

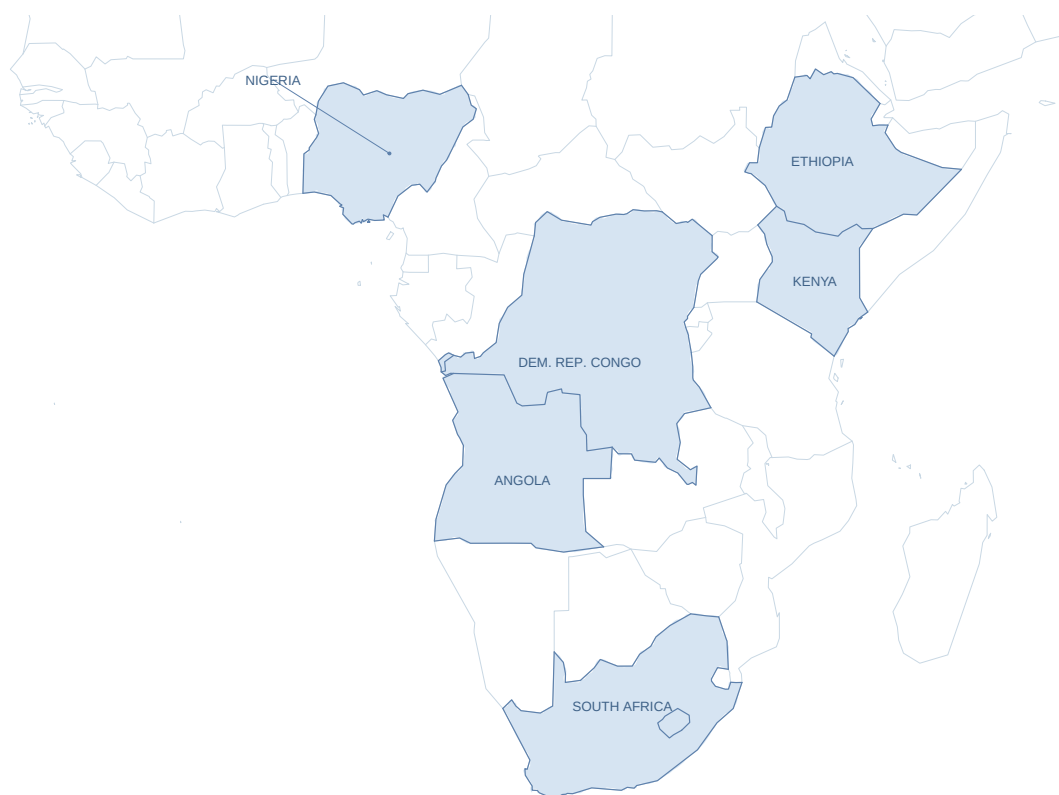
# Recent Sub-Saharan African Court Cases

*Recent Court Decisions • The Valuation Engineer*

William Bert Craytor • Vol. 1, Issue 2 • Fall 2026

DOI: 10.67330/axdv2525

**Notice to readers.** These summaries are the Journal's own descriptions of court decisions and legal instruments, written for valuation professionals. They are not legal advice. Where the understanding of a decision or a provision is critical to a matter, the reader should consult the official text and obtain advice from a lawyer qualified in the jurisdiction concerned. Many of the sources were written in languages other than English and were read in machine translation, which can be in error; each such item is marked, and its original-language source is linked so that it can be checked.



Jurisdictions surveyed in this installment are outlined and shaded.

## Scope and Sources

This installment concerns the valuation of interests in real property in Sub-Saharan Africa — the figure the law arrives at, and the method by which it does so. The material that follows is weighted toward compulsory acquisition — expropriation, the taking of private property by the state, called eminent domain (or condemnation) in the United States — because that is what these jurisdictions publish; private conveyance, partition and landlord-and-tenant files largely do not reach a searchable record. Where they do — Kenya's Environment and Land Court and the Supreme Court of Nigeria

are the standing exceptions — the material becomes reachable, and the sections below begin to draw on it; the weighting of this installment still reflects what was published, not a view of what matters.

This is the *baseline* installment for Sub-Saharan Africa. The continent holds too many jurisdictions for a survey of this kind to treat comprehensively, and the department has selected six: South Africa, Nigeria, Kenya, the Democratic Republic of the Congo (DRC), Angola and Ethiopia. All six are treated in this installment.

The selection is deliberate rather than representative. South Africa and Nigeria are included because each has adopted a compensation standard that departs from market value, and a survey of valuation law that examined only jurisdictions committed to market value would be answering an easier question than the subject poses. Kenya and the DRC are included for regional coverage and for the contrast between a common-law and a civil-law framework.

Angola and Ethiopia complete the selection. Angola is included because its law now runs two valuation regimes at once — a market-value standard in Lei 1/21 and an administrative coefficient formula for State housing disposals — and Ethiopia because the best 2025–26 record of how a statutory compensation formula performs is empirical rather than judicial.

**Provenance.** Material read in a language other than English is marked at the point of use with a **Source** note giving the original-language publication and a link to it. Anything this department says about such a decision is its own summary composed in English, not a translation of the court's words, and editions of this journal published in a language surveyed here must present these passages as editorial description and follow the link for the court's own language rather than rendering this English back into it.

South Africa, Nigeria and Kenya report in English; the DRC in French; Angola in Portuguese. The Ethiopian material relied on here is published in English.

## Expropriation, Eminent Domain, and Condemnation

*Including inverse condemnation. Just compensation, larger parcel, severance, project influence, stigma, and reasonably probable future use.*

The African material is dominated by one question — whether market value is the measure of compensation or merely one factor in it — and the jurisdictions surveyed answer it differently. The country studies are kept whole under this heading.

### South Africa — market value to become one factor among several

**The Expropriation Act 13 of 2024.** Assented to on 20 December 2024 and published on 24 January 2025 (Government Gazette No. 51964), the signing having been announced the day before, the Act has not yet been brought into operation: its commencement requires a presidential proclamation under section 31, which had not been made at press time, and the Expropriation Act of 1975 accordingly still governs. Once brought into operation, the 2024 Act will replace the 1975 Act and give statutory effect to section 25(3) of the Constitution, which requires compensation to be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected. Section 12(1) directs that the amount be determined having regard to all relevant circumstances, including the following non-exhaustive list:

- the current use of the property;
- the history of its acquisition and use;
- *the market value of the property*;
- the extent of direct State investment and subsidy in its acquisition and in beneficial capital improvement; and
- the purpose of the expropriation.

Section 12(3) further identifies listed instances in which nil compensation may be just and equitable where land is expropriated in the public interest. Affected parties may mediate or litigate a compensation dispute.

*Implication for appraisers.* Until the commencement proclamation issues, the 1975 Act’s compensation regime continues to apply, and a report should say which regime it is written under. Once the 2024 Act is in operation, section 12(1) will change the place of market value: it will be one listed circumstance among all relevant ones, and the statute does not weight the circumstances it lists.

