



**RURAL ELECTRIFICATION AGENCY**

Energy | Empowerment | Efficiency



## **RESETTLEMENT POLICY FRAMEWORK (RPF)**

FOR THE

**DISTRIBUTED ACCESS THROUGH  
RENEWABLE ENERGY  
SCALE-UP PROJECT (DARES)**



**SEPTEMBER 2023**



# **RESETTLEMENT POLICY FRAMEWORK (RPF)**

**FOR**

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**September, 2023**

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## ACRONYMS

CBOs	Communities Base Organizations
DARES	Nigeria Distributed Access To Renewable Energy Scale-Up Program
FGN	Federal Government of Nigeria
FMENV	Federal Ministry of Environment
FMP	Federal Ministry of Power Works and Hosing
GRM	Grievance Redress Mechanism
GDP	Gross Domestic Product
ICT	Information Communication Technology
M&E	Monitoring and Evaluation
MDAs	Ministries Departments Agencies
MW	Megawatts
NGOs	Non- Governmental Organizations
O&M	Operation and Maintenance
PAPs	Project Affected Persons
PMU	Project Management Unit
PR	Public Relation
RP	Resettlement Plan
REA	Rural Electrification Agency
RESIP	Rural Electrification Strategy and Implementation Plan
SMOEs	State Ministry of Environment

## Definitions of Key Terms

<b>Word/Term</b>	<b>Definition</b>
<b>Asset Inventory</b>	A complete count and description of all property that will be acquired.
<b>Bank</b>	World Bank
<b>Cut - off Date</b>	A day on and beyond which any person who occupies land or assets, or constructs assets on land, required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences
<b>Compensation</b>	Payment in cash or in kind of the replacement value of the acquired property.
<b>Displacement</b>	Removal of people from their land, homes, farms, etc. because of a project's activities. Displacement occurs during the involuntary taking of lands and from involuntary restriction or access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of PAPs.
<b>Entitlements</b>	Compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
<b>Grievance Procedures</b>	The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
<b>Host Communities</b>	Communities receiving resettled people because of involuntary resettlement activities
<b>Land Acquisition</b>	The process whereby a person is compelled by a public agency to alienate all or part of the land he/she owns or possesses, to the ownership and possession of that agency, for public purpose in return for a consideration.
<b>Market rate</b>	Highest rate over the last five years based on commercial terms.
<b>Market Value</b>	The most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self-interest to maximize satisfaction and both act independently and without collusion, fraud, or misrepresentation.
<b>Project Affected Person (s)</b>	A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located inland to be acquired or used, for needs of the project. Not all PAPs are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.

<b>Rehabilitation Assistance</b>	the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels
<b>Resettlement Policy Framework (RPF)</b>	The present document which is the overall Policy Framework for Compensation, Resettlement and Rehabilitation of Project Affected Persons for the PPP. The Policy Framework describes the process and methods for carrying out resettlement under the Project, including compensation, relocation and rehabilitation of Project affected.
<b>Resettlement Action Plan (RAP)</b>	The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.
<b>Resettlement</b>	The measures taken to mitigate all adverse impacts of the Project on PAPs property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation

## EXECUTIVE SUMMARY

### ES1: Background:

The FGN launched the Nigeria Electrification Project (NEP) in June 2018 as a results-based, private-sector led initiative to implement the RESIP through grant/subsidy-based instruments to kickstart private sector led off grid and mini grid sectors in Nigeria).

Nigeria announced its ambition to reach universal electricity access by 2030 as part of its Energy transition Plan (ETP).

Nigeria DARES project will scale up successful elements of the NEP and will include policy and partial financing support for productive uses to boost economic activity and improve human capital indicators while enhancing the financial viability and sustainability of ongoing electrification efforts. Inclusion of productive use as a focus area will create a win-win scenario for developers, rural entrepreneurs, and communities.

Both behind the meter (solar systems, rooftop solar), and grid-connected solutions (grid-connected rooftop solar, Interconnected Mini-Grids<sup>1</sup>, Disco franchise) remain available options.

The Project Development Objective (PDO) is to increase access to electricity services for households and MSMEs with private sector-led distributed renewable energy generation.

**Component 1. Solar Hybrid Mini Grids for Economic Development (US\$ 1023 million, US\$ 410 million equivalent from IDA, and US\$ 613 million from private sector funding).** This component will support the development of privately owned and operated solar hybrid mini grids in unserved (primarily rural and remote) and underserved (primarily urban and peri-urban) areas that have high economic growth potential.

#### ***Component 1.1: Minimum Subsidy Tender (IDA US\$215 million equivalent).***

The MST sub-component will aggregate demand and prepare portfolios of mini grid projects for tender. The mini grids will be privately financed, owned, and operated, and the tender will select the developer that needs the lowest subsidy to do so. Three separate MST pipelines will be used- one for isolated mini grids, one for interconnected mini grids, and one for solar rooftops in Lagos.

***Component 1.2: Performance-Based Grants Program (IDA US\$195 million equivalent).*** Under this sub-component, REA will provide administratively set PBGs to mini grid operators based on new customer connections (US\$/end users) for isolated mini grids and the percentage of CAPEX for

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<sup>1</sup> mini grid that is electrically connected to a Disco's existing grid. Electrically connected means that electrical energy can safely flow across the boundary between the two systems.

interconnected (grid-connected) mini grid projects. Performance-based grants will be made available to mini grid developers on a rolling basis and differentiated based on geographic and socio-economic factors (determined by existing mini grid activity) and consumer classes (residential, PUE). Eligible projects must have minimum commercial or productive loads to ensure sustainability overall.

**Component 2. Stand-alone Solar Systems (SAS) for Households, MSMEs, and Agribusinesses (US\$ 715 million equivalent, of which US\$ 300 million IDA equivalent and US\$ 415 million from private sector funding).** This component will expand the availability and affordability of standalone solar systems (SAS) for households (basic electrification), MSMEs, and agribusinesses (PUE support) in rural areas. Through targeted and competitively awarded performance-based and catalytic grants, the uptake of 2,750,000 quality-certified solar home systems (SHS) and 75,000 PUE products in rural areas and among lower-income segments will be promoted

**Component 2.1 Performance Based Grants for Standalone Solar (SAS) (IDA US\$ 280 million equivalent).** The sub-component will provide PBGs with the ability to rapidly deploy SAS solutions in rural and underserved areas. Supply and demand side support will be provided through the PBG to address the viability and affordability gap, respectively. Companies will receive a grant based on independently verified outputs with incentives varying by location and type of business model. The sub-component will help reduce the end-user prices for households identified as poor and vulnerable by the National and State Social Registry. This sub-component will also support deploying solar-powered PUE equipment to MSMEs, agribusinesses, and commercial customers.

**Component 2.2: Catalytic Grants (IDA US\$20 million equivalent):** This sub-component will incentivize companies targeting the poor, remote, or hardest-to-reach consumers in the country. Grants will be offered on a matching basis to ensure the company commits its funding and has ‘skin in the game.’

**Component 3. Technical Assistance (US\$80 million, US\$ 40 million IDA equivalent, and US\$ 40 million from other development partners).** This component will be supported by financing and collaboration from various development partners, such as GEAPP, SEforALL, JICA, USAID, etc., to create an ecosystem for universal electrification. Technical assistance provided under the DARES umbrella will focus on the following -

**Sub-Component 3.1: Institutional Strengthening (US\$ 10 million IDA equivalent)** will support activities to build institutional capacity, including (i) strengthening of implementation capacities of REA and FMOP (ii) development of critical studies, including the national electrification plan.

