

Federal Republic of Nigeria



Federal Ministry of Agriculture and Rural Development

Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project



Resettlement Policy Framework

FINAL DRAFT REPORT (JANUARY 2017)

## Definition of Terms

Term	Meaning
Involuntary resettlement	“Involuntary Resettlement” refers to both physical displacement (relocation or loss of shelters) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihoods) because of land acquisition undertaken specifically for a project. Resettlement is involuntary when affected individuals or communities do not have the right to refuse land acquisition, which results in their physical and/or economic displacement. This occurs in cases of expropriation and negotiated settlements in which the buyer can resort to expropriation. All resettlement losses are compensated in-kind or in-cash, depending on the context (see World Bank OP 4.12).
Land acquisition	The World Bank Operational Policy 4.12 and other similar international requirements clarify that “land acquisition” covers both full purchases of property as well as the permanent purchase of rights other than full property rights, such as rights-of way, easement and certain usufruct rights. Land acquisition can be permanent or temporary.
Physical displacement	Loss of dwelling or business as a result of project-related land acquisition, which requires the affected person(s) to move to another location. Physical displacement of businesses typically entails economic displacement too (see for more detail World Bank OP 4.12).
Economic displacement	Loss of assets (including land) or access to assets that leads to loss of income sources or means of livelihood as a result of project-related land acquisition or restriction of access to natural resources. People or enterprises may be economically displaced with or without experiencing physical displacement (see for more detail OP 4.12).
Stakeholder	All Persons or groups, affected by the project directly or indirectly and/or with interests in the project and who may be able to influence its outcome either positively or negatively (OP 4.12).
(PAP)	Project Affected Person: Person or enterprise experiencing either physical or economic displacement or both as a direct result of the project.

Term	Meaning
Land tenure	<p>The national and state governance of land: Traditionally all land is customary owned and administered by the different communities. Within this communal land, individual households have been provided with land for agricultural and residential purposes, have improved this land through their own labour and investments., These people perceive themselves and are perceived by others as the owners of this residential and agricultural land even if they have no formal title, are the sole decision maker of this developed land: thus, have what one calls the “permanent user rights”. This RPF recognizes 3 categories of use right holders:</p> <p><b>Permanent user right holders:</b></p> <ul style="list-style-type: none"> <li>• <b>Owner</b> is a landowner, who cultivates the whole of the major part of his proprietary agricultural land holdings. The peasant-owner is in most cases the household;</li> <li>• <b>Landlords</b> are non-cultivating owners, who get their proprietary holding tilled by another person and receive rent in cash, in kind or in the form of services</li> <li>• <b>Migrant farmers</b> are people that established farms and houses on land that customarily belongs to a different community;</li> <li>• <b>Fulani</b> follow traditionally a pastoralist or nomadiclifestyle, but most have settled down over time and transformed into small scale farmers.</li> </ul> <p><b>Temporary user rights holders:</b></p> <p><b>Tenants</b> do not own land, but cultivate a rented holding. The rent can be paid in cash, in kind (sharecropper) or in the form of services to the landlord. The temporary use agreement can be formal, but seems to be in most cases informal;</p> <p><b>Informal occupants:</b> This category includes landless agricultural labourers and others.</p> <p>All undeveloped land, i.e. all land that is not used for agriculture, residential purposes or orchards, is entirely controlled by the clan and customary owned by the community. It is the clan that decides to grant parts of it to households to establish new residents or farmland and it is the community that recovers unused agricultural and residential land when it has been not used for several years.</p>
Informal right holder	<p>Person or group of persons recognized by customary rules, or other socially accepted processes, as having certain ownership or usufruct rights over an asset or resource, although these usufruct rights are neither formalized in a legal document such as a title nor officially registered. Typical situations where informal right holders are encountered include according to the World Bank’s OP 4.12:</p>
Businesses	<ul style="list-style-type: none"> <li>• Business is recognised through registration or payment of taxes);</li> </ul> <p>Informal ownership or occupation is not recognized in Nigeria but is by all sides not considered as a “black-and-white” situation and there are many gray areas: informal right holders may be illegal from the standpoint of some</p>

Term	Meaning
	authorities, and legal or even encouraged for others.
Vulnerable groups	Vulnerable or “at-risk” groups includes people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. The RPF therefore provides for supplemental assistance to assist each category of vulnerable persons during resettlement.
Cut-Off Date	The date that establishes eligibility for compensation and other benefits related to land acquisition. Best practice suggests using the date on which the census and assets inventory is started in a particular community or area. In order for the Cut-Off Date to be valid, PAPs are notified. According to the World Bank’s OP 4.12 the census conducted at a declared Cut-Off Date is, as a rule, valid for a period of two years from the start of the census.
Compensation	Payment in cash or in kind for loss of land, access to land, and immoveable asset or a resource that is acquired or affected by the project.
Allowance	Cash paid to defray resettlement related expenses other than losses of immoveable assets. For example, tenants can be provided with a cash <i>allowance</i> to support their effort to secure alternative housing. A moving <i>allowance</i> can be paid to people who have to relocate as a result of Project land acquisition. An <i>allowance</i> is distinguished from compensation, which reimburses the loss of an immoveable asset or land
Livelihood	A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.
Livelihood restoration	Specific activities intended at supporting displaced peoples’ efforts to restore their livelihoods to pre-project levels. Livelihood restoration is distinguished from compensation. Livelihood restoration measures typically include a combination of cash or other allowances and support activities such as training, agricultural assistance or business enhancement. Livelihood restoration is often referred to as economic rehabilitation (see for more detail OP 4.12).
Resettlement Framework (RPF)	Policy Where a project or sub-project is not defined to such a level that a final footprint is available and or detailed data are missing, an RPF defines the principles with which any Resettlement Action Plan will accord and outlines the expected impacts and compensation, physical relocation and livelihood restoration programs (see for more detail the World Bank’s OP 4.12).
Resettlement Action Plan (RAP)	<p><b>Resettlement Action Plan outlines how the resettlement will be managed to fulfil the objectives of WB OP 4.12</b></p> <ul style="list-style-type: none"> <li>identifies the impacts, types and levels of compensation and</li> </ul>

Term	Meaning
	<p>other measures based on the value of assets that will be lost</p> <ul style="list-style-type: none"> <li>Includes action plan for allocating compensation and budget for implementation, compensation etc.</li> </ul>
Replacement value	<p>The current market value of the asset plus transaction costs (e.g. taxes, stamp duties, legal and notarization fees, registration fees, travel costs and any other such costs as may be incurred as a result of the transaction or transfer of property). In applying this method of valuation, depreciation of structures and assets is not taken into account. For losses that cannot easily be valued or compensated for in monetary terms, in-kind compensation may be appropriate. However, this compensation should be made in goods or resources that are of equivalent or greater value and that are culturally appropriate. With regard to land and structures, replacement costs are defined as follows:</p> <p><b>Agricultural land</b>—the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes.</p> <p><b>Residential land</b>—the current market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.</p> <p><b>Houses and other structures</b>—the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors’ fees and transaction costs such as registration and transfer taxes. (see for a more elaborated definition the World Bank’s OP 4.12)</p>
Adequate housing	<p>Adequate housing or shelter can be measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility, and locational characteristics. Adequate housing should allow access to employment options, markets, and basic infrastructure and services, such as water, electricity, sanitation, health-care, and education. International standards afford adequate housing and security of tenure to displaced persons at resettlement sites.</p>

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## **EXECUTIVE SUMMARY**

### **Introduction**

The Resettlement Policy Framework (RPF) of the Agro Processing; Productivity Enhancement and Livelihood Improvement Support (APPEALS) Project was originally prepared as the Staple Crop Processing Zone (SCPZ) Project. The SCPZ RPF was consulted upon reviewed and subsequently disclosed in Nigeria and World Bank InfoShop on April 23, 2015 and April 29, 2015 respectively. This RPF has now been reviewed and updated to incorporate the changes in the original design of the project as requested by the borrower. These changes include geographical extension to other states and additional value chains. These changes did not trigger additional World Bank safeguard policies. In addition, the new project is going to be implemented on brown fields unlike the Kogi model SCPZ that was a green field project. This project does not envisage significant land take or physical displacement of persons while involuntary resettlement may be triggered particularly as a result of pockets of potential economic displacement of project affected persons.

The project concept is embodied in transforming small subsistence farmers' production system (farming 1-5 ha) become a market-oriented agricultural undertaking and support middle size farmers (5-10ha) address constraints in enhancing productivity and their effective participation in value chains.

The agriculture sector of Nigeria is characterized by low productivity; little and untimely access to inputs; lack of seed funds for establishing agro-processing plants by producer cooperatives; lack of access to supportive infrastructure; challenging business environment; limited access to markets; and low level of technology adaption; weak quality control mechanism; and low capacity at all levels. The project will address some of these challenges: (i) improving access to seed capital through grants and matching grants; (ii) support to productivity enhancement through introduction of new technologies and agricultural inputs; (iii) improve access to infrastructure by supporting investment; (iv) improving the capacity of producer cooperative through training and TA, especially for targeted women and youth groups; (v) facilitate market linkage through out-growers schemes; and (vi) facilitate on-farm value addition by targeting limited value chains and linking farmers to the supply chain. Within that context, the project-support will allow to achieve three priority goals: exploit export potential, improve food security and enhance livelihoods. The type of value chains to be supported will be aligned towards the achievement of these priority goals – in the immediate, short-run and medium-term.

The objective of the APPEALS Project is to support agricultural productivity growth and value addition by greater inclusion of smaller categories of farmers, production and processing units and opening it up beyond the model SCPZ in Alape, Kogi State to more states in Nigeria along the APP priority value chain corridor for better representation of various agro-ecological and geo-political zones of the country. The project is also aimed to use the existing implementation structures of the World Bank funded Commercial Agriculture

Development Project (CADP) to fast track implementation of the new project and to take advantage of the achievements and experiences already gained in the 5 CADP participating states (Cross River, Enugu, Kaduna, Kano and Lagos), working on 8 value chain (rice, maize, poultry, aquaculture, dairy, milk, cashew, oil palm and cocoa).

The APPEALS Project, which seeks to obtain funding to the sum of **USD200M** from the World Bank, is in line with the Agriculture Promotion Policy<sup>1</sup>, which intends to build on the legacy of the ATA and to support policy thrusts on Food Security, Import Substitution, Job Creation and Economic Diversification. The policy thrust has three key thematic areas: Productivity Enhancement, Crowding in Private Investment, and FMARD' Institutional Realignment. The proposed project will support the government new policy thrust and priorities for the agriculture sector across the three thematic areas of the APP, focusing more on Theme 1- productivity Enhancements 1, and contributing to some extent to Theme 2 Crowding in Private Investment and Theme 3- FMARD Institutional realignment.

Project direct beneficiaries are estimated at a minimum of 60,000 individuals living in the six participating states, with about 10,000 per state, constituted mostly by farmers and their cooperatives societies, as well as individuals and owners, associates and workers of small and medium scale business enterprises along and around the supported priority value chains. It is anticipated that 35 percent of the total direct beneficiaries will be women. . By design, the project has a dedicated sub-component to benefit women and youth that will allow them to develop agri-business that is expected to create jobs and improve their livelihoods.

### **Rationale for Revising the RPF**

As stated earlier, the Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project is different from the project design of the Kogi model SCPZ project, not only in terms of change in project title, geographical extension to other states, and additional value chains, but also in the fact that the APPEALS unlike the Kogi SCPZ is being implemented on brown fields in the participating states and therefore, requires no massive land take. The project is also not going to support concentration of massive infrastructure within a cluster but may support provision of last mile connection to infrastructure, such as energy, road rehabilitation and water access networks.

Although the project will not require significant land take for the reasons earlier adduced, it is not inconceivable that involuntary resettlement is triggered since there may be pockets of economic activities and livelihoods along the corridor that will be displaced, disturbed and/or denied access to as a result of the implementation of component 3 (Infrastructure Support to Agribusiness Clusters). At the time of this project preparation, the site thematic boundaries where the project would be implemented in and engineering design of specific investments are not known in sufficient details. Therefore this RPF is the suitable safeguard document prepared to mainstream the right framework for preparing and implementing specific Resettlement Action Plan (RAP) when the exact project locations, implementation design and PAPs have been sufficiently known.

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Other stand-alone safeguard documents prepared along with this RPF are the Environmental and Social Framework (ESMF) and the Integrated Pest Management Plan (IPMP). The ESMF provides guidance for addressing potential environmental and social impacts that may result from civil works while the IPMP provides a comprehensive integrated management plan for pests in the catchment areas. All three stand-alone safeguard documents will be reviewed by World Bank and re-disclosed in-country in line with the Federal Ministry of Environment guideline and at World Bank infoshop.

## Project Components

The Project has 5 components as follows: 1: Production and Productivity Enhancement (US\$40m)

2: Primary processing, Value Addition, Post-Harvest Management and Women and Youth Empowerment (US\$92m)

3: Infrastructure Support to Agribusiness Clusters (US\$40m)

4: Technical Assistance, Knowledge Management and Communication (US\$12.5m)

5: Project Management and Coordination (US\$15.5m).

## Legal and Policy Framework

The RPF was guided by the Nigerian Land Use Act 1978 and the World Bank OP 4.12. The relevant sections of the two laws and the gaps analysis is as follow:

Category	Nigerian Law	World Bank OP4.12	Measures to Filling the Gaps
Minimization of resettlement	No requirement to consider all options of project design in order to minimize the need for resettlement or displacement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs	Design of footprints of project-related activities, particularly commercial farmland, will be undertaken so as to minimize resettlement.
Information and Consultation	It's lawful to revoke or acquire land by the governor after issuance of notice. No consultation is required.	PAPs are required to be meaningfully consulted and participate in the resettlement process	PAPs shall be meaningfully consulted and engaged in the resettlement process
Timing of Compensation	The law is silent on timing of payment	Compensation implementation to take precedence before construction or displacement	Compensation and resettlement implementation to take place before construction or displacement
Livelihood restoration	Makes no proscription on livelihood restoration measures	Requires that vulnerable PAPs be rehabilitated	Livelihood restoration measures will be put in place for vulnerable PAPs
Grievance Process	The land use and allocation committee appointed by the Governor is vexed with all disputes/grievances	Requires that a grievance redress mechanism be set early constituting the representative of PAPs and, prefers local redress mechanism. The law court	A grievance redress committee (GRC) shall be established early and existing local redress process shall be considered to address

	and compensation matters	is the last resort when available mechanism or outcome is unsatisfactory to PAP	issues of project induced grievances. PAPs or their representatives shall be members of the GRC.
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary right	Compensation in cash to the community, chief or leader of the community for the benefit of the community	Land for land compensation or any other in-kind compensation agreed to with the community	Land for land compensation or any other in-kind compensation agreed to with the community
Agricultural land	Entitled to alternative agricultural land	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation	Land for land compensation
Statutory and customary right Land Owners	Cash compensation equal to the rent paid by the occupier during the year in which the right of occupancy was revoked	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Squatters, settlers and migrants	Not entitled to compensation for land, but entitled to compensation for crops.	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land
Owners of "Non-permanent" Buildings	Cash compensation based on market value of the building (that means	Entitled to in-kind compensation or cash compensation at full replacement cost including	Entitled to in-kind compensation or cash compensation at full replacement cost

	depreciation is allowed)	labour and relocation expenses, prior to displacement.	including labour and relocation expenses, prior to displacement.
Owners of “Permanent” buildings, installations	Resettlement in any other place by way of reasonable alternative accommodation or Cash Compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.

### Types of Potential Social Impacts and Categories of Affected Persons

The specific scope of project impact would be ascertained when site locations are known in sufficient details. This framework (RPF) has however presented a broad spectrum of possible social impacts that are associated with similar project with a view to describing the nature of the impacts and entitlements to PAPs.

No	Type of Impact	Description of Potential Impact	Affected Group
1	Loss of fallow and agricultural Land	This impact is not expected to play out significantly in this project. By project design only brown fields will be funded in the participating states thereby avoiding or reducing drastically the risk of loss of land	Land owners, tenants, squatters, farmers, pastoralists, hunters
2	Land use alteration, depletion and high cost for land	This is not anticipated as large land acquisition will not be required	Farmer groups, community and land users
3	Displacement	Possible cases of involuntary resettlement will occur due to the infrastructure component of the project. This will mainly be in the form of economic displacement of PAPs who ply along the right of ways where road rehabilitations will take place	Communities and settlers
4	Loss of common natural property	This impact will not occur in this project because it is a brown field project	Vulnerable group, women, hunters
5	Loss of building and Structures	Loss of kiosk, shops and retail tables may occur	House owners, tenants, traders
6	Loss of employment	This may include those on land based wage employment and workers in affected shops	Women, youth, fishermen, herders
7	Local conflict of interest	Issues of compensation benefits may result to conflicts among kinsmen and neighbours. The migration of strangers induced by the project development may	Cost communities, migrant workers, investors

		also result to conflict between the hosts and migrants	
8	Gender alienation	Women may be disenfranchised from compensation benefits and from project related benefits. Component 2 of this project is specifically designed to avoid gender vulnerability. Also, RAP implementation will ensure women representation in all the process.	Women
9	Grievances, court cases and social unrest	Grievances, court cases and social unrest may not only affect the community but may stall project implementation and sustainability	Investor, government, community

### Estimate of Project Affected People

Estimate of PAPs cannot be ascertained at this stage since project activities, geographical scope and implementation designs are yet to be finalized. This RPF anticipates at most **minor involuntary resettlement** (economic displacement) issues because the project will be implemented on brown fields which mean that activities are already on-going and may not have potential for significant land acquisition. Similarly, infrastructure provisions to be funded by the project are not going to be concentrated in one cluster. Expectations are that involuntary resettlement may arise mostly from economic displacement of squatters and land users within and/or around the corridors of infrastructure routes, such as link roads to the farms or agro-production/processing areas.

In view of the above, reliable estimates of the number of potential project-affected persons are not possible to make at this point. Notwithstanding, this RPF is prepared to provide guidance and process for preparing an abbreviated resettlement action plan (ARAP) or a full Resettlement Action Plan (RAP). ARAP is triggered when less than 200 persons are adversely affected or less than 10% of total landholding is to be acquired in a given project site/community. RAP is the desirable instrument when more than 200 PAPs are involved and/or more than 10% landholding of the community is to be acquired.

### Framework to avoid or Minimize Impacts

The principles of OP 4.12 require that as much as reasonably practicable, involuntary resettlement should be avoided or minimized. In line with this, the project sponsor will avoid/minimize some of the impacts through the following considerations:

- Design changes and stakeholder engagement;
- Ensuring that only brown fields are supported
- Use of existing right of way that minimizes encumbrances for infrastructure facility routing such as road rehabilitation.

## **Mitigation Measures**

Impacts that cannot be avoided will be addressed via adequate compensation and will be determined via social assessment during ARAP/RAP preparation stage within the location for land acquisition/investment. The framework for the compensation/resettlement will then be applied incorporating specific(1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) valuation procedures(4) implementation procedures,(4)financial responsibilities, and(5)monitoring and evaluation plan. Livelihood restoration measures will consider issues such as: (1) income, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income generation,(4)number of persons notable to revert to previous occupation, and(5)existing skills of affected persons.

Vulnerable persons among the project affected persons (PAP) will be identified and special assistance offered during the compensation implementation process. Criteria include age-above 65years, physical/mental disability, women, migrant farmers and herdsmen, widows, orphaned children and bedridden or seriously sick persons.

Cut-off date will be announced using existing local media to ensure that no new entrants into the project land after census of affected persons.

## **Eligibility Criteria for Entitlement**

This RPF recognizes that all forms of impacts caused by permanent or temporal land acquisition under this project should be mitigated irrespective of their status to landholding and therefore describes below the eligibility criteria for different categories of PAPs:

- a) Those that have formal rights to land (including statutory, customary, traditional and religious rights, recognized under the Federal and/or State Laws of Nigeria)
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the state and/or federal laws of Nigeria or become recognized through a process identified in this RPF.
- c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from but were occupying or making use of the land before the cut-off date announced by the project.

Those covered under a) and b) above are to be provided compensation for the land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy. However, persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

## **Grievance Redress Mechanism (GRM)**

The objectives of the grievance redress mechanism are to:

- Provide an effective avenue for affected persons to expressing their concerns and resolve disputes that are caused by the project
- Promote a mutually constructive relationship among PAPs, government and investors
- Prevent and address community concerns,
- Assist larger processes that create positive social change and,
- Identify early and resolve issues that would lead to judicial proceedings

## **Composition of Grievance Redress Committee (GRC)**

A functional Grievance Redress Committees shall be constituted by the PIU in conjunction with the local community to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected people and to carry out post implementation social audits. The PIU will incorporate the use of existing local grievance redress process available in the community to addressing disputes that may result from this project. This will entail co-opting the traditional council and some local leaders as members of the GRC. The specific composition of these committees will vary depending upon location and context. Further details will be spelt out at the RAP/ARAP stage.

The main functions of the Committee are:

- Publicize within the list of affected persons and the functioning of the grievance redressed Procedure established;
- Verify grievances and their merits;
- Recommend to the PIU solutions to such grievances;
- Communicate the decisions to the Claimants;
- Ensure that all notices, forms, and other documentations required by Claimants are made available in Local language understood by the people
- Ensure documentation of all received complaints and the progress of remediation.

Full detail of the process and content of the GRM is contained in the relevant section of this RPF.

### **Participatory Monitoring and Evaluation Plan**

To ensure that the implementation of resettlement/compensation is carried out in accordance with the relevant requirements of this resettlement policy framework, the actions will be monitored and evaluated internally by a Monitoring and Evaluation team (MET) to be constituted by the PIU of each participating state. The Monitoring and Evaluation team (MET) will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include:(i)impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii)improvement of communities affected by the project; and (iii)management of disputes or conflicts. The monitoring unit will submit periodic (preferably bimonthly) reports to the Project Coordinator and copied to FMARD. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

### **Disclosure**

This RPF has been prepared in consultation with the Federal Coordinating Unit, State MDAs, CBOs/NGOs and some community groups. The RPF is expected to be re-disclosed publicly as a separate and standalone document for review and comment through the Federal/State Ministries of Environment at designated locations at Federal, State and LGAs, and in World Bank Info-Shop. Individual RAPs/ARAPs will be prepared for each sub-project based on the guidelines and procedures highlighted in this RPF and would be disclosed in like manner.

## **1. INTRODUCTION**

Agriculture has been acknowledged to possess the greatest potential for sustainable economic development especially in terms of its resource-based approach to growth. This notwithstanding, Nigeria's comparative advantage in many agricultural products is being hampered by poor access to reasonably priced infrastructure and low cost financing along with problems in securing regular feedstock supplies. Also, the issue of instability in the policy and regulatory environment, which has been cited over the years to be the most

common challenge to investment in building processing facilities across Nigeria, has been a factor militating against Nigeria's agricultural potential.

Nigeria's food import bill of over two trillion naira annually is not only exceptionally high vis-à-vis its national income, but also has an unsustainable annual growth rate of 11%. Thus, in addition to Nigeria's high rates of population growth, the rapid rate of urbanization and changing tastes as well as an ageing farming population would seem to dictate an even greater potential danger of its dependence on basic food imports. Such a high import dependency hurts Nigerian farmers, displacing local production and domestic unemployment (which grew from 4.3% in 1970 to 6.4% in 1980 and to 24% in 2011) while contributing to employment elsewhere. The high food import dependency also fuels domestic inflation and exposes the country, with high susceptibility, to shocks in global markets. This trend of dependency on food imports, with its attendant great danger for national food security, in a world where even the exporting countries are mindful about food adequacy, would therefore appear to be unacceptable and unsustainable fiscally, economically or politically.

It is consequent upon this that the Government of Nigeria came up with several initiatives, amongst which is the Agricultural Transformation Agenda (ATA) (2011-2015) to redress the situation. The ATA policy thrust was to addressing the constraints inherent in the Nigerian Agricultural Sector with a view to unlocking its widely acknowledged potentials through a paradigm shift from government-controlled to private-sector led agriculture, ATA achieved some level of success through deregulating the seed, fertilizer and mechanization sectors; improving farmers' access to modern farm inputs. However, the ATA could not deliver on its entire mandate as post-harvest losses still persists with growth in food production still limited due to gaps in input supplies. Today, Nigeria still import food for domestic consumption and is unable to earn significant foreign exchange from agricultural sector.

Based on the aforementioned gaps, the new federal Agricultural Promotion Policy (APP) is a strategy that focuses on maximizing the gains of the ATA while closing the gaps inherent. The Federal Ministry of Agriculture & Rural Development (FMARD) in consultation with partners has identified an initial pool of crops and related activities that will be driven through Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project to tackling the aforementioned gaps.