The consequence for practice will be that a South African expropriation valuation cannot consist of a market valuation alone, because a market valuation answers only one of the questions the statute asks. The appraiser’s market figure will remain necessary — several of the other listed circumstances are unintelligible without it, since one cannot assess the extent of State subsidy in a property’s value without knowing that value — but it will no longer be sufficient, and a report that presents it as the answer will have mistaken an input for a conclusion.

It is also worth being precise about what nil compensation will and will not entail. Under section 12(3) it is available where land is expropriated in the public interest, in listed instances, not at large, and the balance in section 12(1) still governs. But its presence in the statute confirms that compensation is treated as the outcome of a weighing exercise rather than as a measurement, which will bear directly on the valuer’s (appraiser’s) role once the Act is in force.

**Source** — Library of Congress, Global Legal Monitor, and Werksmans Attorneys, on the Expropriation Act 13 of 2024 (official summary and commentary; read in English):  
<https://www.loc.gov/item/global-legal-monitor/2025-03-27/south-africa-new-expropriation-act-signed-into-law/>  
<https://www.werksmans.com/legal-updates-and-opinions/expropriation-act-deconstructed-and-demystified/>.

***NAD Property Income Fund v SANRAL* [2026] ZASCA 42 — market value as the starting point.** The Supreme Court of Appeal, 1 April 2026, deciding a 2016 expropriation under the Expropriation Act 63 of 1975 — not the 2024 Act described above, which is not in force — held that market value under section 12(1) of that Act is the presumptive starting point, and that section 25(3) of the Constitution then requires an objective assessment of what is just and equitable — the two-stage approach of *Du Toit*. The matter was remitted. For a valuer the sequence is the holding: market value is found first, as a figure, and the constitutional adjustment is applied to it, not folded into it. *Flag*: read from the official headnote; the judgment text was inaccessible to this department.

**The Land Claims Court, briefly.** In *Poti v Jacobs* [2025] ZALCC 52 blanket compensation awards for dispossessed tenancy rights, built on benchmarks that had nothing to do with the rights

— consultants’ figures, the housing-subsidy amount — were set aside as irrational and remitted for the court’s own determination. In *Shah* [2025] ZALCC 57 leave to appeal was confined to solatium and financial loss; the land valuation itself stood. And the litigation over the Expropriation Act 13 of 2024 has produced, as at press, only an interlocutory ruling on intervention ([2026] ZAWCHC 334): no court has yet construed the Act’s compensation provisions.

**Source** — NAD Property: <https://lawlibrary.org.za/akn/za/judgment/zasca/2026/42/eng@2026-04-01>; Poti: <https://lawlibrary.org.za/akn/za/judgment/zalcc/2025/52/eng@2025-01-21>; Shah: <https://lawlibrary.org.za/akn/za/judgment/zalcc/2025/57/eng@2025-05-09>; Afriforum interlocutory: <https://lawlibrary.org.za/akn/za-wc/judgment/zawchc/2026/334/eng@2026-05-12>. All LawLibrary headnotes; judgment pages refused access. The Land Claims Court and Western Cape citations follow LawLibrary’s numbering. SAFLII is reported to number the same judgments [2025] ZALCC 6 (styled *Poti and Others v Minister of Rural Development and Land Reform*), [2025] ZALCC 19 and [2026] ZAWCHC 218; SAFLII refused access at press and the difference is not resolved here. The other South African citations in this installment are LawLibrary’s as well.

## Nigeria — land value is not compensable

Nigeria’s context is unique and must be stated before anything else, because the general expropriation frame does not fit it. Under the Land Use Act 1978 all land is vested in the State; the occupant holds a *right of occupancy* — the Act’s tenure, statutory or customary: a right to occupy and use the land, not ownership of the land itself. “Compensation” on revocation is accordingly compensation for improvements, not a price for the land.

**The Land Use Act 1978, section 29.** Where a right of occupancy is revoked *for public purposes* — revocation for breach of the conditions of the grant yields no compensation — the holder and the occupier are entitled to compensation for the value, at the date of revocation, of their *unexhausted improvements* — the buildings, works and crops whose useful value is not yet used up, the compensable residue where the land value itself is not paid for. The word does the work. No compensation is payable for the value of the land itself, nor for disturbance (in the United States, relocation payments). The holder of bare land receives at most a refund of the year’s rent.

Section 29(4) then prescribes how the entitlement is assessed, and the prescription repays close reading:

- **for the land** — an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked;
- **for buildings, installations and improvements** — the replacement cost less depreciation, together with interest at the bank rate for delayed payment; and
- **for crops on the land** — an amount equal to their value as prescribed and determined by the appropriate officer.

*Implication for appraisers.* Two provisions here deserve particular notice.

The land component is not a valuation at all. A year’s rent paid by the occupier is an accounting figure drawn from that occupier’s own arrangements; it bears no determinate relation to what the land is worth, and two identical parcels will attract different sums according to what their occupiers happened to be paying. Whatever the merits of the policy — and the Act’s vesting of land in the State makes its own sense of it — an appraiser instructed under section 29 is not being asked for an opinion of value in the land component. There is nothing to appraise; there is a figure to retrieve.

The improvements component mandates the cost approach and forecloses the others. Depreciated replacement cost is the measure, with no market check and no scope for the sales comparison or income approaches to correct it. The *Foundations* department in this issue treats the three approaches as differing methodological responses to the heterogeneity of real property, to be reconciled according to which navigates a particular property most credibly. Section 29(4) removes the reconciliation and selects one approach in advance, for every property. Where replacement cost less depreciation diverges from what a building contributes to value — which for functionally obsolete or specialized improvements it routinely does — the statute follows the cost.

Nigerian judicial commentary records pressure in the direction of true market value, and the tension between section 29 and the constitutional guarantee of property has been much litigated. This department has not verified a decision resolving it, and the point is carried forward.

**Sources** — Land Use Act 1978, consolidated text (official, read in English): <https://lawsfnigeria.placng.org/print.php?sn=228>; section 29 as enacted: <https://www.lawglobalhub.com/section-29-nigerian-land-use-act/>.

***Edu v Mobil* — where an unexhausted-improvements claim must be brought.** On 30 January 2026 the Supreme Court ended a claim of twenty-nine years' standing, put with interest at about NGN 1.4 billion, by holding that the Federal High Court had no jurisdiction over it. Claims founded on compulsory acquisition and on compensation for unexhausted improvements belong to the State High Court. The claim was voided on that ground, without the compensation ever being assessed.

*Implication for appraisers.* This is the most consequential Nigerian decision of the period for anyone instructed on a section 29 claim, and its lesson is procedural rather than methodological. A valuation prepared for a claim commenced in the wrong court is not a valuation that will be tested, corrected or paid; it is work that expires with the suit. Twenty-nine years of it expired here. The corresponding proposition was applied at first instance in *WinHomes Estate v Controller of Works* (Federal High Court, Lagos, Aluko J, 21 November 2025), where a claim over 18.838 hectares at Okun-Ajah on the Coastal Highway alignment was struck out on the same jurisdictional footing.

