



**ABBREVIATED RESETTLEMENT ACTION PLAN  
(ARAP)-  
Final Report  
For**

**THE REHABILITATION OF LADI KWALI POTTERY  
CENTRE, SULEJA, NIGER STATE**



**MINERAL SECTOR SUPPORT FOR ECONOMIC  
DIVERSIFICATION (MinDiver) PROJECT**  
10, Lola Close, Off Ademola Adetokunbo Street, Wuse II, FCT.

***UNDER  
MINISTRY OF MINES AND STEEL DEVELOPMENT***

**OCTOBER, 2020**

ARAP Basic Data/Information		
No.	Subject	Data
1	Proposed Work	Rehabilitation of Ladi Kwali Pottery Centre, Suleja
2	Site Description	An abandoned Pottery Centre at Suleja, Niger State, the monument connotes Culture, Arts and Craft Centre that has brought glories in the past to the area was left to decay.
2	Need for ARAP	The proposed construction projects involve civil works, with the presence of squatters on site displacement of assets, families, business or public infrastructure was envisaged.
3.	Nature of Civil Works	Rehabilitation of selected existing structure and construction of proposed structures at the Ladi Kwali Pottery Centre.
4	Zone of Impact	All the Squatter carry out business within the pottery Centre and the surrounding areas, including the mechanics doing business within the GSS staff quarters area.
5	Benefit of the Intervention	The Ladi Kwali pottery Centre will stimulate the socioeconomic life in the State by creating employment and attracting other forms of business networks.as well as improve the socioeconomic well-being.
6	Negative Impact and No of PAPs	Based on inventory, a total of 75 persons will have their means of livelihood disrupted as a result of this development.
7.	Type of Losses	Car Wash people are 11, Maize dealers are 20, Garri producers are 22, Food vendors are 5, Mechanics are 9, those people to be affected by the proposed Access road construction are 6, while the prayer grounds are 2 PAPs. These totals, 75 PAPs. livelihoods will be disrupted.
8.	Impact Mitigation	Damaged assets to be compensated at replacement value <i>*Assist the PAPs in the provision of livelihood restoration means</i> <i>*This is permanent displacement as the PAPs are not required toto return back to this position after receiving compensations. Alternative locations have been provided where necessary.</i>
9.	Census Cut-Off Date	June, 30th, 2020

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## List of Acronyms

<b>ACRONYM</b>	<b>MEANING</b>
AfDB	African Development Bank
ARAP	Abbreviated Resettlement Action Plan
ACHPR	African Commission on Human and Peoples Rights
BP	Bank Policy
CBO	Community Based Organization
CDD	Community Driven Development
CSO	Community Support Organization
DaLA	Damage and Loss Assessment
EA	Environmental Assessment
ESMP	Environmental and Social Management Plan
EPA	Environmental Protection Agency
ESIA	Environmental and Social Impact Assessment
FMEnv	Federal Ministry of Environment
FMW	Federal Ministry of Works
GDP	Gross Domestic Product
GIS	Geographic Information Systems
GSS	Government Secondary School
ILO	International Labour Organization
LGA	Local Government Area
MDAs	Ministries, Departments and Agencies
MinDiver	Mineral Sector Support for Economic Diversification
M-GRC	MinDiver Grievance Redress Committee
M-GRM	MINDiver Grievance Redress Mechanism
MoE	State Ministry of Environment
MoH	State Ministry of Housing
NGO	Non-Governmental Organization
OP	Operational Manual
OSH	Occupational Safety and Health
PAPs	Project Affected Persons
PHAO,	Public Health Administrative Officer
PID	Project Information Document
PIU	Project Implementation Document
PME,	Participatory Monitoring and Evaluation
PPUD	Physical Planning and Urban Development
PWD	Public Works Department
RAG	Resettlement Advisory Group
RAP	Resettlement Action Plan
RP	Resettlement Plan
RIC	RAP Implementation Committee
RPF	Resettlement Policy Framework
RRC	Rehabilitation and Resettlement Committee
SA	State Agency
STDs	Sexually Transmitted Disease
ToR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN.ECLAC	United Nations Economic Commission for Latin America
URTI	Upper Respiratory Tract Infections
WHO	World Health Organization



### Definitions of Key Terms

S/No	Word/Term	Definition
1	Compensation	Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.
2	Cut-off-date	The date, after which PAPs will NOT be considered eligible for compensation, i.e. they are not included in the list of PAPs as defined by the socio-economic survey.
3	Displaced Persons	Affected persons by a project through land acquisition, relocation, or loss of incomes and includes any person, household, firms, or public or private institutions who as a result of a project would have their: <ul style="list-style-type: none"> <li>(i) Standard of living adversely affected;</li> <li>(ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or</li> <li>(iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.</li> </ul>
4	Economically-Displaced Persons	Those affected persons who are affected in way that they lose incomes from land, businesses etc.
5	Encroachers	Those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
6	Entitlement	The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.
	Expropriation	The action of a government in taking or modifying property rights of an individual in the exercise of its sovereignty.
7	Full Cost of Resettlement	Compensation based on the present value of replacement of the lost asset, resource or income without taking into account depreciation.
8	Household	Is the unit which includes all members living under the authority of a household head, they are both family members and other dependants. Under the Land Act, a household would be members of the family whose consent would be required in case of alienation or undertaking any transaction on the family residential land. These members should ordinarily reside on the land. These members typically include the household head, one or several spouses, children and other members of the larger family, tenants, and employee.
9	Income Improvement	The measures required to ensure that PAPs have the resources to <i>at least</i> restore, if not improve, their livelihoods b.
10	Involuntary Resettlement	Refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that result in displacement. This occurs in cases of lawful expropriation or restrictions on land use based on eminent domain: and Negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.
11	Land acquisition	The process whereby a person or household is involuntarily alienated from all or part of the land s/he owns or possesses, to the ownership and possession of a project for public purposes, in return for fair compensation.
13	Land-Owner	An individual/household/institution recognized as owning land either by customary tenure, freehold tenure, or leasehold including customary

		occupants of former public land.
14	Market Value	Appropriate compensation figures so that the affected population is able to restore their standards of living to levels “at least as good as or better than they were prior to the project.
	Negotiated Settlement	A process that involves the payment of some agreed monetary amount considered equivalent or adequate enough to mitigate the impact (displacement) induced by a project by a Project Proponent and a Project Affected Person at an active at a participatory meeting by both parties which saves time and reduce cost for both parties, judiciously.
15	Physically Displaced Persons	Those affected persons who have to physically relocate because they reside within the land to be acquired for the ROW or encumbered as a result of the road Project.
16	Project-Affected Area	The area where the Project may cause direct or indirect impacts to the environment and the residents.
17	Project-Affected Person	Persons who lose assets as a result of the Project, whatever the extent of the loss; lost assets include land rights, structures, crops, business, access or a combination of those losses; not all Project Affected Persons (PAPs) have to physically relocate as a result of the Project
19	Project Affected Household	The family or collection of PAPs that will Experience effects from and acquisition regardless of whether they are physically displaced or relocated or not.
20	Relocation	The physical moving of PAPs from their pre-project place or residence, place for work or business premises.
21	Replacement Cost	Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition. The replacement cost of land is its market value. The replacement cost of structures is equal to the cost of constructing/purchasing a similar new structure, without making any deductions for depreciation, and inclusive of the labor cost.
22	Resettlement Action Plan	The time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
23	Resettlement Impacts	The direct physical and socio-economic impacts of resettlement activities in the project and host areas. Resettlement impacts refers not just to the physical displacement of people, but also covers taking land that results in the relocation or loss of shelter, loss of assets or access to assets, and/or Loss of sources of income or means of livelihood...
24	Resettlement Policy Framework	A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before project approval. This instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future Implementation.
25	Socio-economic survey	The census of potentially affected people (PAPs), which is prepared through a detailed survey based on actual data collected.
26	Tenant	An individual/household/institution occupying land or space in a home under a private agreement with the owner whereby the right of occupancy is paid for in cash to the owner.
27	Vulnerable	Any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.; female-headed households with dependents; disabled household heads; poor households; landless elderly households with no means of support; households without security of tenure; and Ethnic minorities.

## EXECUTIVE SUMMARY

### ES1: Introduction

It is obvious that Nigerian petroleum resources can no longer sustain the economy hence the need to diversify the sources of the Country's revenue. This uncertainty surrounding the source of revenue to

the government has necessitated the present government to start thinking deeply of diversification of the economy. The Federal Government of Nigeria in a renewed focus to diversify the economy into solid minerals, obtained credit from the International Development Association (IDA) to fund the Mineral Sector Support for Economic Diversification (MinDiver) Project. This new effort by the present administration has necessitated the economic diversification campaign with the aim of leveraging on the Nation's vast natural resources to diversify the economy from the oil and gas sector to achieve economic emancipation.

The diversification of the economy by the Federal Government is to ensure alternative source of revenue to the nation other than oil and gas. The Solid mineral sector's growth and contributions to GDP have remained less than ideal, accounting for only about 0.33% in 2015. To address this, the Ministry of Mines and Steel Development (MMSD) recently developed a roadmap for mining growth and development with objectives to deepen sector reforms, attract new investors and collaborate with a wide network of partners and stakeholders to rejuvenate the sector and build a prosperous economy propelled by inflows from the solid minerals sector. This document serves as the Project Resettlement Action Plan Report for the preparation of the Abbreviated Resettlement Action Plan (ARAP) for **THE REHABILITATION OF LADI KWALI POTTERY CENTER, SULEJA, NIGER STATE, NIGERIA.**

### **ES2: Justification for Resettlement Action Plan**

The proposed project triggers World Bank Operational Policy, OP 4.12 on Involuntary Resettlement in that, it requires displacement of people and moveable assets. For World Bank supported projects, any project that causes displacement of any sort must be subjected to the requirements of its Operational Policy on Involuntary Resettlement (OP 4.12). It is in pursuance to this that this ARAP was prepared in compliance with the World Bank's Environmental and Social Safeguard Policies.

World Bank's OP 4.12 allows "where impacts on the entire displaced population are minor, or fewer than 200 people, an Abbreviated Resettlement Action Plan (ARAP) may be agreed with the borrower" (OP 4.12, Para. 25). The proposed project activities such as realignment of the road and civil works associated with the rehabilitation could result in road diversion and/or displacement of moveable assets, persons, businesses or public infrastructure.

To address the potential adverse social impacts that might stem from the displacement and resettlement of people likely to be affected by the proposed project activities, this Abbreviated **Resettlement Action Plan (ARAP)** has been prepared for MinDiver Project. The ARAP is a time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.

This ARAP is prepared to manage the potential adverse social impacts that might stem from the displacement/resettlement of people affected by the project activities. The ARAP identifies the specific impacts in relation to the Project Affected Persons (PAPs) across the different points within the project area where proposed work is to be carried out based on the engineering designs. It identifies the full range of people affected by the proposed work and justifies their displacement after consideration of alternatives that would minimize or avoid displacement as well as suggests possible ways by which the impacts on PAPs could best be mitigated.

### **ES3: Aim of the ARAP**

This ARAP aimed to clarify all aspects of impacts related to resentment issues physical and economic displacement but not specifically related to land acquisition.

Specifically, the ARAP was designed to achieve the following objectives:

- Identify and assess the human impact of the proposed renovation of existing dilapidated infrastructures and erection of new structures, in addition to road rehabilitation works.
- Prepare a Resettlement Action Plan to be implemented in coordination with the civil works in line with the Bank's policy and Nigeria policies and laws.

### **ES4: Site Description**

The proposed rehabilitation of Ladi Kwali Pottery Centre is commendable because of its numerous benefits. The proposed site is located in Suleja Local Government Area of Niger State and adjacent to

Suleja Government Secondary School (GSS) staff quarters. With an approximate population of 216,578 (2006 census). It shares boundaries with Tafa Local Government Area and the FCT. Ladi Kwali Pottery Centre is located in the eastern axis of Niger State, about 23km North East of Abuja. It covers an area towards the Abuja Suleja road and in close proximity to Kantoma River. The pottery Centre lies between latitudes 9.17071 North and 9.169874' North and longitudes 7.184149' East and 7.184963' East. The project site is located along the Suleja

#### **ES5: Legal Framework for Land Acquisition**

In understanding the existing legal framework, reference was made to the national instrument - Resettlement Policy Framework – which was prepared for the MinDiver project. Adequate attention was given to the relevant legal instruments (Legal Basis for Land Acquisition and Resettlement in Nigeria and World Bank Policy on Involuntary Resettlement (OP.4.12)).

#### **Nigeria Land Use Act and Bank OP4.12 – A Comparison**

The law relating to land administration in Nigeria is wide and varied. Entitlements for payment of compensation are essentially based on right of ownership. The Bank's OP4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by or before the cut-off date as indicated. Based on this comparison, entitlement matrix presented in this ARAP was designed to assist the process by bridging the gaps between requirements under Nigeria Law and the World Bank OP4.12.

*In comparison and bridging the gaps between the requirements under Nigeria Law and the World Bank OP4.12 (Table 4.1), it is emphasized that the higher of the two standards/instruments (the more beneficial to the project affected persons) should be followed as it also satisfies the requirements of the lesser standard.*

#### **ES6: Census Cut-Off Date**

The Census cut-off date refers to the date after which PAPs will NOT be considered eligible for compensation, i.e. they are not included in the list of PAPs as defined before the socio-economic survey of the PAPs ended.

The cut-off date was declared on June 30<sup>th</sup>, 2020, after which no newly arrived persons will be eligible for resettlement benefits. In addition, improvements to assets, made after the date will not be eligible for compensation (repairs, such as fixing a leaky roof, are permissible). The cut-off date was announced and made known through appropriate traditional means (such as use of town criers, written letters, door to door call etc) of reaching-out during the community awareness campaigns at site level and through the local government.

#### **ES7: Benefit of the Project**

The proposed project stands to provide multiple benefits as outlined below:

- Promote the culture of the people;
- Promote tourism in the area
- Create opportunities for training and Capacity building in the art and science of pottery making for different people;
- Promotion of competition and efficiency and cost reduction in pottery business and in the supply of raw materials and sales of finished products;
- Open up the Suleja community for global recognition and relevance in the Art of pottery - making.
- Economic benefits to employed personnel during construction and operation phases;
- Enhancement of landscape features along the corridor.
- Increase in the business development around Suleja community.
- Higher income generation and revenue collection, economic transformation of the project area;
- Amelioration of household livelihoods; emergence of small and medium enterprises;
- Attraction of national and regional businesses, investors, and a rise in tourism potential.

Further, during construction phases there would be both short-term and long-term opportunities and benefits such as requirement of labour workforce; and contractual opportunities in the provision of direct support services such as hiring of vehicles, canteen services, etc

#### **ES8: Negative Impacts of Proposed Rehabilitation Work**

While there are obvious positive impacts, which justify the need for the development of the project, negatively, the project will affect the social life of people, which includes displacement, and/or loss of property/source of livelihood arising from proposed site clearance and civil works.

#### **ES9: Assessment of the severity of impact**

The Survey clearly identified the structures to be affected by the proposed project. Most of the structures to be affected are made of either wood or blocks, roofed with iron sheets. Identified livelihoods will be lost especially for people who carry out business activities around the project area.

#### **ES10: Mitigation Measures**

To adequately mitigate the negative impacts on the PAPs, the costs of damage to assets have been calculated by generating market values and estimates for how much it would cost to replace or repair affected asset based on the replacement value – the amount sufficient to replace lost assets and cover transition/income restoration cost (referred to in this ARAP as the Calculated token given to business owners pending business recovery.). Unit costs were primarily calculated using information from the local markets. A Register has been prepared for the PAPs with regard to their losses and compensation entitlement. The entire mitigation measures will be delivered to the PAPs before start of civil works.

With regard to compensation, the unit of loss determines the unit of entitlement. Thus, as a rule, those losing assets shall be compensated for their losses. PAPs eligible for compensation shall be those whose assets or/and livelihood will be impacted as a result of the proposed rehabilitation works.

#### **ES11: Compensation Package, Resettlement Assistance, and Livelihood Improvement Options**

Towards ensuring that displaced persons are adequately compensated, option-based resettlement planning approach was adopted. The option-based option is part of a development approach that aims to ensure that the affected populations are able to reconstruct their production foundations and become self-sustaining producers and wage earners.

This approach included the offer to the PAPs a range of different compensation package, resettlement assistance, and livelihood improvement options, as well as options for administering these measures at different levels (e.g., family, household and individual). It also provides an avenue for the affected persons themselves to express their preferences.

In general, compensation arrangements, resettlement assistance and livelihood improvement measures, such as skills training, are made equally available to all social groups and adapted to their specific needs.

Every effort shall be made to provide opportunities to the affected people to derive appropriate development benefits from the project that involves their resettlement. The PAPs were engaged as project beneficiaries and other developments were discussed.

The PAPs were informed of the range of different mitigation measures/compensation package, resettlement assistance, and livelihood restoration and improvement options available to them and were given the opportunity to express their preferences. This option-based resettlement planning is part of a development approach that aims to ensure that the PAPs are able to reconstruct their production foundations and become self-sustaining, at least to pre-work level. The PAPs have agreed to support the project and to the various resettlement benefits which are to be provided to improve their means of livelihood or restore to it to pre-impact status.

#### **ES12: Gender and Vulnerable Group Differentiated Measures**

Gender was considered as the socially and culturally constructed differences (as opposed to biological differences) between men and women. Both women and men have valuable knowledge, which should be incorporated into the overall project management in order to ensure sustainability. However, generally it was observed in Ladi Kwali that women were more involved in petty trading. If the resettlement process is not carefully managed, these women could readily be disfranchised in the course of relocation/reorganization of the sites. Thus, women should be encouraged to join Women groups that could serve as a vehicle for the voiceless amongst them.

The ARAP has identified some vulnerable persons in the affected areas, who also play a very active role in income generating and economic development activities. These vulnerable persons are the widows/widowers, single mothers, orphan, elderly, divorcees. In order to ensure the protection of vulnerable groups' collective "economic and social" rights ("solidarity rights") and that adverse impacts



do not fall disproportionately upon them in sharing development benefits and opportunities, differentiated measures have been identified with regard to them.

Furthermore, while gender discrimination has not been so apparent, nevertheless, measures that prevent the exacerbation of gender imbalance and lead to the enhancement of gender equality shall be promoted by the project. Such differentiated measures in the project include development of gender-driven mechanisms for consultation, in order to provide opportunities to enhance full participation and influence in the decision-making process, development of strategies that allow both women and men equal opportunity to overcome impediments in identifying and accessing employment opportunities, implementation of innovative financing structures that give both women and men equal access to credit and other means to encourage entrepreneurship, provision of support for the special gender needs of women, including in relation to land ownership, women's poverty, legal literacy, access to education, etc.

### **ES13: Public Participation**

The stakeholder engagement for this ARAP are built on the existing and extended consultations established earlier by Niger State Government in respect to the preparation of this ARAP, other studies. One on one meetings, local public for a, notifications through letters, etc were used to inform and reach the various parties to discuss the proposed resettlement issues, rights and the alternatives available to them and mitigation measures suggested in this ARAP.

During the consultations, at first, the identified Groups and association leaders (Maize dealers, Garri producers etc) were fully briefed who in turn assisted in mobilizing the PAPs and other stakeholders within their domain to the public consultation sessions. This included key issues raised and the responses provided. Other business owners were Food vendors, Mechanics and Vulcanizers, Carpenters, Business Centre, Utensil Shop/Provision Shops.

At these gatherings, the census cut-off date was announced. In addition, presentation of information on the project and the expression of the concerns and fears of members of the communities was documented.

It is noteworthy to mention that the process included both information exchange (dissemination and consultation), and collaborative forms of decision-making Information dissemination and consultation with stakeholders, especially the Project Affected Persons (PAPs) were passed as directed by the PIU through the engaged consultant and the Social Safeguard Unit of MINDiver. It provided an opportunity for persons in the areas where the proposed project is expected to be located to raise issues and concerns pertaining to the project and allow the identification of alternatives and recommendations.

Relevant stakeholders, namely local government officials, Community leaders and other opinion leaders in the communities, PAPs, other individuals and special interest groups such as CBOs/trade unions, etc, were met. At the meetings the overview of the project and appreciation of ARAP and other related information were presented to the stakeholders.

Furthermore, at the for a, the displaced persons and community members were provided information and consulted on resettlement options available to them, and offered opportunities to participate in planning, implementing, and monitoring resettlement as well the existing grievance redress mechanism. In other words, the PAPs specifically were told that they have the opportunity to air their concerns and suggestions, which will be incorporated to the extent possible in project design and implementation. They were made to be aware of their rights, which include compensation for impacts and alternatives – even if they are willing to give up land space, assets and or livelihood in the general public interest. They also discussed their concerns and views about the proposed intervention work.

It was emphasized that compensation will only be for those who are affected in the course of the proposed rehabilitation work. Furthermore, the stakeholders were informed of the need to make available qualified local labour during the works as may be requested by the contractor through the community leaders. The table below presents the opinions and responses of stakeholders in the meeting at the Obrownn Hotel in Suleja.

### **ES14: Institutional Coordination**

The implementation of the ARAPs shall require close collaboration among all the stakeholders with a mutual understanding struck at the beginning. The MinDiver PIU will provide overall oversight. Others should be constituted to make up the implementation committee. In addition, the ARAP implementation committee is made up of representatives of the local government, local communities,

and representatives of trade union and PAPs with support from the Social Safeguard Specialist to ensure adequate handling of the resettlement issues.

Based on the interaction with the relevant stakeholders, assessment and determination of the characteristics of all project affected persons (PAPs), valuation of assets to be compensated as well as the assessment of the institutional capacities of the different parties involved in the ARAP implementation, areas of awareness creation and training/capacity building have been identified.

**ES15: ARAP Implementation**

No civil works for the proposed rehabilitation work shall be initiated unless land free of any encumbrance is made available. The major component tasks and schedule for the ARAP implementation have been developed in the ARAP as shown in Table below.

Upon completion of the ARAP activities, an Implementation report shall be submitted for the project. The PIU shall assess the success of the Abbreviated Resettlement Action Plan and includes relevant information in the Project Completion Report (PCR) which will inform the Bank own PCR. If either of these assessments reveals that any key objectives of the Resettlement Action Plan were not achieved, follow up measures are developed to remedy the situation.

Activities	Month												Completion	
	1	2	3	4	5	6	7	8	9	10	11	12		
Consultation/Community participation and Information to people affected Census and Socio-economic survey, Analysis data and identification of impacts, Definition of assistance measures, ARAP Preparation														June, 2020
Consultations with the PAPs towards compensation procedures & Notification of PAPs prior to the activities that will affect them														June, 2020
Disclosure of ARAP														November-December 2020
Formation of Resettlement Implementation and Grievance Redress Committees														December, 2020
ARAP Implementation- Compensation Offer and endorsement, Relocation/assistance- and/or Supplementary assistance.														December, 2020- January 2021
Community sensitization on grievance mechanism & procedures														December, 2020
Civil Works – Commencement of project operations.														February, 2020
Follow-up Visit by Responsible Stakeholders/Agency – Commencement of project operations.														February, 2021
Monitoring and Evaluation														January – February, 2021
Income Restoration Assessment & Final Audit														Dec, 2020- February, 2021

The total cost implication for the implementation of this ARAP is **N13,246,289** (Thirteen Million, Two Hundred and Forty-six Thousand, Two Hundred and Eighty-nine **Naira** only) (\$34,858,66) See table 8.3. This sum covers compensation of assets affected, cost of rebuilding and additional mitigations for livelihood improvement measures, coordination of additional mitigations, grievance management and compensation commission. In addition, a provision of 10% of this total budget for contingencies such as inflation and other unforeseen has been allowed and added to the current budget. The source of fund for this ARAP and the execution of the ARAP shall be from PIU/MMSD (borrower), The project has made the necessary budget provisions to ensure that the mitigation commitments, including compensation and the monitoring programs can be fully implemented. Full supplementary assistance will be provided by PIU.

Budget Estimate for the ARAP Implementation			
S/N	ITEM	COST (N)	COST (N)
	A	<b>Compensation</b>	
		Relocation of Structures	807,500
	B	<b>Additional Mitigations &amp; Implementation Costs</b>	
		Income Restoration	4,655,490
		Assistance to the Vulnerable	1,000,000.00
		Grievance management	2,000,000.00
		Witness NGO	1,000,000.00
		Capacity building/Institutional Strengthening	1,500,000.00
		Implementation of COVID-19 protocols during compensation exercise.	500,000.00
		Disclosure	1,000,000.00
		<b>TOTAL</b>	<b>12,462,990</b>
		+ Contingencies 10%	1,246,299
		<b>GRAND TOTAL</b>	<b>13,246,289</b>

1USD = N380 (CBN exchange rate as at 2020)

#### **ES16: Grievance Redress Mechanism**

The likelihood of dispute is much reduced because the PAPs and other relevant stakeholders have been consulted and were part of the entire process of identifying PAPs and generating the market values for the various assets. Nevertheless, the MINDiver Grievance Redress Mechanism is being implemented for any arisen dispute within the project area.

#### **ES17: Monitoring and Evaluation**

In order to successfully complete the resettlement management as per the implementation schedule and compliance with the policy and entitlement framework, there would be need for monitoring and evaluation of the ARAP implementation. Monitoring and evaluation will be a continuous process and will include internal and external monitoring. PIU shall play a key role in reporting the progress of implementation as well as compliance to the Bank.

The monitoring activities shall include a review of the grievance and redress mechanism and of the physical progress and impact of the Abbreviated Resettlement Action Plan. The monitoring exercise shall also evaluate the PIU commitment in the implementation of the Abbreviated Resettlement Action Plan and the availability of sufficient financial resources, as identified in the budget, to carry out the Resettlement Action Plan to completion.

#### **ES18: Disclosure**

The final ARAP shall be approved by the World Bank and disclosed in-country to the general public in line with the National Regulatory requirement or guidelines. As such the report will be displayed for review at designated locations. Thereafter, the World Bank will disclose same on its Infoshop.