First, FMARD will prioritize improving productivity into a number of domestically focused crops and activities. These are rice, wheat, maize, fish (aquaculture), dairy milk, soya beans, poultry, horticulture (fruits and vegetables), and sugar. It is believed that the gap can be closed by partnering closely with private investors across farmer groups and companies to develop end to end value chain solutions. The project provides opportunity for agro-investors, off takers, farmers, processors, agro-research organizations, State governments and MDAs to partner mutually to boost productivity and enhance value addition.

Second, FMARD will prioritize for export markets the production of the following crops and activities: cowpeas, cocoa, cashew, cassava (starch, chips and ethanol), ginger, sesame, oil palm, yams, horticulture (fruits and vegetables), beef and cotton. FMARD will also work with a network of investors, farmers, processors and other stakeholders to deepen the supporting infrastructure to ensure that quality standards are defined and maintained across the value

chain. That will involve adding more testing laboratories, improving traceability of crops, disseminating intelligence on export markets and consumer preferences, etc. The goal is to build a high quality brand for Nigerian foods based on rigorous data and processes that protect food safety for both domestic and export market consumers.

The objective of this project is to support agricultural productivity growth and value addition by greater inclusion of smaller categories of farmers and processing units and opening it up to more states in Nigeria along the APP priority value chain corridor for better representation of various agro-ecological and geo-political zones of the country. The project is also aimed to use the existing implementation structures of the Commercial Agriculture Development Project (CADP) to fast track implementation of the new project and to take advantage of the achievements and experiences already gained in the World Bank funded CADP participating states in Nigeria.

## **1.1 PROJECT OVERVIEW AND SETUP**

The Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project, which seeks to obtain funding to the sum of US\$200M from the World Bank, is in line with the Agriculture Promotion Policy, which intends to build on the legacy of the ATA and to support policy thrusts on Food Security, Import Substitution, Job Creation and Economic Diversification. The policy thrust has three key thematic areas: Productivity Enhancement, Crowding in Private Investment, and FMARD' Institutional Realignment. The proposed project will support the government new policy thrust and priorities for the agriculture sector across the three thematic areas of the APP, focusing more on Theme 1- productivity Enhancements 1, and contributing to some extent to Theme 2 Crowding in Private Investment and Theme 3- FMARD Institutional realignment.

### **Project Development Objective**

The Project Development Objective (PDO) is to enhance agricultural productivity of small and medium scale farmers and improve value addition of priority value chains in participating States. The PDO will be achieved through supporting farmers productivity and their linkage to markets, facilitating consolidation of agricultural product and cottage processing, facilitating farmers and small and medium businesses' clustering and connection to infrastructure network and business services, and providing technical assistance and institutional support both to beneficiaries, federal and state government for value chain development. Creation of jobs along the value chains will be contingent to increased productivity, production, and improving processing and marketing of the targeted value chains. The Project will focus its support on priority value chains as identified in the Green Alternative- the Agricultural Promotion Policy (2016-2020), through business alliance, promotion of greater farmers-agribusiness linkages and support to critical infrastructures in value chain development. In the period 2016-2020, the APP prioritizes the development of the

following value chains: (a) rice, wheat, maize, soybean, dairy milk, tomatoes, sorghum, poultry, sugar cane, horticulture (fruits and vegetables), crops for the domestic market as well as for food security; and (b) cocoa, cassava, oil palm, sesame, and gum Arabic for the export market. Cassava, ginger, cowpea, cotton, fish (aquaculture), horticulture (fruits and vegetables), yam, and cashew nuts will be developed for both the domestic and export markets. The proposed project is expected to initially cover 6 states across the six geopolitical zones of Nigeria. The States are Cross River, Enugu, Kaduna, Kano, Kogi and Lagos. Additional states may be added during project implementation based on funding availability, states readiness to participate, and potential for expanding agribusiness clusters and corridors in the prospective participating states.

#### A. Project Beneficiaries

Project direct beneficiaries are estimated at a minimum of 60,000 individuals living in the six participating states, with about 10,000 per state, constituted mostly by farmers and their cooperatives societies, as well as individuals and owners, associates and workers of small and medium scale business enterprises along and around the supported priority value chains. It is anticipated that 35 percent of the total direct beneficiaries will be women. By design, the project has a dedicated sub-component to benefit women and youth that will allow them to develop agri-business that is expected to create jobs and improve their livelihoods.

#### B. PDO-Level Results Indicators

- Increase in productivity of agricultural produce by project supported farmers
- Increase in processed output by project beneficiaries
- Number of beneficiaries supported by the Project (% women, % youth)

#### C. Direct Investment Components of the Project

The Project has 5 components as follows:

1: Production and Productivity Enhancement

2: Primary processing, Value Addition, Post-Harvest Management and Women and Youth Empowerment.

3: Infrastructure Support to Agribusiness Clusters

4: Technical Assistance, Knowledge Management and Communication

5: Project Management and Coordination.

**Component 1: Production and Productivity Enhancement (US\$40m):** The objective of this component is to improve farmer's participation to agribusiness supply chains and response to the market requirement. Project will support small and medium scale farmers and their cooperative societies through business alliances, linking farmers to off-takers. To ensure consistent supply to off-takers, the project will support increase of small and medium farmer's productivity and total output in the participating states through the use of improved and appropriate technology, and structuring farmers/out-growers contracts. A matching grant mechanism will be used as an incentive to stimulate farmer's participation, and unlock the financing constraint which dramatically limits small farmer's access to improved inputs and

technologies. It is expected that 30 percent of project supported farmers (about 30,000) will adopt at least one of 100 improved technologies that will be disseminated with the project support. The activities to be funded under this component include: (a) structuring of contract farming and out-grower schemes based on value chain investment plans and stakeholder mapping for each of the three priority value chains in each of the 6 participating states (b) introduction and demonstration of improved technologies, and support to farmers through matching grants mechanism for their adoption; and (c) strengthening FMARD inputs control and quality assurance.

**Component 2: Primary Processing and Value Addition Post-Harvest Management and Women and Youth Empowerment (US\$92m):** The component will address post-harvest losses, facilitate consolidation of produce and primary processing by farmers' cooperative societies, and small and medium scale enterprises in project intervention areas, focusing on gender sensitive activities along the core segment of the value chains (production, processing marketing) and ancillary businesses (agro-dealership, haulage, packaging, business management, etc.). The component will support common goods for cooperatives, producer organizations, women and youth, through construction/rehabilitation of aggregation facilities, procurement and installation of equipment from cottage processing, storage, as well as quality assurance facilities, provision of business development services (technical assistance in business management, marketing, access to market information and financial services).

Activities to be financed under this component are organized around three subcomponents: (i) Women and Youth Empowerment, consisting of provision of grants for start-up of new business or consolidation of existing business, to individuals or group beneficiaries following agreed eligibility criteria and selection procedures; (ii) Commodity aggregation and cottage processing; through rehabilitation or construction of about 90 units of simple design aggregation centers, and provision of income generating assets such as equipment and machinery for post-harvest handling, storage and quality management, clearing, sorting, processing and packaging for organized group beneficiaries in target production clusters; (iii) Market development and linkage to business services, including support to market information and grain exchange platforms and facilitating value chains coordination around the aggregation centers. It is expected that about 10,000 women and youths will directly benefit from the grant mechanism under subcomponent (i), while another 10,000 cooperative and group members will benefit from the assets provided for the 90 aggregation centers under subcomponent (ii).

**Component 3. Infrastructure Support to Agribusiness Clusters (US\$40m):** This component aims at improving the physical environment (last mile connection to roads and utilities) for agro-industrial and cottage processing units in defined agribusiness clusters with significant potential for greater inclusion of small to medium size farmers in to the agribusiness supply chains through the business alliances. It will tackle major constraints to make efficient the supply of raw materials and competitive agro-processing. The component will provide such support in collaboration with other project such as such as the World Bank-assisted Rural Access and Mobility Program) and by aligning with the federal and state government's programs on infrastructure. The project will not finance construction or rehabilitation of dams, or extracting water from existing dams. However if there is need for construction of small dams, dikes, and weirs, a qualified engineer will hired to supervise the construction and ensure compliance with the World Bank Operational Policies 4.37 on safety of dams. Activities to be financed under this component are clustered around the following subcomponents Infrastructure support to production, consisting of design and construction or rehabilitation of access roads, provision of jetties and water for production; and Infrastructure

support to processing and value addition, consisting of provision of last mile connection to roads networks and utilities (water, energy, etc.).

**Component 4. Technical Assistance, Knowledge Management and Communication (US\$12.5m).** The objectives is to build capacity of project staff and partners in the relevant areas of value chains development, harness knowledge acquired and generated under the project, facilitate exchanges of experience and build capacity of stakeholders participating in the implementation of the project, and support the FMARD on strategic and technical studies for scaling up agricultural productivity and processing programs. Activities to be financed under this component are clustered around the following subcomponents: (i) Capacity Building and support to collaborating institutions: activities to be finance include preparation and implementation of project capacity building and training plan, and support to collaborating institutions at federal and state level; (ii) Communication and outreach: preparation and implementation of project communication strategy and plans, including the development of communication and reporting tools, and facilitating public access to project information.

**Component 5. Project Management and Coordination (US\$15.5m):** The objective of this component is to ensure effective management and coordination of the project for proper accomplishment of project related goals and objectives. This component will carry out technical, financial, administrative, monitoring & evaluation activities during the entire project period. Activities to be financed under this component are organized around the following subcomponents This component will be implemented through 3 subcomponents as it follows: (i) Project management and coordination, which include additional works and equipment for upgrading NCO and SCO offices, consultant services, salaries for NCO and SCOS staff competitively selected; operating costs, equipment and tools necessary to carry project day to day activities by NCO and SCOs; (ii) Monitoring and Evaluation (M&E): equipment, operating cost, workshops, and consulting services for conducting M&E related activities, including periodic surveys to inform project performance, beneficiary assessments and impact evaluations, reporting on project performance, and for implementing the Gender tracker; (iii) Environmental and Social Safeguards and Grievance Redress Mechanism, consisting of consultancy services, workshops and operating cost related to the preparation, implementation and monitoring of environmental and social safeguards instruments, as well as establishment of an effective grievance redress mechanism (GRM).

## **1.2 PRINCIPLES AND OBJECTIVES OF THE WORLD BANK'S INVOLUNTARY RESETTLEMENT POLICY**

### **1.2.1 BACKGROUND AND INTRODUCTION**

Unless properly managed involuntary resettlement, may result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. The impacts due to involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks resulting in production systems being dismantled; people facing impoverishment when their productive assets or income sources are lost; people

being relocated to environment where their skills may be less applicable and the competition of resources greater; community institutions and social networks being weakened; kin/clan groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost.

For these reasons, most projects, supported by the Bank are designed to avoid involuntary resettlement. Where it is unavoidable to embark on involuntary resettlement assistance as a sustainable development initiative, appropriate measures to minimize, as much as possible, are chosen.

The World Bank Resettlement Policy OP 4.12 can be triggered in instances where, project activities can result in loss of structures (houses, fences/ involuntary take of land etc.) and possibly incomes (rents for landlords, business premises, agricultural land). Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which, in most cases the former is preferred. The failure to take into account potential involuntary resettlement development of off-site and on site infrastructure as well as land requirement for potential investors in the project can increase the risk of hardship and negatively impact poverty reduction objectives.

It is generally recognized that the impacts due to involuntary resettlement from development projects gives rise to severe economic, social and environmental risks if left unmitigated such as those listed below:

a. Landlessness

Land expropriation removes the main foundation on which many people build productive systems, commercial activities and livelihoods.

Often land is lost forever and sometimes it is partially replaced, seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced, and both natural and man-made capital is lost.

b. Homelessness

Loss of shelter may be only temporary for many people, but for some it remains a chronic condition and is also felt as loss of identity and cultural impoverishment.

Loss of housing may have consequences on family cohesion and on mutual help networks if neighbouring households of the same kinship group get scattered.

Group relocation of neighbours is therefore usually preferable over dispersed relocation.

c. Joblessness

Loss of salaried employment occurs both in rural and urban displacement. People losing jobs may be industrial or service workers, landless agricultural labourers, or artisans. □

Unemployment or under-employment among those who are resettled may linger long after physical relocation.

Creating new jobs for them is difficult and requires substantial investments, new creative approaches, and reliance on sharing project benefits.

#### d. Food Insecurity

Destruction of crops diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk of chronic food insecurity. This is defined as calorie-protein intake levels below the minimum necessary for normal growth and work.

#### e. Increased Morbidity and Mortality

Vulnerability of the poorest people to illness is increased by forced relocation, because it tends to be associated with increased stress, psychological traumas, or the outbreak of parasitic diseases.

Decreases in health levels result from unsafe water supply and sewage systems that cause the spread of epidemic infections, diarrhoea, dysentery, etc.

#### f. Educational Loss

Involuntary displacement disrupts all public services at the departure sites, with heavy effects particularly on school programmes.

Interruption of school attendance causes prolonged loss of access to education; some children do not return to school at all and are prematurely sent by their families to join the labour force.

#### g. Social Displacement

The dismantling of community structures and social organization, the dispersion of informal and formal networks, local associations, etc. is a massive loss of social capital. Such displacement undermines livelihoods in ways usually not recognized and not measured by planners, and is a cause of disempowerment and impoverishment.

#### h. Marginalization

This occurs when relocated families lose economic power and slide down towards lesser socioeconomic positions.

Middle-income households become small landholders while small shopkeepers and craftsmen lose business and fall below poverty thresholds.

Economic marginalization tends to be accompanied by social and psychological marginalization.

#### i. Loss of Access to Common Property

Poor farmers, particularly those without assets, suffer loss of access to the common property goods belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands, fishing areas, cemetery lands, etc.). This represents a form of income loss and livelihood deterioration that is typically overlooked by planners and therefore uncompensated.

In line with the foregoing, this Resettlement Policy Framework has the following objectives:

(i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternative project designs;

(ii) Where it is not feasible to avoid, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project the opportunity to share in project benefits. Displaced and compensated persons must be meaningfully consulted and have opportunities to participate in planning and implementing the programs linked to their resettlement.

(iii) Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve their livelihoods and standards of living, or at least restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

For the purposes of this framework, “Affected Persons” are defined as:

All persons who, as a result of works carried out or to be carried out under the Project, would incur: (i) relocation or loss of shelter, such as houses; (ii) loss of assets or access to assets, such as land or crops; or (iii) loss of income sources or means of livelihood whether or not the affected persons must move to another location, such as stalls or productive activities on the land; or (iv) the involuntary restriction of access to legally designated parks or protected areas, which would result in adverse impacts on the livelihoods of displaced persons.

Therefore, involuntary resettlement, as per the definition in OP 4.12 (Annex 1), means both physical displacement as well as economic displacement. The term “involuntary” means any taking or displacement, to which the project affected person cannot say no - that is an action that may take place without the displaced person’s informed consent or power of choice, is “involuntary” and therefore the policy OP 4.12 applies.

The policy applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children and the ethnic minorities or other displaced persons who may not be protected through Nigerian land compensation legislation.

In particular for this Project, the policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the commencement of project activities causing resettlement, such as land acquisition, to ensure that displacement or

restriction to access does not occur before necessary measures for resettlement and compensation are in place.

It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites (if necessary) with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons.

Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement action plan.

### **1.3 Scope of this Resettlement Policy Framework (RPF)**

This RPF sets out principles, procedures, entitlements and organizational arrangements that govern the overall land acquisition process including physical relocation and economic rehabilitation, in the project area. The RPF applies to all lands/resources acquired by either the government and/or investors for the project related activities and infrastructure development within the catchment area. When the detailed engineering design becomes available for an Investment or a Component of the Project, a detailed Resettlement Action Plan (RAP) will be developed, preferably for each investment/component in its entirety. If, however, all engineering plans for a component or investment are not available, a RAP will be developed for those elements that are ready, and an addendum (or addenda) to the RAP will be developed when the other elements have final engineering designs.

### **1.4 The Principle of Involuntary Resettlement**

Under the World Bank OP 4.12, those affected by resettlement are defined as those who are directly affected socially and economically by the involuntary taking of land and other assets resulting in:

- relocation or loss of shelter;
- loss of assets or access to assets; or
- loss of direct income sources or means of livelihood (i.e., income and livelihoods directly dependent on the affected areas), whether or not the affected persons must move to another location.
- the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

*It should be noted that project affected people who decide to become commercial farmers on the SCPZ sites must first receive their alternative land compensation for land they have lost. This will apply to all future and subsequent investors in the SCPZ project. The providing of land to lease and farm on the SCPZ land is not compensation but income or livelihood enhancement.*

This RPF applies to of this project related activities and impacts including:

- All displaced persons due to the sub-projects regardless of the total number affected and the severity of the impact and whether or not they have legal title to the land.
- Squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy who should be entitled to assistance in accordance with the objectives of the RPF.

Below, is an overview of what must be done to compensate those that will be displaced involuntarily (loss of land or prevention of access to normal means of livelihood):

- Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate.
- Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable.
- Make alternative housing and/or cash compensation available prior to relocation.
- Build new resettlement sites for displaced persons with improved living conditions( where relocation to new site is the case)
- In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location or cash compensation at full replacement value.
- For all displaced persons, including those without formal or recognizable rights to land, compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost.
- Offer compensation in kind in lieu of cash compensation where feasible. Based on consultation with such displaced persons, provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.

#### ***1.4.1 PROCESS FOR PREPARING AND APPROVING SUBSEQUENT RESETTLEMENT PLANS***

WB OP 4.12 requires the Resettlement Action Plans to fulfil certain criteria both during the process and documentation. This section outlines some of the key principles and objectives for developing and implementing a resettlement action plan.

#### **Project Affected Persons (PAPs)**

The PAPs include the following people (households, businesses and private organizations) to be identified through consultations and by the baseline information collected for each of the Resettlement Action Plans of the sub-projects, which means that each individual potential agri-business investor in the SCPZ sites must submit an up to date RAP to the PIU including census of:

- People whose houses are in part or in total affected (temporarily or permanently) by the project;

- People whose premises and /or agricultural land is in part or in total affected (permanently or temporarily) by the project);
- People whose businesses, residences and land are affected in part or in total (temporarily or permanently) by the project;
- People whose crops (annual or perennial) and trees are affected in part or in total by the Project;
- Those who have formal legal rights to land (including customary and traditional rights recognized under Nigerian law);
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of Nigeria or become recognized through a process identified in the resettlement plan; and
- Those who have no recognizable legal right or claim to the land they are occupying.

#### ***1.4.2 PRINCIPLES AND OBJECTIVES***

The principles outlined in the World Bank's Operational Policy 4.12 have been adopted in preparing this Policy Framework and will be applied to the RAPS for the sub-projects. In this regard, the following principles and objectives apply:

- Acquisition of land and other assets and resettlement of people will be minimized as much as possible;
- All PAPs will be entitled to be provided with rehabilitation measures sufficient to assist them in to improving or at least maintaining their pre-project living standards, income earning capacity and production levels.

The rehabilitation measures to be provided are:

- Compensation at replacement cost without deduction for depreciation,
- Transaction fees or salvage materials for house and other structures
- Agricultural land for land of equal productive capacity or in cash at substitution cost according to the PAPs preference
- Replacement of premise land of equal size acceptable to the PAP or in cash at the substitution cost
- Compensation for income losses from businesses and transfer and subsistence allowances.

Severely affected people will also be provided with income restoration measures, to include: Adequate income restoration measures such as, preferential access to employment generated by the project, local procurement of goods and services, microfinance loan schemes, local community development programmes and adequate cash compensation for loss of income,

Replacement premise and agricultural land will be as nearby as possible to the land that was lost and be acceptable to the PAP.

### ***1.4.3 SCOPE AND METHODOLOGY OF THE RPF ASSIGNMENT***

Although individual RAPS will provide specific detail, the RPF is expected to cover the following elements:

- i. A description of the project and components for which land acquisition and resettlement are required, and an explanation of why a Resettlement Policy Framework;
- ii. Principles and objectives governing resettlement preparation and implementation, including a legal analysis and framework, reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- iii. Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- iv. Eligibility criteria for defining various categories of displaced persons;
- v. Description of the screening process for preparing and approving Resettlement Action Plans (RAP), including outlining the process and content required for the preparation of such plans;
- vi. A Methodology to identify precisely the affected population before the intervention; and to assure that this population will be the beneficiary of the relocation;
- vii. A Methodology for valuing affected assets; Compensation and assistance are to be based on the overall principle that affected people shall not suffer net losses as a result of the project and that affected assets will be compensated at or above replacement cost;
- viii. Definition of entitlements including, as appropriate, replacement housing, replacement farmland, cash compensation and other forms;
- ix. Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- x. A description of the implementation process, linking resettlement planning and implementation to both civil works and livelihood strategies;
- xi. A description of the options available to PAPs for grievance redress they may have about the process, the identification of eligible people for compensation, the valuing and compensation and any other complaints they may have with the entire process.
- xii. A description of the arrangements for funding resettlement including the preparation and review of cost estimates, the flow of funds, and the contingency arrangements
- xiii. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;
- xiv. Arrangements for monitoring by the implementing agency and, if required, by independent monitors;
- xv. A description of the processes of monitoring, verification and evaluation required for effective implementation of the resettlement process and
- xvi. Set forth screen tools, checklist and ToR for sub-project RAPs.

#### ***a) General Approach***

This RPF was prepared in accordance with applicable World Bank safeguard policies and Nigerian guidelines/laws. The preparation of the RPF involves a number of coordinated activities and phases in line with the TOR, which include:

- Review of relevant Nigerian laws and procedures regarding land taking and compensation.
- Review RPFs prepared for other recent World Bank Projects in Nigeria such as Transforming Irrigation Management in Nigeria (TRIMING), Commercial Agriculture Development Project (CADP) and Fadama III.
- Undertake a social survey in the area where project investments will occur in Kogi State, including both core zone and the catchment area; including a preliminary identification of existing land conflict and/ or pattern of conflict in the project area and how such conflicts are being resolved, as well as any change in land use or livelihood which have occurred in recent years, including any population influx, other development projects in the project area.
- Consultation with stakeholders including FADAMA, Federal Ministry of Agriculture, States Ministries of Agriculture, Kogi State Ministry of Lands and Survey, GEMs 111, Kogi ADP, Ministry of Women Affairs and Youth Development and Ministry of Works
- Review and incorporate relevant data on population and social characteristics in the project areas.

***b) Review of relevant Literature***

Extensive review of RPF reports prepared for other recent World Bank financed projects in Nigeria was reviewed including the following:

- The Nigeria Land use Act 1978
- World Bank Operational Policies
- ESMF, RPF and IPMP safeguard reports for Commercial Agriculture Development Project (CADP)
- RPF of FADAMA III and,
- RPF for Transforming Irrigation Management Project (TRIMING)

Other documents that offered relevant information about the project are:

- APPEALS Draft PAD
- GEMS 3 Land Tenure Assessment Report for Kogi state
- FGs Agricultural Policy Promotion document (2016-2020)

***c) Stakeholders/Public Consultation***

This RPF recognizes consultation of stakeholders as a key social platform for mainstreaming social inclusion, community ownership, robust inputs and project sustainability.

Previous consultations on agricultural development, production and processing have yielded many results in the existing CADP projects in Nigeria for which the 5 beneficial states are also participating in the current project. Further consultations have been done in the preparation of this RPF and will continue through the RAP/ARAP preparation and implementation stages.

***d) Planning and Organization***

In order to meet the expected targets and deliverables adequate planning time was given both at the consulting team level and at the stakeholder level. The consulting team had mapped out measures including reconnaissance survey, visits/meetings with the stakeholders and information checklist designs to ensure that all relevant areas in the TOR are covered. Also, the World Bank spearheaded virtual meetings involving the World Bank, the consultants preparing the safeguard documents (RPF, PMP and ESMF), CADP and FADAMA representative to harmonize the planning and information process to ensure that the objectives are achieved on schedule and in a manner that avoids gathering conflicting information by consultants.

## 1.5 CATEGORIES OF ENTITLEMENT

Different project-affected people might sustain different levels of impacts by the project in various ways, which will have implications for the type of compensation that they receive.

The World Bank's OP 4.12 makes provision for this by requesting an entitlement matrix, as part of all RAPs. The entitlement matrix is central to any RAP. It is also useful for planning the resettlement and compensation budget. When a full census has been carried out, as part of the RAP, a list of the categories of entitlement will be drafted. These individual RAPs, which must be consistent with this RPF, will be prepared by the investor, validated by the affected people and the government and implemented before the commencement of any civil works.

