hypothesize, such research can only begin by induction. Knowledge in this case begins with collecting facts and then trying to find some order in them in a process known as inductive reasoning. Inductive reasoning begins with observations and measures, detects patterns and regularities, formulates some tentative hypothesis that can be explored and finally ends up developing some general conclusions or theories. It is open-ended and exploratory and where the knowledge sought is inseparable from the situational and personal aspects of those involved, some degree of generalization can be achieved by making allowances for local and personal influences. This paper outlines a number of research problems associated with compulsory land acquisition and compensation in Nigeria and describes an innovative methodological approach to research in this field. It discusses various philosophical and theoretical orientations underlying the study, explains the qualitative nature of the research and elaborates on the research strategies and data collection protocols. An account is also given on how the nature of a research problem can influence the choice of a research methodology; how data collection protocols are applied in empirical data collection; including an explanation of how all the major parts of the research design worked together to address the identified research questions. The study is based on constructionist and interpretive research paradigms, phenomenological and empiricist epistemologies, and ontological assumptions that reality is subjective and multiple. This orientation is based on the premise that human experience makes sense to those who live in it prior to all interpretation and theorizing (Creswell, 2003) and as such it determines what is studied and the methods used to study them. The methodology also links the philosophy to the research methods that were used. This is an innovative approach which opens new challenges for real estate research by applying phenomenology in data collection, and doing phenomenological analysis and interpretation resulting in information rich findings.

# **Phenomenological Research in Compulsory Land Acquisition and Compensation**

**Iyenemi Ibimina KAKULU, Nigeria, Peter BYRNE, United Kingdom and  
Kauko VIITANEN, Finland**

## **1. INTRODUCTION**

In recent years, social sciences researchers have become increasingly aware of the array of quantitative and qualitative paradigms and methods available for use by researchers and this paper explores the application of these methods in real estate research. The choice of a suitable research methodology (Nolan, 1997), is based on the nature of the research problem and the researcher's philosophical orientation and assumptions. According to Patton, (2002) the underlying values of research as stretch across a continuum and scholars can be most effective when they utilize the continuum at any point that answers the research question. There are currently three widely accepted research paradigms in education and in the social and behavioural sciences which are quantitative research; qualitative research and mixed research. Quantitative research relies primarily on the collection of quantitative data and follows the paradigm characteristics of the positivist and post positivist researcher while qualitative research relies on the collection of qualitative data. Pure qualitative research will follow the paradigm characteristics of the constructionist / interpretivist researcher while mixed research is research that involves the mixing of quantitative and qualitative methods and pragmatic paradigm characteristics which can take many forms. In fact, the possibilities for mixing are almost infinite.

Philosophical and theoretical assumptions and considerations guide the conduct of all research, even where it is not stated explicitly within the context of the final research report. From a review of related texts (Creswell, 2003; Patton, 2002; Lincoln, 2000), a number of issues are considered which include ontological considerations, epistemological, axial, rhetoric and methodology. Theory is about starting points and research usually relies on theory to justify starting with pre-commitments to independent variables, background factors, or structural conditions that will explain historically and geographically varying phenomena. However, to start by trying to describe the phenomena to be explained as they exist for the people living them, we need theory of another sort, a theory of social ontology that indicates the lines of inquiry required to produce a complete description. If on the other hand we start research by describing the nature of social phenomena as they are experienced, it will make a difference in structuring data gathering; in developing a research craft capable of seeing practice, interaction manoeuvres, and tacit embodiment; in shaping a research agenda; and ultimately where we end substantively. This paper suggests the need for a paradigm shift from the traditional pattern of commencing first with a literature review to a more diagnostic approach which first of all taps the human perceptions of their first hand experiences of certain phenomena before or alongside with the literature review. Any bias which might be introduced by the process of first of all conducting a literature review, is somewhat reduced and a researcher is in a better position to review a problem within its own context and setting before looking for similarities or differences with that of published literature.

## **Phenomenological Research**

Phenomenology literally means the study of phenomena and is both a philosophy and a research strategy. It is a way of describing something that exists as part of the world in which we live such as events, situations, experiences or concepts. We are surrounded by many phenomena which we are aware of but may not fully understand and our lack of understanding of these phenomena may exist because the phenomenon has not been overtly described and explained or our understanding of the impact it makes may be unclear. The central focus in phenomenology is exploring how people make sense of their experiences individually and as a shared meaning which requires rigour and detail to achieve. According to Patton (2002, p.104), the term phenomenology has become so popular and has been so widely embraced that its meaning has become confused and diluted. It can refer to a philosophy; an inquiry paradigm; an interpretive theory (Denzin and Lincoln 2000b:14); a social science analytical perspective or orientation; a major qualitative tradition (Creswell 1998) or a research method (Moustakas, 1994).