## **CHAPTER ONE GENERAL BACKGROUND**

### **1.1 Introduction**

The Sources of revenue to the Nigerian economy has been monolithic since our national independence. The continued dependence on Petroleum resources and its fluctuating prices has been determining the nature of the buoyance of the national economy. The uncertainties surrounding the source of revenue to the government has necessitated the present government to start thinking deeply of diversification of the economy. The Federal Government of Nigeria in a renewed focus to diversify the economy, obtained credit from the International Development Association (IDA) to fund the Mineral Sector Support for Economic Diversification (MinDiver) Project. This new effort by the present government has necessitated the economic diversification campaign with the aim of leveraging on the Nation's vast natural resources to diversify the economy from the oil and gas sector to achieve economic emancipation.

Generally, this proposed rehabilitation works trigger the Policies including Environmental Assessment OP 4.01; Natural Habitats OP 4.04; Cultural Property OP 11.03; Involuntary Resettlement OP 4.12. To this end, an Environmental and Social Management Framework (ESMF) and a Resettlement Policy Framework (RPF) had been prepared and disclosed alongside other documents to address the environmental and social safeguards concerns of the project nationally. These national frameworks specify the principles and procedures to be used for preparing, approving and implementing site-specific management and action plans that are costed with measurable and monitorable actions for each specific intervention sites. The relevant instruments emanating from these frameworks include Abbreviated Resettlement Action Plan (ARAP) in the case of RPF and Environmental & Social Management Plan (ESMP) in the case of ESMF, depending on the extent and magnitude of impacts arising from each site-specific project.

This document serves as the Project Draft Report for the preparation of the Abbreviated Resettlement Action Plan (ARAP) for **THE REHABILITATION OF LADI KWALI POTTERY CENTER, SULEJA, NIGER STATE, NIGERIA.**

This ARAP therefore, specifies the implementable procedures to follow and the actions to take to properly resettle and compensate affected people; and to ensure that the project impact does not leave them worse off than prior to the project. The ARAP identified full range of people affected by the project and justified their displacement after consideration of alternatives that would minimize or avoid displacement

### **1.2 Justification for the Resettlement Action Plan for the Proposed Project**

It has been established in the preliminary studies of this site that the proposed intervention will lead to loss of business structures, praying grounds and livelihoods hence the need to mitigate these adverse effects, compensate losses, and provide development benefits to individuals and communities adversely affected by the project. This ARAP therefore identified the full range of people affected by the project and justified their displacement after consideration of alternatives that would minimize or avoid displacement. The ARAP report further outlined eligibility criteria for affected parties, establishes rates of compensation for livelihood and transition lost, and described levels of assistance for relocation and reconstruction of affected households.

The proposed project triggers World Bank Operational Policy, OP 4.12 on Involuntary Resettlement in that it requires displacement of people and moveable assets. For WB supported projects, any project that causes displacement of any sort must be subjected to the requirements of its Operational Policy, OP 4.12, on Involuntary Resettlement. It is pursuant to this that this ARAP was prepared as part of the World Bank's Environmental and Social Safeguard Policies.

World Bank's OP 4.12 allows "where impacts on the entire displaced population are minor, or fewer than 200 people, an Abbreviated Resettlement Action Plan (ARAP) may be agreed with the borrower" (OP 4.12, Para. 25). Impacts are considered 'minor' if the affected people are not physically displaced and less than 10% of their productive assets are lost" (OP 4.12, footnote 25). On the other hand, impacts are

considered major if the affected people are more than 200 and a full Resettlement Action Plan is prepared. For this activity, an ARAP is being prepared

### **1.3 Design Consideration to avoid and minimize involuntary resettlement *Selection Activities***

One of the key requirements of OP 4.12 is to avoid land acquisition that results in physical and / or economic displacement and resettlement. However, where such displacement and resettlement is unavoidable – that is, where suitable alternative project sites are not available or the cost of developing those sites is prohibitive – OP 4.12 require that adverse resettlement impacts on affected individuals and communities are minimised through sensitive project design, adjustments in the routing or siting of project facilities, etc.

In this context, other alternative site options were considered before the current option was chosen. In considering all options, the Project developers took into consideration the resettlement implications of each, and also held extensive consultations with key stakeholders including: local affected communities; Niger State Ministry of Lands, Survey and Housing and Ministry of Culture and Tourism.

World Bank's OP 4.12 allows "where impacts on the entire displaced population are minor, or fewer than 200 people, an Abbreviated Resettlement Action Plan (ARAP) may be agreed with the borrower" (OP 4.12, Para. 25). Impacts are considered 'minor' if the affected people are not physically displaced and less than 10% of their productive assets are lost" (OP 4.12, footnote 25). On the other hand, impacts are considered major if the affected people are more than 200 and a full Resettlement Action Plan is prepared.

The ARAP identified the potential Project Affected Persons (PAPs) and engaged them in participatory discussions regarding the plan in order to adequately compensate them for their losses. The scoping of the intervention site revealed that less than 200 persons shall be displaced and based on the understanding of the key stakeholders who will give concurrence and in the light of the level of due diligence that has been taken in the preparation of the MINDIVER safeguard document, ARAP has been adopted.

### **1.4 Aims and objectives of the ARAP**

The aim of the proposed ARAP is to identify and assess the human impact of the proposed rehabilitation works at the Ladi Kwali Pottery Centre and to prepare an Action Plan to be implemented in coordination with the civil works in accordance with World Bank Policy and Nigeria policies and laws.

This assignment includes, *inter alia*:

- Preparing an ARAP that is consistent in policy and context to the RPF, laws, regulations, and procedures adopted by the Government of Nigeria, consistence with and the World Bank's operational policy on involuntary resettlement (OP4.12) covering displacement, resettlement, and livelihood restoration;
- Conducting consultations with identified project affected persons (PAPs), based on a census of the affected sites;
- Establishing local decision-making bodies who will be part of ARAP implementation of valuation and compensation approaches;
- Develop a participatory manner the proposed grievance mechanism to be covered in the ARAP;
- Setting out schedules and indicative budgets that will take care of anticipated resettlements and
- Completing a baseline socio-economic survey of PAPs and host communities

The functions of an ARAP is twofold: to provide transparent mitigation measures for PAPs and to provide management guidance for the implementation of the resettlement process. Therefore, the aim of this ARAP was to identify and assess the human impact of the proposed rehabilitation works at the Ladi Kwali Pottery Centre and to prepare an Action Plan to be implemented as a mitigation measure against loss of livelihood as well as implementing a sustainability development initiative in coordination with the civil works in line with World Bank Policy and Nigeria policies and laws. Specifically, the ARAP is designed to:

- identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement and
- Prepare an Action Plan to be implemented to properly resettle and compensate affected people and communities in line with World Bank Policy and Nigeria policies and laws.

### **1.5 Scope and Task of the ARAP**

The Scope of Work for the proposed Abbreviated Resettlement Action Plan includes:

- Describe the existing Nigerian legal and policy framework for land acquisition; As well as review the laws and regulations that apply to reclaiming informally settled public land and involuntary eviction and resettlement.
  - Reviewing the World Bank policies related to resettlement in order to ensure that the ARAP is developed in full compliance with these policies.
  - Identify the gaps between national legislation and the World Bank policies related to involuntary resettlement and propose practical procedures to bridge these gaps.
  - Identify the key social impacts that will be associated with the involuntary resettlement process and the main categories to encounter these impacts.
  - Prepare a 100% census of people affected and a 100% inventory of assets and land affected
  - Prepare a socio-economic baseline survey of a sample of the affected area.
  - Prepare an entitlement/eligibility matrix which should include a description of the following
    - 1) Any compensation guidelines established by the Nigerian government;
    - 2) The proposed types and levels of compensation to be paid;
    - 3) Compensation and assistance eligibility criteria;
    - 4) How and when compensation will be paid.
  - Prepare standards for compensation and restoration of the social and economic base of the PAPs to replace all types of loss, as appropriate.
  - Develop a clear executive time plan for the ARAP implementation linking the various steps to the various project components and execution plan, including institutional responsibilities, and monitoring parameters.
  - Document the various consultation activities to be conducted as part of the ARAP ensuring that information has been shared transparently through an active and informative consultation process.
  - Develop a communication and consultation plan to be adopted by the project promoters at the various stages of the project cycle.
  - Identify the institutional responsibility for implementation and procedures for the grievance redress, arrangements for monitoring and implementation of the monitoring system.
1. Consult agencies responsible for land acquisition within the MinDiver PIU and the other institutes participating in arrangement of resettlement activities. Their roles and responsibilities will be assessed.) for the project, including consultations with affected people and plans for public disclosure consistent with the World Bank's operational policy and applicable Nigerian Law.
  2. Prepare and submit ARAP reports.

### **1.6 Approach/Methodology of ARAP Preparation**

The phases for preparing this ARAP include: Literature review; Public Consultation, Data Gathering/ Census Identification of potential impacts; e.g. for baseline conditions, institutional arrangement, capacity, etc. are outlined in Table 1.1.

**Table 1.1: Phases for Preparing the ARAP**

S/N	Phase	Activity
<b>RESETTLEMENT ACTION PLAN PREPARATION</b>		
1	Literature and Policy/Legal Review	<ul style="list-style-type: none"> <li>Obtain the project RPF, ESMF, ESMP and design for the project from the MINDIVER</li> <li>Obtain the Project Implementation Management Manual for the MINDIVER Project.</li> <li>Obtain the Project Appraisal Document</li> <li>Obtain and review maps and proposed design layout covering the project area to better understand the project site.</li> <li>Develop data gathering Instrument and Checklist in preparation for detailed field survey</li> <li>Initial Consultation</li> </ul>
2	Field Investigation and Data Collection	<ul style="list-style-type: none"> <li>Reconnaissance Survey/visits to sites was carried out on the 9<sup>th</sup> of June,2020.</li> <li>Commence definitive field investigation</li> <li>Socioeconomic Survey of activities on the sites</li> <li>Census of Affected properties and Businesses</li> <li>Consultation and focus group discussions; This included interactions with government authorities at national, state and local government level (Suleja local governments), traditional leaders in all the communities within the Suleja, relevant institutions, e.g. Niger State Ministries of Culture and Tourism, Land and Survey, Education, Nazfat Idris Salanke Development Foundation (NGO and with PAPs.</li> <li>Land surveys to determine the proportion of the proposed Access road land allocated by the Ministry of Lands and Survey.</li> <li>Census of the project sites in relation to number of various features affected, affected structures, displaced persons, and livelihood disruptions etc.</li> <li>Valuation</li> <li>Field data quality check will be carried out on return from the field to ensure consistency and elimination of errors before data entry commences.</li> <li>Data entry and processing</li> </ul>
3	Analysis of Social Data	<ul style="list-style-type: none"> <li>Assess data from the field instrument against the checklist.</li> <li>Census and asset inventory assets/ cut-off date.</li> <li>Calculation of compensation rates/values</li> <li>Findings and Recommendations from analysis</li> </ul>
4	ARAP preparation	<ul style="list-style-type: none"> <li>Identification of impacts</li> <li>Develop entitlement matrix and eligibility criteria for compensation.</li> <li>Design mitigation and management plans</li> <li>Development of ARAP Implementation process and Schedule.</li> </ul>
<b>IMPLEMENTING THE RESETTLEMENT ACTION PLAN</b>		
1	Getting Ready for Implementation	<ul style="list-style-type: none"> <li>Draw up ARAP implementation plan with budget and timeline</li> <li>Identification and provision of adequate PIU staff to participate</li> </ul>

		<ul style="list-style-type: none"> <li>at the various implementation stages when necessary</li> <li>• Training for key project staff and all staff working in the resettlement implementation agency on key features of the resettlement plan.</li> <li>• Activation of implementation coordination mechanisms</li> <li>• Continue consultations with displaced persons</li> <li>• Update census and socio-economic surveys, if necessary.</li> </ul>
2	Payment of Compensation	<ul style="list-style-type: none"> <li>• Payment of compensation through the following process:</li> <li>• Pay compensation to PAPs.</li> <li>• Inform all households' members about compensation payments.</li> <li>• Offer of resettlement sites for occupation by PAPs.</li> <li>• Offer of jobs, if provision of alternative employment is part of the resettlement package.</li> <li>• Offer of training, seed capital, credit, and other agreed entitlements, if the resettlement package includes assistance for self-employment,</li> <li>• Payment of cash compensation for economic rehabilitation, if a cash option is selected</li> <li>• Prepare and submit ARAP implementation report</li> </ul>
3	Civic Infrastructure	Civic Infrastructure, Upgrade infrastructure in host communities, Construct new infrastructure, Maintenance arrangements preparation
5	Monitoring and Evaluation	Finalization of internal and external monitoring arrangements Establishment of systematic tabling of the results of internal and external monitoring implementation, monitoring, supervision, and evaluation, etc.
6	Grievance Redress	Activate and ensure adequacy in use of mechanism in the ARAP with regard to procedures for handling grievances
8	Documentation	Development of relevant documents for implementation, monitoring grievance redress, etc.
9.	ARAP Disclosure	Once the ARAP report is disclosed in Nigeria, the PIU will authorize the WB to disclose same in their Infoshop.

### 1.7 Effort made on Avoidance/Minimization of Resettlement or Restricted Access

To minimize resettlement, displacement, and restricted access, during project implementation, a number of measures have been taken as outlined below:

To minimize negative impacts, the following have been taken into consideration in this project:

- A full opportunity for involvement of all stakeholders, especially the direct stakeholders (project affected persons) provided through public participation and engagement of the stakeholder communities. This afforded the concerned stakeholders the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts
- The setback on the corridor was made known to the stakeholders especially those who have encroached, and that in the event of work in area that borders the Government Secondary School residential quarters where the proposed Access road is situated.
- The members of community assured the team that they would continue to support in the implementation of the policy to better their lots and thus promised to play their role at ensuring the successful completion of the project.

### 1.8 This ARAP Reporting Format

This ARAP is concise and includes only significant social/economic and resettlement issues. Essentially, it covers the following relevant Chapters:

Chapter One                      General Background

Chapter Two                      Project Components and Description of Site Intervention

Chapter Three	Census and Socio-Economic Survey
Chapter Four	Impact of the Project
Chapter Five	Existing Legal Framework
Chapter Six	Valuation and Compensation and Other Resettlement Assistance
Chapter Seven	Public Participation and Consultations
Chapter Eight	ARAP Implementation - Institutional Arrangement
Chapter Nine	Grievance Redress Mechanisms
Chapter Ten	Monitoring and Evaluation

## **CHAPTER TWO**

### **PROJECT COMPONENTS AND DESCRIPTION OF SITE INTERVENTION**

#### **2.0 Introduction**

This Chapter highlights the overall components of MINDIVER and a brief description of the proposed intervention at the specific site.

#### **2.1 Description of Main MINDIVER Components**

##### **2.2 The MINDIVER Components**

The overall development objective of MINDIVER as outlined in the PAD is to,

- a. improve the attractiveness of the Nigerian Mining sector, as a driver for economic diversification, for long-term private sector investment in the exploration and production of minerals.
- b. create a globally competitive sector capable of contributing to wealth creation, providing jobs and advancing our social and human security.

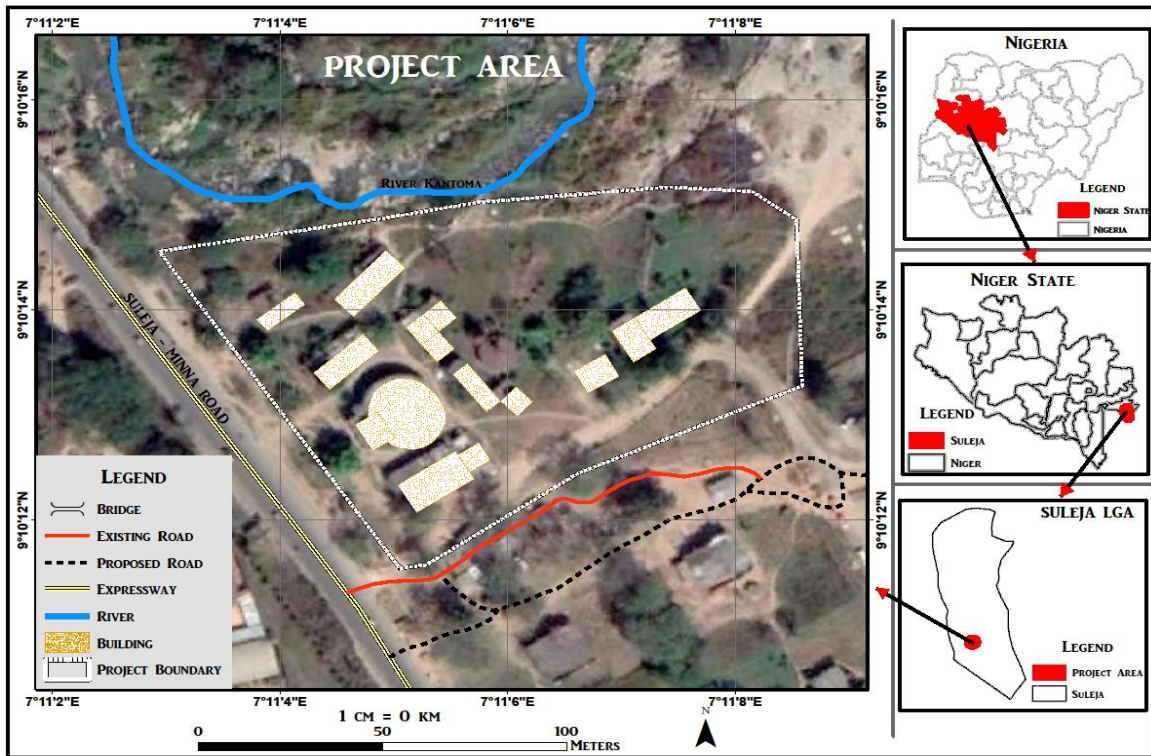
. *MINDIVER intend to achieve this through the implementation of these targeted three components, namely:*

- Part A. Establishing a Strong Foundation for Mining Sector Development
- Part B. Facilitating Downstream Sector Development and Enhancing Competitiveness
- Part C. Project Management and Coordination

#### **2.3 Project Location**

This proposed site is located in Suleja Local Government Area of Niger State. With an approximate population of 216,578 at the 2006 census. It shares boundaries with Tafa Local Government Area and the FCT. Ladi Kwali Pottery Centre is located in the eastern axis of Niger State, about 23km North East of Abuja. It covers an area towards the Abuja-Suleja road beside Kantoma River. The pottery Centre lies between latitudes 9.17071 North and 9.169874' North and longitudes 7.184149' East and 7.184963' East. The area is bounded by the Government Secondary School to the West and River Kantoma to the North respectively, (Map 2.1).





**Map 2.1. Map of Nigeria Showing the project area in Suleja and Niger State**

## 2.4 The Host Community

The project site is located in Babama community, Suleja Local Government Area, Niger State. It is a Cosmopolitan town located towards the popular Zuma rock. Common physical features of the environment are out-crops of rocks and this gives the area its characteristic features of rocky scenery. Suleja is one of the major settlements around the Abuja city. The present settlement is a multi-cultural community, headed by the Emir of Suleja and assisted by the Council of chiefs made up of the District Heads and appointed Administrators. The Settlement is originally inhabited by the Hausas, Fulanis, Nupes, Kwali and other tribes too numerous to mention. In spite of the influx of these non-indigenes to the area, the Culture of the people is still preserved. The natives are pottery makers, fishermen, farmers, blacksmiths etc., trades in agricultural crops is also common in the area.

The people are traditionally Muslims however, large percentage of the migrants are Christians. The area is dotted with many Churches. Also, Animal farming such as Cattle, Goat, Sheep, Rams and poultry keeping is practiced in the area.

## 2.5 Description of the Proposed Intervention Activities

The proposed intervention activities involve civil works, Electrical and Mechanical works in the planned rehabilitation.

The details of the proposed activities will also include the following;

- Demolition and Alteration
- Roof
- Internal and External works
- Doors and Windows
- Wall Finishes
- Ceiling Finishes
- Electrical Services
- Plumbing and Mechanical Services
- Substructure
- Frames
- Internal and External Walls
- Fixtures and Fittings

- Wall Finishes
- Ceiling Finishes
- Floor Finishes
- Floor Finishes
- Toilet
- Water Treatment Plant
- General Maintenance

### **2.5.1 Features of the Current Design**

The present design has the following features:

- A loading Bay
- Klin Room
- Decorating Room
- Training Workshop
- Decorating and Sorting
- Storage area
- Display and Sales
- Museum
- Wash Room and toilet (Male and female)
- New Conference Room

### **The Proposed Targeted Site**

Although the rehabilitation project will bring about some level of displacement (livelihood displacement) in terms of structures used for businesses, peoples, etc. The rehabilitation of the Ladi Kwali is intended to bring socioeconomic development in Niger State in particular and Nigeria in general. Specifically,

- The Centre is expected to address the ever-rising number of youth unemployment meaningfully through value addition processes of the industry and generate wealth for the nation;
- The Centre will add value to our mineral resources like Kaolin, Quartz, Manganese, Tin, Dolomite, Talc among others to service the country's market, generate employment, update native craftsmanship to compete with global eco-system and foreign exchange.



## **CHAPTER THREE CENSUS AND SOCIO-ECONOMIC SURVEY**

### **3.0 Introduction**

The socio-economic conditions of the PAPs are summarized in this Chapter. The objective of the census was to identify and determine the number of Project Affected Persons (PAPs), their assets, and potential impacts of the rehabilitation activities. In view of the present COVID-19 pandemic, the methodology devised in the management of stakeholders' consultation and facilitation was documented.

### **3.1 Overview of COVID-19 Protocol**

It is no longer news that the whole world is presently ravaged by COVID-19 pandemic. As such local and national laws have mandated people to avoid public gathering and adopt social distancing to prevent the risk of the Virus transmission. Restrictive measures have been adopted by several nations, these ranged from strict restrictions on public gatherings, meetings and people's movement, and others restriction were against public group meetings. Public enlightenment is currently on-going to create public awareness on the risk of transmission, particularly through social interaction at large gatherings.

In view of the social interactive process required in resettlement planning especially for bank supported projects, it is imperative to consider more explicit methodology for stakeholder's consultation to overcome the limitations posed by COVID-19 in order to ensure public safety. To effectively deploy stakeholder consultation in Ladi Kwali project, the following were observed and will continue to be observed throughout the resettlement process.

The task team reviewed the project jointly with MinDiver-PIU, and

- Identified and review planned activities under the project requiring stakeholder's engagement and public consultation;
- Accessed the level of proposed direct engagement with stakeholders, including location and size of proposed gathering, frequency of engagement, categories of stakeholders.
- Assessed the level of risks of the virus transmission for these engagements, and how restrictions that are in the projects area would affect these engagements.
- Identified project activities for which consultation/engagement is critical and cannot be postponed without having significant impact on the project timelines e.g., the planned Stakeholders' Engagement and Enumeration of Project Affected Persons (PAPs).
- Assessed the level of ICT penetration among key stakeholders' groups, to identify the type of communication channels that can be effectively used in the project context.

Based on the above task and the peculiarities of the situation, such as the nature of activities that are involved in the resettlement planning where survey is to be conducted to ascertain the socio-economic status of the affected people, take inventory of their affected assets, and facilitate discussions related to relocation and livelihood planning, in line to the WHO and National COVID-19 Prevention Protocol put forward by NCDC, the following site-specific prevention measure was adopted;

- A big (sizeable) hall of 300 capacities was used to conduct and convey only 30 persons having three different sessions per day
- There was a stand dedicated for Sanitizing every participant/stakeholder (A big container of running water with liquid soaps and disposable wiper; bottles (500ml) of Sanitizer was provided on the stand;
- A thermometer was deployed to test every participant's temperature level prior to administration or convergence.
- Every stakeholder washed their hands with soap and a running water or Sanitize their hands before entering the venue.
- A nose mask was issued to every stakeholder immediately the Sanitization process was completed.
- The tables and seats were positioned in a way that allowed for effective social distance (2-3 meters apart)
- Every stakeholder was meant to wear their Nose mask (well fitted) before entering the hall.
- The hall was exposed to proper ventilation without being compromised to the surrounding air condition
- For each session, every item used, such as the chairs, tables and microphone were properly sanitized before conduct with next session.

It is very important to note that ICT tools cannot be deploy in this case because the literacy level of the community here is poor hence the need to adopt the chosen option.

### **3.1.1 Census Cut-Off Date**

The Census cut-off date refers to the date after which no new improvement on land, cultivation or introduction to any sort of economic activity on the required project area will be eligible for compensation prior to the commencement of the census., The details of the census process and the cut-off date was announced and made known during stakeholders Engagement meeting, through trade groups, telephone calls and interpersonal communications to the concerned stakeholders. The stakeholders meeting was held on the 17<sup>th</sup> of June, 2020 at Suleja with the concerned stakeholders in attendance. The Census cut-off was declared on June 30<sup>th</sup>, 2020, after which no newly arrived persons will be eligible for resettlement benefits.

The cut-off date was intended to prevent speculation and rent-seeking in order to become eligible for resettlement benefits. This is especially so, bearing in mind that the time between the cut-off date and the time that civil works would commence; ensuring PAPs have been compensated according to the requirements of this ARAP. Nevertheless, if works are not initiated two years or more elapsed after declaration of a cut-off date, an updated census and evaluation of assets must be carried out.

### **3.2 Land Ownership in Ladi Kwali**

The land that is proposed for this project is owned by the Niger State government under the auspices of Ministry of culture and tourism. As such anyone using any portion of this land is regarded as a squatter. The proposed rehabilitation works of the pottery Centre has necessitated the need for the land by the owner (Niger State government) hence the ARAP exercise is required. It is imperative to mention that Ladi Kwali facility have been given a documented backing for rehabilitation and optimum use from the state government to MinDiver Project.

### **3.3 Economic Activities**

Though people from other communities and other non-indigenes have settled in the area, the socioeconomic classification still clearly shows that most of the occupants are largely artisan in need of space to make a living. Thus, the premises of the dilapidated/abandoned pottery were made accessible for artisan.