## 1.6 DEVELOPMENT

### 1.6.1 RESETTLEMENT ACTION PLANS

Resettlement Action Plans, following this policy framework will be prepared for each investor. This policy framework should be used as a guide for these RAPs. Each specific RAP should be completed no later than 2 months prior to the estimated date for the commencement of each sub-project. The compensation, resettlement and rehabilitation activities should be at least 4 to 6 months before awarding contracts of civil works under each sub-project. The essence is to ensure that all implementation procedures including handling of possible grievance cases are completed that may affect civil works. The following table illustrates the process of implementation for a Resettlement Action Plan

**TABLE 1.1: RAP IMPLEMENTATION RESPONSIBILITIES**

<b>INVESTOR RESPONSIBILITIES</b>	<b>/PROPONENT</b>	<b>FMARD/ STATE GOVERNMENT</b>
<b>Preliminary RAP Preparation</b>		
<ul style="list-style-type: none"> <li>• Prepare and Circulate Terms of Reference for RAP Specialists</li> <li>• Select and justify land acquisition and economic displacement alternatives that minimize or avoid adverse impacts</li> <li>• Identify other social impacts (non-resettlement related) and identify mitigation measures</li> <li>• Identify potential partners such as NGOs, community groups who can assist with public consultation, implementation and social impact mitigation measures</li> </ul>		Review ToRs and discuss any issues with investor
<b>Technical Design – RAP Preparation</b>		
<ul style="list-style-type: none"> <li>• Engage services of resettlement experts</li> <li>• Submit outlines and draft of RAP for PIU to review</li> <li>• Carry out initial public consultation (for both ESIA and RAP purposes)</li> <li>• Map affected area</li> </ul>		Review and Consult

<ul style="list-style-type: none"> <li>• Identify ,organize and coordinate local support for RAP implementation</li> <li>• Carry out census and registration of affected people</li> <li>• Review and consult PAPs on the project alternatives</li> </ul>	
<p>Prepare Resettlement Action Plan</p>	
<ul style="list-style-type: none"> <li>• Select alternative replacement land/resettlement sites</li> <li>• Establish legal framework and gaps between WBG Policy and Nigerian Federal and State law.</li> <li>• Establish grievance mechanisms</li> <li>• Complete arrangements for</li> <li>• the participation of affected people and communities in RAP implementation and monitoring</li> </ul>	

## 2. IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED POPULATION

### 2.1 INTRODUCTION

The Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project is considered a “Quick Win”; providing tremendous positive impacts through the harnessing of already available agro value chains, linking farmers to off takers and providing the needed environment including technology to drive productivity and growth of the sector. In this wise the project is expected to impact positively on households, farmers, investors and government. Households and farmers will gain via increase in their agro production, availability of off takers at reasonable pricing, availability of processing facilities and infrastructure provision. These will translate to increase in food sufficiency, income and employment. Agro investors will have improved cash flow and profitability resulting from improved enabling environment and incentive which is provided in the component 3. On the government side, the gain of the project will be in the form of domestic food sufficiency, sustainable increase in the contribution of agriculture to GDP, employment creation and economic diversification away from the oil sector.

Notwithstanding the huge expected positive impacts, the project implementation activities and requirements may have some adverse impacts on the environment and people which can offset the positive impacts, impair future gains and project sustainability.

From the experience of similar projects and the concerns from stakeholder consultations conducted, this RPF in line with the principles of OP 4.12 provides guidance to impact avoidance and minimization. In consultation with stakeholders including host communities the following adverse social impacts associated with the project and the potential affected groups are described in Table 2.1 below:

**TABLE 2.1: TYPES OF IMPACTS AND AFFECTED GROUPS**

No	Type of Impact	Description of Potential Impact	Affected Group
1	Loss of fallow and agricultural Land	This impact is not expected to play out significantly in this project. By project design only brown fields will be funded in the participating states thereby avoiding or reducing drastically the risk of loss of land	Land owners, tenants, squatters, farmers, pastoralists, hunters
2	Land use alteration, depletion and high cost for land	This is not anticipated as large land acquisition will not be required	Farmer groups, community and land users
3	Displacement	Possible cases of involuntary resettlement will occur due to the infrastructure component of the project. This will mainly be in the form of economic displacement of PAPs who ply along the right of ways where road rehabilitations will take place	Communities and settlers
4	Loss of common natural property	This impact will not occur in this project because it is a brown field project	Vulnerable group, women, hunters

5	Loss of building and Structures	Loss of kiosk, shops and retail tables may occur	House owners, tenants, traders
6	Loss of employment	This may include those on land based wage employment and workers in affected shops	Women, youth, fishermen, herders
7	Local conflict of interest	Issues of compensation benefits may result to conflicts among kinsmen and neighbours. The migration of strangers induced by the project development may also result to conflict between the hosts and migrants	Cost communities, migrant workers, investors
8	Gender alienation	Women may be disenfranchised from compensation benefits and from project related benefits. Component 2 of this project is specifically designed to avoid gender vulnerability. Also, RAP implementation will ensure women representation in all the process.	Women
9	Grievances, court cases and social unrest	Grievances, court cases and social unrest may not only affect the community but may stall project implementation and sustainability	Investor, government, community

## 2.2 PRINCIPLES AND MECHANISMS TO AVOID OR MINIMIZE IMPACTS/RESETTLEMENT

The principles of OP 4.12 stipulate that as much as reasonably practicable, involuntary resettlement should be avoided or minimized. In line with this, the project sponsor will avoid/minimize some of the impacts through the following design mechanisms:

- Stakeholder involvement that will engender possibly an alternative design/suggestions that will avoid impacts;
- Ensuring that selection of participating states is based on the criterion of brown field or evidence of having an unencumbered titled land
- Ensuring that infrastructure for the investment such as road reconstruction, gas pipeline, electricity be routed on the existing right of way as much as reasonably feasible
- Integration of communities/settlements into project design as much as feasible;
- Impacts can be avoided/minimized by creation of grazing area/routes within the ABIR
- Protection/delineation of sensitive cultural heritage and natural properties (such as forest and river) from the investment zone,
- Cut-off date will be announced using existing local media to ensure that no new entrants into the project land after census of affected persons

## 2.3 ESTIMATE OF PROJECT AFFECTED PEOPLE

Estimate of PAPs cannot be ascertained at this stage since project activities, geographical scope and implementation designs are yet to be finalized. This RPF anticipates at most **minor involuntary resettlement** (economic displacement) issues because the project will be implemented on brown fields which mean that activities are already on-going and may not have potential for significant land acquisition. Similarly, infrastructure provisions to be funded by the project are not going to be concentrated in one cluster. Expectations are that involuntary resettlement may arise mostly from economic displacement of squatters and land users within and/or around the corridors of infrastructure routes, such as link roads to the farms or agro-production/processing areas.

In view of the above, reliable estimates of the number of potential project-affected persons are not possible to make at this point. Notwithstanding, this RPF is prepared to provide guidance and process for preparing an abbreviated resettlement action plan (ARAP) or a full Resettlement Action Plan (RAP). ARAP is triggered when less than 200 persons are adversely affected or less than 10% of total landholding is to be acquired in a given project site/community. RAP is the desirable instrument when more than 200 PAPs are involved and/or more than 10% landholding of the community is to be acquired.

### **3 DESCRIPTION OF SOCIO-ECONOMIC BACKGROUND OF NIGERIA**

#### **3.1 THE DEMOGRAPHICS**

The official published population statistic for Nigeria is the National Population Census statistics of 2006 which puts Nigerian population at 140, 431,790; made up of 71,345,488 males and 69,086,302 females; representing 50.8% and 49.2% respectively.

However, recent figures by the United Nations demographic survey 2016 indicate that the country is now about 186 million with an average population density of 205.3 persons per sqkm. This makes Nigeria the largest country by population, in Africa. Presently, Nigeria's annual average population growth rate is 2.7 while the average urban growth rate is 4.7 (UN, 2015).

#### **3.2 EMPLOYMENT**

Estimate from the Nigerian Bureau of statistics (NBS) (2Q 2016) indicates that unemployment rate in Nigeria within the period is 13.3% while youth unemployment stands at 24.0%. In absolute terms, number of employed persons including those that are underemployed is 69,042,000. This heightening level of unemployment is worrisome, especially youth and female unemployment as it encourages social vices such as armed robbery, kidnapping and prostitution. It is therefore, intended that this project will unlock the agro sectoral constraints and stimulates the potentials of the agro value chains to support massive employment in Nigeria.

##### ***3.2.2 ETHNIC GROUPS AND RELIGION***

Nigeria, has more than 250 ethnic groups (Okehie-Offolie & Mathew Sadiku, 1996); the larger of which are the Hausa and Fulani who are predominantly from the Northern part of Nigeria and they represent approximately 29% of the population, the Yoruba, predominantly from the South (South West) and represent approximately 21% of the population and the Igbo, predominantly from the East represent about 18% of the population. The other large groups are the Ijaw with about 10%, the Kanuri with about 4%, the Ibibio with about 3.5% and the TIV with about 2.5%. The Middle Belt region of Nigeria shows the greatest degree of ethnic diversity, particularly in Adamawa, Taraba and Plateau States.

English is the official language while the vast majority of the population conducts commercial activities in their ethnic language and "pidgin" English. The literacy level of the population is 57.1% (male: 67.3%, female: 47.3%). Predominantly the people are Muslims (50%) and Christians (40%) with few animists (10%).

##### ***3.2.3 LAND USE PATTERN***

The estimated land area of Nigeria is 924,000 km<sup>2</sup>. Land use varies based on location and the needs of the community. However, the different uses of land revolve around agriculture, industry and social needs such as the provision of infrastructure. Recent data shows that between 50%- 60% of the land area of Nigeria is under various forms of intensive rainfed small holder agriculture (crop and animal) production and forest plantation.

### ***3.2.4 PUBLIC HEALTH FEATURES***

It is estimated that only 50% of the urban and 20% of the peri-urban have access to reliable water supply in Nigeria (World Bank, 2009), The increase in urban and slum area population over the years, coupled with the significant decline in the performance of the State Water Agencies to provide potable water has significantly increased the risk factor for diseases such as diarrhea, malaria, typhoid, dysentery and other serious health conditions.

### ***3.2.5 POVERTY***

Recent economic down-turn in Nigeria had further increase the existing poverty level. Present inflation rate in Nigeria as at September 2016 is 17.91% (NBS, 2016). According to the World Bank national account data file, the latest value for GNI per capita, Atlas method in Nigeria fell from US\$2,970.00 as of 2014 to US\$2820 in 2015 as against US\$6050 for South Africa in the same period

It is estimated that 60% of the total population of Nigeria live below the poverty line. The average percentage of the urban poor (i.e. % of population below national poverty line) is a staggering 45% compared with the USA average of 32%.

### ***3.2.6 ECONOMICS***

The Nigerian economy rests on two pillars: oil/gas and agriculture. Both sectors contributes 65% - 70% of GDP, while the secondary sector (manufacturing contributes about 7% and the tertiary sector (transport, trade, housing etc) contributes about 25%.

Nigeria's major industries are located in Lagos, Agbara and Sango Otta(Ogun State), Port Harcourt, Ibadan, Aba, Onitsha, Calabar, Kano, Jos and Kaduna.

### ***3.2.7 LITERACY***

Nigeria literacy level varies from one state to another and it also varies among male and female population. Literacy level is higher in the south compared to the northern region. According to UNESCO 2015 survey, 65 million Nigerians are illiterate. This figure represents about 35%. Illiteracy has adverse effects on individual and society. Recent data shows that Ekiti state, one of the states in the southern region is the highest literacy state in Nigeria.

### ***3.2.8 FACILITIES: TRANSPORTATION, ELECTRICITY, AND EDUCATION***

The main transportation means in Nigeria is the road. Water transportation is fairly developed in some coastal areas such as Lagos, Delta, Akwa-Ibom and River states. Air transportation is considered fair with major airports in Lagos, Abuja, Port Harcourt, Kano and Kaduna. There are air port/airstrip facilities at least in 20 states of Nigeria. The railway sector has experienced a major decline in the last decades but efforts are being made to revive it and extend its geographical links. There is a regular/daily movement of rail in Lagos from Sango to Iddo/Apapa. Recently, Abuja - Kaduna rail system was commission while effort to initiate the construction of Lagos – Kano and Lagos-**Calabar** is also on top gear.

There are two main sources of power in Nigeria; they are hydro and gas turbine. Recently, several companies have had their purchase agreements concluded and awaiting their licenses to generate power from Solar which will be added to the national grid to further boost the present generation which has been fluctuating between 3800 -5070 mega watts. Nigeria power sector had been sectionalized into three; the generation, transmission, and the distribution.

The generation is solely by the Federal government while distribution had been privatized. Electricity is supplied through the national grid. Though the power supply is still erratic, significant progress in improving the power supply situation has been made in recent years; and government is promoting the development of independent power supply to augment the current inadequate supply.

With regard to educational facilities, Nigeria is reasonably served. All the Nigerian states have a federal university. There are over 150 universities consisting of federal, state, religious, and private owned. High schools in most states are insufficient and are in dilapidated state, except for states in the southern part of the country.

The Federal Government concluded refurbishing existing tertiary health institutions nationwide in 2014. There is at least one primary health care facility in each of the 774 local government areas.

### ***3.2.9 AGRICULTURAL PRODUCTION AND LIVELIHOODS***

Agriculture in Nigeria is largely subsistence and is characterized by intensive small holder rainfed and extensive grazing. Various schemes had been put in place to further boost agricultural production, these includes the Irrigation system, FADAMA projects, grazing zones/routes, and Agro-allied business such as fertilizer production. In addition to fish farming activity, some coastal/riverine communities also engage in fishing activities and other aquatic resources

Agricultural produce in Nigeria vary from one region to the other. Major produce in the north are cereals ((such as millet, millet), rice, maize, beans, soya beans and vegetables. Irish potato, yam, potato are the main agricultural produce in the middle belt while cassava , cash crops such as cocoa, coffee, cola nuts and cashew nuts are grown in the south-western Nigeria, also, red oil production and cassava are exceptionally produced at the south-eastern region.

### ***3.2.10 WOMEN AND THEIR RIGHT TO OWNERSHIP OF FARMLAND IN NIGERIA***

In Nigeria, farmland are majorly owned by men particularly in the north; meanwhile women, particularly in the southern Nigeria have access to their husbands farmland and family either as inheritance or otherwise. The Survey carried out in Kogi state for instance corroborated that lands are not culturally owned by women. Some of the women interviewed during field study indicated that they own farms and have access to farmland from their husbands and/or community heads on non-payment conditions.

### ***3.2.11 INFRASTRUCTURE (ROAD AND ELECTRICITY)***

Lack of good roads to evacuate agricultural produce had caused a huge lost to Nigerians farmers and had frustrated many of them out of the business. Unlike Lagos and Abuja, road infrastructure in many states of Nigeria are grossly inadequate; some of the existing ones are either in bad shapes or had been abandoned by the motorists

Although most part of the country has been connected to the National Grid, this development however, does not in any way translate to power availability as many households in Nigeria are either in blackout or make use of local generators for energy supply for those that could afford.

### 3.2.12 WATER SUPPLY FOR AGRICULTURAL USE

Nigeria has the potential to irrigate about 3.1 million hectares of farmland but only 150,000 hectares has been fully developed. Irrigation has potential of increasing agricultural productivity by as much as ten-folds. Fishery can be greatly enhanced by effective utilization of Dams/irrigation facility. Therefore, in the northern states, this project can leverage on the huge irrigation scheme projects of the federal government such as the Dadinkowa, Bakolori and Hadeja Jaama River Basin schemes, etc.

### 3.3 SOCIOECONOMIC OVERVIEW OF THE PROJECT PARTICIPATING STATES

#### 3.3.1 PROJECT STATES POPULATION LANDMASS AND POVERTY RATE,

Table 3.1 below is an account of the population, land mass and poverty rate index of the 12 participating states in Nigeria.

**TABLE 3.1: PROJECT STATES POPULATION, LANDMASS AND POVERTY RATE**

Zone	State	Population	Proportion of female	Land mass (km <sup>2</sup> )	Poverty rate (%)
NW	Kano	9,401,288	47.45%	48,131	76.4
	Kaduna	6,113,503	49.45%	46,053	56.5
NE	Taraba	2,294,800	48.93%	54,473	77.7
	Borno	4,171,104	48.13%	92,898	70.1
NC	Benue	4,253,641	45.33%	34,059	59.2
	Kogi	3,314,043	49.52%	29,833	26.4
SS	Bayelsa	1,704,515	48.71%	10,773	29
	Cross River	2,892,988	49.11%	20,156	33.1
SE	Ebonyi	2,176,947	51.11%	5,670	56
	Enugu	3,267,837	51.16%	7,161	28.8
SW	Lagos	9,113,605	48.22%	3,345	8.5
	Ondo	3,460,877	49.57%	15,500	27.9

Source: National Bureau of Statistics (NBS)

The real significance of the above demographic situation relative to this project is that while the population is increasing food production and supply is in shortage. The availability of the large arable land mass in Nigeria has not translated to food sufficiency. This underscores the need to scale up food production and value chain in order to achieve food security in Nigeria.

Generally, the implication of this section is that the natural/agro resource potentials in these states have not been optimized which is what this project could help to harness.

#### 3.3.2 ECONOMY AND OCCUPATIONAL STATUS BY PARTICIPATING STATES

##### Bayelsa State

Bayelsa is a state in southern Nigeria in the core Niger Delta region, situated between Delta State and Rivers State. Its capital is Yenagoa while the main language is Ijaw. The state has

two universities; the Niger Delta University and a Federal University. The State has one of the largest crude oil and natural gas deposits in Nigeria. As a result, petroleum production is extensive in the state. The local population engages in fishing on a subsistence and commercial level; while the state government is arguably the main employer of labour in the state. Notwithstanding the huge oil exploitation from the state, the majority of Bayelsans live in poverty. They are mainly rural dwellers due to its peculiar terrain and suffer lack of adequate transportation, health, education or other infrastructure as a result of decades of neglect by the central governments, state governments, and petroleum prospecting companies. The state, as a result, has an almost non-existent commerce. Successive state governments have, however, embarked on various industrial projects and "poverty-alleviation" programs to reverse this situation, but this has not significantly impacted on the quality of life so far in the state.

### **Benue State**

Benue State is a state in the mid-belt region of Nigeria. It is inhabited predominantly by the Tiv and Idoma peoples, who speak the Tiv language and Idoma, respectively. Its capital is Makurdi. Benue state has three universities: Federal University of Agriculture, Makurdi, Benue State University, Makurdi, and University of Mkar, in Gboko.

Agriculture is the mainstay of the economy, engaging over 75% of the state farming population. The state has rich agricultural produce which include Yam, Rice, Beans, Cassava, Sweet-potato, Maize, Soybean, Sorghum, Millet, Sesame, cocoyam etc. The state accounts for over 70% of Nigeria's Soybean production.

### **Borno State**

Borno State is located in the North Eastern corner of Nigeria and occupies the greater part of the Chad Basin. The capital of Borno is Maiduguri. The state shares borders with the Republics of Niger to the North, Chad to the North-East and Cameroun to the East. Within Nigeria, Borno State shares boundaries with Adamawa State to the South, Gombe State to the West and Yobe State to the North-West. The State is home to University of Maiduguri and Ramat Polytechnic.

The majority of the people are farmers, herdsmen and fishermen. The crops grown in the state include guinea corn, millet, maize, rice, wheat, groundnut, cassava, beans and cowpeas. Others are vegetables, onions, okra and tomatoes.

The state has been under a long period of insecurity and loss of lives and property by the Boko Haram.. As a result, there has been a persistent rise in the price of some basic commodities since the start of the crisis.

### **Cross River State**

Cross River is a state in South -South Nigeria, bordering Cameroon to the east. It is a coastal state located in the Niger Delta. Its capital is Calabar. It shares boundaries with Benue State to the north, Ebonyi and Abia States to the west, to the east by Cameroon Republic and to the south by Akwa-Ibom and the Atlantic Ocean. University of Calabar and Federal College of Education Obudu are the prime high institutions in Cross River State. The state has rich arable land that grows crops such as cocoa,, oil palm and Cassava. In addition to its agricultural activities the state provides tourist attractions such as the TINAPA Resort and Obudu Cattle Ranche which provide employment to many in the State.

### **Ebonyi State**

Ebonyi is a state in south-east Nigeria. It is inhabited and populated primarily by the Igbo. Its capital is Abakaliki. Ebonyi state has four Higher institutions of learning: Ebonyi State University, Abakaliki (EBSU); Federal University Ndufu Alike Ikwo (FUNAI); Akanu Ibiam Federal Polytechnic, Unwana; college of health sciences, Ezzamgbo and Federal College of Agriculture, Ishiagu

Ebonyi is primarily an agricultural region. It is one of the leading states in Nigeria in the production and supply of rice and yam. Other crops grown in the state are potatoes, maize, beans, and cassava.. Ebonyi has several solid mineral resources, including lead, crude oil, and natural gas. Despite all these, Ebonyi is under developed and with many of its citizens living below the poverty line.

### **Enugu State**

Enugu State is one of the states in the eastern part of Nigeria. The state shares borders with Abia State and Imo State to the south, Ebonyi State to the east, Benue State to the northeast, Kogi State to the northwest and Anambra State to the west. The state capital is Enugu city. The state plays host to many high institutions including Nigeria's first indigenous university, (University of Nigeria, Nsukka (UNN)), Enugu State University of Science & Technology (ESUT), Institute of Management and Technology (IMT), Caritas University and Renaissance University among others.

The state is predominantly agrarian, with a substantial proportion of its working population engaged in farming, although trading (18.8%) and services (12.9%) are also important. In the urban areas trading is the dominant occupation, followed by services. The state is of one of the largest grains market East of the Niger.

### **Kaduna State**

Kaduna state is located in the north western part of Nigeria. The main language in Kaduna is the Hausa. Kaduna state borders Abuja and Nasarawa state to the south, Niger state to the west, Plateau and Bauchi to the east while Zamfara, Kano and Kaduna are bordered to the north. The capital city, Kaduna is an industrial center of Northern Nigeria, manufacturing products like textiles, machinery, steel, aluminum, petroleum products and bearings. Kaduna

state plays host to the Ahmadu Bello University, Nigerian Defense Academy and Kaduna State Poly. Most of the landmass of Kaduna is rural and agrarian and produces crops such as millet, cowpeas, sorghum, maize and rice. Kaduna is an important junction on Nigeria's Cape gauge railway network. At Kaduna, a branch line connects the Lagos–Nguru Railway to the Port Harcourt–Maidugur Railway.

### **Kano state**

Kano State is a state located in North-Western Nigeria. Kano state borders Katsina State to the north-west, Jigawa State to the north-east, Bauchi State to the south-east and Kaduna State to the south-west. The state capital is in Kano city; while major high institutions of learning are Bayero University, Kano University of Technology and Federal College of Education in Bichi. Some of the food crops cultivated in Kano state are millet, cowpeas, sorghum, maize and rice for local consumption while groundnuts and cotton are produced for export and industrial purposes.. Kano State is a major producer of hides and skins, sesame, soybean, cotton, garlic, gum arabic and chili pepper. The state is the second largest industrial center in Nigeria and the largest in Northern Nigeria with textile, tanning, footwear, cosmetics, plastics, enamelware, pharmaceuticals, ceramics, furniture and other industries.

### **Kogi State**

**Kogi** is a state in the central region of Nigeria. It shares borders with Abuja and Nasarawa state to the north, Edo and Enugu states to the south, Ondo state to the west and Benue state to the east. The capital of Kogi is Lokoja while the main ethnic groups are Igala, Ebira, and Okun. The higher institutions of learning in Kogi include Kogi state University, Anyingba, Federal College of Education, Okene and Federal Polytechnic Idah.

Agriculture is the mainstay of the economy. There are many Farm produce from the state notably cassava, , cocoa, palm oil, cashews, groundnuts, maize, yam, rice and melon.

Mineral resources in the State include coal, limestone, iron, petroleum and tin. The state is home to the largest iron and steel industry in Nigeria known as Ajaokuta Steel Company Limited and one of the largest cement factories in Africa, the [Obajana Cement Factory].

