

FEDERAL GOVERNMENT OF NIGERIA



**Federal Ministry of Agriculture and Water
Resources (FMAWR)**

PROJECTS COORDINATING UNIT (PCU) OF THE FEDERAL
MINISTRY OF AGRICULTURE AND WATER RESOURCES

RESETTLEMENT POLICY FRAMEWORK (RPF)

FOR THE

FADAMA III PROJECT

- Final Report -

*Eartfiguards. Limited Sustainable Development Consultants Suite
45, (3rd Floor), God's Own Plaza, 4 Takum Close,
Area 11, Garki, ECT Abuja, Nigeria
P.O. Box, 12428, Carki, E.C.T. Abuja, Nigeria
Email eartfiguaris@gmail.com*

April, 2007

Table of Contents

I	Introduction	5
2.	Principles and Objectives Governing Resettlement	10
3.	The Process for Preparing and Approving Resettlement Plans	13
4.	Land Acquisition and Likely Categories of PAPs	18
5.	Criteria and Eligibility for Compensation of Project Affected Persons.....	20
6.	A Legal Framework Review of the fit Between the Laws and Regulations of Nigeria and Bank Policy Requirements	22
7.	Methods of Valuing Affected Assets	26
8.	Arrangements for Compensation and Description of the Implementation Process	35
9.	Consultation with and Participation of Affected Persons	40
10.	Arrangements for Monitoring	41
	Annex A: A Template for Preparing Resettlement and Compensation Plans (RAPS).....	44

Glossary of Key Terms

- **Cut - off Date:** Refers to a day on and beyond which any person who occupies 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 commences.
- **Environmental and Social Management Framework (ESMF)** - report is an environmental assessment instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of small-scale community-owned investments under the proposed project; and then to set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them , or reduce them to acceptable levels. This instrument has been prepared as a separate and stand alone document to be used in conjunction with the RPF.
- **Market rate:** Is defined as the highest rate over the last three to five years based on commercial terms.
- **Market Value:** Means the most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self interest to maximize satisfaction and both act independently and without collusion, fraud or misrepresentation
- **Project Affected Person (s):** A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located in land to be acquired for needs of the project. Not all PAPS are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.
- **Host Communities:** Communities receiving resettled people as a result of involuntary resettlement activities
- **Resettlement and Compensation Plan (RAP):** Also known as a Resettlement Action Plan or Resettlement Plan — is a resettlement instrument to be prepared when project activities are identified, that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The RAP is prepared by the party impacting people and livelihoods in this manner and contains specific and legal binding requirements to be taken by that party to resettle and compensate the affected party before project activities causing this adverse impact are implemented.

- Resettlement Policy Framework (RPF): This a resettlement instrument (this document) that is prepared by the borrower (in this case by the Federal Government of Nigeria) when project activities that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and for loss of livelihoods and/or loss, denial or restriction of access to economic resources, are not identified at the project preparation stage. The RPF is therefore prepared before the proposed project is appraised setting out the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project, when project activities are identified. The RAP is prepared consistent with the provisions of the RPF.

1 Introduction

The resettlement policy framework (RPF) of the original project was disclosed on the 4th of May, 2007. It was subsequently updated re-disclosed under the Additional Financing of FADAMA III on 5th April, 2013 in Nigeria, and on the 13 June, 2013 at the World Bank infoshop respectively. The updated RPF is being re-disclosed now to include the North East Food Security and Livelihood Emergency Support, as part of the required safeguards due diligence. However, the anticipated activities that will be financed by the Bank under this AF are not materially different from those funded by original project, therefore no new safeguards policies are triggered. In addition, the anticipated significant environmental and social adverse impacts are consistent with category B projects (site specific, noncumulative and relatively easy to manage to acceptable levels) and do not exceed the scope of what was envisaged from the scope of the original project.

The agricultural sector is home to about 76 million of the total population of 140 million. It employs about 70 per cent of the total labor force, generates one-third of GDP and accounts for about 5 per cent of total exports. In spite of its abundant oil and other natural resources, Nigeria is ranked among the poorest countries in Africa, with more than 60 per cent of its population, concentrated largely in the rural areas, living on less than one dollar (US\$1) a day. Government recognizes that broad-based sustainable agricultural growth would be the key to achieving its overarching development objectives of poverty alleviation and food security, and hence, in achieving important MDGs.

Nigeria's vision for agricultural development is expressed in the National Economic Empowerment and Development Strategy (NEEDS), the New Agricultural Policy (NAP) and the Rural Sector Strategy (RSS).

The NEEDS, which was approved in 2004, rests on three pillars: Empowering People, Promoting Private Enterprise, and Changing the Way Government Does its Work. Its targets for agriculture between 2004 and 2007 include: (a) growing the sector by 6% annually; (b) attaining agricultural export of US\$ 3 billion annually from 2007; and (c) reducing food import from 14.5% to not more than 5%.

The main objectives of the RSS are to: develop rural areas, raise the quality of life of rural people, alleviate rural poverty and use rural development as a cornerstone for national development.

The Government's strategy for raising rural productivity and incomes rests on five pillars: (i) increasing crop yields and livestock productivity; (ii) producing higher-value crops and livestock; (iii) reducing crop and non-crop losses and reducing costs of producer inputs; (iv) strengthening the forward and backward linkages in the rural economy that stimulate investment, employment, and incomes in rural non-farm enterprises; and (v) reducing conflict between various land and water resources user groups.

The major programmes for achieving these goals include the National Special Program on Food Security (NSPFS) being implemented with technical assistance from the FAO. The IFAD's Community-based Agricultural and Rural Development Programme (CBARDP) and Roots and Tubers Expansion Programme (RTEP). Presidential Initiatives covering key arable crops like cassava and rice, as well as livestock, fisheries, and tree crops, and the ongoing Second National Fadama Development Project (Fadama II) financed by the World Bank and the African Development Bank

(AfDB).Fadama (a hausa word) are usually low-lying plains underlined by shallow aquifers and found along Nigeria's major river systems. Such lands are especially suitable for crop irrigation and fishing, and traditionally provide feed resources and water for livestock. Growth potential of this land is enormous, but only very partially developed. The Fadama I project which closed in 1999 and the ongoing Fadama II Project successfully adopted

the small-scale irrigation development approach to utilize this potential. The cumulative impact of these earlier successful projects attests to the robustness of the small-scale and community-based approach to fadama development.

