

FEDERAL REPUBLIC OF NIGERIA

FINAL REPORT

**RESETTLEMENT POLICY FRAMEWORK
FOR THE**

**Sustainable Power and Irrigation for Nigeria (SPIN)
Project (P179684)**



**FEDERAL MINISTRY OF WATER RESOURCES
AND SANITATION**

July 2024

Table of Contents

EXECUTIVE SUMMARY	V
<i>RPF PRINCIPLES:.....</i>	<i>vi</i>
<i>ES3: . PROJECT AFFECTED PERSONS (PAPS) AND ELIGIBILITY CRITERIA</i>	<i>vii</i>
CHAPTER ONE: INTRODUCTION.....	1
1.1 OVERVIEW	1
1.2 DESCRIPTION OF THE PROPOSED SPIN PROJECT.....	1
1.2.1 PROJECT COMPONENTS	2
1.2.2 SCOPE AND JUSTIFICATION FOR PREPARING RESETTLEMENT FRAMEWORK AND LOCATION	8
1.2.3 DAMS LOCATIONS.....	8
1.2.4 ENVISAGED INTERVENTION AND REHABILITATION WORKS	12
CHAPTER TWO: PRINCIPLES AND OBJECTIVES GOVERNING THE SPIN PROJECT	13
2.1 OBJECTIVE.....	13
2.2 RPF PRINCIPLES:	13
CHAPTER THREE: ASSESSEMENT OF ESTIMATED POPULATION AND LIKELY CATEGORIES OF DISPLACED PERSONS	15
3.1 INTRODUCTION.....	15
CHAPTER FOUR: ELIGIBILITY CLASSIFICATION AND ENTITLEMENTS FOR DEFINING VARIOUS CATEGORIES OF DISPLACED PERSONS.....	17
4.1 INTRODUCTION.....	17
4.2 ELIGIBILITY FOR COMMUNITY COMPENSATION	19
4.3 CUT-OFF DATE.....	20
4.3.1 ESTABLISHING THE CUT-OFF DATE.....	20
4.3.2 COMMON COMPLICATIONS IN APPLICATION OF CUT-OFF DATE	20
4.3.3 REQUIREMENT FOR ENFORCING CUT-OFF DATE	21
4.4 ENTITLEMENTS AND PREPARING AN ENTITLEMENT MATRIX	21
4.5 PRINCIPLES APPLICABLE TO VULNERABLE GROUPS	26
4.5.1 MONITORING FOR VULNERABLE GROUP.....	26
CHAPTER FIVE: LEGAL/INSTITUTIONAL GUIDELINES AND POLICIES GUIDING INVOLUNTARY RESETTLEMENT	28
5.1 INTRODUCTION	28
5.2 LAND OWNERSHIP IN NIGERIA.....	28
5.3 RELEVANT NIGERIA LEGISLATION	28
5.3.1 <i>The 1999 Constitution of The Federal Republic of Nigeria</i>	28
5.3.2 <i>Land Use Act of 1978</i>	29
5.4 INTERNATIONAL GUIDELINES AND POLICIES	31
5.4.1 <i>World Bank Environmental and Social Standard 5</i>	31
5.5 THE WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARD 5 - LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT AND COMPARISON WITH NIGERIA LAND USE ACT	32
CHAPTER SIX: ARRANGEMENTS FOR FUNDING RESETTLEMENT	35
6.1 FUNDING ARRANGEMENT	35
6.2 RAP BUDGET	36
CHAPTER SEVEN: METHODS OF VALUING AFFECTED ASSETS.....	38
7.1 INTRODUCTION.....	38
7.2 DESCRIPTION OF KEY VALUATION APPROACHES AND COMPENSATION TERMS	38
7.3 VALUATION METHOD FOR CATEGORIES OF IMPACTED ASSETS.....	38
7.3.1 LAND.....	38
7.3.2 STRUCTURE/BUILDING	39
7.3.3 FRUIT TREES/WOODLOTS/FARM CROPS/VEGETABLE GARDENS	39

7.3.4	LOSS OF BUSINESS/EMPLOYMENT	40
7.4	MECHANISM FOR VOLUNTARY LAND DONATION	41
7.4.1	PROCEDURE	41
CHAPTER EIGHT: ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS		44
8.1	INTRODUCTION	44
8.2	DESCRIPTION OF THE IMPLEMENTATION PROCESS	44
8.3	ENTITLEMENT DELIVERY PROCEDURE	45
CHAPTER NINE: DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS		49
9.1	INTRODUCTION	49
9.2	GRIEVANCE REDRESS COMMITTEE	50
9.3	GRIEVANCE REDRESS PROCESS	50
9.3.1	EXPECTATION WHEN GRIEVANCE ARISE	50
9.3.2	MANAGEMENT OF REPORTED GRIEVANCE	52
9.3.3	GRIEVANCE LOG	53
9.3.4	ADDRESSING GBV AND SEA/SH RELATED GRIEVANCE	53
CHAPTER TEN: MECHANISM OF CONSULTATION OF AND PARTICIPATION WITH STAKEHOLDERS		55
10.1	INTRODUCTION	55
10.2	CONSULTATION AND PARTICIPATORY APPROACHES	55
10.3	SUMMARY OF KEY FINDINGS FROM COMMUNITY CONSULTATION REGARDING RPF	56
CHAPTER ELEVEN: MONITORING AND EVALUATION ARRANGEMENTS		59
11.1	INTRODUCTION	59
11.2	MONITORING PROCEDURE	59
11.2.1	INTERNAL MONITORING	64
11.2.2	EXTERNAL MONITORING	65
11.3	EVALUATION PROCEDURE	65
11.4	SOCIOECONOMIC MONITORING	67
11.5	COMPLETION AUDIT	67
REFERENCE		69
ANNEX 1: OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN		70
ANNEX 2: SAMPLE GRIEVANCE AND RESOLUTION FORM		73
ANNEX 3: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORT		0
ANNEX 4: GLOSSARY OF TERMS		1
ANNEX 5: PHOTOS FROM CONSULTATION		3
 LIST OF FIGURES		
Figure 1: Satellite Map of Doma Dam		9
Figure 2: Satellite map of Naka Dam		10
Figure 3: Satellite Map of Wuro-Keso Dam		11
Figure 4: Sample Flowchart for Grievance Redress Mechanism		52
Figure 5: Conceptual Model- Adopted from TRIMING RPF		60
 LIST OF TABLES		
Table 1: Eligibility Classification for Compensation		18
Table 2: Entitlement Matrix for PAPs and Compensation Guidelines		21
Table 3: Vulnerability Assessment Tool		26
Table 4: Comparison of Nigerian Land Use Act and World Bank ESS 5 on compensation		32
Table 5: Resettlement Cost Estimation		35
Table 6: Indicative Outline for RAP Budget		36

Table 7: Methods of Valuation	40
Table 8: Summary of concerns from Stakeholders	56
Table 9: Monitoring Indicators	61
Table 10: Resettlement and Compensation Performance Measurements Indicators.....	66

EXECUTIVE SUMMARY

ES1: INTRODUCTION

The World Bank is supporting the Federal Government of Nigeria to prepare the Sustainable Power and Irrigation for Nigeria (SPIN) Project. The project aims to address critical issues related to water resources management, food security, and energy security in Nigeria by mobilizing water for productive purposes, optimizing the use of existing storage facilities, and enhancing hydropower generation capacity.

Building upon the lessons learned and achievements from the Transforming Irrigation Management in Nigeria (TRIMING) Project (P123112), the project moves to promoting a more holistic water and storage management by the inclusion of hydropower sector and supporting institutional strengthening, such as on dam safety regulations and guidelines. The project components and related interventions would be chosen through economic, technical, and geographical criteria, to act synergistically and promote an integrated water and storage management. It would also strengthen institutional coordination on storage and water management between the related ministries and departments. The SPIN project intervention will target selected dams in Nigeria with Irrigation and hydropower potential. The Project Development Objective is to strengthen dam safety and improve management of water resources for hydropower and irrigation in selected areas of Nigeria.

Project Components

The components of the project include

1. Component 1: Institutional strengthening and capacity building for Water Resources Management (US\$ 30 million)
2. Component 2: Irrigation Modernization (US\$ 350 million)
3. Component 3: Improvements in Dam operations and Enhancing Dam Safety (US\$ 100 million), and
4. Component 4: Project Management (US\$ 20 million)

Scope and Rationale for Preparing Resettlement Framework

At the stage of project preparation, it is not expected that activities under SPIN Project will involve significant land acquisition, restrictions on land use, or involuntary resettlement and the details of the sub-projects (volume, scope, scale and/or actual nature of activities, etc.) are not known. However, risks still remain regarding the possible physical displacements of landowners or land users/squatters during the expansion of the irrigation schemes under the activities of components 2 and 3 of the SPIN project, involving the rehabilitation and revitalization of about 30,000 hectares of irrigated command areas. Investments under this component will be selected from the list of national irrigation schemes provided by the government using technical and economic selection criteria. As a result, at the exact locations of the schemes are still not known.

Component 2 will support the revitalization and rehabilitation of 40,000 hectares of irrigated command areas across the country. Under component 3, the project aims to increase the safety of selected dams in Nigeria with a view to strengthen the dam safety management system in the country. The scope is to improve the safety of dams and associated appurtenances of 10 to 20 prioritized dams. However, at this point of preparation of the document, the dams and irrigation schemes that will be under the project are not yet selected.

The project is designed to be implemented in many states and multiple locations across Nigeria. Efforts are still ongoing about the determination of specific sub-projects to be carried out and the states that will be qualified for participation. At this point, the dams and other sub-project sites that will be under the project

have not been selected, and prioritization of existing large dams are being conducted by the government. However, three representative dams in which preliminary studies for the preparation of the SPIN Project were conducted were used for this study as well. These sites have been used as pilot for the conduct of this RPF in anticipation of the determination of the participating states of the project. Interventions of the project will be limited to rehabilitation of already existing irrigation fields with a focus on rehabilitation of canals, repairs of broken walls, desilting of blocked field channel for proper water management, and other such activities.

Methodology for the Preparation of the RF

The consultant collected information and reviewed available documents on land tenure, involuntary resettlement and compensation from World Bank, Federal Government of Nigeria (Land Use Act), State laws on land expropriation and community laws/rules that guide land ownership and uses. Similarly, robust stakeholder identification, analysis, categorization and consultations were carried out during the preparation of this RF.

The distinct phases for preparing RF include Literature Review, Stakeholder Consultation, Data Gathering for baseline conditions, institutional arrangement, capacity building assessment, amongst others. Gaps were noted and suggestive measures aimed at building their capacity to fill these gaps were documented. The RF is the basis for the preparation of the Resettlement Action Plan (RAP), which will be prepared and disclosed by the project implementation (before the activities start). The outline for the preparation of the RF is included in Annex 1.

ES2: OBJECTIVE OF THE RF

The objective for the RF is to set out the policies, principles, institutional arrangements, schedules and indicative budgets that will take care of anticipated resettlements. These arrangements are also meant to ensure that there is a systematic process (as against an Ad-hoc one) for the different stages of the implementation of SPIN that assures continuous beneficiary participation, involvement of relevant institutions and stakeholders, adherence to World Bank Environmental and Social Standards (ESSs) requirements, in particular ESS5 and ESS10, and Nigerian procedures and requirements, and outline entitlement and compensation for affected persons.

The main goal of the RF is to identify the Project Affected Persons, types of impacts, strategies for compensation/restoration of potential losses for individual and business and to establish the mechanism to compensate losses adequately according to Nigerian legislations and ESS5 requirements.

RPF PRINCIPLES:

The principles of the RF:

The listed below are consistent with principles indicated in the ESS5 and that the expression of these principles is the same as ESS5. FMWR&S, the implementing agency, and other entities who pay a role in the implementation of this RF commit to these principles and all relevant requirement of ESS5.

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely cost and (b) assisting displaced persons in their efforts to

improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;

- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

ES3: . PROJECT AFFECTED PERSONS (PAPS) AND ELIGIBILITY CRITERIA

Based on the preliminary analysis of the literature and information collected for the preparation of the RPF and preliminary review of the three e dams, the following are the main categories of the project affected persons (PAPs):

The four main affected groups include:

- A. **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 project activities and to whom compensation is due..
- B. **Affected Household¹:** 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.
- C. **Vulnerable Persons:** Vulnerable persons refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits.
- D. **Affected Communities:** These are communities (districts and villages) permanently losing land and/or access to assets and or resources under customary rights.

Specifically,

1. Landowners:
2. Tenants and Leaseholders:
3. Landless or Squatters:
4. Reservoir Fishers:
5. Farmers and Livelihood Dependent Households:.
6. Cattle herders
7. Wage Laborers and Workers:.
8. Small-Scale Business Owners:
9. Socially Vulnerable Groups:.
10. Other Affected Persons:

The Eligibility Criteria under this RF

¹ 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.

The eligibility criteria include the following categories of affected persons:

- a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

In line with the principles of ESS5, 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 or had use of it before the entitlement cut-off date. This RPF provides clear eligibility criteria matrix for entitlements.

Census and cutoff date: : Where land acquisition or restrictions on land use are unavoidable, FMWRS, directly through SPIU or together with involved partners, will conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected. In conjunction with the census, FMWRS will indicate a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals and made public through appropriate means of reach-out such as radio advertisement and during the community awareness campaigns, in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal and will not be eligible for compensation after this date

ES4: POTENTIAL PROJECT IMPACT

As most of the activities focus on rehabilitation and upgrading existing infrastructure, there is limited impact in regards to land. Nonetheless, following are potential impacts under the project:

1. Displacement or loss of land
2. Loss or livelihood opportunities, specially among farmers and reservoir fishers.
3. Loss of homes or agricultural land, specially in case of lease holders
4. Eviction with respect to squatters and land less
5. Loss of employment, or changes in working conditions, mainly among wage laborers and workers
6. Disruptions in business operations and therefore income, mainly among small scale business owners.
7. Vulnerable groups who may disproportionately impacts from the project due to their limitations.

ES5: METHOD OF VALUING AFFECTED ASSET

RF sets out the detailed requirements for determining the value of affected assets, and the scope of valuation covers all categories of impacts/assets identified during the social assessment and described in the entitlement matrix. The essence is to ensure appropriate procedure and fair compensation to the project affected groups that are in tandem with best practices which ESS5 supports. Therefore, the basis of this valuation is derived from the ESS5 of the World Bank and the Land Use Act 1978 of Nigeria. The valuation will estimate asset compensation rates based on full replacement cost without depreciation (Table 4). The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations.

ES1: Entitlement Matrix for PAPs and Compensation Guidelines

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
A. Loss of Agricultural Land					

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
A. 1	Permanent Loss of productive land	PAPs with formal legal ownership right to land or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	All affected farmers have formal legal ownership right to land. or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	(i) Replacement property (land and other assets) of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, or cash compensation at replacement cost. (ii) Cash compensation for lost land and other assets if <ul style="list-style-type: none"> • livelihoods are not land-based • livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable active markets for land, housing, and labor exist, displaced persons use such markets, there is sufficient supply of land and housing, and clear demonstration that sufficient replacement land is available.	SPIN State Project Implementation Unit (SPIU)
B. Loss of Standing Crops, Trees, and Plants					
B.1	Loss of standing crops, trees, or plants or access to them	Permanent (complete or partial) loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	(a)Crops (i) Allow the farmers to harvest their mature crops (ii) Where harvest is not possible, counting of the affected crops will be done in the presence of the owner Computation of the cost will be done according to current market rates of affected crops and Cash compensation for loss of crops provided (b)Trees (i) Cash compensation for loss of fruit trees for average fruit	Same as above

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
				<p>production years to be computed at current market value.</p> <p>(ii) Cash compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be).</p> <p>(iii) Every effort will be made to minimize crop impact.</p>	
C. Land users					
C.1	Loss of residence for those who have been living in that location before the cutoff date.	Full impact, possibility of losing their place of residence	All affected persons and communities regardless of land ownership status.	<p>(i) For established communities that are using land they should be provided with an alternative area with their agreement. The new area should have the same characteristics as the land they left so they can keep their way of lives.</p> <p>(ii) Additional relocation assistance should be provided to the vulnerable communities to be affected.</p>	Same as above
D: Encroachers					
D.1	Those who have encroached to the ROW	Losing part of their dwelling, a wall, trees, farm area, etc.	All who are affected	All project affected persons should be compensated for their loss of investment they made on the land	Same as above
E: Loss of assets/structures other than lands and residence					
E1	Those losing assets other than land and economically displaced persons who are without legally recognizable claims to land.	Losing crops, irrigation infrastructure and other improvements made to the land	All whose non land assets or livelihoods are affected	<p>(i) Will be compensated for loss of assets at replacement cost and provide arrangements to allow them to obtain adequate housing with security of tenure.</p> <p>(ii) Where these displaced persons own structures they will be compensated for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost.</p> <p>(iii) Additionally consultation with such displaced persons and</p>	Same as above

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
				provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site.	
F: Loss of livelihoods and restriction of access					
F1	Loss of livelihoods not included above such as Livelihood that are land based such as ag laborer and those working on land or affected due to restriction of access Resource-based livelihoods, petty trade	Losing their wages, are restricted to graze their animals, lose access to some other natural resources and fishery, their petty trade is disrupted or lost permanently,	Day laborer in the area that could be affected during construction. Those who use the land for grazing their animals and their access restricted	Measures to allow affected persons to improve, or at least restore, their incomes or livelihoods to the level before the project. These will include (i) Provide options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets (ii) Transitional support will be provided where necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.	Same as above
G: Right of Way (ROW)					
G.1	Access to businesses; loss of business; loss of land; loss of crops; loss of tress' loss of part of construction	Businesses that part or whole are on the ROW; stalls and structures, crops on the ROW, walls, fences, part of building, etc.	If there will be permanent or temporary impact	(I) If land is lost, then then it will be compensated in accordance to A.1. (II) If trees and crops, will be compensated according to B.1. (III) If assets or improvements will be affected; they will be compensated according to E.; and (IV) If livelihood affected compensation will be according to F1.	Same as above.
H: Vulnerable /marginalized groups					
H.1	During the social assessment for preparation of the RP information on vulnerable and other	Impact on livelihoods, way of life, possible displacement	This will include Women headed households, disabled or elderly persons, people living below poverty	(i) Needs based livelihood restoration program and special assistance to be provided either in cash or in kind.	

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
	marginalized groups for whom special provisions may have to be needed should be collected		line, and the landless.	<p>(ii) Additional financial assistance should be provided to vulnerable persons to help them cope with the transition and reestablish their livelihoods. This could include grants, low-interest loans, or stipends to support income-generating activities.</p> <p>(iii) Capacity building and skill development initiatives should be designed to enhance the skills of vulnerable persons, making them more competitive in the job market and better able to pursue sustainable livelihoods.</p> <p>(iv) Ensuring that vulnerable persons have access to essential social services such as healthcare, education, and social welfare programs is crucial. This support can help stabilize their living conditions and provide a foundation for rebuilding their livelihoods.</p> <p>(v) Establish support networks and provide counseling services to help vulnerable persons cope with the psychological and social impacts of displacement. This can include community groups, peer support, and professional counseling services</p> <p>(vi) Improve living conditions of vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of land tenure.</p>	

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
				<p>(vii) If assets are affected, ensure the replacement of assets and assist them in the process.</p> <p>(viii) If access to grazing land is restricted ensure alternative measures.</p>	

ES5 LEGAL FRAMEWORK GOVERNING COMPENSATION OF IMPACT UNDER THE PROJECT AND GAP ANALYSIS BETWEEN NIGERIAN LAWS AND AND ESS5

The legal framework for land acquisition in Nigeria is the Land Use Act of 1978, reviewed under Cap 202, 1990. Under the WB Environmental and Social Framework, ESS5 is the relevant instrument, land acquisition and involuntary resettlement used as a tool and in preference to the land use act. The differences between the Land Use Act and the Bank's ESS5 are mostly in rehabilitation measures, which are neither proscribed nor mandated in the Act. For this RF, and consequently the Resettlement Plan (RP), in the event of any divergence between the Laws in Nigeria and that of the Bank's ESS5, the more beneficial to the Project Affected Persons shall take precedence in the implementation of this RF. In general, review of the World Bank ESS5 shows that primarily, the World Bank agrees that PAPs be compensated or assisted irrespective of legal status of PAPs to the land/or place they occupy. The key concern articulated in this RF is to ensure that PAPs are compensated or assisted including income restoration measures to ensure that they are not economically worse off relative to pre-project period. Gap analysis later in this document explains the gaps between Nigerian laws on land and compensation and ESS5

ES6: PROPOSED INSTITUTIONAL ARRANGEMENT

There will be a Federal Project Management Unit (FPMU) at the federal level and a State Project Implementation Unit (SPIU) at the state levels. While the FPMU have an oversight function on the SPIUs, the SPIUs have the responsibility of implementing the SPIN at the state level. The Social Development Specialist attached to the FPMU and SPIUs will be responsible for the implementation of the RF at the federal and state level respectively in close collaboration with the respective State and Federal Ministry Departments and Agencies (MDAs) (e.g. Ministry of Environment, Ministry of Water Resources, Ministry of Lands etc). Before any project activity is implemented, PAPs, will need to be compensated in accordance with the resettlement policy framework and subsequent RAP. For activities 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 project activities 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. A Resettlement Implementation Committee (RIC) shall be set up by the State Project Implementation Unit (SPIU) to deliver the entitlements. Members of this committee shall constitute to a minimum the following;

1. Social safeguards Specialist of the SPIU
2. Representative of the community leadership
3. Representative of the irrigation scheme leadership

4. Representative of community Women group
5. Representative of community youth group
6. Representative of community vulnerable group (if any)
7. Any other person as the project may deem fit.