***Onigbanko* — an acquisition voided, and a sum awarded.** In Suit ID/5709/2025, reported in July 2026, the Lagos State High Court at Ikeja (Lawal J) voided a federal acquisition of about 292 hectares on the Lagos–Badagry Expressway and awarded NGN 300 million in damages for trespass together with NGN 12 million in costs. The award is a trespass measure and not a section 29 assessment, and should not be cited as the latter; it is carried because it is the rare Nigerian matter of the period in which an acquisition was set aside and a figure attached to the consequence.

***Adebo* — a thin notice does not void a revocation.** In *Adebo v Executive Governor of Oyo State & 2 Ors* (2026) 6 NWLR (Pt. 2038) 81 the Supreme Court held that the doctrine of *fortissime contra preferentes* does not avoid a revocation of a right of occupancy made in good faith for a public purpose under section 28 merely because the notice is sparse in its particulars. No value was decided. It is carried because the validity of the revocation is the question logically prior to the compensation one: where the revocation stands, the section 29 measure — improvements only — is what the holder gets.

**Title, briefly.** Three Supreme Court decisions on the private side are recorded in a line each, since each controls what interest a valuer would be valuing. *Alawiye* (SC.733/2017, 13 June 2025):

where the same grantor grants twice, the earlier grant prevails — *prior tempore potior jure* — and the later allocation is void while the first title stands unrevoked. *Okoro v Udeh* ((2026) 1 NWLR (Pt. 2024) 163): a survey plan is not always required to prove title, but is where the identity of the land is in issue. *Gawa v Dandada* and *Gonimi v Aisami* (2026): title is proved on the claimant's own case, not on the defendant's admissions.

**Sources** — *Edu v Mobil* reporting (read in English), *ThisDay*: <https://www.thisdaylive.com/2026/01/31/1-and-dispute-supreme-court-ends-29-year-battle-voids-n1-4bn-claim-against-mobil/>, and analysis: <https://www.lexology.com/library/detail.aspx?g=1085c34b-0761-4d6d-a494-176eec4fa3fd>; *Onigbanko*: <https://www.thisdaylive.com/2026/07/06/court-voids-fgs-acquisition-of-292-hectares-of-ancestral-land-awards-n300m-damages/>; *Adebo*, commentary: <https://www.mondaq.com/nigeria/real-estate/1827434/revocation-of-right-of-occupancy-under-the-land-use-act-clarification-on-the-application-of-the-doctrine-of-fortissime-contra-preferentes-in-adebo-v-executive-governor-of-oyo-state-2-ors>; *WinHomes*: <https://thewest.ng/coastal-highway-court-strikes-out-suit-by-winhomes-e-state-other-against-fg/>; *Alawiye* commentary: <https://www.thisdaylive.com/2026/01/13/order-of-priority-where-competing-interests-in-land-emanate-from-same-grantor/>; *Okoro v Udeh* commentary: <https://www.mondaq.com/nigeria/trials-appeals-compensation/1733888/do-you-need-a-survey-plan-to-prove-land-ownership-in-court-lessons-from-the-supreme-courts-decision-in-okoro-v-udeh-2026-1-nwlr-pt-2024-163>. Amounts are in Nigerian naira as reported. Each of these entries rests on law reports and legal reporting rather than on a judgment text read by this department.

*Verification note.* No Nigerian judgment of 2025–26 on compensation under the Land Use Act could be retrieved from any accessible source: the free database's coverage ends in 2018, the Supreme Court and Court of Appeal sites expose no judgment text, and the commercial reporters are paywalled. Nigerian case law of the period is, for practical purposes, published only behind a subscription, and the absence here records that.

## Kenya — just compensation by land value index

**The Land Value (Amendment) Act 2019.** Kenya recast its compulsory acquisition framework in 2019. Three features matter here.

*Just compensation* is defined as fair compensation assessed and determined through the criteria the Act sets out. *Prompt* is defined too, and unusually: within a reasonable time and in any case *not more than one year* after the Commission takes possession of the land. And the valuation of freehold and community land for compensation is to be based on a *land value index*, developed by the Cabinet Secretary in consultation with the county governments and approved by the National Assembly and the Senate (the development-and-consultation wording is per commentary; the exact statutory wording has not been re-verified).

The National Land Commission acquires compulsorily at the request of national or county government and is responsible for ensuring just and full compensation is paid. A Land Acquisition Tribunal now hears appeals from the Commission's decisions.

*Implication for appraisers.* The land value index is an administratively fixed measure, approved by both chambers of the legislature. The practical question for a Kenyan valuer is what room remains for market evidence where the index speaks, and that is a question about the index's own construction rather than about any one property.

The definition of promptness deserves separate notice. Kenya leaves the valuation date alone and caps the permissible delay at one year by statute — a strategy that requires no retrospective valuation work from the appraiser.

Finally, on community land the reported difficulty is implementation rather than statutory exclusion: commentary records that no consolidated index had been produced for community rangelands. That is reported, not verified.

**The Tribunal, and what it actually awards.** The Land Acquisition Tribunal reports to the official Kenya Law reporter, and it is the one bench in this survey whose compensation decisions can be read in full without a subscription. Three of 2025–26 are worth setting out.

*Tudor Creek Ltd v National Land Commission*, Petition E063 of 2025, [2025] KELAT 182, 4 September 2025, is the most instructive award in this installment. The Tribunal found an unlawful taking of 0.628 hectares of ocean frontage and ordered compensation of Kshs 80,751,792.50 — inclusive of the fifteen percent disturbance allowance — payable within forty-five days, with interest at the central bank rate from June 2012, trespass damages of Kshs 20 million a year and aggravated damages of Kshs 5 million. The owner’s claim to be paid for the whole, on the ground that the remaining 1.47 hectares had been rendered economically unviable, failed: the residue was some seventy percent of the parcel and the owner “failed to demonstrate how this remaining portion is economically unviable”. The Tribunal then awarded Kshs 81,631,000 for injurious affection — the loss of 257.4 meters of ocean frontage, which it put at half the value of the remaining land. The Tribunal endorsed “an ascertainable and transparent methodology based on market comparables or Land Value Index (where applicable)”. Injurious affection (in the United States, severance damages or damages to the remainder) exceeding the value of the land taken is unusual and is the figure to examine.

*Msangha v National Land Commission*, Appeal E015 of 2025, [2026] KELAT 3, 14 January 2026, concerned the Nyali–Kilifi A107 dualling. The award of 7 August 2025 was set aside and Kshs 4,000,000 substituted on a revised valuation of 30 October 2025 — the Commission’s revised rate of Kshs 1,500,000 an acre — payable in thirty days with interest at court rates.