### 3.4 The Survey, Data Analyses and Interpretation

The determination of the socio-economic conditions and the potential impact on the PAPs was the primary focus of the socio-economic survey. Hence the thematic socio-economic indicators included in the survey were the following: gender, age distribution; marital status; nature of trade/occupation of vendor/PAPS; income category, etc. The data analysis and interpretation focus on the socio-demographic background information of respondents, identified Project Affected Persons (PAPs) and/or PAPs within the radius of the scheme.

One-to-one meeting was used to engage the project affected persons during the census survey of the socio-economic activities along the proposed project areas, which took place between Friday, 18<sup>th</sup> to 30<sup>th</sup> Tuesday, June 2020. Site surveys included interviews, use of questionnaires and consultations with respondents, especially, the Project Affected Persons in the proposed site were carried out.

The responses of the PAPs provided an average and reasonable idea of the prevailing situations in the proposed project area. The summary of the results/analyses are summarized below.

The overall analyses revealed that majority of the respondents were squatters that carry out their daily businesses within the Ladi Kwali premises; whose means of livelihood depends on daily income realized from daily subsistence of their corresponding business activities. It is believed that the information provided by these categories of people are accurate about the businesses they represent/operate as they are directly involved in the day-to-day business activity.

### 3.5 Socio-Economic Study and Conditions of the PAPs

The socio-economic study and conditions of the PAPs are summarized and presented below:

#### 3.5.1 Analysis of Persons (Respondents) Interviewed

A total of 75- questionnaires were administered to the project affected persons during the survey. These include identified Project Affected Persons across the project location. In this context, the respondents referred to any person/s considered to carry out businesses within the proposed project sites who will be affected by the proposed intervention works. It is important to note that the impact of project activities on the sources of livelihood of PAPs in the project area varies among the PAPs and these have been documented.

#### 3.5.2 Age Distribution of PAPs

The predominantly affected age group is 36 - 45 years, which comprises 30.7% of the PAPs, followed by PAPs within the age bracket of 26 – 35years comprising and 46 – 55years. comprising of 24.0% each. In the project area, 14.6% was recorded for PAPs in the age bracket of 56 - 65years and 4.0% were between the age brackets of 18 – 25. While age bracket above 65 was 2.7%. This shows the dominance presence of middle-aged persons carrying out businesses within the project intervention area

**Table 3.1: Age of Respondents**

S/N	ACTIVITIES	TOTAL No.	<18yrs	18-25	26-35	36-45	46-55	56-65	>65
1	Business/Trading	3	0	0	1	1	0	1	0
2	Garri Processing	22	0	0	7	6	6	3	0
3	Car Washers	11	0	1	5	2	1	2	0
4	Maize Dealers	20	0	0	2	6	7	3	2
5	Mechanics/Artisans	9	0	2	3	2	1	1	0
6	Food Vendors	4	0	0	1	2	1	0	0
7	Carpenters	2	0	0	0	2	0	0	0
8	Welders	1	0	0	0	0	0	1	0
9	Others	3	0	0	0	1	2	0	0
	TOTAL	75	0	3	18	23	18	11	2
	(%)			4	24	30.7	24	14.6	2.7

### 3.5.3 Sex and Gender Roles of Respondents

The survey indicates that 62.7% of the respondents were male, while the remaining 37.3% were female, revealing the preponderance of men over women around the pottery Centre. This also implied the existence of gender disparity in business ownership around the project area. The settlers in this area are non-indigenes and using the Ladi Kwali Pottery Centre premises strictly for business. The men are involved in Car Washing, Motor/Motorcycle mechanic, Vulcanizers, Welders, Carpentry, Trading, Maize Sales (figure 3.1), while the women are involved in sale of cooked foods, Telephone Call shops, trading, processing of garri as seen in figure 3.1

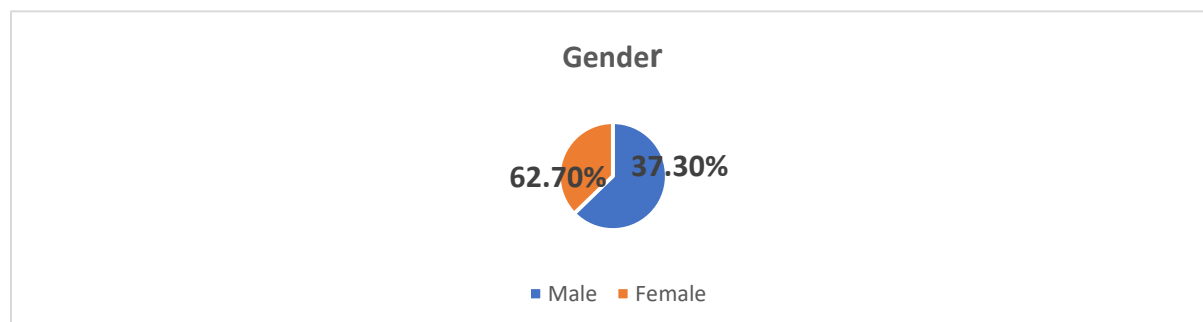


Figure 3.1: Sex of Respondents

### 3.5.4 Occupation of Project Affected Persons

Table 3.2 shows that amongst the PAPs carrying out their daily businesses at Ladi Kwali Pottery Centre the garri processing members are the highest in number (29.3%), followed by the Maize dealers' members (26.7%). The Car wash members are 14.7%, while the business/trading members are 4%. The Mechanics are 12% Carpenters are 2.7%, Welder are 1.3% and others categories of occupation is (4%).

**Table 3.2: Occupation of Project Affected Persons**

S/N	ACTIVITIES	OCCURRENCE (%)
1	Business/Trading	4%
2	Garri Processing	29.3%
3	Car Washers	14.7%
4	Maize Dealers	26.7%
5	Mechanics/Artisans	12%
6.	Food Vendors	5.3%
7	Carpenters	2.7%
8	Welders	1.3%
9	Others	4%

### 3.5.5 Marital status of respondents

Majority of the respondents were married (79%), while 18% were single. The remaining 3% were either widow/widowers as shown in Figure 3.2. The women can be found carrying out activities like garri processing, food vendor and trading etc.

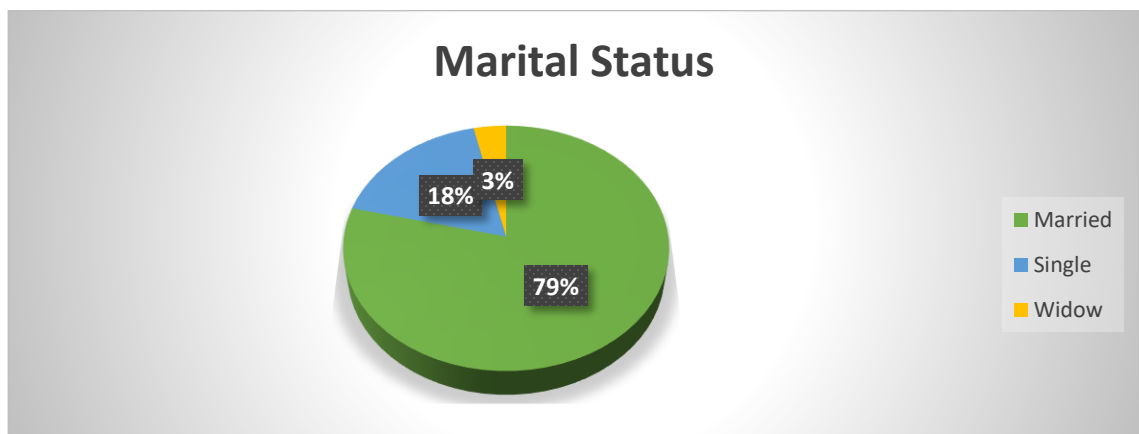


Figure 3.2: Respondents Marital Status

### 3.5.6 Religion of respondents

Majority of the respondents (63.2%) are Muslim, and 36.8% are Christians. This is presented below in (Fig. 3.3).

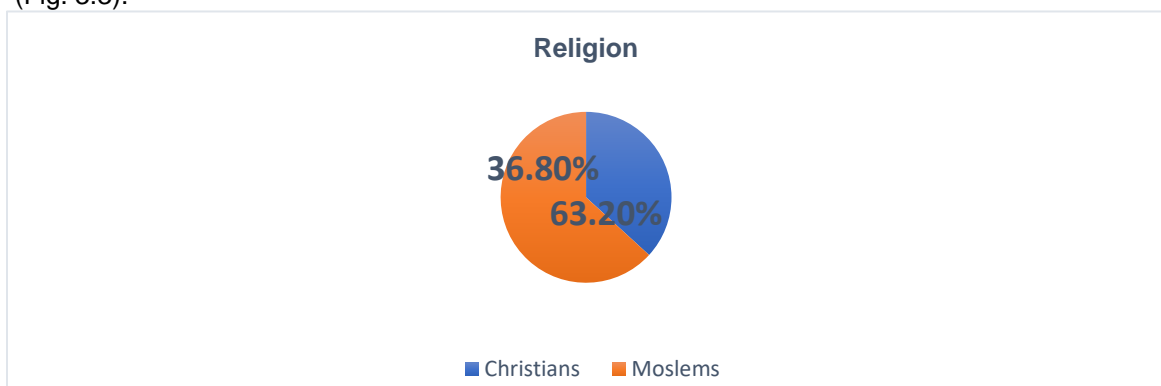


Figure 3.3: Religion of Respondents

### 3.5.7 Household Head/Number of Children of Respondents

Most of the respondents are heads of household (82%). Majority (60%) of the PAPs within the project area have more than one wife with an average of 6 – 15 children. This greatly varies in the number of years of marriage. Averagely, PAPs with only one wife are recorded to have below six children. 4% of the household heads are recorded not to have any offspring

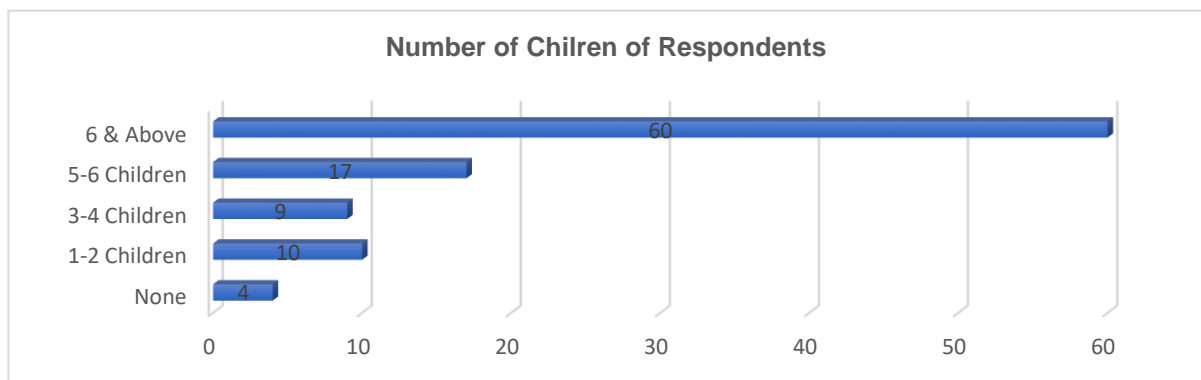


Figure 3.4: Household Heads/ Number of Children

### 3.5.8 Average income of respondents

The current business activities at the pottery are small and peasantry in nature. As such the incomes of persons involved in these business activities depend on their levels of patronage. The survey on income, revealed that average income is relatively low. As 36% of respondents earn N15,000 and less monthly. Those who earn N15,000 but not more than N30,000 make up 32% while those earning above N46,000 and up to N60,000 form 4% of the PAPs. Table 3.3.

Table 3.3: Average Income of Respondents

S/N	Activities	1000-15,000	16,000-30,000	31,000-45,000	46,000 – 60,000	>60,000
1	Business/Trading	1	1	1		
2	Garri Processing	4	13	5		
3	Car Washers	9	2			
4	Maize Dealers	8	2	10		
5	Mechanics/Artisans		4	3	2	
6	Food Vendors	4				
7	Carpenters			1	1	
8	Welders			1		
9	Others	1				
	<b>Total</b>	27	24	21		
	(%)	36	32	28	4	

### 3.5.9 Type of Assets Affected by the proposed project

The type of assets affected by the proposed projects are varied due to the nature of business that are within the project area. Business type affected assets was 10.6%, while Worship ground associated assets was recorded at 2.7%. Assets type of affected assets other than business ventures and Worship purposes is 86.70%, which span from varied livelihood loss as described in subsection 3.5.12. see figure 3.5

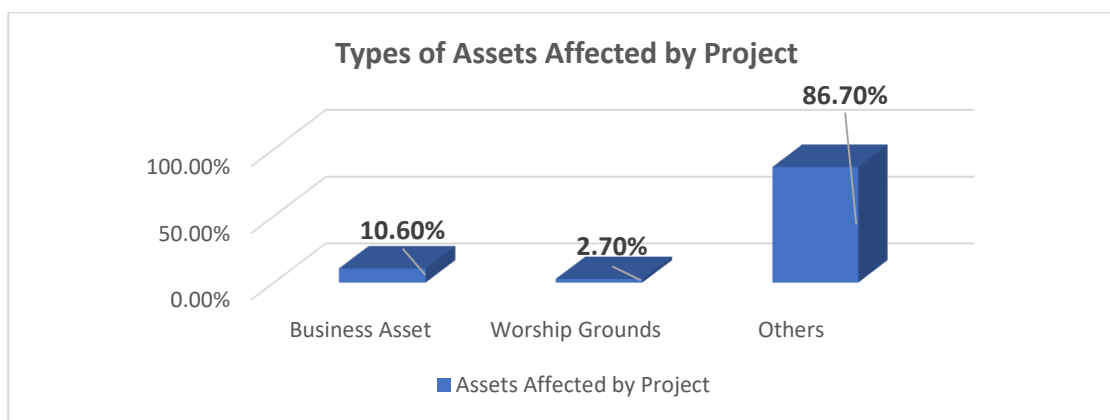


Figure 3.5: Types of Asset Affected by the Project

### 3.5.10 Literacy Level

The literacy level amongst PAPs in the Ladi Kwali pottery Centre is analyzed in the figure below. The findings showed that significant proportion, 13.3% had no formal education. 40% of the respondent had primary education while 36% had secondary education. 10.6% attained tertiary education. Table 3.4

Table 3.4: Education Attainment of Respondents

S/N		Total No. of Members	No Formal Education	Primary Education	Secondary Education	Tertiary Education
1	Business/Trading	3	0	1	0	2
2	Garri Processing	22	1	9	11	1

3	<b>Car Washers</b>	11	1	4	6	0
4	<b>Maize Dealers</b>	20	8	6	4	2
5	<b>Mechanics/Artisans</b>	9	0	5	4	0
6	<b>Food Vendors</b>	4	0	3	1	0
7	<b>Carpenters</b>	2	0	1	1	0
8	<b>Welders</b>	1	0	1	0	0
9	<b>Others</b>	3				3
	<b>Total</b>	75	10	30	27	8
	<b>%</b>		<b>13.30</b>	<b>40</b>	<b>36</b>	<b>10.6</b>

### 3.5.11 Vulnerability Analysis

During the conduct of the survey various categories of vulnerable persons were identified which include widows, elderly, Single mothers and the orphans. Among the categories of the vulnerable recorded, 47.62% are single mothers, Widows are 28.66% while the elderly are 19.05%. The orphans constituted 4.67% of the vulnerable category. The project plans to improve their livelihood through skill acquisition programme.

Table 3.5: Categories of Vulnerable persons affected

S/N	Types of Vulnerability	Percentages (%)
1	Widows	<b>28.66</b>
2	Single Mothers	<b>47.62</b>
3	Elderly (Over 65 years)	<b>19.05</b>
4	Orphan	<b>4.67</b>

### 3.5.12 Types of Businesses/Livelihoods in the Project Site

#### i). Garri processing members

There are twenty-two (22) members in this group carrying out the business of processing garri within the Ladi Kwali premises. The garri processing members are a group of women processing garri from Cassava tuber purchased from farms and nearby markets. While the processed garri is sold every member is paid according to her contributions in the production process. They make individual contributions to pay for common costs like rents and other processing costs.

The processing machines and power supply equipment is owned by a private investor and put under the care of the group and this arrangement has been going on smoothly and peacefully amongst both parties.

#### ii). Maize dealers

This is another group of business unit that functions like the garri processing unit. The group is made up of men with the sole purpose of supplying maize to the community all year round (both in dry and wet season). They travel to several farm settlements in search of areas where maize is grown all year round. Member are portioned into several group: some group go in search of the maize; some are in the logistics section and ensure that the product arrives in good time, while some handle the sales of maize at the pottery centre to retailers. The sale of maize is carried out in the open space at the Centre. In all, there are twenty (20) members. The group is organized and have elected members that run the affairs of the group.

#### iii). Car washing

This category of artisans avails themselves of the available water at the River Katoma to set up car wash business in the proximity of the Ladi Kwali Pottery Centre. The water used by these washers is sourced by pumping from the river to an improvised water reservoir. The operation and management of the business is controlled by the leadership of the group, as they make use of the common space and contribute to the payments for pumping water. Members hustle for their customers in the common space. There are eleven (11) members in the group.

#### iv). Mechanics/Artisans

This group include motor/motorcycle mechanics and Vulcanizers. This category of worker are Independent owners of their businesses within the Ladi Kwali pottery Centre. There are nine (9)

mechanics/artisans. These workers operate in the open space and do not have any built-up shed/workshop.

#### **v). Carpenters**

There are two Carpenters operating at the Ladi Kwali pottery Centre. There are Furniture makers and are located in the area of the proposed access road in the area.

#### **vi) Welder**

One Welder is located in the area of the proposed access road and has a built Shed/ workshop.

#### **vii). Food Vendors**

The presence of mechanics, car owner that come to service their vehicle and other category of persons necessitated the need for food vendors. These vendors sell cooked food (rice, beans, plantain, garri, *tuwo shinkafi*) etc to the public. There are four (4) Vendors operating at the Ladi Kwali Pottery Centre. These are independent business owner who sell food in the open space.

#### **viii). Telephone Operators Call Stand**

There is one telephone operator/Call Stand which is readily identified by an Umbrella Stand. Call cards are and data services are core business of this PAP.

#### **ix). Prayer Grounds**

There are two Muslem prayer grounds within the project area. One is close to the Car wash area while the second is in the area of the proposed access road. The Officiating and Supervisory Imam of the Prayer ground have been duly notified of the proposed project.

## **CHAPTER FOUR POTENTIAL IMPACTS OF THE PROJECT**

### **4.0 Introduction**

This Chapter provides further information on the positive impacts and negative impacts of the proposed project, the zone of impact of the activities of the project; the alternatives considered to avoid or minimize resettlement; and the mechanisms established to minimize resettlement during project implementation.

### **4.1 The Project Impact**

The proposed project has positive or beneficial impacts, which form the basis for implementing the proposed project, on the cost side, there are also negative impacts. These impacts are highlighted below.

#### **4.1.1 Benefits of Project**

The proposed project stands to provide multiple benefits as outlined below:

- Promote a culture of maintenance and continuous upgrading of Mining infrastructures and services.
- Promotion of economic development in the immediate project area and regionally.
- Extension of trade and improvement in state's competitiveness through an efficient and affordable pottery products and capacity building.
- Promotion of competition and efficiency and cost reduction of pottery product and services.
- Economic benefits to employed personnel during construction and operation phases;
- Higher income generation and revenue collection, economic transformation of the project area and accompanied amelioration of household livelihoods; emergence of small and medium enterprises;
- Attraction of national and regional businesses, investors, and a rise in tourism potential.

#### **4.1.2 Negative Impact**

- Displacement and/or loss of source of livelihood arising from displacement of the squatters from their business stations.



## 4.2 Alternatives to Minimize Resettlement and Cost

The fundamental objective of a resettlement planning is to avoid resettlement whenever feasible, or, when resettlement is unavoidable, to minimize its extent and to explore all viable alternatives. Where involuntary resettlement is unavoidable, resettlement and compensation activities are carried out in a manner that provides sufficient opportunity for the people affected to participate in the planning and implementation of the operation. Further, if incomes are adversely affected, adequate investment is required to give the persons displaced by the project the opportunity to at least restore their income-earning capacity. For the proposed project, consideration has been given to minimizing the scope of physical and economic displacement associated with the project through a number of ways, outlined here below:

### 4.2.1 Site Selection Criteria

The site selection criteria for the rehabilitation included the following:

- Based on historical antecedents and previous achievement in the area of pottery -making.;
- The restoration of the pottery Centre will generate job for the teeming youth population;
- Serve as a means of preserving the culture of the Kwali and Nupe people and the entire emirate;
- Ladi Kwali is already a brand in the Art of pottery.

### 4.2.2 Project Design Alternatives

The issue of land acquisition does not arise in this project because the land allocation for the project belong to the State government.

This aspect has also been considered in the Environmental and Social Management Plan (ESMP) already prepared for the project.

## 4.3 Area of Influence and Zone of Impact

The project's geographic and temporal area of influence was delineated and explicitly covered in the impact assessment. The area of influence encompasses the following, as appropriate:

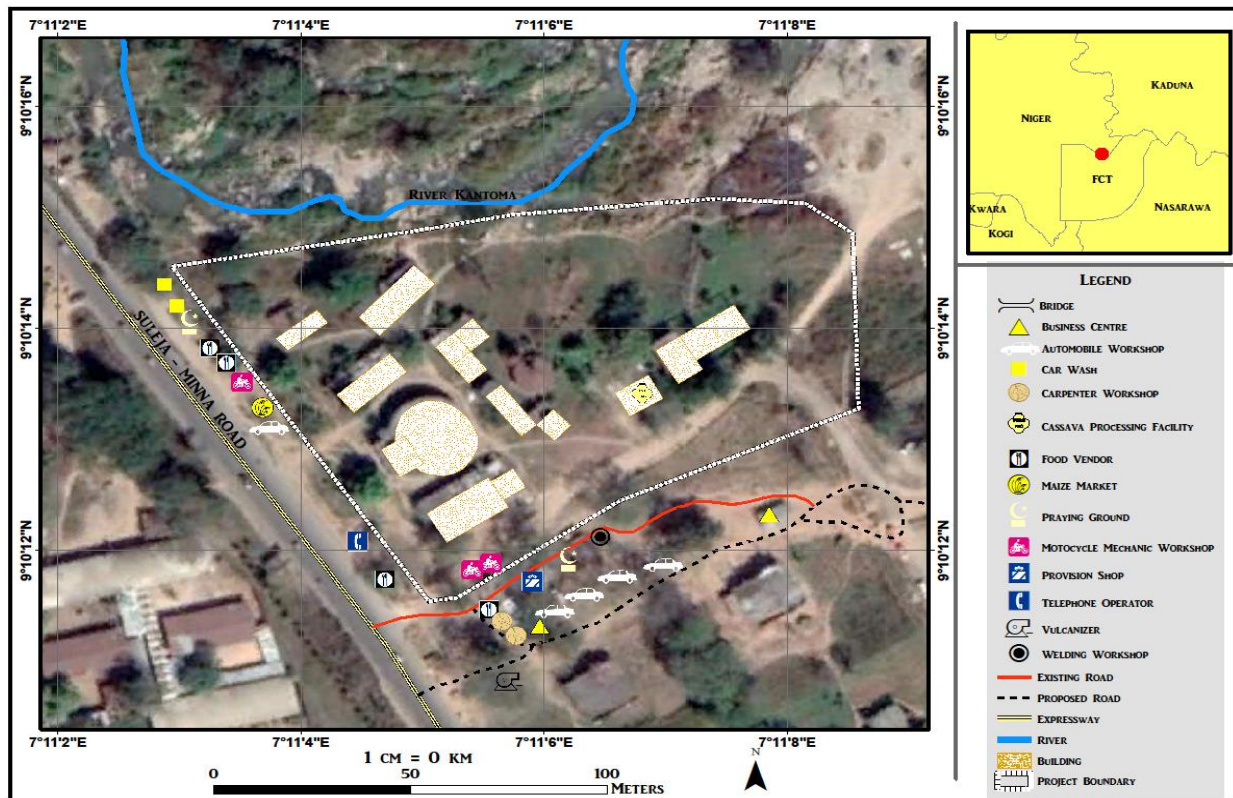
- The area likely to be directly affected by the project;
- Related or associated facilities dependent on the project that would not have been implemented if the project did not exist; and
- Areas, including the communities within them, potentially affected by unplanned but technically predictable activities likely to be induced by the project.

The assessment covered all stages of the project, from construction and operation through to closure/decommissioning, as the case may be.

### 4.3.1 Demarcating Areas Affected

The extent of the Project Affected Area is based on the plans and engineering designs provided by the project proponent. Majority of the affected sites are privately owned assets (Table 4.1). Map 4.1 show the different activities that are carried out in the project area, showing main areas of displacement. The project impact of the rehabilitation of Ladi Kwali Pottery Centre is localized within area of Influence.

S/No	Location	Proposed Estimated Land Size (sqm)	Proposed Work	Remarks/Original Owner
1	Ladi Kwali Pottery Centre, Suleja	(10,824)	Rehabilitation of the Pottery with modern infrastructure	Own by the Niger State government with Funding assistance from the World Bank through the Mineral Sector Support for Economic Diversification (MINDIVER) Project.



Map 4.1: Zone of Impacts at Ladi Kwali Pottery Centre

#### 4.4 Identification of PAPs and Categorization of Loss and Impact

It is important to note that the impacts of project activities on the sources of livelihood of PAPs at the various sites vary. While some are directly affected, others are not. Table 4.2 indicated the nature or type of assets that shall be affected based on the corridor inventory carried out.

