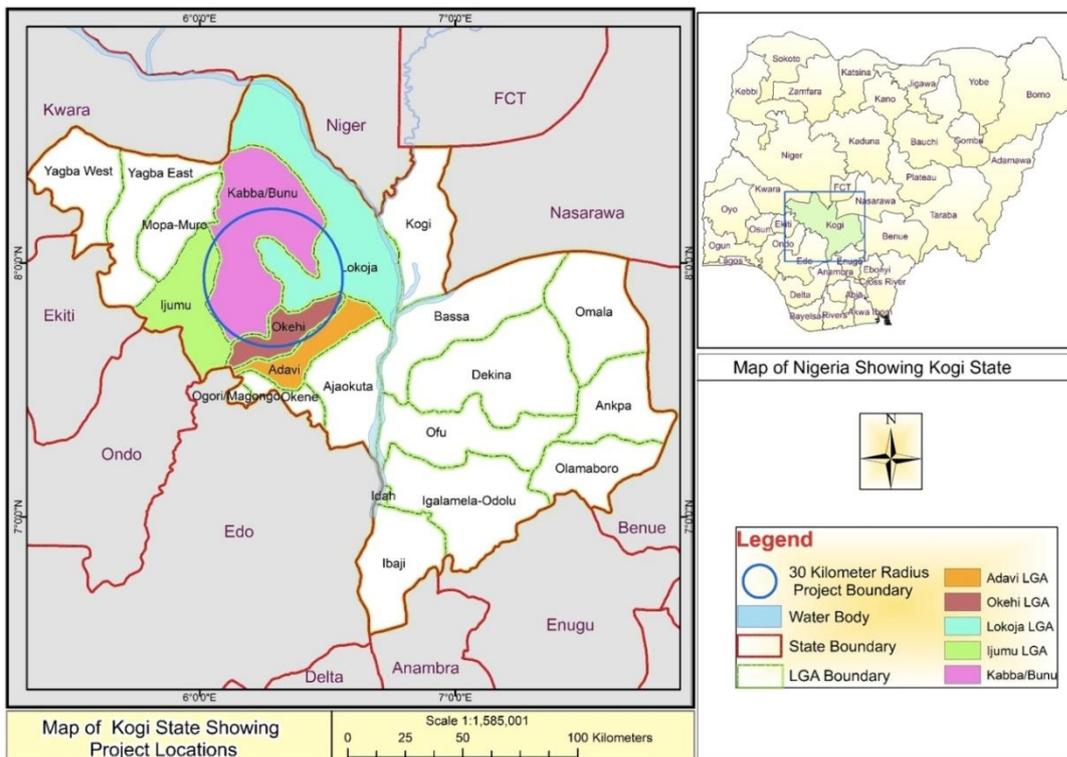




Federal Ministry of Agriculture and Rural Development

Staple Crop Processing Zones Support Project



Resettlement Policy Framework

FINAL DRAFT REPORT (12 December 2014)

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.
Land categories in the Kogi State SCPZ and ABIR	<p>Residential Land:</p> <ul style="list-style-type: none"> • Household Residential Land: Land used for residential purposes (the resident might be an individual, a household or a group of people) • Communal Property and Land: Land used for communal ,such as schools, churches/mosques and sacred sites and cemeteries <p>Agricultural Land:</p> <ul style="list-style-type: none"> • Garden (Food Crop Farm): Mostly located in or close to the settlement. Produce is grown for family and household consumption • Cash Crop Farm: Mostly located at some distance from settlement and includes land under cultivation and land that is left uncultivated for soil recovery; produce is sold for cash.
Orchards: fruit trees and firewood	The most common fruit trees are: Plums, grapes, pomegranates, mulberry, guavas, walnuts, peaches, apricots and lemon. Firewood plantations are rather uncommon and mostly

Term	Meaning
	deadwood, scrub and remains of natural forest are used.
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>Permanent user right holders:</p> <ul style="list-style-type: none"> • Owner 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; • Landlords 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 • Migrant farmers are people that established farms and houses on land that customarily belongs to a different community; • Fulani follow traditionally a pastoralist or nomadic lifestyle, but most have settled down over time and transformed into small scale farmers. <p>Temporary user rights holders:</p> <p>Tenants 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>Informal occupants: 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"> • Business is recognised through registration or payment of taxes); <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 authorities, and legal or even encouraged for others.</p>
Vulnerable groups	<p>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</p>

Term	Meaning
	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 immovable asset or a resource that is acquired or affected by the project.
Allowance	Cash paid to defray resettlement related expenses other than losses of immovable 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 immovable 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 Policy Framework (RPF)	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>Resettlement Action Plan outlines how the resettlement will be managed to fulfil the objectives of WB OP 4.12</p> <ul style="list-style-type: none"> • identifies the impacts, types and levels of compensation and other measures based on the value of assets that will be lost • Includes action plan for allocating compensation and budget for implementation, compensation etc.
Replacement value	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

Term	Meaning
	<p>of equivalent or greater value and that are culturally appropriate. With regard to land and structures, replacement costs are defined as follows:</p> <p>Agricultural 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.</p> <p>Residential land—the currentmarket 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>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. (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 objective of the Kogi State Staple Crop Processing Zone (SCPZ) and the surrounding Agribusiness Investment Region (ABIR) is to generate through improved agricultural productivity shared growth. The SCPZ Support Project, which seeks to obtain funding from the World Bank, tries to attract private investments through a) public infrastructure development (power generation, water, roads and social infrastructure), b) an enhanced linkage between farmers and agribusiness and fostered economic opportunities along the value chains and c) support to the institutional development in the SCPZ and the surrounding ABIR. Within this enabling environment, private investors are invited to establish Staple Crop Processing Plants etc. in the SCPZ and professional managed farms in the ABIR, which provide local farmers with the opportunity to sublease agricultural land as Contract Farmers with secured production agreements.

Project Components

The Project has 4 components as follows:

- 1: Support to public infrastructure development for the SCPZ in Kogi State;
- 2: Support farmers-agribusiness linkages and economic opportunities along the value chains;
- 3: Institutional development in the SCPZ and
- 4: Project Management and Coordination.

Description of the Project Area

Kabba-Bunu Area: Kabba-Bunu is the host local government where the proposed land for the Alape SCPZ (255 Ha) is located. It is located on latitude 6.2888831 and longitude 7.93077. It has a land area of 2,757.57km² and a population of 144,579 people made up of 72,639 males and 71,940 females. It shares boundaries with Kwara state and Lokoja to the north, Ijumu and Mopa-Muru to the west, Okehi to the south and Lokoja to the east. The communities and settlements in Kabba-Bunu within the ABIR include Agbadu-Bunu, Ape and Odo-Ape villages. Other settlements within the area include the Tivs, Ebira, Fulani, Tata, Apaa, Aiyede and Ighun.

Adavi Area: Adavi Local Government Council was created from Okehi Local Government Area on 27th August, 1991 along with the creation of Kogi State. It is found in the central part of Kogi State and is located between latitudes 7o15' to 8o51'N and longitudes 6o to 6o5'E. It

has a land area of 730,608km² and a population of 217,219 made up of 108,891 males and 108,328 females. It is made up of many towns and villages including Ogaminana, Kuroko, Inozioni, Adavi-eba, Nagazi and Osarangada. Most of these settlements are located along the major roads. The settlement within the forested ABIR zone is Iresuare farm settlement in Osarangada community. Iresuare makes up about 10% of the population of Osara-Ngada which is about 4500 people. A major natural resource that is descriptive of Osara-Ngada is the Osara Dam which was constructed from the Osara River.

Lokoja Area:Lokoja is a local government council as well as the capital city of Kogi state. It is located on latitude 09.18196 and longitude 007.17379 and shares boundaries with Niger state to the north, Kabba-Bunu to the west, Kogi to the east and Okehi and Adavi to the south. Kwara and Niger states as well as Ajakuta, Adavi, Okehi and Kabba/Bunu LGAs. It has an area of 3,180 km² and a population of 196,643 (2006 population census) made up of 95,498 females and 101,145 males.

The city of Lokoja was the capital of British Northern Nigeria Protectorate until the amalgamation of Northern and Southern Nigeria Protectorates into one nation in 1914. It is a trade centre for this agricultural region because it sits at the confluence of the Niger and Benue rivers, and is close to the new federal capital of Nigeria in Abuja. Oshokosho, Iwaa, Jakara, Obajana and Apata are agricultural communities in Lokoja LGA that falls within the ABIR.

Ijumu Area:Ijumu is located on latitude 07.84340 and longitude 05.95331. It has a land area of 1,328.284km² and a population of 118,593 made up of 59,582 males and 59,011 females. It shares boundaries with Mope-Muru and Ondo state to the west, Kabba-Bunu to the north and east and Okehi to the south. Some of the communities and settlements in Ijumu within the ABIR are Ayegunle and Aiye.

Okehi Area:Okehi is found in the central part of Kogi state and is located between latitudes 0.7 to 07. 600147 and longitudes 0.6 to 06.203570. It is made up of two major districts namely; Ihima and Eika. There are 13 clans in Eika and 6 clans in Ihima. The settlements in Okehi around the ABIR are Ohu, Iru, Irukura and Irukuochakoko. The Fulani settlement is a major migrant settlement in the area. Okehi has a land mass of 672 582km² and a population of 223,574 (made up of 112,879 males and 110,695 females). The area is known for cloth weaving particularly carried out by women which dominates about 5% of the livelihood activity in the area.

Rationale, Scope and Coverage of RPF

At the time of project preparation, the specific details such as sub-project locations, ancillary routes for pipelines, actual identity of all investors and factory locations are not known. In view of the obvious that land acquisition is involved which triggers OP 4.12 (Involuntary resettlement), this RPF document is therefore, prepared with the aim of presenting the procedures to be followed in the preparation of individual A/RAP when specific project

location, activities and designs would have been sufficiently known. The RPF applies to all lands/resources acquired by either the government and/or investors for SCPZ related activities and infrastructure development within the ABIR

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 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 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	Entitled to alternative	Land for land compensation	Land for land compensation

land	agricultural land		
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 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 land acquisition and related activities of the SCPZ is anticipated to cause various degrees of impacts to different groups of stakeholders as described below:

No	Type of Impact	Description of Potential Impact	Affected Group
1	Loss of fallow and agricultural Land	Acquisition of land for the project will affect agricultural land, fallow land and all land owned and/or used for varying livelihood purposes	Land owners, tenants, squatters, farmers, pastoralists, hunters
2	Land use alteration, depletion and high cost for land	It is not inconceivable that the large land acquisition will deplete reasonably the available land for different land use and will trigger high cost of land and conflict over land use	Farmer groups, community and land users
3	Displacement	Possible cases of involuntary resettlement will	Communities and

		occur. This could alienate the people from their associations, cultures and kinsmen	settlers
4	Loss of grazing ground	Land clearing /use will deny livestock grazers the pastoral grounds and pastures for their livestock and livelihoods	Settled Fulani herdsmen and transit pastoralists
5	Loss of common natural property	Land acquisition and restriction is expected to result to loss or disturbance to common natural resources such as water bodies, forest materials, fisheries and wildlife	Vulnerable group, women, hunters
6	Loss of building and Structures	Investment in the SCPZ/ABIR may result to involuntary resettlement including loss of building and structures	House owners, tenants, business persons
7	Loss of employment	This may include those on land based wage employment and workers in affected shops	Women, youth, fishermen, herders
8	Loss of sensitive cultural heritage	This may range from artefacts to shrines and grave yards	Community
9	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
10	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

Reliable estimates of the number of potentially project-affected people are not possible to make at this point, given (a) uncertainty as to the final configuration of the SCPZ; (b) continued discussions between Cargill and Kogi State as to the boundaries of the Cargill Farm; (c) uncertain footprints for project financed infrastructure; (d) unpredictability of future commercial farm investment in the ABIR. However, under one proposed design for the Cargill Farm boundaries, estimated numbers of PAPs include 8000 people who will need to be resettled, and another 2000 people living outside the farm who will lose access to land that they use for farming and others for loss of economic trees and pasture grounds.

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;
- Use of existing right of way that minimizes encumbrances for infrastructure facility routing 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 the ABIR area;

- Impacts will be avoided/minimized by creation of grazing area/routes within the ABIR.

Mitigation Measures

Impacts that cannot be avoided will be addressed via adequate compensation and will be determined via social assessment during 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 levels of affected persons, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able 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

65 years, 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 process are to:

- i. Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation and determination of entitlements of compensation and implementation of the project;
 - ii. Ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- Avoid the need to resort to judicial proceedings.
 - The general steps of the grievance process comprise:
 - Receipt of complaints;
 - Determining and implementing the redress action;
 - Verifying the redress action;
 - Amicable mediation and settlement; and
 - Dissatisfaction and alternative actions.
 - Institutional Responsibilities

The main institutions involved with the implementation of the resettlement activities are:

- The Managing Director within the PMU
- The Chairman of the LGA
- The Representative of the Kogi State Department of Land in the LGA
- Land Acquisition and Resettlement Manager of the LMU
- Social specialist of the LMU/PMU
- Project engineer of the PMU
- Consultant

Participatory Monitoring and Evaluation Plan

To ensure that the implementation of the resettlement 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 PMU at Kogi 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) impact 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 Director

at PMU and copied to FMARD. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

Translations into Major Languages in the Project Area

In order to ensure that communities in the project area especially “potential project affected persons (PAPs)” understand the involved issues, the executive summary of the report was translated into the major language in the SCPZ and ABIR area (Yoruba).

Disclosure

The RPF has been prepared in consultation with the Federal level PMU, State MDAs, CBOs/NGOs and some community groups. The RPF is expected to be disclosed publicly as a separate and standalone document for review and comment through the Federal/State Ministries of Environment at designated locations at Federal, Kogi State and LGAs, and in World Bank Info-Shop. Individual RAPs 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 has come up with several initiatives, amongst which is the Agricultural Transformation Agenda (ATA), to redress the situation. The ATA is 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 has deregulated the seed, fertilizer and mechanization sectors; improving farmers' access to modern farm inputs.

The general concept of ABIR and the SCPZ Program in particular adds to the vision of ATA by seeking to channel investments into infrastructure and strengthening the policy and investment climate, in an 'Economic Zone' type of operating environment, for unlocking economies of scale and improving competitiveness for processing and value added activities. This should improve competitive cost structure for agro-processors in Nigeria, reducing the absorption of capital and operational costs and making them competitive in domestic, regional and global markets.

Kogi state has been formed in the year 1991 and is located in the North central part of Nigeria. The state is regarded as the confluence state because of the meeting point of the two major rivers- Niger and Benue. The State had in 2013 an estimated population of 3,928,799 and a landmass of about 30,354 km² with suggests an average population density of 284 per square kilometre.

The Federal Ministry for Agriculture and Rural Development (FMARD) and the Government of Kogi State have earmarked 250 ha for the establishment of the SCPZ and 280,000 ha of land surrounding the SCPZ as Agribusiness Investment Region (ABIR) in which professional managed farms should produce the raw materials for the factories to be established in the SCPZ. The SCPZ and ABIR in Kogi State is one of 6 such zones in Nigeria and Cargill Inc., which holds a 60% share in the Nigerian starch market, has expressed interest in setting up a starch processing and an animal feed plant in the CSCPC Kogi and to establish a 30,000ha farm to supply these factories. This large scale Foreign Direct Investment is likely to have a signal effect and result in other investors to follow in due course.

The Cargill farm and factories itself are expected to offer far reaching benefits including but not limited to the creation of more than US\$550 million/year of additional incomes for local farmers and labourers. The key value addition is that the yield of professionally managed cassava farms is with 25 t/ha 66%

higher than that of artisanal cassava farms (15 t/ha) and that the starch processed from this cassava replaces large parts of the starch presently imported by Cargill Inc. for the Nigerian food and beverage market. It is expected that around 7,500 farmer-households will be engaged in this value change as Contract Farmers and an additional 1,000 as labourers.

While the Cargill investment is likely to happen in tune with the investment of USD 140m into enhanced infrastructure to be undertaken by FMARD with support from the World Bank, the Project is not limited to the initial investment by Cargill Inc. and the establishment of enabling infrastructure by FMARD, but covers the entire SCPZ and ABIR. With a view on the footprint this means that the investment of Cargill Inc. represents around 20% of the investment into the SCPZ (50ha of 250ha in total) and around 10% of the investment into the ABIR (30,000ha of 280,000ha in total).

2 PROJECT DESCRIPTION AND SETUP

The Project Development Objective (PDO) is to support agricultural productivity growth and value-addition of targeted small and medium scale farmers by facilitating inclusive public and private investment in selected agribusiness clusters.