Although the ongoing Fadama II project is already recognized as a "good practice example" of a water resources management project by both the Government and the Independent Evaluations Group (IEG) of the World Bank, it is only a drop in the bucket, as the support provided under it meets only a very small portion of the needs of the poor in Nigeria, especially since only 18 of the 37 states of the country are covered. The proposed Fadama III project will build on these successes and expand the scope of the project to include the remaining 19 states¹, plus the Fadama II states which have demonstrated successful performance, especially in terms of disbursement and pro-poor impact, as well as support more diversified livelihood activities.

The overarching development objective of the Fadama III Project is to sustainably increase the incomes of fadama users (thereby contributing to reduction of poverty, increased food security and achievement of a key MDG).

The project scope will be national. It will include, first and foremost, the 19 states which did not benefit from the Fadama II project and the Fadama II states that meet the eligibility criteria. The Project's target group include: (a) the direct and indirect beneficiaries (farmers, pastoralists, fishermen, nomads, traders, processors, hunters and gatherers; (b) the disadvantaged groups (widows, the handicap, the sick and economically inactive---from HIV/AIDS or other diseases and other groups at risk; and (c) service providers, including private operators, professional/semi-professional associations operating in the project zone.

The proposed Fadama III is structured to achieve its objectives within the five major components of the project, which are:

Component 1: Capacity Building, Communications and Information support

This component will include:

(a) Mobilization, and capacity building through training and technical assistance in: (i) the socially-inclusive and participatory development of the Local Development Plan (LDP) as the basis for the active participation of the beneficiary rural communities in the planning, and management of their development programs; and (ii) enhancing the capacity of each group participating in project implementation to acquire the capabilities needed to effectively carry out their responsibilities;

(b) Assisting the participating Local Governments to strengthen their role to respond to the needs of their communities as well as to improve decision-making capabilities; create capacity for investment planning, community mobilization as well as supervision and monitoring of community development projects; and

Abia, Anambra, Ebonyi, Enugu, Aka Mom, Bayelsa, Cross River, Delta, Edo, Rivers, Ekiti, Ondo, Oshun, Benue, Nasarawa, Yobe, Kano, Sokoto and Zamfara

(c) Providing technical assistance and costs for designing and operating communications education and information dissemination program for the project.

The instruments for implementing the various forms of capacity building under this component will include a combination of workshops, limited external training, technical exchanges, on-site/on-farm training and/or demonstration, and more traditional technical assistance, drawing upon local expertise within the state consultants, universities/colleges, NGOs, and other local service providers—as well as national and international technical assistance agencies and individual consultants. To this effect, the Project would finance consultant services, training materials and courses, seminars, workshops, related studies and related operating costs.

Component 2: Small-Scale Community-owned Infrastructure (SCI)

Grant resources will be allocated annually to each of the participating FCAs for implementing priority demand-driven community-owned productive infrastructure investments of the public good type. The FCA-owned infrastructure subprojects, ranging in size from \$500 to \$2,500 identified by the communities themselves, and complimentary services identified in the LDPs, will adhere to cost-sharing principles. The menu of sub-projects will include: (a) rehabilitation and/or construction of feeder and fadama access roads, culverts and small bridges; and (b) infrastructure for sustainable natural resources management, including improved conservation of soils and agronomic practices, and water harvesting techniques.

In addition this component will finance cross-FCA infrastructure ____ infrastructure that cuts across FCAs and/or LG boundaries, including stock routes, pastures and watering points. The project will finance civil works, and related equipment, technical services for pre-feasibility studies and infrastructure sub-project design, including estimation of subproject costs, environmental and social impact analysis and analysis to show technical and financial viability of the subproject.

Component 3: Advisory Services and Input Support (ASIS)

The output of this subcomponent is that fadama resource users will have increased their productivity and diversified their sources of income in an environmentally sustainable manner. Under this component the project will finance: (a) advisory services (mainly diversified problem-solving research and extension services) that are responsive to the production, processing, marketing and supply chain management needs of fadama users; (b) input support); (c) strengthening the extension system of the participating states; and (d) participatory and farmer-oriented adaptive research trials and demonstrations, which respond to farmer concerns, and promote diversification.

(e) Under this component, there will be there will be three subcomponentsubcomponents:

- Input Support.
- Support to the extension function of the ADPs.
- Adaptive Technology Development and Transfer Support.

Component 4: Asset Acquisition and Market Systems Development

This component will include a matching grant fund to: (a) facilitate access to the assets which the beneficiary and economically-active rural poor will require for their various income-generating activities; the matching grant will be used as seed money to empower smallholder and poor farmers (who will be assisted to form viable economic interest groups) to acquire capital assets which they would use to undertake a wide range of small-scale income-generating activities; and (b) improve farmers' access to markets and complementary support that add value to farm produce.

It consist of two subcomponents:

- (i) Asset Acquisition
- (ii) Market Systems Development

Component 5: Project Management, Monitoring and Evaluation

The institutional arrangements for the proposed project will rely on the existing framework for the implementation of the Fadama II project both at the national and local levels rather than create new structures for the project. This component breaks down into the following three subcomponents:

- (i) Technical Assistance subcomponent (to the national and state level implementation coordination function)
- (ii) Project Coordination Support subcomponent
- (iii) Project Monitoring and Evaluation subcomponent

Specifically, under Component 2, sub-projects in Local Development Plans will be financed to rehabilitate and or provide new infrastructure. The menu of sub-projects will include: (a) rehabilitation and/or construction of feeder and fadama access roads, culverts and small bridges; and (b) infrastructure for sustainable natural resources management, including improved conservation of soils and agronomic practices, and water harvesting techniques .

In implementing this small-scale community-owned infrastructure, it is possible land would have to be acquired or there will be restriction of access to sources of livelihood. However, significant efforts would be made to select these sites to avoid or minimize impacts on people, land, property, especially on Fadama users' access to natural and other economic resources, as far as possible.

Notwithstanding, land acquisition that may lead to either the physical displacement of people or their loss, denial or restriction of access to Fadama economic resources and therefore the involuntary resettlement of people seems inevitable in some cases. When this occurs, the World Bank Operational Policy, OP4.12 on Involuntary Resettlement and certain Federal and State laws of the FGN will be triggered.