S/No	Asset Type	Loss Type	NO	Remarks
1	<b>Physical Assets</b>			
	<b>Land</b>		N/A	
	<b>Structures</b>			
		Buildings (Make-shift Shops)	7	
		Ancillary Buildings (Mold Brick)	0	
		Fence walls	0	
		Wooden Shop/Kiosks/Table Shelf	0	
		Metal Shop/kiosks.	3	
	Umbrella stand (Telephone Call point)	1		
	Others- pavements, concrete kerbs, wells or reservoirs. these include (prayer grounds, Business centres. Provision shop and the Utensil shop).	5		
2	<b>Trees</b>		N/A	
3	<b>Utilities</b>		N/A	
4	<b>Income and Livelihood</b>			

S/No	Asset Type	Loss Type	NO	Remarks
	<b>Business</b>	Open Space -park	0	
		rental income	0	
		Clientele/customers	0	
		business income	0	
		wage income (for employees)	0	
		Fees from trainees or apprentices	0	
		Others, specify.....	0	
	<b>Opportunity to Livelihood</b>	Loss of training or apprenticeship	0	
		Loss of multiple income generating activities	73	
	<b>Impact on Business Structure</b>	Artisans	10	
		Loss of Business,	73	
		Loss of Spaces for work	9	
		Traders	9	
Others, specify		0		
<b>Impact on Worship Centre</b>	Worship Space	2		

#### 4.5 Project Affected Persons and Type of Loss

A total of 75 PAPs were identified with different types of losses which includes mainly shops within the proposed site, relocation of 3-business shops and 2-Islamic prayer ground within the areas of the project. Most of these structures are made of Fabricated sheet and welded in the form of Kiosk/ Storage Containers, roofed with iron sheets. Additionally, livelihoods will be lost especially for people who carry out business activities within the premises. This category of PAPs membership include Motorcycle/Motor Mechanics- 9; Welder-1, Carpenter-2, Food Vendors-4, Car Washers-11, Vulcanizers-2, Business shop owner-3, Telephone Call operators-1, Maize dealers-20, Garri processing group-22.

S/N	LOCATION	No of PAPs	Affected asset	Use	Structure Type (T/P)*	Material Type
1	Ladi Kwali Pottery Centre	2	Islamic Prayer ground	Praying	P	Roofed structure without walls
		3	Business shops	Sales	P	Steel Fabricated structure
		1	Umbrella	Telephone operator	T	
		62	Business	Livelihood	T	Open spaces
		7	Mechanic/ Artisans	Livelihood	T	Open spaces
	<b>Total</b>	<b>75</b>				

\*P/T =Permanent/Temporary)

#### 4.6 Type of Affected Persons

The type of project affected persons is outlined in Table 4.4 namely individuals, vulnerable persons/groups (18), squatters/other land occupiers (57) and (2) two places of worship.

S/No	Person	Definition	No	Remarks
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1	<i>Individual</i>	Individuals who risks losing assets, investments, space, property and/or access to physical/economic resources as a result of the project	-	
2	Vulnerable Persons/ Groups:	Persons/groups considered vulnerable due to their inability to cope with and participate in decision making with regard to resettlement in the course of work. These Vulnerable include: elderly, single Parents, widows, divorced.	18	
3	Squatters/Other Land Occupiers	Lack legal title or legal occupancy rights to the land they occupy/ Illegal occupants	55	
4	Corporate Entity/ Organization	Government	0	
		Private	0	
		Place of Worship	2	
5	Community		0	
<b>Total</b>			<b>75</b>	

#### 4.7 Impact as a result of the Proposed Access Road

In the engineering design of Ladi Kwali Pottery Centre, It was proposed that a perimeter fence that will cut off the current access road to the Church and the Staff quarters of the Government Secondary School. This identified impact of the proposed project has been discussed at the Stakeholders Meeting in Minna where the Commissioners for Culture and Tourism, Lands and Survey, Environment and Education were in attendance with their respective Permanent Secretaries. It was agreed that the Ministry of Lands and Survey should instruct the District Surveyor of Lands and Survey in Suleja to carry out the needed survey for the new road.

The office of the Niger State Lands and Survey has since completed the assignment and approval has been given to the effect. Some of the relevant documents in this regard is contained in Appendix 10,

#### 4.8 Cultural Property (Archaeological and Cultural Sites)

Two Muslim prayer grounds are affected by the proposed intervention, although, there are no cultural property, shrines, graves or site of archaeological interest identified to be affected in the course of the preparation of this ARAP.

However, in the event of any dislocation, alternative sites that are acceptable to the affected population shall be provided in co-operation with religious and traditional community leaders to ensure that the alternative represents the same degree of sacredness as the previous location.

The protocol to adopt is outlined thus: In the course of work if the project may affect any cultural heritage, or create access to any, the work will stop and the communities that use or have used it within living memory and with relevant national or local regulatory agencies that are entrusted with protecting cultural heritage shall be consulted. This is to draw on indigenous knowledge to identify its importance and incorporate the views of these communities into the decision-making process. The purpose of the consultation is to assess, present, and agree with communities on acceptable financial and non-financial compensatory measures. The findings of the consultations shall be disclosed, except when such disclosure would compromise or jeopardize the safety or integrity of the cultural heritage

#### 4.9 Impact on Vulnerable Group and Gender

The vulnerable groups were identified in the context of the economic and social analysis of the impact of the project. Vulnerable status was determined by identifying a group's likelihood of facing harder conditions as a result of the project, owing to such factors as gender, economic status, ethnicity, religion, cultural behaviour, sexual orientation, language or health condition. Specifically, the vulnerable groups include female-headed households(single-mothers), some categories of widows/widowers, orphan, elderly, divorcee, handicapped (Table 4.5). Where groups were identified as vulnerable, appropriate differentiated measures have been developed to ensure that unavoidable adverse impacts do not fall

disproportionately on these vulnerable groups, and so that they are not disadvantaged in sharing the development benefits and opportunities of the proposed Ladi Kwali project.

To provide a safety net until they become self-sufficient and resilient to economic stresses as they were pre-project or even better, psychological preparedness of the entire resettlement process shall be ensured. Also, priority shall be given to this group in all mitigation measures related to them. Furthermore, stress transfer to this group shall be avoided where mitigation measures includes physical preparation of relocation site.

In addition, it is emphasized in this ARAP that where access impeded within the work area cross overs/drainage covers must be created for at every section of the engineering works to enable all vulnerable persons pass and cross the road without any hindrance even during construction. Movement cost and income improvement assistance have also been built into the mitigation measures of the vulnerable persons as needed.

S/No	Vulnerable PAPs	Location and No of Vulnerable	No	Remarks
1	The elderly,	Ladi Kwali	4	Physically weak and cannot relocate to new shelters nor restore their livelihoods without support from others. It is more difficult for the female elderly.
2	Single mothers & female heads of household	Ladi Kwali	10	Faced with multiple tasks of being breadwinners; mothers; providers of shelter; and providers of security for those under their responsibility. Shelter relocation and livelihood improvement will be huge tasks for single mothers. The same is true for female heads of households, probably more so because some of them will also have to deal with irresponsible husbands.
3	Widows;	Ladi Kwali	3	Have lost their breadwinners and are suddenly faced with the reality that they have to provide for themselves, the children and other dependents. Resettlement will be an additional responsibility, which will need outside support. The need becomes bigger where the widow is elderly.
4	Orphan		1	The terminally ill are vulnerable because they cannot attend to their resettlement responsibilities without support from family members or relatives.
<b>Total</b>			<b>18</b>	

#### 4.10 Project Affected Persons and Mitigation Measures

Project affected persons are those actually affected by the project. The number per location and the proposed mitigation measures are outlined in Table 4.6. A Register of the PAPs prepared with their entitlements shall not be displayed to the public for security reasons but kept in the offices of the PIU and the relevant local government areas.

**Table 4.6: The Mitigating Measures and the Alternative Locations for PAPs**

S/No	Location	No. of PAPs	Provision of Alternative Sites	Mitigation Measure	GPS Location of the Alternative Site
1.	Car Washers	11	The PAP agreed to set alternative sites for themselves;	Relocate to another site; provide relocation assistance as well as income restoration	-None-
2.	Garri Processing	22	This group has secured an alternative	Relocate to another site; provide	N=09° 10.173 E= 007° 11.165



S/No	Location	No. of PAPs	Provision of Alternative Sites	Mitigation Measure	GPS Location of the Alternative Site
	Group		site. This is in the GSS premises and close to the pottery centre.	relocation assistance as well as income restoration	
3.	Maize dealers	20		Relocate to another site; provide income restoration	N=09° 10.495 E= 007° 10.721
4.	Vulcanizers	2		Relocate to another site; provide income restoration	None-
5.	Motorcycle Mechanics	5		Relocate to another site; provide income restoration	N=09° 14.779 E= 007° 09.516
6.	Food Vendors	4		Relocate to another site; provide income restoration	None-
7.	Motor Mechanics	4	The local government has allocated site to them in the New Motor repair/ spare parts Market in Suleja.	Relocate to another site; provide income restoration	N=09° 14.779 E= 007° 09.516
8.	Islamic prayer Grounds for Moslems	2	The Supervisory Imam in the area that allocated the previous prayer ground has agreed to provide alternative Prayer ground close by.	Relocate to another site; provide Relocation allowance, (include transportation cost and cost of dismantling and re-building of Structures)	Through the Local Government authority, the chief Imam and the mosque have been identified with an alternative land Within the Government Secondary School premises, Suleja.
9.	Business Shops Owners	21	Agreed to move to their chosen area.	Relocate to another site; provide Relocation allowance, (include transportation cost and cost of dismantling and re-building of Structures); income restoration	Within the Government Secondary School premises, Suleja.
10.	Carpenters	2	Agreed to move to their chosen area.	Relocate to another site; provide Relocation allowance, (include transportation cost and cost of dismantling and re-building of Structures); income restoration	-None-
11.	Welder	1	Agreed to move to their chosen area.	Relocate to another site; provide Relocation	-None-

S/No	Location	No. of PAPs	Provision of Alternative Sites	Mitigation Measure	GPS Location of the Alternative Site
				assistance, (include transportation cost and cost of dismantling and re-building of Structures); income restoration.	
12.	Telephone Operator	1	Agreed to move to their chosen area.	Relocate to another site, provide relocation assistance to shop renters as well as income restoration and cash compensation for structure owner	-None-
13.	<b>Total</b>	<b>75</b>			

## CHAPTER FIVE EXISTING LEGAL FRAMEWORK

### 5.0 Introduction

This chapter provides a brief review of the applicable local laws, regulations, policies and procedures on land acquisition and resettlement. Essentially, here, consideration is given to Nigeria's Land Use Act (LUA) of 1978 and the World Bank Policy on involuntary resettlement OP4.12 as the main instruments guiding the entire process. In understanding the existing legal framework, reference should be made to the national instrument -Resettlement Policy Framework - which was prepared for the MINDIVER Project for the participating States. Adequate attention was given to the relevant legal instruments (Legal Basis for Land Acquisition and Resettlement in Nigeria and World Bank Policy on Involuntary Resettlement (OP.4.12)).

### 5.1 Nigeria Land Use Act and Bank OP4.12 – A Comparison

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

Based on this comparison, entitlement matrix presented in this ARAP is designed to assist the process by bridging the gaps between requirements under Nigeria Law and the World Bank OP4.12. *In comparison and bridging the gaps between the requirements under Nigeria Law and the World Bank OP4.12, it is emphasized that the higher of the two standards/instruments (the more beneficial to the project affected persons) should be followed as it also satisfies the requirements of the lesser standard.*

## 5.2 Entitlement Matrix for Various Categories of PAPs

Based on the comparison, **between Land Law of the Federal Republic of Nigeria and Bank OP4.12**, an entitlement matrix has been designed (Table 5.2). This bridges the gaps between the requirements under Nigeria Law and the World Bank OP4.12 and ensures that the higher of the two standards is followed, since the requirements of the lesser standard are also satisfied.

**Table 5.1: Land Use Act and World Bank OP 4.12 - A Comparison**

Issue	Nigerian Land Use Act	World Bank OP 4.12	Mitigation of GAPs
Land Owners: Statutory Rights	Cash compensation based on market value	Preference for land-for-land compensation. If not, cash at full replacement value, including transfer costs	The issue of Land compensation does not arise as the land is owned by the Niger State Government.
Land Owners: Customary Rights	Cash compensation for land in kind with other village/district land	Preference for land-for-land compensation, land of equal or equivalent value. If not, cash at full replacement value, including transfer costs	The issue of Land compensation does not arise as the land is owned by the Niger State Government.
Land: Tenants	Compensation based on the value of residual rights held under the tenancy agreement. <i>Entitled to compensation based upon the amount of rights they hold upon land.</i>	Compensation based on value of residual rights held under the tenancy agreement, plus disturbance allowances are <i>entitled to some form of compensation whatever the legal recognition of their occupancy.</i>	The occupants do not have any tenancy agreement with the Niger State government. As such do not make claims with regarding their right on the land.
Squatters	Not entitled to compensation for land, but entitled to compensation for crops.	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land	The land occupants are provided with resettlement assistance in addition to compensation for affected assets; but no compensation for land
Agricultural land users	No compensation for land; compensation for standing crops according to values established from time to time by State governments, <i>Not entitled to compensation for land, entitled to compensation for crops.</i>	Compensation in kind or cash for value of land; compensation at full replacement value for lost crops and economic trees and perennials, fully verifying or updating state lists of values, <i>entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</i>	The land use in Ladi Kwali is for agricultural purposes as such there are no crop farm on the site.
Owners of structures	Cash compensation based on market values, taking account of depreciation <i>Cash compensation based on market value for Owners of "Non-permanent" Buildings</i>	In-kind compensation or cash at full replacement value including labor, relocation expenses, and transfer costs. Added disturbance allowances. <i>Entitled to in-kind compensation or cash compensation at full replacement cost including</i>	Structures on the land were valued in cash at full replacement value including labor, relocation expenses, and transfer costs. This is in addition to cost allotted for economic restoration, covering relocation periods.



		<i>labor and relocation expenses, prior to displacement for Owners of "Non-permanent" Buildings</i>	
	Cash compensation based on market values, taking account of depreciation. <i>market value for Owners of "Permanent" buildings</i>	In-kind compensation or cash at full replacement value including labor, relocation expenses, and transfer costs. Added disturbance allowances. <i>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement for Owners of "Permanent" buildings</i>	This does not apply, as there are no permanent structures in the project area.
Losers of livelihoods (farmers, business people, employees)	No consideration other than cash values for assets as described above by asset category	Key objective is restoration of capacity to generate incomes at least at levels prior to losses. Programs of assistance to achieve this objective. Compensation for periods of lost income.	There is Economic restoration consideration for periods of lost Income for the Projected Affected Persons.
Grievance procedure	no specific requirement for establishing an independent grievance mechanism	A functional Grievance Redress Mechanism has been established at the project intervention point, to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner. The grievance mechanism, process, or procedure should address concerns promptly and effectively, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, at no cost and without retribution.	The MinDiver Grievance Redress Mechanism has been established for the project and tis shall be used by the RAP Implementation Committee (RIC) to resolve disputes arising as a result of the Construction.
Rejection of Compensation	No categorical statement	Where compensation to an affected person in accordance with an approved resettlement plan has been offered, but the offer has been rejected, the taking of land and related	Where the Compensation offered to a PAP is rejected, the RIC shall ensure that Niger State government deposited funds equal to the amount offered as compensation

		<p>assets may only proceed if the project owner has deposited funds equal to the amount offered as compensation plus 10 percent in a secure form of escrow or other interest-bearing deposit satisfying the Bank's fiduciary requirements. The project owner must also provide a means satisfactory to the Bank for resolving the dispute concerning the offer of compensation in a timely and equitable manner</p>	<p>plus 10 percent in a secure form of escrow. This is done before the taking of the assets commences.</p>
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\*Adapted from the Resettlement Policy Framework for the Project, April, 2006, Revised April 2013

### Other Relevant Laws

#### **NIGERIAN MINERALS AND MINING ACT 2007**

In the case of extractive resources, the Federal Government has always had exclusive responsibility over its exploitation and development since the 1963 constitution established Nigeria as a Federal Republic. The Nigerian Minerals and Mining Act of 2007 is an act to repeal the Minerals and Mining Act no 34 of 1999 for the purposes of regulating all aspects of the exploration of solid minerals in Nigeria and for related purposes. According to the Section 1, Subsection 1 of the Act, vested the Federal government of Nigeria with powers to control all mineral resources and all rivers, streams and water courses throughout Nigeria are vested in the State.

#### **LAND USE ACT, 1990**

The legal framework for land acquisition and resettlement in Nigeria is the Land Use Act (LUA) of 1978, reviewed under Cap 202, 1990. The Land Use Act, Cap 202, 1990 Laws of the Federation of Nigeria is the applicable law regarding ownership, transfer, acquisition and all such dealings on Land. The provisions of the Act vest every parcel of land in every State of the Federation in the Executive Governor of the State.

He holds such parcel of land in trust for the people and government of the State. The Act categorized the land in a state to urban and non-urban or local areas. The administration of the urban land is vested in the Governor, while the latter is vested in the Local Government Councils. At any rate, all lands 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

#### **LAND TENURE SYSTEM IN NIGERIA**

Land tenure is the way in which rights in land are held in Nigeria. The principles of Land Tenure, Powers of Governor and Local Governments, and Rights of Occupiers are contained in Part II of the Land Use Act.

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

- **Community land**, or land commonly referred to as ancestral land, is owned by all the people;
- **Communal land** consists mostly of under-developed forests and is owned by nobody. Those who clear it first claim ownership;
- **Clan or family land** is owned by clans and families, as the name suggests;
- **Institutional land**: land allocated to traditional institutions such as traditional authorities and chiefs; and

- **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.

### **NATIONAL ENVIRONMENTAL REGULATIONS, S.I 27 OF 2009**

This Act is directed at the protection of Watershed, Mountainous, Hilly and Catchment Areas. The regulations require every land owner or occupier, while utilizing land in a watershed, mountainous, hilly or catchment area to: observe and respect the carrying capacity of the land; carry out soil conservation measures; carry out measures for the protection of water catchment areas; use the best available environmentally friendly technologies to minimize significant risks and damage to ecological and landscape aspects; and maintain adequate vegetation cover.

*An essential element noted in the regulations is the participatory approach admonished in watershed management; institutional arrangements; and fines, to name a few. It also made provisions for incentives, public education and the involvement of local communities.*

Some Statutes relevant to Resettlement Studies include:

- Nigeria Labour Law (2004)
- Nigerian Investment Promotion Commission Act 1995)
- Occupational, Health and safety Act (OSHA), 2007
- Penal Code Act (cap.63)
- Public Health Act (Cap. 242)
- Rehabilitation, Reconstruction and Development Act, 1990
- Social Development Act (1974)
- Standard Organization of Nigeria (SON) Act – Retained as Cap 412
- The Child Rights Act (2003)
- The Factories Acts 1990 being implemented by the Factories Inspectorate Division of Federal Ministry of Labour and Productivity (FMLP).
- Workers Compensation Act (2010)

### **Regional Treaties Relevant to GBV, SEA, VAC and People Living with Disabilities**

- Abolition of Forced Labour Convention (1957)
- Convention Against Torture & other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 2001
- Convention on the Rights of Persons with Disabilities (2007)
- The Convention on the Rights of the Child (CRC) (1990),
- The National Action Plan for the Implementation of United Nations Security Council Resolution 1325 (2009);
- The Protocol to the ACHPR on the Rights of Women in Africa (the “Maputo Protocol”) (2007).

In addition, Nigeria also has obligations to protect the environment through various commitments to the African Union, the Economic Community of West African States and the Commonwealth. It is also committed through relations with the European Community under the Lome IV Convention.

### **Gender Based Violence (GBV) in Nigeria**

Nigeria ranks 118 out of 134 countries on the Gender Equality Index.<sup>1</sup> Women’s disadvantaged position and lack of decision-making power in the social, economic and political spheres is reflected in policies, laws and resource allocation that thwart progress towards gender equality in the country. More than 70 percent of women live below the poverty line, and maternal mortality ratio is among the highest in the world at 576 per 100,000.<sup>2</sup> More than half of people living with HIV (3.2 million) are women (55 percent).<sup>3</sup>

<sup>1</sup> British Council Nigeria. *Gender in Nigeria report 2012*; UNDP Human Development Report 2016. See: <http://hdr.undp.org/en/content/gender-inequality-index-gii>.

<sup>2</sup> The 2013 Nigeria Demographic and Health Survey (NDHS). See: <https://dhsprogram.com/pubs/pdf/PR41/PR41.pdf>.

<sup>3</sup> UNAIDS 2017 Data. See: [http://www.unaids.org/sites/default/files/media\\_asset/20170720\\_Data\\_book\\_2017\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/20170720_Data_book_2017_en.pdf)

Girl enrolment in school lags behind boys, and represents one third to one quarter of classroom participants depending the state; and two-thirds of the 10.5 million out-of-school children, are girls.<sup>4</sup>

**The wide diversity and distinct socio-economic, cultural and political contexts across Nigerian geopolitical regions and states results in different gender related vulnerabilities.** While gender inequitable norms prevail throughout the country, these vary by region and interact with other structural, community and individual factors exposing women, girls and boys to some forms of GBV more than others. The socioeconomic status of women and girls in the northern zones lags behind those in the south: only 3 percent of girls in the North complete secondary school, over two-thirds aged 15-19 years are unable to read compared to less than 10 percent in the South, and 76 percent are married by age 18 in the northwest.<sup>5</sup> Child marriage, acceptance of wife beating, restricted movement of women and girls are more pronounced in the North, and the prevalence of sexual violence, conflict related GBV and SEA is higher than in the South. In the South FGM, IPV, physical violence by any perpetrator, trafficking and harmful widowhood practices are more prevalent.

**The term 'gender-based violence' reflects the underlying and systemic gender inequality which is a key driver of violence.** Gender inequality exists in Nigerian households and communities, as in every society in the world; it results in women and girls experiencing limited choices, as well as restricted access to resources and opportunities compared to men and boys. The unequal distribution of power between men and women, along with engrained norms and rigid expectations on gender roles are the core drivers of GBV. GBV cuts across culture.

### **Nigeria Legal and Policy Framework**

**Nigeria's national government has taken steps to penalize and address GBV and SEA, although a clear leadership with the leverage to garner multi sectoral support to address this complex problem seems absent.** The institutional champion of women's and children's rights and GBV issues within the government is the Federal Ministry of Women Affairs and Social Development (FMWASD). But it has limited influence on sectoral ministries who need to enforce policy, insufficient budgetary resources<sup>6</sup> and insufficient institutional capacity to enact its mandate.

**The regulatory framework to address both GBV, SEA and VAC is uneven because the Nigerian legal system is plural, and different legal systems co-exist, namely, the statutory law, Sharia law in the northern regions, and customary law in rural areas.** The simultaneous application of this three-tier system creates differentiated degrees of protection to women's and children's rights<sup>7</sup> which varies in every state and its enforcement is weak. There is a lack of clear mandates regarding which institutions oversee child protection and the design and implementation of violence prevention strategies and provision of services. Insufficient budget allocation both at national and state levels, coupled with inadequately trained and staffed structures to provide social welfare, justice, education and health services that are women, child and survivor centered. While efforts to provide GBV survivors with basic response services is concentrated in the NE by international non-governmental organizations or the UN system, there are very limited government or non-governmental services in the rest of the country, those that exist are for the most part unregulated, uncoordinated and unpredictable.<sup>8</sup> This is aggravated by a generalized lack of trust of citizens, particularly women, in the criminal justice system to enforce the existing laws. Moreover, lack of awareness of laws and knowledge of rights, amidst a context dominated by social norms that legitimate the perpetration of abuse, stigma and underreporting, results in the consequent impunity of perpetrators, possible re-victimization of survivors and the reproduction of the cycle of violence.

**Two key national laws addresses GBV, the Child Rights Act (CRA, 2003), and the Violence Against Persons Prohibition Act (VAPP, 2015) which have been passed by the Federal Capital Territory (FCT) but not by many of the 36 states, making them inapplicable in those that have not adopted them.**

While CRA has been passed in 24 states, VAPP has been passed in 4 states in addition to the FCT. Where laws are domesticated, implementation remains weak as institutional capacities are weak (social welfare, police, family courts). In practice, the legal and judicial systems provide women and children with

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<sup>4</sup> NDHS 2013.

<sup>5</sup> NDHS 2013; British Council Nigeria, 2012.

<sup>6</sup> UN Women data from 2011.

<sup>7</sup> UN CEDAW 2017.

<sup>8</sup> UNICEF 2018.

little protection against violence, and timely and adequate support services are scarce and often ill-equipped to respond to survivors' needs.

Nigeria has ratified or acceded to the core international human rights treaties and is a party to the major regional human rights instrument which obliged States to respect, protect and fulfil human rights of all persons within the territory and subject to the jurisdiction of the State, without discrimination. Rape may violate several human rights obligations enshrined in the instruments ratified by Nigeria and is also a form of gender-based violence and a brutal manifestation of violence against women, children and men. In addition bias and unfairness towards certain genders with regards employment; promotion, privacy in using bathrooms or restrooms and granting of work-related benefits, may also communicate gender-based violence. As a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol"), Nigeria has made legally binding commitments to exercise due diligence to combat gender-based violence and discrimination and has signed international treaties as listed above.

## **CHAPTER SIX VALUATION AND DESCRIPTION OF COMPENSATIONS**

### **6.0 Introduction**

The objective of the asset valuation is to determine the current market value of the asset to be impacted, so that amount for compensation will be equal to that which can adequately replace the asset at present full replacement cost. Valuation of assets to be affected by the implementation of the component 1 activities was conducted using a general principle adopted in the formulation of the compensation valuation, which follows the World Bank policy that lost income and asset will be valued at their full replacement cost such that the PAPs should not be worse-off than the pre-project level. The method employed to arrive at full replacement value is shown in the various sections of the proceeding paragraphs.

### **6.1 Replacement Cost and Damage & Loss Assessment (DaLA) Methodology**

In the process of assessing damage and losses of economic assets identified, the **Damage and Loss Assessment (DaLA) Methodology** was employed. DaLA is a flexible, comprehensive damage and loss assessment methodological tool presently used by the World Bank for the estimation of overall impacts

such as that caused by disaster. The tool which captures the closest approximation of damage and losses is in line with World Bank OP 4.12 provisions on involuntary resettlement.

The DaLA Methodology bases its assessments on the overall economy of the affected country/project area. It uses the national/project location accounts and statistics as baseline data to assess damage and loss. It also factors on the impact of disasters/projects on individual livelihoods and incomes to fully define the needs for recovery and reconstruction.