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.

ES7: FUNDING ARRANGEMENT

Compensation and/or resettlement will be funded from counterpart fund provided by the government, processed and effected through the SPIN State Project Implementation Unit (SPIU) and will comply with the financial arrangements agreed upon at project negotiations. As noted above at this preparatory stage, sub-project specific locations are currently unknown. In view of the above, reliable estimates of the number of potential project-affected persons and budget are not possible to be determined.

RP Budget

Each RAP must include a detailed budget, using the indicative budget outline in table 5. The RAP will include a detailed budget for the payment of compensation and implementation of the various resettlement aspects for a particular subproject, including amongst others, costs of surveys, third party validations of voluntary land donation, land acquisition, loss of livelihood, loss of crops and other property, and allowances/in-kind assistance for the vulnerable members of the community and the implementation of the Grievance Redress Mechanism (GRM). This would enable facilitating the preparation of a detailed and accurate budget for resettlement and compensation. SPIN NPMU will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank

ES10: MECHANISM FOR CONSULTATION AND PARTICIPATION OF STAKEHOLDERS

The stakeholder consultation and participation process for this RPF is an ongoing, organized, and iterative process. That is, the project-affected households and communities (including host communities) will be involve throughout the process of resettlement planning, implementation, and monitoring. Also, it is important that affected vulnerable individuals or groups have a voice in consultation and planning processes.

The consultation process shall ensure that all those identified as stakeholders are meaningfully consulted, in a manner that is accessible and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs (such as, disability, literacy, gender, mobility, or accessibility).

The consultation plan would be monitored by Federal Ministry of Environment and FMWR&S. The Ministry will set their own verifiable indicators to assess the degree of participation of the key stakeholder during all the phases of SPIN Project implementation.

ES11: DISCLOSURE

To ensure that all project affected people and the broader stakeholder community have access to information contained in this RPF, FMWR will disclose on its website project information and all key documentation, including this Resettlement Framework. The information will be disclosed in English and the translation of the Executive Summary of this RPF in local languages, in states needed. The disclosure should include information on: (i) stakeholder engagement process, highlighting the ways in which stakeholders can participate; (ii) time and venue of any proposed public consultation meetings, and the

process by which meetings will be notified, summarized, and reported and; (iii) the process and means by which grievances can be raised and will be addressed.

Once specific sub-projects that require land acquisition are identified, consultations will be held as per the SEP and RF and signages will be deployed to ensure local communities are aware of the scope and timeline of activities under this project. This will be followed with preparation and disclosure of RP, as described above.

ES13: GRIEVANCE REDRESS

Disputes and grievances are expected in the project. It is envisaged that some of the project affected persons are likely to feel inadequately treated during the implementation of this SPIN project. In this regard, a well-structured and culturally appropriate Grievance Redress Mechanism (GRM) will be developed. The grievance redress mechanism is aimed at reducing problems during implementation. It also looks at various issues/grievances that may arise because of the project implementation. This ranges from issues on land acquisition, in appropriate/unfavorable compensation, conflicts between community and contractors etc. Sensitive complaints such as SEA/SH will be appropriately handled in line with the World Bank's ESF guidance.

ES14: MONITORING

Monitoring and evaluation are intended to help ensure that the resettlement plan is prepared and implemented according to the resettlement policy framework. This will be a continuous process in the implementation of this RPF and the subsequent RPS and will include internal and external monitoring. The objective of M&E is to assess the performance of the RP and to identify early gaps and issues that the mitigation measures described in the plan are not able to address with a view to providing remedial measures to forestall a setback to project success. The arrangements for monitoring would fit the overall monitoring plan of the entire SPIN Project which would be through the State and Federal Ministry of Environment and FMWR.

A fundamental approach in monitoring and evaluation segment of this project will avoid the linear conceptual model, in which monitoring and evaluation come in the end of the implementation processes however monitoring will be a continuous process.

CHAPTER ONE: INTRODUCTION

1.1 OVERVIEW

Nigeria's vulnerability to sustainable power, and climate change has increased due to a combination of political, geographic, and social factors and, specifically, the recent spike in insecurity in the country. Nigeria is highly prone to river, urban, coastal floodings, water scarcity, extreme heat, and wildfires.² These climate-related risks and power outage can have severe implications on livelihoods and result in increased food insecurity, famine, population displacement, conflicts, biodiversity loss, and largely economic growth, especially in relation to production that are dependent on power. Climate inaction could cost Nigeria between 6-30 percent of GDP by 2050, equivalent to a loss of US\$100-460 billion.³

While Nigeria is not a water-poor country, available resources per capita are declining and are unevenly distributed. Nigeria's annual surface water resources are estimated at 375 billion cubic meters (BCM). The renewable groundwater resources potential is estimated at 156 BCM/year. With a water scarcity index of 1,800 m³ / capita, Nigeria is not a water-poor country for now. However, available water resources per capita continues to decline due to population growth. The resources are also extremely unevenly distributed, with mean annual precipitation ranging from 50mm in the North to 1500mm in the South. This large variability makes Nigeria extremely vulnerable to climate shocks manifesting in periods of droughts and floods.

The recent devastating flooding events (in 2012 and 2022) suggests the need for urgent action to increase resilience. In the face of climate change and variability, enhanced storage and multi-purpose dams help water managers to store and allocate water resources for productive uses. The Federal Ministry of Power (FMP) and the Federal Ministry of Water Resources and Sanitation (FMWR&S) play a key role in hydropower projects but there is sub-optimal coordination.

Irrigation development is essential to the sustainable growth of agricultural production in Nigeria. Over the past two decades, efforts to reform the irrigation sector and improve its governance system has been ongoing. Several institutions with overlapping and duplication of mandates which are controlled by the Federal Government with poor coordination. The participation of WUAs has traditionally been weak from design to operation and maintenance of irrigation projects, as these have tended to be top-down.

Hydropower plays a crucial role in transforming agriculture in farming communities by providing reliable irrigation, increasing cropping intensity, improving crop yields, mitigating drought effects, supplying energy for agricultural operations, promoting sustainable resource management, and fostering community development. Its significance cannot be overstated in driving agricultural productivity and enhancing the overall well-being of rural populations.

1.2 DESCRIPTION OF THE PROPOSED SPIN PROJECT

The World Bank financed Transforming Irrigation Management in Nigeria (TRIMING 2014-2024) project (\$500 million) provided a boost to the achievement of the National Industrial Development Program (NIDP) program with the addition of about 37,000 ha and to address the policy reform and institutional issues noted

² <https://thinkhazard.org/en/report/182-nigeria>

³ World Bank. 2021. Climate Risk Profile: Nigeria. The World Bank Group; World Bank Group. 2020. Country Partnership Framework (CPF) for the Federal Republic of Nigeria for the Period FY21-FY25. World Bank, Washington, D.C.

above. The project has achieved four (4) key results to transform the irrigation management to address above issues. Such results are: i) enhanced government commitment to financial sustainability and institutional reforms; ii) institutionalized accountability of irrigation agencies to farmers, including commitments from agencies to provide satisfactory services; iv) strengthened participation of water users through empowered WUAs; and iv) increased farmers' willingness and ability to pay O&M fees.

The World Bank is supporting the Federal Government of Nigeria to implement the Sustainable Power and Irrigation for Nigeria (SPIN) Project. The project aims to address critical issues related to water resources management, food security, and energy security in Nigeria by mobilizing water for productive purposes, optimizing the use of existing storage facilities, and enhancing hydropower generation capacity.

Building upon the lessons learned and achievements from the Transforming Irrigation Management in Nigeria (TRIMING) Project (P123112), which will be ending in April 2024, the project moves to promoting a more holistic water and storage management by the inclusion of hydropower sector and supporting institutional strengthening, such as on dam safety regulations and guidelines. The project components and related interventions would be chosen through economic, technical, and geographical criteria, to act synergistically and promote an integrated water and storage management. It would also strengthen institutional coordination on storage and water management between the related ministries and departments.

The SPIN project intervention will target selected dams in Nigeria with Irrigation and hydropower potential. The Project Development Objective is to strengthen dam safety and improve management of water resources for hydropower and irrigation in selected areas of Nigeria.

1.2.1 PROJECT COMPONENTS

The components of the project⁴, as outlined below, reflect a comprehensive approach towards promoting sustainable development, efficient water resource utilization, and integrated water resources management practices:

Component 1: Institutional strengthening and capacity building for Water Resources Management (US\$ 30 million) - The objective of this component is to promote an enabling policy environment, strengthen the organizational as well as human resource capacities of institutions in charge of water resources management at the federal, river basin and state levels. The component will, on a priority basis, institutionalize and scale up the implementation structure, processes, and design standards successfully showcased by the TRIMING project.

The component will be implemented through three sub- components:

Sub-component 1.1: Institutional Strengthening and Capacity Building for dam safety;

Sub-component 1.2: Institutional Strengthening and Capacity Building for Irrigation Management; and;

Sub-component 1.3: Institutional Strengthening and Capacity Building for Hydropower.

⁴ Concept Project Information Document, 2023

Sub-Component 1.1: Institutional Strengthening and Capacity Building for Dam Safety (US\$ 7 million) - The objective of the sub-component is to strengthen the capacities and improve the management framework for dam owners, operators, agencies overseeing dam safety to help address dam safety risks. The main activities for the component include: (i) setting up a digital dam asset management system; (ii) strengthening the dam safety institutional structure and developing improved dam safety technical guidelines and manuals to complement NESREA's checklist; and (iii) institutionalizing capacity assessment and delivering capacity building for the personnel involved in dam safety. Complying with National Environmental (Dams and Reservoirs) Regulations (2014) the legislation for dam safety requirements, the component will help FMWRS in the deployment of multi-disciplinary specialists, purchasing necessary equipment and facility to perform dam safety mandates both at the federal and RBDA level.

The component will also implement dam safety capacity building for policy makers, owners, operators, and dam safety organizations at federal, RBDA and dam levels, including the Department of Dams and Reservoir Operations (DDRO) and IWRM Commission under FMWRS, RBDAs, state agencies and NESREA. It will disseminate the dam safety guidelines and have a particular focus on emergency action planning for all disaster management agencies, rescue agencies including awareness raising of the general public.

Sub-Component 1.2: Institutional Strengthening and Capacity Building for Irrigation and Drainage Management (US\$ 7 million) -This subcomponent broadly covers transformational co-management aspects of public irrigation management and is complementary to the modernizing irrigation component 2. The objective of the sub-component is to establish and operationalize a system whereby all critical stakeholders, e.g., State Governments and RBDAs co-manage public irrigation systems in their respective service/administrative areas. To strengthen coordination of various stakeholders in irrigation management, Field Level Leadership (FLL) program will be implemented throughout the sub-component.

Sub-Component 1.2.1 - Devolution of OMM of Secondary level Irrigation and drainage systems of Federal Scheme to WUAs supported by State Governments (Devolution Model-I): SPIN will support a major reform agenda to get State Governments to co-manage public irrigation assets. The State Governments will anchor, enable, and nurture WUAs and Apex WUAs to become caretaking scheme-level institutions to optimize benefits from public irrigation systems. Labelled as public irrigation devolution Model-I, the project aims at creating an emulation for states to provide the best support to the WUAs in areas where the SPIN will be funding irrigation interventions.

Sub-Component 1.2.2 Development and Strengthening of State Level Public Irrigation Schemes (Devolution Model-II): The Devolution Model-II is about developing the organizational, human resource and financial capability of state governments to sustainably manage the state-owned public irrigation systems. The scope of SPIN activities under model-II will broadly cover the modernization of state public irrigation project including institutionalization of participatory irrigation management at scheme level. The project will support the state governments in rehabilitating and developing irrigation dams situated within the state boundaries and downstream development of the potential irrigated areas. This will include rehabilitation of dams wherever necessary, strengthening the conveyance system, practicing participatory irrigation management leading to co-management of operation, maintenance, and cost recovery. The regulatory and technical support role of RBDAs will be extended to the state government.

Sun-Component 1.2.3 Transformation and strengthening of River Basin Development Authorities (RBDAs): SPIN Project proposes to reposition the RBDAs by refocusing their efforts on bulk water management and enabling partnerships with WUAs and States for operation, maintenance and management of secondary level irrigation and drainage facilities in irrigation schemes. The project will support RBDAs in consolidating their mandate on development, utilization, and management of water resources as the extended technical arm of FMWRS. The main aims of the support are two-fold: (i) ensure sustainable operation and maintenance of water resources infrastructural assets and (ii) enhance cost recovery for operation and maintenance of the assets through supply of bulk water for various socio-economic sectors with focus on irrigation sub sector through WUAs/Apex WUAs/state governments. Enhancement of the existing RBDA Act might be necessary to achieve full repositioning of the RBDAs especially around legal recognition for WUA and State roles as critical stakeholders. The Project will actively explore and support efforts to amend the RBDA Act. Specifically, the project will support: (i) upgrading IT infrastructure including software licensing for Geographic Information System (GIS) and Computer Aided Designing (CAD); (ii) development and rolling out of a Comprehensive Irrigation Management System (CIMS) including specific modules for bulk water supply planning, irrigation scheduling at the scheme level etc. (iii) building capacity of states, WUAs and Apex WUA in managing scheme level operations; and (iv) capacity building of RBDA technical staff on modern trends and tools in planning, developing and managing reservoirs and distribution system. The implementation of activities in support of RBDAs will be in close collaboration with Department of River Basin Operations and Inspectorate (DRBOI) of FMWRS. A technical working group will be established within DRBOI for supporting RBDA activities by involving relevant technical persons from RBDAs to help centralized activities. The RBDAs will increase stakeholder participation in planning and complaint redress through stakeholder forums consisting of commissioners from the states and representatives of Apex WUAs.

Sub-Component 1.3 Institutional Strengthening and Capacity Building for Hydropower (US\$ 16 million) -The sub-component will focus on three key activities as part of the Hydropower Masterplan: i) Preparation of a hydropower master plan and climate smart hydropower investment planning. ii) PPP options for large transformative project for Nigeria; (iii)Capacity Building of and Support to Federal Institutions and Agencies in Hydropower Planning and Management. The component contributes to both climate change adaptation (through water storage) and mitigation (through renewable energy).

Sub-Component 1.3.1 - Preparation of Hydropower master plan and climate smart hydropower investment plans - Consistent with the mandated accountabilities of FMWRS, FMP, and its agencies coordinating large investments in hydropower projects and tasks of flood control, navigation, water supply and providing power across Nigeria, this component will provide strategic support to select optimized hydropower projects and realize the coordination required. The main support under SPIN include: (i) preparation of a hydropower development masterplan, which would synergize with water resources management planning and other storage needs; and serve as an input to Nigeria's Integrated Energy Resource Plan (IRP) and broader least cost power development plan taking into consideration the role of hydropower in integrating other renewable energy sources, (ii) establishing a screening criteria agreed by both FMWRS and FMP and developed through a stakeholder process for selection of transformative and climate resilient projects from the Master Plan. The selection criteria can then be applied to candidate projects proposed by the ministries. For this, SPIN will finance a qualified international transaction advisor assisted by local consultants. Key activities for the consultant will include stakeholder engagement,

Characterize water resource, environmental, and social conditions in the watersheds being considered for development, Identify a portfolio of hydropower projects including multi-purpose projects with irrigation, water supply, and flood control potential, Analysis of hydropower capacity and energy capabilities for a series of development scenarios and include the potential for hybrid operation of solar energy resources with hydropower that can increase the total dispatchable energy yield of the combined systems, Strategic decision making to rank hydropower and multipurpose projects in the sub-basins of the Niger River. The decision analysis shall provide an optimal sequence for development. Feasibility study and ESIA for the selected project will also be conducted and assist in development planning to identify a program for PPP procurement, project design, construction tendering, construction, and operation. This would include development of a project development agreement (PDA) etc.

Sub-Component 1.3.2 PPP options for large transformative projects for Nigeria. The support will cover inter-alia the following: (i) review of an investment program; ii) defining the PPP procurement process; iii) gain clarity on the legislative processes; iv) defining the role of the implementing agency; v) inclusion of states and vi) updating the ICRC Swiss challenge.

Sub-Component 1.3.3 Capacity Building of and Support to Federal Institutions and Agencies in Hydropower Development. This sub-component aims at building human resources and institutional capacity for hydropower development in the federal institutions and its agencies. This includes developing studies, strategies, and plans for improving hydropower planning and management. Activities under this sub-component are: (i) studies and policies for benefit sharing among stakeholders for hydropower development; (ii) studies and action plans for asset development, ownership, and operation (including potential inter-provincial assets, public-private partnerships, etc); (iii) building trusted entitlement and benefit sharing regimes (national/provincial/local); and (iv) strategy for integrating Variable Renewable Energy (VRE) including solar hydro hybridization into the national grid.

Component 2: Irrigation Modernization (US\$ 350 million)

Modernizing irrigation development and transforming the management of it is part of the national goal of scaling up irrigation and drainage services to 500,000 hectares by 2030. Component 2 will support the rehabilitation and revitalization of 40,000 hectares of irrigated command area. The component aims to design and implement a comprehensive modernization program for improving the physical infrastructure of irrigation and drainage which will complement the policy, institutional, and regulatory reforms. Irrigation services are key to adapt to climate change, especially to build resilience against precipitation variability, including water extremes such as floods and droughts. The focus will be on rehabilitation, modernization, promoting climate resilient irrigation management strategies to reduce climate vulnerabilities and transitioning the irrigation and drainage services to more accountable and reliable service provisioning.

The spread of the investments will be nationwide across all geo-political zones; however, the beneficiary States, RBDAs and selected federal and state schemes will be determined based on a set of demonstrated, technical and implementation readiness criteria agreed with the FMWRS as detailed in PAD.

The component consists of three sub-components:

Sub-component 2.1: Mobilization and Development of Water User Associations (WUAs) (US\$ 20 million)

The subcomponent will focus on mobilizing Water User Groups (WUG) of farmers around secondary irrigation and drainage canals as building blocks for establishing WUAs as legally registered entities. These WUAs will fully take over scheme level operation and maintenance of systems built and/or rehabilitated under the project. The main activities to be carried out and to be financed under the project will include: (i) sensitizing, mobilizing, and establishing the organizational structure, processes, and functions of WUAs through the provision of technical assistance including adapting, updating and/or customizing model bye laws, rules of business and Standard Operating Procedures (SOP) to guide management of WUAs; (ii) awareness building and developing a shared understanding among members of the WUA on key principles and rules of participatory irrigation model including member's rights and duties; (iii) building the skills and competencies of WUA leadership and committee members including staff of the WUAs to plan O&M, continued management and operation of irrigation services, transparent fiduciary management including fixing of service charges, recovery of O&M expenses, transparent accounting and reporting, accountable decision making etc.; (iv) facilitating cross learning from well-performing WUAs and organizing peer-to-peer learning and sharing from implementation champions-both farmer members and WUA staff; (v) installing simple user friendly software systems for billing and collection of user fees and other payments from member, including easy to use member database to help crop planning and irrigation scheduling including training of user farmers/staff; (vi) implementing a performance tracking and grading mechanism as a tool to implement organization development activities to address performance challenges and ensuring sustainability of WUAs; (vii) providing support to establish offices, computers and operating systems and such other initial investments required for smoother functioning of the WUAs; (viii) transitional contribution to O&M costs of irrigation schemes on a declining basis as block grants⁵; (ix) formalizing the devolved co-management arrangement for the operation and maintenance of the irrigation scheme through the signing of a tripartite MoU among WUAs/Apex WUAs with state governments and RBDAs detailing the roles and accountabilities of each of the parties including the consensus on assured bulk water supply, bulk water pricing, major periodic maintenance of the system, basis of measurement etc.; (x) facilitating link-up and collaboration with agriculture production enhancing and marketing/processing initiatives and agencies both public and private sector; and (xi) establishing Apex WUAs and supporting setting up of their office and minimum administrative and technical staff.

Sub-component 2.2: Irrigation and Drainage Infrastructure Investments (US\$ 320 million) - This subcomponent will support rehabilitation and upgrading of water distribution and conveyance systems aimed at increasing irrigation command area, strengthening resilience to climate hazards such as droughts (through delivery of stored water), and floods (through drainage) minimizing conveyance losses and to improve the reliability and timely delivery of irrigation and drainage services. The major activities include: (i) assessments of water resources and schemes performance, including potential changes due to climate change; (ii) engineering surveys, investigations, and detailed designs; (iii) rehabilitating poorly operating and underutilized irrigation schemes; and (iv) expanding the irrigable area within the existing schemes to include:

⁵ WUAs are expected to prepare a business plan covering four years of activities and the project will support block grants to the tune of 80 percent in year-1, 60 percent in year-2, and tapering to 20 percent in year-4. The steps and formats for preparing the business plans will be elaborated in the knowledge package for WUAs and Project Operational Manual (POM).

(a) new areas, and (b) finalize part of incomplete infrastructures; retrofitting canal infrastructure to reduce seepage losses; (v) upgrading outlets by installing regulators and gates; and (vi) installation of canal monitoring system where critical. Water resources for majority of schemes to be rehabilitated would be supplied by existing dams upstream. Rehabilitation of these existing dams are covered under Component 3.

Sub-component 2.3: Irrigation Management Modernization (US\$10 million) -The aim of the subcomponent is to operationalize management tools, ICT equipment and management information systems to make the irrigation infrastructure deliver reliable, accountable, and sustainable irrigation and drainage services. The sub-component will finance: (i) developing an asset management system for tracking condition of canal assets for optimising maintenance and investment planning; (ii) establishing water accounting systems, incorporating enhanced use of climate related data to monitor water availability, formulation of service delivery standards and establishment of service regulations; (iii) establishing a comprehensive irrigation management information system to help irrigation managers optimize water use, make data driven decisions, problem solving etc.; and (iv) establishing benchmarking systems of service delivery, performance assessment of the participating irrigation systems. These activities will be implemented in parallel and in correspondence with the construction works (rehabilitation or expansion) financed under the Subcomponent 2.2 so that the rehabilitated or newly constructed infrastructure is handed over to the WUAs and scheme operator from the contractor in a progressive manner.