*Mulu & 55 others v National Land Commission*, Petition E038 of 2024, [2025] KELAT 202, 2 December 2025, upheld gazetted acquisitions of 2018–22 and dismissed the petition without costs, the complaints of delay and of undervaluation being unproven.

**The Environment and Land Court above it.** A Tribunal award is not the end. In *KeNHA v Igainya*, [2026] KEELC 2771, 12 May 2026, the Environment and Land Court at Machakos set aside a Tribunal judgment of 6 June 2024 that had ordered remittance of Kshs 581,684,619 — ninety percent of a 2018 award — quashed the awards of 2018 and 2021, and directed a fresh inquiry into 2.222 hectares of L.R. 7815/8, with Kshs 64,631,624 already paid to be credited against whatever the new inquiry produces.

**The ordinary market, reported.** The Environment and Land Court also reports the private market, which almost no other jurisdiction in this survey does. At Voi, in E007 of 2025 (23 July 2026), a vendor under an agreement of 8 April 1998 had failed to convey a good leasehold; the buyer who had paid in full was held entitled to the leasehold of L.R. 12263/2, and a freehold title of 30 November 2001 was canceled as issued in error — the remedy running to the interest itself rather than to damages. In *Criticos v AIC Makutano* ([2026] KEELC 3529, 11 June 2026, Voi) the court put the two remedies side by side across some 410.6 hectares: Kshs 320 million, or cancellation of title — a decided equivalence between an interest and a figure. And in *Cirtex v Leparakwo* ([2026] KEELC 2859, 14 May 2026) the administrative reconstruction of a “lost” register was stayed pending trial: registration mechanics, carried as such.

*Implication for appraisers.* *Tudor Creek* is the remainder decision this issue otherwise lacks. Chile prices the strip and leaves the residue undertheorized; Israel's reported matters turn on the estate rather than the balance land; here a tribunal put a figure on the residue itself — not because it was unviable, a claim the Tribunal rejected, but because it had lost its ocean frontage — and did so at slightly more than the compensation for the part taken. An appraiser instructed on a Kenyan partial taking should therefore value the balance as a distinct question, before and after, and say what the taking has done to it: on this authority a residue that can still be used may yet have lost half its value, and that loss is compensable. The disturbance allowance is statutory and inclusive, and should be shown as a line rather than folded into the land rate. And *Mulu* is the reminder that a complaint of undervaluation is a matter of proof: it failed for want of evidence, not because the Tribunal thought the figures right.

**Sources** — Kenya Law official reporter (read in English): *Tudor Creek*, <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/182/eng@2025-09-04>; *Msangha*, <https://new.kenyalaw.org/akn/ke/judgment/kelat/2026/3/eng@2026-01-14>; *Mulu*, <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/202/eng@2025-12-02>; Environment and Land Court, Machakos, <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/2771/eng@2026-05-12/source.pdf>; Tribunal index, <https://new.kenyalaw.org/judgments/KELAT/2025>; Voi conveyance, <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/4690/eng@2026-07-23/source.pdf>; *Criticos*, <https://kenyalaw.org/akn/ke/judgment/keelc/2026/3529/eng@2026-06-11>; *Cirtex*, <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/2859/eng@2026-05-14>. Natural Justice, *Analysis of the Land Value (Amendment) Act 2019* (commentary): <https://naturaljustice.org/wp-content/uploads/2020/01/Analysis-of-the-Land-Value-Amendment-Act.pdf>.

**The Land Acquisition Tribunal's year.** Kenya's Land Acquisition Tribunal published more compensation decisions in 2025–26 than any other African body, all in official text, and they form a coherent doctrine.

**The date is the notice, and appreciation is not recovered:** *Kigathi v KeNHA*. [2025] KELAT 193, 29 September 2025. An award of Kshs 38,997,000 made in 2021 was paid four years late; the claim for a fresh valuation to capture the appreciation in between was dismissed. Compensation is fixed at the value at publication of the notice of intention to acquire. Delay is compensated, if at all, by interest — and the interest claim failed on the facts.

**The private valuation that did not displace the Government Valuer:** *Mungai, Pentagon, Kiema*. *Mungai v NLC* [2025] KELAT 188: an appellant's valuation of Kshs 22 million — a current 2025 figure, without comparables and without the statutory fifteen percent allowance — was rejected, and the Commission's comparables-and-adjustments figure of Kshs 16,248,555 at the 2021 gazettelement upheld. *Pentagon Communications* [2025] KELAT 181: private valuations of Kshs 24 million in 2016 and Kshs 27 million in 2024 did not discharge the burden of impeaching the Government Valuer. *Kiema* [2025] KELAT 169: a claimant contesting the value of improvements must itemize and prove each item. The pattern is uniform — a bare competing figure is not evidence against the official one; a demonstrated error in the official method is.

**Unlawful acquisition priced in full:** *Tudor Creek v NLC*. [2025] KELAT 182, 4 September 2025, is reported in full above.

**A rate adopted, then applied next door:** *Msangha and Lenjo*. [2026] KELAT 3, reported above, adopted the Commission's revised Kshs 1,500,000 an acre; [2026] KELAT 7, a month later, applied the same rate to the adjoining parcel — land Kshs 560,422.80, improvements Kshs 7,000,

fifteen percent disturbance, Kshs 652,536. A unit rate found in one reference becoming the comparable for the next is how a tribunal builds a tone; it is also how an error propagates, and the second decision does not re-examine the first.

**Briefly noted.** *Carlisle Development* [2025] KELAT 75: Kshs 712,380,000 for 7.596 hectares with interest from the 2014 acquisition and general damages of Kshs 1,000,000 an acre. *KeNHA v Igainya* [2026] KEELC 2771 is reported above. *Salim v NLC* [2026] KECA 749: an appeal from Kshs 29,275,130 against an owners' valuation of Kshs 62 million was dismissed on a notice point, the Court of Appeal declining to reach adequacy. No 2025–26 decision applying the land value index to fix a figure was found; it is cited, not used.

*Implication for appraisers.* The Kenyan tribunal has done in two years what the Latin American and European statutes describe and seldom show: a working body of decisions on burden, date and method. Its rule on private valuations is the strictest in this survey — a figure without comparables, without the statutory allowance and at the wrong date is not merely outweighed, it is not evidence at all.

**Source** — All read in the official texts on Kenya Law — Kigathi: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/193/eng@2025-09-29>; Mungai: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/188/eng@2025-10-27>; Pentagon: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/181/eng@2025-08-25>; Kiema: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/169/eng@2025-05-08>; Tudor Creek: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/182/eng@2025-09-04>; Msangha: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2026/3/eng@2026-01-14>; Lenjo: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2026/7/eng@2026-02-02>; Carlisle: <https://new.kenyalaw.org/akn/ke/judgment/kelat/2025/75/eng@2025-02-07>; Igainya: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/2771/eng@2026-05-12>; Salim: <https://new.kenyalaw.org/akn/ke/judgment/keca/2026/749/eng@2026-04-10>.