The tool analyses three main aspects:

- **Damage** (direct impact) - impact on assets, stock, and property, valued at agreed replacement (not reconstruction) unit prices. The assessment considers the level of damage (whether an asset can be rehabilitated/repaired, or has been completely destroyed).
- **Losses** (indirect impact) - flows that will be affected, such as reduced incomes, increased expenditures, etc. over the time period until the assets are recovered. These are quantified at present value. The definition of the time period is critical. If the recovery takes longer than expected, losses might increase significantly.
- **Economic effects** (sometimes called secondary impacts) - fiscal impacts, implications for GDP growth, etc. This analysis can also be applied at sub-national/local levels.

Likewise, the Current market value of asset within the Ladi Kwali project area was used to determine the compensation rate for Structure relocation and livelihood loss. This was determined via market survey carried out for services and their market prices in the project areas.

In summary, all valuation techniques rely on the collection and analysis of data such as social, economic, government and environmental attributes. Specific data include local market conditions and details of property transactions such as location, physical and functional form and legal characteristics. The rights of enjoyment or compensation affect the value of the property when such benefit may be alienated.

The valuation took into cognizance the following:

- Compensation for full replacement value to be paid for land to which people have rights or claims. If alternative land is provided, the value will be deducted from the compensation paid
- Compensation for full replacement value to be paid for structures and other assets.
- Inflation was considered
- Depreciation is not taken into account.
- If the remaining part of a demolished asset is not economically viable, compensation is estimated based on the entire asset.

## 6.2 Basis for Valuation

Valuation of affected Assets and Structures were at prevailing Market value.

**Table 6.1: The Entitlement Matrix for Various Categories of PAPs**

Type of Loss	Entitled Person	Description of Entitlement
1. Permanent loss of land 1.1 Cultivable/residential /commercial land	1.1 (a)Legal owners of land (b)Occupancy/Hereditary tenant	1.1 (a) Land Compensation did not apply to this project as the land is owned by the Niger State government.
2. Damage to land (such as abutting sub-project site) 2.1. By excavation etc. from borrows for earth for construction. 2.2 By severance of agricultural holding	2.1. (a)Legal owner/s (b) Village/s or clan/s with customary ownership 2.2. (a)Legal owner/s (b) Village/s or clan/s with customary ownership	Land Compensation did not apply to this project as the land is owned by the Niger State government.



<b>Type of Loss</b>	<b>Entitled Person</b>	<b>Description of Entitlement</b>
3. Loss of income and livelihood 3.1. Temporary loss of livelihood.	3.1. Evaluation of structures	Cash compensation for loss of built-up structures at full replacement costs Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure.
3.2. Loss of agricultural crops, and fruit and wood trees. 3.3 Loss of income by agricultural tenants because of loss of land they were cultivating	3.2. (a) Owner/s of crops or trees. Includes crops trees owned by encroachers/squatters (b) /tenant 3.3 Persons working on the affected lands	Compensation due to loss of agricultural crops did not apply to this project as the farms are not present in the project area.
4. Permanent loss of Structures 4.1 Residential and commercial structures	4.1. (a) Owners of the structures whether or not the land on which the structure stands is legally occupied  (b) Renters	4.1. (a) Cash compensation for loss of built-up structures at full replacement costs Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure. In case of relocation, transfer allowance to cover cost of Shifting (transport plus loading/unloading) the effects and materials will be paid on actual cost basis or on current market rates. (b) One-time cash assistance equivalent to 3-months estimate of income is paid as economic restoration.
4.2. Cultural, Religious, and community structures /facilities School, church, water channels, pathways, and other community structures/installations	4.2. Muslim Community	4.2. Complete rehabilitation/restoration by the Project; or, Cash compensation for restoring affected cultural/community structures and installations, to the recognized patron/custodian.
5. Special provision for vulnerable APs 5.1. Reestablishing and/or enhancing livelihood	5.1 Women headed households, Orphans or elderly persons, widows and the single mothers	5. Need based special assistance to be provided either in cash or in kind.
5.2 Change in Livelihood for women and other vulnerable APs that need to substitute their income because of adverse impact	5.2. (a) Vulnerable APs, particularly Women enrolled in a vocational training facility 5.2. (b) owner/s whose landholding has been reduced to less than 5 acres	5.2 (a) &(b). Restoration of livelihood (vocational training) and subsistence allowance @ agreed rate per day for a total of 3- months while enrolled in a vocational training facility
Unanticipated adverse impact due to project intervention or associated activity	The Project team will deal with any unanticipated consequences of the Project during and after project implementation in the light and spirit of the principle of the entitlement matrix.	

### 6.3 Eligibility Criteria

There are three basic categories of eligibility for resettlement benefits:

- i) Persons holding legal title (or the equivalent in customary-law) to the land they occupy or use to derive their livelihood. This shall be entitled to receive compensation for their assets at replacement value.

- ii) Persons lacking title but with legal rights that can ratified by recognized legal process, e.g. heirs to an estate.
- iii) Persons with no legal or legitimate claim to the land they occupy or use.

Those having **legitimate rights** shall receive assistance to regularize their status and shall be treated just as those having legal rights.

**Persons having no legal rights** to land under law may not be compensated for the land they occupy but they are entitled to compensation for other assets (e.g. housing) and to receive assistance. In practice, this may mean that squatters and other non-legal occupants receive the same entitlement as those having legal rights. Where cash compensation is used for very poor people, it is strongly recommended that supervision be provided so that such compensation is not used for consumption or other unsustainable expenditures.

The census carried out has enabled the identification of those affected and eligible for assistance and the nature of assistance.

The **entitlements**, as the case may be, consist of replacement housing, replacement land, building lots, or cash compensation. *Under Bank Policy, cash compensation is only appropriate when there is an active market in land or housing and where such assets are actually available for purchase.*

Communal rights to land and other assets are recognized. Clans, lineages and other community property have been subjected to the same procedures as for privately held land. *In such cases, traditional law may be taken into account.*

**Tenants** may be granted resettlement entitlements along with owners or they may be given a subsidy to find a new rental property. Entitlements shall include transitional support such as moving expenses, assistance with food and childcare during a move and other needed support.

All PAPs irrespective of their status, 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 project area before the cut-off date.

All persons residing, conducting activities or earning income within the project affected areas at the cut-off-date, which is the last day of inventory of loss will be entitled to compensation and resettlement assistance. To determine their eligibility, PAPs are classified as follows:

- Person who have formal right to land (including customary and traditional rights recognized under Nigerian law);
- Persons with temporary or leased rights to use land; and
- Persons who do not have formal legal right to lands or other assets at the time of the census, but who have claim to such legal rights by virtue of occupation or use of those assets.
- Businesses within the community

Those who do not have the legal title to land but reside in the affected area before the cut-off-date will be compensated for properties such as houses and other investment on the land, but will not be compensated for the land. The eligibility criteria for compensation are outlined in Table 5.3.

**Table 6.2: Eligibility Criteria for Compensation**

PAP Classification	Kinds of Eligibility		
	Compensation	No Compensation	Assistance
Those with legal right to land	Land or asset at replacement cost, taking into account market values for land	This does not apply because the land is owned by the government	No compensation needed
Those with temporary or leased rights to land at cut-off date	Assets/Structures at replacement cost, taking into account market values for structures and materials	For structure on the land after the cut-off-date	Assistance as needed
Those with no legally recognized right to land but arrived before cut-off date.	Assets at replacement cost except that compensation may be "topped off" to allow	This does not apply because the land is owned by the government	No compensation needed

	the PAP to acquire a new residence in a place where he/she can legally reside.		
Those who arrived after Cut-off-date	None	None	None
Those with business located within the project area	Assets and lost income as a result of lost business during project duration	For business located in Community that are not affected by the project, or are outside the project area.	No compensation needed

Alternative means of proof of eligibility will include:

- Affidavit signed by the magistrate of competent jurisdiction in Suleja for affected assets.
- Witnessing or evidence by recognized trade union heads, traditional authority, customary heads, community elders, family heads, elders and the general community.
- Possession of Project Affected Persons (PAP) Identification Card issued after Census.

For appropriate documentation, an enumeration of all categories of losses and PAPs was carried out based on the categorizations in the entitlement matrix provided herewith. To avoid spurious claims and misuse of the compensation policy, the last date of the census (Tuesday, 18<sup>th</sup> to 30<sup>th</sup> Tuesday, June 2020 initially announced during stakeholder's consultation) served as the cut-off date for eligibility and no new PAPs were eligible for compensation after this date.

The valuation is based on the principal of fair market value, which is normally determined by the various valuation methods used internationally. Specifically, the following were noted:

**For Urban land:**

- There are no Compensation for the Land as this belongs to the Niger State Government.

**For Houses and other structures:**

- The market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure,
- Plus, the cost of transporting building materials to the construction site,
- Plus, the cost of any labor and contractors' fees,
- Plus, the cost of any registration and transfer taxes, and without taking into account the value of any salvage materials, or the value or benefits to be derived from the project.

S/No	Loss of Land	Based on the open market value of comparable recent transactions in Naira
1	Loss of Business structures and other civil works	Full replacement cost* value as if new – recent construction cost rates
2	Loss of Business Income and Loss of Business Goodwill	Based on the average monthly net profit
3	- Loss of Income from Rent and Expenditure Incurred for Alternative Accommodation during reinstatement period	Based on the comparable rent passing, rent advance paid
4	- Expenditure incurred for Transfer of movable properties and temporary structures	Based on truck/transport hiring charges
5	- Loss of Wages, -Loss of Fees from Apprentice, - Loss of Job Training	Based on Current Fees and Wages

**6.3.1 Valuation of Land**

The World Bank OP 4.12 requires that displaced owners of land be provided with an area of land equivalent to their displaced land. It states that land restoration should be in a location that has similar value as the one displaced due to the project. However, land resettlement will not occur since there was

no land-take and displacement of persons as property of the Niger State Government. were merely on livelihood.

### 6.3.2 Valuation – Cost of Agricultural/Crop Production

This does not apply too, as there is no farmland in the project area.

### 6.3.3 Valuation of Buildings and Structures

If structures are primarily for investments purposes, then the 'income approach' is sometimes used. However, the preferred method of valuation is the 'replacement cost' method. It is based on the theory that the market value of an improved parcel can be estimated as the sum of the land value and the depreciated value of improvements. In other words - subtracting the land value from the overall value of the land and built structures will give you the value of the structures. Replacement value requires the estimate of land value, accrued depreciation and the current cost of construction of improvements. Depreciation is deducted from the current cost of construction to get an estimate of improvement value.

In carrying out replacement cost value, three steps were required:

- *Data collection*: descriptive data on the improvement being valued
- *Determining an accurate cost of estimate*: expenditure involved in completing a house based on replacement cost or reproduction cost. Reproduction cost is the cost of constructing an identical structure by using the same design and materials. Replacement cost is the cost of constructing a substitute structure of equal utility using current materials, design and standards.
- *Estimation of accrued depreciation* – This is the loss in value from replacement cost new.

### 6.3.4 Valuation - Cost of Materials and Transportation

Basically, two types of materials (stubble/wood/plywood and steel) are prevalent in the study area. The rates that were confirmed to us by the vendors and corroborated by the valuer will apply.

### 6.4 Compensation Rate- Guidelines for Acquisition of Assets

The activities here involved the valuation of the affected business and religious structures (Prayer ground) Overall, since temporary loss of structures can adversely affect incomes or standards of living, a compensation guideline which provide the basis for any involuntary temporary acquisition at the project area have been developed (Table 6.2).

It is very important to mention here that the Valuation of all temporary Structures that were marked for relocation was assessed by a Certified Estate Surveyor and Valuer. This is to ensure that appropriate Values of Asset were achieved. See appendix 7.

**Table 6.4: Compensation Rate Guidelines for Temporary Acquisition of Assets**

Asset Loss	Guideline
<b>Land</b>	<ul style="list-style-type: none"> <li>• Compensation equivalent to the net average income that would have been obtained from the land during the period of temporary acquisition; and</li> <li>• Restoration of the land to its original productive use or full compensation for the cost of restoration.</li> <li>• Explicitly delineate in contractors' agreements the responsibility for restoring the land to its former productive use.</li> </ul>
<b>Structures</b>	<ul style="list-style-type: none"> <li>• Compensation based on the remaining extent of access or use.</li> <li>• If temporary land acquisition produces only minor inconveniences (for example, periodic destruction of access), compensation to restore the structure to its original condition and an inconvenience allowance can be paid.</li> <li>• If structures themselves are temporarily acquired, or if use of the structure is precluded, alternative comparable accommodations, a rental allowance for equivalent temporary housing, or payment for constructing temporary of a reasonable standard can be provided. Compensation should be paid for any moving or restoration expenses.</li> </ul>
<b>Businesses</b>	<ul style="list-style-type: none"> <li>• Temporary loss of access to facilities, suppliers, or customers can diminish</li> </ul>

	<p>business income significantly. PAPs receive:</p> <ul style="list-style-type: none"> <li>• Compensation equivalent to the estimated net loss to the owner of business. Because estimating may be avoidable when planners are determining losses (or income), compensation amount are usually negotiated with business owners.</li> <li>• If an affected business cannot continue in its current location, provide new premises or a rental allowance for new premises (including the cost of relocating business personnel and equipment to and from their new premises).</li> </ul>
<b>Wages</b>	<ul style="list-style-type: none"> <li>• Allowances, equivalent to regular wages, to workers temporarily losing employment.</li> </ul>

#### **6.4.1 Compensation Package, Resettlement Assistance, and Livelihood Improvement Option**

Towards ensuring that displaced persons are adequately compensated, option-based resettlement planning approach was adopted. The option-based option is part of a development approach that aims to ensure that the affected populations are able to reconstruct their production foundations and become self-sustaining producers and wage earners.

This approach included the offer to the PAPs a range of different compensation package, resettlement assistance, and livelihood improvement options, as well as options for administering these measures at different levels (e.g., family, household and individual). It also provides an avenue for the affected persons themselves to express their preferences.

This approach is in line with the WB Policy on Involuntary Resettlement, OP 4.12. Particular attention was given to the interests of both women and men and of the elderly and the handicapped with regard to the formulation of compensation packages, resettlement assistance measures and livelihood improvement measures and the implementation is also anticipated to follow suit.

In general, compensation arrangements, resettlement assistance and livelihood improvement measures, such as skills training, are made equally available to all social groups and adapted to their specific needs.

Every effort shall be made to provide opportunities to the affected people to derive appropriate development benefits from the project that involves their resettlement. The PAPs were engaged as project beneficiaries and discussed with regarding how project-related development benefits such as access to electricity, sources of domestic water supply, might be obtained and spread most effectively among them.

#### **6.4.2 Compensation Package**

The full cost of all resettlement activities, factored in the loss of livelihood and earning potential among the affected person. The calculation of the “total economic cost” also factored in the social, health, environmental and psychological impacts of the project and the displacement, which may disrupt productivity and social cohesion. The resettlement costs are treated against the economic benefits of the project, and any net benefits to the affected population are added to the benefit stream of the project.

The ARAP ensures that displaced people are provided with targeted resettlement assistance with the aim of ensuring that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels. To this end, a comprehensive livelihood improvement programme has been formulated and shall be implemented as part of the Resettlement Action Plan. Strategies to improve livelihoods may involve providing access to training through appropriate technologies.

The affected populations are offered a range of different compensation package, resettlement assistance, and livelihood improvement options, as well as options for administering these measures at different levels (e.g., family, household and individual), and the affected persons themselves are given the opportunity to express their preferences. This option-based resettlement planning aims to ensure that the affected populations are able to reconstruct their production foundations and become self-sustaining producers and wage earners.

### **6.4.3 Compensation Preferences**

PAPs shall be compensated for all their losses at full replacement costs before their actual move; before land and related assets are taken; and, if the project is implemented in phases, before project activities begin for each particular phase.

Preference to land-based resettlement strategies are considered and as a matter of priority offers land-to-land compensation and/ or compensation-in-kind in lieu of cash compensation where feasible; further, the PIU have clearly explain to affected people that cash compensation very often leads to rapid impoverishment.

#### **producers and wage earners**

All discussions conducted with PAPs have revealed, largely, that the general preference for compensation is for financial reimbursement for lost or damaged assets and moving elsewhere to locations of preference of business after the rehabilitation work.

PIU shall ensure that the conditions of the PAPs are restored to the status that is at the minimum commensurate to their pre-project status. List of all PAPs has been documented in the PAP register (Appendix 4). In addition, every person affected by the project has been issued an identification means for easy identification and possible compensation.

### **6.4.4 Modes of Restitution (Compensation Procedures)**

In line with the OP 4.12, the following compensation procedures have been outlined for this ARAP:

1. The categories that are entitled to compensation (e.g., family, household, and individual) were decided through consultation with those to be displaced.
2. Affected people are:
  - i. Compensated for all their losses at full replacement costs before their actual movement;
  - ii. Before land and related assets are taken; and,
  - iii. If the project is implemented in phases, before project activities begin for each particular phase.
3. Preference is given to land-based resettlement strategies and as a matter of priority offers land-to-land compensation and/ or compensation-in-kind in lieu of cash compensation where feasible;
4. Explain clearly to affected people that cash compensation very often leads to rapid impoverishment.
5. A monitoring and evaluation system. The project is required to establish quality control and monitoring systems to guarantee that affected people receive the promised compensation packages before project implementation on the ground—including clearing the right-of-way, begins.
6. When land is not the preferred option of the displaced people whose livelihoods are land-based, non-land-based options—built around creating employment opportunity or self-employment—are considered.
7. All moveable structures for physically displaced people is provided with security of tenure
8. Displaced people are provided with targeted resettlement assistance with the aim of ensuring that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels. To this end, a comprehensive livelihood improvement programme is formulated and implemented as part of the Resettlement Action Plan. Strategies to improve livelihoods may involve providing access to training through appropriate technologies.

All project-affected persons have been carefully documented with their contact addresses. Names of eligible PAPs shall be available in the local government councils in agreement with in agreement with the Resettlement Committee. PAPs whose compensation involve money payment shall come forward with their account details. The notification for payment will include amount to be paid, the time and date of payment.



PIU will organize the presentation of this report to the various stakeholders. In addition, the report will be displayed at strategic public places including local government secretariat, government offices and selected libraries for review and possible comments. The comments will be incorporated in the final report that will be submitted to PIU.

The ARAP implementation committee will verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register. On completion of the PAP audit list, the project Coordinator will setup a committee that will carry out payment and compensation. This team will consist of PIU, *MINDIVER's accountant, legal and a social safeguard expert, Representative of the Niger State Ministry of Culture and Tourism, NGO, representatives of various local government trade unions/association.*

Payments will be made according to locations and adequate information will be made available to all affected persons before payment. Such information will include.

1. Dates of payment
2. List of eligible people and amount
3. Mode of payment
4. Location of payment etc.

Payment will be made directly to the PAPs through the account provided. PAPs without Bank account shall be encouraged and assisted to open accounts.

When PAPs for the compensation of lost assets have selected their options, all parties involved will sign a compensation certificate. These compensation certificates will clearly state the nature of compensation paid.

A specific training will be offered to PAP and will be under the responsibility of the PIU with involvement of an NGO, and the chosen Bank, to reduce cost of fund transfer eventually. However, more arrangement will be made with the bank to see how few PAPs without bank account will be paid without incurring further cost. All charges for the opening of account will be covered by the PIU. It is expected that such cost will be handled from the allotted 10% contingency cost.

### **6.5 Group Compensation**

Group compensation is not applicable in this project. Every PAP has been captured based on his/her impact/loss.

### **6.6 Project Development Opportunities**

Every effort has been made to provide opportunities to the affected people to derive appropriate development benefits from the project that involves their resettlement. Through engagement with the PAPs as project beneficiaries, project-related development benefits such as employment opportunities during the construction stage and possibility of having business engagement during the operational stage of the project. In addition to the mitigation measures provided to the PAPs by the project, complementary to these mitigation measures are the general socioeconomic development of the state and the country.

### **6.7 Livelihood Improvement Strategy**

The key objective of the having compensation as part of resettlement plan is to ensure that the economic and social future of the affected persons/households/communities are at least as favourable as it would have been in the absence of the project. Therefore, the affected people shall receive assistance in rehabilitation. A participatory approach has been utilized in the development of the income generation programme in order to ensure that the ideas, wishes and needs of the stakeholders are included.

Potential rehabilitation measures could include any of the following:

- **Assistance in starting a new business** and/or strengthening a new one, in the form of management and marketing assistance, product design and prototype development,
- **Assistance in finding new employment opportunities**, including skill development through training for the new employment, agricultural practices, mining, etc
- **Training in money management**

- **Providing access to, and giving preference** to affected people in, employment opportunities created by the project.
- **Employment at Construction and operation phases**  
A clause shall be incorporated in the contract document requiring contractors to give employment in the identified areas to qualified PAPs in preference to another person s. Such areas, for instance, during construction and greening programs (e.g. tree planting and watering). Those *identified whose skills are relevant to rehabilitation works shall be further trained, retrained, and employed on permanent bases during the operational life of the project.*
- **The project shall “tie in” in the overall development agenda of the state** which include the following:
  - a. **Community Infrastructure schemes**  
The Project will address community infrastructure needs, working in tandem with other government projects as part of the government developmental agenda, which is beneficial to all including the vulnerable.  
  
Particular attention and priority will be given to attending to the livelihood Improvement needs of vulnerable persons.
  - b. **Wage-based schemes**  
As mentioned above vocational skills training programme will be provided to help increase the local population’s access to employment opportunities provided by Niger State for this project and their access to other local employment opportunities. The Project will also ensure that local expectations about Project employment are carefully managed and not raised in an unrealistic way.
  - c. **Enterprise-based schemes**  
An intensive business skills development and entrepreneurship-training programme will be provided. This should be captured in the business model of the proposed Ladi Kwali rehabilitation project. This may also include (i) the provision of guidance on the establishment and management of small businesses; and (ii) the provision of access to microfinance schemes.

## 6.8 Gender and Differentiated Measures

Both women and men have valuable knowledge, which should be incorporated into the overall project management in order to ensure sustainability. However, generally it was observed in most locations, women were more involved in petty trading. If the resettlement process is not carefully managed, these women could readily be disfranchised in the course of relocation/reorganization of the sites. Thus, women should be encouraged to join Women groups that could serve as a vehicle for the voiceless amongst them.

Furthermore, while gender discrimination has not been so apparent, nevertheless, measures that prevent the exacerbation of gender imbalance and lead to the enhancement of gender equality shall be promoted by the project. Such differentiated measures in the project include:

- Development of gender-driven mechanisms for consultation, in order to provide opportunities to enhance full participation and influence in the decision-making process.
- Development of strategies that allow both women and men equal opportunity to overcome impediments in identifying and accessing employment opportunities.
- Implementation of innovative financing structures that give both women and men equal access to credit and other means to encourage entrepreneurship.
- Provision of support for the special gender needs of women, including in relation to land ownership, women’s poverty, legal literacy and access to education.
- Provision of support for the special gender needs of men, including in relation to awareness of HIV/AIDS, the gendered division of labour and male responsibility in reproductive health issues.

## 6.9 Vulnerable Group and Differentiated Measures

The ARAP has identified some vulnerable persons in the affected areas, who also play a very active role in income generating and economic development activities. In order to ensure the protection of vulnerable groups’ collective “economic and social” rights (‘solidarity rights’) and that adverse impacts do not fall

disproportionately upon them in sharing development benefits and opportunities, differentiated measures have been identified with regard to them.

This is in line with WB recognition to assess the opportunities, benefits and risks within its own projects to promote collective “economic and social” rights and to facilitate compliance with them. Through meaningful consultation, appropriate differentiated measures have been for this group as identified below:

- As much as possible separate meetings were held with them individually, (it is noteworthy that these persons are not in one given location but scattered at different points within the circumference of the project area.
- Priority in site selection and direct support in the rearrangement of the sites where there is shift backward for acquisition and rebuilding of new structures to enable them have a smooth transition compared to the others
- Assistance with dismantling salvageable materials and support in shop titles acquisition as necessary where they have shifted to and requires such
- Priority access and control to all other resettlement mitigation measures, livelihood improvement measures and development assistance.
- Priority should be given to seeking the opinions of these groups of persons in resettlement management and operations, and in job creation and income generation.
- The provision of health care services, particularly for pregnant women, should be given importance during and after relocation, to prevent increases in morbidity and mortality due to the psychological stress of being uprooted, and the increased risk of disease.
- Provision of enhanced access to appropriate medical and other public facilities to groups with particular health conditions/those who are disabled:
- Provision of education around disease prevention and how to achieve this.
- Raising awareness around disability and discrimination and how to address this in a positive and productive manner.
- Skills training, especially for the women are highly advocated.
- Provision of opportunities and support in furthering education (technical/vocational or otherwise) for the young PAPs who are of school age
- Provision of access to training and education programmes to facilitate skill development and the enhancement of job opportunities.
- For common good, easy access to constructed or under constructions for the physically challenged or other vulnerable persons.
- Monitoring of nutritional and health status to ensure successful integration after resettlement.
- Create awareness on the functional Grievance Redress Mechanism (GRM) in the project location.

## **CHAPTER SEVEN PUBLIC PARTICIPATION AND CONSULTATIONS**

### **7.0 Introduction**

The COVID-19 protocol listed in Chapter three were also adopted in all the Consultation and participation of stakeholders in the ARAP preparation process. Thus, according to OP 4.12, Involuntary Resettlement requires that displaced persons be “(i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided technically and economically feasible resettlement alternatives.” (World Bank, 2008).

Therefore, in order to provide timely and relevant information, public involvement for the ARAP began early during the site reconnaissance. Relevant stakeholders had to be consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring the resettlement activities. This was built on the stakeholder participations established during the preparation of previous Safeguard documents (ESMF and RPF) for the project. Public involvement as used in this ARAP includes public consultation (or dialogue) and public participation, which is a more interactive and intensive process of stakeholder engagement.

This Chapter consequently describes:

- The various stakeholders including PAPs consulted;
- The process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning;
- The methodology for public involvement consultation which included focus group discussion and interviews with all relevant stakeholders with active participation of women groups (taking cognizance of the cultural peculiarity of project area), vulnerable groups and youths;
- The plan for disseminating ARAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress;
- Summary of consultation and major findings from consultations with PAPs and community groups; and
- Issues/concerns and questions raised during consultation and how they were addressed.