Phenomenological research begins with the acknowledgement that there is a gap in our understanding and that clarification or illumination will be of benefit. According to Hannock (1998), phenomenological research will not necessarily provide definitive explanations but it does raise awareness and increases insight. Creswell (1998) cites (Bruyn, 1966) who states that phenomenology serves as the rationale behind efforts to understand individuals by entering into their field of perception in order to see life as these individuals see it. There is not one phenomenological methodology but rather a variety of methods that all hold to the primacy of the subjective experience. Phenomenological analysis requires the researcher to state his or her assumptions regarding the phenomenon under investigation and then bracket or suspend these preconceptions in order to fully understand the experience of the subject and not impose any a priori hypothesis on the experience. A phenomenological study may be challenging to use because the researcher requires a solid grounding in the philosophical precepts of phenomenology; the participants in the study need to be carefully chosen to be individuals who have experienced the phenomenon; bracketing personal experiences by the researcher may be difficult, the researcher needs to decide how and in what way his or her personal experiences will be introduced into the study (Creswell 2003). The use of phenomenology as a philosophy and research methodology in compulsory land acquisition and compensation research is explored in greater detail with a case study from Nigeria in sections 4 to 6 of this paper.

## **2. COMPULSORY LAND ACQUISITION AND COMPENSATION**

Compulsory acquisition or purchase is the process by which local and national governments obtain land and premises for development purposes when they consider this to be in the best interest of the community. The process of valuation for compensation in compulsory acquisition of land takes place within distinct legal; cultural; socio-economic; political and historical environments which influence the delivery of the process by key actors in it. The basic principles are perceived to be quite similar even though the practice may vary in different nations or regions, the assessment of compensation is usually influenced by local and national statutes,

enactments or laws that provide the basis upon which existing professional standards and methods may be applied (Viitanen and Kakulu, 2008). The term compulsory acquisition has a number of connotations (Kakulu, 2008), which include compulsory purchase, expropriation, land-take or eminent domain. In all cases the owners or occupiers are denied their property rights for overriding public interest or public benefit and are usually entitled to just and adequate compensation. Valuation for compensation within the context of this study refers to valuation that is undertaken to determine the value of loss to the property owner, tenant or occupier in the event of compulsory acquisition of their landed property assets.

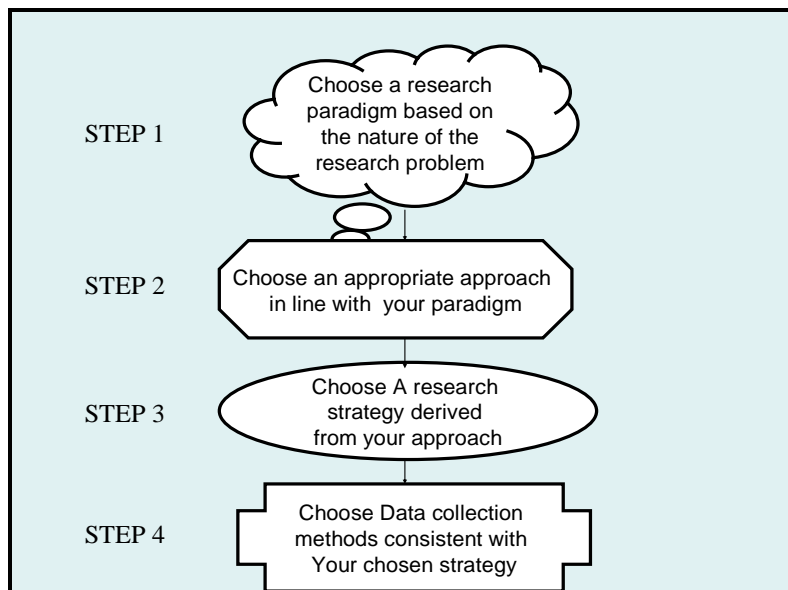
There are a number of observable problems associated with compulsory acquisition and valuation for compensation in different parts of the world (Alterman, 2007); (Crawford, 2007); (Kakulu, 2007); (Plimmer, 2007); (Nuhu, 2007), and (Viitanen and Kakulu, 2008). This paper however concentrates on recent studies on processes and methods in compulsory land acquisition and compensation in the Niger Delta Region of Nigeria which is no exception (Kakulu, 2008) with regards to the problems of land acquisition and where the disparity in valuation figures over the same parcel in compulsory acquisition valuations can be quite enormous. While it is possible that multiple valuations of the same parcel of land will no doubt produce different estimates of value due to the interplay of subjectivity and also depending on whom the client is (acquiring body or land owners), the variation may be ignored where it is insignificant. The nature of disparity in figures in valuation for compensation by valuers in Nigeria is such that valuers may lose credibility and this is happening slowly as the preference for negotiation and settlement without valuation is becoming more popular. Most times this wide disparity is created intentionally by valuers to present a stronger position for negotiation but again the acquiring authorities may capitalize on this position and apply rule-of-thumb approaches to make payments, disregarding the contents of both valuation reports. The nature of the research problem necessitated the use of a methodology that would capture the problem scenario in detail and enable meaningful conclusions to be drawn. This led to the application of phenomenology both as an underlying philosophy and a research methodology. Phenomenology can indeed be extended to other aspects of research within the real estate disciplines.

### **3. RESEARCH DESIGN FRAMEWORK**

The design of the study began with the selection of a topic and the identification of a suitable research paradigm within which to conduct the study. These two became the basis on which all the other parts of the research was designed to fit into a logical whole. Following a review on research methodology concepts, the research design was developed from a combination of two research design models developed by Crotty (1998) and Creswell (2003). In the course of the study, their classifications were adopted and modified slightly into four sequential steps with each preceding step forming the basis of decisions and choices in subsequent steps and clearly exhibiting a linear relationship as illustrated in figure 1 below.