Component 3: Improvements in Dam operations and Enhancing Dam Safety (US\$ 100 million): The objective of this component is to increase the safety of selected dams in Nigeria with a view to strengthen the dam safety management system in the country. The scope is to improve the safety of dams and associated appurtenances of 10 to 20 prioritized dams. The project will not finance any new dam construction but focused only on the rehabilitation of existing dams and their associated structures. Planned activities are neither intended to alter the original schemes, change their nature, nor expand dam extents as to make them appear as new or different schemes. Priority will be to select dams providing downstream irrigation services to schemes to be identified under Component 2. The safety of dams is key to climate adaptation, such as through water delivery for irrigation to mitigate droughts, and to protect from dam break flooding, store excess water to mitigate floods following high precipitation.

The main activities under the component are: (i) Dam Safety Portfolio Risk Assessment Exercise including establishing and implementing risk indexing screening method for dams in Nigeria, selecting dams for rehabilitation works; (ii) Preparing an Emergency Action Plan (EAP), an Operation and Maintenance manual (O&M) including operational protocols and dam health monitoring and reporting protocols and an instrumentation plan for dam safety. The project will promote inclusion of safety protocols that address safety concerns specific to women and persons with disabilities in EAPs.

(iii) Rehabilitation works including measures for seepage reduction, hydrological and structural safety measures, strengthening main dam body and foundation, and improving basic dam facilities and dam safety instruments; (iv) preparing and implementing of sediment management plans, through bathymetric surveys feasibility studies, piloting of institutional models and plans for treatment of upstream drainage catchments with construction of sediment retaining check-dams and river bank protection structures and (v) application of nature based solutions to dam/reservoir operation and management.

Component 4: Project Management (US\$ 20 million)

The main objective of this component is to effectively implement, monitor, and evaluate project activities. It involves establishing the National Project Management Unit (NPMU) and Technical Units (TUs) at the federal level, and lean State Project Implementing Units for (Model II states) to oversee and coordinate project implementation, as well as setting up a monitoring and evaluation (M&E) system. It will also support the National Steering Committee for the Project. An external M&E agency may be contracted to support the in-house M&E team of the FMWRS to assess project activities and their impact. The component includes financing for consultancies, training, materials, office equipment, and operating costs. It also provides investment and technical support for a robust management information system (MIS) and ICT system. An overarching requirement for smoother project management is setting up of an Inter-Ministerial Conclave for Convergence (IMCC) with ministerial representations from FMWRS, FMP and Federal Ministry of Environment.

1.2.2 SCOPE AND JUSTIFICATION FOR PREPARING RESETTLEMENT FRAMEWORK AND LOCATION

Thirty-one states in the Federation have indicated interest in participation in SPIN project. However, at this stage, the exact location of the subprojects is not known. Under component 3, the project also aims to increase the safety of selected dams in Nigeria with a view to strengthen the dam safety management system in the country. The scope is to improve the safety of dams and associated appurtenances of selected dams. However, at this point the dams that will be under the project are not yet selected and they will be needing further studies.

Given that subproject locations have not been identified and in absence of sufficient information to determine project's adverse social and economic impacts that are likely to result from land acquisition, restriction to land use and involuntary displacement, the preparation of this RF is a condition for project appraisal. This RF was prepared in line with the requirement of the ESS5: Land acquisition, Restriction of land use and Involuntary Resettlement; and ESS10: Stakeholder Engagement and Information Disclosure. This RF also refers to the Federal Government of Nigeria's legal and institutional requirements. Any identified gaps between these two requirements have been clearly captured, explaining how these gaps will be filled.

This RF serves as a practical tool to guide the preparation of Resettlement Plans (RPs) for sub-projects, satisfactory to the Bank and prior to signing a work order. The RPs will identify those that will be impacted by the intervention works, carry out detailed census and inventory of affected assets, identify legacy issues and prepare indicative budget for resettlement and compensation. Sub-project specific RPs prepared in accordance to this RF will subsequently be submitted to the World Bank for approval after specific planning information becomes available. Detailed outline for the RP preparation is included in Annex 1. Project activities that will cause physical and/or economic displacement will not commence until

1.2.3 DAMS LOCATIONS

The SPIN project is expected to be nationwide. Thirty-one (31) out of the thirty-six states and Federal Capital Territory (Abuja) have indicated interest to participate in the project. However, the Federal Ministry of Water Resources and Sanitation have selected 3 sites for additional studies. This is to give an insight in the nature of activities carried out, intervention works to be proposed and possible envisaged impacts of the SPIN project intervention. Environmental and Social Due diligence has been carried out for the SPIN project and three pilot Dams with the preparation of project screening templates for those sites. A brief of the sites under study is presented below.

Doma Dam

The Doma Dam is located at about 8 km from Doma Town in Doma Local Government Area of Nasarawa State and 22 km from Lafia Town, the State Capital. It has an area of 2,714 km² and had a population of 139,607 in the 2006 census. The Doma Dam is situated at an elevation of 130 meters above mean sea level (amsl) and is bounded approximately by Latitude 8°20'N and Longitude 8°18'E. The primary purpose of the dam was to provide water supply for irrigation, as well as for municipal drinking water requirements for Doma Town and its environs. The Reservoir is surrounded by a mixture of light forest and woodlands within a rural setting all around its perimeter.

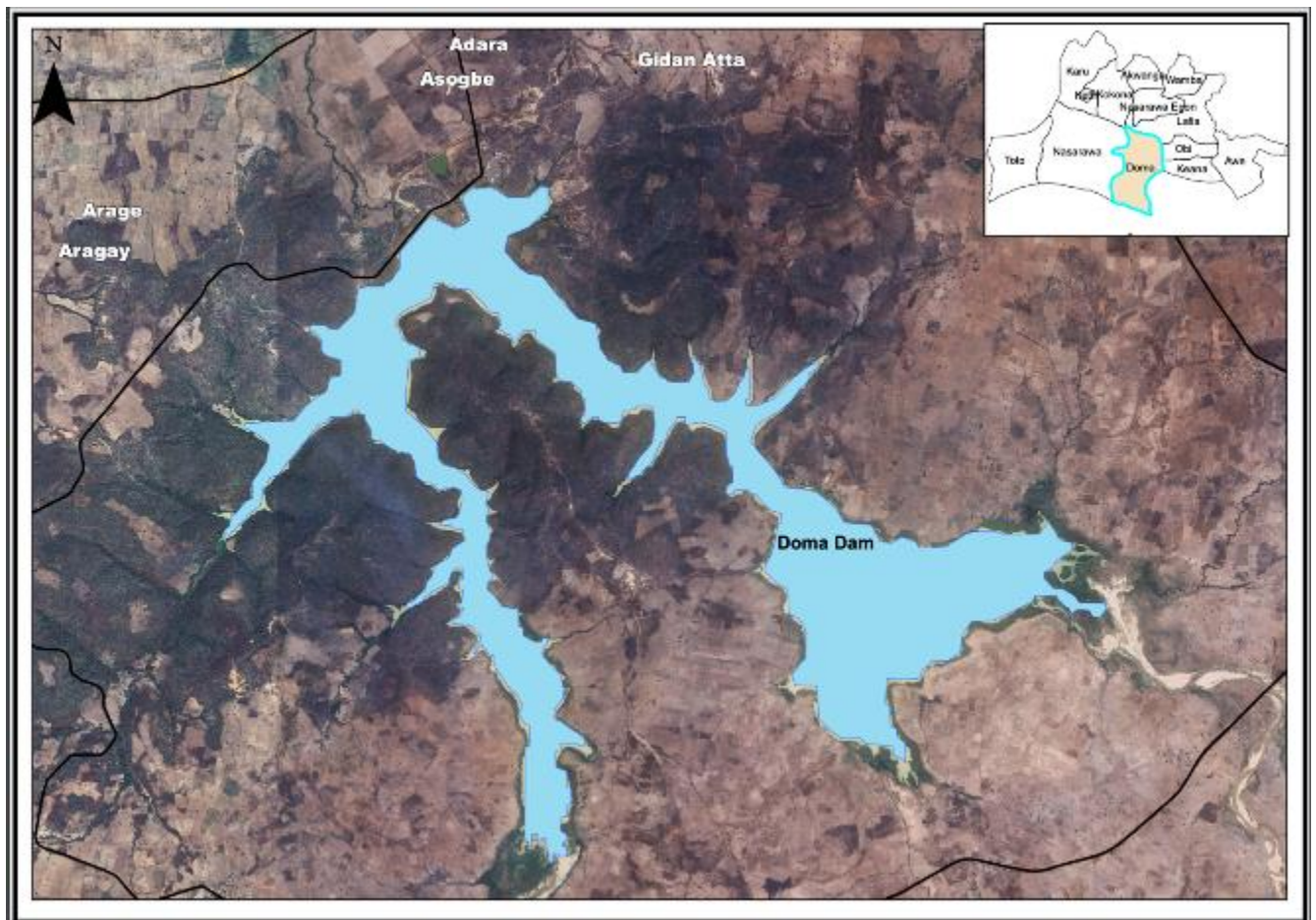


Figure 1: Satellite Map of Doma Dam

Naka Dam

Naka Dam is in Naka, a town in Gwer West Local Government Area of Benue State, with an area of about 1,094 km² and an estimated population of 122,145 as of 2006. The 2,000 Ha Lower Benue Naka Irrigation Scheme is located 2.0km from Naka Town. The Irrigation scheme is gravity driven by concrete lined conveyance canals (primary and secondary) drawing irrigation water from a reservoir impounded by Naka Dam across a gorge section of the Ana River. The Naka Dam Reservoir also serves for water supply to Naka Town and its environs, while there is an appreciable performance of aquacultural activities.

The approximate structural centroid of Naka Dam is at 414078.00m E; 839907.00m N at an Elevation of 137.0masl. The Dam is constructed on the gorge section of the Ana River. Its reservoir perimeter is about 3.65km long with an approximate surface area of 0.3km², Naka Dam Embankment is 500m long, with a crest width of 5.0m wide and a dam Height of 8.5m at its deepest point (i.e., at the river gorge). The Reservoir is surrounded by a mixture of light forest and woodlands within a rural setting all around its perimeter.

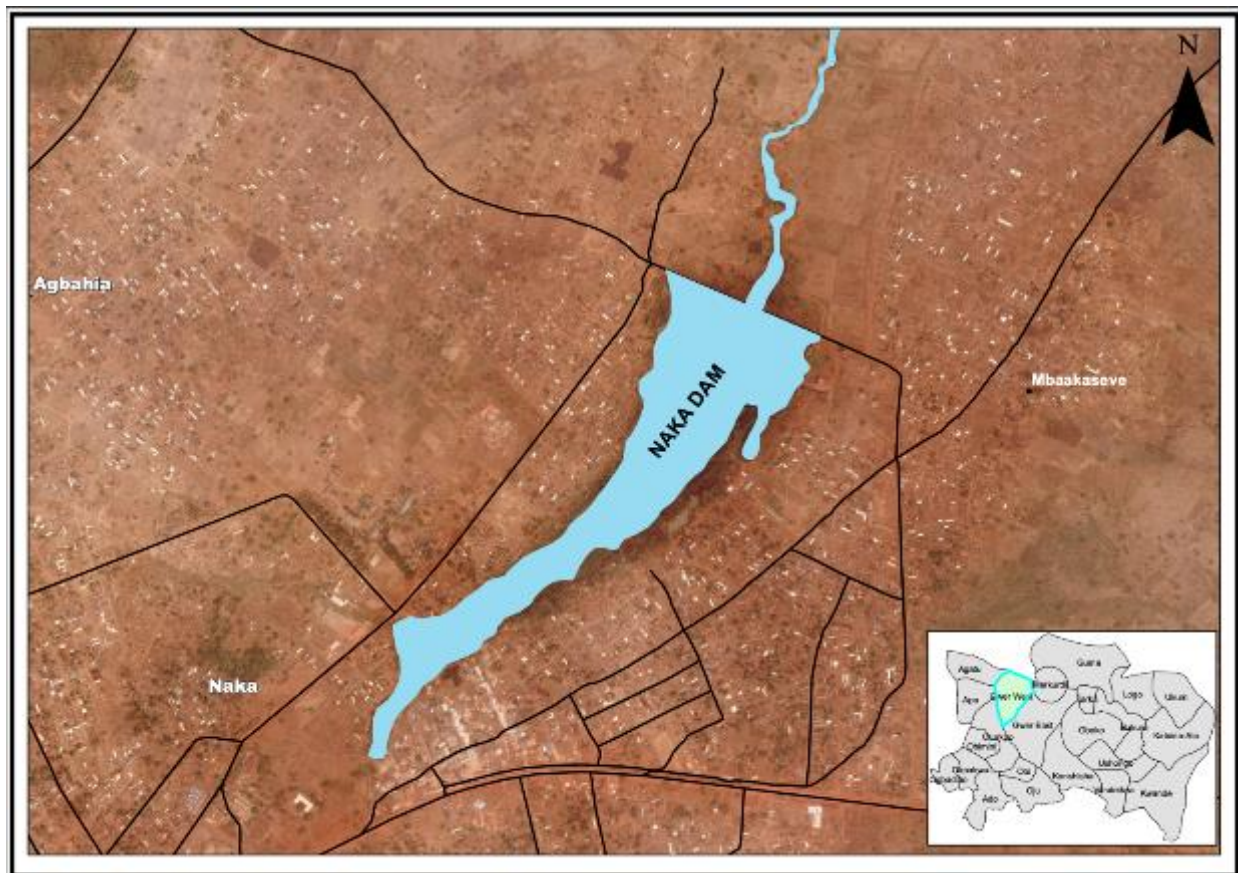


Figure 2: Satellite map of Naka Dam

Wuro-Keso Dam

The Wuro-Keso Dam (retention pond) is part of the Lower Taraba Irrigation Project. The Lower Taraba Irrigation Project is located on the flood plain of the confluence of River Taraba and River Benue in the southwestern part of Taraba State, within the Lower Taraba Basin. The project covers an approximately 38,000-Ha, within the Gassol and Mutum Biyu Districts.

The dam, which by categorization of dams is more of a retention pond, is a homogeneous embankment of about 3.5m high constructed to create a reservoir for a diversion channel from Taraba River at an elevation of 113 meters above mean sea level (masl) and is bounded approximately by Latitude 8°33'30.35"N and Longitude 10°25'32.13"E.

The Wuro Keso Dam was constructed to provide water for irrigation by gravity for about 250Ha of land within the 5,000Ha of irrigable land being operated by Upper Benue River Basin Development Authority. The Reservoir is surrounded by a mixture of light forest and woodlands within a rural setting all around its perimeter.

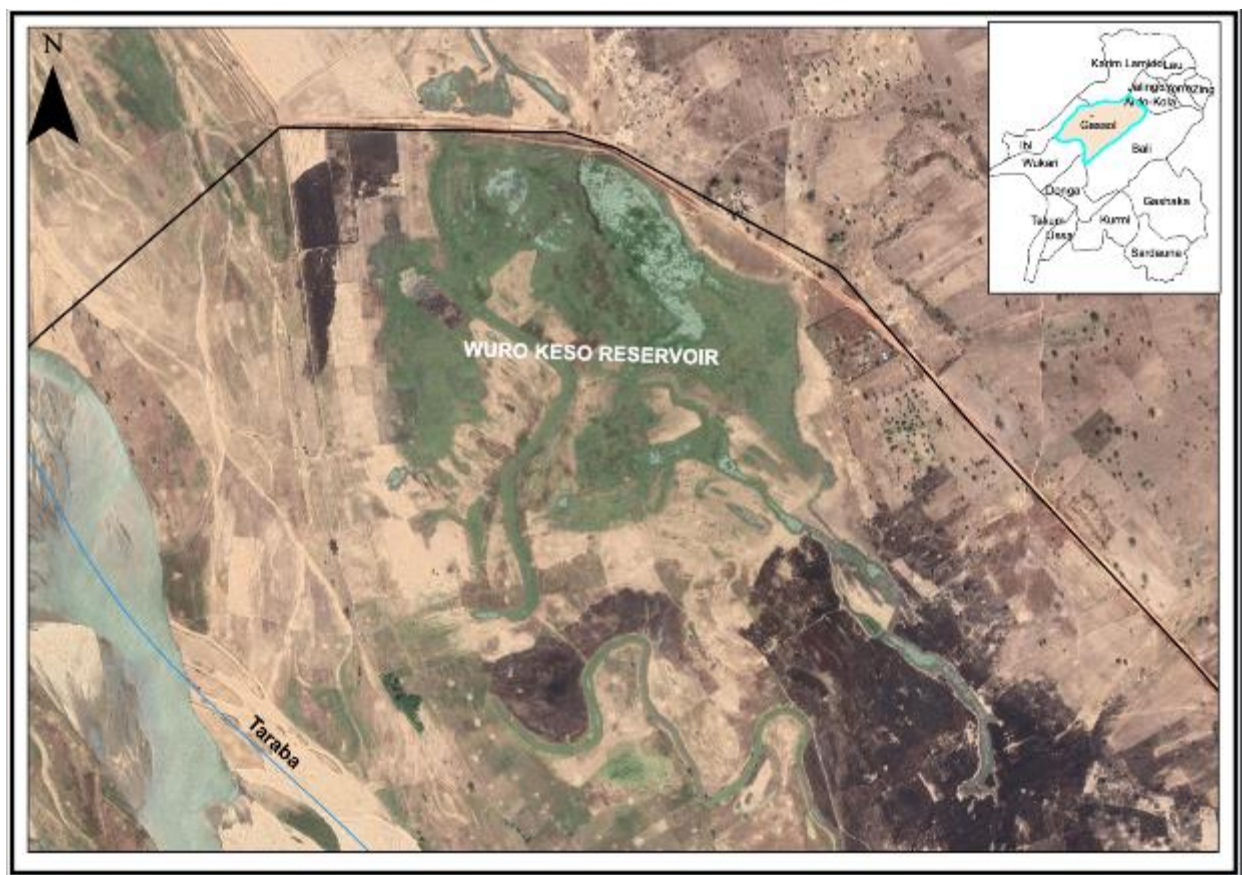


Figure 3: Satellite Map of Wuro-Keso Dam

1.2.4 ENVISAGED INTERVENTION AND REHABILITATION WORKS

The SPIN project is not envisaged to construct new dams. The main purpose of the intervention works involve enhancing the efficiency, safety, and sustainability of existing hydraulic, dam, and irrigation infrastructures. This is expected to address structural, mechanical, and operational deficiencies. The following details the strategic interventions aimed at restoring functionality, safety, and efficiency to these critical water management systems, ensuring they meet contemporary standards and future challenges.

Hydraulic Rehabilitation Interventions

A. Structural Rehabilitation

1. **Canal and Channel Repairs**
 - Repair or replace eroded sections.
 - Install lining materials (e.g., concrete, geomembranes) to reduce seepage.
2. **Sluice Gate and Weir Rehabilitation**
 - Repair or replace malfunctioning gates and weirs.
 - Upgrade control systems for better regulation.

B. Mechanical and Electrical Upgrades

1. **Pump Station Overhaul**
 - Replace outdated pumps with energy-efficient models.
 - Upgrade electrical systems and controls.
2. **Installation of Automation Systems**
 - Implement SCADA systems for remote monitoring and control.

Dam Rehabilitation Interventions

A. Structural Reinforcement and Repair

1. **Concrete and Embankment Dams**
 - Address cracks and spalling in concrete dams.
 - Reinforce or replace deteriorated spillways.
 - Improve the core and filters of embankment dams.
2. **Seepage Control**
 - Install grout curtains.
 - Add or improve drainage systems.

B. Upgrading Instrumentation and Monitoring Systems

1. **Modernize Monitoring Equipment**
 - Install piezometers, inclinometers, and other sensors.
 - Integrate real-time data collection and analysis systems.

C. Environmental and Safety Enhancements

1. **Improve Fish Passage and Habitat**
 - Construct or upgrade fish ladders.
 - Implement measures to protect local wildlife.
2. **Enhance Public Safety Features**
 - Upgrade signage and barriers around the dam site.
 - Conduct community awareness programs.

Irrigation System Rehabilitation Interventions

A. Infrastructure Rehabilitation

1. **Canal System Improvements**
 - Repair or replace damaged sections.
 - Improve canal linings to reduce seepage.
2. **Pipe Network Upgrades**
 - Replace old pipes with high-density polyethylene (HDPE) or other durable materials.
 - Install pressure regulation systems.

CHAPTER TWO: PRINCIPLES AND OBJECTIVES GOVERNING THE SPIN PROJECT

2.1 Objective

The objective for the RPF is to set out the policies, principles, institutional arrangements, schedules, and indicative budgets that will take care of anticipated resettlements. These arrangements are also meant to ensure that there is a systematic process (as against an Ad-hoc one) for the different stages of the implementation of SPIN that assures continuous beneficiary participation, involvement of relevant institutions and stakeholders, adherence to World Bank ESSs requirements, in particular ESS5 and ESS10, and Nigerian procedures and requirements, and outline entitlement and compensation for affected persons.

The main goal of the RPF is to identify the Project Affected Persons, types of impacts, strategies for compensation/restoration of potential losses for individual and business and to establish the mechanism to compensate losses adequately according to Nigerian legislations and ESS5 requirements.

This Resettlement policy framework clarifies resettlement principles including mitigation measures based on these principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation. Specifically, the scope of work for the RPF assignment covers the elements, consistent with the provisions described in ESS5.