## Democratic Republic of the Congo — the same premise, the opposite conclusion

**Law 73-021 of 20 July 1973 and the ownership of the soil.** The general regime of goods, land and real estate, as amended by Law 80-008 of 18 July 1980, provides at article 53 that the soil is the *exclusive, inalienable and imprescriptible property of the State* — imprescriptible meaning not subject to prescription, the civil-law statute of limitations, so that no lapse of time or adverse possession can divest the State of it. Private persons hold rights of enjoyment, not ownership of land. Article 54 divides the State's land patrimony into a public and a private domain. The principal private right is the *concession perpétuelle*, which the State recognizes in a natural person of Congolese nationality, conferring indefinite enjoyment of the holding for so long as the statutory conditions are satisfied. The reform is no longer a bill: Loi n° 25/062 was adopted by the National Assembly on 14 December 2025 and carries the date 30 December 2025, so the 1973 framework described here should be read against it. A ministerial order of 20 April 2026 (n° 116/CAB/MIN/AFF.FONC/ONM/jna/2026) has since declared 43,159 hectares at Kia Mona / Maluku to be of public utility, with compensation to follow the procedure of the new law — the first substantial test of it, and one that has produced no published assessment yet.

**Law 77-001 of 22 February 1977 on expropriation for public utility.** The 1977 Law operates together with the 1973 Law to determine which real property rights may be expropriated. Article 18 fixes both the measure and the date: the indemnity “doit être fondée sur la valeur du bien à la date du jugement statuant sur la régularité de la procédure” — the value of the property at the date of the judgment on the regularity of the procedure. It must be paid before the transfer is registered and within four months of the judgment fixing the indemnities, failing which

the expropriée may sue to annul the expropriation. Where the parties disagree, the expropriée is summoned before the courts, which verify the regularity of the administrative procedure and settle the indemnity; the tribunal hears the parties and, where appropriate, the experts, and under article 17 rules on the amount *within one month* of that hearing. (The formula “just and prior” belongs to the Constitution, not to this Law, and the Law does not use the phrase “real value”.) Commentary notes that the guarantee is not always observed in practice.

*Implication for appraisers.* The comparison with Nigeria is the point of this entry, and it is instructive precisely because the two jurisdictions begin from the same premise and end in opposite places.

Both vest the land itself in the State, so that a private holder has a right of use rather than ownership of the soil. Nigeria draws from this the conclusion that the value of the land is not compensable at all, and confines the entitlement to unexhausted improvements assessed at depreciated replacement cost. The Congolese statute draws the opposite conclusion: compensation is measured by the value of the property, which is a valuation standard rather than a formula, and it must be paid before the transfer is registered. State ownership of the soil, in other words, does not dictate that the holder’s interest is worth nothing — what it dictates is that the interest to be valued is the concession rather than the fee, which is a question about identifying the subject of the valuation, not about extinguishing it.

Two further features deserve notice. The requirement of payment before registration, within four months and on pain of annulment, forbids the sequence of take-first-pay-later rather than repairing its consequences afterwards. And the one-month limit on the tribunal’s determination is a procedural constraint that disciplines the speed of the *decision* rather than of the *payment*, and it has an obvious practical consequence for the expert, whose evidence must be ready and comprehensible on a timetable that allows no leisurely reconciliation of competing reports.

*Verification note.* Articles 17 and 18 of the 1977 Law were read in French in the text cited below, a legal-information site’s transcription rather than the Journal officiel. The 2025 reform is a different matter: the ministry’s page confirms only that the National Assembly adopted it on 14 December 2025, and the law number, its date of 30 December 2025 and the ministerial order of 20 April 2026 given above are carried as reported, without a source. No decision of a Congolese court has been consulted, and the commentary that the guarantees are unevenly observed in practice is reported, not verified.

**Sources** — Loi 77-001 du 22 février 1977 sur l’expropriation pour cause d’utilité publique, full text (read in French): <https://www.leganet.cd/Legislation/Droit%20administratif/Urbanismevoiries/Div/L.77.001.22.02.1977.htm>; FAOLEX copy: <https://faolex.fao.org/docs/pdf/cng65882.pdf>; adoption of the 2025 reform law, Ministry of Land Affairs (read in French): <https://www.affairesfoncieres.gouv.cd/actualites/1assemblee-nationale-adopte-le-projet-de-loi-de-reforme-fonciere>. No Congolese decision assessing compensation has been consulted. The 2025–26 Congolese land matters reachable in open sources — the Ngatshie succession parcels at Kinshasa-Gombe, the Lito Moboti building, and the sixty-two spoliation files sent to the parquet in August 2026 — are enforcement of title and criminal referrals, none of them a reasoned judgment fixing a value.

*Verification note.* The Congolese Cour de cassation’s published decisions of 2025–26 — seven, on the Juricaf collection — are all in the criminal register; the domestic legal database’s jurisprudence archive ends in 2020. No expropriation decision of the period is published.

## Angola — a statutory formula, and a market-value standard without reported cases

**Lei 1/21 and the indemnity standard.** The expropriation indemnity is governed by Lei 1/21 of 7 January 2021, which sets the measure as current market value determined by the actual or normal economic use of the property as at the declaration of public utility. The valuation is to have regard to the soil together with the cost of the buildings upon it, to sales of neighboring property, to prior purchase prices, and to tax assessments; the work is reserved to appraisers on the cadastral register. Disputes go to the *Tribunal de Comarca* or to arbitration.

**Presidential Decree 147/25 — a formula, not a judgment.** For the disposal of State housing seized, built or bought through 2008, Presidential Decree 147/25 of 30 July 2025 prescribes the sale price arithmetically:

$$V_a = V_b \times A_c \times C_l \times C_a \times C_s$$

— a base value multiplied by covered area and by coefficients for location, for age and condition, and for other factors. It is an administrative price, not an opinion of market value, and it is the operative valuation instrument for those disposals.

*Implication for appraisers.* Angola presents the two regimes side by side, and the distinction is the practical one. Lei 1/21 is a market-value standard with a conventional evidentiary list — comparable sales, prior prices, cost of improvements. Decree 147/25 substitutes a coefficient formula for that judgment entirely. A valuer asked for “the value” of an affected Angolan property must first establish which of the two regimes the transaction sits in, because they will not produce the same number and only one of them admits comparable evidence at all.

**Benguela — a surface right that survived non-use, and an indemnity refused for want of proof.** In an *acórdão* of 27 November 2025 the Tribunal da Relação de Benguela (Proc. 21/2025) held that a surface right over a rural concession of 13.95 hectares, granted in 2017 and registered in 2018, had *not* been extinguished by the holder’s failure to put the land to effective use. Lapse for non-use is not automatic: it must be declared by the granting authority under article 190 of the Land Law Regulation, and no such declaration had been made, so the right “se manteve na esfera jurídica” of the holder. Both appeals were dismissed and the first-instance judgment stood — the telecommunications operator whose antenna had stood on the land since 2007 must return it. The holder’s claim to an indemnity of Kz 10 million for the years of deprivation failed on a different ground: the damage and its causal link were never particularized or proved (Civil Code art. 563).