The framework in Fig. 1 was used to develop the Research design for the case study. It is based on the premise that the nature of the research problem and the associated paradigm which is essentially the researchers' worldview constitutes a whole framework of beliefs, values and methods within which research takes place and is explained as follows:

**Figure 1 - Framework for Research Design**



Source: Kakulu (2008)<sup>1</sup>

### Step 1

Research paradigms are representations of different combinations of philosophical assumptions, epistemologies and ontological theories which may also be classified as schools of thought. Creswell (2003) describes four schools of thought as Social Constructivism / Interpretivism ; Positivist / Post Positivist ; Advocacy / Participatory; and Pragmatism. These schools of thought or research paradigms as often described are the foundations on which the three fundamental approaches to research (qualitative, quantitative and mixed methods) are based. The philosophical theories which guided this research were Social Constructionism / Interpretivism and phenomenology.

### Step 2

The underlying philosophical paradigms have a direct impact on the nature of the inquiry or subsequent approach to the study which may be either a qualitative, quantitative or mixed methods approach. Denzin (2000) defines qualitative research as multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings and attempt to make sense of or interpret phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of a variety of empirical materials; case study; personal experience; introspective; life story interview; observational; historical; interactional; and visual texts that describe routine and problematic moments and meaning in individuals' lives. The field of qualitative research resembles a patchwork quilt, built piece-by-piece using perspectives and methods from just about every stop along the social scientific spectrum.

<sup>1</sup> Kakulu, I.I. (2008) Unpublished PhD Thesis, University of Reading

Accordingly, qualitative research deploys wide range of interconnected methods, hoping always to get a better fix on the subject matter at hand. It can be used differently by a multitude of disciplines, studying just about anything.

Both kinds of research try to see how society works, to describe social reality, to answer specific questions about specific instances of social reality. Some of the fundamental differences between qualitative and quantitative approaches are the sharp differences in ontology and epistemology between the qualitative and non-qualitative camps. Each of the features of qualitative research may be viewed as strengths or as a weakness. This depends on the original purpose of the research. For example, one common criticism against qualitative research is that the results of a study may not be generalizable to a larger population because the sample group was small and the subjects were not chosen randomly. But the original research question may have sought insight into a specific subgroup of the population, not the general population because the subgroup is “special” or different from the general population and that specialness is the focus of the research. The small sample may have been necessary because very few subjects were available such as is the case with some ethnic groups or patient groups suffering from a rare condition. In such studies, generalizability of the findings to a wider, more diverse population is not an aim.

### Step 3

Research strategies are linked to the approach and so should flow from it. For instance, it would be methodologically incorrect to perform experiments in a qualitative study or conduct open ended interviews in a quantitative study. Qualitative research uses multiple methods that are interactive and humanistic and involve active participation by participants and sensitivity to the participants in the study. This is particularly important for research in the real estate disciplines. Researchers look for involvement of their participants in data collection and seek to build rapport and credibility with the individuals in the study. Qualitative research strategies were employed in the data collection and analysis phases of the study. Creswell (1998) divides qualitative research into five main strategy types which are: phenomenology; a biography; grounded theory; ethnography; case study. Phenomenology and Case Study strategies with foundations in phenomenological epistemologies formed the basis on which the data collection protocols were designed and used.

### Step 4

The data collection protocols should aim to match the chosen research strategies in order to create harmony in the methodology. According to Yin (2003, pp.97-101), the use of multiple sources of evidence in the development of converging lines of inquiry is known as triangulation and research findings are much more convincing and accurate when based on several sources of information. In qualitative research it is perhaps more accurate to speak of modes of analysis rather than data analysis (Myers, 1997). These modes of analysis are different approaches to gathering, analyzing and interpreting qualitative data and the common thread is that all qualitative modes of analysis are concerned primarily with textual analysis (whether verbal or written).

#### **4. LAND ACQUISITION AND COMPENSATION – A CASE STUDY ON NIGERIA**

The practice of compulsory acquisition and compensation in Nigeria, is characterized by the absence of clear and consistent statutory provisions; communities that are dissatisfied with the quantum of compensation paid to them resorting to violence and litigation; valuers who because they are constrained by statute tend to lean towards the dictates of the parties they represent (Kakulu, 2008). Also, the dearth of documented and published literature on the subject with the Nigerian context, also informed the use of an innovative research methodology such as phenomenology.

The above scenario raised two major research questions, namely:

1. Does the existing valuation environment promote or hinder the process of valuation for compensation in Nigeria, and
2. Is the valuation process responsible for the assessment of compensation values that are considered to be inadequate, unfair and unjust?