2.2 RPF Principles:

The principles of the RPF listed below are consistent with principles indicated in the ESS5 and that the expression of these principles is the same as ESS5. FMWR&S, the lead implementing agency, and other entities who play a role in the implementation of this RF commit to these principles and all relevant requirement of ESS5.

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Where land acquisition or restrictions on land use are unavoidable, FMWR&S, directly through FPMU, the SPIUs or together with involved partners, will conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected. In conjunction with the census, FMWR&S will indicate a cutoff date for eligibility. Information regarding the cut-off date will be well

documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

At the stage of project preparation, it is not expected that activities under SPIN Project will involve significant land acquisition, restrictions on land use, or involuntary resettlement and the details of the sub-projects (volume, scope, scale and/or actual nature of activities, etc.) are not known. However, risks still remain regarding the possible physical displacements of landowners or squatters during the expansion of the irrigation schemes under the activities of components 2 and 3 of the SPIN project which will involve the rehabilitation and revitalization of about 30,000 hectares of irrigated command area. The potential rehabilitation works, includes but not limited to, hydrological and structural safety measures (e.g., additional spillways) and improving basic dam facilities (e.g., access roads).

In summary, the principle of this RF is that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternatives in project design. If unavoidable, resettlement activities should be conceived and executed as sustainable development Programs, providing sufficient investment resources to enable the person displaced by the project to share in the benefits of the project. Furthermore, displaced persons should be meaningfully consulted and should be involved in planning and implementing resettlement Programs and 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 to levels prevailing prior to the beginning of Program implementation, whichever is higher.

CHAPTER THREE: ASSESSEMENT OF ESTIMATED POPULATION AND LIKELY CATEGORIES OF DISPLACED PERSONS

3.1 INTRODUCTION

At this stage, it is not possible to estimate the likely number of people who may be affected since the technical details of the proposed investments that will be made in the SPIN project have not yet been known. However, based on field assessment, the likely displaced persons can be categorized into following broad groups, namely;

- A. **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 project activities and to whom compensation is due. For example, person who has built a structure (or has a structure) on land that has been demarcated as a suitable site that may be affected by the reconstruction of drainage channels and therefore may be needed by the sub project activity.
- B. **Affected Household⁶:** 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.⁷
 - 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.
- C. **Vulnerable Persons:** Vulnerable persons refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/ or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend.
- D. **Affected Communities:** These are communities (districts and villages) permanently losing land and/or access to assets and or resources under customary rights.

Specifically, the likely category of displaced persons under the SPIN project include:

- 1. **Landowners: Impact:** Landowners may face displacement or loss of land due to land acquisition for the project. They may lose their primary source of livelihood, whether it's agricultural land, residential land, or both. Displacement can disrupt their social and economic stability, leading to challenges in finding alternative land or livelihood opportunities.
- 2. **Tenants and Leaseholders:** Tenants and leaseholders may lose access to the land they are renting or leasing due to land acquisition or changes in land use. This can result in the loss of homes, agricultural fields, or business premises, affecting their livelihoods and well-being. They may also face challenges in finding alternative accommodation or employment opportunities.

⁶ 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.

⁷ 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.

3. **Landless or Squatters:** Landless or squatter communities residing in informal settlements within the project area may face forced eviction and displacement without adequate compensation or resettlement assistance. They may lose their homes and livelihoods, leading to increased vulnerability and poverty. Lack of secure tenure may exacerbate their marginalization and exclusion from development benefits.
4. **Reservoir Fishers:** Reservoir fishers dependent on fishing for their livelihoods may experience reduced fish stocks, changes in fish migration patterns, or loss of fishing grounds due to dam construction or changes in water flow. Displacement from traditional fishing areas can result in loss of income, food insecurity, and social dislocation for fishing communities.
5. **Farmers, including cattle herders and Livelihood Dependent Households:** Farmers relying on agricultural activities for their livelihoods may face loss of farmland, irrigation water, or access to markets due to project-related land acquisition or changes in land use. Displacement can disrupt agricultural production cycles, leading to reduced income, food insecurity, and increased vulnerability to poverty.
6. **Wage Laborers and Workers:** Wage laborers and workers employed in project-related activities, such as construction or operation of the dam or irrigation infrastructure, may face displacement, loss of employment, or changes in working conditions. Loss of income can impact their ability to meet basic needs and may exacerbate existing socio-economic vulnerabilities.
7. **Small-Scale Business Owners:** Small-scale business owners operating within the project area may experience disruptions in business operations, loss of customers, or changes in market dynamics due to project-related activities. Displacement or loss of business premises can result in loss of income, livelihood insecurity, and challenges in restarting or relocating businesses.
8. **Socially Vulnerable Groups:** Socially vulnerable groups, including women-headed households, elderly persons, persons with disabilities, and marginalized communities, may face disproportionate impacts from the project. They may experience heightened vulnerability to displacement, loss of livelihoods, and limited access to resettlement and rehabilitation assistance, exacerbating existing inequalities and exclusion.
9. **Other Affected Persons:** Other affected persons not fitting into the above categories may still experience adverse impacts on their livelihoods, assets, or well-being due to the project. They may face disruptions in access to essential services, changes in social dynamics, or loss of community cohesion, requiring tailored support and assistance to mitigate negative consequences.

CHAPTER FOUR: ELIGIBILITY CLASSIFICATION AND ENTITLEMENTS FOR DEFINING VARIOUS CATEGORIES OF DISPLACED PERSONS

4.1 INTRODUCTION

While the concept of eligibility, in involuntary displacement, refers to the condition or criteria that qualifies a project affected person (PAP) for entitlement, the concept of entitlement relates to the principle of compensation or resettlement assistance that applies to different categories of project affected persons (PAP); The project-related involuntary land acquisition⁸ or restrictions on land use⁹ may result in physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood¹⁰), or both, whether or not the PAPs must move to another location.

The principle of ESS5 stipulates that when land acquisition or restriction to land use (whether permanent or temporary) cannot be avoided, all persons residing, conducting activities or earning income within the project affected areas at the cut-off-date¹¹, which is the date on and beyond which any persons who encroach on the area are not entitled to compensation or any other form of resettlement assistance. ESS5 stipulates that affected persons may be classified as persons:

- a) Who have formal legal rights to land or assets.
- b) Who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law,¹² or
- c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Those covered under (a) and (b) above are to be provided compensation for the loss, and other assistance in accordance with this RF. 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 RF, if they occupy the project area prior to a cut-off date established by the project authorities in close consultation with the potential PAPs, local community leaders and the respective local authorities and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

It is therefore 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 or had use of it before the entitlement cut-off date.

⁸ "Land acquisition" refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

⁹ "Restrictions on land use" refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

¹⁰ "Livelihood" refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

¹¹ It is often established on the commencement date or last date of the census of PAPs. The cut-off date could also be the date the subproject area was delineated prior to the census, provided that there has been an effective public dissemination of information on the area delineated and systemic and continuous dissemination subsequent to the delineation to prevent further population influx.

¹² Such claims could be derived from adverse possession or from customary or traditional tenure arrangements.

The principles adopted above entails special measures and assistance for vulnerable¹³ persons. PAPs affected through land acquisition, relocation loss of residence and structures, and business enterprise are entitled to a combination of compensation measures and resettlement assistance, depending on ownership right and lost assets. PAP will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards.

For this reason, the table below, therefore, represents eligibility classification for persons and groups and their entitlements, as is anticipated at this stage and guided by the ESS5. This will help standardize entitlements across the SPIN project for similar cases. This will be refined based on the activity-specific resettlement assessment, and their entitlements in the different anticipated displacement scenarios.

Table 1: Eligibility Classification for Compensation

PAPs Classification	Eligibility for		
	Compensation	No Compensation	Assistance
Those with recognized ¹⁴ legal ownership right to Land	Land or asset at replacement cost	For land, assets and structure on the land after the cut-off date	Assistance as needed
Those with temporary or leased ¹⁵ rights at cut-off date	Land and asset at replacement cost	For land, assets and structure on the land after the cut-off date	Assistance as needed
Those with no legally recognized right but arrived before cut-off date	Assets at replacement cost except that compensation maybe “topped off” to allow the PAP to acquire a new residence		
Those who arrived after cut-off date	None	None	None
Those with business located within the project corridor	Assets and lost income due to lost business during project duration	For business located in community after the cut-off date and outside the affected area	Assistance as need

Resettlement plans that will be developed for specific project activities will also be based on socio-economic surveys and other research and insights, which will feed into the updating and refining of this matrix for each Resettlement plan.

¹³ Vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/ or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend.

¹⁴ Legal ownership right refers to the comprehensive control and title over a piece of land. This right implies that the owner has full and exclusive rights to use, enjoy, and dispose of the land as they see fit, within the bounds of the law. In Nigeria, this is usually expressed as a Certificate of Occupancy (C of O), which is granted by the state governor and signifies legal ownership for a specified period, typically 99 years.

¹⁵ Legal lease right refers to a temporary right to use and occupy land or property granted by the owner (lessor) to another party (lessee) for a specified period under agreed terms and conditions. In Nigeria, lease agreements are usually formalized in writing and can range from short-term leases (months or a few years) to long-term leases (up to 99 years)

In all three categories of PAPs, consultation and monitoring of vulnerable affected persons will be undertaken to ensure their livelihoods are sustained or restored and their vulnerability is not increased. In all cases vulnerable groups will be assisted to secure their compensation and restore their livelihoods.

The SPIN project will consider various forms of evidence as proof of eligibility as stated in this RPF to cover the following:

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

During the preparation/implementation of RPs, PAPs recent passport photograph or a digital image will be captured, PAPs contact address, Phone Number, and Name of Next-of Kin will be collected and documented for use as means of eligibility for identification of PAPs during screening for compensation. In this project, the absence of formal titles should not constitute a barrier to resettlement assistance and rehabilitation.

Where legally permissible, the resettlement plan should include measures to ensure that documentation of ownership or occupancy, such as title deeds and lease agreements, and compensation (including the bank accounts established for payment of compensation), are issued in the names of both spouses or of single female heads of households, as relevant to each situation. In circumstances in which local customary tenure systems do not give women equal opportunities or rights with regard to property, alternative steps are taken to ensure that access of women to security of tenure is equivalent to that of men and does not further disadvantage women.

4.2 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. Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the structure to at least the same standard or equivalent better standard to that being built by the program in the area to serve the same function. Communities (districts, villages and clans) permanently losing land and/or access to assets and or resources under customary rights will be eligible for compensation. Example of community compensation could include construction of marketplaces, community lock up shops, community hall, and employment for locals within the projects sites as well as drilling of boreholes, rehabilitation/construction of schools and health centers. The rationale for this is to ensure that the pre-project socio-economic status of communities were restored and/or improved upon. The local community leaders will play a crucial role in identifying community needs.

Where an affected asset/land belongs to a family group, clans or an association, it will be advised that as much as possible, the asset should be reallocated to each eligible member/owner so that each person be captured and compensated separately. Where this arrangement is not possible or desirable, the household or association may agree within themselves and present one person among them to be recognized as the PAP. In that case, compensation will be paid to the person to whom the family had agreed to represent their

common interest. The PAP is the one whose identification/photograph will be captured during census and inventory.

It is important to note that the eligibility may be claimed collectively e.g., as a community or religious group. Communities permanently losing land and/or access to assets and/or resources under statutory/customary rights will be eligible for compensation. Example of community compensation could include those for public toilets, marketplace, taxi parks, schools and health centers or dedicated grazing land area. 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.

4.3 CUT-OFF DATE

The entitlement cut-off date refers to the day beyond which any person who occupies land or assets, or constructs assets on land, required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences (Census). The Cut-off Date could also be the date the project area was delineated, prior to the Census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. The cut-off date is also the date after which no new cases of affected people will be considered. The main purpose of establishing a cut-off date is to ensure that the actual project affected persons are the ones that are compensated for their losses, as explained in the entitlement matrix, and resettled and that individuals do not exploit the expected resettlement in the project and thus relocate and settle in the project location.

4.3.1 ESTABLISHING THE CUT-OFF DATE¹⁶

Establishment of a cut-off date is of critical importance. To avoid an influx of outsiders to subproject areas and misuse of the compensation policy, the date of the census will serve as the cut-off date for eligibility and no new PAPs will be eligible for compensation after this date. The cut-off date will be announced and made public through appropriate means of reach-out such as radio advertisement during the community awareness campaigns. The detailed census of PAPs will be appended to the RAP.

Subprojects should only be approved if they include at least a preliminary RAP and budget. This date is to be chosen in close consultation with the State Environmental Agencies and the participating state utilities and must be in full compliance with the conflict resolution mechanisms in this RPF and as noted, this date must be communicated effectively to the potential PAP's and surrounding local communities.

4.3.2 COMMON COMPLICATIONS IN APPLICATION OF CUT-OFF DATE

The application of cut-off date sometimes become controversial especially if there is delay between the time the census is carried out and the start and completion of project. However, the WB ESS5 recognizes that individuals and households who occupy project-affected areas after the cut-off date are not eligible for compensation. The WB ESS5 sets a caveat for nullifying new claims as follows "provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx".

¹⁶ In summary, the establishment of a cut-off date is required to prevent opportunistic invasions /rush migration into the enland identified for project areas thereby posing a major risk to the project. Besides it helps to avoid unidentified costs for the project. As such the cut-off date is very crucial. Given its importance therefore, this date must be effectively communicated to the project affected persons through the community leaders and other interest groups in the project area.

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

4.3.3 REQUIREMENT FOR ENFORCING CUT-OFF DATE

To ensure that the cut-off date is adhered to, there should be thorough stakeholder communication through print and electronic media, including meeting and other mechanisms of local announcement. This will help prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the subproject. Such opportunistic invasions could be by individual encroachers, newly formed families (e.g. households formed after the cutoff date) and persons making improvements to their homes or businesses who will not be compensated after the cutoff date.

The list of PAP before the cut-off date should always be kept safe. Effort should also be made to ensure that new entrants into the land/subproject locations are aware that work is about to start and that people entering the areas from the date will not be compensated. This can be done by placing billboards inside and in the streets leading to the project location, town hall meetings and stakeholder's consultation to pre-warn potential settlers.

4.4 ENTITLEMENTS AND PREPARING AN ENTITLEMENT MATRIX

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement will be selected in accordance with Bank ESS5. The NPMU will develop a RAP containing an entitlement matrix with respect to both temporary and permanent displacements. This matrix will set the measure for the payment for all losses or impacts. It will also list the type of loss, criteria for eligibility and define entitlements as presented in Table2.

The entitlement matrix is designed to assist the process by bridging the gaps between requirements under Nigeria Law and the World Bank ESS5. The higher of the two standards is followed in this entitlement matrix, since this procedure also satisfies the requirements of the lesser standard. The missing values in the entitlement matrix will be determined at the time the resettlement plans (RAPs) are being negotiated and prepared.

Table 2: Entitlement Matrix for PAPs and Compensation Guidelines

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
A. Loss of Agricultural Land					
A. 1	Permanent Loss of productive land	PAPs with formal legal ownership right to land or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	All affected farmers have formal legal ownership right to land. or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	(iii) Replacement property (land and other assets) of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, or cash compensation at replacement cost. (iv) Cash compensation for lost land and other assets if	SPIN State Project Implementation Unit (SPIU)

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
				<ul style="list-style-type: none"> livelihoods are not land-based livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable <p>active markets for land, housing, and labor exist, displaced persons use such markets, there is sufficient supply of land and housing, and clear demonstration that sufficient replacement land is available.</p>	
B. Loss of Standing Crops, Trees, and Plants					
B.1	Loss of standing crops, trees, or plants or access to them	Permanent (complete or partial) loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are or those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law	<p>(a)Crops</p> <p>(iii) Allow the farmers to harvest their mature crops</p> <p>(iv) Where harvest is not possible, counting of the affected crops will be done in the presence of the owner. Computation of the cost will be done according to current market rates of affected crops and Cash compensation for loss of crops provided</p> <p>(b)Trees</p> <p>(iv) Cash compensation for loss of fruit trees for average fruit production years to be computed at current market value.</p> <p>(v) Cash compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be).</p> <p>(vi) Every effort will be made to minimize crop impact.</p>	Same as above

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
C. Land users					
C.1	Loss of residence for those who have been living in that location before the cutoff date.	Full impact, possibility of losing their place of residence	All affected persons and communities regardless of land ownership status.	(iii) For established communities that are using land they should be provided with an alternative area with their agreement. The new area should have the same characteristics as the land they left so they can keep their way of lives. (iv) Additional relocation assistance should be provided to the vulnerable communities to be affected.	Same as above
D: Encroachers					
D.1	Those who have encroached to the ROW	Losing part of their dwelling, a wall, trees, farm area, etc.	All who are affected	All project affected persons should be compensated for their loss of investment they made on the land	Same as above
E: Loss of assets/structures other than lands and residence					
E1	Those losing assets other than land and economically displaced persons who are without legally recognizable claims to land.	Losing crops, irrigation infrastructure and other improvements made to the land	All whose non land assets or livelihoods are affected	(iv) Will be compensated for loss of assets at replacement cost and provide arrangements to allow them to obtain adequate housing with security of tenure. (v) Where these displaced persons own structures they will be compensated for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost. (vi) Additionally consultation with such displaced persons and provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site.	Same as above
F: Loss of livelihoods and restriction of access					
F1	Loss of livelihoods not included above such as	Losing their wages, are restricted to graze their animals, lose access to some other	Day laborer in the area that could be affected during construction. Those	Measures to allow affected persons to improve, or at least restore, their incomes or livelihoods to the level	Same as above

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
	Livelihood that are land based such as ag laborer and those working on land or affected due to restriction of access Resource-based livelihoods, petty trade	natural resources and fishery, their petty trade is disrupted or lost permanently,	who use the land for grazing their animals and their access restricted	before the project. These will include (iii) Provide options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets (iv) Transitional support will be provided where necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.	
G: Right of Way (ROW)					
G.1	Access to businesses; loss of business; loss of land; loss of crops; loss of tress' loss of part of construction	Businesses that part or whole are on the ROW; stalls and structures, crops on the ROW, walls, fences, part of building, etc.	If there will be permanent or temporary impact	(V) If land is lost, then then it will be compensated in accordance to A.1. (VI) If trees and crops, will be compensated according to B.1. (VII) If assets or improvements will be affected; they will be compensated according to E.; and (VIII) If livelihood affected compensation will be according to F1.	Same as above.
H: Vulnerable /marginalized groups					
H.1	During the social assessment for preparation of the RP information on vulnerable and other marginalized groups for whom special provisions may have to be needed should be collected	Impact on livelihoods, way of life, possible displacement	This will include Women headed households, disabled or elderly persons, people living below poverty line, and the landless.	(ix) Needs based livelihood restoration program and special assistance to be provided either in cash or in kind. (x) Additional financial assistance should be provided to vulnerable persons to help them cope with the transition and reestablish their livelihoods. This could include grants, low-interest loans, or stipends to support income-generating activities.	

No	Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy and Standards	Responsible entity
				<p>(xi) Capacity building and skill development initiatives should be designed to enhance the skills of vulnerable persons, making them more competitive in the job market and better able to pursue sustainable livelihoods.</p> <p>(xii) Ensuring that vulnerable persons have access to essential social services such as healthcare, education, and social welfare programs is crucial. This support can help stabilize their living conditions and provide a foundation for rebuilding their livelihoods.</p> <p>(xiii) Establish support networks and provide counseling services to help vulnerable persons cope with the psychological and social impacts of displacement. This can include community groups, peer support, and professional counseling services</p> <p>(xiv) Improve living conditions of vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of land tenure.</p> <p>(xv) If assets are affected, ensure the replacement of assets and assist them in the process.</p> <p>(xvi) If access to grazing land is restricted ensure alternative measures.</p>	

4.5 PRINCIPLES APPLICABLE TO VULNERABLE GROUPS

This RPF classifies vulnerability in two stages: pre-existing vulnerability and transitional hardship vulnerability. Pre-existing vulnerability refers to the vulnerability condition which would be present with or without Project development. Transitional hardship vulnerability occurs when those directly affected by the Project (PAPs), are unable to adjust to new conditions due to shock or stress related to Project activities. This scope of vulnerability in this RPF is however confined to the transitional hardship group or simply PAPs that may become vulnerable as a result of this project.

Vulnerable PAPs may require more assistance than others during the implementation of the RAPs because of their vulnerability status. Criteria for inclusiveness include female headed household, aged persons (65 years and above), PAPS incapacitated by ill health, and the poorest of the poor PAPs. The vulnerability assessment tool in Table 3 is useful in identifying the poorest of the poor group. PAPs that fall within all or most of the conditions (at least 80%) in Table 3 are in abject poverty according to this RPF, and therefore, classified as vulnerable.

Table 3: Vulnerability Assessment Tool

Household Vulnerability			
Category	Indicator	True	False
1. Pre-Project Extreme Poverty- the Pre-Disposed	No Farm		
	No Land		
	No Job		
	No Business		
2. Household Composition	Elders and/or Children only or		
	Women and Children only or		
	Disabled or Diseased only		
3. Income	None from Farm		
	None from Job		
	None from Business		
	None from Rental		
4. Food	Have no Stored Food		
	Claim to be eating one meal or less/day		
5. Housing	Homeless or		
	Living in Charitable Housing		
6. Social Support	No Extended Family Support		
	No Community/Neighborhood support		
7. Health	Household head has >1 Disabled, diseased, drug addict or prostitute.		