### **7.1 The Need for Stakeholders Involvement**

Public consultation is an important step towards successful project implementation. This is because Public involvement adds value to overall project decision making with increased sustainability and support building for projects. The process affords the stakeholders - PAPs and the general public - the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts. The more direct involvement of the local level people in the planning and management processes, the greater the likelihood that resource use and protection problems will be solved as well as the likelihood of development opportunities occurring in a balanced way and to the broad benefit of all communities in the project. *Heinz, et al (2011) observed that "There is a powerful business case to win the hearts and minds of ... stakeholders. Reducing conflict with (external) stakeholders in favor of winning their cooperation improves the-- chances that a business plan can proceed on budget and on time, and most importantly, generate sustainable shareholder value."*

The stakeholders will begin to feel a sense of ownership with the project and would be inclined to make 'sacrifices' for its success. Thus, issues that could cause delays in implementation would be minimised.

As designed for this ARAP, the stakeholders 'involvement was directed at:

1. Obtaining local and traditional knowledge that may be useful for decision-making;
2. Facilitating consideration of alternatives, mitigation measures and tradeoffs;
3. Ensuring that important impacts are not overlooked and benefits maximized;
4. Reducing conflict through the early identification of contentious issues;
5. Providing an opportunity for the public to influence the decision in a positive manner;
6. Improving transparency and accountability of decision-making; and
7. Increasing ownership in the decisions made, and in turn, increase consent and even assistance with implementation.
8. Increasing public confidence in the project that is sustainable
9. Fully sharing information about the project, its components and its activities, with affected people,
10. Obtaining information about the needs of the affected persons, and their reactions towards proposed activities and ensuring transparency in all activities related to mitigation measures and knowing beforehand from local residents especially the PAPs the challenges anticipated with the project and how these can be overcome.

### **7.2 The Stakeholders Consulted**

Stakeholders for the purpose of this project are defined as all those people and institutions that have an interest in the successful planning and execution of the project. This includes those positively and negatively affected by the project. The key stakeholders identified and consulted are the Niger State Ministries of Culture and Tourism, Lands and Survey, Environment, Education (the meeting was attended by all the concerned Commissioner and Permanent Secretaries) Suleja Local governments, District Head and the Emir of Zauzau in Suleja. Others are individuals, people and groups who own properties that will be directly or indirectly affected and business owners, special public interest groups such as union leaders. Non-governmental Organisations and vendors in project affected areas. Plates 7.1).



Included too, are all the project affected persons that were identified during the ARAP enumeration process at Ladi Kwali Pottery centre. The project's stakeholder consultation process therefore included them as stakeholders. Furthermore, the vulnerable persons were also part of those consulted. The identification of the stakeholders was based on analysis carried out which was preceded by disclosure of adequate project information and environmental and social information to ensure that participants were fully informed.



*Plates 7.1: Meeting between the MinDiver Safeguards, the ARAP Consultants and Niger State Government Officials*

### **7.3 Engagement of the Stakeholders**

One-on-one meetings, local public fora, notifications through letters, etc were used to inform and reach the various parties to discuss the proposed resettlement issues, rights and the alternatives available to them and mitigation measures suggested in this ARAP.

Thus, in addition to the various focus group discussion held across the project areas, there were public consultations at three different locations for stakeholders from the participating LGA. The public consultations were held at Suleja on the 5<sup>th</sup> June, 2020. Furthermore, during the site survey and census as well as the socio-economic survey, interviews and consultations were carried out with the relevant stakeholders and the PAPs at Ladi Kwali Pottery Centre.



*Plate 7.2: Stakeholders' Engagement Meeting Held at Obrownn Hotel, Suleja*



Plate 7.3: Consultation with the Emir of Suleja



Plate 7.4: Consultation with the District Head of Katoma, Suleja



Plate 7.5: Consultation with the Chairman of Suleja LGA



Plate 7.6: Meeting with the Head of PAP Groups during Census at the Pottery Centre

During the consultations, at first, the identified opinion and union leaders were fully briefed who in turn assisted in mobilizing the PAPs and other stakeholders within their domain to the public consultation sessions.

At these gatherings, the census cut-off date was announced in addition to the presentation of information on the project and the expression of the concerns and fears of members of the communities. In fact, the process included both information exchange (dissemination and consultation), and collaborative forms of decision-making. Information dissemination and consultation with stakeholders, especially the Project Affected Persons (PAPs) means transfer of information from Project proponent (PIU) to the affected population. It provided an opportunity for persons in the areas where the proposed project is located to raise issues and concerns pertaining to the project, and allow the identification of alternatives and recommendations. Table 7.1 Outlines Some of the Stakeholders Meeting held during the ARAP Preparation

Table 7.1: List of Stakeholders met					
S/n o	Community/or ganization/As sociation	Contact	Purpose of meeting	Venue	Date met
1	Stakeholders visit to the MINDIVER'S office in Abuja,	The PIU	General discussion of the project, way forward to issue, design PAPs and the entire project; and setting timelines for the ARAP exercise.	Safeguard office,	6 <sup>th</sup> June, 2020
2	Reconnaissance Visit to the site	The Station Manager	To familiarize with the site and discuss ARAP exercise and stakeholders invitation to the public forum with the station manager.	Ladi Kwali Pottery Centre	6 <sup>th</sup> June, 2020



3.	Niger State Ministries of: -Culture and Tourism; Lands and Survey. -Education, -Environment	Ministry of Culture and Tourism	To inform the ministry and of the planned ARAP exercise; seek their input and cooperation in the mobilization exercise and extend invitations for the stakeholder engagement meeting government officials.	Secretariat, Minna	15 <sup>th</sup> June, 2020
4	Stakeholder Engagement meeting	Opinion Leaders the station Manager of Ladi Kwali and NGOs.	Inform them of the kick off date for inventory taking around their various community and disseminate the information, engage in discussion of the project,	Obrownn Hotel, Suleja.	17 <sup>th</sup> June, 2020
5.	Traditional Heads,	Suleja District Head	To inform the people for inventory taking and requirements, date and cut-off-date for the PAPs.	The Palace of the District Head.	24 <sup>th</sup> June, 2020
6.	LGA Chairmen	Chairman of Suleja LGA	To inform the people for inventory taking and requirements, date and cut-off-date for the PAPs.	Sulela LGA Headquarters	25 <sup>th</sup> June, 2020
7.	Emir of Suleja	Palace protocol	Brief on the status of project and the Abbreviated Resettlement Action Plan (ARAP) Plan.	Emir's Palace, Suleja	26 <sup>th</sup> June, 2020
8.	Meeting with MinDiver/Ladi Kwali project area Grievance Redress Committee	The Chairman	Address tm on the need to be forthright in all their dealings especially now that the ARAP is being conducted.	Ladi Kwali Pottery Centre	30 <sup>th</sup> June, 2020

#### 7.4 The Vulnerable Groups

Special attention was devoted during the consultations to the vulnerable persons as much as possible. In this context gender vulnerability was given consideration. In the Consultation meeting, participation by, both women and men in ways that are sensitive to the social and political constraints and barriers that women and men may face.

The consultations with each vulnerable group primarily seek to elucidate the special conditions and concerns of the group in question, and the form that associated differentiated measures should take in order to ensure that the vulnerabilities of the group in question are not further exacerbated by the project, and that the group is given the opportunity and the capacity to benefit from the project according their views and needs.

Targeted and meaningful consultation process, backed by adequate information, was embarked upon to Special conditions or concerns of vulnerable groups, and how these might be addressed in a differentiated and targeted manner. Consultation around differentiated measures for vulnerable groups was carried out in a manner that reckoned with social and cultural sensitivity.

The approach ensured that:

- The vulnerable group in question was represented in discussions, and that members of the group were given ample and appropriate opportunities and channels to express their views, concerns and aspirations in the language and manner of their choice, without external manipulation, interference, coercion, or intimidation.
- Sufficient number of members of the vulnerable group themselves or representative, are included in the consultation process.
- Local leaders deemed to “represent” the views of vulnerable members of the community actually have the members’ consent and understand their views and perspectives.
- Spaces for discussions are created that are perceived to be “safe” from the perspective of the vulnerable group, and that are easily accessible to them.

## 7.5 Discussion with Stakeholders and Summary of Conclusion

At the meetings, the overview of the proposed project and appreciation of ARAP and other related instruments were presented to the stakeholders. The challenges that could impede the implementation of the project and the support needed from all parties to ensure effective project and successful implementation were also enumerated to the stakeholders by the ARAP team. The project main components with regard to steps taken by the project proponent to rehabilitate Ladi Kwali pottery Centre through for improved quality service, with the ultimate goal of stimulating socio-economic activities within the areas. This information was explained to stakeholders and Project Affected Persons (PAPs).

The stakeholders appreciated the need for the ARAP and pledged their support towards the success of the project. Stakeholders and affected persons expressed their willingness to participate and to support the project. Since PAPs will be adequately compensated, majority of the participants at the various meetings wholeheartedly agreed that the project should go ahead.

The following are some of the key outcomes from the stakeholder consultations:

- All identified stakeholders and affected persons showed signs of being fully aware of the project.
- Majority of the stakeholders are largely awaiting the effective commencement and completion of the project.
- The local Government officials welcomed the idea
- It is a welcome development as it will create employment and improve socioeconomic life of the people;
- Everyone consulted expressed appreciation and happiness over the resettlement aspect of the project as long as it does not deprive them of their means of livelihoods and alternative location as good as where they had been is provided.
- It is a good project and we are interested in how we will be affected.
- Concerns were raised about the timeframe of the project and compensation process.
- Plead that those that were displaced should be considered for business connection in the new pottery and for employment too;
- Additional benefit from the project other than the compensation or transportation.

Table 7.2 provides a summary of the concerns raised by the stakeholders' and how they were responded to during the meetings or how the project addresses them. A detailed meeting highlight is presented in Appendix 6.

<b>Table 7.2.: A summary of the Outcome of the Consultation Meetings</b>		
<b>S/n</b>	<b>Meeting Place</b>	Emirs Palace, Suleja
	<b>Date of the Meeting</b>	2nd July,2020
	<b>Stakeholders Met</b>	A cross-section of the PAPs and these include Car wash members, Maize dealers, Garri producers, Food vendors, Motor and Motorcycle, Business Centres Provision shop/ Carpenters, Welder, Imams for Prayer grounds, Representatives of the Emirs place represented by the district heads and two chiefs, representative of Suleja LGA and an NGO (Nasfat Salanke Development Foundation)
	<b>Language of Communication</b>	English & Hausa

	<b>Issues/Comments Raised by Communities</b>	<b>Response/How Addressed</b>
1.	When will the project start?	As soon as this study is completed, compensations will be paid,
2.	Give adequate notice to remove our moveable structures	In line with the ARAP being prepared, any affected structures will not be demolished before PAPs have relocated to new houses/locations. Adequate notice shall be given to PAPs before construction works start.
3.	How will PAPs get fair compensation values?	PAPs will be compensated based on local current market value/ replacement values and in line with provisions of the ARAP being prepared which is based on best international standard. Compensation is only paid for assets that are affected by the project work. Moreover, provision shall be made to relocate all that needs to be relocated to nearby areas.
4.	What mechanisms are in place to ensure that the correct persons are compensated?	Only those PAPs whose names and property appears in the census register and those identified and confirmed by the local leaders as legitimate owners will be compensated, Indeed, everyone's support is solicited to avoid in this regard. Moreover, that is the essence of preparing the ARAP
5.	How will PAPs complaints be addressed?	Three tiers of functional grievance redress committee (Community, State and National) has already been established in project intervention location to uptake complaints. This should be encouraged. Visit the shared MinDiver GRM
6.	We hop all our complains will receive your attention	Yes. We assure you. That is the essence of grievance mechanism in ARAP to handle any arising complains to the satisfaction of the aggrieved.
7.	What will be PAPs assurance that they will be compensated in time	Like I said before, no civil works shall start before PAPs are compensated for lost property. However, once compensated, PAPs must immediately vacate the locations for the work.
8.	Will the payment be handled by the Grievance Redress Committee?	No. A new committee known as the ARAP Implementation Committee (RIC) will be formed. This group will manage the process of payment of PAPs.

### **7.6 Public Disclosure of ARAP**

Disclosure of the ARAP shall continue with the public consultation process by communicating the plan for implementation of site acquisition, relocation assistance, as well as monitoring and evaluation of the mitigation measures.

The PIU shall publicly disclose this ARAP through publishing it on its website and depositing/posting it in a range of publicly accessible places in or near the affected areas such as the Ministry of Culture and Tourism, Minna, Suleja local government secretariat, where it could be protected and not abused. In addition, PIU will ensure that the affected public is adequately sensitized through public meetings, notices, and handbills/information booklets, as the case may be and be requested to make their suggestions and comments regarding the ARAP. Once disclosed in Nigeria, PIU will authorize the WB to disclose on its website.

## **CHAPTER EIGHT INSTITUTIONAL ARRANGEMENT FOR ARAP IMPLEMENTATION**

### **8.0 Introduction**

For effective implementation of the ARAP, a number of organisations have been identified as instrumental. The general organization of the resettlement will be based on inputs from the institutions. The roles and responsibilities of PIU and other various institutions are outlined in this Chapter. In addition, training for the relevant members of institutions and the budget to ensure smooth implementation of the ARAP are also covered in this Chapter.

### **8.1 ARAP Implementation Organisation and Management Structure**

Coordination is a critical part of resettlement design. In the light of the information contained in this ARAP made clear the implementation responsibilities of the various agencies, offices, and local representatives.

These responsibilities cover:

- Delivery of ARAP compensation and rehabilitation measures and provision of services;
- Appropriate coordination between agencies and jurisdictions involved in the ARAP implementation;
- Measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to ARAP components (e.g. Community-based livelihood restoration; participatory monitoring; etc).

The implementation of the ARAP shall require close collaboration and coordination between and within various organizations/among all the stakeholders. A properly constituted structure for administration of its implementation is imperative and agreement must be reached from the onset with the relevant parties.

### **8.2 Roles and Responsibilities of Various Institutions**

The roles and responsibilities of all the various stakeholders relevant in the development, implementation and administration of the ARAP and to an extent in the overall project management are outlined below:

#### **8.2.1 PIU**

As the implementing authority, has the following mandate:

- Responsible for the implementation of all safeguards contained in the ARAP and reports to the Bank on key management or monitoring tasks.
- Organize surveys on socio-economic conditions;
- Conduct the census and inventory of affected land and assets;
- Organize participation of key stakeholders throughout the entire ARAP preparation and implementation process;
- Establish a functioning Grievance Redress Mechanism (GRM) to ensure that all complaints are addressed effectively and efficiently within the timeframe established.
- Approve the interim and final Resettlement Action Plans, and have them approved by the Steering Committee
- Implement the ARAP including their involvement to redress complaints and internal monitoring.
- Co-ordinate all policies, programmed and actions of all related agencies in the States
- Facilitate the discussion between PAPs and communities regarding compensation for land acquired for the project.
- Monitor the project work to ensure that the activities are carried out in a satisfactory manner;
- Organize the necessary orientation and training for the departmental officials so that they can carry out consultations with communities, support communities in carrying out ARAPs and implement the payment of compensation and other measures (relocation and rehabilitation entitlement) to PAPs in a timely manner;
- Ensure that progress reports are submitted to the Bank regularly

- Take full responsibility for the Implementation of the compensation / resettlement plans, implementing it with their consultant and their own teams
- Consult, sensitize and inform the Project Affected People
- Pay for compensation and organize resettlement
- Co-ordinate with other institutions involved
- Organize and implement monitoring and assistance to vulnerable people
- Ensuring that all relevant departments in the concerned Ministry adhere to the strict implementation of this ARAP with regard to their roles and responsibilities
- Responsible for the implementation of the ARAP
- Reports to the Bank on key management or monitoring tasks set out in the ARAP
- Ensure that ARAP completion report is shared with the Bank and at the full implementation of the ARAP, ensure that ARAP implementation audit is conducted by an external consultant and report shared with the Bank.

### **8.2.2 PIU Safeguard Expert**

- Charged with the responsibility of safeguard requirements and ensuring the sustainability of the projects in Nigeria.
- Identify projects that require Social issues and carry out preliminary surveys
- Prepare all relevant Social Documents (i.e. ARAP etc.) in line with Niger State Ministry of Culture and Tourism, Federal Ministry of Environment, Federal Government of Nigeria and Policies on Social safeguard for Projects being implemented
- Coordinate issues involving Social Impact Assessment/Audits wherever required for all project
- Identify and liaise with all relevant Stakeholders (Ministry of Environment, Ministry of Ministry of Culture and Tourism, Consultants, Communities, etc) pre and post project implementation.
- Coordinate the day to day activities with the relevant line departments and oversee the implementation of this Safeguard instrument, prepare compliance reports with statutory requirements, etc.
- Sensitization and Consultations with relevant Stakeholders during and after (where necessary) Project Implementation.
- Ensure compliance to all Social issues/activities affecting Project are done with the relevant Stakeholders (i.e. ARAP, Enumeration/Evaluation for Compensation, Compensation, Consultancies, Consultations, Sensitization, etc) are carried out in accordance to relevant Federal Government, WB, Niger State Ministry of Culture and Tourism Policies and Guidelines.
- Observe payment of Compensation to PAPs.
- Oversees the effective functioning of the GRM and ensures that all complaints are addressed effectively and efficiently.
- Oversees the ARAP completion report and the subsequent implementation audit.

### **8.2.3 Ministry of Culture and Tourism**

- The 'mother' Ministry in custody of Ladi Kwali rehabilitation project
- Provide all needed support to PIU
- Collaborate with Ministries of Land and Survey, Environment, Education, etc, to assist the project in whichever way their help would be needed.
- Give advice on Cultural issues during construction works;
- For the proposed Access road within the project: area
  - The State Ministry of Culture needs to liaise with the Ministry of Land and Survey for the needed Approvals and Survey documents for the proposed Access road;
  - Liaise with other ministries or agencies of Government in delivery of service to the people

### **8.2.4 Resettlement Implementation Committee (RIC)/Rehabilitation and Resettlement Committee (RRC)**

#### **8.2.4.1 Resettlement Implementation Committee (RIC)**

The RIC's functions would entail the following, amongst others:

- Executes the resettlement plan
- Ensure the Implementation of the ARAP without any conflict
- Ensure that the project design and specifications adequately reflect the recommendations of the ARAP
- Review and approve the Contractor's Implementation Plan
- Establish dialogue with the affected persons and ensure that the concerns and suggestions are incorporated and implemented in the project
- Review the performance of the project through an assessment of the periodic monitoring reports.
- Publicize the list of affected persons and the functioning of the grievance redress procedure established;

To ensure a broad representation with the intent of minimizing any conflict, it is recommended that the Resettlement Implementation Committee (RIC) members be drawn from amongst the following:

- Niger State Ministry of Culture and Tourism,
- Niger State Ministry of Environment,
- Traditional leader/representative of affected Communities, as Chairman
- PAPs represented by their Trade Association/Union leaders/CBOs,
- Ministry of Lands and Survey.
- Affected Local Government Chairman
- The committee will be coordinated by PIU Safeguard Expert

#### **8.2.5 State Ministry of Lands and Survey**

- Verification of selected sites for resettlement and ensuring that such sites are ideally suitable for affected people.
- Invoke the physical planning and urban development law at the road.
- Ensuring that Ministry of Culture and Tourism and PIU meet with the requirements of resettlement as specified in the report
- Make appropriate recommendation and input in the resettlement process.
- Ensuring that affected people are adequately compensated as stated in this report
- Participate in the Steering Committee
- Participate in the monitoring
- Assist to ensure that the proposed Access road is realized.

#### **8.2.6 Other Relevant MDAs (State and Federal Levels)**

- Participate as at when due.

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

- Cooperate with the RIC to ensure a hitch-free payment exercise.;
- Make themselves available during census and participation in implementation;
- Participate in all phases of ARAP preparation and implementation;
- Receive compensation and move away from impact areas promptly
- Evacuate the sites in a timely manner after receiving full entitlements.
- Provide feedback on improving the quality of the ARAP and suggesting solutions for its effective implementation
- Provide feedback on improving the quality of the ARAP and suggesting solutions for its effective implementation and
- Submit concerns through the right grievance redress channel (MGRM GRC)
- Use the designated complaint mechanism set forth for the Project in this ARAP, for submitting and making complaints or grievances.



### **8.2.8 Community and other Institutions/Community Based NGO/Trade Union**

- Assist in resolving grievances of PAPs
- Ensures that social values are not interfered with.
- May have complaints that need to be resolved in the execution of the sub-project.
- Support and assist in the mobilization of the various relevant grass roots interest groups. May have complaints that need to be resolved in the execution of the project with a view to avoiding conflicts and grievances.
- Oversees the development needs of the entire community.
- Ensure Community participation by mobilizing, sensitizing community members;
- Support and assist in the mobilization of the various relevant grass roots interest
- Resettlement could be a contentious issue and as such, NGOs can play a useful role, providing much needed support to development agencies responsible for resettlement management.
- As a grassroots level worker in community participation, orientation and awareness and developing information campaigns.
- Oversee and coordinate/feedback on the consultation process of the project
- Oversee/feedback on the compensation process
- Oversee the Monitoring and Evaluation (M&E) component of the project and generally the ARAP implementation

### **8.2.9 Witness NGO**

- Witness the whole process of Compensation and resettlement as well as project implementation.
- Participate in the monitoring and in the External audits

### **8.2.10 Contractors**

- Comply with relevant contract clauses on resettlement issues
- Establish good community relations;
- Train the workforce, and avoid any form of discrimination in terms of gender, religion or tribe;
- As much as possible employ the workforce from the project catchment area, and also make procurement therein;
- Try to provide local infrastructure and services in the course of executing the project;
- Ensure that workers and site staff are sensitive to the customs and way of life of the communities.
- Promptly repair any damage to utility services or infrastructure of the community in implementation of the project;

### **8.2.11 Monitoring & Evaluation Officer/Consultant**

- Develop the monitoring and evaluation protocol
- Conduct monitoring of ARAP implementation activities.
- Provide early alert to redress any potential problems.
- Monitor target achievements and slippages.

### **8.2.12 Project Engineer**

- Provide technical support
- Ensure adherence to the ROW/Set Back measurement

### **8.2.13 Traditional Authority**

- Support in the identification of the right PAPs
- Assist in resolving grievances of PAPs in compliance to MinDiver GRM
- Ensures that social values are not interfered with.
- Coordinate community inputs to planning, implementation and monitoring, with guidance from support professionals and technical providers such as local security and Civil Defence Corps.

- Ensure community participating in site monitoring.
- Mobilise Youth and Women's groups.

#### 8.2.14 WB (Lenders) to the Project

- Maintains an oversight role to ensure compliance with the safeguards policies, review and provide clearance and approval for the ARAP.
- Maintain an oversight role of the supervision of the ARAP implementation and may conduct spot checks or audits as necessary.
- Conduct regular supervision missions throughout the project implementation and monitor the progress of the project construction.
- Ensure Ministry of Culture and Tourism and PIU have the requisite social expertise to properly implement the project.
- Recommend additional measures for strengthening the management framework and implementation performance.
- Work with the implementing agency staff to solve implementation problems as they arise.
- In case the implementation of the ARAP is not acceptable and no improvements can be expected, it will require that institutional capacity building measures be taken to strengthen the project implementation.
- Coordinates with relevant authorities to ensure that implementation of mitigation measures contained in the Resettlement Action Plan. are jointly monitored and reported during project supervision missions.
- Could conduct compliance audits or appoint an independent monitoring team to the project if there is a serious risk of noncompliance with Bank policies and procedures, or in other cases that the Bank deems appropriate
- May, through its Compliance and Safeguards function, conduct compliance audits or appoint an independent monitoring team to the project if there is a serious risk of noncompliance with Bank policies and procedures, or in other cases that the Bank deems appropriate.
- Devotes adequate resources to monitoring consultation and community participation, and to the delivery and implementation of any commitment made to communities within the resources and lifespan of the project.