*Implication for appraisers.* This is the decided Angolan outcome the section otherwise lacks, and it decides two things. A concession-derived right survives non-use until the administration formally declares it lapsed, so there remains a compensable interest to value; an Angolan valuation should still open on the condition of the right — granted, registered, used, and whether any lapse has been declared — before it opens on the land. And a claim for deprivation of use fails without proof of the loss: the period of deprivation buys nothing unless someone has valued what was lost in it.

*Verification note.* No reported Angolan opinion of 2025–26 fixing a *justipreço* on an expropriation was located; the Benguela decision refuses an indemnity rather than assessing one. The Tribunal Constitucional’s Acórdão 963/2025 of 12 February 2025 holds, in a related vein, that building a house on land in the State’s private domain does not of itself create a constitutionally protected private-property title — a proposition with obvious consequence for any claim founded on unexhausted improvements, though again no value was decided. Two further Tribunal Constitucional decisions

fix interests rather than figures and are noted in a line: Acórdão 999/2025 (4 June 2025) treats the house on the rupture of a união de facto as co-possession and co-ownership, defeating a claim to exclusive title, and Acórdão 1081/2026 restores the terrace and corridor of a horizontal-property building to its registered owners (<https://www.tribunalconstitucional.ao/pt/acordaos/ac%C3%B3rd%C3%A3o-n%C2%BA-999-2025>; <https://www.tribunalconstitucional.ao/pt/acordaos/ac%C3%B3rd%C3%A3o-n%C2%BA-1081-2026/>). The pending ICSID claim *Machado v Angola*, in which the claimant’s expert put the fair market value of four turbines at US\$128.4 million at the alleged taking dates against US\$157.7 million at 31 July 2025, is equipment valuation in an investment claim, not land, and is recorded only for that contrast.

**Sources** — Lei 1/21 (read in Portuguese): <https://lex.ao/docs/assembleia-nacional/2021/lei-n-o-1-21-de-07-de-janeiro/>; Decreto Presidencial 147/25 (Portuguese): <https://lex.ao/docs/presidente-da-republica/2025/decreto-presidencial-n-o-147-25-de-30-de-julho/>; *Machado v Angola*, statement of claim (English): <https://jsumundi.com/en/document/pdf/other/en-ricardo-filomeno-duarte-ventura-leitao-machado-v-republic-of-angola-statement-of-claim-thursday-11th-september-2025>; Tribunal da Relação de Benguela, *acórdão* of 27 November 2025, official PDF (read in Portuguese): <https://tribunaldarelacaodebenguela.ao/storage/uploads/acordaos/01KJ7HRGBVP4NNH3S26EWNTK.pdf>; Tribunal Constitucional, Acórdão 963/2025 (Portuguese): <https://www.tribunalconstitucional.ao/pt/acordaos/ac%C3%B3rd%C3%A3o-n%C2%BA-963-2025/>.

*Verification note.* All 177 Tribunal Constitucional decisions of 2025–26 were scanned. Four touch property — Acórdãos 973/2025, 1017/2025, 1107/2026 and 1116/2026, on confiscation registration, a Huambo action to recover property (*reivindicação*) with an indemnity of US\$27,500, emigrants’ immovables and an allegedly non-existent expropriation act — and none decides value or method. The Tribunal Supremo lists no civil decision of the period on expropriation, and the official gazette was inaccessible.

## Ethiopia — the formula, the lease benchmark, and what a prohibition is worth

**Regulation 472/2020 and the compensation formulas.** Ethiopian valuers assessing compensation for expropriated holdings work to the formulas set by Regulation 472/2020. The published record of 2025–26 is not appellate reasoning about those formulas but empirical evidence about their outcome.

**Hawassa — the measured shortfall.** A study published in *Survey Review* in 2026, with field-work to January 2026, records that 85.5 percent of expropriated households in Hawassa City reported that compensation did not match their loss, with adequacy correlating with distance to services, delay in payment, education, and interruption of business. It is a survey, not a judgment, and is carried as such.

**Addis Ababa — a benchmark applied backwards.** Between January and March 2026 the city demanded new lease terms at about ETB 4,541 per square meter on contracts already running, with the threat of auction or seizure. The objection taken by practitioners is that benchmark revisions under Proclamation 721/2011 govern new supply and do not reach back into a lease of 2010. That is a dispute about the date at which a value is fixed and about non-retroactivity, and at press it was undecided: the report records scholars’ objections and a call for federal clarification, not litigation.

**Akgün — a prohibition valued as sunk cost.** In an award reported in March 2026, a Hague tribunal made no finding of expropriation of industrial-zone land, accepting a reservoir-protection

rationale for the restriction, but found a breach of fair and equitable treatment. It awarded about US\$14 million — sunk costs with 6 percent interest from 2015, plus costs — against a claim of some US\$500 million.

*Implication for appraisers.* The Akgün measure is the point worth carrying. Where a land-use prohibition was not treated as a taking, the tribunal did not value the land residually as though the prohibited use were available; it valued what had actually been spent. The gap between US\$14 million awarded and US\$500 million claimed is almost entirely the difference between a sunk-cost measure and a residual-value measure of the same restricted site.

*Verification note.* Almost no Ethiopian appellate appraisal opinion of 2025–26 is published in English. This entry rests on a regulation, a peer-reviewed survey, contemporaneous reporting of an administrative dispute, and one arbitral award. No domestic decided quantum is stated.

**Sources** — Hawassa compensation study, *Survey Review* (English): <https://www.tandfonline.com/doi/full/10.1080/00396265.2026.2622114>; Addis Ababa lease repricing, *Capital Ethiopia* (English): <https://capitalethiopia.com/2026/03/15/real-estate-lease-price-hikes-erode-investor-confidence-in-ethiopia/>; *Akgün v Ethiopia*, final award (English): <https://jsumundi.com/en/document/decision/en-akgun-insaat-makina-s-anayii-ve-dis-ticaret-ltd-sti-v-federal-democratic-republic-of-ethiopia-final-award-save-as-t-o-costs-friday-29th-august-2025>; reporting, *Addis Fortune*: <https://addisfortune.news/ethiopia-wins-in-the-hague-but-not-without-a-bill>.

*Verification note.* No Federal Supreme Court cassation decision of 2025–26 on compensation under Proclamation No. 1161/2019 (expropriation of land holdings for public purposes, compensation and resettlement) could be retrieved: the court’s site loops, and the only mirror carries undated Amharic volumes with no verifiable entry from the period.

## Taxation

*Ad valorem assessment appeals, current use against highest and best use, special-purpose and utility property, estate and gift tax, and conservation-easement valuation.*

**South Africa — a valuation roll declared invalid: *Property Park v Lesedi*.** Gauteng High Court, 24 February 2026. The municipality’s 2024–2029 general valuation roll was declared unlawful for material non-compliance with the public-notice and objection provisions of the Municipal Property Rates Act; the declaration was suspended for six months, and rates levied on the applicants for 2024/25 set aside for recalculation. The one South African judgment of the period this department read in full, from a scanned copy hosted by the valuers’ council.