The Project will contribute to the broader objectives of the FGN's SCPZ Program consisting of 'increasing food production and reducing the demand for imports, adding value through processing, reducing the cost of doing business for processors, and attracting new investment to create jobs, especially in rural areas, and to drive the economy'. The expansion of agribusiness - farmer linkages under the SCPZ program through the right mix of public and private investments will ultimately improve agricultural productivity, generate shared growth and substantially reduce poverty in rural areas.

The management structure foresees that overall coordination and management will be under the responsibility of FMARD which will establish the following bodies:

A Project Steering Committee (PSC) to oversee project implementation. It will approve annual budgets and work programs, and technical and financial progress reports submitted by the PMU. It will ensure adequate articulation of project activities with the broader SCPZ Program and with national policies. It will be also in charge of supervising external monitoring and evaluation of project's performance.

The SCPZ Program Coordination Team (PCT) established within FMARD will be the technical arm of the PSC. Under the leadership of the Director, Department of Agro-Processing and Marketing (APM), the PCT is composed of core dedicated FMARD personal and consultants, and desk officers from relevant MDAs. The PCT will benefit from the expertise of the United Nations Industrial Development Organization (UNIDO) in development of agro-industrial zones, through a senior technical advisor being selected. The PCT role is expected to be taken over by the SCPZ Authority once it is fully operational. In collaboration with the PMU, It will be charge of implementing part of Project support on institutional development, in particular Subcomponent 3.3 on the technical assistance to FMARD and SCPZ Authority to establishing regulatory rules, capitalizing and disseminating lessons learnt, and promoting the program, as well as providing technical assistance to selected states to roll out their SCPZ and agribusiness development programs.

A Project State Implementation Management Committee (SIMCO). A technical working group set at the state level to facilitate the coordination of project activities on the ground. It will be composed of the PMU core staff, representatives of the Governor and focal points in key relevant MDA at the State level. SPCZs Desk officers at federal level may also participate to meetings on request depending on the specific agenda and technical issues to be discussed. The PIC will be chaired by the PMU Director who will inform HMA, the Chairman of the PSC and the Governor of Kogi State on their deliberations for action. The SIMCO will evolve toward the SCPZ Executive Management Committee once the SCZ authority is full established and operational.

The Land Management Unit (LMU) under the Ministry in charge of Land in Kogi State will be responsible for management of land allocation in the catchment area and will work closely with the PMU in implementing the land development elements of the SCPZ. During its start-up phase, the LMU will require specialized external technical support through consulting services to be hired by the PMU, prepare the LMU work plan, train its staff, develop and install the LMU information and data management systems, support resettlement activities in the catchment area, and develop “best practices guide” learning from the process.

2.1 DIRECT INVESTMENT COMPONENTS OF THE PROJECT

The Project has 4 components as follows:

- 1: Support to public infrastructure development for the SCPZ in Kogi State;
- 2: Support farmers-agribusiness linkages and economic opportunities along the value chains;
- 3: Institutional development in the SCPZ and
- 4: Project Management and Coordination.

Component 1: Support to public infrastructure development for the Alape model SCPZ in Kogi State (\$77.00 million, of which IDA will contribute \$58.00 million): In line with international best practices, and considering that Kogi SCPZ is located in a remote area without access to any basic infrastructure, this component will support the Government in the following: (i) the development of off-site infrastructure including energy (electrical and thermal), access roads, and water supply to the SCPZ; (ii) preparation of the SCPZ development plan and provision of initial on-site infrastructure to ensure minimum utility services (internal roads networks, sewage and drainage, water treatment and distribution, gas and power connections, etc.) for up to 3 private investment projects that are similar in size to the anchor investor; and (iii) social infrastructure for supporting productive activities taking place within both in the SCPZ and the ABIR. Particular attention will be given to the phasing of infrastructure in order to ensure that minimum requirements for the start of project operations (water, power, road improvements and gas whether piped or initially provided as Compressed Natural Gas) can be delivered within a short timeframe. In addition to meeting the immediate requirements of agro-processors, the Bank will prioritize infrastructure that meets broader rural development needs in the ABIR (e.g. rural electrification, rural roads, etc.). More specifically, this component entails the following investments:

1.1: Energy infrastructure investment (\$17.50 million, of which IDA will provide \$ 16.00 million):

The project will support energy infrastructure development to secure the provision of heat and power to the SCPZ for up to 20 MW. Project investment for the proposed gas option will consist of: (i) engineering and safeguards studies; (ii) laying-out a gas pipeline extension (6-inch diameter) from an existing point close to Obajana Cement factory, approximately 30 km from the project site; (iii) construction of a pressure reduction station to lower the gas pressure to 10 bars; and (iv) construction of distribution network downstream of the off-take station to serve the SCPZ core area for both process steam and power. An investment of \$15.3 million for the gas pipeline would satisfy flow requirements and thus meet the initial phase SCPZ requirements. In addition to the gas pipeline and for the short term, investment will be required for (v) the extension of an existing Low Voltage (LV) distribution network already supplying Okeibunkun, around 29 km from the SCPZ. This LV would be necessary for the initial development of the site and construction phase of the 1st anchor. Estimated cost for the LV extension is \$2.2 million, including related engineering and safeguards studies.

1.2 Water infrastructure investment (\$ 11.70 million under IDA financing): Water requirements of the whole SCPZ are estimated to be between 10,000 and 12,000 m³ per day (i.e. three times the requirement planned by the anchor investor). Investments under this subcomponent will consist of: (i) complete design engineering and environmental and social safeguards studies for the water

investment; (ii) building a small dam (height lower than 15 m, crest length between 400 to 600 m and a reservoir capacity of 10 to 15 million m³); and (iii) construction of the water supply system, including installation of a pumping station and transmission pipes, water treatment unit, reservoirs, service pipes/distribution and initial operation and maintenance of the water supply network.

1.3: SPCZ development, land clearing and rural roads within the ABIR (\$35.30 million, of which IDA will contribute \$25.30 million): Under this subcomponent, the project will finance the construction of: (i) the connecting road from A123 to the SCPZ for an estimated cost of \$8 million; (ii) the initial internal road network within the processing area (\$5.3 million), and (iii) feeder roads (about 40 km) connecting small and medium farmers to the processing site for up to \$8 million. The project will also provide financing of up to \$6 million for (iv) detailed site planning, and initial development of the portion of the SCPZ core area that will host the first 3 tenants. This includes design of the SPCZ development plan, (\$0.5 million); and the provision of the SPCZ shared infrastructure needed, (e.g. potable water supply, power distribution network, sewerage treatment and disposal and drainage systems) for about \$5.5 million.

1.4: Social and Rural infrastructure (\$12.50 million, of which IDA will contribute \$5 million): This subcomponent will be implemented on a cost sharing basis with private investors within the SCPZ. Its objectives are to build-out small scale infrastructure in the ABIR which is determined to be in the public interest and necessary for supporting productive activities taking place within both the SCPZ and the ABIR. Priorities for social infrastructure development will be identified by reference to the findings of the social assessment carried out as part of the project preparation and by further reference to the investors Corporate Engagement Plans. The PMU will engage local communities to determine and confirm their priority needs for infrastructure. Social and infrastructure funded under this component may include health centres, a vocational training centre, small scale water supply system, food security support infrastructure including small scale irrigation, rural electrification, internet connections, product aggregation points, grain storage facilities, etc.

Component 2: Support to farmers-agribusiness linkage and to economic opportunities along the value chains (\$25 million, of which IDA \$15 million): This component is designed to strengthen linkages between investors in the SCPZ and local economy in the surrounding communities. It will benefit primarily farmers and SMEs, providing jobs and income opportunities in the ABIR. In coordination with FADAMA III/AF and other relevant operations in the portfolio, the project will provide support through an agribusiness service provider, to structure value chains development programs that link farmers, SMEs and communities in the catchment areas, giving special consideration to women and youth, with agro-processing firms as follows:

2.1: Improving farmer's productivity (\$15 million, of which IDA \$10 million): The Project will work with agro-processors and off-takers within and outside the SCPZ to develop off-take agreements with farmers' organizations. These agreements will drive support to increase farmer's productivity through proper crop management, enhanced access to technology, equipment, and services, including extension services, and financing. Specifically, the project will (i) hire a service provider, with experience and expertise in value chain development, to structure business partnerships, prepare value chain development program, secure new off-taker partnerships, and facilitate access to services for farmers and farmers groups for their implementation; and (ii) support the implementation of the value chain development program, through structuring farmers' associations, infrastructure investments in the ABIR such as marketing infrastructure (e.g. aggregation centres, standards and quality control, small scale processing units, etc.), ICT, and skills development. In this way farmers in the ABIR will be able to leverage the combined infrastructure investments within the SCPZ to increase their productivity and provide agro-processors with reliable sources of quality, farm production. The Project will collaborate with Fadama III/AF (closing in 2017) which will provide on-farm support to assist farmers to increase productivity and meet the quality standards to help them deliver on the contracts. The component will also support farmer associations, such as the local chapter of Kogi Cassava Growers Association, by investing in their management

capabilities, leadership and negotiating skills to enhance their effectiveness in dealing with agribusiness firms and other stakeholders in the SCPZ.

2.2: Promotion of economic opportunities for the community (\$10 million, of which IDA \$5 million): The Project will finance a matching grants scheme (85% of subcomponent total cost) which will provide funding for business undertakings that strengthen agribusiness-to-farmers linkages as identified in the value chain development program. Priority needs for strengthening supply chains will be solicited from large agribusinesses based in the SCPZ. In addition, this sub-component will provide technical assistance (15% of subcomponent total cost) to recipients of matching grants to support the development their business plans, build up their management capacity, provide enterprise mentoring appropriate to each type of undertaking, and monitoring and reporting on the implementation of the subprojects. Possible community based enterprise, which may be funded under this subcomponent, include services for input supply, mechanization equipment rental, farm to plant local transport and logistics services, small and medium scale agro-processing, marketing and trade, and ICT innovations that support the development and growth of core agribusiness value chains. Eligible beneficiaries and activities, as well as selection and approval processes will be spelt out in a guidance manual. The matching grant scheme and TA facility will be managed by a qualified private sector firms or NGO possessing specialized expertise in SME development.

Component 3: Institutional development in SCPZ (\$10.50 million, of which IDA \$8.50 million). A key requirement for the effective management of the project will be to create institutions that have the capacity to coordinate the complex set of technical inputs, engage in effective monitoring and evaluation, and are able to adapt their working methods according to lessons learned. Project support will focus on the following:

3.1: On-site Technical assistance for zone development, operation, and management (\$5 million, of which IDA \$5 million): To ensure adequate coordination and quality assurance on the core project activities, a delivery partner, an engineering consulting firm (or a consortium of firms) will be competitively selected to provide specialized skill required during discrete phases of the project, focusing particularly on : (i) delivering of the public infrastructure, including technical supervision of the detail technical design and supervision of works for publicly-funded infrastructure, (gas pipeline and extension of the power grid, small dam and water supply system, roads and initial site planning and development); (ii) branding and marketing of the site to potential investors such as agro-processing firms, services and developers; and (iii) support the establishment of the SPV for zone extension, operation, and management.

3.2: Support to Kogi State Land Management Unit and to the implementation of safeguards instruments (\$6.50 million, excluding compensation, of which IDA \$5.50 million): The project will assist the State Government and local communities to develop institutional and technical capacities, standards and procedures for socially responsible and environmentally sustainable land allocation and management within the ABIR, consistent with World Bank Group and international guidelines and standards. Under this subcomponent, the project will support : (i) the establishment of a land management unit (LMU) within Kogi State Government (ii) the preparation and operationalization of a “Land Framework” document setting forth rules and procedures that will govern land management in the ABIR (see Annex 8); (iii) support the LMU and local communities in completing a comprehensive land use and land rights survey of the entire ABIR; This activity will benefit from the DFID-supported Systematic Land Titling and Registration (SLTR) initiative currently being implemented under the GEMS3 Project in Kogi State ; (iv) the preparation of a strategic environmental and social assessment (SESA) of the ABIR, to assist in the planning, locating, and sequencing of future sustainable agribusiness investments; (v) support the monitoring and supervision of the implementation of environmental and social safeguards instruments, including the ESMF, RPF, IPMF, and specific safeguard plans that may need to be put in place in accordance with those frameworks. Safeguards management will, to the extent required, include support for afforestation activities and establishment of biodiversity offsets in the ABIR; and (vi)

provide targeted technical assistance to help improve the capacity of local communities to understand their rights, to engage meaningfully in consultations with government and investors, and to make informed choices with respect to agreements entered into with investors, compensation and benefit sharing arrangements, and the like.

Support to Kogi State Land Management Unit and to the implementation of safeguards instruments (\$6.50 million, excluding compensation, of which IDA \$5.50 million): The project will assist the State Government in developing a “land framework” setting forth responsible land allocation and management procedures for the SCPZ core and catchment areas, consistent with World Bank Group and international guidelines and standards. Under this subcomponent, the project will: (i) support the establishment of a land management unit within Kogi State Government (\$ 3Mn including \$1Mn counterpart funding from KSG) to conduct a comprehensive survey of the entire ABIR, develop Land Use Maps along with land allocation and management procedures for agribusiness, with the objectives improve the efficiency, accuracy and transparency of land-related information within the SCPZ and to better inventory, define and secure the rights of communities and investors. The LMU benefit from DFID-supported Systematic Land Titling and Registration (SLTR) initiative being implemented under the GEMS3 Project in Kogi State ; (ii) provide targeted technical assistance to help improve the capacity of local communities to understand their rights, to engage meaningfully in consultations with government and investors, and to make informed choices, in particular along the resettlement process (\$1Mn); (iii) supervision of environmental and social safeguards plans, and preparation of a strategic environmental assessment of the ABIR, to drive sustainable development of the areas (\$1.5Mn); (iv): stakeholder engagement, and conflict resolution system (\$1million), through capacity building of communities to engage as informed players around the project, to build complementary oversight structures that engage community and local government, to adopt principles of dialogue and conflict prevention and resolution and participate as empowered stakeholders in the project. Given the diverse ethnic composition of affected communities and important gender differences in access to land and cropping patterns, the community engagement strategy will need to ensure broad community representation and inclusiveness as well as appropriate grievance redress mechanisms. A qualified environmental specialist with solid experience on land management, and a social development specialist with a solid background on gender and social safeguards will be included in the core staff of the PMU to supervise the implementation of this sub-component.

3.3: Support to FMARD and selected States for the development of agribusiness clusters (\$5 million, of which IDA \$3.5 million): Under this subcomponent, The Project will provide institutional support to FMARD, through the SCPZ Program Coordination Team (PCT), and subsequently the SCPZ-Authority being established to regulate the SCPZs, in terms of technical assistance (TA), training, and experience sharing of best practices from across the world, and for scaling up the program to other sites based on lessons learnt from the pilot SCPZ in Kogi State. Specific TA might include, establishment of a knowledge hub on agro-industrial zones, SCPZ detailed feasibility studies, attracting private investors and structuring PPPs, promotion of the program within the country and abroad, etc. Eligibility criteria for selected states for project include inter alia: existence of State agribusiness-friendly strategy, readiness- to-push private sector investment project with transformation potential in terms of employment, value addition and community development, potential of synergizing with other World Bank and/or IFC operations, e.g. in Kano State with the TRIMING Project CADP and IFC on tomatoes processing, etc. selection criteria and procedures, and timing will be further developed in Project Implementation Manual.

Component 4: Project Management and Coordination (\$12 million, of which IDA \$9 million): This component will finance project management and coordination with the Program, M&E (including knowledge management, and impact evaluation), and communication. A dedicated project management and coordination structure will be set up before negotiations. A Project Management Unit will be established in Kogi State to lead and coordinate implementation of project activities, including the

management of the designated account and project procurement activities. It will also support the gradual establishment of a Special Purpose Vehicle (SPV), which will be the permanent structure in charge of further development of the infrastructure, management and promotion of the zone. The PMU will be assisted by a delivery partner, which role is outlined in Subcomponent 3.1, and the SCPZ Program Coordination Team (PCT), which will be strengthened under the project to facilitate coordination with relevant MDAs and project communication, as well as capitalizing on and mainstreaming lessons from the Project for further expansion of the Program. Activities under this component will consist of:

4.1: Support to Project Implementation and Coordination (\$7 million, of which IDA \$5 million):

The Project will support under this component (i) PMU staff salaries, equipment, furniture and operating costs with the IDA financing while the contract of the delivery partner contract will be funded under Subcomponent 3-1; (ii) equipment, consultancy services for knowledge management technical assistance to the PCT through IDA financing, while salaries and allowances for the personnel of the PCT, and operating cost of the PCT, and the steering committee will be covered under FGN counterpart funding.