### **Lagos state**

Lagos state is located in the south-western part of Nigeria, and the former capital of Nigeria. It is bordered to the south by the Atlantic ocean, to the north and west by Ogun state and Osun state to the east. Ikeja is the capital of Lagos state. The state initially emerged as a port city which originated on a collection of islands, which are contained in the present day Local Government Areas (LGAs) of Lagos Island, Eti-Osa, Amuwo-Odofin and Apapa; the islands are separated by creeks, fringing the southwest mouth of Lagos Lagoon, while protected from the Atlantic Ocean by barrier islands and long sand spits such as Bar Beach, which stretch up to 100 km (60 mi) east and west of the mouth.

There are many public and private owned high institutions in Lagos. This include but not limited to University of Lagos (UI), Lagos state University, Yaba College of Education and Redeemers University. Lagos is a major economic focal point in Nigeria, generating around 10% of the country's GDP. Most commercial and financial business is carried out in the central business district situated on the island. This is also where most of the country's commercial banks, financial institutions, and major corporations are headquartered. Lagos is also the major Information Communications and Telecommunications (ICT) hub of West Africa and potentially, the biggest ICT market in the continent. The Port of Lagos is Nigeria's leading port and one of the largest and busiest in Africa. It is administered by the Nigerian Ports Authority and it is split into three main sections: Lagos port, in the main channel next to Lagos Island, Apapa Port (site of the container terminal) and Tin Can Port, both located in Badagry Creek, which flows into Lagos Harbour from the west.

Agricultural activities take place in the upland areas of Lagos including Ikorodu, Badagry and Epe.

### **Ondo state**

Ondo State is located in the south west of Nigeria. It shares boundaries with Ekiti state to the north, Atlantic ocean to the south, Osun state to the west and Edo state to the east. The capital of Ondo state is Akure.

Ondo state is home to several higher institutions of learning such as the Federal University of Technology Akure, Ondo State University of Science and Technology, Elizade University and Achievers University.

The State's Economy is basically agrarian with large scale production of cocoa, palm produce and rubber. Other crops like maize, kolanut, yam and cassava are produced in large quantities..

The State is also blessed with very rich forest resources and has a wide range of Fish deposit which account for the core of economic activities in the riverine area of the State.

### **Taraba State**

Taraba state is located in the north eastern part of Nigeria. The state capital is Jalingo. Taraba state is bordered by Adamawa state to the north, Benue state to the south, Plateau state to the west and Republic of Cameroun to the east. The higher institutions of learning in the state are the Federal University in Wukari, Taraba State University, Jalingo and the Kwara University in Wukari.

The major occupation of the people of Taraba State is agriculture. Cash crops produced in the state include coffee, tea, groundnuts and cotton. Crops such as maize, rice, sorghum, millet, cassava, and yam are produced in commercial quantities. In addition, cattle, sheep and goats are reared in large numbers, especially on the Mambilla Plateau, and along the Benue and Taraba valleys.

### **3.4 LAND TENURE SYSTEMS**

Land tenure system in Nigeria is complex ; essentially because of an intricate mix of traditional customary land ownership and the national legislation Land Use Act (LUA) 1978. Traditionally all land in Nigeria is customary, owned and administered by communities within the communal system. Dating back to pre-colonial era in Nigeria, land was managed on the basis of the customs and traditions of the various ethnic groups that formed the country (Adeniyi 2013). Traditional rulers and family heads were vested with the right to manage land in accordance with the political, socio-economic, cultural and traditional norms that existed at that time. Community members had only use rights. The use rights were heritable and inheritance was common among male children, with few ethnic groups allowing females to inherit.

#### **Colonial History**

The colonial period witnessed the imposition of British land administration laws on customary land tenure systems. In Northern Nigeria, the indigenous land tenure system was in 1804 replaced by tenure system based on Muslim Maliki Law that vested ownership and control of land into the ruling class. However, the British colonial administration passed the Land and Native Proclamation Ordinance in 1910 converting all lands into public lands to be held and administered by the colonial governor for the benefit of natives (Adeniyi, 2013).

Conversely, family lands and lands under the ownership of lineages in the southern Nigeria were upheld, but their acquisition by outsiders required the approval of the Governor. Regulations, such as Ordinance No. 9 (1914), were also passed to enable the colonial government to undertake compulsory acquisition of land for public purposes.

After independence in 1960, colonial land policies subsisted with traditional land tenure arrangements until the passage of the Land Use Act (LUA) in 1978 (Birner and Okumo, 2012; Adeniyi, 2013). The LUA is now the basic framework for land administration in Nigeria. It was designed to unify land policies in Nigeria, to curb land speculation in urban areas, and to promote agricultural investment through secured land rights (Adeniyi, 2013).

#### **Current Situation**

Land holdings in Nigeria are now broadly classified into public/government, private and communal (Adeniyi, 2013). Public/government lands are lands owned by government comprising federal, state and local governments and their agencies. Private lands are defined as those whose ownership is vested in private individuals, families, and lands under customary tenancies.

Communal lands are lands which have their ownership vested in communities. These lands are usually administered by community leaders mainly chiefs with the assistance of their councils of elders.

The LUA classifies all lands in Nigeria into urban and rural lands.

The Land Use Decree of 1978 vests all land in the state through the office of the governor. Land is to be held in trust and administered for the use and common benefit of all Nigerians according to the provisions of the Act. By this legal instrument, the state replaced the traditional institutions of traditional rulership and chieftaincy in their roles as keepers of communal land. Control and management of land in urban areas is the responsibility of the state governor, while all other land (rural, public, etc.) is the responsibility of the Local Government of the area. The governor is empowered to designate certain areas as urban land and to grant statutory rights of occupancy of fixed periods and rights of access to any person, subject to rental arrangements fixed by and payable to the state. The local government can grant a customary right of occupancy to land in the local government area (LGA) to any person or organization for agriculture, grazing, residential or other purposes. According to the existing national legislation (LUA 1978), the compulsory land acquisition needs to follow the following steps:

- The investor requests land from the State Governor, who in turn instructs the Commissioner of Land to obtain the land through compulsory land acquisition.
- The Commissioner of Land instructs the Surveyor General to demarcate the land and conduct a land survey i.e. identifies the owner and establishes the compensation entitled under the national legislation.
- After the Commissioner of Land has reviewed and approved the survey results, the Director of Land issues a public announcement to the concerned communities that invites all right holders to identify themselves to the authorities.
- After the end of the public disclosure period a final survey is conducted to confirm validate the findings of the land survey and/or register any changes.
- After the survey results have been either accepted by the right holders or confirmed by the Director of Lands, compensation is paid and the land becomes the possession of the State government, which then in turn can issue a certificate of occupancy to the investor.

To conduct this process the State Governor/Minister is required to establish a Land Use and Allocation Committee that reviews and solves disputes related to the compensation amounts. In addition, the State Government is required to set up a Land Allocation Advisory Committee, to advise the Local Governments on how to identify and allocate replacement land, when customary rights of occupancy on agriculture land are expropriated.

The above processes for land acquisition in Nigeria under LUA acknowledges the fact that lands were first owned by the community but recognizes only title right holders for entitlement of compensation. Those without legal or title rights are only compensated for the improvements on the land (economic trees and structures).

But greater part of lands in Nigeria, the 12 participating states inclusive are owned and occupied mostly by individuals and rural communities who owned their land through communal approval and recognitions rather than by title right of ownership. The state is often accused of using force to acquire land without compensating for it, and where compensation is paid (to title right holders and those with improvements on land) the value paid often falls below the present market values.

Issues of land acquisition and legacy are therefore tricky all over the states of Nigeria owing to antecedents of distrust that indigenes and communities have had with investors and governments.

This project will be guided by the fact that land issues across the 12 project states are not necessarily a function of the individual state land legislation, because the national legislation (LUA) is a framework on which all the states land administrations are based.

By default, this project is a brown field which implies little or no anticipation of land acquisition. However, in the unlikely event of compulsory land acquisition, the project will follow the World Bank involuntary resettlement guideline and principles which includes amongst other things that the project affected persons who are customary land owners must be consulted and resettled and/or compensated before land acquisition and displacement irrespective of whether they have legal title right or not.

## **4 MITIGATION/ENTITLEMENT, ELIGIBILITY AND VALUATION METHODS**

### **4.1 INTRODUCTION**

This section provides the guidelines and procedures for identifying eligible persons for compensation and/or assistance. It also describes the valuation procedures for the different categories of impacts identified in this SCPZ project.

### **4.2 DESCRIPTION OF ELIGIBILITY CRITERIA**

This RPF recognizes that all forms of impacts caused by permanent or temporal land acquisition under this project should be mitigated. Based on the policy guideline of the World Bank's OP4.12, the following criteria are recognized:

- a. Those with formal rights to land (including customary, traditional and religious rights recognized under the Federal and/or State Laws of Nigeria).
- b. Those who do not have formal legal rights to land at the time of the census begins but have a claim to such land or assets provided that such claims are recognized through a process identified in this resettlement plan;
- c. Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood;
- d. Those enumerated as tenants in the various compounds/houses affected

### **4.3 PROOF OF ELIGIBILITY FOR INDIVIDUAL AND HOUSEHOLD COMPENSATION**

The PIU will consider various forms of evidence as proof of eligibility as stated in this framework to cover the following:

- PAPs with formal legal rights, documented in the form of land title registration certificates, leasehold indentures, tenancy agreements, rent receipts, building and planning permits, business operating licenses, and utility bills among others. Also, unprocessed/unregistered formal legal documents will be established in the RAP.
- PAPs with no formal or recognized legal rights-criteria for establishing non-formal, undocumented or unrecognized claims to eligibility shall be established paying particular attention to each situation and its peculiarities. Alternative means of proof of eligibility will include:
  - Affidavit signed by landlords and tenants; and
  - Witnessing or evidence by recognized traditional authority, customary heads, community elders, family heads and elders and the general community.

During the preparation/implementation of RAPs, PAPs will be given code numbers and certificate of eligibility bearing PAPs contacts which will be presented by PAPs during screening for compensation.

#### **4.4 ELIGIBILITY FOR COMMUNITY/VILLAGE/CLAN COMPENSATION**

Communities (districts, villages and clans) permanently losing land and/or access to assets and or resources under customary rights will be eligible for compensation. Example of community compensation could include construction of market place, community lock up shops, community hall, and employment for locals within the projects sites as well as sinking of boreholes, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities where restored and/or improved upon. The local community leaders will play a crucial role in identifying community needs.

#### **4.5 THE CUT – OFF DATE**

##### ***4.5.1 JUSTIFICATION FOR CUT-OFF-DATE***

The entitlement cut-off date refers to the day on and beyond which any person who occupies land or assets, or constructs assets on land, required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area is started or completed. It is also the date after which no new cases of affected people will be considered. The establishment of a cut-off date is required to prevent opportunistic invasions /rush migration into the chosen land thereby posing a major risk to the project. Besides it helps to avoid unidentified costs for the project. Given its importance therefore, this date must be effectively communicated to the project affected persons through the community leaders and other interest groups in the project area and using available and preferred means/medium of public communication in the community.

##### ***4.5.2 COMMON COMPLICATIONS IN THE APPLICATION OF CUT-OFF DATE***

The application of cut-off date sometimes become controversial especially if there is a delay between the time the census is carried out and the start and completion of the project. However, the World Bank OP 4.12 recognizes that individuals and households who occupy project-affected areas after the cut-off date are not eligible for compensation. The WB OP 4.12 sets a caveat for nullifying new claims as follows “*provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx*’.

There is also the complication of unfinished structures which were later finished at or after the time of census / cut-off date. Unfinished structures should be identified during mapping prior to setting of cut-off date. Thus, unfinished sites should be secured, and unused materials piled at the site should be noted and the cut -off survey can estimate investment which should be compensated for in lieu of expenses (including labour) incurred until the cut - off date. Nevertheless, if works are not initiated two years or more after declaration of a cut-off date, a new census and evaluation of properties must be carried out.

##### ***4.5.3 ESTABLISHING THE CUT-OFF-DATE***

Establishment of a cut-off date is of critical importance. To avoid an influx of outsiders to subproject areas and misuse of the compensation policy, the date of the census will serve as the cut-off date for eligibility and no new PAPs will be eligible for compensation after this date. The cut-off date must be chosen in close collaboration with community leaders, PAPs and representatives of PAPs social groups and shall be announced / made public through appropriate means of reach-out in the local area and/or via radio advertisement and fliers during the community awareness campaigns.

**TABLE 4.1: INDICATIVE ENTITLEMENT MATRIX**

<b>Asset</b>	<b>Type of Impact</b>	<b>Affected Person/unit</b>	<b>Eligibility Criteria</b>	<b>Financial or In-Kind Compensation</b>	<b>Allowances/Assistance</b>
<b>Land(including fallow land used as part of agricultural cycle)</b>	Permanent acquisition of land	Land owner (individual, clan or community)  Tenant/User (will not receive compensation for land but for improvements to land they have made such as crops, houses, sheds etc. (see below for details)	Person with formal right to land or without formal legal right to land but have recognizable claim to land recognized under the prevailing local land tenure	Replacement with land of equal size and quality in locations adjudged as same in value to the acquired one. If land replacement is not possible or available then cash compensation at full replacement value as well as disturbance allowance of 10%  Community land - replacement land or if unavailable, compensation to be paid to the community with their full consultation and participation	<u>Land Transfer allowance</u> 10 % of market value in cash Covering all administrative fees related to the purchase or provision of replacement land. Moving allowance
	Temporary acquisition of land			Full restoration to pre-project conditions; Financial compensation for any crops or trees acquired or destroyed; compensation for any rent received from land; replacement land if lack of access will last for an agricultural cycle and prevent farmers from either planting or harvesting crops. Return of land to land user after use	Moving allowance
<b>Cultural Heritage</b>	Permanent /Temporary loss of cultural heritage including sacred sites.	Community	Community Land not under dispute	Replacement in consultation with concerned parties including ministry of environment with respect to forest/trees  Cash compensation of temporary loss of income	
	Restriction /loss of grazing ground	Fulani herdsmen and others	Established grazing pattern/history	Assistance to create grazing reserve elsewhere in consultation with PAPs  Cash compensation for temporary loss of income.	

Asset	Type of Impact	Affected Person/unit	Eligibility Criteria	Entitlement Description	Allowances/Assistance
<b>Crops/ Trees</b>	Destruction/damage/loss of crops	Landowner	Landowner with formal or informal right to own land on which crops / tress are grown	Cash compensation for crops at full market value of crop yield per hectare	
	Loss of fruit trees	Tenants/Users of land and cultivators/owners of crops/trees, including individuals of the same household who tend their own piece of land and grow crops on it.	Recognized owner of affected fruit tree	Cash compensation for wood tree at current market value	Moving/Setup allowance
	Destruction/Loss of wood trees				
<b>Structures</b>	Destruction of permanent immovable structures	Owner	Recognized owner of affected structure irrespective of land ownership status	Cash compensation at full replacement value , or replacement structure Cost of moving	
		Tenant/User	Recognized tenant	Disturbance assistance (10%)	
	Temporary displacement of moveable structures	Owner	Recognized owner of affected structure irrespective of land ownership status	Cost re-building and moving back to initial location Disturbance allowance (10%)	
		Tenant	Recognized tenant/user		
Businesses and Commercial Enterprises (formal and informal)	Business person distinct from owner of the structure	Those operating business on the affected project land irrespective of their land ownership status			
Loss of access to rivers or lakes	Loss of access to fishing livelihood	Recognized fishermen/women who substantially rely on fishing for	Verification that fishing is important livelihood for household or individual	Compensation to be discussed with PAP. Could be a combination of cash compensation, livelihood restoration including micro credit	

		their livelihood		to start alternative business or to get access to alternative fishing grounds/ forming cooperatives with others.	
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**TABLE 4.1: INDICATIVE ENTITLEMENT MATRIX**

Asset	Type of Impact	Affected Person/unit	Eligibility Criteria	Financial or In-Kind Compensation	Allowances/Assistance
<b>Land(including fallow land used as part of agricultural cycle)</b>	Permanent acquisition of land	Land owner (individual, clan or community)  Tenant/User (will not receive compensation for land but for improvements to land they have made such as crops, houses, sheds etc. (see below for details))	Person with formal right to land or without formal legal right to land but have recognizable claim to land recognized under the prevailing local land tenure	Replacement with land of equal size and quality in locations adjudged as same in value to the acquired one. If land replacement is not possible or available then cash compensation at full replacement value as well as disturbance allowance of 10%  Community land – replacement land or if unavailable, compensation to be paid to the community with their full consultation and participation	<u>Land Transfer allowance</u> 10 % of market value in cash Covering all administrative fees related to the purchase or provision of replacement land. Moving allowance
<b>Cultural Heritage</b>					

## **5 LIVELIHOOD ENHANCEMENT AND RESTORATION**

### **5.1 INTRODUCTION**

A Livelihoods Restoration Program involves mitigation stemming from Project activities. Livelihoods packages should never be given in place of alternative replacement land. Those, with land-based livelihoods who have lost land must be provided by replacement land before they can enter a livelihood restoration program. The Goal of the Livelihoods Restoration Program is sustainable livelihood of Project Affected Persons and households at or exceeding pre-project levels through the harnessing of local economic development associated with the Project.

The Objectives of the Program should include:

- Provision of a menu of livelihood restoration activities for land-, wage- and enterprise-based activities to project affected persons;
- Provide literacy, financial literacy and business plan training to project affected persons regardless of livelihoods training;
- Ensure technical skills training targets identified needs within long-term operations work;
- Ensure small business increases access of affected persons to Company procurement opportunities and other local procurement opportunities;
- Increase overall agricultural production within affected communities and decrease incidence of food insecurity;
- Link local agriculture production with larger export market opportunities.

#### **5.1.1 APPROACH**

A livelihoods framework needs to have a multi-dimensional approach to facilitate the restoration of livelihoods in the project affected area. The four main components of a livelihood 'profile' are:

- Current livelihood(s) used for income/payment in kind/ sustenance of household;
- Existing skills that are currently not employed for lack of start-up funds or knowledge of the market;
- Access to affordable credit, either from commercial enterprises or relatives
- Basic literacy and numeracy skills that enable people to be able to adapt to a changing economic climate and transfer skills to different sectors.

In addition to the main livelihood components, the livelihoods restoration framework provides technical training and input to local communities to facilitate access to the breadth of local investment in the SCPZ project. The basic approach to be used includes:

- Establishing local skills and identify gaps in community skill base;
- Establishing pre-project livelihood activities;

- Establishing potential livelihood activities associated with the Project;
- Providing choice to impacted households on livelihoods training ensuring local capacity for food security;
- Providing training for local households and establish processes within the Company's/Investor's;
- supply chain for incorporating input from local communities;
- Providing management and oversight for local economic development activities; and;
- Ensuring implementation of monitoring and evaluation program.

### ***5.1.2 RE-ESTABLISHMENT OF LIVELIHOODS***

All project affected households are engaged in an agricultural livelihood. As such, the initial focus of the livelihoods program will focus on re-establishment of agricultural activity and on appropriate skills development and technology transfers to raise the productive capacity of individual farmers and collectively.

## **5.2 POTENTIAL PROGRAM ACTIVITIES**

Livelihood program activities will only be available to registrants who have demonstrated that they have access to land. The following section identifies the main livelihoods activities that could be proposed.

### **Wage-based Livelihoods**

The program is to include the following wage-based livelihoods activities targeted to affected persons:

- Technical skills training
- Preferential employment in the Company
- Preferential employment as subcontractors/sub-leases to the Company

### **Unskilled Employment**

The Company is to ensure that full- and part-time positions within the company/investor are targeted to the following groups in order of priority:

- PAPs and members of Project Affected Households;
- Members of Project Affected Communities;
- Persons from Kogi State;

The investor will keep and maintain records of origin of employment and, where feasible, ensure equal representation within the workforce of those from affected communities.

## **5.3 ASSISTANCE FOR VULNERABLE HOUSEHOLDS AND INDIVIDUALS**

Several hazards are often realized simultaneously, e.g., loss of land, employment, home, and/or living space may occur in conjunction with a deteriorating social structure. This cascade may drive those already living close to the edge, over the edge. Certain categories of person are known to be especially vulnerable to setback including:

- Child survivors of families living with AIDS;
- Women without families working as labourers;
- Persons with severe disabilities or disabling disease;
- Men without families working as labourers, persons with severe disabilities or disabling disease;
- Households headed by women including women living in polygamous households
- Households headed by men with no cash income;
- Households headed by children (anyone under the age of 18);
- Households containing elderly, physically or mentally disabled people, and /or those who are chronically ill.

Similarly, places particular stress on persons, households and communities that are:

- Already without adequate income or assets (the extremely poor);
- Stigmatized due to gender, ethnicity, LGBT status, stigmatized occupation or illness;
- Highly dependent due to old age or youth, or to mental and physical disability

#### **5.4 GENDER ISSUES**

Women have limited access to assets and productive resources, owing both to legislation and to social norms, and employment opportunities are limited as a result of disadvantaged schooling and the cultural expectation to perform domestic responsibilities. There is a risk that women will be disadvantaged in terms of their access to employment and participation in out-growers arrangements. To this end, amongst other solutions a substantial part of component 2 (36% of project funding) will support Women and Youth Empowerment Program, contributing to correcting the gender and youth gap in agriculture.

**5.5 VULNERABILITY CATEGORIES**

Vulnerability may be viewed in two stages: pre-existing vulnerability and transitional hardship vulnerability. Pre-existing vulnerability includes that stage which would be present with or without Project development. Transitional hardship vulnerability occurs when those directly affected by the Project, whether predisposed or not, are unable to adjust to new conditions due to shock or stress related to Project activities.

The Vulnerability Program would be designed to address and manage people and households in the pre-existing stage although international best practice does not hold a company accountable for the pre-existing vulnerability. International best practice does require a company to manage and be directly responsible for people and households in the transitional hardship vulnerability because it is the company’s project that ultimately has changed their status.

**5.5.1 CRITERIA**

Criteria used to assess vulnerability include pre-Project poverty, household composition, income, food supply, housing; social support, health, disability and level of food insecurity. Table 5.1 can be used as a basis for identification and assessment of vulnerable households and individuals.

**TABLE 5.1: VULNERABILITY ASSESSMENT TOOL**

<b>Household Vulnerability</b>			
<b>Category</b>	<b>Indicators</b>	<b>True</b>	<b>False</b>
1. Pre-Project Extreme Poverty- the Pre-Disposed	No Farm		
	No Land		
	No Job		
	No Business <sup>2</sup>		
2. Household Composition	Elders and/or Children only or		
	Women and Children only or		
	Disabled or Diseased only <sup>3 4</sup>		
3. Income	None from Farm		
	None from Job		
	None from Business		
	None from Rental		
4. Food	Have <u>no</u> Stored Food		

<b>Household Vulnerability</b>			
	Claim to be eating one meal or less/day		
5. Housing	Homeless or		
	Living in Charitable Housing		
6. Social Support	No Extended Family Support		
	No Community/Neighbourhood support		
7. Health	HH has ->1 Disabled, diseased, drug addict or prostitute.		

**5.6 VULNERABILITY ASSESSMENT**

The primary objective of the vulnerable persons assessment and assistance measures is to avoid the occurrence of project-induced vulnerability, and if it occurs, to mitigate this through preventive and follow-up measures.

Criteria used to assess Project-induced vulnerability include pre-Project poverty, household composition, income, food supply, housing, social support, and health. The criteria are used to establish household vulnerability relative to local conditions. Vulnerability thus becomes locally defined as those households that are recognized to be in a difficult situation against the background of general poverty in the area.

Project measures to identify vulnerable households and individuals include:

- Participatory engagement techniques to confirm community perceptions of well-being and to identify at-risk households
- Analysis of baseline data to identify at-risk households
- Implementation of household monitoring surveys designed to reveal trends in social welfare (household composition, assets, sources of income, expenditures....)
- Self-registration at offices of households that identify themselves as vulnerable or at risk; with all such registrations leading to an evaluation of that household by the project/investor team in order to assess the households' vulnerability
- Regular visits to all physically displaced households and any economically displaced households identified as vulnerable during resettlement planning and implementation processes to re-assess those households' vulnerability. Such visits will occur at least once a quarter; and each visit will be recorded in the database flagging changes to indicators that are problematic



## **5.7 MONITORING**

Vulnerable household monitoring is integral to the general resettlement monitoring framework. All vulnerable households should be tracked from registration to self-sufficiency in the Project database. Assistance measures will also be tracked from recommendation to completion in the Project database. A watch-list of households should be tracked in the database and visited on the ground at least once a quarter. Each follow up visit will be recorded in the database flagging changes to indicators that are problematic.

## 6 LEGAL FRAMEWORK

### 6.1 INTRODUCTION

Land holding system in Nigeria has a complex history dating back to the colonial era up to the contemporary era. During Colonial Era, before the amalgamation of the Northern and Southern Nigeria in 1914, the Colonial Nigeria was divided into colonies and protectorates where multiplicity of **land tenure system** existed.