**South Africa — the appeal board that did not weigh the experts: *Liberty Group v Valuation Appeal Board*.** [2025] ZAGPJHC 2023, 8 July 2025. The Board’s uncritical acceptance of the municipal valuer, its use of unregistered-lease information, and its failure to assess the competing experts rendered its valuation irrational and reviewable. An appeal body that adopts one side’s figure without saying why the other’s was wrong has not decided anything.

**Kenya — Kshs 17.4 billion in rates, not payable: *Tata Chemicals Magadi v Kajiado County*.** [2025] KECA 1721, 24 October 2025. A demand for Kshs 17,448,485,646 in land rates was unenforceable because the rates had not been determined in compliance with the Rating Act and the Valuation for Rating Act. In *Kilindini Warehouse v Mombasa County* [2026] KEELC 4324 a unilateral increase from Kshs 743,400 to Kshs 1,858,500 was quashed on the same footing and

a refund ordered. The Kenyan courts are policing the valuation roll as a precondition of the tax, which is where an assessment appeal has most leverage and is least often brought.

**Source** — Property Park, SACPVP-hosted judgment PDF: <https://www.sacpvp.co.za/legal/Case%20law.%20Rates.%20Gauteng%20High%20Court.%20Lesedi.%20Validity%20of%20valuation%20roll.%20non%20compliance.%202026.pdf>; Liberty (headnote): <https://lawlibrary.org.za/akn/za-gp/judgment/zagpjhc/2025/2023/eng@2025-07-08>; Tata Chemicals: <https://new.kenyalaw.org/akn/ke/judgment/keca/2025/1721/eng@2025-10-24>; Kilindini: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/4324/eng@2026-07-09>.

## Lending, Foreclosure, and Mortgage Regulation

*Origination and refinance appraisals, GSE, FHA and FIRREA independence rules, deficiency actions, and what loss the valuation actually caused.*

**South Africa — the reserve price, set and reset.** Rule 46A requires a court to consider a reserve price before a home is sold in execution, and the 2025–26 decisions show the rule working in both directions. Reserves were reduced where rates arrears were consuming the equity (*Standard Bank v Mabasa* [2025] ZAGPPHC 2111) or after a failed auction (*Absa v De Heus* [2025] ZAGPPHC 2240), and in one case set aside for a sale without reserve. But in *Absa v Kgwele* [2026] ZAGPPHC 504 execution was refused because the valuation report was defective under the Property Valuers Profession Act; in *Nedbank v Pitt* [2025] ZAGPJHC 2016 thirteen applications were removed for want of fresh sworn valuations and the practitioners referred to their regulators; and *FirstRand v Mochesane* [2026] ZAFSHC 385 held a sworn valuation desirable but not an absolute requirement. All from headnotes.

**Kenya — the value at the date of sale: *Housing Finance v Kimeriah*.** [2025] KECA 1215, 4 July 2025. An award of Kshs 150 million for a wrongful mortgagee’s sale was set aside: the loss is measured by the value at the date of sale, not at trial with later developments counted in. *Feast Foods v Kenya Development Corporation* [2026] KEHC 3774 annulled an auction conducted on an undated valuation (market value Kshs 295 million, forced-sale value Kshs 221.25 million) and required “a proper valuation reflective of the best price reasonably obtainable at the time of sale”; a party impeaching a valuation bears the burden of doing so on recognized valuation principles.

**Source** — South African headnotes at LawLibrary: <https://lawlibrary.org.za/akn/za-gp/judgment/zagpphc/2025/2111/eng@2025-07-31>; <https://lawlibrary.org.za/akn/za-gp/judgment/zagpphc/2026/504/eng@2026-04-29>; <https://lawlibrary.org.za/akn/za-gp/judgment/zagpjhc/2025/2016/eng@2025-07-09>; <https://lawlibrary.org.za/akn/za-fs/judgment/zafshc/2026/385/eng@2026-08-20>; Kimeriah: <https://new.kenyalaw.org/akn/ke/judgment/keca/2025/1215/eng@2025-07-04>; Feast Foods: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2026/3774/eng@2026-03-23>.

## Valuer and Appraiser Professional Liability

*Negligence, breach of contract, and rarely fraud against the appraiser; bracket and margin of error, intended use, and USPAP compliance.*

**A claim that failed: *Equity Bank v Metrocosmo*.** [2025] KEHC 9183, 27 June 2025. A bank’s negligence claim against a valuer was dismissed: no proof that the valuation fell below professional standards or caused the loss, the later contradicting valuers not having been called, and lenders bearing responsibility for their own credit assessment.

*Implication for appraisers.* *Metrocosmo* states the defensive half of the law of valuer negligence in a form an appraiser can use. The standard is professional margin, and it must be proved by evidence of what other valuers found, not asserted by the lender's loss. And where the lender did no assessment of its own, the valuer's report cannot be made to carry the whole of the decision.

*Verification note.* South Africa's valuers' council publishes no disciplinary decisions, and no 2025–26 judgment against a South African valuer was found; the nearest are execution applications refused for defective valuation reports, reported under *Lending* above. Kenya's Valuers Registration Board was itself in court (*Kihoro v VRB* [2025] KEHC 1881, a stay of a deregistration). Nigeria's regulators' sites refused access.

**Source** — *Metrocosmo*: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/9183/eng@2025-06-27>; *Kihoro*: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/1881/eng@2025-02-06>. Official texts.

## Family Law, Divorce, and Equitable Distribution

*Date-of-value contests, discounts, and whether a contemplated subdivision or development is reasonably probable.*

**South Africa — the divorce-date valuation, and the tax that need not be deducted:** *S L M v H A C*. [2025] ZAGPJHC 1998, 19 June 2025. A forensic valuation at the divorce date governs the equalization of accrual, and speculative future tax on assets not yet sold need not be deducted from it. Headnote only. In *N S v R S* [2025] ZAKZDHC 99 joint ownership was terminated with a sale subject to a R5 million reserve or a buy-out of the half share at R3 million.

**Kenya — valued, then bought out or sold.** The Kenyan pattern is consistent across five decisions of 2025: the matrimonial property is divided equally, valued by a joint or government valuer, and one spouse buys the other out at that figure within a fixed period, failing which it is sold. In *Trompell v Titus* [2025] KEELC 5831 the figure was Kshs 26,000,000 following the Government Land Valuer; in *Opondo v Odebero* [2025] KEHC 4562 a court-sanctioned valuation of Kshs 103,500,000 was upheld; in *TOL v CMM* [2025] KEHC 3582 the valuation was to be “as-is” including improvements. Where the valuer is the government's, the parties' dispute about value largely disappears — which is the design.