4.2: Monitoring and Evaluation (\$2.5million under IDA financing):

This subcomponent will support all of the data collection efforts and the M&E work, including the impact evaluation study, which the PMU will need to carry out in order to analyse lessons from the Kogi SCPZ model and inform further expansion SPCZ Program in terms of design, investment management and implementation. It will also provide a rigorous quantitative and qualitative basis for organizational learning. Under this Subcomponent, the PMU through qualified consultants, will conduct independent data collection at community level and beneficiary levels, and will process information from the dispute resolution mechanisms established under Subcomponent 3.2, assess progress and adapt nimbly, as needed when a course change is needed to achieve the PDO. An impact evaluation program focusing on land issues, revenue distribution and inclusion will be conducted to gauge project development approach. This program will be conducted with technical assistance of the World Bank group research department (DEC).

4.3: Communication (\$1million, under IDA financing):

This subcomponent will support and fund the development of internal, external and downstream communication strategy that will raise awareness, create visibility of the project among key stakeholders and beneficiaries. The communication strategy, informed by a Communication Based Assessment (CBA), survey or perception study, would seek to increase knowledge and understanding of the project among stakeholders as well as change attitudes and behaviours of stakeholders for buy-in, support, participation and ownership of the project to achieve results. The communication strategy would be component-focused and with more community based and community drive communication activities. A communication specialist will be hired and located with PCT, supervise the development of the communication strategy, mainstream feedback mechanisms and flow of information between project partners, including between Project and Program levels, support the PMU on communication with communities, and assist the PMU in developing user-friendly communication and reporting tools.

2.2 ASSESSMENT OF DIFFERENT DEVELOPMENT SCENARIOS

As outlined above the long term overall shape of the project cannot be defined in detail at this stage beyond what has been said in the last two sections. Nevertheless, to tailor frameworks to the needs of the overall project one needs to make some assumptions and it is a common approach for this kind of project to do this through a set of scenarios that will be followed up in the preliminary impact assessment chapters of subsequent documents and the elaboration of the mitigation and compensation screening mechanisms. In what follows, three scenarios are outlined:

“Business as usual”: The worst case scenario from a development perspective is that despite the joint commitment of the Federal Government and Kogi State to establish an enabling investment environment through the SCPZ Support Project, no private investor uses this opportunity to establish a processing plant in the SCPZ and/or a professional managed farms in the ABIR. In turn, it can be expected that in such a scenario the SCPZ Support Project will not started or will stopped at an early stage and the land and resources of the SCPZ and ABIR continued to be used similar to a non-project scenario i.e. “business as usual”. To accommodate the local desire for increased incomes and to feed growing populations, agricultural growth can in this scenario only be achieved through the expansion of cultivated areas and the extension of rain-fed cropping systems until the entire SCPZ and ABIR is transformed into small scale individual managed farms with little or no technical support. The resulting reduced ability to follow traditional cropping patterns with long soil regeneration periods together with rising uncertainties generally associated with rain fed agriculture and its vulnerability to climate change will most likely result in a significant land degradation that – similar to other areas – lead over time to reduced crop yields of up to 20-30 % and in turn an increased need for additional land and/or the short term generation of addition yields through the uncontrolled used of fertilizers, pesticides, etc. In this scenario it can be expected that land use patterns will not change, but that over time all land will be used in the same form and manner as the land presently under production.

Cargill only: Cargill Inc. has made clear commitments to establish a Starch Processing Factory, a Chicken Animal Feed Factory and up to 30,000 ha of professional managed farmland, a portion offarms, which will be subleased to Contract Farmers. Under this scenario, one would assume that no other investor will follow the Cargill model and that in the long run, the activities of the SCPZ Support Project are implemented, but only 50ha of the SCPZ and 30,000 ha of the ABIR managed professionally, while the rest will be occupied over time by small holder farmers and used similar to the “business as usual” scenario.

“Base case”: The base case scenario assumes that over time 60,000 ha of farm land will be put to professionally managed cultivation over the next 20 years to feed processing units, supporting multiple value chains involving processing capabilities such as starch, flour, animal feed, meat production, high value crops, and multiple supporting services, either directly to these value chains such as tractor and agrichemical distributors or indirectly such as banks, food and fuel retailing, etc. In the first phase of 5 years approximately 30,000 ha of land will be cultivated (i.e. the Cargill Scenario). In the second phase, professionally cultivated land will be increased to 40,000 ha by year 10. In subsequent phase productive land will be increased to at least 60,000 ha.

For purposes of project design and preparation of this RPF, it has been assumed that the Cargill scenario will be realized over the short term and that some progress will be made toward securing subsequent investments in both the ABIR and SCPZ as envisaged under the Base Case scenario. A fourth scenario, considered unlikely to be realized in the medium term, if ever. The SESA that will be supported by sub-component 3.2 of the project is intended to help the government and its partners appropriately guide and sequence the pace of SCPZ-related investment in the ABIR. ASCPZ Aside from the footprint of the SCPZ itself and private sector farms in the ABIR (including Cargill and possible future producers); the following land requirements are expected for implementation of Component 1 of the Project:

SCPZ Support Project	Component 1.1: Power Generation	10	5.0	0.2	4.8
	Component 1.2: Water Development	100	50	1.7	48.3
	Component 1.3: Land clearance & roads	100	50	1.7	48.3
	Component 1.4 Social Infrastructure	10	5	0.2	4.8

3 PRINCIPLES AND OBJECTIVES OF THE WORLD BANK'S INVOLUNTARY RESETTLEMENT POLICY

3.1 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, like the SCPZ 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 as anticipated under the SCPZ and the ABIR 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 SCPZ 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.

3.2 SCOPE OF THIS RESETTLEMENT POLICY FRAMEWORK (RPF)

This Resettlement Policy Framework (RPF) sets out principles, procedures, entitlements and organizational arrangements that govern the overall land acquisition process including physical relocation and economic rehabilitation, in the Kogi State SCPZ and ABIR. The RPF applies to all lands/resources acquired by either the government and/or investors for SCPZ related activities and infrastructure development within the ABIR. When the detailed engineering design becomes available for an Investment or a Component of the SCPZ Support 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. For the purposes of SCPZ a further detailed social assessment is being drafted that will be ready for submission prior to the implementation of the project. This assessment will provide more detailed analysis on the particular impacts on of the project that will inform subsequent Resettlement Action Plans.

It will be important that this RPF be read and used together with the Land Framework to be developed under Sub-component 3.2 of the project. The Land Framework will set forth rules and procedures that will govern the identification of land suitable for investment in the ABIR, protocols for community engagement, principles of inclusive investment and the conditions for allocation of land to investors in the SPCZ and ABIR in a manner that is consistent with international best practice and World Bank Group safeguards. In short, in terms of sequencing, the Land Framework describes processes and practices that will to a large extent precede the application of this RPF, and should continue to be taken into account as RAP preparation and implementation get underway.

3.3 SCPZ Project and 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 Cargill estate 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.

- 1) This RPF applies to SCPZ project related activities
- 2) 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.

- 3) 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) is given:

- 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.

3.4 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 People (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 project 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.

3.4.1 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.

3.4.2 CATEGORIES OF ENTITLEMENT

Different project-affected people will 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.

3.5 RAP DEVELOPMENT

3.5.1 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 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 3-1: RAP RESPONSIBILITIES

INVESTOR RESPONSIBILITIES	FMARD/KOGI STATE
Preliminary RAP Preparation	
<ul style="list-style-type: none"> • Prepare and Circulate Terms of Reference for RAP Specialists • Select and justify land acquisition and economic displacement alternatives that minimize or avoid adverse impacts • Identify other social impacts (non-resettlement related) and identify mitigation measures • res • Identify potential partners such as NGOs, community groups who can assist with public consultation, implementation and social impact mitigation measures 	Review ToRs and discuss any issues with investor
Technical Design – RAP Preparation	
<ul style="list-style-type: none"> • Engage services of resettlement experts • Submit outlines and draft of RAP for FDAMA to review • Carry out initial public consultation(for both ESIA and RAP purposes) • Map affected area • Identify ,organize and coordinate local support for RAP implementation • Carry out census and registration of affected people • Review and consult PAPs on the project alternatives 	Review and Consult
Prepare Resettlement Action Plan	
<ul style="list-style-type: none"> • Select alternative replacement land/resettlement sites • Establish legal framework and gaps between WBG Policy and Nigerian Federal and State law. • Establish grievance mechanisms • Complete arrangements for the participation of affected people and communities in RAP implementation and monitoring 	

4 IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED POPULATION

4.1 INTRODUCTION

The SCPZ project and activities will entail land acquisition and impacts on land owners, tenants/users, pastoralists and other land based livelihoods. 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 SCPZ project and the potential affected groups are described in Table 4-1 below:

TABLE 4-1: TYPES OF IMPACTS AND AFFECTED GROUPS

No	Type of Impact	Description of Potential Impact	Affected Group
1	Loss of fallow and agricultural Land	Acquisition of land for the project will affect agricultural land, fallow land and all land owned and/or used for varying livelihood purposes	Land owners, tenants, squatters, farmers, pastoralists, hunters
2	Land use alteration, depletion and high cost for land	It is not inconceivable that the large land acquisition will deplete reasonably the available land for different land use and will trigger high cost of land and conflict over land use	Farmer groups, community and land users
3	Displacement	Possible cases of involuntary resettlement will occur. This could alienate the people from their associations, cultures and kinsmen	Communities and settlers
4	Loss of grazing ground	Land clearing /use will deny livestock grazers the pastoral grounds and pastures for their livestock and livelihoods	Settled Fulani herdsmen and transit pastoralists
5	Los of common natural property	Land acquisition and restriction is expected to result to loss or disturbance to common natural resources such as water bodies, forest materials, fisheries and wildlife	Vulnerable group, women, hunters
6	Loss of building and Structures	Investment in the SCPZ/ABIR may result to involuntary resettlement including loss of building and structures	House owners, tenants, business persons
7	Loss of employment	This may include those on land based wage employment and workers in affected shops	Women, youth, fishermen, herders
8	Loss of sensitive cultural heritage	This may range from artefacts to shrines and grave yards	Community
9	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
10	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

4.2 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;
- Redesigning and/or re-routing of ancillary facility pipeline routes away from point/source of impacts
- 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 projectland after census of affected persons

4.2.1 ESTIMATE OF PROJECT AFFECTED PEOPLE

Reliable estimates of the number of potentially project-affected people are not possible to make at this point, given (a) uncertainty as to the final configuration of the SCPZ; (b) continued discussions between Cargill and Kogi State as to the boundaries of the Cargill Farm; (c) uncertain footprints for project financed infrastructure; (d) unpredictability of future commercial farm investment in the ABIR. The eventual location and shape of the Cargill Farm and subsequent farms, if any, remain the principle unknown variables in estimating the number of potential PAPs. For example, in line with the principles set forth in this RPF and to be further elaborated in the Land Framework (project sub-component 3.2). Cargill has indicated its commitment to a farm footprint and design that will minimize as much as possible the need for displacement. Under one proposed design for the Cargill Farm boundaries, estimated numbers of PAPs include 8000 people who will need to be resettled, and another 2000 people living outside the farm who will lose access to land that they use for farming (see breakdown of these numbers by ethnic group in Table 5.2 for purposes of illustration). An alternative design, currently under discussion, could lower this amount to around 2000 (PEIA Report, p. 31).

TABLE 4-2: PAPS DISAGGREGATED BY ETHNICITY

Ethnic group	Estimated number of affected persons	Settlement pattern
Bunu Communities (Indigene ethnic group, sub-group of Okun ethnicity)	4,800 living within the proposed farm area 2,000 living outside the proposed farm area but cultivating fields within the proposed farm area	Large square, tin roofed huts Large, nucleated and accessible settlements along main roads and secondary roads. (Ape, Aiyede, Ighun, Tata, Ibori, Eshe, OkeBukun, Ayegunle, Ode Ape, Agbadu, Apaa,Agbede)
Tiv communities (settler farmers from Benue State who arrived in the last 8 to 20 years)	1,440 living within the proposed farm area.	Small, scattered homesteads. Circular, thatched huts arranged in a circular pattern often around a central communal hut. Tiv settlements are clustered in the centre of the farm area
Fulani settlements (semi settled farmer-pastoralist arriving from northern Nigeria over the past 2 generations)	850 living within the proposed farm area. 200 living just outside the farm area and cultivating or grazing within the farm area.	Groups of circular thatched huts arranged in a linear pattern. Cluster of settlements in southern part of proposed farm and along the eastern boundary.

Ethnic group	Estimated number of affected persons	Settlement pattern
Igbira settlements (settlers from Okene area of Kogi state)	410 living within the proposed farm area.	Clusters of square, usually tin roofed huts. Small settlements of up to 50 people.
Bassa farmers (settler farmers)	Not estimated	Individual families living amongst Bunu communities
Nomadic Fulani (Bororo)	Not estimated, no fixed dwellings,	Migration through the project area.

Source: PEIA fieldwork 2014, Analysis of 2012 satellite imagery, GIS analysis.

4.3 PREVIOUSLY INITIATED LAND ACQUISITION IN PREPARATION FOR THE PROJECT

The Kogi State Government had, about 18 months ago, tried to set up a demonstration farm, in farmland area, to show potential investors the realizable yields for Cassava in the SCPZ project area. A total of 250 hectares of land was cleared out of which 140 hectares were planted. This involved the displacement of 44 farmers in the Odo Ape area and 13 farmers in the Agbadu area. In the Odo Ape area, a total of 7,420 economic trees were affected (5,610 belonging to individual farmers and 1,810 belonging to the community). In the Agbadu area, a total 2,397 trees were affected (1,365 belonging to individual farmers and 1,032 belonging to the community).

The Kogi State Government promptly made a record of the bio-data of all affected farmers and issued documents referencing the affected hectares and economic trees accordingly. Following collection of relevant data Kogi State will compile an Abbreviated Resettlement Action Plan (ARAP) and distribute compensation in accordance with the World Bank Safeguards.

5 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.

5.1 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, Kogi State Ministry of Agriculture, Kogi State Ministry of Lands and Survey, GEMs 111, Kogi ADP, Ministry of Women Affairs and Youth Development and Ministry of Works
- Consultation with communities and groups in the four LGAs to be potentially affected by project activities and related future investment in the core and catchment areas.
- Review and incorporate relevant data on population and social characteristics in the project areas.

5.2 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
- RPF for Nigeria Erosion and Watershed Management Project (NEWMAP)
- RPF of FADAMA III and,

- RPF for Transforming Irrigation Management Project (TRIMING)

Other documents that offered relevant information about the project are:

- SCPZ Draft PAD
- Draft National SCPZ policy and
- Integrated ABIR and SCPZ Master Plan for Kogi State
- GEMS 3 Land Tenure Assessment Report

5.3 STAKEHOLDERS/PUBLIC CONSULTATION

The project affected communities and stakeholder agencies were robustly consulted, and their views, concerns, experiences and inputs are mainstreamed into this framework. Communities consulted include Odo-Ape, Ape, Apaa, Agbadu and Ebira. Also consulted are stakeholders including FADAMA, Federal Ministry of Agriculture, Kogi State Ministry of Agriculture, Kogi State Ministry of Lands and Survey, Ministry of Women Affairs and Youth Development, GEMs 111 and Kogi ADP. Consultations were also extended to other LGAs, covered by the ABIR: Adavi, Lokoja, Okehi and Ijumu.

The aim of the consultations across communities is to inform the affected communities within the ABIR 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 SCPZ 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.

5.4 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, Cargill, 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. A World Bank led mission that took place between 13th and 17th October also featured technical sections and town hall meetings which were directed at strengthening the safeguards aspects of the project. Following the delineation of local government councils within the ABIR, additional field work was embarked upon from 27th October to 3rd November 2014.

6 SOCIO-ECONOMIC BACKGROUND OF PROJECT AREA

6.1 INTRODUCTION

Kogi state formed in the year 1991 is located in the North central part of Nigeria with its capital at Lokoja. The state is regarded as the confluence state because of the meeting point of the two major rivers- Niger and Benue. Kogi state shares borders with the Federal Capital Territory to the north, Nasarawa state to the north east, Benue state to the east, Enugu state to south-east, Anambra state to the south, Edo state to the south-west, Ondo and Ekiti states to the west, Kwara state to the north-west and Niger state to the north.

The State has a population of 3,928,799 as at 2013 (estimated from the Nigerian National 2006 population census) figure of 3,278,489 and a landmass of about 30,354.74 square kilometres with a population density of 284 per square kilometre.