**Sub-Component 3.2: DARES Ecosystem and Implementation (US\$ 20 million IDA equivalent)** will focus on (i) pipeline preparation for isolated and interconnected mini grids; (ii) building the PUE ecosystem, including geospatial mapping, demand stimulation and capacity building of financial institutions on market-based products and pricing, financial literacy; and (iii) managing E&S risks, including the development of citizen engagement framework.

**Sub-Component 3.3: Engagement with States (US\$ 10 million IDA equivalent)** will focus on (i) supporting states in crafting their role in the energy transition agenda during decentralization by providing TA for designing electricity markets, building capacity of state-level sector institutions, developing regulatory and procurement capacity, and preparing policy framework and its implementation; (ii) determining viability for solar rooftop and setting up a one-stop-shop model for market creation – for interested and qualified states.

The project development objective (PDO) is to increase access to electricity services for households and MSMEs with private sector-led distributed renewable energy generation.

**The key results (PDO Indicators) expected are as follows:**

- CRI: People provided with new or improved electricity service (gender-disaggregated) (number).
- MSMEs are provided with new and improved electricity services (through mini grids or standalone solar), of which female managed MSMEs (number)
- Private capital mobilized for mini grids and standalone solar (US\$ million)
- New generation capacity of renewable energy installed (MW)
- Net GHG emissions (using mini grids and standalone solar) (metric tons of CO2)

**Need for RPF**

The Resettlement Policy Framework (RPF) is designed to provide procedures and guidelines that will be followed because the World Bank’s ESS5 is triggered by the sub-project activities. Subprojects supported by NEP will be prepared and implemented over a period of years and the details of the sub-projects (volume, scope, scale and/or actual nature of activities, etc.) are not known. In a situation where all the details of the sub- project activities are not known, it is not possible to prepare a Resettlement Action Plan (RAP). The World Bank Environmental and Social standards on Involuntary Resettlement (ESS5) therefore requires the development of a Resettlement Policy Framework (RPF). **The proponents of each subproject will prepare a RAP satisfactory to the Bank to be eligible for project funds.**

The RPF shall serve as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-projects during the implementation of the NEP.

**ES2: Project Location**

This RPF covers the 36 states consisting of six defined geopolitical zones namely North Central, Northeast, Northwest, Southeast, South-South and Southwest.

**Potentially Affected Persons and the number likely to be involved.**

At this stage of DARES preparation, accurate figures regarding the amount of land-space to be acquired, exact location of and actual sub-project activities, and numbers of affected peoples cannot be determined. The socio-economic study/survey during RAP preparation will provide more information on the social conditions of the potentially affected persons and even estimates.

**ES3: legal/institutional guidelines, requirement, and safeguards policy**

A range of diverse cultural and traditional practices and customs characterize land ownership in Nigeria. The legal framework for land acquisition and resettlement in Nigeria is the Land Use

Act (LUA) of 1978. The relevant Bank policy, ESS5, which addresses land acquisition and resettlement, was adopted in 2018. The differences between the Land Use Act and the Bank's ESS5 mostly concern rehabilitation measures, which are neither proscribed nor mandated in the Act. *Thus, it is noted in this RPF that in the event of divergence between the two, that which favours the PAPs more shall take precedence over the other.*

#### **ES4: principles and objectives governing resettlement preparation and implementation.**

Once the proposed intervention has been designed and before actual work begins, a socioeconomic study and census (including complex households such as compounds) shall be carried out within the area directly affected by the project where land will be acquired or displaced.

The valuation procedures of all assets that will be affected will be conducted by a qualified valuer/surveyor. Compensation for loss of income and assets will be at replacement cost such that the PAPs will experience no net loss and eligibility criteria have been developed for this.

#### **ES5: potential impacts of the project**

DARES is designed to bring about positive social outcomes like increased well-being and providing livelihood security for the overall populations in targeted areas.

The project is aimed at providing electricity supply to rural communities through the installation of mini-grids and standalone solar system.

While actualising these noble objectives, however, it is anticipated that sub-projects under Components 1 (Component 1: **Accelerating Mini grids** and Component 2: **Accelerating off-grid solar markets**) will lead to the acquisition of land for the various constructions activities which will result in the displacement of persons thus leading to restriction of access or loss of livelihood.

This RPF states the legislative framework upon which the concept of the entire resettlement procedure under DARES is based, specifies the appropriate safeguards instrument required to mitigate the impacts relating to involuntary resettlement during the implementation of the project – in this case a Resettlement Action Plan (RAP) – and sets the format/template for the preparation of the RAP.

The World Bank resettlement policy, ESS5 ensures that the negative impacts of the project are minimized or mitigated. When displacement occurs, the affected persons/people are compensated for their loss (of land, property, or access) in kind -- e.g., land for land -- or a combination of land and cash or, when appropriate, cash compensation.

#### **ES6: preparing and approving resettlement and compensation plans**

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have



not yet been fully identified. The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed.

A detailed, time-bound implementation schedule will be included in each RAP, which will include the specification of the sequence and time frame of the necessary activities for land acquisition, release of funds to the acquiring agency, payment of compensation for various categories of loss and relocation, demolition of structures and transfer of land, grievance redress, and monitoring and evaluation.

#### **ES7: eligibility criteria for various categories of persons**

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the project area before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance, except possibly for moving expense. Similarly, assets built after the cut-off date are not eligible for compensation.

#### **ES8: methods of valuing assets and compensation arrangement**

In ensuring that during the project implementation, PAPs will be provided full replacement cost of lost structures and other impacted assets and are able to rebuild or replace their structures/assets without difficulties. The valuation will estimate asset compensation rates based on full replacement cost without depreciation (Table 9). The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations.

Valuation shall be based on comparisons to recent comparable transactions/costs and comparable assets or land and not simply on general tables that may be out of date and may be based on non-comparable assets or land.

#### **ES9: grievance redress mechanism**

The DARES RPF provides for grievance redress mechanism which is a non-judicial procedure within the agency (ies) responsible for resettlement. It is anticipated that, this will allow for an unencumbered fora for people to express their dissatisfaction overcompensation and R&R provisions as well as minimization of avoidable legal delays of the project. All grievances or complaints shall be registered and compiled regularly for project management.

A Rehabilitation and Resettlement Committee shall be constituted within the PMU to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected families and to carry out post implementation social audits.

#### **ES10: implementation schedule**

The Rural Electrification Agency (REA) will be the main responsible institution for implementing the Project. REA will also facilitate liaisons with all key private sector entities that

are to be involved in preparing and implementing the actual subprojects and ensure that every effort is made to enhance the positive impacts of the project and reduce/mitigate negative impacts. The PMU shall set up an Environmental and Social Safeguards Unit with staff trained in resettlement, which shall ensure and supervise the implementation of this RPF and preparing RAPs in each State.

### **ES11: consultation and stakeholder participation**

For DARES, public consultation and stakeholder participation which have been initiated during the preparation of this RPF are considered. This RPF will document those that were consulted, date, concerns raised and how the RPF/DARES responds to these concerns.