##### **a. Objectives of the Study**

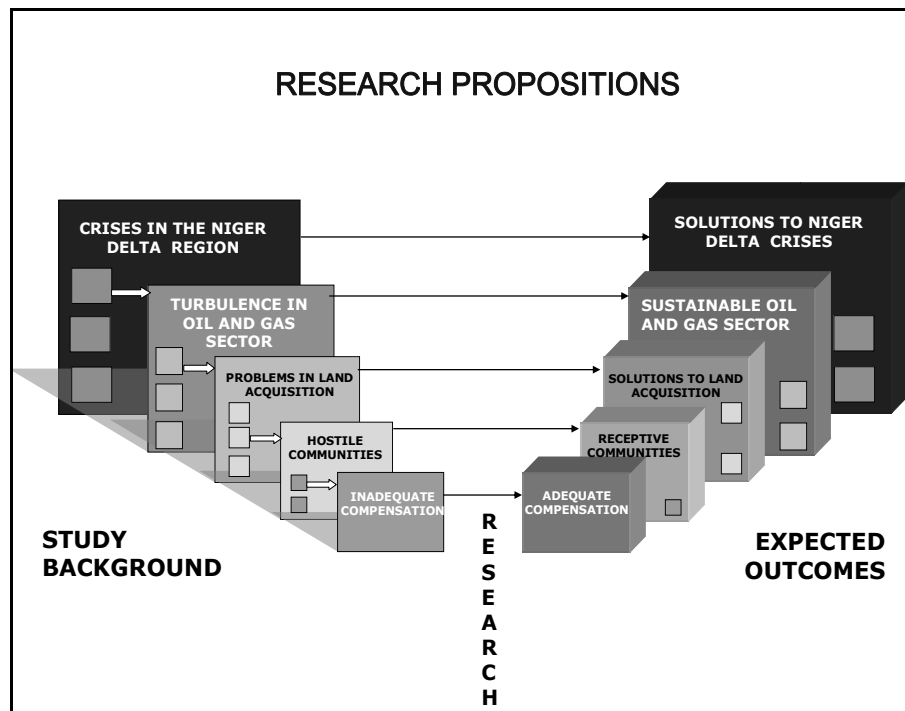
The main objective of the study was to identify the underlying factors responsible for the dissatisfaction with the quantum of compensation and the following specific activities were undertaken.

1. An analysis of professional practice procedures and methods which focussed on valuers' conformity with or deviation from established statutory provisions;
2. An assessment of the different perceptions and interpretations of the whole concept of compulsory acquisition and compensation by key actors in the process;
3. An assessment of the factors responsible for the wide disparity in property values between different valuers valuing the same parcel of land;
4. An appraisal of the current valuation environment and its influence on the assessment and payment of compensation;
5. A comparative analysis of statutory procedures for compulsory purchase or acquisition.

A range of more specific questions were addressed in order to answer these core questions using an innovative approach to data collection, analysis and interpretation. These included the possibility of achieving adequate compensation; the responsibility in determining adequate compensation; the valuers' role in the process, and the role of other key actors. The general thrust of the research is that if valuation methods are to reflect the foundations of the cultural setting in which they occur, then the Nigerian valuation environment had to be better understood. A logical starting point was to identify difficulties that valuers experience in this field of practice while adhering to existing statutory enactments using a methodology rooted in phenomenology.

## b. Research Propositions

Figure 2 Research Propositions



Source: Kakulu, 2008<sup>2</sup>

In the illustration above, the current situation in the Niger delta region is depicted by the boxes to the left side of the diagram, labelled 'study background'. These are flat boxes containing some of the current problems in the Niger Delta, narrowing down to the problem of inadequate compensation. On the right side of the diagram, labelled 'expected outcomes', the 3-dimensional boxes represent the expected contributions of the study to the Niger Delta phenomena based on the following propositions:

1. Payment of adequate compensation to individual land owners or occupiers and communities in oil producing areas of the Niger Delta may improve their receptiveness to the oil and gas production activities of the Federal Government through its joint venture partners.
2. Problems related to inadequate compensation are likely to reduce if the payments are more adequate, and this could lead to a more sustainable oil and gas sector.
3. For adequate compensation to be paid, the effect of the valuation environment on the process needs to be closely examined, understood and overhauled where necessary to enable valuers function in a professional manner. Figure 2 is a graphical presentation of the link between the research problems and propositions. It also defines the boundaries of

<sup>2</sup> Kakulu, I.I. (2008) Unpublished PhD Thesis, University of Reading

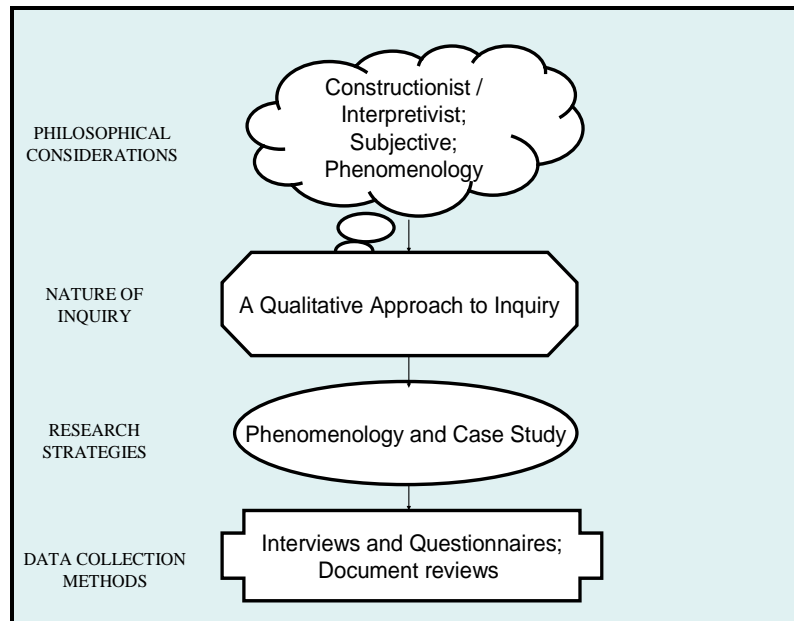


the research.