The FUN is not required to prepare a Resettlement Plan at this stage since the land/sites have not yet been identified. However, the FGN is required to prepare a Resettlement Policy Framework (RPF) to be publicly disclosed in country and at the info shop at the Bank, before appraisal of this project. The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

When the land/sites are identified, resettlement/compensation plans will be subsequently prepared consistent with this policy framework and will be submitted to the Bank for approval before any land acquisition, resettlement, loss, denial of, and restriction to Fadama resources or any other impact on livelihood occurs. The RPF is prepared to the standards of the FGN (and its respective participating states) own policy on resettlement and the policy of the World Bank, OP4.12. Where differences are found between the World Bank Policies and Nigerian laws and policies, the World Bank Policies will be followed.

Purpose of the Resettlement Policy Framework (RPF)

The World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) is applied to any project supported by the Bank which displaces people from land or productive resources, and which results in relocation, the loss of shelter, the loss of assets or access to assets important to production, the loss of incomes sources or means of livelihood, or loss of access to locations that provide higher incomes or lower expenditures to businesses or persons. The policy applies whether or not the affected persons must move to another location. The Bank describes all these processes and outcomes as "involuntary resettlement," or more simply "resettlement", even if people are not forced to move. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins.

In straight forward investment projects in which the specific investments have been identified. The OP directs that a "Resettlement Action Plan", also called RAP be drawn up to deal with any displacement caused by the project. In Fadama III, Neither the final list of subprojects, the timing of physical works, nor the scope and design of such works are currently known. In this case, OP 4.12 provides that there be a Resettlement Policy Framework (RPF) at the outset of the project to guide the treatment of resettlement issues across the eventual set of subprojects.

This RPF is a statement of the policy, principles, institutional arrangement and procedures that the Fadama III project will follow in each sub-project involving resettlement. It sets out the elements that will be common to all the subprojects. It allows RAP consultants and project implementers, who may be different for different works subprojects, to deal with specific subprojects without having to re-negotiate fundamental agreements. With this RPF in place, each RAP will be a detailed action plan for treating the set of people affected by a particular subproject.

2. Principles and Objectives Governing Resettlement

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 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.

The World Bank Safeguard policy OP 4.12, in most cases, is not triggered because people are being affected by physical displacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred

Therefore, the objectives of this policy are the following:

(i) Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, exploring all viable alternatives.

(ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons impacted by the project the opportunity to share project benefits. Impacted and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programmes.

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

Affected people, according to the Bank Safeguard Policy OP 4.12, refers to people who are directly affected socially and economically by Bank-assisted investment projects caused by:

(a) the involuntary taking of land and other assets resulting in:

a. Relocation or loss of shelter

b. Loss of assets or access to assets

c. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

(b) the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the impacted persons.

The Bank Safeguard Policy OP 4.12 applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. The policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. The Annex A shows the template for preparing resettlement and compensation plans.

The policy applies to all (economically or physically) impacted 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 impacted; especially those below the poverty line; the landless, the elderly, women and children and the ethnic minorities or other impacted persons who may not be protected through Nigerian land compensation legislation.

In particular for Fadama III project, the policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the commencement of subproject 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 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 and compensation plan of action.

In this project, the implementation of subprojects in Local Development Plans (LDPs) is expected to have overall positive social impacts, simply because incomes of the fadama users is expected to significantly increase, so are agricultural productivity, rural infrastructure, training and advisory services which will lead to an increase in the standard of living of the fadama users. Notwithstanding, there are considerable risks to the success of the project as a whole if the negative social impacts on some of the fadama users are left unmitigated. These negative social impacts include denial, restriction or loss of access to the economic resources in the fadama areas by some Fadama users. When this happens, people will be impacted and resettlement and compensation cannot be avoided and the World Bank Safeguard Policy OP 4.12 will be triggered even though they may not have to physically move to another location. The FGN will actively seek and engage the participation of all key stakeholders in the formulation of any and all LDP's and Conflict Resolution Committees as a condition of funding of any sub project.

It is particularly important to neutralize to the extent possible any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the sub project activities. Therefore, offering impacted people the opportunity to continue to participate in the planning process that would lead to the preparation of Resettlement Plans is mandatory.

Offering impacted people the opportunity for employment during the construction or to providers of services such as supplying water or construction materials such as gravel, sand etc., will provide additional income generating opportunities to a significant number of impacted persons who may potentially have to be resettled. Therefore, this opportunity for local employment is being taken advantage of in this RPF, by including it for discussion in the consultative process with the affected communities. This RPF prefers to encourage potential civil works contractors and the Fadama Community Association's (FCA's) through the provision of incentives in their contracts to show preference for employing project affected persons and not through legal provision. One way of promoting this would be for the project to train potentially affected persons to acquire the skills needed by these contractors.

Furthermore, it is worthy to note that rush migration to selected land sites may occur by those wishing to take advantage of the rules of eligibility. Were this to happen it would bring to bear additional pressures on the whole planning process, compensation budgets and increase the tendency for conflict among users. This has major considerations therefore when establishing the cut-off dates.

A major object of this RPF is to ensure that affected communities are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that the process has been a fair and transparent one.

The LFDC will also subject the subprojects and LDP's submitted to it by the FCA to a final screening process to ensure compliance with this RPF.

The screening process would take the form of;

General sub project sub sector classification:

- Food and Cash crops
- Livestock
- Fisheries
- Hunting
- Miscellaneous

Geographic location of the sub-project: The name of the State and Local Government in which the sub- project is located.

The sub-projects would be classified as below:

1. Classifying the sub projects by activity into the following categories;

- (i) Irrigation- small dams
- (ii) Flood protection - small dams/dykes
- (iii) Water Retention Ponds/Water Harvesting structures
- (iv) Soil conservation Infrastructure
- (v) Fisheries related infrastructure
- (vi) Water Management/ Conservation Schemes - e.g. pastoral wells
- (vii) Storage infrastructure
- (viii) Feeder and Fadama access roads; culverts and small bridges

2. Identifying and evaluating potential impacts for each proposed subproject on the Bank Safeguard Policy OP 4.12 described in chapter 2 above.