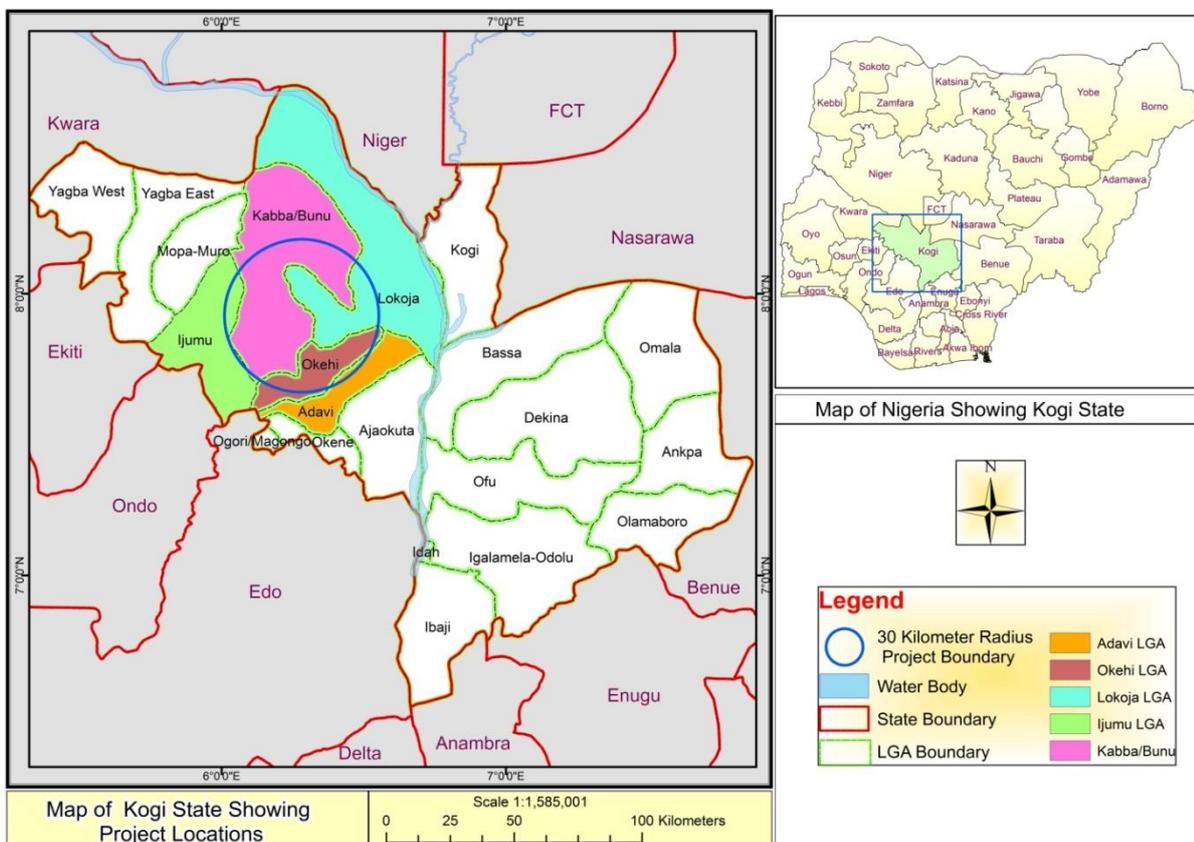
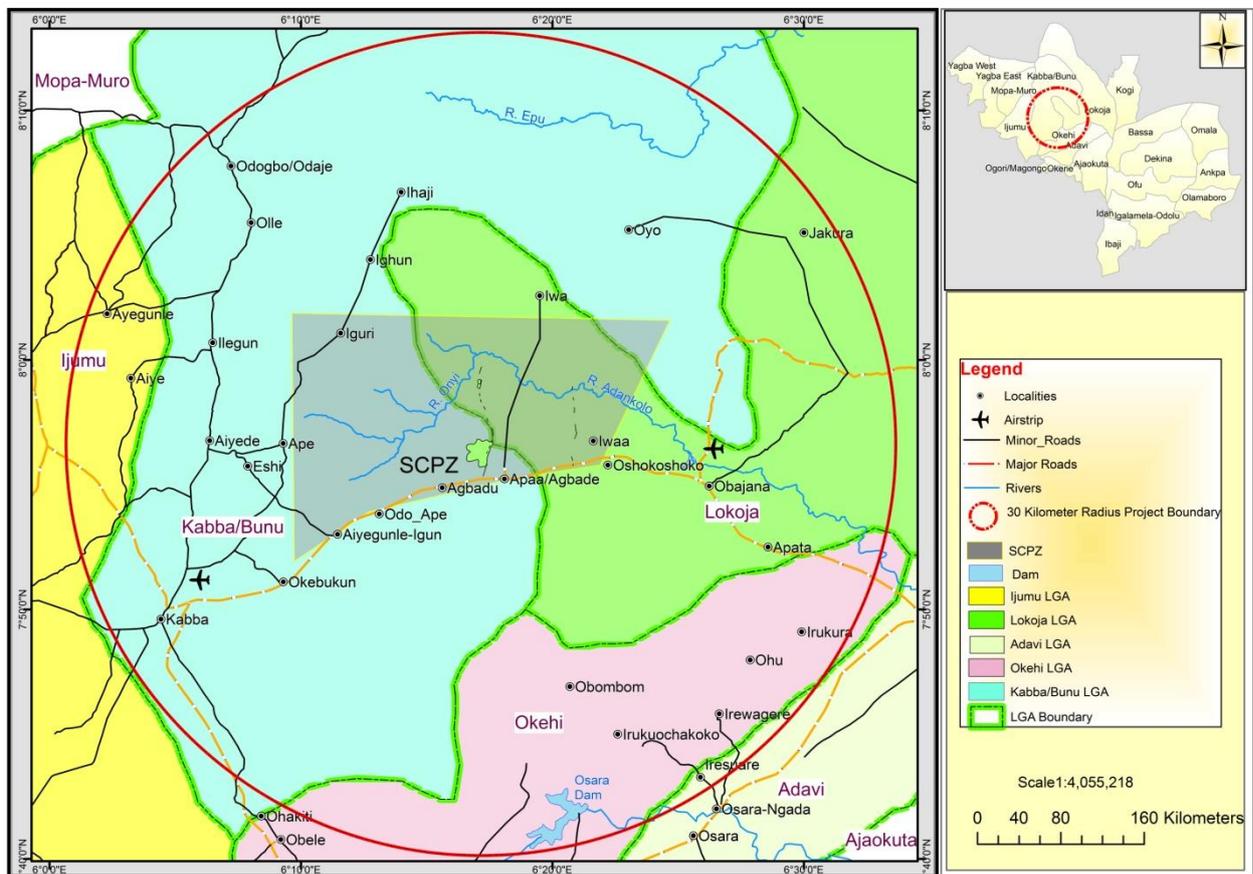


Figure 3.1: Map of Nigeria showing Kogi state and the proposed ABIR catchment area

Source: SCPZ Safeguard Team (2014)

6.2 DESCRIPTION OF THE AREA COVERED BY THIS RPF

The proposed ABIR land area (280,000 Ha) is located within five (5) Local Government Councils in Kogi state: Kabba-Bunu, Lokoja, Okehi, Adavi and Ijumu. Table 3.1 provides a description of the basic social baseline of the areas.



1 Figure 3.2: Map of ABIR indicating the Affected Communities and their LGAs

Source: SCPZ Safeguard Team (2014)

TABLE 6-1: SOCIO-ECONOMIC INFORMATION ABOUT PROJECT AREA

Categories	LGAs				
	Adavi	Ijumu	Kabba-Bunu	Lokoja	Okehi
Land Area	730,608	1,328.284	2,757.57	3,243.32	672,582

Population	Total=217,219 Male = 108,891 F/male = 108,328	Total=118,593 Male = 59,582 F/male = 59,011	Total=144,579 Male = 72,639 F/male = 71,940	Total=196,643 Male = 101,145 F/male = 95,498	Total=223,574 Male = 112,879 F/male = 110,695
Religion	Moslems = 60% Christians= 40% others = 0%	Moslems = 50% Christians= 50% others = 0%	Moslems = 40% Christians= 59% others = 1%	Moslems = 54% Christians= 45% others = 1%	No estimate
Settlements in the buffer area (ABIR)	Iresuare farm settlement in Osara-Gada community	Ayegunle Aiye	Agbadu-Bunu, Ape and Odo-Ape, Tata, Apan, and Aiyede Others are Ilegun, Kabba, Eshi, Ihaji, Tivs, Ebira, Fulani,	IwaaAmogbe, Oshokosho, Jakara, Apata and Fulani settlement	Irukuochakoko, Ohu, Irukura
Migrant settlement and population	Fulani about 100	Fulani about 150	Fulani about 300, Ebira about 100, Tiv about 50	Hausa, Bassa and Tiv (make up about 20% of the population) Fulani is 1000	Fulani is 500
Livelihoods					
<i>Agriculture</i>	94%	90%	95%	90%	90%
<i>Trading</i>	0.5%	4.5%	1.5%	1%	4.0%
<i>Wage Labour</i>	0%	5%	2%	3% (Dangote cement)	5% (cloth weaving mainly by women)
<i>Pastoralism</i>	5%	-	-	5%	-
<i>Logging</i>	0%	-	-	0.2%	0.5%
<i>Hunting</i>	0.5%	0.5%	0.5%	0.2%	0.5%
<i>Fishing</i>	0%	-	-	-	-
<i>Others</i>	-	-	1%	-	-
Transport	Road in bad condition	Road in bad condition	Road in bad condition	Road in bad condition	Road in bad condition

Source: Safeguard Team Field Work (2014)

TABLE 6-2: ESTIMATES OF PROJECT AFFECTED PERSONS BY ETHNICITY

Ethnic group	Estimated number of affected persons	Settlement pattern
Bunu Communities (Indigene ethnic group, sub-group of Okun ethnicity)	4,800 living within the proposed farm area 2,000 living outside the proposed farm area but cultivating fields within the proposed farm area	Large square, tin roofed huts Large, nucleated and accessible settlements along main roads and secondary roads. (Ape, Aiyede, Ighun, Tata, Ibori, Eshé, OkeBukun, Ayegunle, Ode Ape, Agbadu, Apaa, Agbede)
Tiv communities (settler farmers from Benue State who arrived in the last 8 to 20 years)	1,440 living within the proposed farm area.	Small, scattered homesteads. Circular, thatched huts arranged in a circular pattern often around a central communal hut. Tiv settlements are clustered in the centre of the farm area
Fulani settlements (semi settled farmer-pastoralist arriving from northern Nigeria over the past 2 generations)	850 living within the proposed farm area. 200 living just outside the farm area and cultivating or grazing within the farm area.	Groups of circular thatched huts arranged in a linear pattern. Cluster of settlements in southern part of proposed farm and along the eastern boundary.
Igbira settlements (settlers from Okene area of Kogi state)	410 living within the proposed farm area.	Clusters of square, usually tin roofed huts. Small settlements of up to 50 people.
Bassa farmers (settler farmers)	Not estimated	Individual families living amongst Bunu communities
Nomadic Fulani (Bororo)	Not estimated, no fixed dwellings,	Migration through the project area.
Source: PEIA fieldwork 2014 - Analysis of 2012 satellite imagery, GIS analysis.		

The most striking feature of the settlement pattern in the project is the distinction between the indigene (Bunu) community and the various settler groups (Tiv, Fulani, Igbira, Bassa). The Bunu regard

themselves as the traditional owners of the land, and are governed by strong systems of traditional authority. Six Bunu clans inhabit the project area¹:

- (1) the Alape group centred on the villages of Ape, Ode Ape and Agbadu,
- (2) the Aleshe group centred on the villages of Eshe and Ayengunle, as well as an outpost settlement at Agbede,
- (3) the Okemeta group centred on the village of OkeBukun,
- (4) the Akumerindinlogun group centred on the villages of Ighun, Tata and Igori and ruled from Olle,
- (5) the Iherin group in Aiyede,
- (6) the Apaa group who originally lived in the area to the east of the proposed farm, but migrated to the new village of Apaa on the main road on Alape land within the past 40 years.

Each group has their own chief, who are organised in the traditional hierarchy under the Olugunu of Olle and ultimately the Olaru of Kabba.

The settler farmers pay a royalty to the Bunu clan chiefs, typically of 2,000-3,000 Naira per household per year. These are considered to be more of a symbolic payment in recognition of the subordinate status of settlers rather than a market rent. In practice most Fulani refuse to pay the royalty and some Igbira villages have withheld payments over the past few years².

6.3 ADMINISTRATION

6.3.1 Kabba-Bunu Area

Kabba-Bunu is the host local government where the proposed land for the Alape SCPZ (255 Ha) is located. It has a land area of 2,757.57km² and a population of 144,579 people made up of 72,639 males and 71,940 females. It shares boundaries with Kwara, Ekiti, Ondo State to the North West and West respectively; Nasarawa, Benue, Enugu, Anambra to the East and South East. The communities and settlements in Kabba-Bunu within the ABIR include Agbadu-Bunu, Ape and Odo-Ape villages. Other settlements within the area include the Tivs, Ebira, Fulani, Tata, Apaa, Aiyede and Ighun ethnic groups.

6.3.2 ADAVI AREA

Adavi Local Government Council was created from Okehi Local Government Area on 27th August, 1991 along with the creation of Kogi State. It is found in the central part of Kogi State. It has a land area of 730,608km² and a population of 217,219 made up of 108,891 males and 108,328 females. It is made up of many towns and villages including Ogaminana, Kuroko, Inozimi, Adavi-eba, Nagazi and Osarangada. Most of these settlements are located along the major roads. The settlement within the forested ABIR zone is Erasure farm settlement in Osarangada community. Erasure makes up about 10% of the population of Osara-Ngada which is about 4500 people. A major natural resource that is descriptive of Osara-Ngada is the Osara Dam which was constructed from the Osara River.

6.3.3 LOKOJA AREA

Lokoja is a local government council as well as the capital city of Kogi state. It shares boundaries with Niger state to the north, Kabba-Bunu to the west, Kogi to the east and Okehi

¹ Information from the World Bank SCPZ Political Economy and Institutional Analysis Study led by Katherine Bain November 2014

² Ibid

and Adavi to the south. Kwara and Niger states as well as Ajakuta, Adavi, Okehi and Kabba/Bunu LGAs. It has an area of 3,180 km² and a population of 196,643 (2006 population census) made up of 95,498 females and 101,145 males.

The city of Lokoja was the capital of British Northern Nigeria Protectorate until the amalgamation of Northern and Southern Nigeria Protectorates into one nation in 1914. It is a trade centre for this agricultural region because it sits at the confluence of the Niger and Benue rivers, and is close to the new federal capital of Nigeria in Abuja. Oshokoshi, Iwaa, Jakara, Obajana and Apata are agricultural communities in Lokoja LGA that falls within the ABIR.

6.3.4 IJUMU AREA

Ijumu is located on latitude 07.84340 and longitude 05.95331. It has a land area of 1,328.284 km² and a population of 118,593 made up of 59,582 males and 59,011 females. It shares boundaries with Mope-Muru and Ondo state to the west, Kabba-Bunu to the north and east and Okehi to the south. Some of the communities and settlements in Ijumu within the ABIR are Ayegunle and Aiye.

6.3.5 OKEHI AREA

Okehi is found in the central part of Kogi state and is located between latitudes 0.7 to 07.600147 and longitudes 0.6 to 06.203570. It is made up of two major districts namely; Ihima and Eika. There are 13 clans in Eika and 6 clans in Ihima. The settlements in Okehi around the ABIR are Ohu, Iru, Irukura and Irukuochakoko. The Fulani settlement is a major migrant settlement in the area. Okehi has a land mass of 672 582 km² and a population of 223,574 (made up of 112,879 males and 110,695 females). The area is known for cloth weaving particularly carried out by women which dominates about 5% of the livelihood activity in the area.

6.4 Administrative Structure

Information about the traditional administrative structure within these communities is similar and shows that the governance structure is hierarchical formed around the traditional leadership. For example, community governance hierarchy follows a systematic order of household head, ward head, districts or clan chief and the Obaru as the head of the community. The Obaru in each community reports to Olubunu or the apex King in the LGA.

The communities build their administrative structure around this chain of command which is based on the size of the population or domain that each leader has within his constituent/community.

6.4.1 LOCAL DISPUTE RESOLUTION PROCEDURE

There exists a traditional mechanism for dispute resolution in the communities structured after the order of the administrative command described above. An aggrieved person is required to lodge his/her complaint to the head of the ward or clan. A matter that is not adjudicated satisfactorily at this level is taken to the Obaru Council.