### 8.3 Resettlement Implementation Activities and Responsible Party

Table 8.1 outlines specific resettlement activities and the responsible parties drawn from the roles and responsibilities

<b>Table 8.1: Resettlement Implementation Activities and Responsible Party</b>		
<b>NO</b>	<b>ACTIVITY</b>	<b>RESPONSIBLE</b>
a.	Review of ARAP	PIU and Bank
b.	Disclosure of ARAP	PIU
c.	Establishment of Resettlement & Rehabilitation Committees	PIU, Ministry of Culture and Tourism
d.	Establishment of Grievance Redress Mechanism and Grievance and dispute resolutions Committee	PIU, Social Safeguards Officer, ARAP Consultant, Ministry of Culture and Tourism
e.	Organize the necessary training and capacity building measures for the different units and other partner organizations and committees;	PC, Social Safeguard Officer
f.	Disclosure/notification of values. Making of offers/negotiation and payment modalities, meeting with PAPs, etc	RIC
g.	Release of funds for payment and Compensation Payments	PIU
h.	Review and approve the Contractor's Implementation Plan for the social impact measures as per the ARAP	Social Safeguard Officer
i.	Taking possession of site	PIU, Contractor

<b>Table 8.1: Resettlement Implementation Activities and Responsible Party</b>		
<b>NO</b>	<b>ACTIVITY</b>	<b>RESPONSIBLE</b>
j.	Internal Monitoring	PIU, Ministry of Culture and Tourism
k.	External Monitoring and Approval	NGOs/CBOs, Consultants, Communities, Bank
l.	Write a Report of Compensation Payment Witnessing and sharing with the PIU	Witness NGO
m.	Preparation of Monitoring and Evaluation Report of ARAP and Disclosure	PIU
n.	Ensure ARAP completion report is written and shared with the Bank	PIU
o.	Dispute resolutions if any	Grievance Redress Committee, Social Safeguard Officer, PIU
p.	Adherence to contractual clauses in procurement to contractors, promptly reporting of any conflict and disputes raised during construction and ensuring that all mitigation measures required from the contractor during construction are fully applied.	PIU, Contractor and Community GRC
q.	Representation of PIU/government for any law court redress cases	PIU, State Attorney General
r.	Ensure that ARAP Implementation Audit is carried out by external consultants at least 18 months after ARAP implementation	PIU, Social Safeguard Officer

**8.4 Strengthening Organizational Capability**

Based on the interaction with the relevant stakeholders, assessment and determination of the characteristics of all project affected persons (PAPs), valuation of assets to be compensated as well as the assessment of the institutional capacities of the different parties involved in the ARAP implementation, areas of awareness creation and training/capacity building have been identified generally as follows:

<b>Box 8.1 Areas of Awareness Creation and Training/Capacity Building and Target Audience</b>	
<p><i>For PIU staff training and capacity building</i></p> <ul style="list-style-type: none"> <li>• Legal Framework in Resettlement Issues - Bank Safeguard Policies and Nigeria Legal System</li> <li>• Project screening techniques, screening tools and the applicable legislations and procedures;</li> <li>• General project planning and management inter-faced with environmental and social assessment and management;</li> <li>• Grievance Redress Mechanism and public complaint handling</li> <li>• Occupational Health and Safety</li> <li>• Resettlement Plan Preparation and Implementation</li> <li>• Environmental and Social Impact Assessment;</li> <li>• Environmental and Social Management Planning;</li> <li>• Monitoring and Environmental Audit;</li> <li>• How to Report on Resettlement</li> </ul>	<p><i>For PIU, MDAs and other relevant Stakeholders involved in the ARAP implementation, workshops on:</i></p> <ul style="list-style-type: none"> <li>• Overview of involuntary resettlement</li> <li>• Overview of the legal framework for compensation - the Bank and other World Bank operational policies on environment and relevant Nigerian laws and policies relating to land acquisitions and resettlement,</li> <li>• Resettlement Action plan and implementation</li> <li>• Institutional arrangements and definition of roles and responsibilities of stakeholders</li> <li>• Managing Compensation and other Resettlement Assistance</li> <li>• Managing grievances</li> </ul> <p><b><i>For the project affected persons, a participatory training on</i></b></p> <ul style="list-style-type: none"> <li>• Development of alternative income generation programme -income-generating activities with [adequate] commercial potential in the agricultural and non-farm sectors.</li> <li>• agricultural methods and technology to increasing production on non-affected land,</li> </ul>

Box 8.1 Areas of Awareness Creation and Training/Capacity Building and Target Audience	
plans and ESMP implementation	skill for off-farm work within or outside of the affected area

Specifically, for the ARAP implementation, Table 8.2...outlines the awareness and capacity-building programme for the relevant stakeholders that shall be involved. It is the responsibility of Social Safeguard Officer to ensure that all identified members of the implementation team are trained prior to implementation of resettlement and compensation and the PIU provides the budget.

Table 8.2: Awareness and Capacity Building Needs of Relevant Stakeholders				
Duration	Subject	Target Audience	Resources	Budget (N)
120mins	<b>Introduction to Social and Resettlement Issues</b> <ul style="list-style-type: none"> <li>· Basic Concepts in Resettlement Issues</li> <li>· Involuntary vs. Voluntary Resettlement</li> <li>· Main issues associated with Involuntary Resettlement</li> <li>· Nigeria legal and statutory requirements and World Bank Safeguard policies</li> </ul>	PIU Staff	<ul style="list-style-type: none"> <li>• PowerPoint presentation</li> <li>• Associated handouts</li> </ul>	200,000.00
2days	<b>Involuntary Resettlement and Implementation</b> <ul style="list-style-type: none"> <li>· Nigerian Land Use Act and how to bridge them</li> <li>· Principles of ARAP</li> <li>· Planning Requirements</li> <li>· Implementation Requirements</li> <li>· Grievance and Conflict Management and Resolution</li> <li>· Documentation and Disclosure Requirements</li> <li>· Eligibility and Entitlements</li> <li>· Resettlement and Compensations packages</li> <li>· Monitoring and Evaluation of ARAP</li> </ul>	PIU Staff, Consultants and contractors and relevant MDAs, RIC members	Full text of OP 4.12 for each participant <ul style="list-style-type: none"> <li>• PowerPoint Presentation</li> </ul>	600,000.00
120Mins	<b>Public Involvement and Consultation in ARAP</b> <ul style="list-style-type: none"> <li>· ARAP Overview</li> <li>· Community Participation and Consultation</li> <li>· Monitoring and Evaluation</li> <li>· Assessment process (introduction to ARAP)</li> <li>· Census &amp; Socio-economic Methodology</li> <li>· Content of a ARAP</li> <li>· Grievance and conflict Management</li> <li>· Vulnerable people</li> </ul>	PIU, LG, Contractors, Engineers, & relevant MDAs, Community leaders/CBOs/NGOs/PAPs, RIC members	Handouts/fliers	400,000.00
120 Mins	<b>Training of the GRC Members</b> <ul style="list-style-type: none"> <li>- Conflict Resolution</li> </ul>	GRC members	Interactive	50,000

### 8.5 Budgets and Sources of Fund for the ARAP Implementation

The total cost of the project includes the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among the affected population. The calculation of the “total economic cost” also factors in the social, health, environmental and psychological impacts of the project and the displacement, which may disrupt productivity and social cohesion. The resettlement costs have been treated against the economic benefits of the project, and net benefits to the affected persons have added to the benefit stream of the project.

### 8.5.1 Budgets for the ARAP Implementation

The total cost implication for the implementation of this ARAP is **N13,246,289** Thirteen Million Two Hundred and Forty-six Thousand and Two Hundred and eighty-nine **Naira** only) \$34,858,66.

See table 8.3. This sum covers compensation of assets affected, cost of rebuilding and additional mitigations for livelihood improvement measures, coordination of additional mitigations, grievance management and compensation commission.

In addition, a provision of 10% of this total budget for contingencies such as inflation and other unforeseen has been allowed and added to the current budget.

### 8.5.2 Source of Fund for the ARAP Implementation

The source of fund for this ARAP and the execution of the ARAP shall be from PIU, representing the MINDIVER. The project has made the necessary budget provisions to ensure that the mitigation commitments, including compensation and the monitoring programs can be fully implemented. Full supplementary assistance will be provided by PIU.

S/N	ITEM	COST (N)	COST (N)
	<b>A</b>	<b>Compensation</b>	
		Relocation of Structures	807,500
	<b>B</b>	<b>Additional Mitigations &amp; Implementation Costs</b>	
		Income Restoration	4,655,490
		Assistance to the Vulnerable	1,000,000.00
		Grievance management	2,000,000.00
		Witness NGO	1,000,000.00
		Capacity building/Institutional Strengthening	1,500,000.00
		Implementation of COVID-19 protocols during compensation exercise.	500,000.00
		Disclosure	1,000,000.00
		<b>TOTAL</b>	<b>12,462,990</b>
		+ Contingencies 10%	1,246,299
		<b>GRAND TOTAL</b>	<b>13,246,289</b>

1USD = N380 (CBN exchange rate as at October, 2020)

## 8.6 ARAP Implementation Schedules Linkage with Civil Work

### 8.6.1 Implementation Guiding Principle

It is vital that the resettlement program be coordinated with the timing of the civil works. The required coordination has contractual implications, and will be considered in procurement and bidding schedules, award of contracts, and release of sites to project contractors. Consequently, the timing mechanism of this ARAP ensures that before any project activity is implemented, PAPs will need to be compensated in accordance with this ARAP and the RPF earlier prepared. To ensure a hitch free process, the schedule for the implementation of activities must be agreed to between the Resettlement Implementation Committee, the PAPs and the supervising engineer. The schedule will include the target dates for commencement and completion of all compensations before the start of the civil works.

It is recommended that the MINDIVER PIU engage the services of a local bank to make compensation payments to all eligible PAPs. This bank will be recruited through a fair and transparent tender process where the best quality and best value proposal will be chosen. Any administrative or bank fees that are incurred will be borne by the MINDIVER project. (It shall be handled from the 10% Contingency which has already been set aside. PAPs will receive their full compensation payment with no deduction for charges, fees or interest. The RIC should witness and closely monitor the payment process though payments will be made by the bank the process will be monitored and witnessed by the RIC. Any complaints or concerns about the process will be referred to the MINDIVER grievance redress mechanism.

A series of financial literacy workshops will be conducted to assist the farmers to make wise use of their compensation especially where they do not operate bank accounts. For safety of documentation, each

compensated PAP's form and his/her picture shall be kept by MINDIVER project account and Ladi Kwali project office. After completing payment to PAPs, the commercial bank will send the list of paid PAPs to MINDIVER for reconciliation. The reconciled list of paid PAPs will be signed off by RIC/ MINDIVER and sent back to the bank for record keeping.

After conclusion of compensation payment on site, a confirmation letter of payment of compensation to all PAPs on site and a request for 'no objection' to commence work on the site will be sent to the World Bank for approval. Particular attention will be given to payment issues involving vulnerable groups such as elderly, widows, women, people living with disabilities etc. who were identified. Upon completion of payment of compensation, a certificate of payment of each PAP will be kept by the MINDIVER office and the Ladi Kwali project office.

### **8.6.2 Compensation Payment Arrangement and Schedule**

The main objective of the RAP is to develop programmes that aim to improve the livelihoods of PAPs or restore them to the pre-displacement levels. This applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability.

The following principles should be followed for payment of compensation for lost assets

- Compensation shall be paid prior to acquisition or displacement;
- Compensation will be at full replacement cost;
- Compensation for structures shall include: the full cost of materials, transportation and labour required for reconstructing a building of similar surface and standing.
- Compensate all the PAPs adequately for properties and income lost
- Check and ensure that resettlement was built in as an upfront project cost to avoid inadequate compensation.

In other words, the affected person must be able to have their resources paid for in the location. Depreciation will not be taken into account while calculating the cost of affected structures. All payments should be in monetary forms as agreed with the PAPs. Payment of compensation will be made by the Resettlement Implementation Committee. This committee will include members of the PIU and selected community leaders from the affected location. Compensation benefits shall be settled before the construction phase of the project.

The RAP implementation committee will verify the correctness of each PAP as stated in the register. Payments will be made according to locations and adequate information will be made available to all affected persons before payment. Such information will include how the payment will be made, dates, means of identification, etc.

The procedure for delivery of compensation shall include:

- Ensure that the Entitlement Matrix containing the list of affected persons and details of lost/compensation expected is available;
- Ensure that the payment Register is available for commencement of payment exercise;
- Implementation committee communicates the amount to be paid to the PAPs and create opportunity to resolve any complaint through the established grievance procedures;
- Transfer to individual accounts is the preferred and first mode of payment. PIU shall make arrangements with nearest bank to effect payments without any challenge to the PAPs.



- Necessary document of payments to the affected persons should be presented to local the state Ministry of Commerce/or other independent witness of the affected person (NGO) and leaders of the communities.
- Proper receipts issued and copies given to the affected person, the State Finance Department of PIU;
- Comprehensive reports on payment made submitted for review by PIU Management.

### 8.6.3 Assistance to Vulnerable Groups

- There is need for provision of additional support to the vulnerable groups to facilitate faster adjustment in the new environment and impacts associated with the project.
- The vulnerable PAPs in the project area are: an elderly, widows, divorced/ single parents/ Female headed homes and an Orphan. The identified vulnerable persons will be given direct support through skill acquisition and business enhancement to enable them have smooth transition.

### 8.6.4 ARAP Implementation

Development of the formal ARAP was carried out in July, 2020 with socio-economic surveys in the field. Public disclosure of the final document and restitution will be concluded in December 2020 subsequent to review by lenders and authorities before the final investment decision. The major component tasks for the ARAP are outlined in Table 8.4.

Activities	Month												Completion	
	1	2	3	4	5	6	7	8	9	10	11	12		
Consultation/Community participation and Information to people affected Census and Socio-economic survey, Analysis data and identification of impacts, Definition of assistance measures, ARAP Preparation														June, 2020
Consultations with the PAPs towards compensation procedures & Notification of PAPs prior to the activities that will affect them														June, 2020
Disclosure of ARAP														November-December 2020
Formation of Resettlement Implementation and Grievance Redress Committees														December, 2020
ARAP Implementation- Compensation Offer and endorsement, Relocation/assistance- and/or Supplementary assistance.														December, 2020- January 2021
Community sensitization on grievance mechanism & procedures														December, 2020
Civil Works - Commencement of project operations.														February, 2020
Follow-up Visit by Responsible Stakeholders/Agency -														February, 2021



## **CHAPTER NINE GRIEVANCE REDRESS MECHANISMS**

The likelihood of dispute is much reduced because the few affected persons due to this Intervention project have been greatly consulted. Nevertheless, in the event that grievances arise, this redress mechanism has been prepared. The MINDIVER Grievance Redress Mechanism (M-GRM) already prepared shall be used for this purpose. This document is three layered the affected persons have been helped to appreciate that there are provisions for addressing any complaints or grievances. The grievance procedure will further be made available to the affected person through project implementation.

From the start, it should be understood that the formal legal mechanism for grievance resolution tends to be a lengthy, costly and acrimonious procedure. Hence non-judicial, dialogue-based approaches for preventing and addressing community grievances are advocated.

The Grievance mechanism designed herewith has the objective of solving disputes at the earliest possible time, which is in the interest of all parties concerned; it thus implicitly discourages referring such matters to the law courts for resolution, which would take a considerably longer time.

### **9.1 Grievance Redress Process**

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:

- Grievance receipt & Registration at community, State or national level;
- Grievance Screening at community, State or national level;
- Documentation of the complaints other than GBV grievances'
- Communication to the aggrieved party about the steps to be taken in;
- Allocation of grievance to an appropriate organ/structure by M-GRM Office.
- If the conflict/grievance is resolved, monitor and track the complaint, through appropriate M-GRM levels. If not resolved refer to the next level. Where the complainant is still not satisfied refer to the PIU;
- Project implementation Unit;
- Publicize the grievances / conflicts successfully handled.

### **9.2 Grievance Redress Committee**

The project has established a Grievance Redress process. GRC will hear complaints and facilitate solutions; and the process, as a whole, will promote dispute settlement through mediation to reduce litigation. The main functions of the inaugurated GRC will be:

- to provide support to PAPs on problems arising out of eligibility for RAP-provided entitlements and assistance provided;
- to record the grievances of the PAPs, and categorize, prioritize and resolve them within one month;
- to inform GRC at the state level of serious cases within one week; and
- to report to the aggrieved parties about the developments regarding their grievances and decisions of the GRC & PIU, within one month.

### **9.3 Objectives of the MinDiver Grievance Redress Mechanism (M-GRM)**

The specific objectives of the M-GRM will be to:

- i. Resolve the grievance when they occur, and mitigate their consequences, as well as preventing them from escalating;

- ii. Achieve resolution of MinDiver related grievances and conflicts in a transparent, timely and efficient manner;
- iii. Achieve improvement and maintain relationships among people and communities affected by conflicts arising from MinDiver project activities;
- iv. Enable the voiceless and the vulnerable (such as the poor, elderly, landless, women, , marginalized and communities next to MinDiver intervention areas) have a voice by registering grievances and receiving timely responses on their complaints;
- v. Improve stakeholder participation and decision making through dialogues and registration of grievances and conflicts.

### 9.3.1 Guiding Principles for the MinDiver GRM

The MINDIVER Grievance Redress Mechanism for its project components and activities was developed with certain internationally acceptable principles in mind. These principles include:

1. **Legitimacy:** enabling trust from the stakeholder groups for whose use they are intended, including being accountable for the fair conduct of grievance processes. This principle aims at ensuring that parties to a grievance process cannot interfere with its fair conduct. This is one of the most important factors in building stakeholder trust.
2. **Accessible:** being known to all stakeholder groups for whose use they are intended and providing adequate assistance for those who may face particular barriers to access. The GRM should have an in-built mechanism for addressing barriers of access including, lack of awareness of the mechanism, language, literacy, costs, physical location and fears of reprisal.
3. **Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.
4. **Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.
5. **Transparent:** keeping parties to a grievance informed about its progress, and providing sufficient information about the Grievance mechanism performance to build confidence in its effectiveness and meet any public interest at stake. In doing this however, the confidentiality of the dialogue between parties and of individuals identities should be protected.
6. **Rights compatible:** these grievance redress processes are generally more successful when all parties agree that outcomes are consistent with applicable national and internationally recognized rights.
7. **Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms. The GRM should undertake regular analysis of the frequency, patterns, and causes of grievances; strategies and processes used for grievance resolution; and the effectiveness of those strategies and processes, to enable the institution administering the GRM to improve policies, procedures, and practices to improve performance and prevent future harm.
8. **Based on engagement and dialogue:** consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances. For an operational-level grievance mechanism, engaging regularly with affected stakeholder groups on the GRM's design and performance can help to ensure that it meets their needs, that they will use it in practice, and that there is a shared interest in ensuring its success.

Based on the lessons from desk studies, two additional principles have been adopted in the design of the GRM namely:

#### Steps in the process of handling grievances

When a grievance is received and registered through the GRM, necessary steps will be taken to resolve the issues namely:

- a) *Screening of the grievance*, mainly through sorting to ensure that the complaint qualifies to be a MINDIVER grievance and that it can be handled by the established redress mechanism. In the case of GBV/SEA complaint, this will not be investigated but rather referred to the appropriate authority and GBV service provider around the project area
- b) *Investigation of the grievance* - The GRM Office would then identify the GRM channel to refer the complaint to including where required independent authorities to investigate some of the complex and highly sensitive grievances, as well as those involving and affecting a very large number of stakeholders –In the case of GBV/SEA complaint, the GRM officer shall not under any circumstance, investigate any GBV complaint or document any information save the information the survivor is willing to give.
- c) *Resolving and disposing of the conflict* – this will involve resolving the conflict particularly through the GRM structure at all levels. The stakeholders may also still revert back to the informal mechanisms, i.e. the cultural and religious leaders. Fact finding is essential to redress, but not applicable to GBV/SEA cases under this GRM.
- d) *Conclusion and registration of disposed cases* –The GRM Office will develop a mechanism for documenting concluded cases. The documentation will be aimed at presenting a concluded case file to the different stakeholders in each case, and also providing a copy of each concluded case to the registry at the MINDIVER GRM office. Fig. 9.1 summarizes the steps in uptake of grievances from the community level
- e) *Monitoring and tracking the grievance*, as well as continuing to share information with the concerned parties, especially regarding the process of resolving the dispute. This will keep the stakeholders aware of the level at which their grievance is, in terms of finding a solution acceptable to majority, if not all the parties.

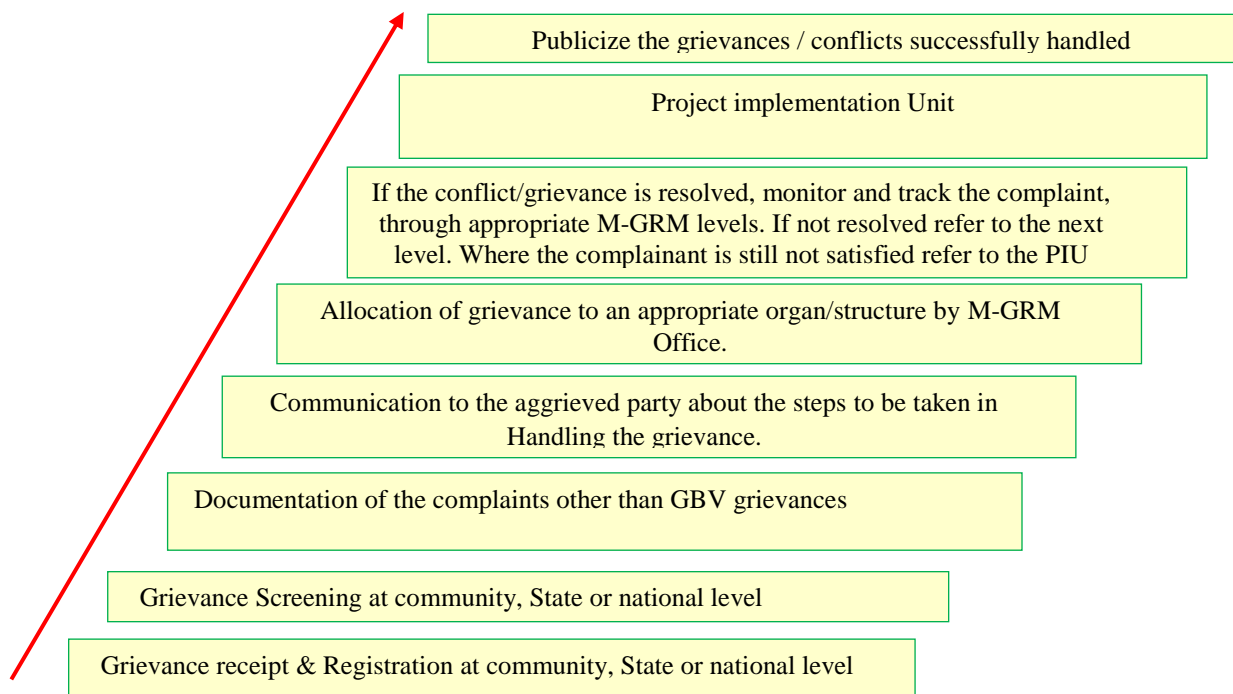


Fig. 9.1 Schematic illustration of steps in grievance uptake

#### **9.4 The structure for the Grievance Redress Mechanism**

A three-level redress system is planned to address all complaints during MinDiver project implementation. These include:

- Community level
- State level and
- MinDiver (National) level.

##### **9.4.1 First Level of Redress: Community Level**

The main targets at this level are the communities and all stakeholders in mining at the community level. At every community proposed for intervention, there is an established committee headed by a chairperson who is the traditional rulers in the community and trained to take up and handle complaints at the community level. The Committee comprise of:

- Traditional leaders
- Women leaders
- Youth leaders
- Representative of Mines union/association/society/cooperatives
- Community Based Organization (CBOs)

The secretary relates directly with the MINDIVER representative at the state level. This committee is available throughout the week for uptake and resolution of complaints/grievances. Once a complaint is received, the committee registers it, sends an acknowledgement to the complainant and screens to authenticate the complaints, investigates and recommend an action.

Cases related to GBV and personal details of the complainant will however, not be documented in the public grievance log book if the complainant decides to provide any information. The complainant / survivors confidentiality should be kept in mind when attending to any GBV / SEA related complaint. Incidences should be referred to relevant authority or service provider. The outcome of the resolution should be made available to the complainant within 5 working days. Where the complainant is not satisfied with the recommendation, they shall be advised to report to the second level for redress which is the state. The community committee will submit a monthly report on form.

##### **9.4.2 Complaint uptake at Community level**

The community members shall register their complaints with the Chairperson or secretary of the committee at the community level and specifically, a GBV case should go through the women leader at the palace of the ward/community leader.

##### **9.4.3 Mode of receipt and recording of Complaints**

The step for receiving and recording complaints are highlighted below

- The complaints shall be made in writing, verbally, over the phone (Toll free lines will be communicated), by fax or emails or submitted in complaint boxes in each location.
- The officer receiving the complaints obtains relevant basic information regarding the grievance.
- The two points of receiving complaints as illustrated above shall be in possession of a standardized complaint receiving form which must be filled in for every complaint including complaint boxes.
- As soon as a complaint is received, an acknowledgement form, shall be issued to the complainant.
- After registering the complaint, the Grievance Handling Team (GHT) under the guidance of the chairperson shall set a date to investigate the matter;
- After which they shall provide a recommendation. If necessary, the concerned officer will convene a meeting between the parties involved to find a solution to the problem and make arrangements for resolution. The deliberations of the meetings and decisions taken are recorded in a form contained in MGRM.



#### **9.4.4 Timeline for resolution at Community level**

The resolution at the first level will be done within 5 working days and the decision of the committee notified to the concerned through a standardized disclosure form, which shall be acknowledged by the complainant. If the Grievance is not resolved within this period, it would be referred to the next level of Grievance Redress(state). However, if the complainant requests for an immediate transfer of the issue to the next level or is dissatisfied with the recommendation, the issue will be taken to the next level.

#### **9.4.5 Second Level of Redress: State Level**

The main targets at this second level are the project implementers, executors (contractors, consultants) communities and project beneficiaries and their related institutions. At every state implementation level, a grievance handling committee has been trained to handle MinDiver related complaints. The committee is headed and supervised by the Federal Mines Officer appointed by MINDIVER as the Chairperson of the committee. All stakeholders shall be informed of the existence of the grievance committee. The committee shall dedicate days when they are available to receive and resolve complaints. Once the committee receives a complaint, it shall be mandated to register the complaint, investigate and recommend an action. If the complainant is not satisfied with the recommendation, they shall be advised to report to the third level of redress (MINDIVER). This committee will prepare a monthly report to Grievance handling team of MinDiver.

#### **9.4.6 Complaint uptake/receipt points at State level**

Any aggrieved person/organization/community registers their complaints with any of the GRM committee member in each state as listed below:

- Federal Mines Officer (FMO)
- Environmental Compliance Officer at the State
- Artisanal and Small-Scale Mining Officer (ASM)
- Chairperson of the First Level GRM Committee
- Representative of the Local Government Council
- Non-Governmental Organization (NGO)
- Project Manager of the Executing Entity

#### **9.4.7 Mode of receipt and recording of Complaints**

The step for receiving and recording complaints are highlighted below

- The complaints are to be made in writing, verbally, over the phone (Toll free lines 08031230735), by fax or emails. Any member of the Committee receiving the complaints should obtain relevant basic information regarding the grievance(s).
- All the points of complaints, uptake are in possession of standardized complaint form which must be completed by or for every complainant.
- An acknowledgement form, **will** be issued to the complainant as soon as a complaint is received with an assurance that he/she gets a feedback within 5 working days. After registering the complaint, the Grievance Handling Team shall set a date to investigate the matter (screen to authenticate claims and hear the plaintiff and defendant), after which they shall provide a recommendation.
- If necessary, meetings will be held between the complainants and the committee in order to find a solution to the problem and make arrangements for grievance redress.
- The deliberations of the meetings and decisions taken are recorded on a form.