## 5. CASE STUDY RESEARCH DESIGN

Having considered various options in line with the research questions, the design framework presented earlier in Figure 1 was used to design the study shown in Figure 3 below.

**Figure 3** Case Study Research Design



Source: Kakulu (2008)<sup>3</sup>

### a. Philosophical Considerations

The study was based on constructionist and interpretivist theories and a philosophical orientation in social constructionism which sees knowledge through an alternative process and set of assumptions. It stems from an epistemological position which focuses on meaning and power. It has a relativist epistemology and aims to account for ways in which phenomena are socially constructed and how meaning is ascribed to phenomena. It expects that if existing literature cannot provide solutions to the problem, then the researcher is expected to look into the matter by studying the empirical object. Social Constructionism takes a critical stance towards taken-for-granted knowledge but accepts rather that knowledge is subjective and advocates the historical and cultural specificity of a research problem. Its main characteristics are that knowledge is subjective, theories are time and culture bound and language is a pre-condition for thought. It seeks understanding, develops subjective meanings, relies on participants' views of the phenomena and constructs meaning. The researcher seeks to interpret meanings, inductively generates meanings, and recognizes biases and individual

<sup>3</sup> Kakulu, I.I. (2008) Unpublished PhD Thesis, University of Reading

perspectives. Social Constructionism can also be thought of as a theoretical orientation which to a greater or lesser degree underpins newer approaches, which are currently offering radical and critical alternatives in psychology and social psychology, as well as in other disciplines in the social sciences and humanities (Burr 1995).

### **b. Qualitative Approach**

A qualitative approach was considered to be an appropriate approach for this study judging from the nature of the research problem, the research questions and the philosophical and theoretical orientations of phenomenology. Since qualitative research is made up of complex, context-dependent variables, it may be helpful to examine and compare certain aspects of qualitative inquiry with quantitative (or non-qualitative) study to provide justification for its choice as the nature of enquiry in this particular study which could also be applicable to other forms of real estate research.

1. Qualitative designs are naturalistic to the extent that the research takes place in real world settings and the researcher does not attempt to manipulate the phenomenon of interest. The phenomenon of interest unfolds naturally because it has no predetermined course established by and for the researcher such as would occur in a laboratory or other controlled setting typical of quantitative studies.
2. Qualitative research may also be defined as exploratory and descriptive in focus; having an emergent design and not a fixed one. Data collection takes place in the natural setting with the researcher being an instrument of data collection and inductive analysis is on-going.
3. Qualitative research is concerned with the opinions, experiences and feelings of individuals producing subjective data. It describes social phenomena as they occur naturally and understanding of a situation is gained through a holistic perspective.
4. The researcher identifies, studies, and employs one or more traditions of inquiry. It is the problem that the researcher seeks to understand, not a causal relationship of variables or a comparison of groups.
5. Qualitative studies include detailed methods, a rigorous approach to data collection, data analysis, and report writing. This means, too, that the researcher verifies the accuracy of the account using one of the many procedures for verification.
6. Qualitative research places emphasis on understanding through looking closely at people's words, actions and records while the quantitative approach to research looks past these words, actions and records to their mathematical significance and quantifies the results of these observations.
7. The task of the qualitative researcher is to find patterns within those words (and actions) and to present those patterns for others to inspect while at the same time staying as close to the construction of the world as the participants originally experienced it.
8. Qualitative research is perspectival and subjective unlike quantitative which hold objective views. Qualitative research is exploratory and seeks to discover and interpret data while quantitative research relies on proof.
9. The goal of qualitative research is to discover patterns which emerge after close observation, careful documentation, and thoughtful analysis of the research topic. What can be discovered by qualitative research is not sweeping generalizations but contextual findings.

### **c. Phenomenological Research Strategy**

The Phenomenological research method is primarily an attempt to understand empirical matters from the perspectives of those being studied. This type of study describes the meaning of lived experiences for several individuals about a concept or a phenomenon. It involves obtaining data from multiple individuals who have experienced the phenomenon. According to Moustakas (1994, p.13-15) the empirical phenomenological approach involves a return to experience in order to obtain comprehensive descriptions that provide the basis for a reflective structural analysis that portrays the essence of the experience. Accordingly, the human scientist determines the underlying structures of an experience by interpreting the originally given descriptions of the situation in which the experience occurs. Moustakas describes a series of distinct steps involved in empirical phenomenology after Eckartsberg (1986) as follows:

- a. The problem and question formulation in which the researcher delineates a focus of investigation by formulating questions in such a way that they are understandable to others.
- b. The data generating situation which considers data collection protocols that involves querying the persons and dialoguing with them.
- c. The third step is the data analysis, explication and interpretation. Once collected data is read, scrutinized so as to reveal their structure, meaning and configuration, coherence and the circumstance of their occurrence.

Phenomenology aims at gaining a deeper understanding of the nature or meaning of our everyday experiences. The focus of a phenomenological inquiry (Patton 2002, p.106), is

- a. What is important to know is what people experience and how they interpret the world.
- b. The only way to really know what another person experiences is to experience the phenomenon ourselves as directly as possible.