6.4.2 LAND TENURE AND LAND USE ACROSS THE ABIR INFLUENCE COMMUNITIES

Detailed evaluations of land rights and use in the ABIR as a whole have not yet been conducted. However, a number of important assessments have been undertaken with respect to the land tentatively earmarked for the Cargill Farm, namely the PEIA Report and the Initial Land Tenure Assessment prepared by GEMS3 (see citations in footnote 1 and the summary of the PEIA report in Annex 6). As of this time, a precise boundary for the Cargill area has not been determined and indeed, the design of the farm appears to be following an iterative process, taking into account new information about demographics and the location of communities, feedback from community

consultations, issues raised during the aforementioned studies and Cargill’s own investigations, and other considerations. In principle, however, the expectation is that the Government of Kogi State will grant a certificate of occupancy for 99 years to Cargill for an area of up to 30,000 hectares for cassava plantation adjacent to the SCPZ core area. The area tentatively slated for Cargill is currently inhabited by a number of different communities, including so-called “indigene” Bunu communities, presided over by a number of different chiefs arrayed in a complex hierarchy. Other groups include “settlers” (mainly Tiv and Igbira) who obtain usufructory rights by paying small annual tribute to Bunu chiefs, and Fulani communities reside in and graze animals in the area, and in some cases engage in settled agriculture. Estimates vary as to the number of potentially affected people who live in the 30,000 hectare area, and final figures will depend on the configuration of the area, which is reportedly being revised to exclude some of the larger nucleated villages. In any event, it is likely that at least several thousand people utilize land within the area that Cargill anticipates including in its farm. Land rights in the area are generally undocumented, governed by custom and few if any formal certificates of occupancy have been issued, especially with respect to agricultural land.

Clan and communal land ownership is practised in most of the communities while in Ayegunle (Ijumu LGA) there are a few land-owning families. Over 90% of the farmers across the project area are land owners while others who are not land owners including settlers have the privilege to farm land from the community through the community head. In terms of land use, the Fadama farmers and community elders informed that about 90% of the land area is used for agriculture, 2% is made up of water bodies, while about 8% is for settlement. The account of this differs only in Alape Kabba-Bunu area where about 54% of total land area is used for agriculture, 23.45% for mixed vegetation, 2.76% is fresh water swamp (wet land) while 6.26% and 1.17% are for human settlements and water bodies respectively. Non-land owners in Kabba-Bunu and Lokoja project areas pay some form of royalty/rent (N2, 000 annually) to the community for the use of their land irrespective of the size of land occupied [for more detailed information on land tenure issues please see: Annex 1.

6.4.3 LITERACY

The outcome of the safeguard survey shows that illiteracy level is highest in Iresuare farm settlement within Osara-Ngada community in Adavi LGA and lowest in Ayegunle in Ijumu LGA. Table 3.2 below shows that at least 90% of the people met in Ayegunle attended primary education compared to 70% in Irukuochakoko, 65% in Oshokosho/Iwaa, 50% in Alape Kabba-Bunu and 20% in Iresuare.

TABLE 6-3: EDUCATION LEVEL I PROJECT AREA

Settlements	LGA	Level of Education in %			
		No-formal education	Primary education	Secondary education	Tertiary education
Iresuare	Adavi	80%	20%	10%	2%
Ayegunle	Ijumu	10%	90%	60%	40%
Alape	Kabba-Bunu	50%	50%	20%	10%
Oshokosho/ Iwaa	Lokoja	35%	65%	20%	10%
Irukuochakoko	Okehi	30%	70%	20%	20%

Source: Community Primary Survey (2014)

6.4.4 AGRICULTURAL PRODUCTION AND LIVELIHOODS

All the communities visited in the ABIR project area are characterized by arable land that supports the cultivation of cassava, yam, maize, sorghum and vegetables. Cash crops grown in the area are cocoa, coffee and cashew. About 90% of the population engages in agricultural activities as a major means of livelihood; although a large proportion of this (about 98%) consists of subsistence farming while the Fulani nomadic are found in cattle grazing activities.

Other forms of livelihood and the estimated ratio of community participation are trading which accounts for 4% in Irukuochakoko, 1% in Oshokosho/Iwaa (Lokoja), 0.5% in Iresuare (Adavi) 4.5% in Ayegunle (Ijumu) and 1.5% in Alape (Kabba-Bunu). Those in employed job are few and are found in Irukuochakoko, Oshokosho and Ayegunle (Ijumu). Those in Ayegunle (5%) are employed by the local government council. Employment in Irukuochakoko is driven by women cloth weaving artisanship while Obajana Cement factory is the employer of the 3% population of Oshokosho and Iwaa.

Pastoralism is a livelihood in the area that is essentially practiced by the Fulani settlement and very few indigenes. This means of livelihood is approximately engaged by about 5% of the population in Adavi, Lokoja and Kabba-Bunu project areas.

Prior to this SCPZ project, there has been a recent effort, to increase agricultural production, by The Federal Government of Nigeria and the development partners (World Bank) aimed at the enhancement of farming production and processing in the area. This is through the FADAMA 3 project which is said to have been extended to Kabba-Bunu, Ijumu, Adavi and Okehi areas under the FADAMA additional financing. For example, the available boreholes, market shades and Garri processing equipment in Iresuare farm settlement is attributed to the FADAMA 3 additional financing project.

The outcome of the impact of the FADAMA 3 programmes on productivity, income and welfare of the people could not be ascertained as the programmes are said to be at early implementation stage in the area.

6.4.5 WOMEN AND THEIR RIGHT TO OWNERSHIP OF FARMLAND IN THE ABIR COMMUNITIES

The Survey carried out in all the project area converged around the point that lands are culturally not owned by women. However, women interviewed on the field stated that they own farms and have access to farmland from their husbands and/or community heads on non-payment conditions. It is only in Alape, Kabba-Bunu through GEMS 3 systematic land titling report that land ownership to about 20% by women is recorded. This RPF survey traced the development to, widows who have direct transfer of the right to their late husband's land inheritance and other categories to those who received land from the community for residential purposes.

6.4.6 VULNERABLE PEOPLE

To the extent that over 90% of the people of the project area depend on agriculture and land based resources for livelihood, significant acquisition of land for this project without proper mitigation measures will expose some social groups to economic vulnerability. This might include women farmers and women heads of households as well as aged people and people with disabilities. While the proportion of the potential vulnerable women and aged persons are not readily determined at this stage, the ratio of disabled people is estimated to account for less than 1% of the population of the communities.

6.4.7 LAND COMPETITION AND CONFLICT

There is largely peaceful co-existence in the communities and among indigenes and settlers with respect to land use and social interactions. However, it is reported that there is a court case over the contention of the ownership of the Osara-Ngada land between Okehi and Adavi local government councils. Aside from this, there is a major incessant conflict, across the 5 local government areas, over the use of land by the Fulani pastoralists for grazing their cattle. The indigenous farmers claim that the Fulani's cattle frequently destroy their crops.

6.4.8 INFRASTRUCTURE (ROAD AND ELECTRICITY)

The project area is characterized by huge physical infrastructural deficit. The Kabba-Bunu and Lokoja-Obajana road is in a dilapidated condition and makes it difficult for the movement of agricultural goods and services. This has been described as one of the reasons for low productivity and rural-urban migration amongst youth in the area. Major roads to farm settlements in Osara-Ngada, in Adavi, Oshokosho and Iwaa in Lokoja are unpaved and difficult to access by vehicles. Ijumu and Irukoachakoko project areas are relatively accessible by vehicle but the farm roads are narrow and in a poor state of repair.

Most of the project area, except Alape, is connected to The National Grid. This development however, does not in any way translate to power availability as the communities except Obajana area (supplied by Dangote group) make use of local generators for energy supply.

6.4.9 WATER SUPPLY FOR DOMESTIC USE

The communities in the project areas rely on boreholes, wells and streams for their water supply. The number of available and functional boreholes are quite few and inadequate in many of the communities.

6.4.10 HEALTH FACILITIES AND PREVALENT DISEASES

A common trend across the project area is the availability of primary health centres across the communities in the project area. However, secondary health facilities (general hospitals) are located in the major towns such as Lokoja and Kabba which are about 10 kilometres away or more from the rural people.

Common sicknesses reported in the project areas are: malaria, typhoid and rheumatism.

7 MITIGATION/ENTITLEMENT, ELIGIBILITY AND VALUATION METHODS

7.1 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.

7.2 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. It is important to note that PAPs who have lost their land as a result of the project and then choose to become subleases with Cargill or another SCPZ agribusiness investor must be provided with alternative replacement land. Acquiring a sub-lease from Cargill or another SCPZ investor is an independent private commercial transaction between the farmer and the investor. Cargill may choose to give preference to local communities that have lost land as part of their Corporate Responsibility but they are first obliged to supply replacement for land lost to PAPs.

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7.3 PROOF OF ELIGIBILITY FOR INDIVIDUAL AND HOUSEHOLD COMPENSATION

The PIU/PMU 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.

7.4 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 SCPZ projects 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 were restored and/or improved upon. The local community leaders will play a crucial role in identifying community needs.

7.5 THE CUT – OFF DATE

7.5.1 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.

7.5.2 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.

7.5.3 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 7-1: INDICATIVE ENTITLEMENT MATRIX

Asset	Type of Impact	Affected Person/unit	Eligibility Criteria	Financial or In-Kind Compensation	Allowances/Assistance
Land(including fallow land used as part of agricultural cycle)	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
Cultural Heritage	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
Crops/ Trees	Destruction/damage/loss of crops	Landowner	Landowner with formal or informal right to own land on which crops / trees are grown	Cash compensation for crops at full market value of crop yield per hectare	
	Loss of fruit trees				
	Destruction/Loss of wood 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
Structures	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 Disturbance assistance (10%)	
		Tenant/User	Recognized tenant		
	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 their livelihood	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 to start alternative business or to get access to alternative fishing grounds/ forming cooperatives with others.	

8 LIVELIHOOD ENHANCEMENT AND RESTORATION

8.1 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. In the case of Cargill subleases this means that potential farmers must have replacement land or another means of providing for their family before they are subleased to Cargill or similar agri businesses. Opportunities to work as a commercial farmers are not compensation but livelihood enhancement.

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

8.2 APPROACH

It is important to note that initial studies have found that the majority of households in the area are involved in a combination of livelihoods and income generating activities to support themselves and their families. A livelihoods framework therefore 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.

8.2.1 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.

8.3 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/subleasees 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.

8.4 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:

- 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.

Resettlement 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

8.4.1 GENDER AS A VULNERABILITY MARKER

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 high number of female farmers in the project affected area, however they often have less productive tracts of land due to lack of finance, labour and technology. Women farmers are more likely to be tenants than owners of land due to traditional customs, such as inheritance and polygamy mores.

8.4.2 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.

8.4.3 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 8-1 can be used as a basis for identification and assessment of vulnerable households and individuals.

TABLE 8-1: VULNERABILITY ASSESSMENT TOOL

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

8.4.4 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

8.5 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.

9 LEGAL FRAMEWORK

Nigeria's land tenure system is rather complex. Prior to the introduction of the Land Use Act (LUA) in 1978, the system of landholding was regulated essentially by the customary and received English legal system. Under the customary land tenure, land was either vested in the community or in the family. Ownership and management of land in many communities were governed by the customary law of the local community with its varying characteristics and peculiarities. Law was corporately owned by the community or family, and only in isolated cases could land be owned by an individual. Individual landholding, in the form of the English freehold system, was then relatively smaller than other forms of landholding. Also, the state had power, under the Compulsory Acquisition Law, to acquire land for public purpose only.

The Land Use Act 1978 (a federal enactment attached to the Constitution) 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 or 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 yet has 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.

9.1 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*”.

9.2 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 SCPZ and ABIR development 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 the SCPZ Support Project, investments in the SCPZ, 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, locational 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.

9.3 GAP ANALYSIS BETWEEN NATIONAL AND INTERNATIONAL STANDARDS AND GAP FILLING MEASURES

TABLE 9-1: COMPARISON OF NIGERIAN LAW AND WBG SAFEGUARDS

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 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 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 ³	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

³ Nigerian Land Use Act 1978

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 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.

10 VALUATION METHODS FOR DIFFERENT CATEGORIES OF ASSETS/ENTITLEMENTS

10.1 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.

10.2 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 immoveable 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.

11 ARRANGEMENT FOR COMPENSATION AND FUNDING

11.1 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 ABIR. At this point, Cargill is the first investor and shall be responsible for funding compensation/resettlement plan within the land area being acquired by it. Subsequently, future 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 PMU. 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.

12 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.

12.1 INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

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

12.1.1 PROJECT MANAGEMENT UNIT (PMU)

The Project Management Unit (PMU, which core staff includes safeguards specialists, will have the primary responsibility of ensuring adequate implementation of the RPF. In particular, the PMU will be responsible for preparing TORs, hiring consultants, reviewing reports and organizing consultations around RAPs related to project funded investments, and ensuring prior and post review by the World Bank as necessary. It will also be responsible for quality assurance and compliance with the RPF and WBG policies related to private investment in conjunction with the project. While formally reporting to the Managing Director of the PMU, the LMU will benefit from a close collaboration and from strategic advice provided by a Steering Committee comprising a) the Commissioner for Land of Kogi State, b) the Chairman of the affected 5 Local Government Councils, a representative of FMARD as well as a e) representative of the World Bank.

12.1.2 LAND MANAGEMENT UNIT (LMU)

The Land Management Unit (LMU) under the Ministry in charge of Land in Kogi State will be responsible for management of land allocation in the catchment area and will work closely with the PMU in implementing the land development elements of the SCPZ. During its start-up phase, the LMU will require specialized external technical support through consulting services to be hired by the PMU, prepare the LMU work plan, train its staff, develop and install the LMU information and data management systems, support resettlement activities in the catchment area, and develop "best practices guide" learning from the . the LMU will supervise the implementation of the RAPs in the ABIR LMU by hiring at least 3 national land acquisition and resettlement experts and short term consultants as necessary under the supervision of PMU.

The RAP for the investments in the SCPZ and ABIR will be elaborated and implemented by the proponent's (e.g. FAMRD, KsGO, investors or communities) under the supervision of the PMU and the PMU LMU in accordance with the implementation schedule to be established in the RAPs as well as civil works activities.

12.1.3 RESETTLEMENT SUPERVISION COMMITTEE (RSC)

The objective of the Resettlement Committee (RSC) is to assure the smooth communication between the LMU and the PAPs. There will be one RSC per LGA that comprise

- The Chairman of the LGA
- The Representative of the Kogi State Department of Land in the LGA
- Land Acquisition and Resettlement Manager of the LMU
- Social specialist of the LMU
- Project engineer of the PMU

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 PMU pays a modest per diem to compensate lost time for transport, communication and effort.

12.1.4 PANEL OF EXPERTS

To assure alignment with international standards, the LMU shall be supported by a panel of three experts (one international land acquisition experts, one environmental specialist and one engineer) that at least two times every year visits the PMU, LMU and the project region to review the progress made against this RPF and the subsequent RAPs. See for more details the Environmental and Social Management Framework (ESMF).

12.2 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 Kogi State and/or Nigeria, and sending all people who need training to international centres may be impractical. Experience shows 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 microenterprise development or community irrigation management, 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 staff 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.

12.3 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.

12.4 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 most effective, monitoring needs to 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:

12.4.1 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 decisionmaking.