4.5.1 MONITORING FOR VULNERABLE GROUP

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

CHAPTER FIVE: LEGAL/INSTITUTIONAL GUIDELINES AND POLICIES GUIDING INVOLUNTARY RESETTLEMENT

5.1 INTRODUCTION

It is imperative to analyse the laws and regulations relevant to this project. This will help in understanding the legalities and procedures in implementing the project and identifying gaps that need to be strengthened to comply with National legislation and the World Bank's ESS on land acquisition, restriction of access to land use and Involuntary resettlement of project affected persons.

The following sub-sections summarize policy, legislative and institutional framework in which the sub-projects shall be implemented concerning social issues as well as World Bank Standards on land acquisition, restriction of access to land use and Involuntary resettlement.

5.2 LAND OWNERSHIP IN NIGERIA

A range of diverse cultural and traditional practices and customs characterize the complex land ownership in Nigeria. The land tenure system in Nigeria is essentially an intricate mix of traditional customary land ownership and the national legislation known as the Land Use Act (LUA) 1978. However, the Land Use Act (LUA) of 1978, reviewed under Cap 202, 1990 is the legal framework for land acquisition and resettlement in Nigeria.

Community Driven Projects are land based. To this end, various interests and titles to particular pieces of land may be impacted. Therefore, an analysis of the legal framework for the project will be carried out in the RAP and this will consider the various land holding arrangements in the assessment of entitlements and compensations for the various interests for lands acquired. Below is a broad land ownership classification in Nigeria:

- a) Community land (Ancestral Land): owned by all the people.
- b) Communal land: consists mostly of under-developed forests and owned by nobody. Those who clear it first claim ownership.
- c) Clan or family land: owned by clans and families
- d) Institutional land: land allocated to traditional institutions such as traditional authorities and chiefs.
- e) Individual land: land acquired by an individual, which may be inherited by the immediate family, depending on customary practices or purchased or allocated by the government

Although the scenarios painted above holds in Nigeria, the government still acts as the owner of all lands by the Land Use Act 1978. What this means is that the government can acquire land from anywhere including individual lands through land acquisition procedure and revocation of rights.

5.3 RELEVANT NIGERIA LEGISLATION

5.3.1 The 1999 Constitution of The Federal Republic of Nigeria

Property ownership is guaranteed alongside other fundamental human rights like freedom of speech, association, and movement. Specifically, Section 43 confers the right to acquire immovable property by citizens and Section 44 reserves the government's power of eminent domain and prescribes how this power is to be exercised by the government.

Section 44 (1) provides that "no moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily

in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things:

(a) requires the prompt payment of compensation therefore and

(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

This implies that non-compliance in respect to the manner (process), purposes recognised by law, and is met with promptitude in the payment of compensation and allowing claimant unfettered access to the property being taken to ascertain claims and /or reserves affected persons to adjudicate on the quantum of the compensation would void an otherwise valid acquisition or resettlement. The basic land tenure law, which is the Land Use Act Cap L5, LFN 2004 operationalizes the provisions of Section 44 of the Constitution.

5.3.2 Land Use Act of 1978

The Land Use Act of 1978 is the applicable law regarding ownership, transfer, acquisition, expropriation and all such dealings on Land in Nigeria. The administration of the urban land is vested in the Governor, while land in rural areas is vested in the Local Government Councils. At any rate, all land irrespective of the category belongs to the State while individuals only enjoy a right of occupancy as contained in the certificate of occupancy, or where the grants are “deemed”.

Thus, the Land Use Act is the key legislation that has direct relevance to resettlement and compensation in Nigeria. Relevant Sections of these laws with respect to land ownership and property rights, resettlement and compensation are summarized in this section.

The Governor administers the land for the common good and benefits of all Nigerians. The law makes it lawful for the Governor to grant statutory rights of occupancy for all purposes; grant easements appurtenant to statutory rights of occupancy and to demand rent. The Statutory rights of Occupancy are for a definite time (the limit is 99 years) and may be granted subject to the terms of any contract made between the state Governor and the Holder.

Local governments may grant customary rights of occupancy to land in any non-urban area to any person or organization for agricultural, residential, and other purposes, including grazing and other customary purposes ancillary to agricultural use. But the limit of such grant is 500 hectares for agricultural purpose and 5,000 for grazing except with the consent of the Governor. The local Government, under the Act is allowed to enter, use, and occupy for public purposes any land within its jurisdiction that does not fall within an area compulsorily acquired by the Government of the Federation or of relevant State; or subject to any laws relating to minerals or mineral oils.

Where a Right of occupancy is revoked on the grounds either that the land is required by the Local, State or Federal Government for the public good, the holder shall be entitled to compensation as follows:

- Land: an amount equal to the ground rent, if any, paid by the occupier to the government during the year in which the right of occupancy was revoked.
- Structure: An amount equivalent to the value of the structure less any depreciation.
- Crops: An amount equal to the value as prescribed and determined by the appropriate officer, which may not be the market value.

The Act also provided that where the occupier of the land is doing so illegally (e.g., occupying land belonging to someone else), he/she is not entitled to compensation.

5.3.2.1 Requirements of the land Use Act

The State is required to establish an administrative system for the revocation of the rights of occupancy, and payment of compensation for the affected parties. So, the Land Use Act provides for the establishment of a Land Use and Allocation Committee in each State that determines disputes as to compensation payable for improvements on the land. (Section 2 (2) (c)).

In addition, each State is required to set up a Land Allocation Advisory Committee, to advise the Local Government on matters related to the management of land. The holder or occupier of such revoked land is to be entitled to the value of the unexhausted development as at the date of revocation. (Section 6) (5). Where land subject to customary right of Occupancy and used for agricultural purposes is revoked under the Land Use Act, the local government can allocate alternative land for the same purpose (section 6) (6).

If local government refuses or neglects within a reasonable time to pay compensation to a holder or occupier, the Governor may proceed to effect assessment under section 29 and direct the Local Government to pay the amount of such compensation to the holder or occupier. (Section 6) (7).

Where a right of occupancy is revoked on the ground either that the land is required by the Local, State or Federal Government for public purpose or for the extraction of building materials, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements. Unexhausted improvement has been defined by the Act as: anything of any quality permanently attached to the land directly resulting from the expenditure of capital or labour by any occupier or any person acting on his behalf, and increasing the productive capacity the utility or the amenity thereof and includes buildings plantations of long-lived crops or trees, fencing walls, roads and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce.

Developed Land is also defined in the under Section 50 (1) as follows: Land where there exists any physical improvement in the nature of road development services, water, electricity, drainage, building, structure or such improvements that may enhance the value of the land for industrial, agricultural or residential purposes.

It follows from the foregoing that compensation is not payable on vacant land on which there exist no physical improvements resulting from the expenditure of capital or labour. The compensation payable is the estimated value of the unexhausted improvements at the date of revocation.

Payment of such compensation to the holder and the occupier as suggested by the Act is confusing. Does it refer to holder in physical occupation of the land or two different persons entitled to compensation perhaps in equal shares? The correct view appears to follow from the general tenor of the Act. First, the presumption is more likely to be the owner of such unexhausted improvements. Secondly, the provision of section 6 (5) of the Act, which makes compensation payable to the holder and the occupier according to their respective interests, gives a pre-emptory directive as to who shall be entitled to what.

Again, the Act provides in section 30 that where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use and Allocation Committee. It is clear from section 47 (2) of the Act that no further appeal will lie from the decision of such a committee. If this is so, then the provision is not only retrospective but also conflicts with the fundamental principle of natural justice, which requires that a person shall not be a judge in his own cause. The Act must, in making this provision, have proceeded on the basis that the committee is a distinct body quite different from the Governor or the Local Government. It is submitted, however, that it will be difficult to persuade the public that this is so since the members of the committee are all appointees of the Governor.

Where a right of occupancy is revoked for public purposes within the state of the Federation; or on the ground of requirement of the land for the extraction of building materials, the quantum of compensation shall be as follows:

- In respect of the land, an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked.
- in respect of the building, installation, or improvements therein, for the amount of the replacement cost of the building, installation or improvements to be assessed on the basis of prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interest at the bank rate for delayed payment of compensation. With regards to reclamation works, the quantum of compensation is such cost as may be substantiated by documentary evidence and proof to the satisfaction of the appropriate officer.
- in respect of crops on land, the quantum of compensation is an amount equal to the value as prescribed and determined by the appropriate officer.

Where the right of occupancy revoked is in respect of a part of a larger portion of land, compensation shall be computed in respect of the whole land for an amount equal in rent, if any, paid by the occupier during the year in which the right of occupancy was revoked less a proportionate amount calculated in relation to the area not affected by the revocation; and any interest payable shall be assessed and computed in the like manner. Where there is any building installation or improvement or crops on the portion revoked, the quantum of compensation shall follow as outlined above and any interest payable shall be computed in like manner.

5.4 INTERNATIONAL GUIDELINES AND POLICIES

International Development Partners/Agencies such as World Bank and other financial organizations interested in development projects recognize this highly especially in development that result in involuntary resettlement. It is against this background that policies and guidelines have been set for managing such issues.

The World Bank's ESS on land acquisition, restriction of land use and involuntary resettlement will be applied in any sub-project of the SPIN Project that displaces people from land or productive resources due to land take and restriction. Where there is conflict between national legislation and World Bank Safeguards Standards, the latter policies shall prevail.

5.4.1 World Bank Environmental and Social Standard 5

The Bank's Environmental and Social Standard on Land Acquisition, Restriction of Land Use and Involuntary Resettlement (ESS5) advocates that where feasible, involuntary resettlement should be avoided or minimized. Resettlement shall be conceived and executed as a sustainable development program, where it is inevitable, providing sufficient investment resources to enable persons displaced by the project share in project benefit. The Objectives of ESS 5 include:

- a) To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- b) To avoid forced eviction;
- c) To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

- d) To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- e) To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- f) To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

ESS5 will apply as the direct social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. The ESS5 also applies in case any subproject activities found as 'linked' or 'associated facility'. This ESS5 requirements and provisions apply to all components of SPIN project that result in involuntary resettlement, regardless of the source of financing.

5.5 The World Bank Environmental and Social Standard 5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement and Comparison with Nigeria Land Use Act

In this section a comparison is made between the World Bank Standards (ESS5) and the Nigerian Land Use Act. 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 ESS5 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether they have legal title or not, if they occupy the land by an announced cut-off date.

The Nigeria Land Use Act and World Bank ESS5 agree that compensation should be given to PAPs in the event of land acquisition and displacement of persons prior to the commencement of works. Thus, all land to be acquired by the government for this project will be so acquired subject to the Laws of Nigeria and the Bank ESS5.

Table 4: Comparison of Nigerian Land Use Act and World Bank ESS 5 on compensation

Resettlement aspect	Nigeria's policy	ESS5	Addressing the gaps
Land owners	Cash compensation based upon market value.	Recommends land-for-land compensation. Other compensation is at replacement cost.	The eligible PAPs will be compensated on replacement cost.
Land tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	Those with legal right on the land are compensated and those without any form of rights on the land but affected by the project as of the cut of date are given a form of compensation based on impacts.
Owners of "Non-permanent" and "permanent" buildings	Cash compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.

Resettlement aspect	Nigeria's policy	ESS5	Addressing the gaps
Encroachers and squatters. Illegal structures	No compensation	Entitled to compensation for buildings, structures, installations and improvements and other assistance measures	Entitled to compensation for buildings, structures, installations and improvements and other assistance measures
Agricultural land	Entitled to alternative agricultural land ¹⁷	Land for land compensation	Land for land compensation
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary right	Compensation in cash to the community, chief or leader of the community for the benefit of the community	Land for land compensation or any other in-kind compensation agreed to with the community	Land for land compensation or any other in-kind compensation agreed to with the community
Consultation	Silent	Insists upon consultation and informed participation of all affected persons throughout resettlement process.	Insists upon consultation and informed participation of all affected persons throughout resettlement process.
Loss of Access/ Rights of Way	Silent	Provide assistance to offset the loss of such resources to a community	Provide assistance to offset the loss of such resources to a community
Livelihoods (Crops, Economic trees)	Cash compensation based on government approved rate	Compensation for loss of assets at full replacement cost and other assistance to improve or at least restore standards of living and livelihoods.	Compensation for loss of assets at full replacement cost and other assistance to improve or at least restore standards of living and livelihoods.
Livelihoods (Businesses)	Silent	Compensation for loss of assets at full replacement cost and other assistance to improve or at least restore standards of living and livelihoods.	Compensation for loss of assets at full replacement cost and other assistance to improve or at least restore standards of living and livelihoods.
Communal resources	Where land is owned by the community, compensation may be paid to the chief on behalf of the community or into a specially designated fund for the benefit of the community	Where land is collectively owned, the project is to offer land-based compensation where feasible. Endeavour to offset the loss of communal resources through support for initiatives that enhance the productivity of the remaining resources, in-kind or cash compensation for loss of access, or provide access to alternative sources of the lost resource.	Where land is collectively owned, the project is to offer land-based compensation where feasible Endeavour to offset the loss of communal resources through support for initiatives that enhance the productivity of the remaining resources, in-kind or cash compensation for loss of access, or provide access to alternative sources of the lost resource.

¹⁷ Nigerian Land Use Act 1978

Resettlement aspect	Nigeria's policy	ESS5	Addressing the gaps
Resettlement assistance	Silent	Affected persons provided with assistance with movement, transition support and to re-establish access to lost resources.	Affected persons provided with assistance with movement, transition support and to re-establish access to lost resources.
Vulnerable groups	Silent	Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable.	Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable.
Grievance	Land Use Act provides for establishment of a Land Use and Allocation Committee in each state to arbitrate compensation related disputes. Either party may seek judicial redress in the courts.	Requires the elaborate design of multiple orders of grievance redress mechanism, which provides varied access to suit PAPs understanding and comfort for dispute resolution promptly in an impartial and transparent manner.	Requires the elaborate design of multiple orders of grievance redress mechanism, which provides varied access to suit PAPs understanding and comfort for dispute resolution in an impartial and transparent manner. Recognizes judicial redress as the last option.

This RPF has been prepared to align with the World Bank ESS5 which indicate best practices for rehabilitation of livelihoods of people affected by the implementation of the project. This is so because the ESS5 most fulfil the pro-poor objectives of the project, ensuring that the conditions of PAPs are preferably improved and at least restored to pre displacement levels as well as offers special considerations for vulnerable and landless PAP.

5.5.1 Conclusion Drawn from the Review of World Bank Policies on Involuntary Resettlement

Review of the different policy guidelines of the World Bank ESS5 shows that primarily, the World Bank agree that PAPs be compensated or assisted irrespective of legal status of PAPs to the land/or place they occupy. The key concern articulated in this policy is to ensure that PAPs are compensated or assisted including income restoration measures to ensure that they are not economically worse off relative to pre-project period.

CHAPTER SIX: ARRANGEMENTS FOR FUNDING RESETTLEMENT

6.1 FUNDING ARRANGEMENT

Funding for compensation will come from the participating state government counterpart fund. This would be processed and effected through the SPIN participating State Project implementation Unit (SPIU) and will comply with the financial arrangements agreed upon at project negotiations. At this preparatory stage, sub-project specific locations are currently unknown. In view of the above, reliable estimates of the number of potential project-affected persons and budget are not possible to be determined. However, final Resettlement cost estimates and budget will consider items covered in the following table.

Table 5: Resettlement Cost Estimation

Items	Descriptions
Resettlement and Compensation cost	<ul style="list-style-type: none">• Cost of census and survey of PAPs and inventory of assets• Cost of information and consultation• Compensation for lost assets (land, structures etc.)• Cost of replacement land• Cost of preparation of replacement farmland
Relocation and Transfer cost	<ul style="list-style-type: none">• Cost of moving and transporting movable items• Cost of replacement housing• Cost of site and infrastructure development services• Subsistence allowance during transition• Cost of replacement businesses and downtime
Income Restoration Plan	<ul style="list-style-type: none">• Cost estimates for income restoration plans (e.g., training, small business, community enterprise, etc.)• Cost of incremental services (extension, health, education)• Environmental enhancement package (forestry, soil conservation, grazing land etc.)
Administrative cost	<ul style="list-style-type: none">• Physical facilities (office space, staff housing, etc.)• Transport/vehicles, materials• Disclosures• Operational staff (managerial, technical) and support staff• Training and monitoring• Technical assistance• Evaluation by independent agency• Grievance Redress Mechanism• Implementation costs

The budget for resettlement will be known based on field assessments, prevailing asset values, and actual experience based on sub-project RAPs to ensure that adequate funds for resettlement are allocated during the course of project implementation.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of the SPIN sub-projects have not yet been developed. Though the selected locations are known it is still impossible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of SPIN in these areas. 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 will be available, a detailed and accurate budget for each RAP will be prepared.

6.2 RAP BUDGET

Each RAP must include a detailed budget, using the indicative budget outline in table 6. The RAP will include a detailed budget for the payment of compensation and implementation of the various resettlement aspects for a particular subproject, including amongst others, costs of surveys, third party validations of voluntary land donation, land acquisition, loss of livelihood, loss of crops and other property, and allowances/in-kind assistance for the vulnerable members of the community and the implementation of the GRM. This would enable facilitating the preparation of a detailed and accurate budget for resettlement and compensation. SPIN NPMU will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

Regarding budget, some of the costs of resettlement (e.g., professional services, site preparation, construction, etc.) can be financed from the Bank loan, while other costs (e.g., compensation payments, acquisition of land) cannot be financed from the Bank loan and must be borne out of counterpart funds.

Since the specific sites and sub-projects are not yet determined, this RPF refers only to an estimated number of PAPs. Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible at this stage to produce a detailed budget for RAP implementation. However, below is an indicative outline of a RAP budget.

Table 6: Indicative Outline for RAP Budget

Description	Unit	Quantity	Estimated Cost	
			Unit cost	Total
Asset Acquisition				
Land				
Structure				
Crops and economic trees				
Community infrastructure				
Land Acquisition and Preparation				
Land				
Structures				
Crop areas and others				
Community Infrastructure				
Relocation				
Transfer of possessions				
Installation costs				

Economic Rehabilitation				
Training				
Livelihood Restoration Program				
Special assistance budget for Vulnerable PAPs				
Budget for Consultation				
Cost for Management of Grievance (GRM)				
Monitoring				
Contingency				
Cost for Disclosure of RAP				

CHAPTER SEVEN: METHODS OF VALUING AFFECTED ASSETS

7.1 INTRODUCTION

This section of the RPF sets out the detailed requirements for determining the value of affected assets, and the scope of valuation covers all categories of impacts/assets identified during the social assessment and described in the entitlement matrix. The essence is to ensure appropriate procedure and fair compensation to the project affected groups that are in tandem with best practices which ESS5 supports. Therefore, the basis of this valuation is derived from the ESS5 of the World Bank and the Land Use Act 1978 of Nigeria. The valuation will estimate asset compensation rates based on full replacement cost without depreciation (Table 4). The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations.

7.2 DESCRIPTION OF KEY VALUATION APPROACHES AND COMPENSATION TERMS

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

7.3 VALUATION METHOD FOR CATEGORIES OF IMPACTED ASSETS

7.3.1 LAND

The following land asset types identified under Nigeria law in this policy framework include:

- a) **State (urban and non-urban) owned Land.**

State owned land will be allocated free by the Governor or Local Government (perhaps except for processing and registration fees). The State Agency will be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by landlords or squatters, settled upon or otherwise being used.

- b) **Assets held under Customary Law.**

According to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and will be valued according to the following method and compensation paid for. The project will compensate assets and investments, including buildings, and other improvements, according to the provisions of the resettlement plan.

Compensation rates will be replacement cost as determined by surveys of recent transactions of similar assets in the same area as of the date and time that the replacement is to be provided. 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. A customary land owner or land user on state owned land will be compensated for land, assets, investments, loss of access etc. at replacement rates at the time of the loss.

- c) **Privately owned Land**

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. The guiding principle is that whoever was using the land to be acquired will be provided other land of equal size and quality. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided using the MCA method. This should be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation. Also, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labor, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land). If land is required temporarily, standing crop will be compensated at fully matured market rate or government rate, whichever is higher. The compensation will be paid to the sharecroppers rather than the owner, where the tiller is not the owner (e.g., tenant or share cropper). There will hence be no adjustment in the terms of the rent of share cropping agreement.

7.3.2 STRUCTURE/BUILDING

The replacement cost approach will be adopted for the valuation of dwellings and structures. To use replacement cost approach relevant data to be captured during RAP preparation include:

- Location details of the affected land (boundaries of the area/section of the land);
- Affected immoveable properties (detailed measurement of building/structure and materials used);
- Property details including construction information such as number of rooms, type of roof, wall, fence walls, gates, pavements, interior ancillary decoration, etc.
- Prices of items collected in different local markets used to construct different types of structures (e.g., poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.), including labour required.
- Categorizing temporary structures based on constructional details (wall materials), size of structure and use of structure.
- Costs for transportation and delivery of these items to the acquired/ replacement land or building site.
- Social profile/data on affected household (owner, tenants, dependents and livelihood)
- Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

7.3.3 FRUIT TREES/WOODLOTS/FARM CROPS/VEGETABLE GARDENS

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

Compensation for Fruit Trees

Compensation for fruit trees is cash compensation for average fruit production for 3 years at current market value. Although government rate prepared by NTDF¹⁸ exists, market research will be conducted by appropriate experts (independent quantity survey) to determine if the government rate is in tune with current market rate. Where this rate is different from current market rate, the later will be used to fulfil the “current market rate” condition as specified in ESS5. Individual compensation for wild trees “owned” by individuals, which are located in lands as defined in this policy, will be paid. Note that wild, productive trees belong to

¹⁸ There is an ongoing process to develop a Country Methodology for Valuation of Compensable Assets and Review of Harmonized Compensation Rates prepared by the NTDF. This is being led by the Rural Access and Agricultural Marketing Project (RAAMP) in collaboration with the Federal Ministry of Lands and the World Bank.