3. Triggering of the Bank Safeguard Policy OP 4.12 will be one criterion by which subprojects can be rejected.

4. Alternatively, triggering of the Bank Safeguard Policy OP 4.12 would require a further preliminary determination of whether the subproject should be proposed or not, based on an assessment of the intensity of impact and on the mitigation measures that would need to be developed and proposed. The FCA may then determine whether or not, to submit its subproject proposals to the LFDC for review and eventual approval; even where extensive/cumbersome mitigation measures are deemed necessary in the subproject.

5. Determine the sub - project land needs. For sub projects requiring land, the FCA must obtain legal title to the land. This is a pre-condition for approval.

6. A socio-economic study and census is to be carried out for each sub project targeted area requiring land acquisition and/or resulting in loss, denial, restriction of access to users of fadama resources. Using the findings of the socio-economic studies and the census to identify affected people on the individual, household level and vulnerable groups (in the sub-project impact(s)) and to calculate household incomes and assets. These studies are to be carried out by the FCA's assisted by their facilitators.

The purpose of the Socio-economic study is to collect base line data within the chosen/targeted sites/areas thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation.

Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process. Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the affected population. Under this study a comprehensive base line census would be carried out to identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally impacted people, affected internally impacted households, etc.) and to discourage inflow of people ineligible for assistance.

The socio-economic study and baseline census will be prepared on behalf of the FCA by their facilitators and paid for by the FCA's. Alternatively, consultants could be recruited to undertake these studies. On completion the socio- economic study and the baseline census, the FCA's will prepare a resettlement plan for each site/subproject.

Where the impacts on the entire affected population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are impacted, then the bank may approve the preparation of an

Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be:

- (a)** A census survey of affected persons and valuation of assets.
- (b)** Description of compensation and other resettlement assistance to be provided.
- (c)** Consultations with affected people about acceptable alternatives.
- (d)** Institutional responsibility for implementation and procedures for grievance redress
- (e)** Arrangements for monitoring and implementation, and
- (f)** A timetable and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site. World bank OP 4.12 article 25 sets the requirements of the RAP to include;

- (a) Baseline census and socio-economic survey information
- (b) Specific compensation rates and standards
- (c) Policy entitlements related to any additional impacts identified through the census or survey
- (d) A description of the resettlement sites and programs for improvement or restoration of livelihoods and standards of living
- (e) Implementation schedule for resettlement activities
- (f) Detailed costs estimates.

The resettlement plans would then be forwarded for screening and approval to the LGDC in compliance with the project institutional and administrative requirements. All approved subprojects that trigger OP4.12 and their resettlement plans would be subject to the final approval of the World Bank to ensure compliance with Bank safeguards. Thus ensuring that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement plans are consistent with this RPF.

The above screening process should be used by the FCA's in their preparation of their subprojects/LDP's to enhance their likelihood for approval. Notwithstanding, at the level of the LFDC's, subprojects received would be reviewed applying very similar screening and evaluation mechanisms as those carried out by the FCA's in order to review and control the process already carried out.

Furthermore, the LFDC's should as a guideline consider the cumulative factor and not approve sub projects/LDP's that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community's or individual's total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermine or they cost more than 15% of the subproject/LDP investment budget.

Before the decision to approve a subproject/LDP is taken, the LFDC's will need to approve or disapprove the resettlement plan of the sub project in totality with the overall environmental and social screening process that has been applied for each sub project and to also approve or disapprove of the proposed mitigation measures, if any.

The subprojects are expected to be very small in scale. However, the cumulative effect of hundreds of subprojects is likely to be significant and a review must be made at a level higher than the community level on the possible cumulative impact of subprojects and if the respective individual mitigation measures per subproject are sufficient at the cumulative level, on the Fadamas as a whole. When the cumulative impact of subprojects are being considered at the community and trans - state levels on the Fadamas, additional mitigation measures may be deemed necessary. These would have to be integrated into

the resettlement plans of future sub projects/LDP's and the monitoring and evaluation plan of the project.

This process of identifying land, consulting potentially impacted people, carrying out a socio-economic study may have to be iterative, simply because the mitigation measures (i.e. the compensation levels) may be too costly in terms of the amount paid as compensation and the overall number of people impacted.

This would have to be determined by the LFDC's. The FCA's may also wish to consider the selection of alternative sites to propose to the LFDC's for approval. However, irrespective of whether the process of identifying potential land/sites is pursued iteratively or a number of sites are identified simultaneously, the process for the selection must be as described above.

Capacity will be built at the community levels (within the FCA's and LFDC's) by providing technical assistance to allow communities themselves to screen their subprojects for environmental and social concerns. This training will also include the capacity to develop mitigation measures to meet environmental and social impacts and to prepare implementation of such measures. Local facilitators that are required to work with the FCA's will be targeted for training to enhance their skills and to produce more of them. This would build capacity at the community level which is crucial for success of this project.

4 Land Acquisition and Likely Categories of PAPs

At this stage, it is not possible to estimate the likely number of people who may be affected since the subprojects/LDP have not yet been developed and are unknown.

However, the likely affected persons can be categorized into three groups, namely; Individuals

and Households Potentially Affected

- (1) Affected Individual — An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the subproject activities and to whom compensation is due. For example, an affected individual is a person who farms a land, pastoralists whose routes have been altered, or a person who has built a structure on land that has been demarcated and is now required by the subproject.
- (ii) Affected Household — A household is affected if one or more of its members is affected by sub project activities, either by loss of property, loss of access or otherwise affected in any way by project activities. This provides for:
 - (a) any members in the households, men, women, children, dependent relatives and friends, tenants
 - (b) vulnerable individuals who may be too old or ill to work.
 - (c) members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence
 - (d) members of households who may not eat together but provide housekeeping, or reproductive services critical to the family's maintenance, and
 - (e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the "household". For example, among polygamous settings, each wife has her own home.

(Hi) Vulnerable Households — Vulnerable households could be owners of compound walls or shops/room that will be partially demolished during sub project activities. Partial demolition of houses will lead to congestion and possible voluntary termination of tenancy. These negative impacts of partial demolition will deprive landlords of important rent income. Other vulnerable groups are:

(a)-Internally Displaced Peoples — these are people who had to flee their homes during recent civil unrests/riots/armed robberies and are virtually refugees in their own

country and have not returned. They may be dependent on the NGO community and others for support.