These two points imply participant observation and in-depth interviewing as a research protocol.

### **d. Phenomenological Research Process**

There are certain major processes in phenomenological research which give it its distinct qualities as a research method and which were applied in the conduct of the study. They are elaborated here for greater emphasis and understanding of the methodology.

1. Epoche is a Greek word meaning to stay away from or abstain. It helps the researcher prepare to derive new knowledge where the researchers predilections, prejudices, predispositions are set aside allowing a fresh look at things. It is very useful in phenomenal research because it helps to dampen the influence of the past knowledge. Studies and accounts of land acquisition and compensation in Nigeria had been largely anecdotal and not based on research. The use of this method encouraged a temporary setting aside of all such accounts and entering the field making a fresh start with the intention of discovering new ideas. Epoche gives the researcher the vantage point of holding in abeyance, previous experiences on phenomena and challenges him or her to

create new ideas, new feelings, new awareness and understanding about an old problem. It encourages receptiveness to situations just as they appear without imposing any pre-judgements on what we see, think, imagine or feel. It helps to suspend everything that interferes with fresh vision about a phenomenon. Even the researchers biases are set aside as well as prejudgments to enable him see the issue with new and receptive eyes. Although in reality this is not completely possible, the use of open-ended interviews and focus group interviews helped to achieve this during the study.

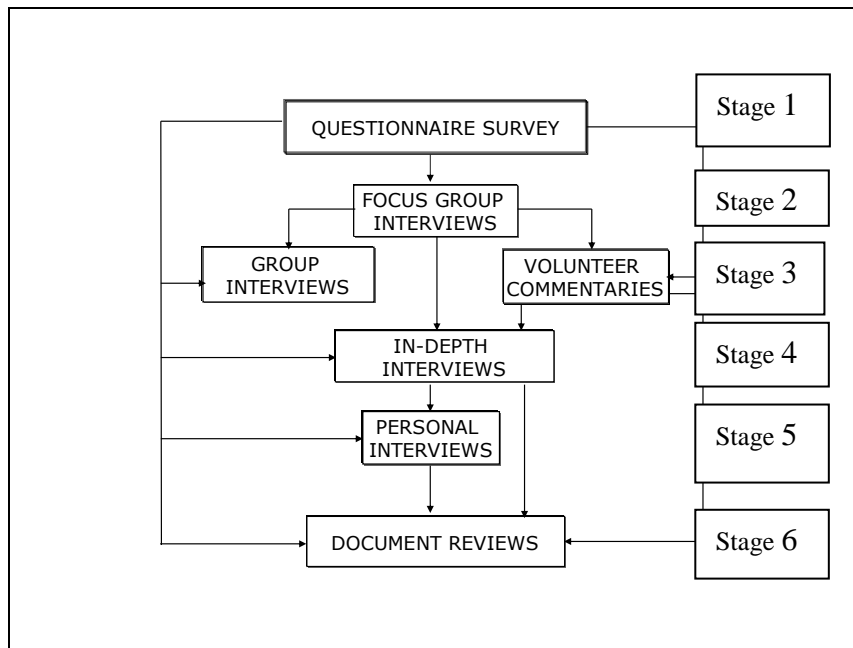
2. Phenomenological Reduction. This involves reading through the transcripts of the interviews or data from other research protocols and horizontalization of data which involves regarding every horizon as having equal value. Listing meaning and meaning units. Clustering of these meaning units into common categories.
3. Imaginative Variation. Phenomenal analysis is done to facilitate the development of individual; textural and structural descriptions of meanings and essences. From themes developing textural descriptions of the experience.
4. Synthesis of Meaning. From the textural descriptions, integrate the textures and structures to construct the essence of the phenomenon.

These four steps represent the some of the steps in phenomenological research which were applied to this study.

**e. Data Collection Strategy.**

Data collection methods consistent with the philosophical, theoretical and methodological assumptions of the study were employed during the data collection stages of this work. The researcher requires not only a solid grounding in the philosophical precepts of phenomenology but the participants in the study need to be carefully chosen to be individuals who have experienced the phenomenon. Bracketing personal experiences by the researcher may be difficult and the researcher needs to decide how and in what way his or her personal experiences will be introduced into the study. Another justification for the use of this method is that lack of documented accounts of the practice of valuation for compensation, the current political climate and the unwillingness of people to discuss openly issues in connection with Oil and Gas production in Nigeria made this method a preferred option. Such methods included in-depth interviews, short interviews, focus group discussions, other data collection methods, group interviews, individual interviews, and document reviews were employed. See Figure 4 below.