#### **9.4.8 Timeline for resolution at State level**

At the second level, the resolution period will take a maximum of 10 working days and the concerned shall be notified through a GRM form. Should the Grievance not be solved within this period, this would be referred to the next level of Grievance Redress. However, if the complainant requests for an immediate transfer of the issue or is dissatisfied with the recommendation, the issue will be referred to the next level (PIU).

#### **9.5 Third Level of Redress: MinDiver GRM Unit (M-GRM)**

The main targets at this level are the mining companies, mining workers, mining communities and other mining stakeholders. There is a constituted MinDiver GRM Committee who shall work with the Grievance

Handling Officer. The members of these committee have been trained to operationalize the grievance handling processes. All stakeholders shall be informed of the existence of the grievance committee. Dedicate days shall be fixed to receive and resolve complaints. Once the committee receives a complaint it shall be mandated to register the complaint, investigate and recommend an action. If the complainant is not satisfied with the recommendation, they shall be advised to seek redress through Alternative Dispute Resolution (ADR). The MinDiver GRM committee shall be obligated to do a monthly report of registered complaints, using a form and submit it to the MINDIVER PIU.

#### **9.5.1 Complaint uptake/receipt points at M-GRM**

Any aggrieved person/community/organization shall be advised to register their complaints at the following points:

- i. The MINDIVER Grievance Handling Officer (Social Safeguards Specialist)
- ii. Environmental Safeguards Specialist
- iii. MINDIVER Monitoring and Evaluation Specialist (M&E)
- iv. Representative from the Technical Departments (MID, MEC & ASM)
- v. The MINDIVER Project Coordinator

#### **9.5.2 Mode of receipt and recording of Complaints**

The step for receiving and recording complaints are highlighted below

- The complaints can be made in writing, verbally, over the phone (Toll free lines will be communicated), by emails or through any of the Community or State Levels of GRM.
- Any member of the committee receiving the complaint should obtain relevant basic information regarding the grievance.
- The points of receiving complaints shall be in possession of GRM form which will be used to record each complaint.
- As soon as a complaint is received, a GRM form will be issued to the complainant as acknowledgement. After registering the complaint, the Grievance Handling Committee under the guidance of the Grievance Handling Officer shall set a date to investigate the matter, after which they shall provide a recommendation.
- If necessary, meetings have to be held between the complainants and the concerned officers to find a solution to the problem and make arrangements for grievance redress. The deliberations of the meetings and decisions taken are recorded using the M-GRM 03 form.

It is noteworthy to mention that all appropriate GRM forms are in custody of the Ladi Kwali Grievance Redress Committee.

#### **9.5.3 Timeline for resolution at National level**

At the national level, the resolution period will take maximum 21 calendar days and the concerned shall be notified through the form. Should the grievance not be solved within this period, the complainant will be advised to seek recourse through Alternative Dispute Resolution (ADR).

The GRM assumes a three-level mechanism namely; community level, state level and national level. It assumes a pyramidal structure with conflict resolution commencing from the community or association level and progresses up to the National (M-GRM Unit) level; the unresolved grievances at the lower level are sent to the next level. The structure represents different stakeholders at the various levels of the conflict resolution process/grievance redress mechanism.

All executing entities will be briefed on the GRM and are expected to follow its requirements as part of the oversight of their sub-project. The Executing entities representatives (site engineer CLO) will attend community sessions on GRM and Safeguards awareness or training run by PIU representatives.

The Contractor is responsible for logging all complaints and other safeguards non-compliance incidences in the site day book (or equivalences) for inspection by the MINDIVER PIU.

The contractor is also responsible to ensure that all minor complains are dealt with and resolved directly without any undue delays.

## **9.6 Monitoring Complaints**

The Project Liaison Officer will be responsible for:

- providing the grievance 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.

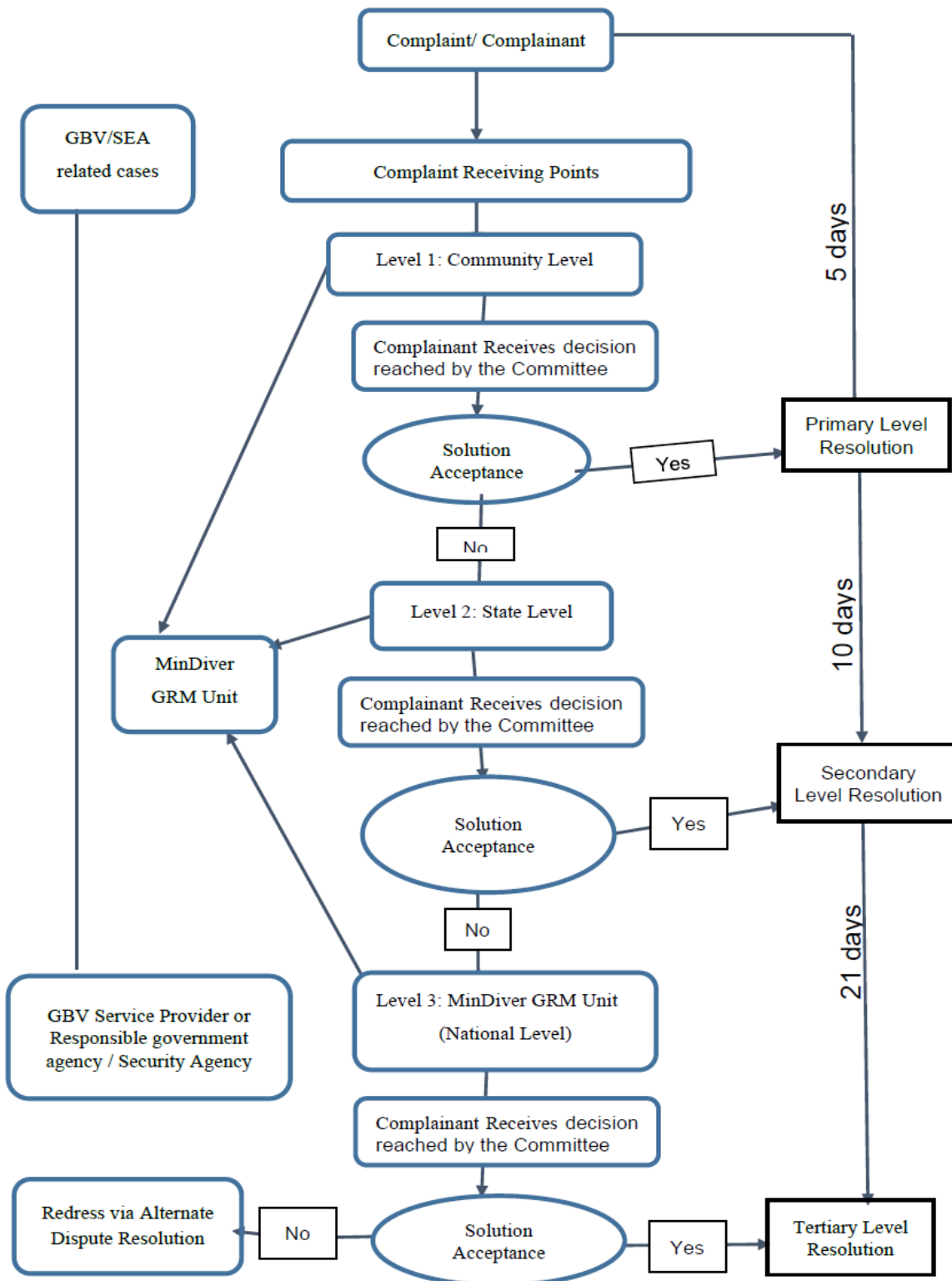


Figure 9.2: A Schematic diagram of the Grievance Redress Mechanism

### **9.7 Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA)**

Cases related to GBV shall be treated in a private and confidential manner, limiting information to what the survival or complainant is freely willing to provide. A separate register shall be opened for this category of cases and shall ONLY be accessed by the GRC secretary and the GRM focal person at the PIU. The complainant (survival) shall be attended to with empathy, assurance of safety and confidentiality. In the event that the complainant is not willing to divulge any information, this view should be respected by the GRM officer, and the complainant referred to the appropriate nearest medical centre, approved available GBV service provider or police, depending on the complainant's choice. Such a complaint should be reported to the World Bank Task Team as well by the PIU GRC within 24 hours.

### **9.8 Complaint Case Closing**

This is the period where the complaint or feedback passes through the full cycle and a feedback is agreed. The resolution of the committee at the various level shall be documented and a monthly report transmitted to the PIU. Where there is need for external referral of the matter the complainant shall be appropriately guided on the next steps.

## **CHAPTER TEN MONITORING AND EVALUATION**

### **10.0 Introduction**

While a good institutional design makes implementation easier, effective monitoring ensures it stays on track. To establish the effectiveness of all the resettlement activities, this Monitoring and Evaluation (M&E) procedures for the ARAP has been designed for the Ladi Kwali Pottery Centre.

### **10.1 Distinction Between Monitoring and Evaluation**

It is important to understand the distinction between Monitoring and Evaluation as used in this ARAP:

- Monitoring involves periodic checking to ascertain whether activities are implemented as planned. It provides the feedback necessary for the project management to keep the programs on schedule. It also assists to identify trends, common or recurrent claims that may require structural solutions or a policy adjustment, and it enables the company to capture any lessons learned in addressing grievances. Subsequently monitoring and reporting facilitate establishment base level of information that can be used by the company to provide feedback to communities
- Evaluation on the other hand is essentially a summing up, the end of the project assessment of whether those activities achieved their intended aims.

Therefore, it is possible to readily identify problems and successes as early as possible. This Chapter specifies the internal/performance monitoring process, defines key monitoring indicators derived from baseline survey and provides a list of monitoring indicators that will be used for internal monitoring. In addition, it stipulates the institutional (including financial) arrangements and the frequency of reporting and content for internal and external monitoring. Furthermore, the Chapter provides the process for integrating feedback from internal and external monitoring into implementation, defines methodology for external monitoring and key indicators for external monitoring.

The ARAP further encourages the Ladi Kwali to proactively implement gender mainstreaming at the concept, planning, implementation, monitoring and evaluation stages thereby integrating gender sensitive initiatives into all design of the project and related activities.

### **10.2 Purpose of Monitoring**

The monitoring process for the Ladi Kwali rehabilitation works will provide answers to the following question: Are project compensation, resettlement and other impact provided with mitigation measures on time and having the intended effects? The monitoring is to provide Project Management, and directly affected persons with timely, concise, indicative information on whether compensation, resettlement and other impact mitigation measures are on track to achieve sustainable restoration and improvement in the welfare of the affected people, or that adjustments are needed. Monitoring verifies that:

- Actions and commitments for compensation, resettlement, land access, and development in the ARAP are implemented fully and on time
- Eligible project affected people receive their full compensation on time, prior to the start of the main project activities on the corridors;
- ARAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;
- Compensation and livelihood investments are achieving sustainable restoration and improvement in the welfare of Project-Affected Persons and communities
- Complaints and grievances are followed up with appropriate corrective action and, where necessary, appropriate corrective actions are taken; if necessary, changes in ARAP procedure are made to improve delivery of entitlements to project affected people.
- Vulnerable persons are tracked and assisted as necessary

### **10.3 Monitoring Framework (Internal and External)**

For the Ladi Kwali Pottery's rehabilitation project implementation to succeed, effective monitoring is crucial. To ensure that the monitoring is effective, it will cover both internal (carried out by the project agency) and external (conducted by a qualified independent agency). While internal monitoring would primarily consist of a follow-up on the quantitative aspects of resettlement implementation and focus more on processes and delivery of inputs, external monitoring focuses more broadly on outputs, outcomes, and



the qualitative aspects of implementation. Both internal monitoring and external monitoring cover the agreed benchmark indicators in this ARAP. This requirement prevents reporting against some local guidelines or other vague standards, a practice that sometimes reduces the validity and applicability of the findings of the monitoring program.

For this ARAP a good-practice checklist of issues for internal and external monitoring include the following:

### **10.3.1 Internal Monitoring**

This process involves the following:

- Establishment of an internal monitoring unit within the PIU and which personnel may include representatives from the government agencies and other relevant agencies. The Unit communicates with field offices, and coordinates with other implementing agencies. Internal monitoring is carried out in accordance with detailed, specific terms of reference.
- Staff of the internal monitoring units are kept abreast with the design of the resettlement program.
- Staff receives adequate training in the framework and methodology of internal monitoring.
- The Unit regularly receives information and data updates from field offices.
- The Unit ensures that Resettlement data are collected under both household and impact categories and entered into a computer to make processing easier.

The internal monitoring programme will be implemented to:

- a. Record and assess project inputs and the number of persons affected and compensated, and
- b. Confirm that former subsistence levels and living standards are being re-established.
- c. Internal Monitoring will measure progress with involuntary resettlement against scheduled actions and milestones, using input and output indicators such as:
  - establishment of required institutional structures;
  - asset acquisition and compensation;
  - operation of compensation, grievance and other necessary procedures;
  - disbursement of compensation payments;
  - usage of compensation and entitlements, including reconstruction of new residential structures;
  - development of livelihood restoration programmes, including the re-establishment of income levels;
  - consultation around resettlement issues;
  - general issues relating to the adequacy of the compensation and resettlement exercise, including reported grievances; and
  - Preparation and submission of monitoring and evaluation reports.

Internal monthly monitoring reports will be compiled by the Monitoring and Evaluation Unit of MINDIVER while formal monitoring reports will be prepared on a quarterly basis for distribution to relevant stakeholders.

PIU Management team will supervise all aspects of internal M&E and provide high level evaluation of internal performance and impact monitoring and other reports. The management team will be supplemented by staff with appropriate skills to carry out:

- ARAP project resettlement requirements as defined by this ARAP;
- Gathering and presentation of monitoring indicators to be used;
- Design and implementation of basic techniques to be used for collecting information and feedback from project affected people; and Reporting requirements and formats.
- Regular progress reports will be prepared and submitted to PIU management by the social safeguard Officer.
- The internal monitoring will look at inputs, processes, and outcomes of compensation/resettlement/other impact mitigation measures.
- Input monitoring will establish if staff, organization, finance, equipment, supplies and other inputs are on schedule, in the requisite quantity and quality.

Process monitoring will:

- Assess program implementation strategies and methodologies and the capacity and capability of program management personnel to effectively implement and manage the programs
- Document lessons learned and best practices and provide recommendations to strengthen the design and implementation of ARAP
- Output monitoring will establish if agreed outputs are realized on time:
- Communication with the affected communities
- Agreed resettlement and compensation policy, procedures, and rates
- Compensation for structures, and lost business
- Livelihood program delivery and uptake
- Grievance resolution
- Attention to vulnerable people
- Outcome (or effectiveness) monitoring will determine the degree to which the program objectives and performance targets have been achieved.

### **10.3.2 External Monitoring/Evaluation**

This ARAP recommends the appointment of an external monitoring agency that should be an independent third party.

- The external monitoring agency is identified by the appraisal stage.
- The external monitor- for example, a university, research institute verifies, in the field, some of the quantitative information submitted by the internal monitoring agency. This aspect is sometimes overlooked because of the qualitative focus of external monitoring.
- The project safeguards unit, the Bank Social Safeguards specialist, and the monitoring agency discuss the proposed methodology for external monitoring. A good practice is to describe the methodology in the ARAP. An outline format for the external monitoring reports cover all elements of resettlement implementation.
- The process of reviewing external monitoring reports and factoring them into resettlement decision making is agreed to and described in the ARAP.

### **Annual External Audit**

This is to be carried out by an external body. The main objective of Annual External Audit is to assess, to the extent possible, implementation of the compensation and restoration of the livelihoods of PAPs. It will focus on:

- implementation progress;
- the effectiveness of compensation and resettlement policies, and of the operation of Project mechanisms such as grievance procedures;
- delivery of entitlements;
- the adequacy of compensation, and changes in livelihoods and incomes among PAPs;
- consultation with and participation of PAPs and other stakeholders; and
- Dissemination of information as an indication of the general transparency of the entire process.
- recommend any corrective measures that may be necessary

Internal monitoring reports will be a source of information. On the other hand, External audit will be involved with impact monitoring, and requires the generation of new data to compare against baseline conditions. It is envisaged that data generation will occur at two levels:

- at the level of households, using quantitative (standardised) socio-economic survey instruments; and
- at group/community level, using qualitative (participatory) monitoring and evaluation techniques.

The Annual External Audit as the name implies would be conducted annually. It shall be undertaken by an independent agency, annually till the end of the ARAP implementation. The audit will also describe any outstanding issues that require attention prior to the closing of the Project's compensation programme for Terms of Reference for External Audit of ARAP Implementation of Ladi Kwali rehabilitation Project. However, the final External Audit is to be conducted about 4-6 months after the completion of ARAP implementation. The overall aim will be to verify that compensation activities have

been undertaken in compliance with the objectives and principles of the ARAP. The final audit will be used to:

- Confirm that all physical inputs specified in the ARAP have been delivered;
- Confirm all outputs achieved under the programme; and
- Assess whether the outcomes of the programme have had the desired beneficial impacts.

This should be seen in the eye of Compliance and Impact Monitoring. For Compliance Monitoring, the PIU will appoint a consultant to work closely with the project-affected persons to track the progress of ARAP Implementation. The consultant(s) will be a person(s) with; deep experience in the conduct of resettlement, have experience in monitoring and evaluation, no previous involvement in this project, and proven ability to identify actions that improve implementation and mitigate negative impacts of resettlement.

The role of such a consultant will facilitate process of resettlement & rehabilitation (R&R) and thus provide support in the proper implementation of resettlement program. It should also bring the difficulties faced by the PAPs to the notice of PIU to help in formulating corrective measures. As a feedback to the PIU and others concerned, the external consultant should submit quarterly report on progress made relating to different aspect of rehabilitation and resettlement (R&R).

Compliance monitoring will:

- Determine compliance of ARAP implementation with ARAP objectives and procedures
- Determine compliance of ARAP implementation with the laws, regulations and applicable
- Determine international best practice
- Determine ARAP impact on standard of living, with a focus on the “no worse-off if not better off” objective
- Verify results of internal monitoring
- Assess whether resettlement objectives have been met: specifically, whether Livelihood Programs have restored the livelihoods of the project-affected persons and their living conditions have improved
- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation process
- Ascertain whether the resettlement entitlements are appropriate to meet the objectives, and whether the objectives are suitable to project-affected persons conditions
- Assess grievance records, to identify implementation problems and status of grievance resolution
- Ensure ARAP implementation is in compliance with World Bank policy.

Impact Monitoring/Concurrent evaluation will be carried out simultaneously with the monitoring.

For concurrent Impact Evaluation, the M&E consultant who should have resettlement and social development experience shall:

- Verify whether the objectives of resettlement have been realized, particularly the changes in the living standards;
- Impact assessments is to be compared with the baseline values for key socioeconomics as given in the ARAP;
- To assess whether the compensation is adequate to replace the lost assets;
- Based on the impact assessment, suitable remedial measures are to be proposed for any shortcomings; and
- Remedial measures if PAPs are not able to improve their living standard.

Thus, one year after the expropriation has been completed and the assistance to the PAPs has been made, there will be an impact evaluation to assess whether the PAPs have improved their living conditions in relation with the baseline socioeconomic status established during the socioeconomic studies.

Impact monitoring will cover issues such as:

- Public perception of the Project - judgments on PIU, Project and ARAP implementation
- Social structures - traditional authorities, community cohesion, gender equality.

- Economic status of PAPs- livelihood restoration and enterprise, employment, land holdings, non-agricultural enterprise
- Employment - on the Project and in the impact area

<b>Component Activity</b>	<b>Type of Information/Data Collected</b>	<b>Source of Information/Data Collections Methods</b>	<b>Responsibility for Data Collection, Analyses and Reporting</b>	<b>Frequency/Audience of Reporting</b>
Performance Monitoring	Measurement of input, and outcome indicators against proposed timeline and budget, including compensation disbursement	Quarterly narrative status and compensation disbursement reports	PIU ARAP team, including public relations representatives	Quarterly or as required by PIU ARAP management team and World Bank/IFC.
Impact Monitoring	Tracking effectiveness of inputs against baseline indicators. Assessment of affected people's satisfaction with inputs, processes and outputs.	Annual quantitative and qualitative surveys. Regular public meetings and other consultation with project affected people; review of grievance mechanism outputs.	PIU ARAP team, including public affairs representatives  Panel of specialists	Annual
Completion Audit	Measurement of output indicators such as productivity gains, livelihood improvement and development	External assessment report against timeline and consultation with affected persons	PIU ARAP team, including public affairs representatives  Panel of specialists	On completion of ARAP timetable

#### 10.4 Indicators to Monitor

Indicators will be established for the ARAP implementation and grouped into the categories as outlined in Table 10.2:

**Table 10.2: Categories of Indicators**

<b>Indicator</b>	<b>Activity</b>
<b>Input indicators</b>	measure the resources (financial, physical and human) allocated for the attainment of the resettlement objectives, such as livelihood restoration goals.
<b>Output indicators</b>	measure the services/goods and activities produced by the inputs. Examples include compensation disbursements for acquired assets.
<b>Outcome indicators</b>	measure the extent to which the outputs are accessible and used, as well as how they are used. They also measure levels of satisfaction with services and activities produced by the inputs. Examples include the ways in which recipients used compensation. Although not measures of livelihood restoration in themselves, they are key determinants of well-being.
<b>Impact indicators</b>	measure the key dimensions of impacts to establish whether the goals of the ARAP have been achieved. Examples are restoration and diversification of income levels and the sustainability of income-generating activities, as dimensions of livelihood restoration and well-being.
<b>Process indicators</b>	measure and assess implementation processes. Examples are the functioning of liaison/participation structures, the levels of representation of different social categories/interest groups, and the processes by which conflicts and disputes are resolved.

Indicators will also be disaggregated, such as in terms of age and gender, to ensure that social variables are properly accounted for. A set of indicative Indicators are presented in Appendix 9.3.

Indicators that will be monitored broadly centre around delivery of compensation, resolution of grievances, land access, increase or decrease in PAPs assets, social stability, health, level of satisfaction of project affected people and number of Project Affected Persons that benefited from the livelihood restoration programs.

Specifically, some monitoring Indicators for this ARAP are outlined in Table 10.3

**Table 10.3: Monitoring Indicators during and after Resettlement**

<b>Indicator</b>	<b>Variable</b>
<b>Consultation</b> Consultation and Reach out	Number of people reached or accessing Information, Information requests, issues raised, etc Number of local CBOs participating
Compensation and re-establishment PAPs	Physical Progress of compensation and assistance Number of PAPs affected (Structures) Number of PAPs compensated by type of loss Amount compensated by type and owner Number of replacement asset recovered Compensation disbursement to the correct parties;
<b>Socio-economic Changes</b>	Level of income and standard of living of the PAPs No of income restored, improved or declined from the pre-displacement levels;
<b>Health and Wellbeing</b>	Physical well-being, especially women's and children's health status. "Provision of health care services, particularly for pregnant women, infants, the disabled and the elderly, where there is relocation to prevent increase in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease". Because resettlement can be stressful for people and can have adverse consequences on nutrition, health, and even mortality rates, baseline surveys in Bank practice now include a section on the health status, for monitoring the physical repercussions of resettlement. In addition, resettlement operations usually construct infrastructure to address problems such as child malnutrition and waterborne disease.
<b>Training</b>	Number of PIU and ARAP committee members trained
Grievance redress mechanism	No. of cases referred to GRC No. of cases settled by GRC No. of cases pending with GRC Average time taken for settlement of cases No. of GRC meetings No. of PAPs moved court No. of pending cases with the court No. of cases settled by the court
Overall Management	Effectiveness of compensation delivery system Timely disbursement of compensation; Census and asset verification/quantification procedures in place Co-ordination between local community structures, PAPs and PIU

As part of external monitoring, it is suggested that intermittently the representative of the PAPs, traditional rulers and community representatives are included to strengthen the entire process.

### **Quantitative Monitoring**

In view of the need to assess the how the project has affected PAPs and their households for better or for worse, the changing socio-economic status of affected households will be monitored over time after the rehabilitation exercise. A number of objectively verifiable (impact-related) indicators will be used, with information obtained through employing quantitative methods such as surveys.

### **Qualitative Monitoring**

A community-based participatory monitoring and evaluation (PME) programme will be implemented to gauge the effectiveness of Project measures in meeting the needs of displaced households, involving affected people themselves in the collective examination and assessment of implementation processes and outcomes which is to be reported basically by the social safeguard persons of the PIU.

#### **10.5 ARAP Monitoring Reporting**

ARAP monitoring reports will be prepared for the following tasks: Internal monitoring, Expert monitoring, Completion audit & Compensation. PIU will use a device such as a bar chart/Gantt chart or MS Project table to assess and present information on progress of time bound actions.

Performance monitoring reports for the ARAP Monitoring/management team will be prepared at regular intervals (monthly), beginning with the commencement of any activities related to resettlement, including income restoration. These reports will summarize information that is collected and compiled in the quarterly narrative status and compensation disbursement reports and highlight key issues that have arisen. As a result of the monitoring of inputs, processes, outputs and outcomes of ARAP activities, project management will be advised of necessary improvements in the implementation of the ARAP.



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## **APPENDICES**

APPENDIX 1: PAP ENTITLEMENT MATRIX

APPENDIX.2: DESCRIPTION OF IMPACTED ASSETS BY THE PROPOSED REHABILITATION OF LADI KWALI POTTERY PROJECT

APPENDIX 3: PAP ID MOVABLE STRUCTURES AT LADI KWALI RAP

APPENDIX 4: MINUTES OF STAKEHOLDERS MEETING

APPENDIX 5: ATTENDANCE REGISTER

APPENDIX 6: RAP INSTRUMENTS (QUESTIONNAIRES)

APPENDIX 7: ESTATE SURVEYOR/VALUERS CERTIFICATION

APPENDIX 8: LAYOUT PLAN OF THE OF THE PROPOSED INTERVENTION

APPENDIX 9: MAPS SHOWING LAYOUT/ACTIVITIES IN LADI KWALI

APPENDIX 10: DOCUMENTS CONCERNING THE PROPOSED ROAD