**Source** — *S L M*: <https://lawlibrary.org.za/akn/za-gp/judgment/zagpjhc/2025/1998/eng@2025-06-19> (headnote); *Trompell*: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/5831/eng@2025-07-30>; *Opondo*: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/4562/eng@2025-04-08>; *TOL*: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/3582/eng@2025-03-17>.

## Estate, Trust, and Probate

*Date-of-death value, lack-of-control and marketability discounts, and mixed real-estate and business interests.*

**Kenya — the administrator's liability is the current value.** In *Estate of Ann Njeri Gichuru* [2025] KEHC 15338 an administrator who sold estate property without authority was held personally liable, the measure being the *current* open-market value of two Nairobi properties as fixed by a single joint valuer — not the price obtained at the unauthorized sale. In *Wairima v Wairima* [2025] KEHC 19720 the Ministry of Lands valuation (Kshs 1,000,000 land, Kshs 540,000 improvements)

was preferred over the county's (Kshs 1,800,000 and Kshs 400,000), and Kshs 1,200,000 upheld as payable to the beneficiaries. Two further estates were ordered to independent registered valuation at current market value. Nothing was found in South Africa on the valuation of estate immovables.

**Source** — Gichuru: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/15338/eng@2025-10-31>; Wairima: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/19720/eng@2025-06-12>. Official texts.

## Partnership, Shareholder, and Buy-out Disputes

*Fair value against fair market value, and whether an asset or cost approach is appropriate when the real estate is an operating asset.*

**South Africa — fair value under sanctions, and a close-corporation buy-out.** In *Swanvest 328 v Ensemble Hotel Holdings* [2026] ZASCA 101 the Supreme Court of Appeal ordered a minority's shares in a hotel-holding company repurchased at fair value, the shares being frozen under sanctions and the repurchase subject to ministerial permission — fair value, in a case where no market could exist. In *Gray v Ferrier* [2025] ZAWCHC 558 a member's interest was valued at R1,075,000 with empowerment and contribution factors weighed. *Van Wyk v Lategan* [2026] ZAGPJHC 783 ordered one trust to buy a co-owning trust's half-share at independent market value rather than force a sale. All headnotes.

**Kenya — the co-owner and the rent since 1997.** [2026] KEELC 4093, 2 July 2026. A co-owner's buy-out was ordered on a single independent valuer's figure for current market value, with an account of rental income since 1997. No oppression buy-out valuation of the period was found.

**Source** — Swanvest: <https://lawlibrary.org.za/akn/za/judgment/zasca/2026/101/eng@2026-07-21>; Gray: <https://lawlibrary.org.za/akn/za-wc/judgment/zawchc/2025/558/eng@2025-08-26>; Van Wyk: <https://lawlibrary.org.za/akn/za-gp/judgment/zagpjhc/2026/783/eng@2026-03-03>; Tonui: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2026/4093/eng@2026-07-02>.

## Insurance, Casualty, Environmental Diminution, and Private Contract Damages

*Before-and-after value, cost to cure against stigma, wildfire and contamination, insurance appraisal clauses, options, and partition.*

**Kenya — indemnity is the value at the loss, not at inception: *APA Insurance v Britind*.** [2025] KECA 1602, 3 October 2025. The Court of Appeal measured the indemnity by the value of the insured items at the time of the loss, not by the inception valuation made two months earlier, and reduced special damages to Kshs 58,608,224 — building damage Kshs 35,130,575. In *Mombasa Cement v Kenindia Assurance* [2026] KEHC 12926 a collapsed blending silo was covered on a replacement-cost basis under a machinery policy with a sum insured of Kshs 3 billion: Kshs 664,767,843 for the silo and Kshs 982,434,033 for loss of profits, Kshs 1,647,201,876 in all.

**Kenya — diminution or reinstatement, not both.** The Energy and Petroleum Tribunal in *Gatonye v KPLC* [2025] KEET 20 held that wayleave compensation should reflect the diminution in value of the affected portion, supported by professional valuation, with Kshs 1,500,000 for continuing trespass. Across the Environment and Land Court the measure for trespass is restated as “the

amount of diminution in value or the cost of reinstatement of the land, and not both” — *Njuguna v SS Mehta* [2025] KEELC 18613 treating a restoration claim as duplicative of Kshs 12,000,000 in general damages.

*Verification note.* No South African decision of 2025–26 on reinstatement against indemnity, under-insurance or mining subsidence was found; *Capital Propfund v UPL* [2026] ZAKZPHC 61 holds only that a delictual claim for contamination is competent, at the pleading stage. Nothing in Nigeria, the DRC, Angola or Ethiopia.

**Source** — APA: <https://new.kenyalaw.org/akn/ke/judgment/keca/2025/1602/eng@2025-10-03>; Mombasa Cement: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2026/12926/eng@2026-08-12>; Gatonye: <https://new.kenyalaw.org/akn/ke/judgment/keet/2025/20/eng@2025-05-15>; Njuguna: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/18613/eng@2025-12-11>. Official texts.

## Coverage and completion status

What this installment covers, jurisdiction by jurisdiction, and what is carried forward:

- **Nigeria — the constitutional question.** The tension between section 29 of the Land Use Act and the constitutional guarantee of property has been extensively litigated, and remains unresolved here. Four decisions of 2025–26 are carried in the Nigerian section, but none of them assesses compensation: *Edu v Mobil* decides where such a claim belongs, *WinHomes* applies that at first instance, *Adebo* decides when a revocation survives a thin notice, and *Onigbanko* awards a trespass measure after voiding an acquisition. A Nigerian decision actually quantifying unexhausted improvements under section 29 is still the department’s first priority.
- **Kenya — the index.** The Land Acquisition Tribunal is surveyed: some ten of its 2025–26 decisions, and an Environment and Land Court decision setting a Tribunal judgment aside, are carried above, read in the official reporter. What remains unexamined is the land value index itself — how it is constructed, and what room is left for market evidence where the index speaks. That is a question about the index rather than about any one property, and it is the department’s next Kenyan target.
- **Democratic Republic of the Congo — the case law and the 2025 reform.** No Congolese decision has been consulted, and the reform law adopted by the National Assembly on 14 December 2025 needs to be read, once its text is available, against the 1973 framework described above.
- **South Africa — the case law.** No decision applies section 12(1) of the 2024 Act, which is not in force; *NAD Property*, *Poti* and *Shah* above were decided under the earlier law and are reported from headnotes. How the courts will weigh the 2024 Act’s listed circumstances against one another is the question that matters.
- **Angola — the *justipreço* case law.** The section above states Lei 1/21 and the Decree 147/25 formula. No Angolan appellate decision fixing a compensation figure was located in open sources, and whether the courts treat the decree formula as displacing the statutory market-value standard for affected disposals is unanswered here.
- **Ethiopia — the appellate record.** The section above rests on a regulation, a survey and one arbitral award. Ethiopian appellate decisions applying Regulation 472/2020 are not published in English, and the Addis Ababa lease-repricing dispute was undecided at press.