12.4.2 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 decisionmaking is agreed to and described in the RAP

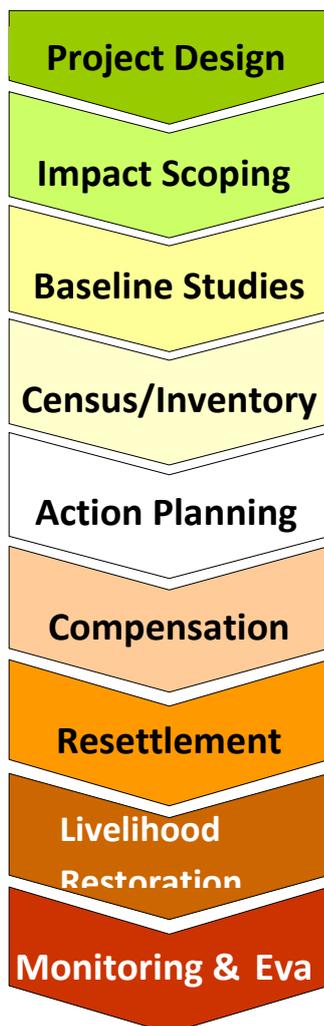
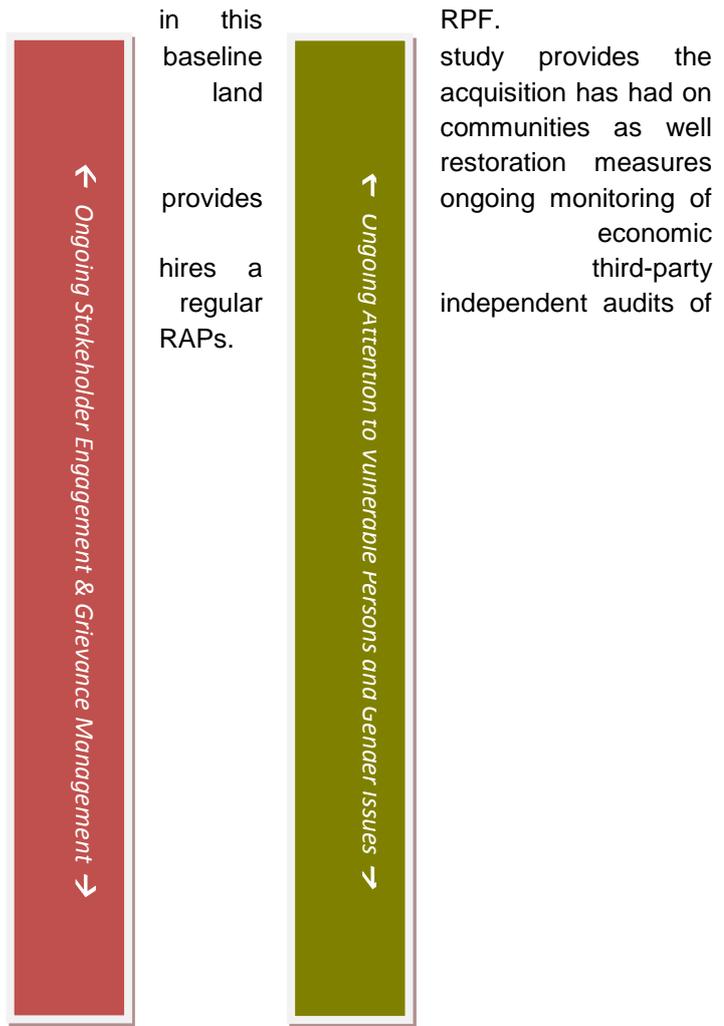
13 LAND ACQUISITION IMPLEMENTATION PROCESS

This section provides an overview of land acquisition, compensation, resettlement, and livelihood restoration steps and processes. **Error! Reference source not found.** depicts the nine steps of repairing 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 SCPZ Support 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 SCPZ Support 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 RAP 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 in the Kogi State SCPZ and ABIR. 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
- Monitoring and Evaluation: The social basis for assessing the impact that individuals, households and as the relative success of livelihood carried after resettlement. The LMU people affected by physical and/or displacement. In addition, the LMU resettlement expert to conduct the implementation of the RPF and



14 GRIEVANCE MECHANISM

14.1 COMMUNITY GRIEVANCE MANAGEMENT SYSTEM

14.2 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 SCPZ project, grievances may result due to the following factors:

- failure to register PAP or identity 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

14.3 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

14.4 COMPOSITION OF GRIEVANCE REDRESS COMMITTEE (GRC)

A functional Grievance Redress Committee shall be constituted by the PMU 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 SCPZ-PMU 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 redress procedure established;
- Verify grievances and their merits;
- Recommend to the PMU solution to such grievances;
- Communicate the decision to the Claimants;

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

14.5 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 PMU will establish a register/complaint log book for all complaints at the project level. The PMU 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 person 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 PMU 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 PMU 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 PMU, 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.

14.6 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 14-1: 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 PMU
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 and 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-PMU 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-PMU
6	Judicial adjudication	Take complaint to court of law	No fixed time	Complainant
7	Funding of grievance process	GRC logistics and training, redress compensation, court process	No fixed time	The proponent (government or investor)

15 CONSULTATIONS AND STAKEHOLDER ENGAGEMENT

15.1 INTRODUCTION

In line with the requirements of OP 4.12 that the borrower consults project affected groups for all category A and B projects for IBRD or IDA financing, this RPF study included consultations of relevant government agencies, communities and social groups within the SCPZ and ABIR. The consultation process which is a continuum began on 13th August 2014 and continued till 27th August for the first phase which covered the stakeholder government agencies and the communities within the SCPZ core zone.

The second phase was the combined World Bank and FMARD mission which took place from October 13th to October 17th 2014, and provided a platform to validate earlier data and deepened discussions and engagement with the stakeholders on essentially safeguard concerns of the project.

The third phase of the consultation at this stage captured four other LGAs and affected groups and communities within the 280,000Ha of ABIR catchment from 27th to 3rd November 2014. These communities and LGAs visited are Iwaa and Oshokosho in Lokoja LGA, Iresuare/Osara-Gada in Adami LGA, Ohu and Irukura in Okehi LGA and Iyara in Ijumu LGA.

15.2 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

15.3 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 (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:

- Determination of the local government areas and community within the 30km radius around the SCPZ (through satellite imagery and GIS technology);
- 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.

15.4 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 SCPZ 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.

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

- How government acquire land and types of land tenure in place in Kogi state
- What is the government procedure for resettlement compensation?
- Who are the settlers/occupants of the land?
- 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 sitting 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.

The locations visited, outcome of issues raised, concerns and local inputs from the consultations and public meetings held with different groups are summarized below:

TABLE 15-1: RECORD OF CONSULTATIONS

LGA	Locations	Groups identified/consulted	Dates
Kabba-Bunu	Odo-Ape, Kabba, Agbadu, Eshi, Ilegun, Oyo	Community leaders, women farmers, Fulani settlement, Ebira settlement, Hunters group, youths	11 th -16 th August 2014, 14 th -15 th October 2014,
Lokoja	Obajana, Oshokosho, Iwaa	As in above	7 th -10 th August 2014, 27 th October 2014
Adavi	Iresuare/OsaraNgada	Community leaders, Fadama farmers group, women, Fulani settlement, Youths	28 th October -3 rd November 2014
Ijumu	Ayegunle and Aiye	Community leaders, Chairman Ijumu LGA, Fadama farmers group, women, Fulani settlement, Youths	28 th October -3 rd November 2014
Okehi	Irukuochakoko, Irukura, Ohu	Community leaders, Fadama farmers group, women, Fulani settlement, Youths	28 th October -3 rd November 2014

15.5 GENERAL PERCEPTIONS ABOUT THE PROJECT

There was a general acceptance and buy-in to the project across the locations and groups visited. The farmers, youths, women and Fulani herdsmen were appreciative of being consulted and expressed optimism that the project will positively impact their livelihoods.

In Alape, Kabba-Bunu and Oshokosho, Lokoja the traditional council were satisfied with the process of consultations and stated that they have never seen it in that extensive manner before, and were convinced that the proponent will fulfil its covenant of compensating for their lost assets.

Other areas such as Adavi, Okehi and Ijumu knew little about the project before now but were happy to embrace the project which they said will make a difference in the socio-economic landscape of their people.

15.6 MAJOR ISSUES, CONCERNS AND OUTCOMES

The project development objectives, scope and safeguard concerns were extensively described to all the stakeholders and communities across the visited locations to ensure good participation and inputs. On the basis of this, the following outcomes (Table 8.1 to Table 8.3) were generated from the group and community consultations.

TABLE 15-2: KEY COMMUNITY CONCERNS - KABBA-BUNU

Project Area	Issues	Group/ Organization	Details	
Kabba-Bunu (Odo-Ape, Kabba, Agbadu, Eshi, Ilegun, Oyo)	Concerns & Questions	Communities, Women, Youth	<ul style="list-style-type: none"> • Can the investments/factories be spread across all the communities in Alape to ensure no one community is marginalized • Will this project provide employment for our teaming youths and women? • Will government and investor ensure the community that waste/effluents from the processing factory will be treated and handled in a manner that will not cause air pollution in the area • Will the project provide scholarship opportunity for the students in the community? 	
	Responses to Questions and Concerns		<ul style="list-style-type: none"> • The factories will be located at one location for ease of operation as is the practice in SCPZ's around the globe. • Geographical spread of investment will be achieved as more investors will be attracted to the ABIR. • The project will not promise scholarship but may train groups that will be identified for project implementation and RAP in particular; • Waste and effluents from the processing factory will be treated and disposed in line with the provisions of OP 4.01 and the Nigerian extant laws. • Ministry of Environment is a stakeholder in this project to monitor and ensure compliance of environmental responsibility and sustainability 	
	Expectations and Request	Community		Water, electricity, road construction, employment, hospital. They want the project to create a 2km radius along the main road as buffer for the community They requested that the investor (Cargill should locate the processing factory within Alape land and at close distance to settlement to enhance community socio-economic network
		Women & Youths		Want the project to give the community preference in job employment and contracts Want to be assisted with inputs and technical support to participate commensurably in the Cargill farm plan
		Fulani herdsmen		Want to be integrated into the project stream by creating for them a grazing reserve area, and by giving them employment as security personnel
Ebira settlement			Want to be carried along/participate in the agri-investment programme of Cargill	

TABLE 15-3: KEY COMMUNITY ISSUES LOKOJO AREA

Project Area	Issues	Group/ Organization	Details
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Lokoja (Obajana, Oshokosho, Iwaa)	Concerns & Questions	Communities, Women, Youth	<ul style="list-style-type: none"> • Will this project provide employment for our teaming youths and women? • Will government and investor ensure the community that waste/effluents from the processing factory will be treated and handled in a manner that will not cause air pollution in the area • What will be the benefit of the community if the investor should explore for business benefit the mineral deposits in the project land
	Responses to Questions and Concerns	FMARD, Consultant	<ul style="list-style-type: none"> • The project will provide direct and indirect employment to the community • Waste and effluents from the processing factory will be treated and disposed in line with the provisions of OP 4.01 and the Nigerian extant laws. • Ministry of Environment is a stakeholder in this project to monitor and ensure compliance of environmental responsibility and sustainability • The investors will have no business with mining minerals. That is outside of their MoU as far as Kogi SCPZ is concerned.
	Expectations and Request	Community	Water, electricity, road construction, employment, hospital. They want the project to create a 2km radius along the main road as buffer for the community
		Women & Youths	Want the project to give the community preference in job employment and contracts Want to be assisted with inputs and technical support to participate commensurably in the Cargill farm plan
		Fulani herdsmen	Want to be integrated into the project stream by creating for them a grazing reserve area, and by giving them employment as security personnel

The outcome of consultations in Adavi, Ijumu and Okehi were largely similar in terms of concerns, request and expectations. There is also ostensibly similarity in terms of project affected groups, livelihood pattern, and socio-economic conditions. Therefore, Table 8.3 is a 'capture-all' matrix that describes the outcome of consultations in the three project areas.

TABLE 15-4: KEY COMMUNITY CONCERNS - ADAVI, IJUMU AND OKEHI PROJECT AREAS

Project Area	Issues	Group/ Organization	Details
Adavi (Iresuare/OsaraNgada) Ijumu (Ayegunle and Aiye) Okehi (Irukuochakoko, Irukura, Ohu)	Concerns & Questions	Communities, Women, Iresuare Youth Farmers	<ul style="list-style-type: none"> • Will this project provide employment for our teaming youths and women? • Can the project complement the efforts of Fadama project by building a health centre and drill borehole for the community • Bad road and unfavourable market opportunities is a disincentive to farming in the area.
	Responses to Questions and Concerns	FMARD, Consultant	<ul style="list-style-type: none"> • The project will provide direct and indirect employment to the community • The project is planned as a cluster to remove the bottlenecks that militate against agriculture as a business. It will boost market opportunities and guarantee market to buy/clear any available supply.
	Expectations and Request	Community	Water, electricity, road construction, employment, hospital.
		Women & Youths	Want the project to give the community preference in job employment and contracts Want to be assisted with farm inputs and technical support and processing equipment to enhance their productivity
		Fulani herdsmen	Want to be integrated into the project stream by creating for them a grazing reserve area, and by giving them employment as security personnel

15.7 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, Kogi State Ministry of Land and Survey, Kogi State Ministry 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.

15.8 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.

15.9 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"> ● Farmers groups ● Land owners, tenants, squatters ● Herdsmen ● Vulnerable group/women 	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"> ● FADAMA ● GEMS 3 ● Contractors 	Phone calls, e-mails, visit, facilitation meetings, electronic media
Government Agencies/Ministries	Phone calls, e-mails, visit, meetings, electronic media

15.10 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, Kogi state Ministry of Land and Survey, Kogi State 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 language. 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.

16 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, Kogi State Government and the Local Governments in the AGIR commit to implement internal and external monitoring activities described below and to deploy qualified staff into the PMU to conduct the internal and commission the external monitoring.

In addition, the developments in the SCPZ and in the AGIR inform about the success and challenges of the overall SCPZ Policy and is therefore monitored closely by FMARD, which includes, but is not limited to, compliance with environmental, health and safety, labour, and compensation and land acquisition regulations as well as benefit sharing etc. This additional monitoring is not addressed in this document.

16.1 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 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 SCPZ and ABIR, in an effort to detect and prevent the development of grievances into broader or more acute problems or conflicts.

16.1.1 INDICATORS AND FREQUENCY OF INTERNAL MONITORING AND REPORTING

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

16.1.2 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 SCPZ and ABIR. If corrective measures require longer-term attention and follow-up, appropriate actions are incorporated into the LMU 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.

16.2 EXTERNAL MONITORING

The PMU 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 PMU 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 PMU. As these activities are follow up actions to the land acquisition for specific investments, all costs shall be covered by the relevant investor.

16.2.1 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.

16.3 MONITORING RESPONSIBILITIES

Land Management Unit (LMU)

While the PMU's M&E officer is in charge of the overall project level monitoring, the responsibility for the internal monitoring of RAP implementation and compliance against this RPF lies within the responsibilities of the LMU. The LMU will also be responsible for reporting to the project coordinator PMU on monitoring progress, corrective actions and progress made on these corrective actions.

FMARD

The FMARD has an oversight monitoring responsibility to ensure that the SCPZ Support Project and the overall SCPZ and ABIR in Kogi State 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 him 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 PMU and the external monitors as well as deploy independent evaluators if needed.

Annex 1: Land Issues

A. Introduction

This Annex assesses the key land related risks confronting the establishment of the Alape Staple Crop Processing Zone (SCPZ) in Kogi State, and outlines Project strategies for addressing them⁴. Three categories of land are involved in the Alape SCPZ:

- The SCPZ core area. This area comprises 250 hectares, which are being made available by the State Government to the Federal Government for the creation of the processing zone, where agro-processing facilities will be established.
- The Agribusiness Investment Region (ABIR). This is a 200,000 hectare⁵ area, more or less, intended to meet the anticipated future demand of commercial agricultural producers associated with and supplying the SCPZ.
- Land for infrastructure and other works financed by the project. The location and amount of this land is still to be determined. This category of land will overlap with the other categories.

This Annex is concerned primarily with the first two categories of land. The SCPZ core area and the ABIR are expected to be the site of investments requiring the allocation of significant quantities of land to the private sector. As the first private sector mover in the SCPZ, Cargill is currently in discussions with the Government of Nigeria and the Government of Kogi for access to land in both the SCPZ core area and the ABIR. To establish its cassava processing plant, Cargill is seeking approximately 50-60 hectares in the core zone (the Cargill Plant). Cargill is also negotiating a right of occupancy to approximately 30,000 hectares in the ABIR (the Cargill Farm) in order to ensure a steady and sufficient supply of produce to the processing plant. The exact dimensions and boundaries of the Cargill Farm have not yet been defined, pending the outcome of ongoing discussions with local communities and Kogi State, analysis of alternatives for minimizing displacement and adverse environmental impact, and further refinement of Cargill's farm model (see Annex 2, paragraph 29 et. seq.)

B. Investment in African Agricultural Land and Emerging International Standards

The design and inception of the Government of Nigeria's SCPZ Program is taking place against the backdrop of considerable attention – both globally and domestically – to the phenomenon of rising commercial interest in African agricultural land⁶. It is

⁴ This Annex complements and expands upon land analysis set forth in the Political Economy and Institutional Assessment (PEIA) summarized in Annex 6, and in draft project safeguard instruments. It also draws upon an Initial Land Tenure Assessment for the Kogi State SCPZ prepared by the GEMS 3 Project (October 31, 2013).

⁵ The 30km radius area as defined in the SCPZ Master Plan, excluding existing settlements, water bodies, protected areas, etc.