**Figure 4** Data Collection Strategy



Source: Kakulu (2008)<sup>4</sup>

At an early stage in the research process, pilot interviews were conducted with very prominent and senior members of the Real Estate profession in Nigeria in order to obtain their perceptions on the study area and a feel for the sort of interest this study would generate. Although these preliminary interviews did not form part of the data collection phase, their outcome helped to clearly define the structure of the research and also influenced the fine-tuning of the research questions that were used to conduct the interviews. The data collection phase commenced with the administration of semi-structured questionnaires to Estate surveyors and valuers to obtain their perceptions, views and comments on the phenomenon. Semi-structured questionnaire were used because this afforded respondents to make independent responses to the questions asked and reduce researcher bias which a structured questionnaire would have introduced. Also, Estate surveyors and valuers are the key players in the land acquisition and compensation in Nigeria. A quick analysis was done on the questionnaires prior to the focus group interviews which flowed from it. The group interviews and individual voluntary interviews were organized immediately after the focus group sessions. Individual in-depth interviews were conducted after the voluntary interviews and the data collection process ended with document reviews. The use of multiple sources of evidence is characteristic of a phenomenological research strategy

<sup>4</sup> Kakulu, I.I. (2008) Unpublished PhD Thesis, University of Reading

#### **f. Data Analysis and Presentation**

Phenomenological data analysis steps are generally similar. The original protocols are divided into statements, the units transformed into clusters of meaning and expressed as concepts; the concepts are tied together to make a general description of the experience and how it was experienced. The phenomenological report ends with a better understanding of the essence of the experience. Many methods have been used in phenomenological research. Frequently, inductive or qualitative methods involve transcribing material (usually interview transcripts), coding data into themes and drawing conclusions regarding the phenomena based on these themes. The raw data of a phenomenological study are personal experiences which may be gathered through interviews, observation, reading, writing, and living. Literature, poetry, biography, and art are rich sources of lived experiences. Data analysis was aided by an innovative analytical model described as the Bow-tie-Butterfly – (BB) model which was used to organize qualitative data making it possible to analyze this data quantitatively. (Kakulu, 2008)

### **6. FINDINGS**

Using the phenomenological approach, the findings of the study painted a rich picture of the subject matter summarized as follows:

#### **a. Ambiguity and Lack of Clarity of the Relevant Statute**

The Land Use Act is the main statute governing land acquisition and the assessment of compensation in Nigeria. The laws dealing with land acquisition are not clear and there is ambiguity with regards to who is entitled to compensation. The absence of clear explanations is a hindrance to uniform and consistent interpretation and so valuers tend to flout the provisions contained therein. This is partly responsible for the existence of multiple interpretations of its contents by key actors in the process. Furthermore the Act conflicts with the existing (traditional) land ownership patterns. It was also recommended that such a revision should incorporate all the known and existing principles of valuation.

Another finding is that statutes relating to land acquisition for oil and gas purposes make no provision for outright acquisition by the Oil and Gas companies. From the foregoing there is no other statutory basis for the assessment of compensation for oil and gas related acquisition apart from the Land Use Act. The only provision made by the alternative statute is for application fees to the appropriate authority, rents for the 20-year lease and royalties to land owners during this period.

#### **b. Problems with Prescribed Methods of Assessment**

The application of statutory methods of valuation as contained in the Land Use Act are unacceptable to most of the respondents and participants because they are considered to be grossly inadequate for achieving fair or adequate compensation. The heads of claim are not clearly defined and in most cases are incomplete. Suggestions were made for the inclusion of additional heads of claim such as gaming rights, remediation costs for the loss of ancestral

homes, and other quantifiable and non-quantifiable losses including sentimental value. There is no harmony between the land tenure pattern and the prescribed methods of valuation for compensation.

### **c. Crop Enumeration Method**

The widely practiced crop enumeration method was severely criticised and the main issues raised were that the method is crude, the rates are usually too low and in most cases outdated, and that people suffer deprivation because of the paltry sums paid to them. It is also perceived that the use of rates is legally wrong because it does not ascribe value at all. The crop enumeration method of valuing agricultural land does not conform to international practices and the feeling is that it should be set aside and its use discontinued because it is unfair. Some are of the opinion that the method is suitable if rates are constantly reviewed and there were suggestions that 'Appropriate Officers' could meet annually and agree to review rates or propose new rates.

The crop enumeration method does not give the exact number or quantity of crops in an area and so it should be considered as the estimated value. It is sometimes suitable in certain ways if the local methods of farming are taken into consideration. Some of the problems associated with the use of crop enumeration include the absence of clear definition as to how crops are classified into their grades of maturity (i.e. post mature, mature, and immature or seedling). The use of rates is seen as an unjust practice and the general feeling is that the method needs to be reviewed, since it limits the amount of compensation that is paid and this contributes to the current restiveness in the society.

### **d. Anomalies in the Agricultural Valuation Process**

The process of valuing farmland and agricultural valuation as a whole needs complete overhauling to bring it in line with the minimum acceptable international standards as much as possible. The current practice by which a physical numerical count of crops on individual farms is simply multiplied by a pre-determined rate and then interpreted as value is unacceptable to most valuers. The discrepancies in values occasioned by the use of the crop enumeration method are not there because the method is bad.

### **e. Over-valuation and Under-valuation of Interests.**

The general feeling is that valuers work from the answer to the question. They value according to the dictates of the clients they represent and tend to manipulate figures to satisfy their clients. Valuers representing acquiring authorities manipulate their figures to correspond with budgetary provisions for the particular acquisition in question and this is usually achieved by the use of low multiplier rates, usually State or Federal government rates. On the other hand, valuers representing communities manipulate their figures to achieve desired compensation figures by introducing names of non-existent claimants ('ghost names') and counting of crops that do not exist, which inflates the overall value.