In Northern Nigeria, the Land and Native Rights Ordinance of 1910 vested all lands in the governor of Northern Nigeria. Similar legislation was proposed in some quarters for the south of the country, but this was vehemently and successfully resisted by indigenous interests so that in southern Nigeria, the system recognized that land was owned by lineages or extended families. Individuals have only right of use on such family land. The only land held at the Governor's disposal was that which had been expressly acquired for public purposes as Crown land. The only control imposed by law on the lineages and other local landholders was an obligation to seek the consent of Government when rights are being conveyed to aliens. So the colonial administration in southern Nigeria recognized the existing indigenous system of land management and administration.

The Land Use Act was enacted in 1978 (a federal enactment attached to the Constitution) which prescribes that all land in Nigeria within the territory of each state of the federation is vested in the control and management of the State Governor. The law intended to regulate the land rights in order to bring uniformity in the laws governing land-use and ownership, control speculation in urban land, equalize legal access to land rights by Nigerians, facilitate the Federal and State Governments to acquire land for large-scale projects (housing, irrigation schemes, industries, etc.) and unify rural lands arising from either the application of traditional principles of inheritance and/or population growth and the consequent pressure on land.

The Act, with 51 provisions, approached the land issues through the investment of proprietary rights in the state; the granting of user rights to individuals, and the use of administrative system rather than the market in the allocation of rights in the land. The Act intended to make investment in agriculture attractive by removing the uncertainty in the control over land, to curb speculation in urban lands, and to create opportunities to occupy land generally available to all Nigerians throughout the country. The LUA makes provision for an ad hoc body to be known as the Land Use and Allocation Committee to be set up in each state to advise the Governor on the management of urban land and an ad hoc body to be called Land Allocation Advisory Committee in each Local Government Area to advise the Local Governments on management of land in rural areas.

Due to lack of understanding of the confusing and sometimes contradictory provisions of the Land Use Act as well as lack of detailed and enforced supporting regulations, the land tenure situation became very critical in Nigeria. Many scholars, professional bodies, traditional institutions, and civil societies have commented on the LUA and have called for its full review. In 1990, the government started reinforcing the law through a set of decrees and the establishment of governmental bodies. In 2009, the Presidency called for a fairly

comprehensive review of the Act by sending 14 amendment clauses (titled Land Use Act – Amendment Act 2009 of the Constitution – First Amendment Act 2009) to the National Assembly. According to the source mentioned just above, the proposed bill seeks to vest ownership of land in the hands of those with customary right of ownership, and also enable farmers to use land as collateral for loans for commercial farming to boost food production in the country. The bill also seeks to restrict the requirement of the governor’s consent to assignment only, which will render such consent unnecessary for mortgages, subleases and other land transfer forms in order to make transactions in land less cumbersome and facilitate economic development. The bill is yet to be passed by the National Assembly; though the general tendency today goes towards the recognition of customary right of ownership.

In August 2013, PTCLR edited the draft regulations on Land Use Act, 2013 with the aim of introducing regulations for standardizing the process of land registration across all states, such as Systematic Land Titling and Registration, to improve land tenure transparency and security in Nigeria. The document has yet to be adopted by the National Council of States.

## **6.2 LAND ACQUISITION PROCEDURES**

The Nigerian laws foresee two ways how land can be acquired:

- Anybody can purchase land outright from the owner and apply for a Certificate of Occupancy at the Ministry of Lands. Although simple in legal terms, this solution does not protect the purchaser from competing claims that may arise after the purchase has taken place and might therefore result in a situation where some parcels need to be purchased twice.
- To address this risk, it is quite common, that the State Government expropriates the land and rents it to an investor for up to 99 years. All liabilities are in this case with the Government, while the investor can enjoy his leased or purchased land without risk.

According to the existing national legislation, the compulsory land acquisition needs to follow these steps:

- The investor requests land from the State Governor, who in turn instructs the Commissioner of Land to obtain the land through compulsory land acquisition.
- The Commissioner of Land instructs the Surveyor General to demarcate the land and conduct a land survey i.e. identifies the owner and establishes the compensation entitled under the national legislation.
- After the Commissioner of Land has reviewed and approved the survey results, the Director of Land issues a public announcement to the concerned communities that invites all right holders to identify themselves to the authorities.
- After the end of the public disclosure period a final survey is conducted to confirm validate the findings of the land survey and/or register any changes.
- After the survey results have been either accepted by the right holders or confirmed by the Director of Lands, compensation is paid and the land becomes the possession of the State government, which then in turn can issue a certificate of occupancy to the investor.

To conduct this process the State Government is required to establish a Land Use and Allocation Committee that reviews and solves disputes related to the compensation amounts. In addition, the State Government is required to set up a Land Allocation Advisory Committee, to advise the Local Governments on how to identify and allocate replacement land, when customary rights of occupancy on agriculture land are expropriated. The State Government has further the right to take over the process if the Local Government doesn't solve this issue in a reasonable time.

As the land is hold in trust by the State Government, there is no compensation foreseen for the land as such, but for the“unexhausted improvement”, which is defined as anything of any quality permanently attached to the land directly resulting from the expenditure of capital or labour by any occupier or any person acting on his behalf, and increasing the productive capacity the utility or the amenity thereof and includes buildings plantations of long-lived crops or trees, fencing walls, roads and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce.” Consequently developed land is defined in section 50(1) as “land where there exists any physical improvement in the nature of road development services, water, electricity, drainage, building, structure or such improvements that may enhance the value of the land for industrial, agricultural or residential purposes”.

In sum, the provisions of the Land Use Act with a view on compensation are:

- Compensation is not paid for fallow or undeveloped land i.e. with no physical improvements resulting from expenditure, capital or labour.
- Compensation is estimated based on the value of improvements.
- The provision of Section 6(5) of the Act, which defines that the “holder” and the “occupier” of customary right of occupancy are entitled for this compensation, is rather confusing and vague as it fails to acknowledge that the holder of the certificate of occupancy might be different from the occupier /user of the land, just as the user of improvement on land (e.g. house) may be a tenant rather than the owner, who is the holder of certificate of occupancy.
- When the right of occupancy is revoked in respect of a part of a larger portion of land, compensation shall be computed in respect of the whole land for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked less a proportionate amount calculated in relation to the area not affected by the revocation; and any interest payable shall be assessed and computed in the like manner. When there are buildings, improvement or crops on the portion revoked, the compensation amount shall follow the principle outlined above.

The Act makes no clear description of how the public or the PAPs will be consulted in the process of involuntary resettlement and again remains rather vague by saying “*there shall be a public notice so that those who have interest in the affected land will indicate their interest*”.

### **6.3 INTERNATIONAL REQUIREMENTS FOR LAND ACQUISITION AND RESETTLEMENT**

Based on lessons learned from early investments that caused significant resistance, public and private actors in Nigeria gradually start to use international standards and approaches to

access land and easement for large and complex investments such as the CADP, SCPZ and ABIR developments; and the Federal, State and Local Governments have committed itself in Chapter 2 of this RPF to comply with the requirements of the Involuntary Resettlement Policy of the World Bank (OP 4.12).

The OP 4.12 applies to all components of this Project, and SCPZ-related investments in the ABIR that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that are (a) directly and significantly related to the project, (b) necessary to achieve its objectives as set forth in the project documents and (c) carried out, or planned to be carried out, contemporaneously with the investments.

The OP 4.12 covers direct economic and social impacts caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. To address these impacts a RPF and subsequent RAPs are prepared to ensure that the displaced persons are (i) informed about their options and rights pertaining to resettlement, (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the investment.

If the impacts include physical relocation, the RPF and RAPs include measures to ensure that the displaced persons are (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site. Where necessary, the RPF and RAPs shall also include measures to ensure that displaced persons are (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and (ii) provided with development assistance in addition to compensation measures outline above (iii) such as land preparation, credit facilities, training, or job opportunities. Particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

The implementation of the land acquisition and resettlement activities shall be linked to the implementation of the investments to ensure that displacement does not occur before necessary measures for resettlement are in place. These measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets shall take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.

As indicated for displaced people whose livelihoods are land-based, preference should be given to land-based resettlement strategies and resettlers provided with land for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labour exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

Displaced persons may be classified in one of the following three groups:

- those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP; and
- those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under para. (a) and (b) are provided compensation for the land they lose, and other assistance. Persons covered under para. (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons are provided compensation for loss of assets other than land.

**6.4 GAP ANALYSIS BETWEEN NATIONAL AND INTERNATIONAL STANDARDS AND GAP FILLING MEASURES**

Table 6.1 below provides assessment key relevant clauses in the Nigerian extant law regarding involuntary resettlement/land acquisition and that of the principles of operation 4.12 of the World Bank, and provides solutions to existing gaps.

**TABLE 6.1: COMPARISON OF NIGERIAN LAW AND WBG SAFEGUARDS**

Category	Nigerian Law	World Bank OP4.12	Measures to Filling the
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			<b>Gaps</b>
Minimization of resettlement	No requirement to consider all options of project design in order to minimize the need for resettlement or displacement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs	Design of footprints of project-related activities, particularly commercial farmland, will be undertaken so as to minimize resettlement.
Information and Consultation	It's lawful to revoke or acquire land by the governor after issuance of notice. No consultation is required.	PAPs are required to be meaningfully consulted and participate in the resettlement process	PAPs shall be meaningfully consulted and engaged in the resettlement process
Timing of Compensation	The law is silent on timing of payment	Compensation implementation to take precedence before construction or displacement	Compensation and resettlement implementation to take place before construction or displacement
Livelihood restoration	Makes no proscription on livelihood restoration measures	Requires that vulnerable PAPs be rehabilitated	Livelihood restoration measures will be put in place for vulnerable PAPs
Grievance Process	The land use and allocation committee appointed by the Governor is vexed with all disputes/grievances and compensation matters	Requires that a grievance redress mechanism be set early constituting the representative of PAPs and, prefers local redress mechanism. The law court is the last resort when available mechanism or outcome is unsatisfactory to PAP	A grievance redress committee (GRC) shall be established early and existing local redress process shall be considered to address issues of project induced grievances. PAPs or their representatives shall be members of the GRC.
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary	Compensation in cash to the community, chief or leader of the	Land for land compensation or any other in-kind compensation agreed to	Land for land compensation or any other in-kind compensation agreed to

right	community for the benefit of the community	with the community	with the community
Agricultural land	Entitled to alternative agricultural land <sup>2</sup>	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation	Land for land compensation
Statutory and customary right Land Owners	Cash compensation equal to the rent paid by the occupier during the year in which the right of occupancy was revoked	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Squatters settlers and migrants	Not entitled to compensation for land, but entitled to compensation for crops.	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land
Owners of “Non-permanent” Buildings	Cash compensation based on market value of the building (that means depreciation is allowed)	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Owners of “Permanent” buildings, installations	Resettlement in any other place by way of reasonable alternative accommodation or Cash Compensation based on market	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.

<sup>2</sup> Nigerian Land Use Act 1978

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## 7 VALUATION METHODS FOR DIFFERENT CATEGORIES OF ASSETS/ENTITLEMENTS

### 7.1 BASIS OF VALUATION

The scope of valuation in this RFP covers all categories of impacts/assets identified during the social assessment and described in the entitlement matrix. The essence is to ensure appropriate procedure and fair compensation to the project affected groups that are in tandem with best practices which OP 4.12 supports. Therefore the basis of this valuation is derived from the OP 4.12 of the World Bank and the Federal Land Use Act 1978 of Nigeria.

#### Description of Key Valuation Approaches and Compensation terms

- (a) Replacement cost approach (RCA): Replacement cost is the market value of the affected asset plus transaction cost. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the gross replacement cost of an asset which is the estimated cost of constructing a substitute structure or buying an alternative land in a location and size of equal value at current market prices.
- (b) Market comparison Approach (MCA): this involves the direct comparison of the property's value determining features with those of immediate and surrounding vicinity that sold recently. This method simply arrives at the value of an asset by taking an estimate of similar asset (in size, frame and location) sold in recent time to arrive at the cost of the asset to be acquired or demolished by a project. It is most desirable when cash compensation is the choice compensation.

### 7.2 VALUATION METHODS FOR CATEGORIES OF IMPACTED ASSETS

#### 1. Land

Replacement cost approach (RCA) or market comparison approach (MCA) whichever is more commensurate (MCA). If it is found that replacing land for land would not be a feasible option and upon extensive consultation with community/PAPs, then the application of MCA will be suitable for land valuation.

#### 2. Structure/Building

The replacement cost approach will be adopted for the valuation of dwellings and structures.

To use replacement cost approach relevant data to be captured during RAP preparation include:

- Location details of the affected land (boundaries of the area/section of the land);
- Affected immovable properties (detailed measurement of building/structure);
- Property details including construction information such number of rooms, type of roof, wall, interior ancillary decoration, etc.)
- Social profile/data on affected household (owner, tenants, dependents)

### **3. Fruit trees/Farm crops/Woodlots**

Impacts associated with losses of income from any of the above items will be calculated as follows:

**Compensation for fruit tree** is cash compensation for average fruit production for 3 years at current market value. Although government rate prepared by NTDF exists, market research will be conducted by appropriate experts (independent quantity survey) to determine if the government rate is in tune with current market rate. Where this rate is different from current market rate, the later will be used to fulfil the condition “*current market rate*” of OP 4.12.

**Compensation for farm crops** is at full market value of crop yield per hectare. This entails conducting an inventory of size of hectares farmed by each PAP and the type of crop. The existing market value of crop yield per hectare will be determined and adjusted (as may be necessary for inflation) during RAP preparation so that end result will be reminiscent of prevailing market price at the time of RAP compensation.

**Compensation for woodlot** is Cash compensation at current market value. All woodlot attract a flat rate using market rate.

## 8 ARRANGEMENT FOR COMPENSATION AND FUNDING

### 8.1 RESPONSIBILITY FOR FUNDING

Compensation (and resettlement) responsibility for the RPF/RAP will be borne by the proponent/investor. The proponent or investor refers to the agency/firm or authority that is responsible for land acquisition and/or displacement of persons in any location within the SCPZ sites and/or its catchment area. Investors will be required to take the responsibility for resettlement/compensation funding that meets the standard specified in this RPF.

The fund will be paid into an escrow account to be managed by the PIU. The PIU will be responsible for making request of “No Objection” to the Bank to spend or carry out RAP implementation when the requirements stated in this RPF would have been met.

The compensation process, which will involve several steps, would be in accordance with the SCPZ project resettlement and compensation plans and will include:

- **Public Participation** with the PAPs would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This would ensure that no affected individual/household is simply 'notified' one day that they are affected in this way. Instead, this process seeks their involvement and wishes to involve PAPs in a participatory approach with the project from the onset.
- **Notification** of land resource holders - the respective municipal heads or leaders (chiefs) having been involved in identifying the land that the SCPZ Project require will notify the municipal and community inhabitants who will help to identify and locate the land users. These local community leaders will also be charged with the responsibility of notifying their community members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the community leader or his representative. In addition, the village chiefs, religious leaders, other elders and individuals who control pastoral routes, fishing areas, wild trees, or beehives, hunting areas will accompany the survey teams to identify sensitive areas.
- **Documentation** of Holdings and Assets – SCPZ project official arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, officials of the SCPZ Project completes a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by state environment agency and village officials. Dossiers

will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

- **Agreement on Compensation and Preparation of Contracts** - All types of compensation are to be clearly explained to the individual or household. The SCPZ Project draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the state environment agency, project officials, community (or municipal) officials and other leaders prior to signing.
- **Compensation Payments** - All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, representative of the Federal and State Ministry of Environment, FMARD and any other third party.
- **Implementation Process** - The measures to ensure compliance with this policy directive would be included in the resettlement plans that would be prepared for each land involving resettlement or compensation.

## **8.2 ORGANIZATIONAL AND INSTITUTIONAL SETTING AND DELIVERY MECHANISM**

All RAPs to be prepared under this RPF need to include an analysis of the institutional framework for the operation and the definition of organizational responsibilities. This analysis of the institutional framework will cover the following areas:

- the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- an assessment of the institutional capacity of such agencies and NGOs; and
- any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation (see OP 4.12 Annex A, para. 8).

The organizational framework established from this and which forms the core of every RAP identifies the agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

## **8.3 INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION**

The RPF and the subsequent RAPs will be implemented by a number of actors:

### **8.3.1 PROJECT IMPLEMENTATION UNIT (PIU)**

The PIU which core staff includes safeguards specialists, will have the primary responsibility of ensuring adequate implementation of the RPF and hiring consultants. The **Social Safeguard Officer** within the PIU will be responsible for preparing TORs, reviewing reports and organizing consultations around RAPs related to project funded investments , and ensuring prior and post review by the World Bank as necessary. He/she will also be responsible for quality assurance and compliance with the RPF and WBG policies.

### **8.3.2 RESETTLEMENT SUPERVISION COMMITTEE (RSC)**

The objective of the Resettlement Committee (RSC) is to ensure good coordination and implementation of the resettlement process. The RSC will ensure that the RAP consultant/NGO implements to the later the processes outlined in this RPF. Specifically, the RSC will ensure that the rights of minorities, vulnerable groups including women and the socially disadvantaged PAPs is protected by ensuring that they are consulted and meaningfully engaged and represented in all the processes of involuntary resettlement preparation and compensation, livelihood restoration and assistances.

The composition of the RSC may include:

- The Chairman of the LGA
- The Representative of the State Department of Land
- The representative of the LGA department of land
- Social specialist of the PIU
- Project engineer of the PIU
- At least 2 Women community representatives

The Committee and/or its members are requested to assist LMU, the investor and/or its consultants in the following tasks:

- Supervising household census and asset inventory, particularly identifying and verifying ownership, particularly customary land owners/users;
- Helping in discussing key issues in preparation the RAPs;
- Discussing potential resettlement site locations and visiting them during the RAP preparation period to advise on selection;
- Participating in the allocation of land at resettlement sites;
- Advise on resettlement site planning and resettlement housing design;
- Witnessing compensation payments;
- Identifying vulnerable households in the community; and
- Receiving and conveying grievances.

The Resettlement Committee may form sub-committees to address the needs of specific groups such as women, vulnerable people, seasonal farmers, transhumant if any. The PIU should pay a modest per diem to compensate lost time for transport, communication and effort.

### **8.3.3 THE ROLES OF THE SOCIAL SAFEGUARD OFFICERS/CONSULTANTS**

***a) The Social Safeguard and Livelihood Specialist at the NCO***

The Social Safeguard and Livelihood Specialist (consultant) will be hired by FMARD and will operate at the national coordinating office. He/she will supervise and provide technical support to the social safeguard officer at the state level (SCO). He/she will guide the safeguard officer on development of TOR and will ensure prior review of all safeguard documents prepared for each state before forwarding to World Bank for review and disclosure in the infoshop.

***b) The Social Safeguard Officer at the state PIU***

The Social Safeguard officer attached to the SCO-PIU will be responsible for the sub- project implementation of the RAP/ARAP. The SCO at this stage will recruit a Social Safeguard Specialist to be responsible for safeguard issues of the project at each state level. The social safeguard officer will report to the Social and Livelihood Specialist at the national Coordinating Office.

#### **8.4 CAPACITY ENHANCEMENT AND BACKSTOPPING**

The World Bank acknowledge that acquiring land in line with international standards requires technical support and they are therefore always open to provide

- assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
- financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
- financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities” (see OP 4.12 para. 32).

While the detailed capacity enhancement plan can only be established based on the assessment of the existing capabilities to be performed during RAP development, it is known that quality land acquisition training is not available in Nigeria, and sending all people who need training to international centres may be impractical. Experience show that project-level training is more practical in such cases. Some or all of this training can be provided by personnel from international centres such as the Resettlement Centre at the Rhodes University in South Africa, by personnel from qualified NGOs, or by international land acquisition specialists. Similarly, local or regional specialists or NGOs involved in specific aspects of resettlement, such as World Bank RAP services provider consultants, can be called on to familiarize resettlement staff with key issues and methods. These topics can also be included in the project launch workshop. The project resettlement specialist or consultants can provide training for resettlement staff, including field personnel.

Another possibility is a carefully structured study tour of projects in neighbouring provinces or countries. Study tours give agency staff an opportunity to not only see field conditions in another project, but also speak with colleagues elsewhere about implementation issues. Training makes an important contribution to institutional capacity. Training activities should complement and support each other. The training should be appropriate for the intended audience. Senior managers are concerned with policy issues and have little interest in field problems; whereas resettlement staffs are consumed by implementation issues but believe they have little influence on policy concerns. One recurring mistake is to provide policy training to field staff, but no operational training. Another is to provide policy orientation to senior managers, while giving no training to staff tasked with actual implementation.

An effective training program emphasizes policy training for senior management and operational training for resettlement staff. In many instances, project preparation grants or technical assistance funds can be used to pay for training abroad, in international centres, or in the project. Sending resettlement staff to similar projects in the country can be an inexpensive yet effective way of building resettlement capacity. Such interactions are particularly useful, because practitioners are involved in the exchanges, and the context, problems, and issues are likely to be similar.

## **8.5 NGOs SUPPORTING THE PAPS**

The role and responsibility of Nongovernmental Organizations (NGOs) and Civil Society Organizations (CSO) in land acquisition and resettlement have changed significantly. While originally often vocal opponents of large development projects, play some of them today a very important role as “watch dog” for all kind of issues and/or informing affected people about their rights and options and/or assist them in the decision making and relocation process.

## **8.6 MONITORING AND EVALUATION**

Good institutional design makes implementation easier, but effective monitoring ensures it stays on track. Even projects with the best RAPs and exceptionally supportive organizations are likely to run into problems and issues during implementation. Timely identification and resolution of these problems are critical to achieving desired resettlement outcomes. Effective monitoring is essential. To be very effective, monitoring should cover both internal monitoring (conducted by the project agency) and external monitoring (conducted by a qualified independent agency). While internal monitoring would primarily consist of a follow-up on the quantitative aspects of resettlement implementation and focus more on processes and delivery of inputs, external monitoring focuses more broadly on outputs, outcomes, and the qualitative aspects of implementation. Both internal monitoring and external monitoring cover to be agreed benchmark indicators in the RAP. This requirement prevents reporting against some local guidelines or other vague standards, a practice that sometimes reduces the validity and applicability of the findings of the monitoring program. A good-practice checklist of issues for internal and external monitoring would include the following:

### **8.6.1 INTERNAL MONITORING**

- An internal monitoring unit is explicitly designated within the LMU and may include representatives from the government agencies, NGOs, and other agencies. Good communication with field offices, as well as coordination with other implementation agencies, is factored into the design. Internal monitoring is carried out in accordance with detailed, specific terms of reference.
- The staff of the internal monitoring unit is familiar with the design of the resettlement program.
- Staff from the internal monitoring unit receives adequate training in the framework and methodology of internal monitoring.
- The internal monitoring unit regularly receives information and data updates from field offices.
- The unit staff participates in the project launch workshop, where the key monitoring benchmarks and the reporting process are discussed and agreed to.
- Resettlement data are collected under both household and impact categories and entered into a computer to make processing easier.
- Senior decision makers have explicitly agreed on a process for factoring monitoring reports into decision making.