Upon finalization, this RPF shall be disclosed in-country to the public for review and comment at designated locations in the participating Ministries, Department and Agencies namely, the Federal Ministry of Environment, REA offices in the FCT, states and on the World Bank's external website before it is approved by the Bank. Individual RAPs that shall be prepared for each sub-project based on the guidelines and procedures highlighted in this RPF document which are also expected to be disclosed in the same manner as this RPF.

### **ES12: institutional framework**

**Rural Energy Agency:** REA will provide overall coordination of the Project and lead in the implementation of the different components (1-3), which will include overall responsibility for resettlement and compliance monitoring. Further, REA will be responsible for the overall coordination of the project implementation and oversight.

To achieve this, REA has put in place a Project Management Unit (PMU) for coordinating the day-to-day activities with the relevant line departments. Specifically, regarding Environmental and social issues, the PMU, through its Safeguards Unit, will liaise closely with other relevant MDAs, Mini grid developers/ companies and other in preparing a coordinated response on the environmental and social aspects of the DARES sub-projects.

An officer of the PMU designated as the Social Safeguards Specialist to oversee the implementation of this Safeguard instrument (this RPF) as well as any other social provisions as deemed fit for project implementation as per the regulations of the World Bank and Government of Nigeria and the respective State governments.

### **Mini-grid developers/companies**

Mini-grid developers/companies will play a critical role in the implementation of this resettlement policy framework. As beneficiaries of subsidies / and or performance grants under the DARES, mini-grid companies will have the responsibility of preparing and implement safeguards instrument (RAPs, ESMP). These instruments will be prepared in compliance with this Resettlement Policy Framework, Environmental and Social Management Framework and in

accordance with national regulations related to land acquisition. The RAP prepared by developer will be cleared by REA and sent to World Bank for review and clearance.

**ES13: monitoring and evaluation**

To successfully complete the resettlement management as per the implementation schedule and Compliance with the policy and entitlement framework, REA safeguards unit will be responsible for monitoring and evaluating the implementation of the RPF and relevant RAPs.

Monitoring and evaluation will be a continuous process and will include internal and external monitoring. The safeguards officer shall play a key role in reporting the progress of implementation as well as compliance to the PMU and the World Bank.

The RPF underscores the importance of monitoring and evaluation of the sub projects under the DARES. It also highlights mechanisms for internal and external monitoring and provides the indicators.

# CHAPTER ONE

## 1.0 INTRODUCTION/ Background

The FGN launched the Nigeria Electrification Project (NEP) in June 2018 as a results-based, private-sector led initiative to implement the RESIP. NEP is FGN’s flagship off-grid access program, and it leverages USD 550 million of public financing (USD 350 million credit support by WB and USD 200 million loan support by AfDB) and crowds in the private sector expertise and financing with an aim to connect over 3.5 million people, 705,000 households, 90,000 MSMEs, 12 universities, 3 teaching hospitals, 100 COVID isolation centres and 400 primary health centres. The project has catalysed large-scale private sector investments through grant/subsidy-based instruments to kickstart private sector led off grid and mini grid sectors in Nigeria).

Nigeria announced its ambition to reach universal electricity access by 2030 as part of its Energy transition Plan (ETP). The ETP was approved by the Federal Executing Council (FEC) on February 2, 2022, following its unveiling by H.E. President Buhari during the United Nations (UN) Climate Change Conference in Glasgow (COP26). The ETP is a bold statement of ambition from the FGN to achieve universal electricity access by 2030 and a carbon-neutral energy system by 2060. The ETP estimates that the country would need about US\$410 billion over business-as-usual spending over the next 30 years to achieve universal access and carbon neutrality. Currently, the power sector is unprepared to meet this challenge from a planning, institutional, and funding perspective.

At the COP27 Climate Change Conference in Sharm el-Sheikh, Egypt, the WBG announced a new joint program—the WBG **Distributed Access through Renewable Energy Scale-Up Platform, or DARES Platform**—to triple the pace of electrification in Sub-Saharan Africa. DARES has five core areas: Mini-Grids, off-grid solar markets, systems for schools and health facilities, solar irrigation and cold chain for farmers, and innovative business models to displace diesel generation and improve access reliability.

Given the financing need of more than USD 25 billion for universal electrification in Nigeria, the scope of DARES will be to assist REA in the creation of an ecosystem of adequate risk allocation among stakeholders (regulator, private sector, financial institutions, policy makers) that would facilitate scale-up of different business models be it Mini-Grids, solar home systems, electrification of public institutions, productive loads in agriculture or solar / inter-connected mini grid solutions for urban consumers.

The proposed project supports key priorities of Nigeria’s Intended Nationally Determined Contribution (INDC) to mitigate greenhouse gas (GHG) emissions. Nigeria intends to eliminate the use of kerosene lighting by 2030. By supporting electricity access expansion in rural and remote areas using renewable energy generation and improving urban grid reliability through distributed renewables, the proposed project intends to reduce the use through fossil-fuel based gensets for lighting and productive uses.

Nigeria DARES project will scale up successful elements of the NEP. NEP has catalyzed the establishment of an off-grid and mini grid industry in the country, with 52 off-grid solar companies and 61 mini grid companies that have met rigorous qualification requirements to participate in the program.

DARES will include policy and partial financing support for productive uses to boost economic activity and improve human capital indicators while enhancing the financial viability and sustainability of ongoing electrification efforts. Inclusion of productive use as a focus area will create a win-win scenario for developers, rural entrepreneurs, and communities. The nexus between electrification and income-generating activities provides an opportunity to enhance productivity in Nigeria while improving livelihoods in peri-urban and rural communities.

DARES also intends to support electricity transition in Nigeria through a massive genset replacement drive – powered by Urban electrification and densification. 85 percent of the urban population is connected to the grid, and yet they receive on average only 7 hours of electricity a day from it. Nigerian firms spend 3 to 4 times their grid tariff on diesel/gasoline gensets to meet their electricity demand negatively impacting their competitiveness. The current urban landscape can be divided into the following segments – residential communities, urban market centres mostly featuring micro, small, medium enterprises (MSMEs), commercial and industrial (C&I) installations and public institutions – all connected to the Disco grid but remain “underserved”.<sup>2</sup> Typical consumer affordability and willingness to pay in urban areas is assumed to be higher than rural consumers on an aggregate basis. Both behind the meter (solar systems, rooftop solar), and grid-connected solutions (grid-connected rooftop solar, Interconnected Mini-Grids<sup>3</sup>, Disco franchise) remain available options. Each market segment has its own risk profile, and for the many business or delivery models, the key differences are who finances, builds, and operates them. The solutions can range from pure commercial to limited public finance support. DARES will focus on a “market creation” approach to identify and deploy commercially viable solutions that have the potential for rapid scale-up with limited public finance support to provide underserved consumers with reliable, cleaner, and affordable power compared to their current setup of an unreliable grid, combined with polluting and expensive gensets.

DARES will directly benefit Nigerian power sector customers including residential, commercial, and industrial customers and in particular women, with broader spill over benefits to other power sector participants and the broader Nigerian economy and environment. Reliable access to quality electricity supply will improve customer productivity and removes a major constraint to economic development.

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<sup>2</sup> Nigerian regulations define an underserved area as: “an area that is already connected to the main grid through an existing main grid-connected distribution company (Disco), but the Disco’s service is poor.