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.

Compensation for Woodlot

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

Compensation for Farm Crops

Compensation for farm crops is at full market value of crop yield per hectare. This entails conducting an inventory of size of hectares farmed by each PAP and the type of crop. The existing market value of crop yield per hectare will be determined and adjusted (as may be necessary for inflation) during RAP preparation so that the result will be reminiscent of prevailing market price at the time of RAP compensation. This rate shall incorporate the value of crops and the value of the labor invested in preparing a new land. The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor 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 continue to receive his/her cash compensation so that he/she can pay for sowing, weeding, and harvesting.

Compensation for Vegetable Gardens

These are planted mainly for daily use. Until a replacement garden starts to bear, the family displaced because 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.

7.3.4 LOSS OF BUSINESS/EMPLOYMENT

Compensation will be paid for loss of business or employment to ensure that livelihoods of small holder business are not negatively impacted. The affected business owners will be compensated for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for re-establishing commercial activities. Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities.

Table 7: Methods of Valuation

SN	Type of Loss	Comparative Sales Method	Open market Value of Comparable recent Transaction
1	Loss of access to land use for agriculture	Comparative sales Method	Based on crop compensation; resettlement assistance; economic rehabilitation assistance
2	Loss of Buildings, structures, and other civil works	Replacement Cost method or comparative sales	Full replacement cost value as if new- recent construction cost rates

		method (whichever gives a commensurate value)	
3	Loss of Business Income and Loss of Business goodwill	Comparative sales method	Based on average monthly net profit
4	Loss of income from rent and expenditure incurred from alternative accommodation during reinstatement period	Comparative sales method	Based on comparable rent payment, rent advance paid
5	Expenditure incurred for transfer of moveable properties and temporary structures	Comparative Method	Based on truck/transport hiring charges including labor
6	Loss of wages, Loss of fees from apprentices, loss of job training	Comparative method	Based on current Fees and Wages

7.4 MECHANISM FOR VOLUNTARY LAND DONATION

The SPIN project does not anticipate that there would be need for land take beyond the existing command areas of the selected Dams and irrigation area. However, there may be need for expansion of the irrigation schemes by the time the dams have been rehabilitated to full capacity. This may require further land acquisition leading to possible voluntary land donation by communities or individuals that will directly benefit from the project. This PF recognizes that these voluntary donations should not severely affect the living standards of PAPs and that the community agrees to replace any of their losses.

This RF, therefore, requires that voluntary donations are confirmed and verified by an independent third party. The following procedures, records and safeguards will be adhered to by the SPIN and FPMU and included in respective RAPs of subprojects, which involve voluntary donations of land and other assets.

7.4.1 PROCEDURE

Voluntary land donations should generally be discouraged given the overwhelming vulnerability of PAPs. It should only be authorized for formal and non-vulnerable owners in exceptional cases. Procedures must be put into place to ensure that the donation is indeed voluntary, that the donor is the legitimate owner of land-use-rights on such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property. If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented. Activities or subprojects have to clearly document;

- a) the potential donor or donors have been appropriately informed and consulted about the program and the choices available to them;
- b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
- d) no household relocation is involved;
- e) the donor is expected to benefit directly from the program; and
- f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.

The following basic provisions must be complied with:

- Community-owned land to be donated, permanently or temporarily must be identified by the community through a participatory approach (this approach should include the chiefs; however, chiefs will not be able to decide alone on land donations)
- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household. It should not exceed 10% of the donor's total land.
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land; land donations by chiefs or other communal authorities is not sufficient.
- Verification must be obtained from each person donating land (through proper documentation)
- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose is returned to the donor.

Each instance of voluntary land donation in a subproject must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donor for registration of the land transfer, if applicable, should be covered in full by the implementation agency.

The SPIU shall maintain a record with documentation for each instance of land donation. The documentation shall be made available for review in any grievance¹⁹ that may arise and is provided to the World Bank upon request.

It is possible to distinguish between “pure” donations without any compensation or support given to the person affected, vis-à-vis “partial” donations which involve some monetary or non-monetary benefits or incentives provided to the affected person. Both can be broadly classified as “voluntary donations” in the sense that the transfer of assets is done without involving the payment of compensation at replacement value. The program will apply the “partial” donation approach for vulnerable households, to avoid even small donations leading to livelihood impacts and will provide additional support to ensure no impact from the land donation.

Voluntary land donation may be allowed if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a irrigation rehabilitation program that will also benefit the owner of a small piece of land to be donated for canals) but always conditional on the application of the above noted provisions. Voluntary land donations cannot exceed 10% of the affected person's property to not adversely impacts his/her livelihoods. If this amount is exceeded, proper compensation payments should be considered.

All family members (including spouses) must be aware of the donation and must sign the transfer documents in order to minimize the risks of women users of land being donated being passed over in decision-making

¹⁹ Grievances may be referred to the Program Grievance Redress Mechanism (GRM). The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

and the risks of cross-generational conflicts. Individuals using or occupying community or collective lands must provide consent to the donation to minimize the risks of settlers or migrants being passed over in decision-making about land donation. The prior assessment of a subproject shall also take into consideration temporary users of lands and/or eventual access issues for them, including to water sources and in such cases ensure agreement on the subproject with such groups (e.g., pastoralists). Groups, like pastoralists shall be specifically consulted even if they are currently residing in different locations. Their locations must be identified, and consultations need to take place at their location. The land donation processes will be monitored.

CHAPTER EIGHT: ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS

8.1 INTRODUCTION

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

- **Public Participation with the PAPs-** would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This would ensure that no affected individual/household is simply 'notified' one day that they are affected in this way. Instead, this process seeks their involvement and wishes to involve PAPs in a participatory approach with the project from the onset.
- **Notification of land resource holders-** the respective municipal heads or leaders (chiefs) having been involved in identifying the land that the SPIN Project require will notify the municipal and community inhabitants who will help to identify and locate the land users. These local community leaders will also be charged with the responsibility of notifying their community members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the community leader or his representative. In addition, the village chiefs, religious leaders, other elders and individuals who control pastoral routes, fishing areas, wild trees, or beehives, hunting areas will accompany the survey teams to identify sensitive areas.
- **Documentation of Holdings and Assets-** SPIN project official arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, officials of the SPIN Project complete a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by state ministry of lands and village officials. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.
- **Agreement on Compensation and Preparation of Contracts-** All types of compensation are to be clearly explained to the individual or household. The SPIN Project draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the state environment agency, project officials, community (or municipal) officials and other leaders prior to signing.
- **Compensation Payments-** All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, representative of the Federal and State Ministry of Lands and FMWR and the community officials.

8.2 DESCRIPTION OF THE IMPLEMENTATION PROCESS

There will be a Federal Project Management Unit (FPMU) at the federal level and a State Project Implementation Unit (SPIU) at the state levels. While the FPMU have an oversight function on the SPIUs, the SPIUs have the responsibility of implementing the SPIN at the state level. The Social Development Specialists attached to the FPMU and SPIUs will be responsible for the implementation of the RF at the federal and state level respectively in close collaboration with the respective State and Federal Ministry

Departments and Agencies (MDAs) (e.g. Ministry of Environment, Ministry of Water Resources, Ministry of Lands etc). Before any project activity is implemented, PAPs, will need to be compensated in accordance with the resettlement policy framework and subsequent RAP. For activities 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 project activities 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 SPIUs present their resettlement plans to their respective state and Federal Ministry of Environment for approval, part of the screening process that would be used to approve recommended sites 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.

8.3 ENTITLEMENT DELIVERY PROCEDURE

The SPIUs will constitute a Resettlement Implementation Committee (RIC) at the state level. The RIC of the SPIU will lead the delivery of compensation entitlement for project affected person. This shall be coordinated by the Social Development Specialist of the SPIU. The SPIU must ensure that all procedures are understood by members of the project community and applied in the best possible way through the established RIC. Firstly, all affected assets must be confirmed by means of asset inventory documentation prepared for this purpose. Then compensation agreements can be drawn up based on confirmed data on the affected assets.

The RIC will coordinate with the community leadership and project affected persons to confirm assets and verify possession of a bank account. Where necessary, they will also validate the identification needed to open a new account. After engaging the PAP, signing of the agreements, and providing accounts for payment, the RIC will pay the PAP by cheque or bank transfer through authorized financial institutions before displacement. Proof of transfer or cheques will be handed over to the PAP in the presence of a witnesses NGO and copies kept for the record by the SPIU. Only when there is no facility to receive compensation in any other way can affected person receive cash. In the case of cheques and cash, a satisfactory security system must be put in place to guarantee the confidentiality of payment to avoid theft or loss of money. The SPIU will focus on building household/community capacity during and after compensation, as necessary.

The SPIU will work with the PAPs to inform them of their rights and responsibilities, the mechanisms for submitting complaints and appeals, and the implementation procedures. The SPIU will verify if cash compensation has been carried out transparently before the affected persons are displaced. They will work with the affected persons to ensure that they select areas to cultivate or trade, and livelihood activities that are socially acceptable for everyone involved including the community leadership and neighboring communities.

The SPIU is also responsible for organizing adequate assistance for displaced persons who have lost most of their income source. Such assistance may include agricultural inputs, transport, etc. to continue

agricultural/commercial practices elsewhere or guidance on alternative livelihood strategies. For spouses, it is required that husband and wife are jointly registered, unless both agree otherwise.

The SPIU shall ensure that contractors are given written instructions so that they do not start construction on subproject sites that are occupied until their occupants have been resettled and the areas physically vacated.

A central aspect of the compensation process is the provision of resources for affected household or persons to restore their standard of living. PAPs will be engaged to confirm the assets to be lost and inform them of the program policy that sets standards and keeps them informed about matters of interest to them, such as:

- The general schedule of the program and the various milestones with direct implications for their livelihoods.
- The replacement value must correspond to the current market value of affected assets.
- The amount must be paid to give the affected person the opportunity to improve their living standards or at least to maintain the living standards that prevailed before the start of the subproject.
- Compensation for all assets must be provided and completed before works and displacement start.
- Whenever applicable (for households that can choose to replace their affected assets) they can be helped to rebuild the structures lost to the project.
- Ensure that fixed-sale stalls and kiosks and other important businesses are compensated/replaced/reallocated in such a way that there is no interruption or discontinuity in local markets.

Assistance transporting goods: All affected persons moving temporarily or permanently will receive moving allowances/assistance.

Assistance to vulnerable people: Assistance to vulnerable people will take the following forms, depending on the needs and demands of the people and goods concerned:

- Dedicated consultation and monitoring to ensure livelihoods provided/restored and the vulnerability not increased.
- Assistance in the identification of suitable replacement land and in strategic location/design of the houses.
- Assistance in the clearing procedure (further clarification on the process, ensuring that the documents are understood, supporting the person in the bank, etc.).
- Assistance in the period after payment, so that compensation is safe and that the risks of misuse or theft are limited.
- Assistance directed at moving: providing transportation (vehicle and logistics) and helping the person to find their resettlement location, to ensure that others do not settle there, etc.
- Assistance in the reconstruction of replacement structures.
- Where applicable personalized architecture design and provision, in kind, - specified for the vulnerability demand (e.g., wheelchair ramps on road designs, community areas, markets etc.).

Sensitization to discourage the improper use of compensation: It will always be important to raise the awareness of PAPs receiving cash compensation (mainly in cash) to use it to make up for the loss of assets or income to improve the family's condition. Experience shows that, in similar circumstances, there is often a risk that some beneficiaries will use this money for purposes that do not add value to family and community life (for example, alcohol and other negative practices) and consequently impoverish families and communities. Some goods usually purchased, although beneficial, e.g., motor bikes, if not used to obtain income only increase household expenses. This awareness creation will be the responsibility of the SPIU.

Representativeness and delivery of compensation: The following principles must be considered when designing compensation delivery systems:

- Whenever possible, compensation must be delivered directly to the legitimate affected party. When delivered to a representative, the reasons for the substitution must be specified and these must be approved by witnesses such as community leaders, where appropriate. These representatives must have a power of attorney giving him the right, which will be put on record/file.
- At the household level, it is important to involve men and women (not just men) in the management of all aspects of compensation, especially receiving compensation (in cash and in kind). The affected households will be sensitized on this aspect.
- If deeds are issued, there should be the option to register the names of the husband and wife for the new dwelling, land or stall. It is hoped that involving women will help ensure that restoration measures are used to build family capital.
- The act of delivering the compensation must be duly witnessed, documented, and the respective confirmation receipts obtained. For registration and accountability purposes, photographs of all compensation delivery events must be taken and filed in the program database;
- Proof of payment is filed by the affected person and the NPMU, showing the identification and signature of the affected person, the signature of local witnesses (community leader, and/or NGO representative).

Compensation payments: The census and compensation agreement will indicate whether the affected household/person has a bank account, which other financial services they use, the value of the entitlement and preferences for receiving the monetary compensation.

Planning the payment timing: Payment of compensation for loss of crops should preferably be made at a time directly related to the preparation of the replacement cultivation areas. This serves to ensure that the money is more likely to be used to guarantee the long-term benefits of subsistence agricultural activities.

Payment for loss of income: Compensation for temporary loss of income sources (e.g., agricultural and business) will be calculated to cover the period until the affected person has an income again. Payments should be made according to the time the income is suspended.

Assistance in opening an account: Assistance in opening a bank account can be provided to households without a bank account. Assistance in opening an account will include advice (on account types, form and transaction costs, security requirements and the non-transferability of security codes, etc.), facilities on opening the account and payment by the program, the respective costs of opening an account and handling cheques and debit cards. It is recommended that an exemption from these costs be negotiated with the operator and that it provides the training/counselling for those affected, or if unavoidable, they be covered by the program.

Assistance in utilizing money: Vulnerable households with difficulty in travelling to operate a bank account (e.g., physically challenged and old people) will be helped by the RIC to purchase the items they request until the process is finalized.

Post-Resettlement: Monitoring will continue even after physical resettlement and payment of compensation for the duration of the period it requires to achieve restoration. It will also include livelihood restoration. Monitoring will be conducted by the SPIU and a project GRM will be available for grievances to be filed. If situations are detected where people may not be adapting or are unable to take advantage of the opportunities offered to them for an adequate recovery of their livelihoods, additional assistance should be given.

8.4 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 prior to SPIN Project and to serve the same function. Examples of community compensation include;

- School Building (public or religious)
- Public Toilets
- Well or Pump
- Marketplace
- Road
- Storage warehouse
- Community forest resources/tree species

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

CHAPTER NINE: DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS

9.1 INTRODUCTION

Grievance redressed mechanism is an important aspect in projects involving land acquisition or displacement. The redress of grievance is important to avoid unnecessary legal delays and cost overrun of the project. Also, this is a forum for people to express their dissatisfaction over compensation.

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 redress mechanism. Grievance redress mechanisms are increasingly important for development projects where ongoing risks or adverse impacts are anticipated. For SPIN Project, grievances are likely to arise due to the following:

- Failure to identify all categories of PAPs
- Losses not identified/quantified correctly;
- Inadequate assistance or not as per entitlement matrix;
- Dispute about ownership;
- Delay in disbursement of assistance; and
- Improper distribution of assistance
- Implementation of project without settling or resolving compensation matters

To manage these social risks and others which cannot be foreseen now with a view to ensuring successful project development and implementation, experience has revealed that open dialogue and collaborative grievance resolution represent the best practice.

The grievance mechanisms

- Provide a way to reduce risk for projects,
- Provide an effective avenue for expressing concerns and achieving remedies for communities, and
- Promote a mutually constructive relationship.
- Prevent and address community concerns, and
- Assist larger processes that create positive social change.

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.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying the Resettlement Committee described below.

If the complainants' claim is rejected, then the matter will be brought before the local courts for settlement. The decision of the state high courts would be final and all such decisions must be reached within a short period of time after the complaint is lodged. If a complaint pattern emerges, the SPIU and the respective State and Federal MDAs, with local community leaders will discuss possible remediation in close consultation with the NPMU, who will only act as observers in this case. 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 municipal/township heads and other community leaders will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

9.2 GRIEVANCE REDRESS COMMITTEE

A Resettlement Implementation Committee shall be constituted within the SPIU to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected families and to carry out post implementation social audits. The main functions of the Committee are spelt out below:

- Publicize within the list of affected persons and the functioning of the grievance redress procedure established;
- Evaluate grievances from affected persons concerning the application to them of the Entitlement Policy;
- Recommend to the Social Development Specialist, as the case may be, solutions to such grievances from affected persons;
- Communicate the decisions to the Claimants;
- Hear appeals from persons, households or groups who, not being affected persons, believe that they are qualified to be recognized as affected persons, to recommend to the SPIU whether such persons should be recognized as affected persons, and to communicate the decision of the SPIU in that regard to the Claimants;
- Ensure that all notices, forms, and other documentation required by Claimants are made available in Local language understood by people
- Made provision for complainants to submit claims without fear of retaliation.

9.3 GRIEVANCE REDRESS PROCESS

At the time that the individual resettlement plans are approved, and individual compensation contracts are signed, affected individuals and communities will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channelled via the Resettlement and Compensation Committee for each sub project at the sector level.

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs and project conditions and scale. In its simplest form, grievance mechanisms can be broken down into the following primary components:

- Receive and register a complaint
- Screen and assess the complaint
- Formulate a response
- Select a resolution approach
- Implement the approach
- Settle the issues
- Track and evaluate results
- Learn from the experience and communicate back to all parties involved.

9.3.1 EXPECTATION WHEN GRIEVANCE ARISE

When local people present a grievance, they generally expect to receive one or more of the following: acknowledgement of their problem, an honest response to questions/issues brought forward, an apology, adequate compensation, modification of the conduct that caused the grievance and some other fair remedies

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the company, contractors, or government officials must convince people that they can voice grievances and work to resolve them without retaliation.

To address these challenges, project proponents/companies are being called upon to lead and work with their host communities to fund non-judicial, dialogue-based approaches for preventing and addressing community grievances.

Figure 1 below gives a process flowchart for the grievance mechanism. Suffice it to say, that the overall process of grievance shall take the following way:

- During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances
- The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. An example of a grievance redresses form is provided in Annex 2.
- The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost
- The response time will depend on the issue to be addressed but it should be addressed with efficiency. Nevertheless, Grievance form will be filled by person affected by the project with the Resettlement Committee which will act on it within 10 working days on receipt. If no understanding or amicable solution is reached, or the affected person does not receive a response from the local Resettlement Committee within 15 working days, the affected person can appeal to a designated office in the SPIU, which should act on the complaint/grievance within 15 working days of its filing.
- Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.
- All reasonable moves must be made to settle any arising grievance amicably. If affected person is not satisfied with the decision received, he/she can, as a last resort, appeal to a court of competent jurisdiction. Affected persons will be exempted from all administrative and legal fees incurred pursuant to grievance redress procedures
- Where large scale grievance or complaints arise, that is cases that undermine the integrity of the census and inventory of assets and/or their valuation, the resettlement redress committee should refer the case to the SPIU for a possible revaluation/supplementary census that will identify omitted PAPs and assets.

For SPIN Project projects, it is recognized that the formal legal mechanisms for grievance redress tend to be lengthy and acrimonious procedures, besides, some uneducated people may not be able to access it. For this reason, an informal grievance redress mechanism through the SPIU Safeguard Units will be established. This unit will work with a committee comprising administrative head of local governments; community/village chiefs, NGOs/CBOs and other relevant Government organs that will be set-up to address complaints. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

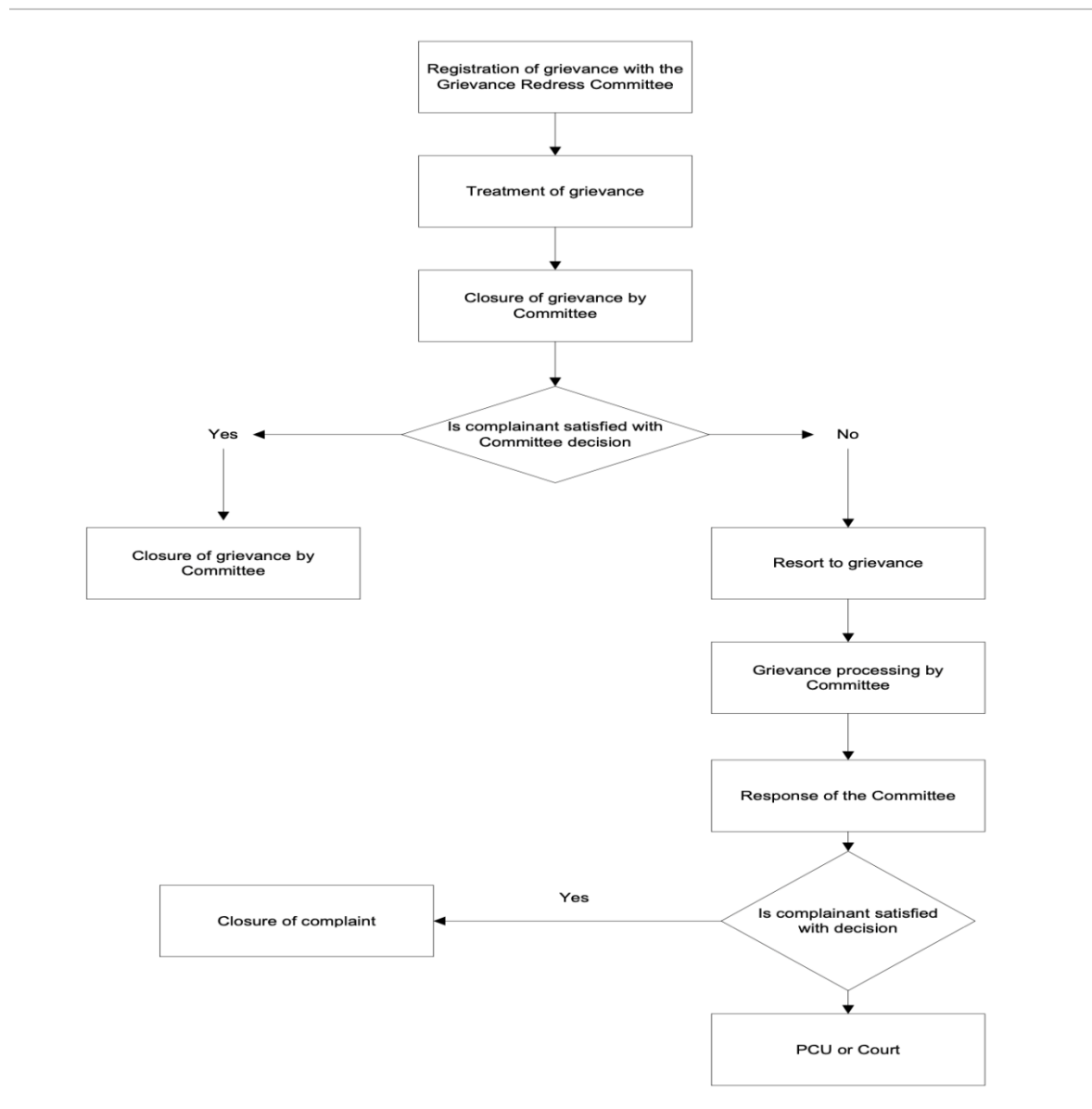


Figure 4: Sample Flowchart for Grievance Redress Mechanism

9.3.2 MANAGEMENT OF REPORTED GRIEVANCE

The procedure for managing grievances should be as follows:

- The affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the subproject Resettlement committee. This committee does not currently exist but is proposed as part of the RPF implementation arrangements. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer who will be the direct liaison with PAPs (this should be the Social representative) in collaboration with an independent agency/NGO person ensure to objectivity in the grievance process. Where the affected person is unable to write, the local Project Liaison Officer will write the note on the aggrieved person's behalf.
- Any informal grievances will also be documented.