#### **8.6.2 EXTERNAL MONITORING**

- The external monitoring agency is identified during RAP development. Having the same agency conduct socioeconomic surveys and external monitoring is acceptable. However, the consultants involved in resettlement planning are preferably not hired for external monitoring, as they have a vested interest in reporting smooth implementation.
- The external monitor — for example, a university, research institute, or NGO — verifies, in the field, some of the quantitative information submitted by the internal monitoring agency. This aspect is sometimes overlooked because of the qualitative focus of external monitoring.
- The LMU, the panel of experts and the monitoring agency discuss the proposed methodology for external monitoring. A good practice is to describe the methodology in the RAP. An outline format for the external monitoring report is agreed to. Such agreement helps ensure that external monitoring reports cover all elements of resettlement implementation.
- The process of reviewing external monitoring reports and factoring them into resettlement decision making is agreed to and described in the RAP

## 9 LAND ACQUISITION IMPLEMENTATION PROCESS

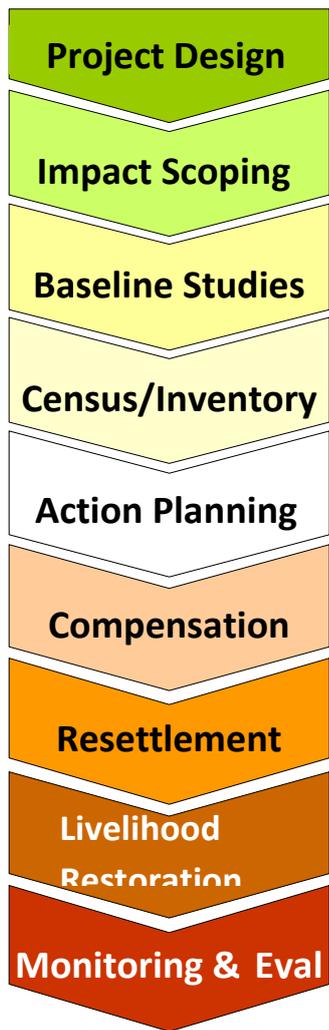
### 9.1 INTRODUCTION

This section provides an overview of land acquisition, compensation, resettlement, and livelihood restoration steps and processes. It depicts the nine steps of preparing and carrying out land acquisition, compensation, resettlement and livelihood restoration, as well as stakeholder engagement/grievance management and vulnerable person/gender issues, shown as ongoing commitments:

- *Project Design* refers to an assessment of alternatives with the objective to avoid or at the very least minimize the impacts on land or land use that might result in economic and/or physical displacement. During project preparation efforts are made to minimize impacts, including assessment of different project designs. Particularly for determining the size and shape of land to be acquired for a private-sector commercial farming operations in the ABIR, the Land Framework to be adopted and implemented under subcomponent 3.2 will set forth a series of steps and principles that will need to be followed first in order to arrive at a Project Design to which the steps below will apply. The Land Framework will ensure that the decision to go forward with a particular investment in a particular place reflects international best practice, incorporating informed community consultation, participatory mapping of existing rights and uses, clear community-investor agreements (including where relevant, benefit sharing or other community benefit mechanisms), and environmental and social sustainability.
- *Impact Scoping*: Preliminary impact scoping should take place prior to, during and after detailed project design. By identifying potential impacts early, efforts can be made to alter project design, such as adjusting of the boundaries of large scale farms and/or the proposed routings for pipelines, power lines etc. in order to avoid sites of cultural significance, reducing economic displacement, avoiding or minimizing physical displacement. Impact scoping includes preliminary consultation with PAPs. Impact scoping and alterations to project design are conducted in an iterative manner. Impact scoping is typically conducted internally by the LMU.
- *Community Social Baseline Studies*. In addition to the data collected via the individual household census and asset inventory (see next step), a Community Social Baseline Study is conducted on the basis of multiple tools, including a household questionnaire with a sample of affected households. These studies also provide the basis for defining compensation and for monitoring restoration of livelihoods *after* resettlement. Baseline studies can be started before impact scoping is fully complete and address an area slightly larger than the final impact area will be.
- *Household Census and Asset Inventory*: Once the footprint of a component of the Project and/or an investment is known with reasonable accuracy, the LMU will commission a household census and an inventory of affected assets for the components of the Project and the Investor for his investment. The purpose of both is to create an accurate baseline of affected households living or working in the area and of the existing assets (houses, infrastructure, improvements to land etc.). During this step, a household questionnaire is administered to every affected household and data on livelihoods are collected. Each

household signs off on the inventory of its assets in the presence of local officials and community witnesses. The census is the basis for eligibility for compensation and/or resettlement and livelihood restoration support. The start of the census and asset inventory is the Cut-Off Date. Unauthorized activities taking place after the Cut-Off date are ineligible for compensation or resettlement/livelihood restoration. The resulting analyses provide the information for the component-specific Resettlement Action Plan and serve as the basis for evaluating the restoration of post-resettlement livelihood restoration. During this step, vulnerable households are also identified.

- Resettlement Action Plan: A component-specific RAP in accordance with the principles and guidance outlined in this RPF will be developed and all households that experience physical or economic displacement are covered in the RAPs.
- Compensation and allowances: This RPF defines the principles and protocols to follow to provide appropriate compensation and allowances to individuals, households and communities affected by land acquisition activities. Component/investment-specific RAPs define compensation rates to be paid and describe PAP eligibility and entitlement categories. The provision of compensation and allowances occurs prior to impacts actually taking place.
- Replace Land/Resettle PAPs: During this step – which may be prior to or concurrent with Step 6 – replacement land is identified and secured, resettlement housing is constructed, PAPs are moved into new housing, and the other commitments of the RAP are implemented. Or PAPs find their own housing.
- Construction can only start once resettlement is completed.
- Livelihood Restoration: Livelihood restoration continues for several years to ensure that it is sustainable over the long-term. Each RAP defines specific livelihood restoration commitments within the general framework outlined in this RPF.
- Monitoring and Evaluation: The social baseline study provides the basis for assessing the impact that land acquisition has had on individuals, households and communities as well as the relative success of livelihood restoration measures carried after resettlement. The LMU provides ongoing monitoring of people affected by physical and/or economic displacement. In addition, the LMU hires a third-party resettlement expert to conduct regular independent audits of the implementation of the RPF and RAPs.



## **10 GRIEVANCE MECHANISM**

### **10.1 COMMUNITY GRIEVANCE MANAGEMENT SYSTEM**

#### ***10.1.1 INTRODUCTION***

This RPF recognizes that grievances may arise as fallout of the involuntary resettlement implementation. It therefore, creates a platform and procedure for effective handling of complaints and grievances that is aimed at avoiding lengthy litigation which may mar or delay project implementation and objective. It is envisaged that under this project, grievances may result due to the following factors:

- Failure to register PAP or identify all categories of PAPs
- Improper distribution of assistance
- Losses not identified/quantified commensurably
- delay in disbursement;
- dispute about ownership
- non-participation or engagement of PAP in compensation negotiation
- inadequate compensation and/or assistance or not as per entitlement matrix;
- implementation of project before or without resolving resettlement matters

#### ***10.1.2 OBJECTIVE OF THE GRM***

The objectives of the grievance redress mechanism are to:

- Provide an effective avenue for affected persons to expressing their concerns and resolve disputes that are caused by the project
- Promote a mutually constructive relationship among PAPs, government and investors
- Prevent and address community concerns, and
- Assist larger processes that create positive social change
- Identify early and resolve issues that would lead to judicial proceedings

#### ***10.1.3 COMPOSITION OF GRIEVANCE REDRESS COMMITTEE (GRC)***

A functional Grievance Redress Committees shall be constituted by the PIU in conjunction with the local community to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected people and to carry out post implementation social audits. The PIU will incorporate the use of existing local grievance redress process available in the community to addressing disputes that may result from this project. This will entail co-opting the traditional council and some local leaders as members of the GRC. The specific composition of these committees will vary depending upon location and context. Further details will be spelt out at the RAP stage.

The main functions of the Committee are:

- Publicize within the list of affected persons and the functioning of the grievance redressed procedure established;
- Verify grievances and their merits;
- Recommend to the PIU solutions to such grievances;

- Communicate the decisions to the Claimants;
- Ensure that all notices, forms, and other documentations required by Claimants are made available in Local language understood by the people
- Ensure documentation of all received complaints and the progress of remediation.

#### ***10.1.4 GRIEVANCE REDRESS PROCESS***

The structure or steps of the grievance mechanism shall comprise of:

- Receive, register and acknowledge complaint
- Screen and establish the foundation of the grievance
- Implement and Monitor a redress action
- Advise for a judicial proceedings as last resort if necessary
- Document the experience for future reference

##### Receive, Register and Acknowledge complaint

The PIU will establish a register/complaint log book for all complaints at the project level. The PIU is required to maintain/designate the register at centre close to the people for convenient. The log book will constitute of: 1) the complainant's name, 2) date of complaint, 3) nature of complaint, 4) follow-up action and schedule. The proponent/PMU will communicate to PAPs prior to RAP implementation about the functions of the GRC, and the process to accessing redress.

It must be noted that proper and honest response to grievances, an apology, adequate compensation, and modification of the conduct that caused grievances are fair remedies for grievance redress. Therefore, the GRC should be trained on the diplomacy of handling aggrieved persons while verifying/screening the merit or otherwise of his/her complaints.

##### Screen and Establish the Foundation/Merit of the Grievance

The GRC will upon receipt and registration of grievance proceed to investigate the cause/merit of the complaints. This should be undertaken within one (1) week of receiving complaints. Depending on the nature and complexity of the matter in question the GRC may invite the parties involved in the process of investigation and redress.

##### Implement and Monitor a Redress Action

Once the cause of the grievance and eligibility of the PAP is established, the GRC shall recommend to the PMU the remedial package or line of action to address the grievance in line with established entitlement matrix. The PIU shall spell out in writing to the aggrieved PAP(s) and copied to the GRC within two weeks of resolution of grievance, of its commitment and when to pay the compensation. This is particularly necessary if the PIU will need to obtain "NO Objection" or undergo application procedure in funding the resettlement, which may take some time. The GRC will issue a grievance resolution form to be completed and endorsed by the complainant confirming resolution of the grievance. It is recommended that implementation of the redress action plan be witnessed and monitored by the GRC and/or

a third party. If established that PAP was ineligible for the claim he/she presented, the GRC will persuade the PAP to drop the complaint.

Alternative Action for Dissatisfied Aggrieved Persons

In the event that the aggrieved person is dissatisfied with the resolution/decision of the GRC, he/she can bring the matter up to the project coordinator at PIU state coordinating office (SCO), who will expedite actions to logical resolution within 2 to 4 weeks of receipt of complaints.

Where the matter appear unresolved or unsatisfactory to the complainant, court of law will be a last resort to seek redress.

**10.1.5 FINANCING OF THE GRIEVANCE REDRESS MECHANISM AND COST OF REMEDIATION**

The proponent shall be responsible for the funding of logistics for the GRC as well as the eventual compensation or resettlement remediation that aggrieved party may be entitled to. The proponent will also be responsible for the cost of the judicial process for cases that result to court for adjudication.

**TABLE 10.1: IMPLEMENTATION PLAN FOR GRIEVANCE MECHANISM**

Steps	Process	Description	Completion Time frame	Responsible Agency/Person
1	Receipt of complaint	Document date of receipt, name of complainant, village, nature of complaint, inform the PMU	1day	Secretary to GRC at project level
2	Acknowledgement of grievance	By letter, email, phone	1-5 days	Social safeguard officer at PIU
3	Screen and Establish the Foundation/Merit of the Grievance	Visit the site; listen to the complainant/community; assess the merit	7-14 days	GRC including the social safeguard officer & the aggrieved PAP or his/her representative
4	Implement and monitor a redress action	Where complaint is justified, carry out resettlement redress in line with the entitlement matrix/OP 4.12	21-30 days or at a time specified in writing to the aggrieved PAP	PC-PIU and Social safeguard Officer
5	Extra intervention for a dissatisfied scenario	Review the redress steps and conclusions, provide intervention solution	2-4 weeks of receiving status report	PC-PIU
6	Judicial adjudication	Take complaint to court of law	No fixed time	Complainant
7	Funding of	GRC logistics and	No fixed	The proponent

	grievance process	training, compensation, process	redress court	time	(government or investor)
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## 11 CONSULTATIONS AND STAKEHOLDER ENGAGEMENT

### 11.1 INTRODUCTION

A major purpose of stakeholder and community consultation in a development project is to inform project affected persons and groups about the project set up; inform them of their rights and benefits, create ownership and elicit broader inputs and suggestions that will ensure project sustainability and success. The success and sustainability of the World Bank funded CADP project in Nigeria would not have been possible without good consultation and meaningful engagement of the stakeholders.

This project leverages from the awareness and existing communication engine block built by the CADP in the 5 participating states which are also benefitting from this project.

Under this project, consultations of stakeholders has continued in the participating states with World Bank mission team witnessing the Kogi state model consultation carried out between October 27th and November 3<sup>rd</sup> 2014 (see annex 7). The aim of the consultations across communities was to inform the affected communities about the project development objective, allow them to have a voice in the issues that affect them and make their concerns and inputs to count in the resettlement planning and decisions. It is also important in identifying the categories of project affected persons and their livelihood conditions, administrative structure, land ownership system and local grievance redress procedures in place.

Consultations with government stakeholder agencies centred on cross cutting issues including their capacities, involvement in the similar or related project, roles and responsibilities, and knowledge sharing from their various project experiences that may benefit the proposed project in terms of stakeholder institutional arrangement and interfacing for rapid resettlement implementation and sound safeguard responsibilities.

Further consultations will be carried out across the participating states during the preparation of site specific RAPs/ARAPs. Public consultation will also serve as veritable tool during auditing/monitoring of Livelihood Improvement of the project.

### 11.2 OBJECTIVES OF THE CONSULTATIONS

The objectives of the consultations were to:

- inform the affected communities within the ABIR about the project development objective,

- give them opportunity to express their perceptions and concerns about the project impact;
- collect useful local data/information/solutions that will help in the RPF/RAP project preparation (e.g. local grievance redress procedures).
- receive from, and deliberate with the stakeholders on measures to avoid or mitigate impacts as well as facilitate rehabilitation of affected persons
- empower their voice by mainstreaming their inputs into RPF/RAP implementation plan

### **11.3 STRATEGY FOR STAKEHOLDER IDENTIFICATION AND ENGAGEMENT**

Stakeholders are considered at two broad levels: 1) those that the project will directly or indirectly affect positively or negatively including those who will lose land, farms, grazing land, buildings, crops, economic trees, businesses, etc. and 2) those that will support project with data, capacity and other forms of technical support before and during implementation (CADP, FADAMA, Government Ministries and Agencies).

Identification of government agencies and roles was facilitated by the client and from the information contained in the project appraisal document. The identification of primary stakeholders was determined through the following procedures:

- Visit to the local government area headquarters- meeting with LGA chairmen and head of department of Agriculture and Fadama desk officers
- Meeting and engagements with community leaders and traditional council heads
- Consultation/engagements with small social groups including women, farmer groups, herders, etc.

### **11.4 GAINS OF THE RPF CONSULTATIONS**

Consultations with government stakeholder agencies was a platform to assess and discuss on cross cutting issues including agencies capacities, involvement in the project, roles and responsibilities, and knowledge sharing from their various project experiences that may benefit the proposed project in terms of stakeholder institutional arrangement and interfacing for rapid resettlement implementation and sound safeguard responsibilities.

The gains of the consultations cannot be over emphasised. It revealed that empowerment and sustainable agricultural project such as this is well received by the Nigerian people. Assessment of the public consultations shows that agro value chain support project is accorded high priority and support by many, both in the urban and rural sectors. For example, the consultations in Kogi state demonstrated that even PAPs whose land and economic trees were to be affected under the previous green field Kogi model SCPZ were willing and prepared to embrace a smooth and well implemented RAP in order to make the project to succeed.

Another major observation from the community consultations is that communities consulted were happy for given them first hand information/consultation about a planned project instead

of a quit notice or revocation notice that used to characterize previous government approach to land acquisitions.

Some stakeholder concerns and issues that featured during the consultation meetings in Kogi state include the following:

- How government acquire land and types of land tenure in place
- What is the government procedure for resettlement compensation?
- How will individual land and asset owners be identified and adequately compensated?
- Who shoulders the responsibility for compensation?
- What are the various land use/land based livelihoods in the project area?
- Are women recognized traditionally for land ownership, farm ownership and decision participation in the community?
- What will be the position of the non-land owners with farms/improvements in the land
- What will happen to vulnerable group sharing from the common restricted natural resources in the land?
- What is the relationship between the farmers and herders in the project area?
- Is the land or any part of it in dispute?
- What will happen to pastoralists who use part of the land as pastoral grounds?
- When will the project implementation commence?
- Will the siting of the facilities be evenly spread across communities that own the lands?
- The facilities should be sited within distance that is close to the settlement/community for maximum economic benefit of the people.
- The community people should be carried along in employment, training and other benefits that the project will bring.

#### **11.5 PLAN FOR FUTURE CONSULTATIONS AND COMMUNICATION**

Consultation will continue before, during and after project implementation. The proponent is required to provide relevant materials in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

This requirements and phasing of consultations are as follows:

- Consultation on the finalization of RPF – to include:
  - Circulation of the draft RPF for comments toll relevant institutions (FMARD, State Ministries of Land and Survey, State Ministries of Environment, Agriculture, etc.)
  - Organization of public stakeholder workshops and comments incorporated in the final RPF document
  - Public disclosure of Final RPF (cleared by WB) in-country at designated centres accessible to stakeholders and at the WB info shop prior to appraisal
- During the preparation of individual A/RAP

- PAPs, groups and communities will be consulted and informed about their rights and entitlements with respect to their range of impacts
- Consultation should include census of PAPs
- Cut-off date should be announced to the community at the end of the census exercise to avoid opportunistic entrants into the land.
- Consultation of the proponent and implementing government agencies on relevant policy terms such as replacement value, livelihood restoration measures, vulnerable group, etc.
- During the Implementation of the RAP
  - PAPs will be informed about the date/schedule of resettlement/compensation
  - They should be involved in site selection, screening and planning for land and housing compensation
  - PAPs should be notified on the start off time of project implementation to enable them relocate their assets early and without losses
- During audit/monitoring and evaluation of the A/RAP to determine the livelihood restoration performance of the PAPs
  - PAPs will be consulted to assess the condition of their livelihood prior and after the implementation of RAP. This will take place 6months after A/RAP and 2 years after RAP implementation.

#### **11.6 MECHANISM FOR ENGAGEMENT/CONSULTATION OF PAPs**

Two or more ways are suggested for meaningful engagement of PAPs. The first is to use the existing recognized traditional structure in which consultation is conducted through the village/community leadership. This means of engagement is widely acceptable and an easy way to reach to all the groups in the community based on the existing traditional governance structure. The use of social gatherings such as churches and mosques will also be important for dissemination of information to PAPs, and finally, there is the need to segment consultations into smaller targeted groups. This is premised at giving a voice to less advantage groups, minority settlers and groups in the resettlement planning. To do this effectively, the attendance records of the various groups having phone numbers and contacts will be used to call or reach out to PAPs, including coordinating them for group meetings as and when necessary.

## 11.7 TOOLS FOR CONSULTATION OF STAKEHOLDERS

Depending on the target stakeholder and objective of consultation at any point, one or a combination of the following tools should be used.

Stakeholder	Consultation Tools
Project affected persons and groups <ul style="list-style-type: none"><li>• Farmers groups</li><li>• Land owners, tenants, squatters</li><li>• Herdsmen</li><li>• Vulnerable group/women</li></ul>	Focus group discussions, questionnaire, worship centres, Fadama group/desk officers, community town hall meetings, Print materials, texting by phone
Project partners <ul style="list-style-type: none"><li>• FADAMA</li><li>• CADP</li><li>• Contractors</li></ul>	Phone calls, e-mails, visit, facilitation meetings, electronic media
Government Agencies/Ministries	Phone calls, e-mails, visit, meetings, electronic media

## 11.8 DISCLOSURE REQUIREMENTS

The RPF and RAP will be disclosed in compliance with relevant Nigerian regulations and the World Bank operational policy. It will be disclosed in-country designated sites at FMARD, participating states Ministry of Land and Survey, participating states Ministry of Environment, headquarters of affected LGAs and at the primary/secondary schools in the project areas, translated as much as possible into main local languages. It will also be disclosed in 2 daily newspapers for 21 days as required by the Nigerian extant laws, while the World Bank will disclose the document at its info shop.

## **12 MONITORING AND EVALUATION**

Monitoring of land acquisition, resettlement and compensation activities is conducted both internally and externally.

- Internal monitoring focuses on inputs and outputs. Internal monitoring uses indicators built in the management systems of the various action (particularly progress indicators) and replicate socio-economic surveys conducted in preparation of the investment specific RAPs.
- External monitoring focuses on processes and outcomes. It uses the findings of internal monitoring and is also based on separate, external investigations. External monitoring consists of periodic monitoring and completion audits for each successive phase of land acquisition, resettlement and/or compensation. Best practice suggests that external monitoring findings are disclosed to external stakeholders.

As part of this RPF, the Federal Government, State Governments and the Local Governments in the participating states commit to implement internal and external monitoring activities described below and to deploy qualified staff into the PIU to conduct the internal and commission the external monitoring.

### **12.1 INTERNAL MONITORING**

The internal monitoring addresses a range of input and output indicators pertaining to the following aspects:

- Progress monitoring (compensation, land acquisition, construction, livelihood restoration and improvement activities);
- Technical monitoring of resettlement sites: supervision of plant, infrastructure and housing construction where relevant, commissioning and testing of the technical components of resettlement housing, monitoring of the effectiveness of water supply, waste management, power supply, erosion, and condition of houses and infrastructure;
- Social and economic monitoring;
- Cost of housing and agricultural land, potential land speculation, etc.
- Percentage of compensation spent on productive assets, environmental and health standards, livelihood restoration including agriculture, small businesses, employment and other activities.
- Monitoring of Vulnerable People,
- Grievance Monitoring: Monitoring of the effectiveness of the grievance management system as well as using an ongoing analysis of grievances as a form of feedback on the social and environmental performance of the investments in the ABIR, in an effort to

detect and prevent the development of grievances into broader or more acute problems or conflicts.

### ***12.1.1 INDICATORS AND FREQUENCY OF INTERNAL MONITORING AND REPORTING***

During the active phase of land acquisition, the PIU monitors and reports internally on several indicators on a quarterly, annual and biennial basis. Findings are benchmarked against baseline studies done before the land acquisition of the individual investments. Key progress indicators are measured internally by the PIU on a quarterly basis. The data collected are reported in an annual monitoring report, and can be reported internally on a more frequent basis if warranted.

Quarterly Progress Indicators:

- Amount of land affected.
- Numbers of households and individuals economically and/or physically displaced.
- Number of farmers who have requested replacement land and number of farmers that want to become Contract Farmers.
- Number of resettlement houses completed, sites acquired, house designs accepted, construction completed, titles provided, houses taken possession of by resettled people.
- Grievances (open, pending, closed).
- Number of grievances by severity; average number of days for resolution.
- Amounts of compensation paid per category (structures, land, crops, others).
- Inflation rates (via monthly market survey).
- Stakeholder engagement activities designed to ensure that the population is consulted.

Repeat socio-economic surveys are undertaken three years and five years after the land acquisition, or any such time as determined by the external auditor to provide data for external monitoring and the completion audit. These surveys capture socio-economic quality of life indicators (see below) and livelihood restoration indicators. Questionnaires used in replicate surveys are consistent with those used to describe the baseline situation during the elaboration of the investment specific RAP to allow for comparisons.

Repeat Socio-Economic Survey Indicators are:

- Income and income streams.
- Assessment of household expenditures.
- Changes in the cost of living and/or income and expenditures patterns.
- Surface area of land holdings.

- Crops and estimated or observed yields.
- The extent that perennial crops have been replanted.
- Livestock numbers (by species), equipment and other assets.
- Number of unemployed people in the households.
- Number of children attending school.
- Health of the household.
- Extent to which social networks and status have been re-established.
- PAP degree of satisfaction with compensation and resettlement process.
- Attitude survey of host community.

At a minimum the baseline studies and monitoring shall include the following indicators:

Category	Impacts	Monitoring indicators
Land	<ul style="list-style-type: none"> <li>• Land owners losing permanent land</li> <li>• Tenants losing land</li> <li>• Squatters losing land for agriculture</li> <li>• Disputes over land compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Proportion of PAPs with registered land title</li> <li>• % of land owners that received land for land compensation</li> <li>• No. of landless PAPs in the ABIR</li> <li>• No of grievances received on account of land acquisition</li> <li>• No of people economically worse-off due to land take</li> </ul>
Improvements on Land	<ul style="list-style-type: none"> <li>• Residential building</li> <li>• Business building</li> <li>• Economic trees</li> </ul>	<ul style="list-style-type: none"> <li>• No. and % of PAPs received compensation for economic trees</li> <li>• No. and % of PAPs that received moving assistance</li> <li>• No. of complaints from compensation or omission</li> <li>• Change in the standard of housing and living condition</li> <li>• % of PAPs that received compensation prior to displacement</li> </ul>
Livelihood	<ul style="list-style-type: none"> <li>• Loss of farm/agricultural crops</li> <li>• Loss of pastoral ground and income</li> <li>• Loss of ground for hunting, fishing, logging and artisanal mining</li> <li>• Loss of employment</li> <li>• Loss of land-based wage</li> <li>• Loss of business/trading</li> <li>• Restriction to common natural resources</li> </ul>	<ul style="list-style-type: none"> <li>• % of PAPs that are Contract Farmers</li> <li>• % of PAPs that changed livelihoods</li> <li>• % of PAPs in new livelihoods that have improved living condition</li> <li>• % of PAPs that received disturbance allowance</li> <li>• % of vulnerable PAPs that were rehabilitated</li> </ul>

Sensitive cultural preserves	<ul style="list-style-type: none"> <li>• Loss of shrines/sacred places, grave yards</li> <li>• Loss of historic cultural grounds and forest reserves</li> </ul>	<ul style="list-style-type: none"> <li>• No of shrines/sacred places, grave yards displaced</li> <li>• No of shrines/sacred places, grave yards relocated or compensated for</li> <li>• No of complaints received on the account of displaced shrines, grave yards, sensitive cultural grounds</li> </ul>
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### ***12.1.2 REPORTING***

The results of internal monitoring – particularly related to livelihoods, employment and education – are discussed and acted on by all relevant implementation partners of the project. If corrective measures require longer-term attention and follow-up, appropriate actions are incorporated into the PIU Annual Work Plan for the next year. As these activities are follow up actions to the land acquisition for specific investments, all costs shall be covered by the relevant investor.