<sup>3</sup> Mini grid that is electrically connected to a Disco’s existing grid. Electrically connected means electrical energy can safely flow across the boundary between the two systems.

**The Project Development Objective (PDO)** is to increase access to electricity services for households and MSMEs with private sector-led distributed renewable energy generation.

**Table 1 Indicative resource allocation**

	<b>Components/ Focus Areas</b>	<b>Public Finance Provided (PFP) US\$</b>	<b>Private Capital Mobilized (PCM) and Grant Mobilized (GM) US\$</b>
1.	<b>Solar Hybrid Mini-grids</b> i.e., Isolated mini-grids, interconnected mini-grids, solar roof top and franchising/embedded generation	410 million	613 million
2.	<b>Off grid Solar</b> i.e., Solar Home Systems (SHS), Solar Productive Use Equipment (PUE) etc.	300 million	415 million
3.	<b>Technical Assistance</b> <sup>4</sup>	40 million	40 million
	<b>Total</b>	<b>750 million</b>	<b>1,068 million</b>

### 1.1 Need for the DARES Project

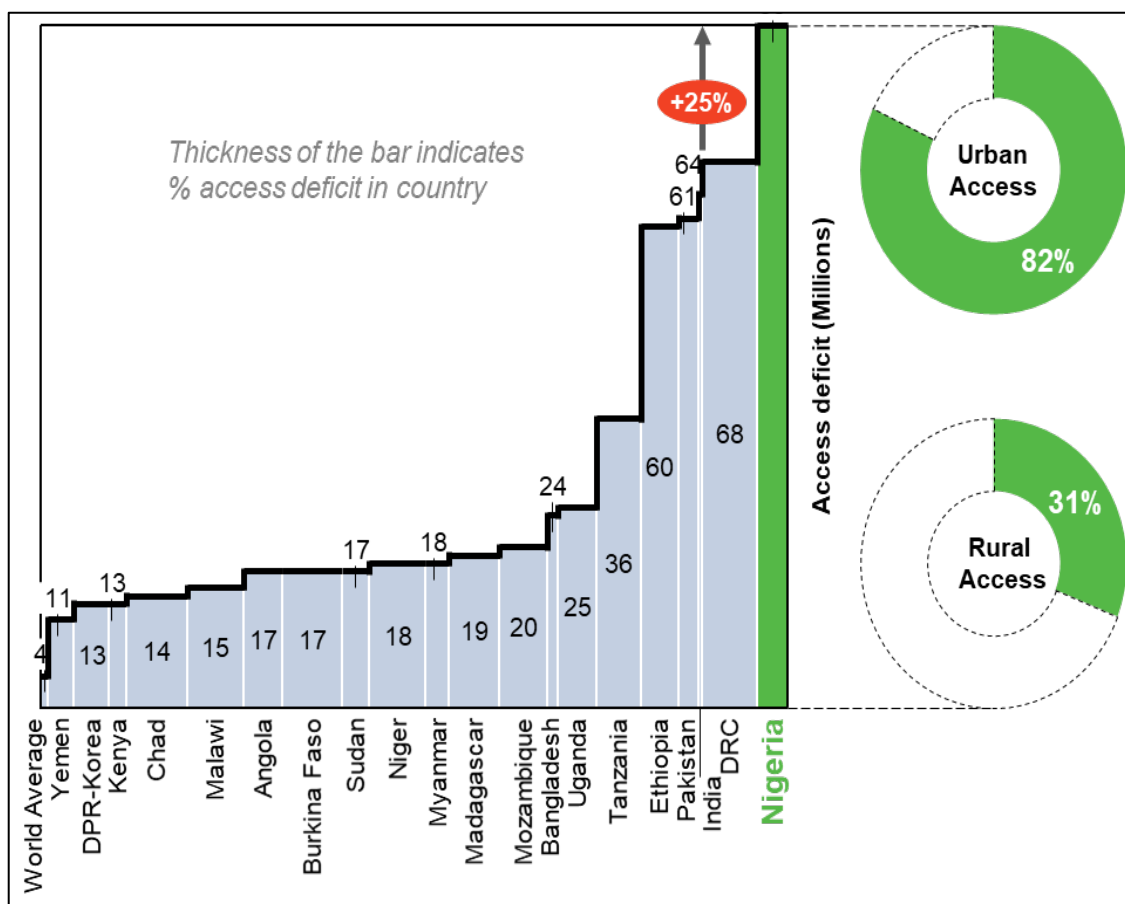
Nigeria has the largest electricity access deficit in absolute terms of any country in the world, and the trend is worsening. As of 2020, 55 percent of Nigeria’s population had access to electricity, leaving over 91 million people without access.<sup>5</sup> Large disparities exist in access between urban areas (82 percent) and rural ones (31 percent) as well as by income, with only 31 percent of the poorest 40 percent of the population<sup>6</sup> having access to electricity nationwide. The electricity access deficit has remained at 45 percent since 2015, and yet the net access deficit has increased by over 7 million citizens over the last decade, as the rate of population growth has outpaced the increase in electrification, making Nigeria an outlier even in Sub-Saharan Africa. Access to electricity has not only impacted households but has presented a challenge for effective delivery of essential public services such as health and education. Only 40 percent of functional primary health facilities and 26 percent of primary schools in Nigeria have access to electricity.

<sup>4</sup> Estimated Grant Mobilized (GM) for technical assistance assumes that DARES will synergize with other development partners by leveraging on-going or already planned TA for similar endeavor in the sector to avoid duplication of efforts.

<sup>5</sup> [Tracking SDG7](#), World Bank 2022.

<sup>6</sup> NBS survey data

**Figure 1: Deficiency in Electricity Access in Nigeria**



(Source: WB)

## 1.2 Rationale for the RPF

Preliminary studies and assessments recognized the positive social and economic impacts that the project is envisaged to generate however, there is a concern regarding the possible social and environment risks and impacts that may arise and therefore need to be ascertained and their mitigation measures developed as key requirement for Government of Nigeria (GON) and the World Bank before approval of such projects.

The subproject activities of the proposed DARES would inevitably lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources for attendant communities. This will trigger the relevant laws and policies in the country and the World Bank Environmental and Social Standard 5(ESS5): Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement and as a result there is need for resettlement planning and implementation. The development of a Resettlement Framework will guide the preparation of the Resettlement Action Plans (RAP) for the respective project sites. This RPF provides the

framework within which Resettlement Action Plans will be developed when specific locations and impacts of the sub-project have been identified.

The RPF provides a practical tool (e.g., screening checklist) to guide the preparation of resettlement Action Plans (RAPs) for sub-projects during the implementation of the DARES.

During project preparation, specific information on numbers of sub-projects, site location, local communities, geo-physical land features, nature, etc., where not available. Thus, it is difficult to identify what the specific social impacts of the sub-projects are regarding the exact locations and magnitude of the sub-projects (volume, scope, scale and/or actual nature of activities, etc.). This implies that at present, those to be impacted, nature of impacts is not yet known. The difficulties inherent in defining what the real social impacts of the proposed sub-projects are, coupled with the fact that the exact locations and magnitude of sub-projects are known at present necessitate the development of an RPF.

The RPF sets out the policies, principles, institutional arrangements, schedules, and indicative budgets that will take care of any anticipated resettlements. These arrangements shall also ensure that there is a systematic process (as against an ad hoc one) for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Government procedures and requirements, and outline compensation for affected persons.