(b) Elderly — With age limiting them in terms of productivity, they will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

(c) Women — May depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinners in their household. They need relatively easy access to health service facilities, as mothers and wives. Some women live in a polygamous situation in Nigeria and this requires special attention, as women are central to the stability of the household. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

(d) Income related poverty — that is the poorest households are also vulnerable.

Special attention would be paid to these groups by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.

5 Criteria and Eligibility for Compensation of Project Affected Persons (PAPs)

The Bank's OP4.12 suggests the following three criterion for eligibility;

- a) Those who have formal rights to land (including customary land, 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 the resettlement plan
- c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from.

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, if they occupy the project area prior to a cut-off date established by the LFDC's in close consultation with the potential PAPs and in compliance with the Conflict Resolution Mechanisms established in the Fadama III project and acceptable to the Bank. 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 included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

Eligibility for Community Compensation

Communities (districts, towns and villages) 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 those for public toilets, market place, taxi parks, schools and health centers. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted is also restored. The local community leaders will play a crucial role in identifying users of land

Method to Determine the Cut — Off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in the subproject area is carried out, i.e. the time when the subproject area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut -off survey can estimate investment which should be compensated **for in lieu of** expenses (including labor) incurred until the cut - off date.

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. Therefore, establishment of the cut-off date is of critical importance.

This date is to be chosen in close consultation with the LFDC's, the FCA's and must be in full compliance with the conflict resolution mechanisms agreed in the LDP's and this date must be communicated effectively to the communities involved.

The local administrative heads such as the chiefs, baales, emirs, district heads, oba's etc, will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their customary heads.

6 A Legal Framework Review of the Fit Between the Laws and Regulations of Nigeria and Bank Policy Requirements.

Land ownership in Nigeria is subject to a range of diverse cultural and traditional practices and customs. Land can be classified according to the following broad categories:

- **Community land**, or land commonly referred to as ancestral land, is owned by all the people.
- **Communal land** consists mostly of under-developed forests and is owned by nobody. Those who clear it first claim ownership.
- Clan or family land is owned by clans and families, as the name suggests.
- **Institutional land**: land allocated to traditional institutions such as traditional authorities and chiefs.
- Individual land: land acquired by an individual, which may be inherited by the immediate family, depending on customary practices

The Legal basis for land acquisition and resettlement in Nigeria is the Land Use Act 1978 (modified in 1990). The following are selected relevant sections;

Section 1. Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of each state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

Section 2. (a) all land in urban areas shall be under the control and management of the Governor of each State; and (d) all other land shall be under the control and management of local government within the area of jurisdiction in which the land is situated.

Section 5 (1) It shall be lawful for the Governor in respect of land, whether or not in an urban area (a) to *grant* statutory rights of occupancy to any person for all purposes.

Section 6 (1) It shall be lawful for a Local Government in respect of land not in an urban area, (a) to grant customary rights of occupancy to any person or organization for the use of land in the Local Government Area for agricultural, residential and other purposes; (b) to grant customary rights of occupancy to any person or organization for use of land for grazing purposes as may be customary in the Local Government Area concerned.

Section 6 (3) It shall be lawful for a Local Government to enter upon, use and occupy for public purposes any land within the area of its jurisdiction, and for the purpose, to revoke any customary right of occupancy on any such land.

Section 6 (5) The holder and the occupier according to their respective interests of any customary right of occupancy revoked under subsection (3) of this section shall be entitled to compensation, for the value at the date of revocation, of their unexhausted improvements.

Section 6 (6) Where land in respect of which a customary right of occupancy is revoked under this Act was used for agricultural purposes by the holder, the Local Government shall allocate to such holder alternative land for use for the same purpose.

Section 28 (1) It shall be lawful for the Government to revoke a right of occupancy for overriding public interest.

Section 29 (1) If a right of occupancy is revoked, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

Section 29 (3) If the holder or occupier entitled to compensation under this section is a community the Governor may direct that any compensation payable to it shall be paid (a) to the community or (b) to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable customary law (c) into some fund specified by the Governor for the purpose for being utilized or applied for the benefit of the community.

Section 29 (4) Compensation under subsection (1) of this section shall be, (a) the land, for the amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked, (b) buildings, installation or improvements thereon, for the amount of the replacement cost of the building, installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interests at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost thereof as may be sustained by documentary evidence and proof to the satisfaction of the appropriate officer, (c) crops on land apart from any building, installation or improvement thereon, for an amount equal to the value as prescribed and determined by the appropriate officer.

Section 33 (1) Where a right of occupancy in respect of any developed land on which a residential building had been erected is revoked under this Act, the Governor or the Local Government, as the case may be, may in his or its discretion offer in lieu of compensation payable in accordance with the provisions of this Act, resettlement in any other place or area by way of a reasonable alternative accommodation (if appropriate in the circumstances).

Therefore, according to the Land Use Act, all land in Nigeria is vested in the Governor of each State, and shall be held in trust for the use and common benefit of all people. The administration of land area is divided into urban land, which will be directly under the control and management of the Governor of each State; and non-urban land, which will be under the control and management of the Local Government. The Governor of each State will have the right to grant statutory rights of occupancy to any person for any purposes; and the Local Government will have the right to grant customary rights of occupancy to any person or organization for agricultural, residential and other purposes.

For agricultural purposes, no single customary right of occupancy shall exceed 500 hectares.

The rationale for the Act was that bitter disputes over land were resulting in loss of lives and properties; moreover, that the management and ownership of land needed to be streamlined and simplified; and furthermore that citizens, irrespective of their social status, need support to realize their aspirations of owning a place where they and their family can lead a secure and peaceful life.

The Act gives the government the right to acquire land by revoking both statutory and customary rights of occupancy for the overriding public interest. In doing so, the Act specifies that the State or Local **Government should pay compensation to the current holder or occupier with equal value.**

Comparison between Land Law in the Federal Republic of Nigeria and Bank OP4.12

Whereas the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. The Bank's OP4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date.

Therefore, as this is a Bank funded project, the principles of OP 4.12 are not negotiable, the Bank's OP.4.12 must be adhered to. As a result, all land to be acquired by the government, states or FCA's for this project would be so acquired subject to the Laws of Nigeria and the Bank OP4.12. Where, there is conflict, the Bank OP 4.12 must take precedence if the Bank is to fund this project.