9.3.3 GRIEVANCE LOG

The Project Liaison officer will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. A sample of a Grievance mechanism Form is included in Annex 2. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- date the complaint was reported.
- date the Grievance Log was uploaded onto the project database.
- date information on proposed corrective action sent to complainant (if appropriate)
- the date the complaint was closed out.
- date response was sent to complainant.

The Project Liaison Officer will be responsible for providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints any outstanding issues to be addressed monthly reports, including analysis of the type of complaints, levels of complaints, actions to reduce complaints and initiator of such action.

9.3.4 ADDRESSING GBV AND SEA/SH RELATED GRIEVANCE

The SPIN Project takes complaints related to Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) or sexual harassment (SH) seriously.

A separate GBV accountability and Response Framework shall be prepared to address GBV allegations and to hold perpetrators accountable. However, for any complaint that is reported to the GRM (including complaints involving other forms of GBV that are not related to the project), the GRM will also have procedures in place to refer the individual to GBV service providers.

9.3.4.1 GUIDING PRINCIPLE

To effectively manage grievances, there are basic principles that must be followed to ensure that the grievance redress mechanism is effective and valuable to beneficiaries and non-beneficiaries. The key principles include the following:

- **Communicated and Visible:** A good grievance mechanism should be clearly communicated to all relevant stakeholders (beneficiaries, the general public, and others). Information on how to channel grievances should be clear and widely publicized. Beneficiaries and non-beneficiaries should be informed on the timelines and the necessary steps that will be taken in handling their grievances. Information on what type of grievances can be made should also be clearly communicated to the beneficiaries, staff, and any other interested party. The frontline staff who will engage directly with citizens should be well knowledgeable on how the GRM operates.
- **Accessibility:** An effective GRM should be easily accessible by all. It should offer multiple channels for receiving and responding to grievances (e.g. in person, by phone, in writing, etc.). The conditions of the beneficiaries and other interested citizens should be taken into account when establishing a GRM. For example, if the GRM has a hotline element and there are beneficiaries with no phones, the grievance handling process should offer other alternatives such as face to face interaction or writing letters as alternatives for channelling grievances. Also, a good GRM should enable and encourage the use of different local languages in channelling grievances, which makes it more accessible for those who may not understand the official language.
- **Responsive:** It is essential that a GRM should be responsive to the needs of its beneficiaries and non-beneficiaries. It should ensure that grievances are acknowledged, and issues resolved promptly. Staff handling the complaints must follow the agreed targeted timelines for resolving grievances. A responsive GRM will ensure that complainants are regularly informed on the progress

or status of their grievances. A good GRM should be responsive to the needs of different people, including vulnerable persons such as the elderly or disabled, and those who cannot speak or write in English. It should also take a survivor- centered approach to gender-based violence (GBV) and sexual exploitation and abuse / sexual harassment (SEA/SH) complaints.

- **Fair and Objective:** Grievance handling staff should be fair and objective when handling and managing grievances. Grievances should be handled with all sense of fairness and without any bias. Staff receiving grievances should be objective and empathetic towards the complainant and should not be defensive, unfair or seen to be taking sides. Complainants should feel that they were treated fairly and with respect.

CHAPTER TEN: MECHANISM OF CONSULTATION OF AND PARTICIPATION WITH STAKEHOLDERS

10.1 INTRODUCTION

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 and among PAPs and the NPMU. For this project to be successful, 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.

For the purpose of this RPF, project-affected parties are economically and/or physically displaced persons or communities and host communities. Other stakeholders may include governmental agencies or other parties responsible for approving and/or delivering resettlement-related plans and assistance. Early initiation of meaningful engagement enables project-affected parties and other stakeholders to fully understand the implications of resettlement for their lives and to actively participate in the associated planning processes.

For all stages of the resettlement plan all relevant stakeholders' groups including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Action Plans for each sub-project.

10.2 CONSULTATION AND PARTICIPATORY APPROACHES

The stakeholder consultation and participation process for this RPF is an ongoing, organized, and iterative process. That is, the project-affected households and communities (including host communities) will be involve throughout the process of resettlement planning, implementation, and monitoring. Also, it is important that affected vulnerable individuals or groups have a voice in consultation and planning processes. The consultation process shall ensure that all those identified as stakeholders are consulted. Subject to NPMU approval, information about the project will be shared with the public, to enable meaningfully contribution, and enhance the success of the SPIN project.

Public consultation should take place through workshops, seminars, meetings, radio programs, request for written proposals/comments, questionnaire administration, public reading and explanation of project ideas and requirements. The consultation plan would be monitored by Federal Ministry of Environment and FMWR. The Ministry will set their own verifiable indicators to assess the degree of participation of the key stakeholder during all the phases of SPIN Project implementation.

Details of how to engage stakeholders are set out and can be referred from the SEP developed for the project. Thus, the below discussions focus on the summary findings of the stakeholder consultation conducted during the preparation of this RPF.

In as much as the SPIN project will be nationwide, the specific intervention sites are not known at this stage. However, to understand the type of issue that may arise as a result of the intervention and also possible beneficiary expectations, the FMWR&S selected 3 dams as first representative sites for study purposes. Communities in these locations (Doma Dam, Naka Dam, and Wuro-Keso Dam in Nasarawa, Benue and Taraba states respectively) were consulted in the preparation of this RF.

10.3 SUMMARY OF KEY FINDINGS FROM COMMUNITY CONSULTATION REGARDING RPF

A hybrid method was employed in the consultation For the preparation of this RPF. This involved physical consultation and the use of virtual methods (phone call and online calls). Three main groups of organizations and individuals (government MDAs, individuals and CBOs/NGOs) were consulted with. Some of the stakeholders are as follows: Ministry of Agriculture, Ministry of Water Resources, Ministry of Environment, River Basin Development Authorities, Doma Irrigation Project Office, Wure Keso Irrigation Project Office, Naka Irrigation Project Office, Representatives of community leadership, Fishermen groups in the reservoir areas, Fish sellers, Water User Associations, Rain Fed Farmers Association, Women Group, Farmers Group in the irrigation schemes, Vulnerable Group. The main consultation was carried out from the 20th to the 24th of February, 2024.

As part of the consultation, the stakeholders were given a general overview of the SPIN project and the importance of consultation in development projects. They were also given a general overview of the assignment as well as the importance and justification of preparing an RPF. Furthermore, they were informed of the nature, scale and potential positive social and economic impacts of the proposed project. This was followed by description of the potential negative impacts of the SPIN project focusing on the project activities under Components 2 and 3 that require land acquisition and, thus, with potential resettlement risks and adverse impacts on the local communities. Finally, the participants in the community consultation were let to express their views and concerns. The views and concerns raised are summarized into the following key points.

The proposed project is welcomed by the stakeholders. The participants in community consultations shared the view that the project can benefit the local community in multiple ways including:

The positive impacts of an irrigation rehabilitation project in project communities can encompass various aspects, including:

- A reliable water supply, leading to improved crop yields and increased agricultural productivity.
- Farmers can diversify their crop production, planting a wider variety of crops suited to different seasons and market demands.
- Enables year-round cultivation, breaking dependence on rain-fed agriculture and allowing for multiple cropping seasons.
- Lead to increased incomes for farmers, improving their livelihoods and economic well-being.
- Additional income generated from surplus produce can be reinvested in farm inputs, education, healthcare, and other household needs, stimulating local economies.
- The rehabilitation of irrigation systems will generate employment opportunities during construction, maintenance, and operation phases.
- Increased agricultural productivity can lead to job creation in related sectors such as processing, marketing, and agribusiness, benefiting rural communities.
- The rehabilitation will provide the communities with better access to water for domestic purposes.

Despite consultation participants raised a serious concern about the risks and adverse impacts of involuntary welcoming the project for the aforesaid potential positive social and economic impacts, community displacement (physical and economic) due to project-related land acquisition for Components 2 and 3. In particularly, the concerns of the participants are highlighted in the table below.

Table 8: Summary of concerns from Stakeholders

SN	Concerns	Responses
----	----------	-----------

1	<p>If the project will not be hijacked by politicians and not benefit the farmers and communities in the long run.</p> <p>They really appreciate and hope that the project will be brought to fruition.</p>	<p>The project will not be hijacked. One of the reasons for the consultation is to carry the stakeholders along and allow for ownership of the project. The communities will be carried along throughout the process of the SPIN project</p>
2	<p>Will farmers and landowners will be compensated if their assets will be impacted.</p>	<p>Yes, they will. There would be an assessment by an independent consultant and the</p>
3	<p>What procedures of project-related land acquisition will be followed? who will be eligible for compensation? will the rightful owners be compensated?</p>	<p>The procedures of project-related land acquisition strictly adhere to the national legal framework and World Bank's Environmental and Social Framework: project-related land acquisition shall not use forced eviction; An independent consultant will be engaged by the project to assess the level of impact take inventory of affected assets and census of the affected person. The consultant will prepare a resettlement plan that will provide compensation for the affected assets at full replacement cost. Also the plan will take into consideration livelihood restoration program for project affected persons. Those eligible for compensation will include all those carrying out activities within the project corridor whose assets will be impacted as a result of the project implementation whether occupying the area legally or squatting.</p>
4	<p>What kind of compensation will be provided for the affected persons</p>	<p>The Bank's ESS5 recommends several options which includes replacement or cash compensation. The project affected persons will be consulted during the preparation of the resettlement plan and communicated on the various options available. Depending on the nature and scale of the impacts of the involuntary resettlement, project's compensation payment will follow different forms including land replacement strategies, cash compensation, in-kind compensation, resettlement assistance or a combination of these. However, it is expected that the affected persons are not made worse than they were prior to the project implementation.</p>
5	<p>Will the rehabilitation project occur only on the RBDA land or would there be need for expansion?</p>	<p>The project design is for the rehabilitation of the Dam and the RBDA irrigation command areas. However, if there would</p>

		be need for expansion and acquisition of land, the community and landowners will be informed timely and a resettlement and compensation plan will be prepared to take care of the impact.
6	As a farmer on the irrigation area, will the farmland be given back to the farmer after the rehabilitation works?	Yes, the farmers will be reallocated their respective plots by the time the rehabilitation works has been completed.
7	Pleaded for the project help to revive the association for physically challenged persons under the project command	The project will make sure that the interest of the association is taken care of to ensure they access the full benefits of the SPIN project

When asked if they will be willing to use gravity fed irrigation, the stakeholders stated that they will be willing to practice any form of irrigation that will improve their agricultural production. They have been making use of sprinklers in some areas which alter failed and in other schemes the irrigation components has never worked since inception.

Furthermore, regarding the capacity to employ the irrigation system, they stated that they have not used the gravity system before and will be willing to learn if thought on the best practices.

The consultant further informed them that the project will establish strong and accessible (structure from community to federal level) Grievance Redress Mechanism to manage disputes and disagreement on resettlement procedures and compensation. Participants were given the awareness that if grievance is unresolved through project's GRM, the affected persons have the right to appeal to the formal court system. Finally, the views and concerns of the consultation participants are used as inputs for the sections on implementation arrangement for RPF and RAP preparation.

CHAPTER ELEVEN: MONITORING AND EVALUATION ARRANGEMENTS

11.1 INTRODUCTION

Monitoring and evaluation are intended to help ensure that the resettlement action plan is prepared and implemented according to the resettlement policy framework. This will be a continuous process in the implementation of this RPF and the subsequent RAPS and will include internal and external monitoring. The objective of M&E is to assess the performance of the RAP and to identify early gaps and issues that the mitigation measures described in the plan are not able to address with a view to providing remedial measures to forestall a setback to project success. The arrangements for monitoring would fit the overall monitoring plan of the entire SPIN Project which would be through the State and Federal Ministry of Environment and FMWR.

A fundamental approach in monitoring and evaluation segment of this project will avoid the linear conceptual model, in which monitoring and evaluation come in the end of the implementation processes however monitoring will be a continuous process.

Based on measurable indicators, the progress of the project will be assessed. This will involve a thorough comparison of projected activities with actual achievements based on the work plan and the log framework. Details of reasons for variances will always be determined and adequate corrective measures taken. Data collection in this stage will involve key informant interviews, focus group discussions, and direct observations. The monitoring will help assess the progress of implementation and make timely decisions to ensure that progress is maintained.

The strategic objective of monitoring and evaluation of activities is to measure the extent to which the objectives of the project are being achieved. Monitoring and evaluation will also help to understand the types of checks and balances that are most effective in ensuring that the SPIN project especially the resettlement issues are result oriented. To achieve this, the SPIN Project will institute an administrative reporting system that:

- a) Alerts federal and state project authorities to the necessity for land acquisition in SPIN Project technical requirements,
- b) Provides timely information about the valuation and negotiation process,
- c) Reports any grievances that require resolution, and
- d) Documents timely completion of project resettlement obligations (i.e., payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

11.2 MONITORING PROCEDURE

The Social Development Specialist of the SPIU will prepare a long-term monitoring strategy and this will encompass clear and definitive criteria and parameters to be monitored for each specific site and in each community. The Monitoring Plan will take into consideration the scope of development, environmental and social sensitivity and the financial and technical means available for the monitoring plan. The plan will identify and describe the indicators to be used, the frequency of monitoring and the standard (baseline) against which the indicators will be measured for compliance with the Environmental and Social Management Plan (ESMP).

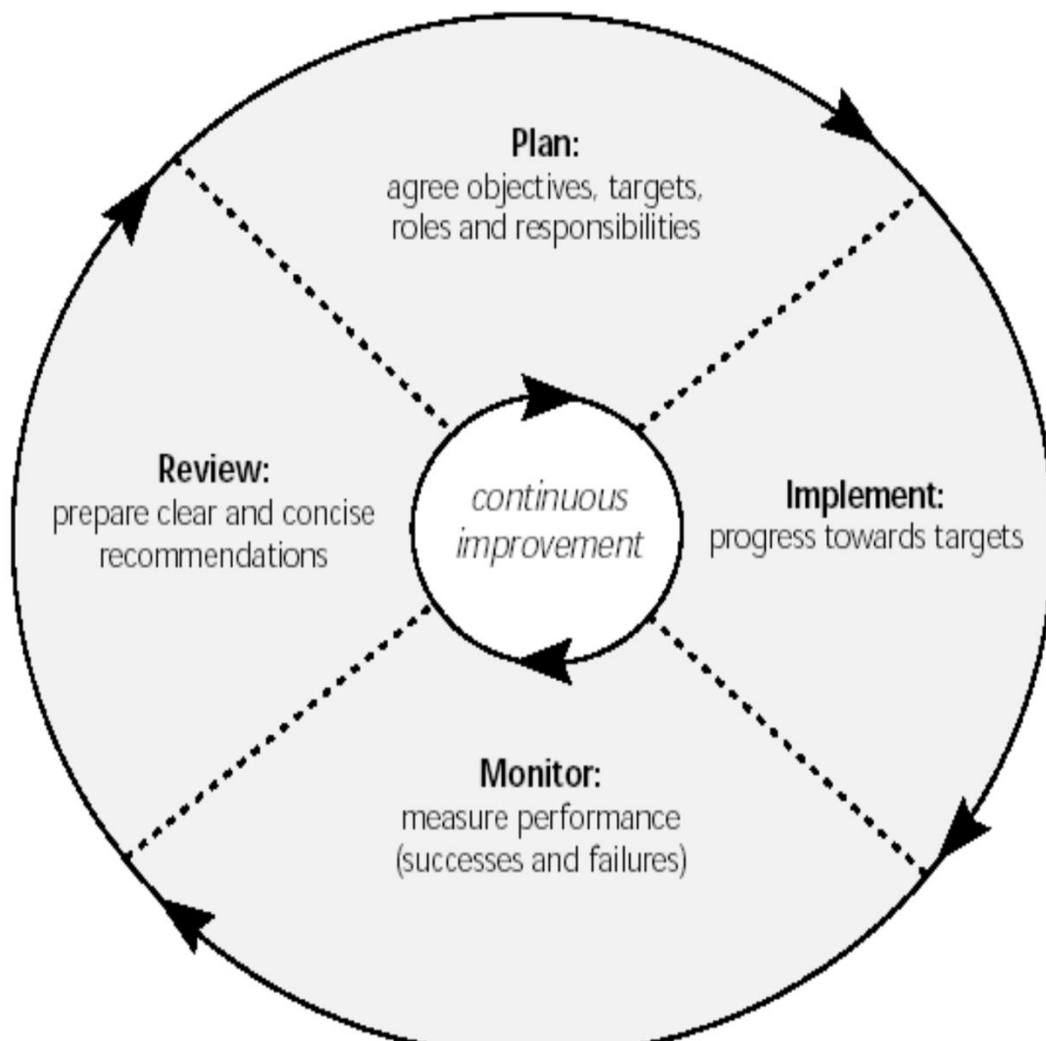


Figure 5: Conceptual Model- Adopted from TRIMING RPF

Arrangement for monitoring will include both internal and external monitoring. Internal monitoring will involve reporting by government officials and field consultants, community participatory monitoring; while external monitoring, will involve NGOs and journalists providing independent monitoring. Monthly monitoring plans will be prepared by the SPIU. Quarterly and annual reports will be submitted to the State and Federal Ministry of Environment and FMWR, and to other appropriate agencies. All monitoring components will be subject to audit, internally by the NPMU and externally by the Federal Ministry of Environment and FMWR&S.

Each monitoring programme will follow the established schedule; monitoring may be performed daily, weekly, quarterly, semi-annually, annually, biennially, or continuously, depending upon the resource, regulatory requirements for regulatory monitoring, and the project-specific requirements for other monitoring. Monitoring results will be compiled when due and communicated to the FPMU, Federal Ministry of Environment and FMWR&S, as appropriate. The table 9 below shows the variables to be monitored routinely by the project during implementation of the resettlement issues.