When a Resettlement Action Plan (RAP) is required it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, Stakeholder Engagement and Information Disclosure (Environmental and Social Standard 10). This RPF follows the guidance provided in the World Bank Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement described in Annex 1; This RPF seeks to ensure that any possible adverse impacts of proposed project activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks.

### **1.3 Objective of the World Bank's Resettlement policy ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement**

The objective of the World Bank's resettlement policy is as follows:

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



displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

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

#### **1.4 Scope of the RPF**

The Resettlement policy framework clarifies resettlement principles, organizational arrangements, and design criteria to be applied during project implementation. Subproject resettlement plans consistent with the RPF will subsequently be submitted to the Bank for approval after specific planning information becomes available. It should be noted that the policy is designed to mitigate harm caused by displacement or land acquisition occurring in the process of DARES implementation. It is not designed to address “economic displacement” in itself. It is also not designed to mitigate damages caused by processes occurring prior to the DARES interventions of any subproject.

This RPF covers the following key areas:

- a. A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why an RPF;
- b. Principles and objectives governing resettlement preparation and implementation, including a legal analysis and framework, reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- c. A clearly set out screening process for all subcomponents and a description of the process for preparing and approving RAP, including outlining the process and content required for the preparation of such plans;
- d. Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- e. Eligibility criteria for defining various categories of displaced persons;
- f. A Methodology to precisely identify the affected population before the intervention; and to assure that this population will be the beneficiary of the relocation;

- g. A Methodology for valuing affected assets; Compensation and assistance are to be based on the overall principle that people shall not suffer net losses because of the project.
- h. Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- i. A description of the implementation process, linking resettlement planning and implementation to both civil works and livelihood strategies;
- j. A description of grievance redress mechanisms that needs to be supported or established;
- k. A description of the arrangements for funding resettlement including the preparation and review of cost estimates, the flow of funds, and the contingency arrangements
- l. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;
- m. Arrangements for monitoring by the implementing agency and if required, by independent monitors;
- n. Template for the design of sub-project RAPs; and
- o. A description of the processes of monitoring, verification and evaluation required for effective implementation of the resettlement process.

### **1.5. DARES RPF Main Tasks**

Below is an outline of a detailed description of the process of preparing this RPF:

- (i) Project Description.
- (ii) Legal and Institutional Guidelines and Requirements.
- (iii) World Bank ESF.
- (iv) Social Assessment and Socio-Economic Survey.
- (v) Estimated Population, Displacement and Categories of Affected People.
- (vi) Eligibility Criteria for various Categories of Affected People.
- (vii) Entitlement Matrix for proposed Resettlement and Compensation Policy.
- (viii) Methods for Valuing Affected Assets.
- (ix) Organizational Arrangement and Procedures for Delivery of Entitlement.
- (x) Methods for Consultation with and participation of Affected People.
- (xi) Grievance Redress Mechanism.
- (xii) Budget and Funding Arrangement.
- (xiii) Monitoring Arrangements.
- (xiv) Implementation Schedule.

## CHAPTER 2: PROJECT DESCRIPTION

### 2.0 Project Location

In Nigeria, there are 36 states and Federal Capital Territory (FCT) - Abuja. The 36 states are organised in 6 Geo-political zones consisting of six defined geopolitical zones namely North Central, Northeast, North-west, South-East, South-South and South-West.

**Table 2: 36 States in the 6 Geo-Political Zones in Nigeria**

Geo-Political Zone	State
South-East	Abia
	Anambra
	Ebonyi
	Enugu
	Imo
North-East	Adamawa
	Bauchi
	Borno
	Gombe
	Taraba
	Yobe
South- South	Akwa Ibom
	Bayelsa
	Cross River
	Delta
	Edo
	Rivers
North –Central	Benue
	Kogi
	Kwara
	Nassarawa
	Niger
	Plateau

Geo-Political Zone	State
South-West	Ekiti
	Lagos
	Ogun
	Ondo
	Osun
	Oyo
North- West	Jigawa
	Kaduna
	Kano
	Kebbi
	Sokoto
	Zamfara

## 2.1 Project Components

**Component 1. Accelerating Mini grids (US\$1023 million, US\$ 410 million equivalent from IDA, and US\$ 613 million from private sector funding).** This component will support the development of privately owned and operated solar hybrid mini grids in unserved (primarily rural and remote) and underserved (primarily urban and peri-urban) areas with high economic growth potential. The mini grid component consists of two investment sub-components defined by their different subsidy approaches. It will be implemented in parallel: Sub-Component 1.1- the minimum subsidy tender and sub-component 1.2- performance-based grant program. These sub-components target different sets of private developers (although there may be some overlap), as summarized in Table 2 below.

**Table 2. Description of component 1**

Component	Approach					Result Based Grant	
	Objective	Geographic	Site selection	Target Cluster Type	System Capacity	Determination	Type
<b>1.1 Minimum Subsidy Tender</b>							
<b>MST for Isolated Mini Grids</b>	Last-mile access	Rural, Remote	REA led (aggregated demand)	Residential and MSMEs	Up to 1MW	Competitive	Per connection

<b>MST for Interconnected Mini Grids</b>	Energy Transition Reliable supply	Urban, peri-Urban	DISCO led (aggregated demand)	Residential and economic clusters <sup>7</sup>	Up to and above 1MW	Competitive	Percentage of CAPEX
<b>State Government Led Solar Rooftop Solution</b>	Energy Transition Reliable supply	Urban, peri-Urban	State govt. led (aggregated demand)	Large general hospitals	Up to and above 1MW	Competitive	Percentage of CAPEX
<b>1.2 Performance-Based Grants</b>							
<b>PBG for Isolated Mini Grids</b>	Last-mile access	Rural, Remote	Developer led (site by site)	Residential and MSMEs	Up to 1MW	Pre-determined	Per connection
<b>PBG for Interconnected Mini Grids</b>	Energy Transition Reliable supply	Urban, peri-Urban	Developer led (site by site)	Residential and economic clusters	Up to 1MW	Pre-determined	Percentage of CAPEX

**Sub-Component 1.1: Minimum Subsidy Tender for Mini Grids (IDA US\$215 million equivalent).** The MST sub-component will aggregate demand and prepare portfolios of mini grid projects for tender. The mini grids will be privately financed, owned, and operated, and the tender will select the developer that needs the lowest subsidy to do so. Three separate MST pipelines will be used; one for isolated mini grids, one for interconnected mini grids, and one for solar rooftops in Lagos.

**Component 1.2: Performance-Based Grants (PBG) Program (IDA US\$195 million equivalent).** Under this sub-component, REA will provide administratively set PBGs to mini grid operators based on new customer connections (US\$/end users) for isolated mini grids and the percentage of CAPEX for interconnected (grid-connected) mini grid projects. Performance-based grants will be made available to mini grid developers on a rolling basis and differentiated based on geographic and socio-economic factors (determined by existing mini grid activity) and consumer classes (residential, PUE). Eligible projects must have minimum commercial or productive loads to ensure sustainability overall.