Comparison of Nigerian Law and World Bank 0P4.12 regarding compensation

Category of PAPS/ Type of Assets	Nigerian Law	World Bank 0P4.12
Land Owners: Statutory Rights	Cash compensation based upon market value.	Preference for land-for-land compensation. If not, cash at full replacement value, including transfer costs.
Land Owners: Customary Rights	Cash compensation for land improvements; compensation in kind with other village/district land	Preference for land-for-land compensation, land of equal or equivalent value. If not, cash at full replacement value, including transfer costs.
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 rights.
Agricultural Land Users	No compensation for land; compensation for standing crops according to values established from time to time by State governments	Compensation in kind or cash for value of land; compensation at full replacement values for lost crops and economic trees and other assets.
Owners of structures	Cash compensation based on market values, taking account of depreciation	In-kind compensation or cash at full replacement value including labour, relocation expenses, and transfer costs.
Losers of livelihoods (farmers, employees etc.)	No consideration other than cash values for assets .	Key objective is restoration of capacity to generate incomes at least at levels prior to losses. Programmes of assistance to achieve this objective. Compensation for

7 Methods for Valuing Affected Assets

Valuation methods for affected land and assets would depend on the type of asset. The three land asset types identified under Nigeria law in this policy framework are:

- (i)** State (urban and non-urban) owned Land
- (ii)** Privately owned Land
- (iii)** Assets held under Customary Law

State owned land would be allocated free by the Governor or Local Government (perhaps except for processing and registration fees). The State Fadama Coordination Office (SFCO) would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by farmers or for instance grazed upon, settled upon or other wise being used. Privately owned property, would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired would be provided other land of equal size and quality.

However, according to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and would have to be valued according to the following method and compensation paid for. The project would compensate for assets and investments, including labour, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The market prices for cash crops would have to be determined. Compensation would not be made after the entitlement cutoff date in compliance with this policy.

Under customary law land belongs to chiefdoms, towns and villages. The permanent loss of any such land will be covered by community compensation, which will be in-kind, only. However, because the Bank's policy on resettlement (OP4.12), makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

Compensation Payments and Related Considerations.

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets.

FORMS OF COMPENSATION	
Cash Payments	Compensation will be calculated in Naira. Rates will be adjusted for inflation.
hi-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation Assistance and labour

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the States. Local banks and micro finance institutions should work closely with the State and the participating local governments at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the FCA's and LFDC's. Monetary payments should be paid at a time in relation to the seasonal calendar.

Compensation for Land

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land labor and crop loss. For this reason, and for transparency, "Land" is defined as an area.

- In cultivation
- Being prepared for cultivation, or
- Cultivated during the last agricultural season

This definition recognizes that the biggest investment a farmer makes in producing a crop is his of her labour. A farmer works on his/her land most of the months of the year.

The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labor invested as well as the market price of the crop lost.

Land measurement

For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers. Therefore, if a traditional unit of measurement exist, that unit should be used. If a traditional unit of measurement does not exist, then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers and must somehow be related to easily

recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas.

Calculation of Land Compensation Rate

All "land" to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labor) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.

The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example, which is based on 2002 data, derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.

EXAMPLE OF METHOD TO BE USED TO DETERMINE A MONETARY COMPENSATION RATE FOR LAND*		
(Based on 2002 data. Naira payments will be revised to reflect crop values and labor rates in effect at the time for compensation)		
Item Compensated	Basis of value	Nairalha
Value of Crops	Average of the highest 2002 official and market survey land prices per ha of staple food crops (millet, plantain, rice etc.), plus cash crops (e.g. sorghum, maize, rice).	
Labor	Labour cost of preparing replacement land	
Total	Replacement value of crops plus labor	

Note: This example assumes a one-hectare land.

Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances sfhe would lose food crop rather than a cash crop income.

- The value of staple crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of these factors:

Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.

Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk.

Averaging the highest price of staple foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

- The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labor costs will be paid in Naira, at the prevailing market rates.

The following table presents an example of a compensation schedule for a one hectare land. The Naira values are based on arbitrary labour rates, which will need to be validated at the time payments are made.

EXAMPLE OF LAND COMPENSATION SCHEDULE OF PAYMENTS		
Activity	Month paid	Labour in Naira/ha, Rate cost/day x no. of
Clear	March	
Plough	May	
Sow	May	
Weed	May	
Harvest	November	
Total		

All agricultural labour activities are included for two reasons. First, because of the need for transparency, all land labour will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March, when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labour intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that /s/he can pay for sowing, weeding and harvesting.

Compensation for Buildings And Structures.

Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land; however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined.

Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household,
Or
- o Directly damaged by construction activities.

Replacement values will be based on:

- o Drawings of individual's house and all its related structures and support services,
- o Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.),
- Prices of these items collected in different local markets,
- o Costs for transportation and delivery of these items to acquired/replacement land or building site,
- o Estimates of construction of new buildings including labor required.

COMPENSATION FOR BUILDINGS AND STRUCTURES	
Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or	
Item	Example
House	Raw or baked bricks Straw or Tin roof <i>Varving sizes (small medium large)</i>
Kitchen	.. Open,
Stables/sheds/pens	Cattle, goat, camel, sheep and others
Coop	Chicken, duck others
Fence	Straw/poles (per unit poles & mat), Raw and/or baked brick/cement blocks (per 1 m
Private bathing	
Latrine	Replacement latrines would be equivalent to those currently operational and financed by the bank or donor agencies at health centers
Open well	
Storage building	
Sun screen open huts/ shades	

Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Therefore, the use of sacred sites, ritual sites, tombs and cemeteries are not permitted under this project.

Compensation for vegetable gardens and beehives

These are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family affected as a result of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new locations. Beekeepers would be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

Compensation for trees

Mango and Banana Trees

Mango and Banana trees are two examples of the set of primary fruit trees in the project targeted area and are estimated to account for a significant amount of all fruit bearing trees. They are primarily important as a source of:

- Subsistence food for families
- Petty market income in some areas, and
- Shade (in the case of mango trees).

For Banana trees, they have a relatively much shorter productive life, normally, than mango trees. Banana trees will not bear fruit more than once. Therefore, compensation for banana trees would be compensated at the full market rates for bananas harvested in that year and for another year. The second year payment is for the replacement cost of planting a new tree, looking after it and harvesting it which could all be done in one year. Therefore, the farmer should have restored his pre-project position by the end of the second year.