⁶ K. Deininger, D. Byerlee et. al. 2011. *Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?* (World Bank, Washington DC). The extent of the phenomenon is difficult to quantify reliably. World Bank research suggests that up to 46.6 million hectares of agricultural land worldwide were the subject of large-scale investment transactions in the period from October 2008 to August 2009 alone. A more recent study published in 2012 by the International Land Coalition and partners reports that between 2000 and 2010, deals approved or under negotiation may comprise up to 203 million hectares of which 143 million hectares are in Africa.

widely acknowledged that increased private sector investment in agriculture, if done correctly, represents a very important opportunity for unlocking the economic potential of rural Africa. There is also evidence, however, that poorly managed and regulated investment can result in “land grabs” that undermine local land rights, disrupt livelihoods, weaken food security and diminish the long-term prospects for investment by exacerbating tensions between investors and host communities.

As in many other countries that have attracted growing investor interest, concerns about the potential risks of large-scale agricultural investment have been aired in Nigeria. Such concerns have been heightened in part by reports of enquiries by investors about possible access to very large tracts of land, and some specific examples of investments that have triggered local conflicts. In Nigeria as elsewhere, increasing attention has been drawn to questions such as:

- How will investments affect the land rights of host communities?
- What types of compensation can communities expect, both in the short term and in the form of longer-term, continuing benefits?
- How can community interests be protected if an investment fails?
- Are there sufficient regulatory tools to deter bad investments, and to ensure that deals are made fairly, transparently and consensually?
- Is there sufficient capacity within government and at village level to deploy such tools successfully?

These concerns have provoked significant debate within international fora, resulting in the emergence of an increasing number of norms, guidelines and best practice tools. Of particular note are the Voluntary Guidelines on the Responsible Tenure of Land, Fisheries and Forests in the context of National Food Security (Voluntary Guidelines), endorsed by the Council on Food Security in May 2012. The Guidelines are the result of a three year process of consultations and negotiations started by FAO in 2009 and then finalized through CFS-led intergovernmental negotiations that included participation of civil society organizations, private and public sector representatives, international organizations and academic. On the subject of investments, the Voluntary Guidelines set forth a number of important principles, including the following:

- Investments in agricultural lands should occur transparently and should be consistent with the objectives of social and economic growth and sustainable human development.
- Responsible investment should do no harm, and safeguard against dispossession of legitimate tenure right holders and environmental damage.
- Investments should contribute to policy objectives, such as poverty eradication, food security, sustainable land use, employment creation and support to local communities.
- A range of production and investment models should be considered that do not result in the large-scale transfer of land and that encourage partnerships with local tenure rights holders.
- Investments should be subject to consultation and participation, and affected people and communities should be informed of their rights and assisted to develop their capacity to engage in consultations and negotiations.
- Large-scale investments should be preceded by independent assessments of potential positive and negative impacts on tenure rights, food security, livelihoods and the environment.
- All existing legitimate rights, including customary and informal rights, should be systematically and impartially identified.
- Investments should be monitored and grievance mechanisms provided for aggrieved parties.

The Voluntary Guidelines have attracted endorsements from a number of public and private stakeholders who have in various ways indicated their commitment to supporting their implementation, including the Government of Nigeria, the World Bank and Cargill. Other recent instruments related to the issues of land and agricultural investment, most of which refer to or cite the Voluntary Guidelines include the recently endorsed Principles for Responsible Agricultural Investment (CFS, October 2014), the African Union Draft Guidelines on Large-Scale Land Transactions and a range of commodity roundtable standards, including the Buonsucro Standards to which Cargill is a signatory.

The shared principles emerging from these various international initiatives have provided both a useful prism through which to examine the land issues related to investment

in the SCPZ, and guidance for developing a project “framework” for dealing with the associated risks.

- C. The Legal Framework for Land and Land Tenure Characteristics of the Project Area
 - (i) The Land Use Act and Compulsory Land Acquisition

Under Nigeria’s Land Use Act of 1978, rural land is owned by the State and subject to control by the Governor. The law provides for the recognition of various private interests located on state-owned land, including customary owners of residential and agricultural plots. These people may be entitled to obtain Certificates of Occupancy under the Land Use Act, confirming their rights. In the vast majority of cases in rural Nigeria, however, rural land holders have not obtained formal certificates, and customary rights remain undocumented. There have been some efforts in recent years to accelerate the documentation of rural land rights, including in Kogi a GEMS3-supported Systematic Land Titling and Registration Programme (SLTR) pilot that is in the process of completing the issuance of Certificates of Occupancy to several thousand household and business parcels in the vicinity of the proposed Cargill Farm.⁷

Under the Land Use Act, there is apparently no legally recognized ownership of common areas (grazing, forest, water resources, etc.) by communities. In other words, to the extent the law recognizes private rights, these are rights of individuals or households. There is no ownership of land vested in communities as such. However, in practice, a number of traditional authorities assert ownership over various parts of the ABIR, manage the allocation of land, enter into agreements with tenants, etc. As in most parts of rural Africa, long-standing customary arrangements for land management and allocation persist and retain legitimacy at the local level that may exceed that accorded to formal law.

Under the Land Use Act, the state government may “clear” rural land of existing uses on the basis that the land is required in the public interest. Public interest is understood in Nigeria to include private investments that are likely to bring economic improvements to the country. The nature of compensation and impact mitigation under the Act is limited when viewed from the perspective of international best practice. Only crops and improvements are compensated, often using scheduled rates that are out-of-date and non-aligned with market value. No compensation is required for traditionally-held common lands. The law does not require that alternatives be explored to minimize the need for displacement. There is no reference to mitigating livelihood impacts or giving preference to land-for-land compensation. Provisions for ex ante consultation, monitoring and grievance mechanisms are generally lacking, and there is no provision for the reversion of land to original owners in the event a proposed investment does not materialize. In practice, there is a long history in Nigeria (as in most countries on the continent) of public distrust of government compulsory acquisition, particularly when used in support of a commercial private actor, and a poor track record in terms of compensation and governance.

- (ii) Land tenure in the ABIR

Detailed evaluations of land rights and use in the ABIR as a whole have not yet been conducted. However, a number of important assessments have been undertaken with respect to the land tentatively earmarked for the Cargill Farm, namely the

⁷ The SLTR has focused mainly on titling residential plots in settlements along the highway and just outside the Cargill Farm, but as part of this process it has in some cases tried to identify and register agricultural plots held by each of the participating households.

PEIA Report and the Initial Land Tenure Assessment prepared by GEMS3 (see citations in footnote 1 and the summary of the PEIA report in Annex 6). As of this time, a precise boundary for the Cargill area has not been determined and indeed, the design of the farm appears to be following an iterative process, taking into account new information about demographics and the location of communities, feedback from community consultations, issues raised during the aforementioned studies and Cargill's own investigations, and other considerations. In principle, however, the expectation is that the Government of Kogi State will grant a certificate of occupancy for 99 years to Cargill for an area of up to 30,000 hectares for cassava plantation adjacent to the SCPZ core area. The area tentatively slated for Cargill is currently inhabited by a number of different communities, including so-called "indigene" Bunu communities, presided over by a number of different chiefs arrayed in a complex hierarchy. Other groups include "settlers" (mainly Tiv and Igbira) who obtain usufructory rights by paying small annual tribute to Bunu chiefs, and Fulani communities reside in and graze animals in the area, and in some cases engage in settled agriculture. Estimates vary as to the number of potentially affected people who live in the 30,000 hectare area, and final figures will depend on the configuration of the area, which is reportedly being revised to exclude some of the larger nucleated villages. In any event, it is likely that at least several thousand people utilize land within the area that Cargill anticipates including in its farm. Land rights in the area are generally undocumented, governed by custom and few if any formal certificates of occupancy have been issued, especially with respect to agricultural land.

D. Land-related challenges that the Project will need to address.

From the above account of the legal framework and of assessments conducted during project preparation, a number of key land issues emerge that need to be diligently and appropriately managed during project implementation.

(i) Documentation or spatial information concerning existing rights is lacking

As described above, a complex array of customary rights and land uses is present in the ABIR, typical of much of rural Nigeria. Land claims and practices of long-established communities, of migrant tenants who have been in the area for various lengths of time, and of pastoral groups (some of whom have adopted settled agricultural practices) all co-exist and overlap in the area. Virtually none of these rights and uses as they affect agricultural areas are documented or formalized in the form of certificates of occupancy. Although significant progress has been made by the GEMS3-supported systematic land titling and registration initiative, that process has focused on settlement areas rather than the agricultural and common property areas that are likely to be the target of future SCPZ-related investments.

This information deficit has a number of ramifications. It makes it difficult for outsiders, including government and investors, to ascertain the true tenorial situation on the ground, sometimes leading to facile assumptions that land is "empty." Genuine stakeholders are liable to being disadvantaged or left out of negotiations and excluded from compensation or other benefits. Investors in turn may be exposed to possible future conflict with persons whose claims – legitimate or not – may have been previously overlooked. Conflicting claims to the same land by neighboring groups may also be present, fueled in part by the absence of clearly defined boundaries between traditional areas, as most such areas have never been mapped or documented.

(ii) The legal status of common areas is uncertain

A related set of concerns arises with respect to the legal status of common areas, or areas that are not used for purposes of settled agriculture. Such areas may be critical components in local livelihood systems, providing access to forest products,

food, water, fodder and reserve land for agricultural expansion or rotation. As noted, the Land Use Act's recognition of customary rights of occupancy extends only to farm land under cultivation by households and individuals. While traditional communities may de facto manage common lands and allocate it amongst their members or to outsiders, the legal authority for doing so is unclear.

In this respect, Nigerian land law since passage of the Land Use Act provides sharp contrasts with a number of other countries in Africa where community rights over common land is at least given some legal backing (if often ambiguous and weakly enforced). Tanzanian villages, for example, have management authority over all village land within their boundaries; Ghanaian traditional authorities hold ownership rights on behalf of their communities to land customarily claimed by those communities; communities in Mozambique have the opportunity under law (admittedly little used to date) to demarcate and register their interests in commonly held land. The absence of such provisions in Nigerian law means that communities have no explicit legal basis for protecting these areas from outside incursion or for claiming compensation if government decides to clear the land for a public or private purpose. It also limits the legal standing of communities in negotiating the conveyancing of these lands to investors. While in practice, investors and government recognize that some level of agreement with local communities is essential, current law does not provide a clear and secure legal framework within which such negotiations should proceed.

- (iii) Compulsory acquisition processes and compensation standards are not consistent with international best practice

Related to the previous issues, compulsory acquisition processes as stipulated in the Land Use Act are insufficient to minimize and mitigate impacts on affected people and communities, for reasons described in section C above. If "gap filling" measures are not utilized, the legacy of discontent even where the law is scrupulously followed can seriously weaken an investor's social license to operate on acquired land.

- (iv) Reliance on compulsory acquisition may limit the potential involvement of local communities as genuine partners in an investment

Internationally, there is considerable debate about when and whether a private commercial investment should be considered a "public purpose" justifying compulsory acquisition by government. This skepticism notwithstanding, a number of national laws in Africa – Nigeria's included – make broad provision for the characterization of private investment as a public purpose. There would appear to be no strong legal basis for challenging the type of compulsory acquisition the Kogi State government intends to exercise on behalf of Cargill.

Aside from questions about the definition of public interest, there is a view that the use of compulsory acquisition may result in sidelining communities, making them in essence "spectators" to deals between government and investors concerning "their" land, and reducing their bargaining power. Hence, in a number of other World Bank supported projects, alternative approaches have been encouraged in which communities remain in the "driver's seat" through joint ventures, direct lease, etc. and through the design of investments that reflect as much as possible genuine informed choices by local people. In Nigeria, the nature of existing land rights under national law make direct dealing difficult – communities, for example, do not have legal rights to convey common lands, which are technically under the control of government. Moreover, to insist on direct leasing between local people and investors in the Nigeria context may not provide the needed security an investor seeks, and may not benefit communities because it could lead to multiple non-transparent side deals being struck with different stakeholders.

Given the nature of the existing legal framework, and the anticipated use of compulsory acquisition, the challenge for the project will be to deploy supplementary methods to ensure that project design and farm configuration reflect local choices, to overcome traditional governance problems with compulsory acquisition, and to ensure that local people are incorporated in investment agreements, with clear and enforceable rights, as opposed to being observers.

- (v) Benefit arrangements may be vaguely defined and constrained by weak community capacity to negotiate.

There is no explicit requirement that investors provide or share benefits with local communities in exchange for land being made available, beyond the compensation required by law. In practice, a responsible investor's recognition of the importance of obtaining a "social license" to operate does provide communities some important leverage in this regard, as ongoing discussions between Cargill and communities located in and around the proposed Cargill Farm demonstrate. Nevertheless, evidence suggests that communities often lack the capacity to make informed decisions – and to negotiate on the basis of those decisions – about the value of the rights they are ceding, the potential impacts of specific investments and how to define what benefits they should legitimately expect to receive. Limited experience in Nigeria – as well as more extensive experience elsewhere – suggests that benefit agreements between local communities and investors are often vaguely defined and have weak legal status, leaving communities with limited recourse if and when investors fail to provide promised benefits.

Negotiations between communities and investors may also be distorted by the evolving nature of leadership accountability within communities. In a number of African countries (for example, in parts of Ghana), it has been observed that traditional fiduciary relationships between community leaders and members have evolved in the direction of chiefs beginning to treat community land as their own land, and taking upon themselves the right to negotiate deals with investors without involving the community as a whole. For both communities and investors, this kind of elite capture can lead to negative outcomes. Responsible investors need to avoid the tendency to rely excessively on what they hear from one or a few highly visible community representatives who may be inclined to dominate the consultation process, in favor of deep consultation with all segments of the community. It will be critical to ensure that all land users on a given piece of land (including tenants, sharecroppers, migrants, women and other vulnerable members of the community) – and not the community leader alone – are consulted, protected and benefitted as land transactions are consummated.

- (v) There is weak capacity in State Government to conduct land acquisition and reallocation efficiently and fairly

As the PEIA report explores in depth, there is extremely weak capacity within state and local government institutions responsible for land administration. There is very limited experience (none within the local government area of the project) with implementing the land acquisition procedures under the Land Use Act. Land allocation to individuals and investors is generally done on an ad hoc basis, often without following clear and documented procedures, and unaccompanied by the kind of due diligence required to ensure respect for existing rights and uses. The GEMS3-supported SLTR process, mentioned above, is an exception to this general picture. That initiative, in addition to documenting rights for up to 2000 households in settlements in and around the ABIR through a transparent and participatory process, has helped train local staff and provided access to some needed technology.

The Commissioner of Lands for Kogi State has indicated his strong commitment to piloting in the ABIR the application of internationally-recognized best practices, including the Voluntary Guidelines and Bank Safeguard Policies, both with respect to how

land is first acquired by government and then leased to investors. At the moment this aspiration is constrained by weak financial, human and technological capacity that will need to be addressed.

- (vi) There is a dearth of analytical tools to help guide government allocation for sustainable investments

The above mentioned capacity weaknesses in government are exacerbated by the absence of analytical tools to help plan the sequencing and configuration of investments in the ABIR in a manner that reflects principles of environmental and social sustainability, including taking into account the induced and cumulative effects of progressively intensifying investment in the area on future land availability, livelihoods, water resources, biodiversity, food security, etc. Individual ESIA's prepared in the context of specific investments can help alleviate this to some extent, but cannot substitute for a region-wide strategic assessment of these issues to assist better upfront identification of what land might be appropriate to target for what kind of investment.

Similarly, state land administration lacks access to evolving international thinking about how best to structure and memorialize deals, including the drafting and structuring of leases, land valuation, and potential investment models that may enhance the role of both local government and local communities as partners in or beneficiaries of investments.

E. Proposed Project Engagement on Land

The project's approach to addressing the above issues rests on two pillars. First, the project will establish a "framework" for engagement on land-related issues (the "Land Framework"). This framework will set forth threshold standards concerning land to which investors, landowners and government actors involved in SCPZ investments in the ABIR will be expected to commit as well as a process for ensuring ongoing communication between all parties to ensure that commitments are observed over time and problems are addressed as they arise. Second, the project will put in place a suite of capacity enhancement support and technical assistance to support the implementation and operationalization of a Land Management Unit for the ABIR/SCPZI within the Kogi State Government.

As an early output, the Project, through the provision of international and national technical assistance and in-depth stakeholder engagement, will support the preparation and operationalization of a "Land Framework" document. The Land Framework will set forth rules and procedures that will govern the identification of land suitable for investment, protocols for community engagement, principles of inclusive investment and the conditions for allocation of land to investors in the SPCZ and ABIR in a manner that is consistent with international best practice and World Bank Group safeguards (including the project ESMF and RPF).