**Component 2. Stand-alone Solar Systems for Households, MSMEs, and Agribusinesses (IDA US\$715 million equivalent, of which US\$300 million IDA equivalent and US\$415 million from private sector funding).** This component as further described in table 3 will expand the availability and affordability of standalone solar systems (SAS) for households (basic electrification), MSMEs, and agribusinesses (PUE support) in rural areas. Through targeted and

<sup>7</sup> Economic clusters are locations with high density of commercial and productive activities adding economic value which are also co-located. Examples are markets, plazas, cottage industries, commercial streets, agro-allied centers etc.

competitively awarded performance-based and catalytic grants, the uptake of 2,750,000 quality-certified solar home systems (SHS) and 75,000 PUE products in rural areas and among lower-income segments will be promoted. Under sub-component 2.1, the performance-based grants (PBG) will provide results-based payments per connection (verified product sale). Under sub-component 2.2., catalytic upfront grants will support companies seeking to distribute in hard-to-reach, underserved areas focusing on poor, remote, and hardest-to-reach consumers.

**Table 3: Description of component 2**

Component	Approach				Subsidy	
	Objective	Modality	Geographic	Target	Determination	Type
<b>2.1 Performance Based Grants</b>						
<b>PBG for SHS</b>	Last mile access	Private Sector led	Rural, remote	Households, MSMEs	Pre-determined	Per connection
<b>PBG for PUE</b>	Productive uses	Private sector led	Rural, remote	MSMEs, farmers, Agribusinesses,	Pre-determined	Per connection
<b>2.2. Catalytic Grants</b>						
<b>Catalytic Grant</b>	Last mile access in fragile, hard areas	Private sector led	Rural, remote	Households, MSMEs, agribusinesses	per business plan	Milestone based

**Sub-Component 2.1 Performance Based Grants for Standalone Solar (SAS) (IDA US\$ 280 million equivalent).** The sub-component will provide PBGs with the ability to rapidly deploy SAS solutions in rural and underserved areas. Supply and demand side support will be provided through the PBG to address the viability and affordability gap, respectively. Companies will receive a grant based on independently verified outputs with incentives varying by location and type of business model. The sub-component will help reduce the end-user prices for households identified as poor and vulnerable by the National and State Social Registry. This sub-component will also support deploying solar-powered PUE equipment to MSMEs, agribusinesses, and commercial customers.

**Sub-Component 2.2: Catalytic Grants (IDA US\$ 20 million equivalent).** This sub-component will incentivize companies targeting the poor, remote, or hardest-to-reach consumers in the country. Grants will be offered on a matching basis to ensure the company commits its funding and has ‘skin in the game.’

**Component 3. Technical Assistance (US\$80 million, US\$40 million IDA equivalent and US\$40 million from other development partners).** This component will be supported by financing and collaboration from various development partners, such as GEAPP, SEforALL, JICA, USAID, etc., to create an ecosystem for universal electrification.

**Sub-Component 3.1: Institutional Strengthening (US\$ 10 million IDA equivalent)** will support activities to build institutional capacity, including (i) strengthening of implementation capacities of REA and FMOP (ii) development of critical studies, including the national electrification plan.

**Sub-Component 3.2: DARES Ecosystem and Implementation (US\$ 20 million IDA equivalent)** will focus on (i) pipeline preparation for isolated and interconnected mini grids; (ii) building the PUE ecosystem, including geospatial mapping, demand stimulation and capacity building of financial institutions on market-based products and pricing, financial literacy; and (iii) managing E&S risks, including the development of citizen engagement framework.

**Sub-Component 3.3: Engagement with States (US\$ 10 million IDA equivalent)** will focus on (i) supporting states in crafting their role in the energy transition agenda during decentralization by providing TA for designing electricity markets, building capacity of state-level sector institutions, developing regulatory and procurement capacity, and preparing policy framework and its implementation; (ii) determining viability for solar rooftop and setting up a one-stop-shop model for market creation – for interested and qualified states.

### **2.3. DARES Impacts that could lead to Displacement.**

The main investments/sub projects envisaged to have displacement potential are listed below and mainly entail those under subcomponent (ii) the construction of the following infrastructure will lead to permanent or temporary land acquisition:

- Land for setting up mini grids.

The exact impact of the proposed investments is unknown at this stage and will only be known when further feasibility work is carried out in locations proposed for the said components. Nevertheless, the construction of mini grids, and installation of solar panels that involve land acquisition has the potential of adversely affecting the livelihoods of communities in selected sites specifically through involuntary resettlement. Private land and assets (farmland), cultural and community assets as well as spiritual sites may also be affected.

### **2.4. Potentially Affected Persons and the number likely to be involved.**

At this stage of DARES preparation, the exact size of land-space to be used, exact location of and actual sub-project activities, and numbers of affected peoples, are not available. The socio-economic study/survey during RAPs preparation will provide more information on the social conditions of the potentially affected persons and even estimates.

## **CHAPTER 3: LEGAL/INSTITUTIONAL GUIDELINES, REQUIREMENTS AND SAFEGUARD POLICIES**

### **3.0 Introduction**

This Section considers the various land tenure and ownership systems in Nigeria, the different legal instruments regarding government and individual acquisitions and resettlement and compensation policies. Construction, expansion and upgrading of power generation and distribution plants works best when there is a supportive policy and legal framework, particularly:

- (a) Policies that facilitate decentralized and participatory development;
- (b) Institutional arrangements that allow and encourage public agencies at all levels to work together; and
- (c) An approach to access to natural resources that reflects local legislation and tenure practices and problems.

Land tenure is a challenge for developmental projects. Hence there needs to be a clear understanding of the policy and legal framework and local practices of how a project can work within this framework to promote investment especially when issues of resettlement arise.

### **3.1 Land Ownership in Nigeria**

A range of diverse cultural and traditional practices and customs characterize land ownership in Nigeria. The legal framework for land acquisition and resettlement in Nigeria is the Land Use Act (LUA) of 1978. However, the Land Use Act (LUA) of 1978, reviewed under Cap 202, 1990 is the legal framework for land acquisition and resettlement in Nigeria.

Electricity projects are land based. To this end, various interests, and titles to particular pieces of land may be impacted. Therefore, an analysis of the legal framework for the project will be carried out in the RAP and this will consider the various land holding arrangements in the assessment of entitlements and compensations for the various interests for lands acquired.

Below is a broad land ownership classification in Nigeria:

1. Community land (Ancestral Land): owned by all the people.
2. Communal land: consists mostly of under-developed forests and is owned by nobody. Those who clear it first claim ownership.
3. Clan or family land: owned by clans and families.



4. Institutional land: land allocated to traditional institutions such as traditional authorities and chiefs.
5. Individual land: land acquired by an individual, which may be inherited by the immediate family, depending on customary practices, or purchased or allocated by the government.

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

## **3.2 Nigerian Legal/Institutional Guidelines and Requirements**

### **3.2.1 Land Use Act of 1978 and Resettlement Procedures**

The Land Use Act, 1978 (amended as 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. The Governor 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 rural lands. 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”.

Relevant Sections of these laws with respect to land ownership and property rights, resettlement and compensation are summarized in this section.

The concept of ownership of land as known in the western context is varied by the Act. The Governor administers the land for the common good and benefits of all Nigerians. The law makes it lawful for the Governor to grant statutory rights of occupancy for all purposes including agricultural activities, grant easements appurtenant to statutory rights of occupancy and to demand rent. But the limit of such grant is 500 hectares for agricultural purpose and 5, 000 for grazing with the consent of the Governor.