## **12.2 EXTERNAL MONITORING**

The PIU hires an external social auditor with significant experience in land acquisition, resettlement and land management to carry out an annual review assessing compliance with commitments contained in the investment related RAP(s) and this RPF. Objectives of these yearly reviews are as follows:

- To assess overall compliance with the investment specific RAP, this RPF and other commitments related to mitigation of physical and economic displacement.
- To assess the extent to which the quality of life and livelihoods of affected communities are restored and enhanced.
- To provide recommendations to improve RAP implementation and address any gaps.
- To determine when the Completion Audit will take place.

External monitoring reports are prepared independently by the reviewer and released to the PIU and the relevant implementing partners in particular the investor. Any outstanding issues, shortcomings or oversights identified in these external monitoring reports are fed into follow-up actions and, if longer term in nature, the following year's Work Plan for the PIU. As these activities are follow up actions to the land acquisition for specific investments, all costs shall be covered by the relevant investor.

### ***12.2.1 COMPLETION AUDIT***

The purpose of the Completion Audit is to verify whether the individual investor has complied with the land acquisition and resettlement commitments defined in the investment specific RAP, RPF and more generally whether compliance with applicable guidelines has been achieved. The Completion Audit ascertains if livelihood restoration as well as restoration of housing is complete for physically and economically displaced communities and whether for the majority of Contract Farmers the decision to give up their private landholdings to become sub-lease farmers worked out economically. The audit is undertaken after all RAP mitigation measures and inputs – including compensation and development initiatives – are complete. The timing of the audit should allow time for corrective actions, if any, as recommended by the auditors and repeated until the findings suggest that the investor has complied with all commitments made in the investment specific RAP. Completion audits typically take place three to five years after resettlement impacts and might need to be repeated three years after to inform whether the suggested corrective actions were successful.

Reference documents for the Completion Audit are the following:

- Resettlement Policy Framework.
- The socio-economic baseline relevant to the component-specific RAP.
- Resettlement Action Plans.

The Completion Audit has the following specific objectives:

- General assessment of the implementation of the RAP against the objectives and methods set forth in the RAP.
- Assessment of compliance of implementation with applicable international policies.
- Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented.
- Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through income, employment, assets (e.g. land, houses, businesses, livestock), productivity of land and crop yields, health, education and access to services, social and cultural factors, with an emphasis on the requirement that PAPs be left no worse off, and ideally better off, as a result of displacement.
- Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

### **12.3 MONITORING RESPONSIBILITIES**

#### **FMARD**

The FMARD has an oversight monitoring responsibility to ensure that the Agro Processing; Productivity Enhancement and Livelihood Improvement Support Project and the related ABIR investment complies with this RPF and the OP 4.12 of the World Bank in general as well as the Nigerian Land Use Act.

#### **Investors**

It is the duty of the investor to ensure that the RAP for his/her investment is implemented to the full satisfaction of the involved stakeholders and therefore, has an interest to implement a process monitoring that informs her about achievement and challenges during RAP implementation.

## **World Bank**

The World Bank will be involved in monitoring compliance with its safeguard policies via its oversight mission and by reviewing the monitoring and evaluation reports established by the PIU and the external monitors as well as deploy independent evaluators if needed.

**ANNEX 1: SCREENING FRAMEWORK FOR CENSUS OF AFFECTED ASSETS AND AFFECTED PERSONS**

*ANNEX 1.1: AFFECTED PLOT SHEET*

Reference:

Reference: .....

Location: - County: ..... District: ..... Town: .....

GPS Coordinates: ..... Surface: ..... m<sup>2</sup>

Description of soil: .....  
 .....  
 .....

Perennial Crops:      1      Owner: .....

                                 2      Owner: .....

Annual Crops:        1      Owner: .....

                                 2      Owner: .....

Trees:                    1      Owner: .....

                                 2      Owner: .....

Structures:    Movable structures: ..... Owner: .....

                                 Immovable structures: ..... Owner: .....

                                 Buildings: ..... Owner: .....

Users:            User 1: ..... Surface used: ..... Regime of tenure: .....

                                 User 2: ..... Surface used: ..... Regime of tenure: .....

                                 User 3: ..... Surface used: ..... Regime of tenure: .....

                                 User 4: ..... Surface used: ..... Regime of tenure: .....

Valuation proposal (details of calculation on attached sheet):

Crops: .....  
.....  
.....

Structures: .....  
.....  
.....

Proposed distribution of compensation:

User 1: .....  
User 2: .....  
User 3: .....  
User 4: .....

Prepared By: .....Date: .....

ANNEX 1.2: AFFECTED BUILDING SHEET

Reference: .....

Location: - County: .....District: .....Town: .....

GPS Coordinates: .....Photograph number: .....

Owner:-

Full Name: .....

Address : .....

.....

Description:-

Permanent:.....Non permanent: .....

Surface: ..... m<sup>2</sup>      Number of rooms: .....

Walls: Material: ..... Condition: .....

Roof: Material: ..... Condition: .....

Floor: Material: ..... Condition: .....

Annexes outside:

Latrine:      Material: ..... Condition: .....

Bathroom: Material: ..... Condition: .....      Kitchen:

Material: ..... Condition: .....      Others:

.....Material: .....Condition: .....

Additional features: .....

.....

Permanently Inhabited: ....By: .....Regime of occupation: .....

Periodically Inhabited:      By: ..... Regime of occupation: .....

Vulnerable group:

- a) Women-headed Household.....
- b) Family with physically and mentally.....
- c) Family with aged members.....
- d) Family with income below poverty line.....
- e) Family losing more than the economic threshold of their land through acquisition/negotiation.....

Valuation proposal (details of calculation on attached sheet): .....

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

Proposed distribution of compensation:

User 1: .....

User 2: .....

User 3: .....

User 4: .....

Prepared By: .....Date: .....

ANNEX 1.3: AFFECTED HOUSEHOLD SHEET

Household Reference: .....

Location: - County: .....District: .....Town: .....

Reference of Affected Asset:-

Type: - Structure: ..... Plot: ....Crop: ..... (Tick one)

Reference of Affected Asset Sheet: .....

Household Information:-

Head of Household: - Name: .....Age: .....Sex .....

Identity Document: - Type: .....Number: .....

Composition of Household:-

Number	Name	Relationship with Household Head	Sex	Age
1				
2				
3				
4				
5				
6				

Socio-Economic Information:-

Head of Household: .....

Occupations: - Primary: ..... Secondary: .....

Other members of Household:-

Number: ..... Occupation: ..... Highest education level attained: .....

Number: ..... Occupation: ..... Highest education level attained: .....

Number: ..... Occupation: ..... Highest education level attained: .....

Number: ..... Occupation: ..... Highest education level attained: .....

Total Estimated Household Cash Income: .....

Education level of Household Members:-

Number: ..... Level: .....

Number: ..... Level: .....

Number: ..... Level: .....

Number: ..... Level: .....

Project Impact:-

Assessment of the Impact of the Loss of the Affected Asset on Household's Livelihood:

.....

Amount of land owned; .....

Details of income loss due to loss of land; .....

Proposed Compensation or Resettlement Package:-

Household's Wishes: .....

.....

Proposed Package: .....

Proposed Livelihood Restoration Package:-

Household's Wishes: .....

.....

Proposed Package: .....

.....



## **ANNEX 2: ITEMS TO BE ASSESSED DURING RAP DEVELOPMENT**

The census and asset inventory need to be conducted for each affected household

### **Suggested List of Data for Census Survey**

1. Background Information
  - Questionnaire code and date of survey
  - Name of interviewer
  - Name of province, district and village/hamlet
2. Household Census
  - Name of household head and all members household members
  - Relationship of household members to the household head
  - Age and sex of each household member
  - Information on ethnicity
  - Education level of each member
  - Primary occupation and monthly income of each member
  - Incomes from secondary sources for each member
  - Location of job or businesses as the case may be
  - Length of stay on present location
3. Tenure Status
  - Category of land
  - Type of land ownership and the name of the owner HH member
  - Type of document possessed to certify ownership type
  - If not owned, name and address of owner
  - If informal use right, type of agreement
  - Number of years used
  - Rent per month paid by tenant
  - Deposits made by lessee

### **Suggested List of Data for Inventory of Losses**

1. Land Use
  - Existing use of land
  - Areas under different land usages, where applicable
  - Total and affected area of land with breakdown by usages, if applicable
  - Estimate whether the remaining area is viable for continued use
  - Total area of land by type for compensation purposes
2. Structures

- Type of structure
- Number of floors
- Area by floor
- Name of owner of structure
- Year of construction
- Whether permit obtained for structure
- Use of structure and areas by usages, if applicable
- Description of building material used for roof, walls and floors by surface areas
- Type of foundation
- Description of any special features of structure
- Utility connections (electric meter, water supply)
- Charges paid for utility connections
- Affected area of structure
- Estimate whether the remaining structure is viable for continued use
- Total area of building for compensation purposes

### 3. Other Structures

- Types of structures (wells, boundary wall, fence, warehouse)
- Area of fish pond affected
- Average household income from fish pond
- Description of areas and construction material of affected structures
- Use of other structures

### 4. Agricultural Products

- Type of crops affected
- Owner of affected crops
- Total yearly production of crop on affected land
- Average yield of crop
- Are any products sold at market
- Number of employees/labour used for crop production
- Average value of crop
- Average yearly household income from agriculture

### 5. Trees

- Number and types of affected trees
- Age of trees
- Name of owner of trees
- Average yield of fruit bearing trees
- Average yearly income from fruit trees

### 6. Business

- Type of business affected
- Name of owner of business
- Registration/permit number of business (check document)
- Total yearly household income from business
- Average operating expenditure of business
- Number of employees in business
- Number of permanent and temporary employees
- Average income and profit as reported for income tax (check document)
- Whether the business needs to be relocated

#### 7. Affected Public Utilities and Facilities

- Description of affected community infrastructure
- Description of affected facilities by area & building material used
- Estimated number of population adversely affected by the facilities/infrastructure

#### 8. Preference for Relocation

- Whether there is a need for relocation or reorganization
- Preferred mode of compensation (cash or kind) for land
- Preferred mode of compensation for structure
- Preferred type of assistance for income rehabilitation

### **Suggested Data for Baseline Survey** (a sample of all affected households)

Additional information would include the following:

#### 1. Access to Facilities

- Access to electricity
- Type of water supply available
- Type of sanitation facilities within the building
- Distance to school
- Distance to health facilities
- Distance to market

#### 2. Household Assets

- Type and number of farm equipment and implements owned by the household
- Type of other business equipment owned by household
- Estimated value of affected equipment
- Type of transport owned (bike, motorcycle, truck, animal cart, car, other)
- Major kitchen equipment owned (stove, cooker)
- Ownership of fridge, radio, TV

- General condition of building (excellent, good, average, poor)
- General condition of household furnishing (furniture, cupboards)

### 3. Household Income and Expenditure

- Average annual household income from all sources
- Average expenditure on major items: food, transport, health, education
- Any loans taken from bank, friends or relatives
- Approximate savings, if any

### 4. Skills Possessed

- Skills of each household member
- Types of training or skills preferred for further upgrading

## **2 ANNEX 3: OUTLINE OF SUBSEQUENT RESETTLEMENT ACTION PLANS**

The plan is based on up-to-date and reliable information about the proposed resettlement and its impacts on the displaced persons and other adversely affected groups and will cover the elements below: (For official guidance, please see OP 4.12, Annex A, Paragraph 25.)

### **1. Project Description**

Detailed description of the component and identification of the project area.

- the project subcomponent or activities that give rise to resettlement;
- the zone of impact of such component or activities;
- 2.Minimizing Resettlement
- Describe Efforts made to minimize displacement
- Describe the mechanisms used to minimize displacement during implementation

### **3. Legal Framework**

Describe all relevant local laws and customs that apply to resettlement

Identify gaps between local laws and World Bank Group policies and describe project-specific mechanisms to address the gaps

Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.

### **4 Identification of Impacts**

- Impacts (e.g., residential relocation, business relocation, business loss, agricultural loss, crops, trees) by component area, with assessment of severity of loss on family income
- the alternatives considered to avoid or minimize resettlement; and
- the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

### **5. Census and Socio-Economic Surveys**

The findings of socioeconomic studies to be conducted during project preparation and with the involvement of potentially displaced people, including

- the results of a census survey covering
  - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance
  - (ii) standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and

informal economic activities) and standards of living (including health status) of the displaced population;

- (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
  - (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and
  - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Other studies describing the following
    - (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
    - (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
    - (iii) public infrastructure and social services that will be affected; and
    - (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

## **6 Eligibility**

- Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
- Entitlement Matrix
- Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets. The RAP will document that the unit rates used for valuation represent current market rates in the project area at the time the operation will take place.

## **7 Resettlement measures**

A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12, para. 6). In addition to being technically and economically feasible, the resettlement

packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them. The resettlement measures will cover both physical relocation and economic dislocation. In the latter case, the presentation will detail the measures and associated support that will be put in place to restore PAP livelihoods to at least their pre-project levels.

Site selection, site preparation, and relocation. When physical relocation is involved, alternative relocation sites are to be considered and explanation of those selected provided, covering

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services. When physical relocation is involved, plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

## **7. Community participation**

Involvement of resettlers and host communities

- (a) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (b) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centres, cemeteries).

## **8. Integration with host populations**

Where physical relocation to new communities is required, measures to mitigate the impact of resettlement on any host communities, including

- (a) consultations with host communities and local governments;

- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

## **9. Implementation schedule**

An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project, specifically how resettlement activities will be completed (and certified as completed) before the civil works are initiated.

## **10. Costs and budget**

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

## **ANNEX 4 DRAFT TERMS OF REFERENCE FOR VALUATION STUDY**

In line with international best practice (World Bank OP 4.12) the consultants shall conduct the following Valuation Study (obtain “official data”, market study, comparison)

### **1. Applicable standards – Definition of replacement value**

Replacement cost is defined as follows:” Replacement cost is calculated as the market value of the asset plus transaction costs (e.g. taxes, stamp duties, legal and notarization fees, registration fees, travel costs and any other costs such as may be incurred as a result of the transaction or transfer of property). In applying this method of valuation, depreciation of structures and assets should NOT be taken into account. “

With regard to land, replacement value is defined as follows:

- Agricultural, pasture and forest land—the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes.
- Residential Land—the market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.

With regard to structures and infrastructure:

- Houses and other structures—the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors’ fees and transaction costs such as registration and transfer taxes.
- Other infrastructure: as above, with the proviso that linear infrastructure (e.g., fencing, wells) are valued at the unit cost of replacing the existing infrastructure times the number of linear feet (or well depth).

With regard to crops, replacement value is defined as follows:

- Annual crops — the market value of the produce midway between harvest periods for the crop multiplied by the expected yield. In the case of prices experiencing significant seasonal fluctuations, a reasonably robust average should be calculated based on price monitoring or existing statistics and periodically updated. In the case of crops experiencing significant yield variations, similarly a robust average should be calculated based on local measurements or existing agricultural statistics.
- Perennial crops – (1) the market value of the produce midway between harvest periods multiplied by the yield for the period until replacement trees come into production PLUS (2) the cost of re-establishing the crop at a similar level of production. (2) is typically calculated as the sum of (a) the cost of replanting the tree (including seedling and labour), (b) the cost of maintaining the tree during the re-establishment period (fertilisers and labour), and (c) the cumulated loss of production during the re-establishment period.

## **Task 1 - Identification of existing applicable values**

The Kogi State Department for Land and Surveys currently involved in negotiated or compulsory land acquisition activities use a set of compensation values deriving from legislation and practice that may or may not meet the replacement value requirement under international standards. These values shall be in task 1 identified, compiled and assessed. The consultant shall:

- Identify government agencies involved in negotiated or compulsory land acquisition activities,
- Contact these agencies and seek information on compensation values paid in the recent past (3 to 5 years) for land, structures, and annual and perennial crops;
- Contact the relevant tax authorities to verify whether standard land values that might be relevant are applied and to understand the principles of the categorization of land used for taxation purposes;
- Compile these land values for the various LGAs (see attachment 1);
- Compile all official statistics on prices of agricultural produce (see attachment 4), and provide date unit values were determined (if existing);
- For the determination of prices, government agencies involved in agricultural produce trading and institutes preparing economic statistics
- For the determination of yields, government agencies involved in economic statistics, chambers of agriculture and agronomic research institutes, Agricultural professional unions such as Chambers of Agriculture (see attachment 3);
- Verify whether there is any common practice in respect of evaluating compensation for the acquisition of servitudes/easements
- Present all information in a series of tables.

The consultants shall deliver a draft report on this task for review 2 weeks after contract award. All baseline information shall be provided in appendices. The reports will be submitted both in electronic form in predefined format (MS Excel tables) and in hard copy

## **Task 2 – Development of replacement value for affected assets**

To determine unit values for each type of property in the Component 1 project area only, the consultant shall:

### **Land**

- Provide a categorization of affected agricultural land using criteria such as the following: arable/pasture, irrigated/rain fed/dry, steep slope/little or no slope, easily accessible or not. Criteria shall be determined based on onsite observations and criteria generally used for spatial planning and/or for valuation purposes;

- Obtain information about informal land sales and/or rental/lease agreements in the project area for the last 5 years. If any, obtain terms and conditions of these sales (costs, size, category of land, improvements )
- As it is assumed that transactions might be understated to the authorities due to tax reasons, the consultant shall attempt to determine the difference between the value as declared to the authorities and the real market value (if there are any declared sales);
- Evaluate transaction costs (cost of registration and any taxes, fees, rights,. that might be due to be added on top of the land value);
- Calculate the current replacement value for each of the sub-categories as the sum of the market value as inferred from reference transactions, the “tax understatement factor” as described above, and transaction costs;
- Evaluate the compensation value not only for full acquisition but also for servitude/easement commonly used for transmission lines and roads to regulate land use restrictions.
- Propose an update formula taking into account recent and upcoming inflation.
- Proposed replacement values shall be presented in a MS Excel calculation matrix that shall be provided in electronic version and as appendix to the Task 2 report. The produced data format and data versions must be agreed with the client and will be defined in the ongoing process.

## **Structures**

Based on existing knowledge or a rapid assessment, the consultants shall adjust the following classification table for structures to the specific conditions in the footprint of Component 1. In case there are significant differences between villages, this needs to be reflected in a description specific for each tehsil (see attachment 2).

The consultants shall

- Obtain information about informal house sales and/or lease agreements in the project area for the last 5 years. If any, document for each tehsil/village or other geographical unit proposed by the consultants document for each of these three categories (or categories suggested by the consultants) the amount paid per square feet of residential houses as well as for compounds (walled enclosure) during the last 5 years and establish a market value per square feet for each category for each tehsil taking into account also inflation and other factors if no recent reference transactions can be identified;
- determine for each of the tehsil and category of house material costs and 2) transport costs per mile and 3) subcontracting costs if there aren't masons, carpenters to build a house from scratch
- As it is assumed that transactions might be understated to the authorities due to tax reasons, the consultant shall attempt to determine the difference between the value as declared to the authorities and the real market value - if any;
- Evaluate transaction costs (cost of registration and any taxes, fees, rights, that might be due to be added on top of the land value);
- Based on the results of this survey and the consultant's expertise, calculate the current replacement value for each of the three categories in each of the affected tehsils. This shall be presented in a MS Excel calculation matrix that shall be provided in electronic version and as appendix to the Task 2 report

## **Annual Crops**

An inventory of annual crops cultivated in the footprint has been established and will be shared with the consultants before the commencement of the assignment. A survey of current market prices and potential yields for each of the identified annual crops shall be performed using information collected from: (attachment 3 & 4)

- An exemplary sample of farmers
- A sample of agricultural produce traders and agricultural cooperatives involved in trading agricultural produce
- Where possible, trends shall be identified over the last five years.

Based on the results of this survey and the consultant's expertise, the consultant shall submit a calculation methodology in the Task 2 report that identifies market values of produce per unit of weight or volume and yields in weight or volume per acre to be used for compensation purposes for each annual crop identified. This shall be presented in a MS Excel calculation matrix that shall be provided in electronic version and as appendix to the Task 2 report.

## **Perennial Crops**

The consultant shall:

- Perform a survey of current market prices and yields using the same methodology as described above for annual crops (Annex 5 & 6)
- For each species the consultant shall seek information from the agronomic research and chambers of agriculture on typical growth periods and evolution of yields including tree or plant age
- For each species, propose a simple categorization of evolution (example: seedling, young non-productive, young productive, mature, old)
- For each species, the consultant shall establish an age category / average yield correspondence (productivity per year for each age group in consideration of long term compensations)
- For each species, the consultant shall establish the cost of seedlings, as well as the cost of initial plantation and annual maintenance until full production is reached
- Calculate the replacement value for each age category and for each species, and present the results in a MS Excel calculation matrix that shall be provided in electronic and as appendix to the Task 2 report.

The consultants shall deliver a draft report on task 2 for review 3 weeks after contract award. All baseline information shall be delivered in appendices and in electronic form in predefined format (MS Excel tables).

## **TASK 3 - Comparison**

The consultant shall compare the official unit values for each type of property (Task 1) with the actual current market unit values as determined under task 2 and present a report analysing the information, presenting its sources, and providing a conclusion on (1) whether the official unit values, if existing, meet World Bank replacement costs requirements and (2) the extent of the gap in terms of geography (which tehsils are covered and which are not) and in terms of value (difference between current amounts and replacement values).

The consultants shall deliver a draft report on task 3 four weeks after contract award. All baseline information shall be delivered in appendices and in electronic form in predefined format (MS Excel tables).

## **Project Assistance to Consultant**

Upon commencement of the assignment, the LMU shall provide the consultant with a detailed map that identifies the footprint of the project in relation to the LGA, as well as relevant contact information of government agencies currently available.

## **Deliverables**

The consultants shall prepare three reports and present drafts as specified above:

Task 1 report on official valuation rates, presented as draft with all relevant appendices and tables in electronic form 2 weeks after contract award

Task 2 report of current market rates in the Component 1 project area, presented as draft with all relevant appendices and tables in electronic form 3 weeks after contract award

Task 3 report of comparison of official and current unit values in the Component 1 project area presented as draft with all relevant appendices and tables in electronic form 4 weeks after contract award

Task 4 validation of Household Survey results, as draft with all relevant appendices and tables in electronic form 4 weeks after contract award.