Table 9: Monitoring Indicators

Subject	Indicator	Variable
Land	Acquisition of Land	<ul style="list-style-type: none"> • Area of land acquired for SPIN Project developments • Area of communal land acquired for SPIN Project developments • Area of private land acquired? • Area of government land acquired?
Buildings/Structures	Acquisition of Buildings	<ul style="list-style-type: none"> • Number, type and size of private buildings acquired • Number, type and size of community buildings acquired • Number, type and size of government buildings acquired
	Acquisition of Other Structures	<ul style="list-style-type: none"> • Number, type and size of other private structures acquired • Number, type and size of other community structures acquired
Trees and Crops	Acquisition of Trees	<ul style="list-style-type: none"> • Number and type of trees cut down
	Destruction of Crops	<ul style="list-style-type: none"> • Crops destroyed by area, type and ownership
Compensation, Re-establishment, and Rehabilitation	Compensation and Re-establishment of affected owners/individuals	<ul style="list-style-type: none"> • Number of homesteads affected (buildings, land, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number of replacement houses constructed • Size, construction, durability and environmental suitability of replacement houses • Possession of latrines • Water supply access • Number of replacement businesses constructed
	Re-establishment of community resources	<ul style="list-style-type: none"> • Number of community buildings replaced • Number, type of plants lost • Number of seedlings supplied by type • Number of trees planted

Subject	Indicator	Variable
Hazards and Disturbances	Introduction of nuisance factors	<ul style="list-style-type: none"> Number of homesteads affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)
Social/Demographic	Changes to homestead structure	<ul style="list-style-type: none"> Homestead size (births, deaths, migration in and out) Age distribution Gender distribution Marital status Relationship to homestead head Status of “vulnerable” homesteads
	Population migration	<ul style="list-style-type: none"> Residential status of homestead members Movement in and out of the homestead (place and residence of homestead members)
	Changes to access	<ul style="list-style-type: none"> Distance/travel time to nearest school, health centre, church, shop, village
	Changes to health status	<ul style="list-style-type: none"> Nutritional status of resettled homestead members Number of people with disease, by type (STDs, diarrhea, malaria, ARI, immunizable disease) Mortality rates Access to health care services (distance to nearest facility, cost of services, quality of services) Utilization of health care services Disease prevention strategies Extent of educational programmes Latrine provision at schools (school child population per VIP on site)
	Changes to educational status	<ul style="list-style-type: none"> Literacy and educational attainment of homestead members- any changes due to project If School attendance rates are affected (age, gender) Number, type of educational establishments affected
	Changes to status of women	<ul style="list-style-type: none"> Participation in training programmes Landholding status

Subject	Indicator	Variable
		<ul style="list-style-type: none"> • Participation in SPIN Project related activities
	Homestead earning capacity change due to resettlement activities	<ul style="list-style-type: none"> • Ownership of capital assets • Ownership of equipment and machinery • Landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops) • Landholding status (tenure) • Redistribution of cultivation land • Changes to livestock ownership: pre- and post disturbance • Value of livestock sales, and imputed value of barter transactions • Consumption of own livestock production • Employment status of economically active members • Skills of homestead members • Earnings/income by source, separating compensation payments • Changes to income-earning activities (agriculture) – pre and post disturbance • Changes to income-earning activities (off-farm) – pre and post disturbance • Amount and balance of income and expenditure • Possession of consumer durables • Realization of homestead income restoration plans • (components implemented, net income achieved) • Possession of bank and savings accounts • Access to income-generating natural resource base (wood, grass, sand, stones)
	Changes in social organisation	<ul style="list-style-type: none"> • Organizational membership of homestead members • Leadership positions held by homestead members
	Population influx	<ul style="list-style-type: none"> • Growth in number and size of settlements, formal and informal • Growth in market areas
Consultation	Consultation programme operation	<ul style="list-style-type: none"> • Number of local committees established • Number and dates of local committee meetings

Subject	Indicator	Variable
		<ul style="list-style-type: none"> • Type of issues raised at local committees meetings • Involvement of local committees in SPIN project development planning • Number of participating NGOs
	Dissemination	<ul style="list-style-type: none"> • Number, position, staffing of Information Centres • Staffing, equipment, documentation of Information Centres Activities of Information Centres • Number of people accessing Information Centres • Information requests, issues raised at Information Centres
	Grievance Resolved	<ul style="list-style-type: none"> • Number of grievances registered, by type • Number of grievances resolved • Number of cases referred to court
Training	Operation of training programmes	<ul style="list-style-type: none"> • Number of local committee members trained • Number of affected population trained in Project-related training courses
Management	Staffing	<ul style="list-style-type: none"> • Number of implementing agencies by function • Number of ministry officials available by function • Number of office and field equipment, by type
	Procedures in operation	<ul style="list-style-type: none"> • Census and asset verification/quantification procedures in place • Effectiveness of compensation delivery system • Number of land transfers effected • Co-ordination between local community structures, SPIN project and officials

11.2.1 INTERNAL MONITORING

The social safeguard unit of the SPIU will perform periodic monitoring of all resettlement activities in the Unit's portfolio. The SPIU will consult and coordinate with the appropriate Federal and State agencies (e.g., FMEnv, SEPA) on social monitoring.

For those areas with minor resettlement, the SPIU Safeguard unit will report at least quarterly on the: implementation schedule, delivery and usage of any resettlement compensation, relocation of marketers and transporters, and their pre- and post-move sales, extent of community involvement and efficiency of resettlement agencies in fulfilling their obligations.

In the areas where a resettlement plan or an abbreviated resettlement plan is required because of land acquisition or significant numbers of displaced persons, the Safeguards Unit, will provide a quarterly progress report on the various resettlement activities. The report will provide detailed explanation of resettlement progress, fund allocation, and issues and problems arising, as well as solutions devised, during implementation. In addition, the report which shall be in a tabular format will have comparisons on the following:

- Estimated and actual extent of compensation delivered
- The number of structures demolished
- The number of new homes, shops, market stalls and other required structures built
- And all other matters deemed pertinent for facilitating resettlement and project progress.
- No. of sub-projects requiring preparation of a RAP;
- No. of households, and number of individuals (women, men and children) physically or economically displaced by each sub-project;
- Length of time from sub-project identification to payment of compensation to PAPs;
- Timing of compensation in relation to commencement of physical works;
- Amounts of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- No. of people raising grievances in relation to each sub-project;
- No. of unresolved grievances.

11.2.2 EXTERNAL MONITORING

For major resettlement, the SPIU will engage an independent firm or organization to conduct periodic external assessments of resettlement progress. The SPIU will develop a detailed monitoring work plan for the terms of reference, based on the resettlement plan submitted to and approved by the World Bank. The SPIU will select a firm with extensive experience in social survey and resettlement monitoring for this work. The SPIU will review and approve the questionnaires and inventory forms developed by the consultant, as well as the research methods, analytic techniques, and reporting formats proposed by the consultant.

The aim of this independent monitoring is to provide verification of key concerns in resettlement, such as compliance with resettlement policies, implementation progress, the extent of effective consultation and participation of local populations, and the direction and extent of changes of income and livelihood among displaced persons. Careful attention to monitoring matters such as these will help ensure equitable benefits for every displaced person.

11.3: EVALUATION PROCEDURE

There will be Environmental and Social Resource persons attached to the SPIN project. These persons and their counterpart in the environment agencies would be responsible for periodically transferring the information compiled to the FMEnv so that it is alerted in a timely manner to any difficulties arising at the local level. The objective will be to make a final evaluation in order to determine.

- If affected people have been paid in full and before implementation of the sub projects activities,

- If the people who were affected 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 poorer 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 action plans will contain indicators and benchmarks for achievement of the objectives under the resettlement program. These indicators and benchmarks should be of three kinds:

- Process indicators, indicating project inputs, expenditures, staff deployment, etc
- Output indicators, indicating results in terms of numbers of affected people compensated and resettled, training held, credit disbursed, etc.
- Impact indicators, related to the longer-term effect of the project on people's lives.

The benchmarks and indicators should be limited in number and combined quantitative and qualitative types of data. The first two types of indicators, related to process and immediate outputs and results, will be monitored internally by the project. This information will serve to inform project management about progress and results, and to adjust the work program where necessary if delays or problems arise.

The results of this monitoring will be summarized in reports, which will be submitted to authorities and the World Bank on a regular basis. Each time land is used or acquired by the SPIN 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. Table 10 outlines indicators to monitor and evaluate the implementation of resettlement and compensation plans.

Table 10: Resettlement and Compensation Performance Measurements Indicators

SN	Monitoring Indicators	Evaluation Indicators
1	Outstanding Compensation or Resettlement Contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
2	Communities unable to set village-level compensation after two years	Outstanding village compensation contracts
3	Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
4	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 agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
5	Pre-project production versus present production (crop for crop, land for land)	Equal or improved production household

6	Pre-project income of vulnerable individuals identified versus present income of vulnerable groups.	Higher cost project income of vulnerable individuals
---	---	--

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The SPIN project, State Ministry of Environment, FMWR&S, Local Governments, FPMU and SPIU at the FMWR will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feedback from:

- Indicators monitored by the Benue, Nasarrawa and Taraba state 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 Benue, Nasarrawa and Taraba State Ministry of Environment and FMWR&S be structured into the whole M&E component of the project. This would take the form of giving these agencies 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 FPMU, PSC, TAC and to the FMEnv and will become part of the official documents of the project.

11.4 SOCIOECONOMIC MONITORING

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. It will go on as part of the implementation of each sub-project RAP, to assess whether compensation has been paid, income has been restored and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement. The objective is that the income and standard of living of the PAPs has at least been restored and has not declined.

A number of indicators would be used in order to determine the status of affected people (land being used to compare before, standard of house compared to before, level of participation in project activities compared to before, how many children in school compared to before, health standards, etc.

As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.

Following all the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impact of the social mitigation and measures implemented. In addition, local authorities and PAPs will be consulted to provide their assessment of the impacts of social mitigation measures applied.

11.5 COMPLETION AUDIT

An audit will be carried out to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used as a measure against their socio-economic status after

the resettlement. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced.

The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

The annual audit of RPF implementation will include:

- a summary of the performance of each sub-project vis-à-vis its RAP.
- a summary of compliance and progress in implementation of the process frameworks.
- a presentation of compliance and progress in the implementation of the RPF.
- Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced.
- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lesson for future resettlement activities and recommending correction in the implementation.
- Ascertain whether the resettlement entitlement was appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.

REFERENCE

- ACReSAL Resettlement Policy Frameworks for ACReSAL Project, (March 2022),
- Dam Panel of Experts (DPoE) Safety Inspection Report for Doma Dam, Nasarawa State, FMWR, (2023)
- Dam Panel of Experts (DPoE) Safety Inspection Report for Naka Dam, Benue State, FMWR, (2023)
- Dam Panel of Experts (DPoE) Safety Inspection Report for Wurno Keso, Taraba State, FMWR, (2023)
- IFC, Handbook for Preparing a Resettlement Action Plan, Undated
- Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects, World Bank (2004)
- RCRP Resettlement Policy Framework for Regional Climate Resilience Program for Eastern and Southern Africa (2023)
- Strategic Framework for Mainstreaming Citizen Engagement in World Bank Group, World Bank (2004)
- Sustainable Power and Irrigation for Nigeria Project Concept Note, World Bank (2023)
- Sustainable Power and Irrigation for Nigeria Project Information Document, World Bank (2023)
- TRIMING Project Resettlement Policy Frameworks, FMWR, TRIMING (2013),
- Valuation Reporting Requirements in a Resettlement Action Planning (RAP) Process, Adamu (2013)
- World Bank Environmental and Social Framework, World Bank (2018),

ANNEX 1: OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN

CHAPTER ONE: INTRODUCTION

Background Understanding

- Brief overview of the project and its context.
- Explanation of the need for a Resettlement Action Plan (RAP) in the project.

Aim and Objectives of the RAP

- Clearly defined goals and objectives of the RAP.
- Statement of intended outcomes and targets.

Justification for the preparation of a RAP

- Reasons for conducting a RAP and its importance in project implementation.
- Potential benefits for project-affected persons (PAPs) and stakeholders.

RAP Methodology

- Overview of the approach and methods used in preparing the RAP.
- Description of data collection techniques and stakeholder engagement processes.

CHAPTER TWO: DESCRIPTION OF THE PROJECT ENVIRONMENT AND BASELINE STUDIES

Description of the project State

- Overview of the state where the project is located.
- Contextual information relevant to project implementation.

Description of the project location

- Specific details about the geographic location of the project area.
- Environmental and social characteristics of the project site.

Socio-Economic Baseline Conditions of Project Affected Persons (PAPs)

- Detailed analysis of the socio-economic status of PAPs.
- Identification of key demographic and economic indicators.

CHAPTER THREE: POLICY LEGAL AND REGULATORY FRAMEWORK

- Overview of relevant laws, regulations, and policies governing resettlement.
- Analysis of international standards and guidelines applicable to the project.

CHAPTER FOUR: IDENTIFICATION OF PROJECT IMPACTS AND PROJECT AFFECTED PERSONS

Introduction

- Overview of the impact assessment process and objectives.

Impact Reduction Measures Undertaken

- Description of measures taken to minimize adverse impacts on PAPs.
- Mitigation strategies employed by the project.

Positive Impacts of the project

- Identification and assessment of positive effects on PAPs and the community.

Negative Impact of the Project

- Identification and assessment of adverse effects on PAPs and the community.

Entitlement and Eligibility

- Entitlement matrix outlining compensation and assistance packages for PAPs.
- Description of eligibility criteria for defining various categories of PAPs.

The Valuation methodology

- Explanation of the approach used to determine compensation values for affected assets.

Inventory of affected assets/structures in the project area

- Detailed list of assets and structures affected by the project.

Census of Project Affected Persons (PAPs)

- Enumeration and documentation of individuals and households affected by the project.

Compensation and Resettlement Assistance

- Description of compensation and assistance measures provided to PAPs.
- Analysis of impacts and income restoration measures for vulnerable groups/PAPs.

Performance Indicator for Assessing Income Restoration

- Metrics used to assess the effectiveness of income restoration measures.
- Criteria for evaluating the success of income restoration efforts.

Proof of Eligibility

- Documentation required to demonstrate eligibility for compensation and assistance.

Duration for Civil Works

- Timeline for the implementation of civil works and associated resettlement activities.
- Schedule for completion of construction activities.

Cut-Off Date

- Deadline for determining eligibility and inclusion of PAPs in the resettlement process.

CHAPTER FIVE: GRIEVANCE REDRESS MECHANISMS

- Establishment of mechanisms for addressing grievances and complaints from PAPs.
- Procedures for receiving, investigating, and resolving grievances in a timely and fair manner.

CHAPTER SIX: BUDGET AND FINANCING PLAN

Introduction

- Overview of the budgeting process and financing plan for the RAP.

Financing plan

- Sources of funding for compensation, assistance, and administrative expenses.
- Budget allocation for different components of the RAP.

Procedure for Delivering of Entitlements

- Steps involved in delivering compensation and assistance to PAPs.
- Administrative procedures for processing entitlements.

RAP Compensation Process

- Outline of the compensation process from assessment to disbursement.
- Roles and responsibilities of stakeholders involved in compensation administration.

Compensation Payment Administration

- Procedures for managing and disbursing compensation payments to PAPs.

Resettlement Implementation Linkage to Civil Works

- Integration of resettlement activities with project construction timelines.
- Coordination between resettlement implementation and civil works.

CHAPTER SEVEN: INSTITUTIONAL ARRANGEMENTS- ROLES AND RESPONSIBILITIES

- Roles and responsibilities of implementing agencies, government entities, and other stakeholders.
- Institutional mechanisms for coordination and collaboration in resettlement implementation.

CHAPTER EIGHT: TIMETABLE OF EVENTS

Timetable for the Resettlement Action Plan

- Schedule of activities and milestones for the implementation of the RAP.
- Timeline for completion of key tasks and deliverables.

Training and Capacity Needs

- Identification of training needs for stakeholders involved in RAP implementation.
- Capacity-building initiatives to enhance skills and knowledge in resettlement management.

CHAPTER NINE: MONITORING AND EVALUATION

Overview

- Importance of monitoring and evaluation in assessing the effectiveness of the RAP.

- Objectives of monitoring and evaluation activities.

Internal Monitoring

- Procedures for internal monitoring by project implementing agencies.
- Monitoring mechanisms to track progress and identify implementation challenges.

Independent Monitoring

- Role of independent monitors in assessing compliance with resettlement standards.
- Methods for conducting independent monitoring and reporting findings.

Monitoring Indicators

- Key performance indicators used to measure the success of resettlement activities.
- Criteria for evaluating the achievement of resettlement objectives.

Implementation Schedule

- Schedule for monitoring and evaluation activities throughout the project lifecycle.
- Frequency of monitoring visits and reporting requirements.

CHAPTER TEN: STAKEHOLDERS CONSULTATION

Method and participation

- Strategies for engaging stakeholders in the resettlement process.
- Methods used to solicit input and feedback from affected communities.

Choice and Right

- Recognition of stakeholders' right to participate in decision-making processes.
- Measures to ensure inclusivity and representation of diverse perspectives.

Concerns and resolutions

- Addressing stakeholders' concerns and grievances through consultation and dialogue.
- Mechanisms for resolving conflicts and reaching consensus on resettlement issues.

REFERENCES

- List of sources cited in the RAP document.

ANNEX A: LIST OF PROJECT AFFECTED PERSONS AND THEIR COMPENSATION

- Detailed list of individuals and households affected by the project, along with their entitlements.

ANNEX B: COST DERIVATION TABLE FOR AFFECTED STRUCTURES AND LANDED PROPERTY

- Table outlining the methodology and calculations used to determine compensation values for affected structures and land.

ANNEX C: COST DERIVATION TABLE FOR [AFFECTED] CASH CROPS/ECONOMIC TREES

- Table detailing the valuation methodology for compensation of affected cash crops and economic trees.

ANNEX D: TERMS OF REFERENCE

- Document outlining the terms of reference for consultants and stakeholders involved in RAP preparation and implementation.

ANNEX E: CONSULTATION ATTENDANCE LIST

- Record of stakeholders who participated in consultation meetings and events.

ANNEX F: MONITORING INDICATOR

ANNEX 2: SAMPLE GRIEVANCE AND RESOLUTION FORM

Grievance Form				
<i>Grievance Number:</i>		<i>Copies to forward to:</i>		
<i>Name of the Recorder;</i>		<i>(Original)-Receiver Party:</i>		
<i>LG & Community:</i>		<i>(Copy)- Responsible Party:</i>		
<i>Date:</i>				
Information About Grievance				
<i>Define the Grievance</i>				
Information about the Complainant		Forms of Receipt:		
Name		<input type="checkbox"/> community Information Meetings		
Phone Line		<input type="checkbox"/> Mail		
Village/ Local Govt. Area		<input type="checkbox"/> Informal		
Signature of Complainant and Date		<input type="checkbox"/> Other		
DETAILS OF GRIEVANCE (addition to list could be made as appropriate)				
1. Access to Land and Resources	2. Damage to	3. Damage to Infrastructure or Community Assets	4. Decrease or Loss of Livelihood	5. Traffic Accident
a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Others	a) House b) Land c) Livestock d) Means of livelihood e) Other	a) Road b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Others	a) Agriculture b) husbandry c) Beekeeping d) Small scale trade e) Other	a) Injury b) Damage to property c) Damage to livestock e) others
6. Incidents Regarding Expropriation	7. Resettlement Process(Specify)	8. Employment and Recruitment(Specify)	9. Construction Camp and	10. Other (Specify)

<i>and Compensation (Specify)</i>			<i>Community Relations</i> <i>a) Nuisance from dust</i>	
			<i>b) Nuisance from noise</i> <i>c) Vibrations due to explosions</i> <i>d) Misconduct of the project personnel /worker</i> <i>d) Complaint follow up</i> <i>f) Other</i>	

ANNEX 3: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORT

Table of Contents

1. Executive Summary
 - Summary of Consultation Feedback
2. Introduction
3. Public Consultation Process Overview
 - Stakeholder Identification
 - Consultation Strategy
4. Stakeholder and Public Notification
 - Stakeholder Notification
 - Public Notification
5. Detailed Feedback from Public Consultation
6. Participant Demographics
7. Next Steps
8. Appendices

ANNEX 4: GLOSSARY OF TERMS

Children: all persons under the age of 18 years according to international regulatory standard (Convention on the rights of Child 2002)

Community: a group of individuals broader than households, who identify themselves as a common unit due to recognized social, religious, economic and traditional government ties or shared locality.

Compensation: payment in cash or in kind for an asset or resource acquired or affected by the project.

Cut-Off-Date: the date of announcement of inventory of project affected items, upon which no new entrant or claimant or development is allowed or will be entertained as affected assets within the project area of influence.

Economic Displacement: a loss of productive assets or usage rights or livelihood capacities because such assets / rights / capacities are located in the project area.

Entitlement: the compensation offered by RAP, including: financial compensation; the right to participate in livelihood enhancement programs; housing sites and infrastructure; transport and temporary housing allowance; and, other short- term provisions required to move from one site to another.

Head of the Household: the person providing or acknowledged by the household to be providing the basic means of existence for the household.

Household: a group of persons living together who share the same cooking and eating facilities and form a basic socio-economic and decision- making unit. One or more households often occupy a homestead.

Involuntary Resettlement: resettlement without the informed consent of the displaced persons or if they give their consent, it is without having the power to refuse resettlement.

Lost Income Opportunities: lost income opportunities refer to compensation to project affected persons for loss of business income, business hours/time due to project

Environmental and Social Standards 5 (ESS5): Describes the basic principles and procedures for resettling, compensating or at least assisting involuntary displace persons to improve or at least restore their standards of living after alternatives for avoiding displacement is not feasible.

Physical Displacement: a loss of residential structures and related non-residential structures and physical assets because such structures / assets are located in the project area.

Private property owners: persons who have legal title to structures, land or other assets and are accordingly entitled to compensation under the Land Act.

Project-Affected Community: a community that is adversely affected by the project.

Project-Affected Person: any person who, as a result of the project, loses the right to own, use or otherwise benefit from a built structure, land (commercial, residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

Rehabilitation: the restoration of the PAPs resource capacity to continue with productive activities or lifestyles at a level higher or at least equal to that before the project.

Relocation: a compensation process through which physically displaced households are provided with a one-time lump-sum compensation payment for their existing residential structures and move from the area.

Replacement Cost: the amount of cash compensation and/or assistance suffices to replace lost assets and cover transaction costs, without taking into account depreciation or salvage value.

Resettlement Action Plan (RAP): documented procedures and the actions a project proponent will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by a project.

Resettlement Assistance: support provided to people who are physically displaced by a project. This may include transportation, food, shelter, and social services that are provided to affected people during their resettlement. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

Resettlement: a compensation process through which physically displaced households are provided with replacement plots and residential structures at one of two designated resettlement villages in the district. Resettlement includes initiatives to restore and improve the living standards of those being resettled.

Squatters: squatters are persons who may/may not have individual land plots outside the project corridor but are landless household squatting within the public / private land for residential and business purposes.

Vulnerable group: People who by their disadvantage conditions will be economically worse impacted by project activities than others such as female headed households, persons with disability, at-risk children, persons with HIV-AIDS and elderly household heads of 60 years and above.

ANNEX 5: PHOTOS FROM CONSULTATION



Consultation with PM at Doma Irrigation Office



Consultation with stakeholders at Doma



Cross section of women Group in Doma Irrigation



Cross section of mens group at Doma



Fish seller association representatives



Consultation at Wuro Keso project office



Consultation with Naka Dam stakeholders



PM addressing stakeholders