The Statutory rights of Occupancy are for a definite time (the limit is 99 years) and may be granted subject to the terms of any contract made between the state Governor and the Holder.

The local Government, under the Act is allowed to enter, use, and occupy for public purposes any land within its jurisdiction that does not fall within an area compulsorily acquired by the

Government of the Federation or of relevant State; or subject to any laws relating to minerals or mineral oils.

### **3.2.2 Requirements of the Land Use Act**

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

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

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

Where a right of occupancy is revoked on the ground either that the land is required by the Local, State or Federal Government for public purpose or for the extraction of building materials, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements. Unexhausted improvement has been defined by the Act as:

*anything of any quality permanently attached to the land directly resulting from the expenditure of capital or labour by any occupier or any person acting on his behalf, and increasing the productive capacity the utility or the amenity thereof and includes buildings plantations of long-lived crops or trees, fencing walls, roads and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce.*

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

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

### **3.2.3: Land Acquisition Procedures in Nigeria**

Land acquisition procedure in all the states of Nigeria is similar and derives from the national legislation- the Land Use Act 1978. According to sections 28 and 29 of the legislation, the compulsory land acquisition needs to follow these steps:

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

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

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

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

- a. Compensation is not paid for fallow or undeveloped land i.e., with no physical improvements resulting from expenditure, capital, or labor.
- b. Compensation is estimated based on the value of improvements.
- c. The provision of Section 6(5) of the Act, which defines that the “holder” and the “occupier” of customary right of occupancy are entitled for this compensation, is rather confusing and vague as it fails to acknowledge that the holder of the certificate of occupancy might be different from the occupier /user of the land, just as the user of improvement on land (e.g. house) may be a tenant rather than the owner, who is the holder of certificate of occupancy.

When the right of occupancy is revoked in respect of a part of a larger portion of land, compensation shall be computed in respect of the whole land for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked less a proportionate amount calculated in relation to the area not affected by the revocation; and any interest payable shall be assessed and computed in the like manner.

- d. When there are buildings, improvement or crops on the portion revoked, the compensation amount shall follow the principle outlined above.

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

### **3.3 The World Bank Environment and Social Standards**

Since October 2018, all World Bank funded Investment Project Financing (IPF) are required to follow the Environmental and Social Framework (ESF) consisting of ten (10) Environment and Social Standards (ESS). These ESSs set out their requirement for the borrowers relating to the identification and assessment of environmental and social risks and impacts associated with any project. The ESSs support the borrowers in achieving good international practice relating to environmental and social sustainability, assist them in fulfilling their national and international environmental and social obligations, enhance transparency and accountability and ensure sustainable development outcome through continuous stakeholder engagement. Among the 10 standards, ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can

have adverse impacts on communities and persons. This RPF has been prepared following the guidelines suggested under ESS5.

### **3.3.1 Objectives of ESS 5**

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

### **3.3.2 Applicability of ESS5**

ESS5 will apply as the direct social and economic impacts of a project that are permanent or temporary.

and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. The ESS5 also applies in case any subproject activities found as ‘linked’ or ‘associated facility’. This ESS5 requirements and provisions apply to all components of DARES Project that result in involuntary resettlement, regardless of the source of financing. In addition, ESS5 applies to permanent or temporary physical and economic displacement resulting

from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- Displacement of people because of project impacts that render their land unusable or inaccessible;
- Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- Land rights or claims to land, or resources relinquished by individuals or communities without full payment of compensation; and
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

### **3.4. Nigerian Law and World Bank ESS5 on Compensation– A Comparison**

The table below shows a comparison between compensation in Nigerian Land law and the WB policy. Whereas the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. The Bank’s ESS5 is structurally different from this and states that affected persons are entitled to some form of compensation whether they have legal title if they occupy the land by an announced cut -off date.

The Nigeria Land Use Act and World Bank ESS5 agree that compensation should be given to PAPs in the event of land acquisition and displacement of persons prior to the commencement of

works. Thus, all land to be acquired by the government for this project will be so acquired subject to the Laws of Nigeria and the Bank ESS5

In the event of divergence between the two, the World Bank safeguard policy shall take precedence over Nigeria Land Use Act.

**Table 3: Comparison of Nigerian Law and World Bank ESS5 regarding compensation**

Category	Nigerian Law	World Bank ESS5	Measures to Filling the Gaps
Minimization of resettlement	No requirement to consider all options of project design to minimize the need for resettlement or displacement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs	Design of footprints of project-related activities, particularly commercial farmland, will be undertaken to minimize resettlement. Owners of affected asset will be allowed to salvage usable materials without depreciation.
Information and Consultation	It's lawful to revoke or acquire land by the governor after issuance of notice. No consultation is required.	PAPs are required to be meaningfully consulted and participate in the resettlement process	PAPs shall be meaningfully consulted and engaged in the resettlement process
Timing of Compensation	The law is silent on timing of payment	Compensation implementation to take precedence before construction or displacement	Compensation and resettlement implementation to take place before construction or displacement
Livelihood restoration	Makes no proscription on livelihood restoration measures	Requires that vulnerable PAPs be rehabilitated	Livelihood restoration measures will be put in place for vulnerable PAPs
Grievance Process	The land use and allocation committee appointed by the Governor is vexed with all disputes/grievances	Requires that a grievance redress mechanism be set early constituting the representative of PAPs and prefers local redress mechanism.	A grievance redress committee (GRC) shall be established early and existing local redress process shall be considered to address issues of project induced grievances. PAPs

Category	Nigerian Law	World Bank ESS5	Measures to Filling the Gaps
	and compensation matters	The law court is the last resort when available mechanism or outcome is unsatisfactory to PAP	or their representatives shall be members of the GRC.
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary rights	Compensation in cash to the community, chief or leader of the community for the benefit of the community	Land for land compensation or any other in-kind compensation agreed to with the community	Land for land compensation or any other in-kind compensation agreed to with the community
Agricultural land	Entitled to alternative agricultural land <sup>8</sup>	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation subject to land holding right	Land for land compensation subject to land holding right
Statutory and customary right Landowners	Cash compensation equal to the rent paid by the occupier during the year in which the right of occupancy was revoked	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.

<sup>8</sup> Nigerian Land Use Act (1978)



<b>Category</b>	<b>Nigerian Law</b>	<b>World Bank ESS5</b>	<b>Measures to Filling the Gaps</b>
Squatters' settlers and migrants	Not entitled to compensation for land but entitled to compensation for crops.	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land
Owners of "Non-permanent" Buildings	Cash compensation based on market value of the building (that means depreciation is allowed)	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Owners of "Permanent" buildings, installations/. Loss of structures/ buildings.	Resettlement in any other place by way of reasonable alternative accommodation or Cash Compensation based on market value. /	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement. /Cash compensation at replacement cost for lost item free of depreciation, transaction costs, and other deductions.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement. compensation of structures/ building at replacement cost when the salvaged materials remain with the developer or landowner provides full reimbursement to the owner. It is hoped that this can be formalized without legal reform but only a Decree for WB projects or through the inclusion of additional safeguard covenants into the loan agreements which are equivalent of the international treaty or agreement.