## ANNEX 5: GRIEVANCE REGISTRATION FORM

### THIRD PARTY GRIEVANCE FORM

#### COMPLAINANT DETAILS

Complainant's name (Or name of a representative for complainant/s)	
Land parcel number (if applicable)	
Complainant's postal address	
Complainant's telephone number and e-mail address (if available)	
Preferred language of communication	
Complainant confidentiality	<input type="checkbox"/> I wish to raise my grievance anonymously <input type="checkbox"/> I request that my identity is not disclosed to anyone internally except the grievance coordinator handling my case
I would prefer if the personnel contacting me is: <input type="checkbox"/> male, <input type="checkbox"/> female, <input type="checkbox"/> gender does not matter	

#### GRIEVANCE DETAILS

Date of incident:	
Description of incident details (what happened? when? how? where? quantities?)	
Severity	<input type="checkbox"/> One time incident/grievance (date _____) <input type="checkbox"/> Recurring (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
Complainant's request/proposal to resolve grievance (Please explain what should be done to solve this problem?)	
Grievance type (environment, human rights, livelihood, health, legal, property, corruption)	

Level of damage:	<input type="checkbox"/> low	<input type="checkbox"/> medium	<input type="checkbox"/> high
Additional documentation related to grievance			

**ANNEX 6: LIST OF MOST COMMON PROPERTY-RELATED CHARGES IN NIGERIA**

Type of charges	Justification	Valuation/Computation principles
<b>A. Charge pertaining to the registration of property rights</b>		
<b>Ground rent</b>	The Ground rent is the nominal annual amount payable by the holder of a right of occupancy to the State Government in order to maintain his/her right to occupy and use the land.	The <b>ground rent depends on the location, size and type of the property, as per the schedule issued by State Governments</b> and revised from time to time. Ground rent is higher in urban areas than in agriculture areas.
<b>Premium</b>	The Premium is the amount in excess of the ground rent that the holder of a right of occupancy has to pay once and for all to the State Government in order to gain access to a State allocated land	The <b>Premium depends on the location, size and type of the property, as per the schedule issued by State Governments</b> and revised from time to time.
<b>Search fees</b>	Search fees aims at covering the cost of checking that the property applied for is free from any known encumbrance and competing rights. The search is conducted by the Land Registry.	Search fees are commonly found to be flat fee across Nigerian States in the range of 200 Naira (Kebbi State) to 20,000 Naira (FCT). In addition, some State regulations may require that the <b>applicant be assisted by a lawyer who may charge up to 10% of the property purchase price.</b>
<b>Application fees</b>	Application fees aims at covering the cost of issuing and lodging an application for a Certificate of Occupancy incurred by the land registry.	Not all State Government charge application fees. Such fees may vary from 5,000 Naira (Lagos) to 50,000 Naira (FCT) and are non-refundable. <b>They do not depend on the value of the property.</b>
<b>Land Survey fees</b>	Land survey fees aim at covering the cost incurred by the Surveyor General Office in reviewing and authenticating the fixed boundary survey plan that must be prepared by a licensed surveyor to document the CofO application.	Survey fees may reach up to N250 per square meter depending on State and location within the State, <b>and do not depend on the value of the property.</b>
<b>Inspection fees</b>	Inspection fees aim at covering the cost incurred by the Land officer in visiting the property with a view to ascertaining the authenticity of the claims in the application and assessing the value of the property.	Inspection fees are not required in all States. When required, inspection fees are flat fees typically ranging between N1,500 and N5,000 but may go as high as N30,000 (Enugu) . <b>They do not depend on the value of the property.</b>

Type of charges	Justification	Valuation/Computation principles
<b>Publication fees</b>	Publication fees aim at covering the expenses related to the public notice of grant issued by the State Government prior a CofO is officially issued. Publication is done in local newspaper.	Publication fees may be included as part of the inspection fees (e.g. Lagos) or collected separately. Wherever required they are flat fees typically in the range of N5, 000 to N10, 000. <b>They do not depend on the value of the property.</b>
<b>Preparation fees</b>	Preparation fees aim at covering the cost of drafting the letter of grant and annexed documents to be submitted to the signature of the Governor	Preparation fees are required in a few States only (e.g. Ebonyi, Imo) and range from a flat N3, 000 (Ebonyi) to N5, 000 (Imo). <b>They do not depend on the value of the property.</b>
<b>Charting fees</b>	Charting fees aims at covering the cost incurred by the Surveyor General Office in confirming whether or not the proposed right of occupancy falls within any Government Acquisition or Revocation area.	Charting fees are required in a few States only (e.g. Lagos, Abia, Imo, Ebonyi) and range from a flat N2, 000 (Abia) to N7, 500 (Lagos). In Lagos, charting fees are paid simultaneously with administrative fees (N3, 000) and endorsement fees (N1, 500). <b>They do not depend on the value of the property.</b>
<b>Income tax clearance</b>	While income tax is not related to properties per se, most State Governments require that CofO applicants produce an income tax clearance certificate for the three year preceding the application, or alternatively, pay a minimum clearance amount.	The minimum income tax clearance certificate greatly varies from State to State, typically from N30, 000 to N150, 000. <b>They do not depend on the value of the property.</b>
<b>Registration fees</b>	Registration fees aims at covering the expenses related to the recording of rights into the Land Registry as well as the maintenance and security of these records.	Registration fees typically consist of <b>a fixed percentage of the purchase price or the market value of the property as may be determined by a government assessor.</b> Across Nigeria, this percentage varies from 1% (Niger) to 5% (Kano, Sokoto). Instead of a percentage, some States may charge a flat registration fee (e.g. N5,000 in Taraba State, N15,000 in Oyo State, N200 in Gombe State)
<b>B. Charges pertaining to the assignment and/or transfer of property rights</b>		
<b>Capital Gain Tax</b>	The Capital Gain Tax (CGT) aims at capturing and ploughing a portion of the profits accruing to the holder of a property as a result of a general development process (rather than the property holder's own merit) into the developmental funds	<b>10% of the profits made from the disposal of property assets with the exception of personal private residence. Profits is calculate as the sales proceeds - or the open market value as may be determined by a government assessor, whichever is higher - after deduction of allowable expenditures</b> as defined in the Capital Gain

Type of charges	Justification	Valuation/Computation principles
	of public sectors.	Tax Act. Allowable expenses include the cost of acquisition, the cost of improving the assets, as well as costs associated with advertising, marketing, surveying, valuing, accounting, counselling, etc. In Lagos, the CGT has been reduced to 2% of the consideration whenever the buyer applies as well for the governor's consent to assign. While CGT shall be paid by the seller, in practice, it is borne by the buyer.
<b>Consent fees</b>	Consent fees aims at securing the governor's consent to alienate a right of occupancy or any part thereof held by the lawful holder of such right to a third party. This consent is required prior to assigning, mortgaging, subleasing or transferring the right of occupancy. Governor's consent is required by the Land Use Act.	<b>Fixed percentage of the sales price - or the open market value as may be determined by a government assessor, whichever is higher.</b> The percentage varies from 1% (Enugu) to 15% (Ekiti) across Nigeria and, within each State, may vary according to the property location (urban area vs. rural areas) or the type of properties (undeveloped vs. developed). However, an increasing number of State are adopting now flat consent fees from N2, 000 (Nasarawa and Yobe States) up to N55, 000 (FCT). In case of a mortgage, consent fees are a fixed percentage of the loan amount, percentage that varies from State to State.
<b>Probate fees</b>	Probate fees aims at covering the cost of administering the estate of a deceased person and transfer its ownership to the legitimate right holders.	<b>Fixed percentage - generally 10% - of the retrospective open market value of the deceased person's estate</b> as may be determined by a government assessor or a registered estate surveyor or valuer, whichever is higher
<b>Stamp Duty</b>	Stamp Duty is a tax on instruments (written documents) and instruments to make such instruments legal that can be admitted as evidence in the court in case of dispute.	<b>Fixed percentage of the value of the asset conveyed by the stamped instrument.</b> Across Nigeria States. this percentage varies from 2% to 4%.
<b>C. Charges pertaining to the development and maintenance of public amenities at the property location</b>		
<b>Tenement Rate</b>	Tenement Rate is a charge collected by Local Government Area Councils (LGA) to develop and maintain public infrastructure and amenities within their jurisdiction. Tenement rate is required to be paid by the occupiers and tenants of properties, i.e. those who directly benefit from such infrastructure and amenities.	Among all taxes, the tenement rate is the least consistently applied property tax. Most LGA do not collect this tax. Those which collect this tax use wide discretionary powers to determine the tenement rate, which may be more or less successfully challenged by taxpayers depending on their bargaining leverage. A few States have tried to rationalize the assessment and collection of the tenement rate. For instance, Niger State has devised a method of mass valuation based on

Type of charges	Justification	Valuation/Computation principles
		the Net Annual Value (NAV) of properties. Other States (e.g. Lagos) have compounded the tenement rate with other property related charges such as development levies and neighbourhood improvement charges into a Land Use Charge and have been assessing and taxing the property based on their Capital Value.
<b>Development levies</b>	Development levies apply to properties located within State allocated areas. They are intended to recover all or a part of the capital costs incurred or to be incurred by the State Government as a result of development works.	Development levies are collected from time to time by State Government in State allocated land. Their amount either consists of a rate per square meter or a fixed amount depending on the property location and is fixed by a regulation issued at the level of the State Government. In some cases (e.g. Lagos), development levies have been compounded with other property related charges such as the tenement rate and neighbourhood improvement charges into a Land Use Charge.
<b>Neighbourhood improvement charges</b>	Neighbourhood improvement charges are levied by a State Government on properties located within private estates that have been or will be improved with the support of public funds. They aim to recover all or a part of the capital costs incurred or to be incurred by the State Government as a result of improvement works.	Neighbourhood improvement charges are collected from time to time by State Government in private estates. Their amount either consists of a rate per square meter or a fixed amount depending on the property location and is fixed by a regulation issued at the level of the State Government. In some cases (e.g. Lagos), Neighbourhood improvement charges have been compounded with other property related charges such as the tenement rate and development levies into a Land Use Charge.
<b>Betterment fees</b>	Betterment fees have the same purpose as development levies and neighbourhood improvement charges. They aim at recouping the capital cost incurred by State Governments in providing public infrastructure and amenities.	Betterment fees are not collected everywhere. Wherever they are (e.g. Kogi), they seem to be collected either in State allocated land or in private estates by Town Planning Boards. Town Planning Boards seem to use wide discretionary powers to determine their amount.
<b>Land Use Charges</b>	Land Use Charge is a recent trend in Nigeria and consists in compounding and replacing several land related charges - such as the ground rent, development levies, neighbourhood improvement charges and tenement rent - into one consolidated charge.	In Lagos State that has pioneered the Land Use Charge, the annual Land Use Charge (LUC) is defined as a formula: $LUC = M \times [(LA \times LV) + (BA \times BV \times PCR)]$ where M = the annual charge rate expressed as a percentage of the assessed value of the property and may vary between owner-occupied residential and income generating.

Type of charges	Justification	Valuation/Computation principles
		LA = Land area in square meters LV = the average land value in the neighbourhood per square meter BA = the total developed floor area of building in square meters BV = the average value of medium quality buildings in the neighbourhood per square meter PCR = Property Code Rate which accounts for the building being of higher or lower value than the average value and accounts for the degree of completion of construction
<b>Capital contribution</b>	Capital Contribution is charged by Lagos State to allottees of Lagos State government's estates for the initial development of the estate's infrastructure.	Capital contribution depends on the plot size and varies from one estate to another.
<b>D. Charges pertaining to the income derived from landed properties</b>		
<b>Withholding tax on rent</b>	The Withholding tax on rent is the part of the income tax that pertains to revenues derived from the rental of landed properties. Therefore it does not duplicate with the income tax	Withholding tax on rent is set at 10% of the rental amount. The tax is to be paid to the Board of Internal Revenues by any agent collecting rents on behalf of a landlord. This includes real agents, estate surveyors and valuers, legal practitioners, or tenants themselves.

### **3 ANNEX 7: MINUTES OF PUBLIC CONSULTATION AT ALAPE KOGI STATE SHOWING PROCESS FOLLOWED ACROSS LOCATIONS AND STATES FOR CONDUCTING PUBLIC AND GROUP DISCUSSIONS**

This meeting commenced at 2.15pm and was held at the palace of the traditional ruler of Odo-Ape on the 16<sup>th</sup> of August 2014. The forum was a rallying point for all the social groups, community heads and interest groups that had been previously consulted on the project.

A total of 61 persons attended the meeting including stakeholders as follows:

1. Odo-Ape community,
2. Ape community
3. Agbadu community
4. Bassa camp
5. Fulani representative
6. Ebira representative
7. Federal ministry of agriculture
8. Kogi ADP
9. Kogi Fadama 3

#### **Introduction**

Chief Awoniyi introduced the essence of the meeting followed by self-introduction of persons.

Interactions on the triggered safeguards instruments took place with the different consultants preparing RPF, ESMF and IPMP. Presented in this RPF however, are the interactions that focused on the OP 4.12 (involuntary resettlement).

The consultant preparing RPF thanked the leadership and entire community for their cooperation and response to the call for community consultation. He reiterated the essence of the project in the Alape community in which he stated that the project in the area is to provide a model SCPZ that would be replicated in the other proposed SCPZ zones in the country. The success factors for the project include robust stakeholder participation and synergy. He stated that the RPF is an important document that will describe the process and methods for carrying out resettlement under the Project, including compensation, relocation and rehabilitation of project affected persons, pointing out that careful handling of social and legacy issues is important to avert crises that may affect project sustainability; this underscores the need for social profiling of the community.

He specifically stated that the team is in the community to hear from, learn and deliberate with the community to elicit useful information that will be mainstreamed into the project planning and the sub-projects RAP that will be taking in the near future. Following this explanations, the consultant enjoined the people to ask questions and make contributions as much as possible.

The questions and interactions took off as follows:

Question	Response	Response by
What is the perception of the community about the project?	Well received.	Community leaders, women and youths
Do you all understand the project concept and benefit?	The agencies and consultants coming for different related studies have explained that the project is to improve the way farming is practiced, introduce staple crop processing, bring employment to women and youths, and improve farmers opportunities	Community
Has there been conflicts relating to the land where SCPZ is being sited	No	Community
Who owns part or all of the land for SCPZ?	The land belongs to Alape which is made up of 3 related communities (Agbadu, Odo-Ape and Ape)	Oba of Odo-Ape & community
How do people acquire land?	Individuals who want to acquire land go to the head of the particular community where he/she wants to acquire land. Each community has a land committee under the village head. They are responsible for guiding him/her on customary obligations to be fulfilled to acquire land	Oba of Odo-Ape
Are there local mechanisms for settling land disputes?	Land disputes have hardly occurred. However, the traditional council has the mandate to settle any civil dispute including land conflict matters	community
Do individuals own or inherit land in your community	All lands belong to the community	Oba of Odo-Ape & community
Do women have right to own farms?	Yes	Elders, Women & community
Do women have equal rights as men in agricultural participation	Yes	Elders, Women & community

and community decision makings?		
How much is a plot of land?	No specific price. It depends on what is agreed between the community and the party interested in land lease	Oba of Odo-Ape & community
What is the population of the 3 project affected communities?	Agbadu: 50,000, Odo-Ape: 30,000 and Ape: 30,000	Oba of Odo-Ape & community
What are the key means of livelihood in this community?	100% of the people practice farming. Other activities are trading and hunting.	Community
Means of transportation/movement	Car, motor-cycle and by foot (trekking)	Community
What are the forms of cooperative societies in the locality?	Women farmers association and youth farmers association	Community
Are there herdsmen?	Yes, but mainly Fulani migrant herdsmen.	Community
In what way do the herders rear their cattle to avoid destruction of public crops and assets?	The few herdsmen who are from the community practice enclosed cattle rearing which implies control to cattle movement. Where the problem lies is the migrant Fulani herdsmen who operate without borders and destroy crops	Community
How can the activities of cow encroachment on farms be avoided or controlled	There should be a grazing reserve/zone for herdsmen to reduce conflict that is associated with cattle destruction of farm crops	Ex-commissioner of Agriculture, Fulani
Has there been youth migration	Yes. Youths of the community have migrated to the city in search of greener pasture, but much more, people from other communities have migrated into the community because of the farming opportunities available and the hospitality of the community towards visitors	Oba of Odo-Ape & community

Expectation from the project?	Water, electricity, road construction, employment, hospital.	
Commitment of the community to project implementation	Cooperation to contractors and investors, provision of security and other assistances that may be required	Community

### CONCERNS, EXPECTATIONS AND ANSWERS

Question	Response	Responded by
Would compensation be given for the economic crops demolished and those soon to be demolished?	Yes	FMARD, consultant
Would cassava be the only crop to be produced on project site?	No, but considering soya bean also	FMARD, consultant
Are all the land within the ABIR going to be taking from the community?	Yes, to the once at project site but lands would be available for those that need to farm and every other thing would be provided	FMARD, consultant
Would dams be provided for farming with or without dry season for effective farming?	3 options were created by GEMs which include; <ol style="list-style-type: none"> <li>1. The use of Oyin river</li> <li>2. Drawing pipes from Osara dam.</li> <li>3. Infiltration gallery of all boreholes to be used.</li> </ol>	FMARD, consultant

In conclusion, the people of ALAPE wanted to know what skills and education to enlist their children in order to be relevant to the opportunities that the project will provide. The RPF consultant encouraged them to acquire skills and study on courses relevant to agricultural production, processing, agricultural financing, engineering marketing and services.

Closing prayers was said by the FMARD representative.

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PUBLIC CONSULTATION ATTENDANCE RECORD

S/N	Name	Community/Village	Phone	Sign
1	Chief J. P. Awoniyi	PMARD	08035991015	[Signature]
2	Mr J. O. Ehalanya	DESI officer	08036085576	[Signature]
3	HRM Meseko ELIJAH O	BOGASE	08065698181	[Signature]
4	HRM Joshua Hmukage	Oko Agbada	08054236927	[Signature]
5	Dr Titus A. L. Lovo	Oko Ape	08027384778	[Signature]
6	CHIEF GILB ERIKOLA SUNE	AKURATEM APE	08159704432	[Signature]
7	Chief Eseyin S. O.	Oko-Ape	08165689200	[Signature]
8	Dr. OLUMIDE ELIZABETH	AKURATEM-APE	08063418279	[Signature]
9	G. P. Umar Yauba	OKI	08056488653	[Signature]
10	202-A. Paul	Ape	0806538337	[Signature]
11	Salisu Aminu	APPR		S. A.
12	Denial Senub	OJO APE	07058774236	[Signature]
13	Esther Abovwa	OJO APC	08088987023	[Signature]
14	Oburumyomi Adarigbo, J. K. O.	OJO-APE	08147249295	[Signature]
15	Chief Isanwa Luke	APE	08151485618	[Signature]
16	Chief Olu Noah	APE	08078626155	[Signature]
17	Chief Ologun	OJO Ape	08063506975	[Signature]
18	Elder Samuel A. Olumi	Agbada	08072697671	[Signature]

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S/N	Name	Community/Village	Phone	Sign
19	Elder Julius Oforunmaje	Agbadu	08077082548	✓
20	Badin Gbolahan	Lagos	08028376612	<i>[Signature]</i>
21	Olorunjuwan Adeyemi	Agbadu	08065492288	<i>[Signature]</i>
22	Ibibor Irene	Abuja	07063505392	<i>[Signature]</i>
23	Petar A. Adetutu	FMAED (Abuja)	08035964439	<i>[Signature]</i>
24	Dare Oloje	Representative Dr. Obi Anyadikegn (NMP)	08062242242	<i>[Signature]</i>
25	Femi A Jimmet	Wg. ADIP, Zone X	0803475894	<i>[Signature]</i>
26	Oliver Nwaju	Consultant, RPF	08034110341	<i>[Signature]</i>
27	Kelechi Adesoye	Constr. RPF	0816602405	<i>[Signature]</i>
28	Olamoh Mordan	VA-Kant.	08111607365	<i>[Signature]</i>
29	Adeleke <del>Nachka</del>	F m r p o	08073775866	<i>[Signature]</i>
30	Layo Oye	Osa, Jan a	08062781453	<i>[Signature]</i>
31	Riyobsoke Oluwadaisi	ODO Ape	08061191243	<i>[Signature]</i>
32	Ayoka Florence	ODO Ape	08076557506	<i>[Signature]</i>
33	Olanya ABAYOMI	ODO-APE		<i>[Signature]</i>
34	Emotayo Ayibero	ODO-APE		<i>[Signature]</i>
34	Ayo Ayegboka	ODO Ape	08039126054	<i>[Signature]</i>
35	Olorunjuwan Benjamin	ODO-APE	08144724391	<i>[Signature]</i>

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S/N	Name	Community/Village	Phone	Sign
1	Chief Matthew B. Applele	Adunade-Ape	08157553183	<i>[Signature]</i>
2	Barakunde Kehinde Julius	Agbadu	08055621971	<i>[Signature]</i>
3	Esien Rufus Folake	ODO-APE	08076560227	<i>[Signature]</i>
4	Caleb B. Osumibi	Adunade-Ape	08078633597	<i>[Signature]</i>
5	Alice Isejibi	ODO-APE	08114965022	<i>[Signature]</i>
6	Esayan Segun	ODO APE	08075779812	<i>[Signature]</i>
7	Chief Oye S. S	-do-	081017794902	<i>[Signature]</i>
8	✓ Edward Alenem	✓	08	<i>[Signature]</i>
9	Sahin Uyasu	odo-Ape	08054639003	<i>[Signature]</i>
10	✓ Joseph Kadiri	✓	0802234221	<i>[Signature]</i>
11	Chifom Gabriel	APPE	07055997306	<i>[Signature]</i>
12	Cammuel A. Michael	APPE	09031624728	<i>[Signature]</i>
13	Ufa Abraham	APPE	08150290310	<i>[Signature]</i>
14	ISAAC MATHEW	APPE	08117803706	<i>[Signature]</i>
15	JAMES A. MATTHEW.	Bassa camp	08068069120	<i>[Signature]</i>
16	Chief Obagaye	ODO APE		<i>[Signature]</i>
17	Mr Sunday Alenem	ODO APE	08125537449	<i>[Signature]</i>
18	Mr Peter Ono Munigbon	Agbadu	08072963253	<i>[Signature]</i>

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S/N	Name	Community/Village	Phone	Sign
1	AJIBADE Sunday	odo-ape comm	08106474638	[Signature]
2	AVEGBORA Boto fun	odo-ape comm	- - -	[Signature]
3	LUCIFY ADO	odo-ape comm	- - -	[Signature]
4	JOSEPH JIMESH	odo-ape Revu	07065092448	[Signature]
5	MARY OYE	odo-ape Revu	07065782312	[Signature]
(6)	Obumak Richard	- - -	- - -	[Signature]
(7)	TAWO SUNDAY	- - -	- - -	[Signature]

Community Wide Consultations at Adavi, Ijumu, Lokoja and Okehi (27<sup>th</sup> October to 3<sup>rd</sup> November 2014)

Kogi STATE SCPZ PROJECT  
CONTACT OF PERSONS MET

S/N	DATE	NAME	ORGANIZATION OR COMMUNITY	DESIGNATION	PHONE	SIGN
1	29/10/14	Amosunwa J. Lewis	EVERGREEN INTERNATIONAL	CHAIRMAN	08032526977	[Signature]
2	30/10/14	OKWOLI DENNIS E	MIN. OF. AGRIC	DAS	814e1jsgmahcom	[Signature]
3	30/10/14	ONIBON MICHAEL	✓ ✓ ✓	PAF	0706586383	[Signature]
4	✓	Afe Z-D	✓ ✓ ✓	Commissioner	08036442404	[Signature]
5	✓	Ezebel Fa Sade	PA to the King	PA	08065336044	[Signature]
6	✓	Manye Sade Iwaa	Community chairman (Garam, Amara, Ukpaka)	Community chairman	08060505343	[Signature]
7	✓	Mohammed Auwalu Samiri	Corn processing plant	Operator	0702576444	[Signature]
8	29/10	Segun Oluwalan	Oshokoshola	Community member/direct	07030022471	[Signature]
8		Haji Adedunjo Okeji	Oshokoshola	Traditional ruler	07030920124	[Signature]
9		Femi Majebi	✓			[Signature]
10		Femi Arotan	✓	V. president	0816448610	[Signature]
11		Olorunsayo Joshua	✓	Community member	0703301388	[Signature]
12		Joseph Edele	✓	elder	08036547448	[Signature]

S/N	DATE	NAME	Designation	Organization/Community	Telephone	SIGN
13	29/10	Chief Samuel A. Ogbantola	Chief	Oshokoshola	08036945948	[Signature]
14		Olorunsayo James	"	"	0810504671	[Signature]
15	30/10	GR Adedunjo	"	"	07030920124	[Signature]
16	31/10	Rev. CANON J.F. Olanrewaju	PRIST	Oshokoshola	07052541326	[Signature]
IRESURE (OSARA AREA)						
17						
18	31/10/14	Femi Odutola	Chairman	Iyara	08035907228	remi.odutola@gmail.com
19	✓	OCHESI PIUS	Chairman	Iyara	08078952574	[Signature]
20		Obaniji SIBOLA	Head Agri		08075207900	[Signature]
21	31/10/14	Kareem O. Yahya	Surveyor I	Kogi State Surveys	07039051870	yahyaek2000@gmail.com
22	11/11/14	SADIU SHERIFU AD.	D.O. Okehi	Okehi, Kogi state	07038880443	[Signature]
23	11/11/14	MUSA A. FACHE	D. O. Okehi	Okehi, Kogi state	08067617608	[Signature]
24	11/11/14	DANUSAYE U. SAMAKI	FARMER	OKEHI KOGI STATE	08055923111	[Signature]
25		Atolul Samuel S.	✓		08064447804	[Signature]

Annex 8: Selected Pictures with the stakeholders/community in Alape Kogi state – October 2014