The Land Framework will, inter alia, address the following matters, the operationalization of which will in turn be supported by the project:

Participatory land use mapping, documentation and planning. The Land Framework will set forth requirements and processes for completing a comprehensive land use and land rights survey of the entire ABIR, including the recordation of existing rights and uses (formal and customary) in a manner that helps better inventory, define and secure the rights of communities and investors, and improve the efficiency, accuracy and transparency of land-related information. Uses of common property resources should be included in this process, as often the perception that certain land areas are "unutilized" arises from a failure to recognize local uses of such areas that are important for livelihoods. Flowing from such an inventory, a facilitated process of participatory planning will take place, involving all levels of the community, to help communities themselves define areas they consider

appropriate for investment, to help evaluate the value of land, crops and other assets and to assess potential impacts on livelihoods. Considerable experience has been gained in a number of countries in the utilization of low-cost and culturally-appropriate technologies to map and document customary rights and in carrying out participatory processes of rights ascertainment and community-level planning that can be utilized for this purpose.

Community-investor engagement. Basic principles and modalities for community engagement will be established. Transparent and inclusive consultation will be essential, both between communities, the government and prospective investors, and within communities themselves (to ensure that the implications of proposed allocations of community land are both understood and accepted by the community at large, that benefits are equitably targeted and that risks of elite capture are mitigated). Local communities need to be fully consulted regarding all the implications of the proposed land transaction through a village consultation process. The Framework will establish modalities for providing targeted technical assistance to help improve the capacity of local communities to understand their rights, to engage meaningfully in consultations with government and investors, and to make informed choices with respect to agreements entered into with investors, compensation and benefit sharing arrangements, and the like.

Minimizing dislocation. The starting point of the World Bank's resettlement policy is that projects should be designed so that displacement is avoided to the greatest extent possible, exploring all possible alternatives. This principle needs to be kept in mind as the detailed modeling of specific ABIR investments are initiated. In most cases, there will likely be a wide range of options in how the farm boundaries will ultimately be drawn. Investors may also have considerable flexibility to rely to a large extent on supplies provided by outgrowers producing on their own land, or some combination of nucleus-outgrower arrangements. Hence, the burden on the investor will be to show that it has done its utmost to avoid displacement and that where any displacement is still contemplated, there is a very credible explanation as to why it could not be avoided. This explanation should be included in the RAP as well as the non-technical summary of the project description to be distributed to stakeholders. A guiding principle should be that notwithstanding the government's broad powers to invoke compulsory acquisition, as much as possible the relinquishment of land should be on a consensual basis, reflecting well-informed and carefully considered choices.

Livelihood restoration or enhancement. Despite the weak compensation provisions in applicable law, the principles guiding the mitigation of displacement impacts of SCPZ-related investments in the ABIR will be those set forth in the RPF and subsequent RAPs. Bank safeguards give preference to land-for-land compensation where livelihoods are land-based. This ties into a broader commitment to maintain or improve livelihoods, for which cash compensation is usually insufficient, and to ensure that household food security is not undermined. Investors, with project support, will need to investigate ways in which land-for-land can be accommodated. Land should be of equivalent quality taking into account factors such as soil quality, location, etc. And people should acquire secure tenure rights to the alternative land, with the project facilitating the issuance of titles.

Memorialized, transparent and enforceable agreements between investors and communities. As noted, under the current legal framework, the lessor of land in the ABIR will be Kogi State, as the land legally belongs to the state. In reality, however, despite the formal legal situation, it is the communities on the ground who are relinquishing the land, from which they currently derive their livelihoods. Hence the terms of the investors' agreement with local communities is in many ways more important than the formal lease with the state government. It will be important to show that any such agreement includes local benefits that are sustained for the life of the investment, and aim to ensure that local people are equally well or better off than they were prior to the investment. The Bank's own

research on dozens of commercial agriculture investments shows that genuine involvement of communities as partners is key to success. Where governments “own” the land, this often has meant trying to find ways to ensure that community involvement goes beyond being passive third-party recipients of compensation, CSR and employment opportunities in deals that are formally structured as leases between investors and the Government. A number of models are being tried around the world, from revenue sharing arrangements (perhaps with a community-operated fund as the manager of the community’s share), land-for-equity schemes, participation of community representatives in farm management oversight committees, participatory monitoring and evaluation, etc. No one model is perfect or appropriate in all circumstances, but a goal of the project will be to build understanding of and encourage the implementation of agreements that reflect locally-suitable adaptations of such innovations.

A common critique is that discussions between investors and communities remain at the level of fuzzy commitments, leading to dissatisfaction later on. The Land Framework will require the documentation of such understandings in a written agreement, so that promises are clearly understood, parties can be held to account and expectations are held in check. These agreements can be free-standing or may even be part of a tripartite agreement between investor, community and Government. At the same time, the rights and responsibilities of investor and Government clearly and transparently spelled out. Here too the similar criticisms have been aired – deals are arranged in secret, responsibilities of the parties are poorly defined, etc. A very strong emphasis of recent international initiatives (such as those spearheaded by the G8 and UK) has been to ensure that deals are transparent and the details are publically accessible. The Project will help put in place a platform for ensuring that lease terms are publically accessible.

Monitoring investment performance and compliance with commitments. The Land Framework will require and the project will help put in place capacity and processes for monitoring investor performance and the social and environmental impacts of investments over time.

Strategic Environmental and Social Assessment. The successful realization of the investment vision for the SCPZ and ABIR anticipates extensive investments in both production and processing in the area over the coming decade, the full impacts of which may not be fully understood through site specific safeguards analysis for different project activities or specific investments. The Project will therefore support preparation of a strategic environmental and social assessment (SESA) of the SCPZ and ABIR, to assist in the planning, locating, and sequencing of future sustainable agribusiness investments, comprising a systematic, in-depth analysis of potential cumulative and induced environmental and social impacts of different investment scenarios over the medium to long term.

Land Management Unit. To help address the capacity shortcomings in state and local land administration detailed above, and to strengthen the ability of government to implement the activities required under the Land Framework, the project will support the creation of a Land Management Unit for the ABIR/SCPZ within the state government. The LMU will be developing management tools and user interface processes required for modern land management in the SCPZ and ABIR. To this end, it will define registration processes and build databases for administering land ownership, leasehold and other land use claims within the project area, in the process developing tools, institutional capacities and procedures that can be scaled up in other parts of Kogi State in the future.. Over its initial three years it is anticipated that the LMU will build up sufficient capacity to implement an economically viable system of land registration and management within the SCPZ areas, one which is fully compliant with federal legislation and state level protocols as well as with international best practices.

Project financing for the LMU will support equipment and logistics and operating costs (land surveys, delineation and mapping, data gathering, storage and processing, and processing and assistance to occupants for the formalization of their rights, etc.); engagement of an expert consulting company with both international and national specialized competency in land management; and other steps needed to build organizational strength within the LMU.

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

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 in Component 1

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
A. Charge pertaining to the registration of property rights		
Ground rent	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 ground rent depends on the location, size and type of the property, as per the schedule issued by State Governments and revised from time to time. Ground rent are higher in urban areas than in agriculture areas.
Premium	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 Premium depends on the location, size and type of the property, as per the schedule issued by State Governments and revised from time to time.
Search fees	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 applicant be assisted by a lawyer who may charge up to 10% of the property purchase price.
Application fees	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. They do not depend on the value of the property.
Land Survey fees	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, and do not depend on the value of the property.
Inspection fees	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) . They do not depend on the value of the property.
Publication fees	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. They do not depend on the value of the property.
Preparation fees	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). They do not depend on the value of the property.
Charting fees	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). They do not depend on the value of the property.
Income tax clearance	While income tax is not related to properties per se, most State Governments require that CofO applicants produce an income	The minimum income tax clearance certificate greatly varies from State to State, typically from N30, 000 to N150, 000. They do not depend on the value of the property.

Type of charges	Justification	Valuation/Computation principles
	tax clearance certificate for the three year preceding the application, or alternatively, pay a minimum clearance amount.	
Registration fees	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 a fixed percentage of the purchase price or the market value of the property as may be determined by a government assessor . 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. Charges pertaining to the assignment and/or transfer of property rights		
Capital Gain Tax	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 of public sectors.	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 as defined in the Capital Gain 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.
Consent fees	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.	Fixed percentage of the sales price - or the open market value as may be determined by a government assessor, whichever is higher . 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.
Probate fees	Probate fees aims at covering the cost of administering the estate of a deceased person and transfer its ownership to the legitimate right holders.	Fixed percentage - generally 10% - of the retrospective open market value of the deceased person's estate as may be determined by a government assessor or a registered estate surveyor or valuer, whichever is higher
Stamp Duty	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.	Fixed percentage of the value of the asset conveyed by the stamped instrument . Across Nigeria States. this percentage varies from 2% to 4%.
C. Charges pertaining to the development and maintenance of public amenities at the property location		
Tenement Rate	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 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

Type of charges	Justification	Valuation/Computation principles
		neighbourhood improvement charges into a Land Use Charge and have been assessing and taxing the property based on their Capital Value.
Development levies	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.
Neighbourhood improvement charges	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.
Betterment fees	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 allocate land or in private estates by Town Planning Boards. Town Planning Boards seem to use wide discretionary powers to determine their amount.
Land Use Charges	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. 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
Capital contribution	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.
D. Charges pertaining to the income derived from landed properties		
Withholding tax on rent	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.

Annex 7: Minutes of Public Consultation at Alape showing process followed across locations 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 16th 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	Community

	improve the way farming is practiced, introduce staple crop processing, bring employment to women and youths, and improve farmers opportunities	
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 and community decision makings?	Yes	Elders, Women & community
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 Cargill or 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"> 1. The use of Oyin river 2. Drawing pipes from Osara dam. 3. Infiltration gallery of all boreholes to be used. 	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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S/N	Name	Community/Village	Phone	Sign
1	Chief J. O. Awoniyi	FMARD	08035991015	[Signature]
2	J. O. Eshelany	DESL officer	08036085576	[Signature]
3	HRM Meseko EWIJAH	DESL officer	08065692181	[Signature]
4	HRM Joshua Hmukage	Olo Agbade	08054269226	[Signature]
5	Dr Titus A. Abayo	Olo Ape	08027384778	[Signature]
6	CHIEF GILBERT KOLA SUNE	ABURATEM APE	08159704432	[Signature]
7	Chief Eseyin S.O.	Olo Ape	08165689200	[Signature]
8	Dr. OLUMIDE ELIZABETH	ABURATEM APE	08063418279	[Signature]
9	C.P. Umar Yauba	OR	08056488653	[Signature]
10	202 - A. post	APE	0806538337	[Signature]
11	Salisu Aminu	APE		S.A.
12	Demuel Senuh	OLO APE	07058721236	[Signature]
13	Esther Arewa	OLO APE	08088987023	[Signature]
14	Obunfemi Adarigbo, Jemba	Olo Ape	08147244225	[Signature]
15	Chief Isanwa Luke	APE	08151455618	[Signature]
16	Chief Olu Noah	APE	08078626155	[Signature]
17	Chief Ologun	Olo Ape	08063504975	[Signature]
18	Elder Samuel A. Olumi	Agbade	08072698771	[Signature]

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S/N	Name	Community/Village	Phone	Sign
19	Elder Julius Oforimaya	Agbadu	08077082548	✓
20	Badin Gbolahan	Lagos	05028376612	Signature
21	Olorunjuwan Adeyemi	Agbadu	08065492288	T. Oluji
22	Ibibba Irele	Abuja	07063505392	Signature
23	Peter A. Adetutu	FMAED (Abuja)	08035964432	Signature
24	Dare Oloje	Representative Dr. Obi Anyadike (IFMP)	08062242242	Signature
25	Femi A Jimot	UGADIP, Zone X	08034758294	Signature
26	Oliver Nwaju	Consultant, RPF	08034110341	Signature
27	Keleke Adesayo	Consultant, RPF	0816602405	Signature
28	Obanoh Monday	UKA, KAP	08111607365	Signature
29	Adelera Nwaka	FMAED	08073735866	Signature
30	Bayo Oye	Obajana	08062781453	Signature
31	Riyobaka Oluwadasi	ODO Ape	08061191243	Signature
32	Ayoka Florence	ODO Ape	08076557506	Signature
33	Olaya ABAYOMI	ODO-APE		Signature
34	Emelayo Ajiro	ODO-APE		Signature
34	Ayo Ayobaka	ODO Ape	08039126054	Signature
35	Olorunfemi Benjamin	ODO-APE	08144744991	Signature

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S/N	Name	Community/Village	Phone	Sign
1	Chief Matthew B. Apulele	Adunade-Ape	08157553183	Signature
2	Babatunde Kehinde Adunase	Agbadu	08055621971	Signature
3	Esther Rufus Folake	ODO-APE	08076560227	Signature
4	Caleb B. Ounibi	Adunade-Ape	08078633597	Signature
5	Alice Iserihi	ODO-APE	08114965022	Signature
6	Grace Segun	ODO APE	08075779812	Signature
7	Chief Oye S.S	-do-	081017794902	Signature
8	✓ Edward Alemem	✓	08	Signature
9	Sabiru Uyasu	ODO-APE	05054639003	Signature
10	✓ Joseph Kadiri	✓	08022347221	Signature
11	Chifem Gabriel	APPE	07055997306	Signature
12	Cammuel A. Michael	APPE	09031624725	Signature
13	Ufa Abraham	APPE	08150290310	Signature
14	ISAAC MATHEW	APPE	08117803906	Signature
15	James A. MATHEW.	Basag Camp	08068069120	Signature
16	Chief Obagaye	ODO APE		Signature
17	Mr Sunday Alemem	ODO APE	08125537449	Signature
18	Mr Peter Olorunfemi	Agbadu	08072963253	Signature

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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	LUCIY ADO	odo-ape comm	- - -	[Signature]
4	JOSEPH JIMEL	odo-ape comm	08065092448	[Signature]
5	MARY OYE	odo-ape comm	07061762312	[Signature]
(6)	Obumak Richard	- - -	- - -	[Signature]
(7)	TAWO SUNDAY	- - -	- - -	[Signature]

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

KOGI STATE SCPZ PROJECT
CONTACT OF PERSONS MET

S/N	DATE	NAME	ORGANIZATION OR COMMUNITY	DESIGNATION	PHONE	SIGN
1	29/10/14	AMINADIN (D) JAYEOLA J. LEW	EVERGREEN INTERNATIONAL	CHAIRMAN	08032726979	[Signature]
2	30/10/14	OKWOLI DENNIS E	MIN. OF. AGRIC	DAS	0706586383	[Signature]
3	30/10/14	ONINON MICHAEL	✓ ✓ ✓	PA	08036442404	[Signature]
4	✓	AJE Z O	✓ ✓ ✓	Commissioner	08135043892	[Signature]
5	✓	Ezebel Sa Sade	PA to the King of Iyara	PA	08065536044	[Signature]
6	✓	Manye Sade Iyara	Community chairman (Iyara, Ilesha, Ilesha 2)	Community chairman	08060505343	[Signature]
7	✓	Mohammed Auwalu Sambo	Comm processing plant	operator	08062516442	[Signature]
8	29/10	Segun Oluwalan	Oshokoshola	Community member/direct	08030622471	[Signature]
8		Haji Adedunjo Okebi	Oshokoshola	Traditional ruler	07020920134	[Signature]
9		Femi Majebi	^	PRO		[Signature]
10		Femi Adebisi	^	V. president	08164478610	[Signature]
11		Olorunsayo Joshua	^	Community member	07033013861	[Signature]
12		Joseph Sade	^	Chief	08036547648	[Signature]

S/N	DATE	NAME	Designation	Organization/Community	Telephone	SIGN
13	30/10	Chief Samuel A. Ogbondala	Chief	Oshokoshola	08036145946	[Signature]
14	30/10	Olorunsayo Sambo	"	"	08105006714	[Signature]
15	30/10	JO Adedunjo	"	"	07020920134	[Signature]
16	30/10	Rev. Canon J.F. Olanrewaju	PRIST	Oshokoshola	07052941326	[Signature]
IRESHERE (OSARA GARA)						
17						
18	31/10/14	Femi Odutola	Chairman	Iyara	08035907228	remi.odutola@gmail.com
19	✓	OCHESI PIUS	Chairman	Iyara	08078952574	[Signature]
20	31/10/14	Kareem O. Yelufi	Surveyor I	Kogi State Surveys	07037051870	yoneck2000@gmail.com
21	11/11/14	SADIQ SHERIFU AD.	D.O. Okehi	Okehi, Kogi state	0703887043	[Signature]
22	11/11/14	MUSA A. FACHE	D.O. Okehi	Okehi, Kogi state	08067617608	[Signature]
23	11/11/14	DAUGA YE U. SAMAKI	FARMER	OKEHI KOGI STATE	08055923111	[Signature]
24	11/11/14	Atolulase Sami S.	✓	✓	08064447804	[Signature]
25						

Annex 8: Selected Pictures with the stakeholders/community inprojectAREA (Alape) IN KOGI state – October 2014