## **f. Lack of Standards and Clear Definition of the Functions of Government Agencies**

There appears to be a complete misinterpretation of some of the provisions of the Land Use Act. The law does not provide for the use of rates as it obtains in practice but makes provision for the Appropriate Officer to define a rate to be used. There are also no clear guidelines or documented procedures regarding the process or the roles or responsibilities of different stakeholders. Lack of standard bases and methods of valuation for compensation in Nigeria and the use of non-professionals in ascertaining value are some of the problems associated with the process of land acquisition and assessment of compensation.

There are statutory conflicts and some of the provisions of government policy are quite subjective, leaving room for multiple interpretation. There is the general feeling that standards are urgently required and their development should be the collective responsibility of all stakeholders in the process. The absence of guidelines is partly responsible for the alarming discrepancies. A code of practice is required, which would guide all the parties involved as it would make the process easier and possibly reduce the disparity in values. Local practice methods fit our environment even though they may not be suitable for the international community, owing to the fact that our policies on land are not the same. If the methods are standardized, there will be closer convergence between the estimates of different surveyors and the differences will be insignificant.

## **7. CONCLUSION**

This paper describes phenomenology as a diagnostic research tool and how it can be applied to real estate research. The benefits of the methodology is that it creates room for research problems to be studied within the context in which they occur allowing those who experience a phenomenon first hand to give an account of their own perceptions of these experiences before any theorizing. It is a rather tedious methodology involving the use of multiple data collection protocols within the same study. Although it is rather qualitative in nature, it lends itself to quantitative data analysis. The method needs to be applied with rigour and used by researchers who are dogged. Although it appears like a departure from traditional research patterns in real estate disciplines which usually commence with a literature review, it produced rich information in a comprehensive narrative. However, the absence of an initial extensive review of literature could lead to re-inventing the wheel which makes it more useful in under-researched fields.

## **BIBLIOGRAPHY**

- Alterman, R. (2007) The “Legitimate Public Purpose” for Land Expropriation.  
[http://www.tkk.fi/Yksikot/Kiinteisto/FIG/pdf-files/Alterman\\_presentation.pdf](http://www.tkk.fi/Yksikot/Kiinteisto/FIG/pdf-files/Alterman_presentation.pdf)
- Burr, V. (1995). An Introduction to Social Constructionism, London, Routledge.
- Bruyn, S. T. (1966) The Human Perspective in Sociology: The Methodology of Participant Observation. Volume, DOI:
- Crawford A. J. (2007). Compulsory Acquisition of Land South East Queensland, Australia.  
<http://www.tkk.fi/Yksikot/Kiinteisto/FIG/pdf-files/07092007Crawford>



- Creswell, J. W. (2003). *Research Design Qualitative, Quantitative and Mixed Methods Approaches*. USA, Sage Publications.
- Creswell, J. W. (1998). *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*. Thousand Oaks, California, Sage Publications.
- Crotty, M. (1998). *The Foundations of Social Research: Meaning and Perspectives in the Research*
- Denzin, N. K., Lincoln, Y.S, Ed. (2000). *The Handbook of Qualitative Research*. Thousand Oaks, CA, Sage.
- Hannock, B. (1998). "Trent Focus for Research and Development in Primary Health Care: An Introduction to Qualitative Research."
- Kakulu, I.I. (2008) *An analysis of Processes and Methods in Compulsory land Acquisition and Compensation*. Unpublished Doctoral Thesis – University of Reading
- Moustakas, C. (1994). *Phenomenological Research Methods*. Thousand Oaks, CA, Sage.
- Nuhu, M.B. (2007) *Compulsory Acquisition and Payment of Compensation in Nigeria: A Case Study of Federal Capital Territory (Fct) Abuja*.  
<http://www.tkk.fi/Yksikot/Kiinteisto/FIG/pdf-files/06092007Nuhu>
- Patton, M. Q. (2002). *Qualitative Research and Evaluation Methods*. California, Sage.
- Plimmer. F. (2007) *Compulsory Acquisition and Compensation in the UK*.  
<http://www.tkk.fi/Yksikot/Kiinteisto/FIG/pdf-files/06092007Plimmer>
- Viitanen, K., and Kakulu, I.I. *Global Concerns in Compulsory Purchase and Compensation Processes*. Integrating Generations, FIG Working Week Stockholm, Sweden June 14-19 2008
- Yin, R. K. (2003). *Application of Case Study Research*., Sage Publications.

## CONTACTS

Mrs Iyenemi Ibimina Kakulu  
 Department of Estate Management  
 Rivers State University of Science and Technology  
 P.M.B. 5080 Port Harcourt,  
 NIGERIA  
 Tel. +234 803 705 5178; + 44 7766593660  
 E-mail: [ibkakulu@hotmail.com](mailto:ibkakulu@hotmail.com)

Prof. Peter K. Byrne  
 Department of Land Management and Development  
 The University of Reading  
 Whiteknights, Reading  
 England, RG6 6AW  
 UNITED KINGDOM  
 Tel. +44 (0)118 378 6340  
 E-mail: [p.j.byrne@reading.ac.uk](mailto:p.j.byrne@reading.ac.uk)

Prof. Kauko Viitanen  
Helsinki University of Technology  
Department of Surveying  
P.O. Box 1200  
FIN-02015 TKK  
FINLAND  
Tel. + 358 9 451 3870  
Fax + 358 9 465 077  
E-mail: kauko.viitanen@tkk.fi