Given their significance to the local subsistence economy, which this project intends to positively impact, mango trees will be compensated on a combined replacement/market value. Mango trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be

FADAMA III Resettlement Policy Framework (RPF) Final Report

Compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights.

It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for mango trees can be developed incorporating the following goals:

- Replace subsistence mango production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which mangoes are produced and can be harvested as a supplemental source of food for their families during their "hungry season".
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess mango production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. The schedule could assume the following (the figures in Naira (Xno.) to be determined in the socioeconomic study):

Local Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Ten sacks(1,000kg)/treetyear
Market Price, o Height of harvest season (March/April) Naira/kg o End of season (late May) Naira/kg	Naira/kg Naira/kg
Price used as basis of this estimate	80% height of season;20% end of season
Years to Production	Six to seven
Years to Maximum Production	Twenty
Cost of Sapling	NAIRA locally available

PROPOSED SCHEDULE FOR MANGO TREE CUT-DOWN			
Type/Age of tree	Est. Year	In-kind replacement for Local Mangoes	Credits/Financial Supports
Sapling Trees planted after sub- project cut --off date in area will not	0-1	Deliver to Farmers, <ul style="list-style-type: none"> ■ Choice of two mango trees (local and/or improved grafted) • Supplies fencing to protect 	Naira
Sapling/Young trees First monitor production for 12-50 fruits occurs about age 4-5	1-6	Deliver to Farmers, <ul style="list-style-type: none"> ■ Choice of two mango trees (local and/or improved grafted) • Supplies fencing to protect trees, a 	Equivalent of X no. Naira in credit or other financial support of labour invested in planting, fencing and
Mango tree fruit producing	6-30+	Deliver to Farmers, <ul style="list-style-type: none"> • Choice of two mango trees (local and/or improved grafted) Supplies fencing to protect trees, a bucket for watering and a spade	Equivalent of X no. Naira in credit or other financial support of labour invested in planting, fencing and watering made in one payment Equivalent of X no. Naira in credit or other financial support representing eight years. (8 years x 10 sacks x X Naira/sack) lost income/subsistence until replacement tree begins production. The rate to be agreed
Mature Tree- low or non fruit producing	30+	Same as for mature tree above	Same as above

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square meters of surface area removed. The total surface area of the tree will be calculated using the following formula: $(\frac{1}{2} \times \text{diameter of canopy})^2 \times 3.14$.

Other domestic fruit and shade trees.

These trees have recognized local market values, depending upon the species and age. Individual compensation for wild trees "owned" by individuals who are located in lands as defined in this policy will be paid. Note that wild, productive trees belong to the community when they occur in the true bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation.

FADAMA III Resettlement Policy Framework (RPF) Final Report

INDIVIDUAL COMPENSATION		
Sub-category	Unit	Compensation Value (x no of
Food stuffs and others	To be determined	
Rubber, wood, timber	To be determined	
Domestic fruit trees		
Avocado	Non-productive	
Plantain	Non-Productive	
Lemon	Non-Productive	
Pine-apple	Non-productive	
Lime	Non-Productive	
Orange	Non-Productive	
Grapefruit	Non—Productive	
Papaya	Productive Non Productive	
Shade Trees		
	Young	
	Adult	
Individually owned wild productive trees		
Palm Kernel	Non Productive Productive	
Coconut	Non—Productive	
Mango Trees		
2 saplings & equipments	0-1 years	
2 saplings & equipments	1-6 years	
2 sapling & equipments	6+	
Catch	<u>Demonstrative loss</u>	According to case
Kitchen Garden		
Bee hive	,	

8 Arrangements for Compensation and Description of the Implementation Process

Compensation (and resettlement) will be funded like any other activity eligible under the projects' administrative and financial management rules and manuals.

Funding would be processed and effected through the SFCOs, and will comply with the financial arrangements agreed upon at project negotiations.

The compensation process, which will involve several steps, would be in accordance with the individual participating state utility resettlement and compensation plans, significantly;

- Public Participation with the local communities would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the LDP's 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 inform communities in a participatory approach with the project, from the beginning.
- Notification of land resource holders - the respective municipal heads or leaders (chiefs) having been involved in identifying the land that the participating state utility 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 - village and project officials to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the project officials 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 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 FCA's 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 and the community/village officials.

Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard to that being built by the projects on the area to serve the same function. Examples of community compensation include;

- School Building (public or religious)
- Public Toilets
- Well or Pump
- Market Place
- Road
- Storage warehouse

Community compensation may in itself require land take and people may be affected, thus a change of impacts which will be compensated for.

DESCRIPTION OF THE IMPLEMENTATION PROCESS

The environmental and social specialist attached to the SFCCis will be responsible for the implementation of the RPF in close collaboration with the participating State Environmental Protection Agencies/Authorities (SEPA's)

Before any LDP/subproject activity is implemented, people who are being affected by such an activity will need to be compensated in accordance with the Resettlement Policy Framework. For subprojects involving land acquisition or loss, denial or restriction to access, 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 with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid

and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For LDP/subproject activity requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual resettlement plan of action.

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. When the FCA's present their resettlement plans to the LFDC's for approval, part of the screening process that the LFDC's would use to approve recommended land would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

GRIEVANCE REDRESS MECHANISM

The Resettlement Policy Framework seeks to compliment the Conflict Resolution Mechanisms agreed to in the Local Development Plans. Notwithstanding, specifically at the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local and State levels to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances.

The FCA's being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the existing local courts system of administration of justice. The court hierarchy would in ascending order therefore be land dispute, tribunals/chiefs, followed by magistrate courts and then finally the High Courts. The High Courts of the States is being designated as the highest appellate court to settle grievances.

In the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their village chief and the administrative head of their respective local government. These officials will consult with the FCA's, the LFDC's, the State Fadama Coordination Office (SFCO), Village/Community elders and

other records to determine a claims validity. If valid, the village chief will notify the complainant and s/he will be settled. If the complainants claim is rejected, then the matter will be brought before the local courts for settlement. The decision of the high courts would be final and all such decisions must be reached within a full growing season after the complaint is lodged. If a complaint pattern emerges, the SFCO and LFDC with village leaders will discuss possible remediation in close consultation with the FCA's. The local leaders will be required to give advice concerning the need for revisions to procedures.

Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The SFCO, LFDC and the FCA with the chief and village leaders will be responsible for communicating any changes to all the Fadama resource users.

COST ESTIMATES AND CONTINGENCIES

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The FCA's would have to finance the resettlement compensation depending on who is impacting livelihoods.

At this stage, it is not possible to estimate the likely number of people who may be affected since the LDP's have not yet been developed and sub-projects have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

The facilitators will assist the FCA's in preparing the budget and financed through the project's administrative and financial management rules and manuals like any other activity eligible for payment under the project. This budget will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

Item	Costs(in Naira*)	Assumptions
1 Compensation for loss of Land	/hectare	For land acquisition purposes, based on cost realized in projects involving similar issues
2 Compensation for loss of Crops	/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food
3 Compensation for loss of access to pastoralists	N/A	Those affected would be provided with shared access, or alternate routes (decision agreed through
4 Compensation for loss of access to fishing resources	fishers /fishmonger	Data provided from revised socio -economic study will determine market
5 Compensation for Buildings and Structures	N/A	This compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four
6 Compensation for Trees	/year/tree	Based on methods described earlier in this RPF for compensation for trees
7 Cost of Relocation Assistance	/household	This cost is to facilitate transportation
8 Cost of Restoration of Individual Income	N/A	Assumed to be higher than the GDP/capita
9 Cost of Restoration of Household	N/A	For household of ten.
10 Cost of Training Farmers , pastoralists and other fadama users	N/A	This is a mitigation measure which users seeks to involve those affected in the project activities. This figure

Costs could not be confirmed during field study, since each state has differing rates and there is national accepted rate. It is expected that the costs will be confirmed during socio-economic study and revised at the time the payments are made.

9 Consultation with and Participation of Affected Persons

Public consultation and participation are essential because they afford PAPS the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between Fadama users. The socio-economic situation prevailing in Nigeria as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, it is the Fadama resource users who are to claim ownership of this project and are the intended beneficiaries ultimately. For this project to be successfully meaningful, effective and close consultation with local communities is a pre-requisite. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the local development plans are being prepared. The participation strategy would evolve around the provision of a full opportunity for involvement. This process would not be an isolated one because of the very nature of the project, which through its implementation and design ensures continuous public participation and involvement at the local level.

Therefore, as a matter of strategy, public consultation would be an on-going activity taking place through out the entire project cycle. For example, public consultation would also occur during the preparation of the; (i) LDP's (ii) the socio-economic study, (iii) the resettlement and compensation plan and (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/forms, public readings and explanations of project ideas and requirements, making public documents available at the National, State, local and village levels at suitable locations like the official residences/offices of local chiefs/elders. These measures would take into account the low literacy levels prevalent in these communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantor for public interest is the chiefs and other local leaders who are responsible members of their local communities and can inadvertently be part of the potentially affected individuals/households either in part or in whole. Monitoring of this process would be through the village chief as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is line with the Bank policy on disclosure.

10. ARRANGEMENTS FOR MONITORING

The arrangements for monitoring would fit the overall monitoring plan of the entire FADAMA III project which would be through the NFOD / PCU.

The objective will be to have regular monitoring throughout the Implementation process in order to ensure issues are addressed as soon as possible with a final evaluation taken at the end of the process. In order to determine if the people who were impacted by the project have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are they are actually at a lower standard of living than before. A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre project standard of living, and even improve on it; and
- The local communities/ fadama resource users remain supportive of the project.
- The absence or prevalence of conflicts

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance;

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Governments,
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.
- The Local Governments will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments
- The number of contention cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes
- Pastoral and Agricultural productivity of new lands

- **Number of impacted locals employed by the civil works contractors**
 - **Seasonal or inter annual fluctuation on key foodstuffs**
 - **General relations between the project and the local communities**

The following indicators will be used to monitor and evaluate the implementation of resettlement and compensation plans;

VERIFIABLE INDICATORS	
Monitoring	Evaluation
Outstanding Compensation or Resettlement Contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Communities unable to set village-level compensation after two years	Outstanding village compensation contracts
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off- farm-income trainees, and users of improved mining or sricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre-project production versus present production (crop for land land for crop)	Equal or improved production household
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups.	Higher cost project income pf vulnerable individuals

Financial records will be maintained by the Local Governments and the PCU to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing;

- **Individual biological information,**
- **Number of people s/he claims as household dependents**
- **Amount of land available to the individual or household when the dossier iopened.**
- **Additional information will be acquired for individuals eligible for resettlement/compensation:**
 - **Level of income and of production**
 - **Inventory of material assets and improvements in land, and**
 - **Debts.**

Each time land is used /acquired by a sub-project, the dossier will be updated to determine if the individual or household is being affected to the point of economic non viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The Local Governments and PCU will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feed back from:

- Indicators monitored by the local governments to determine whether goals are being met, and
- a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the State Environmental Protection Authorities/Agencies (SEPA) in Nigeria be structured into the whole M&E component of the project. This would take the form of giving them the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the Local Governments and SFCOs and become part of the official documents of the project.

The appointment of an independent (independent of Federal, State or Local Governments or agencies) monitor, for example a local NGO, is required to monitor socio-economic baselines and to determine whether **all project affected People** (with special attention on vulnerable individuals and groups) obtained their due assistance and compensation. This independent monitor would carry out this requirement yearly.

Annex A: Template for Preparing Resettlement And Compensation Plans (RAPS).

This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the Sub project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic Studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;

- (a) the results of a census survey covering;
 - (i) current occupants of the affected area to establish a basis for 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, labor, 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, 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.
- (b) 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 sub project area.
 - (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub 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, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering,

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities,
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

Institutional Framework: The findings of any analysis of the institutional framework covering:

- (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) an assessment of the institutional capacity of such agencies and NGOs; and
- (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

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.

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 OP 4.12. 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.

Site selection, Site preparation, and Relocation: Alternative relocation sites considered and explanation of those selected, 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 eligible persons at the selected sites,
- (c) procedure 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: Plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental Protection and Management A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including

Earthguards Limited: Sustainable Development Consultants

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan,
- (c) 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 individual 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 centers, cemeteries); and
- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with Host Populations: 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.

Grievance Procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational Responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or 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.

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.

Costs and Budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable 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.

Monitoring and Evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance; monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.