<b>Category</b>	<b>Nigerian Law</b>	<b>World Bank ESS5</b>	<b>Measures to Filling the Gaps</b>
Rejection of compensation	No categorical statement	The taking of land and related assets may only proceed if the project 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 must provide a means satisfactory for resolving the dispute concerning the offer of compensation in a timely and equitable manners as issues are resolved.
Attention to vulnerable groups	Does not have any provision to give special attention to the vulnerable groups like women, disables or disadvantaged group	Special attention will be taken by the project for the vulnerable groups i.e., additional grant, livelihood training, job opportunities during construction etc.	Special attention will be taken by the project for the vulnerable groups i.e., additional grant, livelihood training, job opportunities during construction etc.

## **CHAPTER 4:**

### **PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION**

#### **4.0 Introduction**

Generally, involuntary resettlement, unless properly managed, may result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. For these reasons, most projects supported by the Bank, like DARES, are designed to avoid involuntary resettlement. Where it is unavoidable to embark on involuntary resettlement, appropriate measures to minimise to the extent possible are chosen. For adverse impacts on displaced persons and host communities, carefully planned and implemented framework are ensured to mitigate the levels.

#### **4.1 DARES and the Principle of Involuntary Resettlement**

Under ESS5, those affected by resettlement are defined as those who are directly affected socially and economically by:

- (a) The taking of land and other assets resulting in:
  - Relocation or loss of shelter;
  - loss of assets or access to assets; or
  - loss of direct income sources or means of livelihood (i.e., income and livelihoods directly dependent on the affected areas) whether the affected persons must move to another location.
- (b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The Bank ESS5 applies to the DARES in:

- 1. All components under the project, whether they are directly funded in whole or in part by the Bank.
  - 2. All persons displaced due to the sub-projects after the cut-off date regardless of the total number affected and the severity of the impact and whether they have legal title to the land.
  - 3. Squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy who should be entitled to assistance in accordance with the objectives of the RPF.
- (c) This RPF further applies to other activities resulting in involuntary resettlement that are:
- i. Directly and significantly related to DARES sub-projects during implementation.

- ii. Necessary to achieve its objectives as set forth in the project documents; and
- iii. Carried out, or planned to be carried out, at the same time as the DARES sub-projects.

As required by the policy, implementation of individual resettlement and compensation plans under DARES are a prerequisite for the commencement of sub-project activities causing resettlement.

It is further required that these measures include provision of compensation required for relocation, prior to displacement, and preparation and provision of resettlement sites (if necessary) with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to such assets should take place only *after* compensation has been paid or, where applicable, resettlement sites, new homes, related infrastructure, public services. In all cases, of displacement, moving allowances and other necessary transitional expenses shall be provided to displaced persons. Persons deemed to be vulnerable shall be provided with appropriate support that allows them to resettle to a new location without undue hardship. This assistance could include special transportation, assistance in locating a suitable new location and helping to set up suitable social support services in the new location such as mobility.

Below an overview of options that can be offered to compensate loss of land or access to normal means of livelihood) is given:

- Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate.
- Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable.
- Make alternative housing and/or cash compensation available prior to relocation.
- Build new resettlement sites for displaced persons with improved living conditions.
- In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location or cash compensation at full replacement value.
- Where these displaced persons own and occupy structures, compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost but sufficient for them to re-establish themselves elsewhere. Note that a floor should be set under compensation to ensure that project operations do not result in homelessness or landlessness (for farmers).

Compensation in kind in lieu of cash should be made when the affected party depends on land for livelihood where feasible. Based on consultation with such displaced persons, provide relocation assistance adequate for them to restore their livelihood at an adequate alternative site.

## **4.2 DARES Sub-Project Implementation Principles**

The implementation of individual RAPs shall be completed prior to the implementation of sub-project activities causing resettlement. The Bank ESS5 applies to all components under the DARES programme, whether they are directly funded in whole or in part by the Bank.

## **CHAPTER 5: POTENTIAL IMPACTS OF THE PROJECT**

### **5.0 Introduction**

This section of the RPF provides information on the potential impact and likely project affected persons that could be displaced or affected during the DARES subprojects in the targeted areas.

### **5.1 Project Impacts**

DARES is designed to provide electricity supply to rural communities and university campuses in Nigeria through construction and expansion of mini grids standalone solar system and energizing education programme. **This RPF (with the required RAP that shall be designed have the inherent ability to mitigate these negative impacts.**

#### **5.1.1 Identification and Categorization of Loss and Impacts**

It is recognized that DARES project will lead to varying degrees of land acquisition (small or large-scale acquisition) which, in turn, could lead to physical displacement from land (e.g., denial of access to means of livelihood).

Project implementation personnel will:

- i. Ensure that identification and categorization of the likely loss or impact is undertaken during the planning and design stages of each sub-project.
- ii. Determine the magnitude and coverage of impacts early in project planning to justify the resettlement instrument to adopt. General categorization of losses will be done to reflect extent of loss in terms of the following: Permanent or Temporary Loss; Full or Partial Loss; Minimal or Significant Loss.

Table 6 provides a generic category of losses/disturbance/disruptions which could arise from the various DARES sub-projects.

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

In the context of this RPF, Project Affected Persons (PAPs) is defined as those who stand to lose because of the project, all, or part of their assets, including homes, communities, productive lands, resources such as important cultural sites, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation and include restricted or reduced access to legally designated fishing areas, wetlands, and protected areas.

**Table 4: Categories of Likely Losses/Impact**

Category	Type of Loss
<i>Loss of Income and Livelihood</i>	
Business	<ul style="list-style-type: none"> <li>• Loss of rental income</li> <li>• Loss of clientele</li> <li>• Loss of business income</li> <li>• Loss of wage income (for employees)</li> </ul>
Impact on accommodation	<ul style="list-style-type: none"> <li>• Loss of Business, Residential or Industrial Accommodation or Room</li> </ul>
Opportunity to Livelihood	<ul style="list-style-type: none"> <li>• Loss of income-generating activities</li> </ul>
Plants & Crops	<ul style="list-style-type: none"> <li>• Loss of economic or perennial trees</li> <li>• Loss of grazing land</li> <li>• Loss of food crops</li> </ul>
<i>Impacts arising from Disturbance/Disruptions</i>	
Impact on Access to Utilities	<ul style="list-style-type: none"> <li>• Disconnection of utility services</li> </ul>
<i>Physical Loss of Assets</i>	
Land	<ul style="list-style-type: none"> <li>• Loss of land for residential, agricultural, commercial or industrial use</li> </ul>
Structures	<ul style="list-style-type: none"> <li>• Buildings</li> <li>• Houses</li> <li>• Temporary Buildings /removable structures and building sites.</li> <li>• Fence walls</li> <li>• Other Civil works – pavements, concrete curbs, concrete wells, or reservoirs</li> </ul>
<i>Adapted from Resettlement Handbook</i>	

### 5.2.1 Squatters/Other Land Occupiers

PAPs apply to all physically displaced persons regardless of the total number affected, the severity of impact and whether they have legal title to the land. Thus, squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy shall be respected as enunciated in ESS5. Illegal occupants have the same entitlements as legally titled landowners except for compensation for land. Squatters are entitled to assistance in accordance with the objectives of this RPF.

### 5.2.2 Project Affected Persons Categories

Affected groups under sub-project investments may be classified into three groups:

- Those who have formal legal rights to the land they occupy;
- Those who lack formal legal rights to land, but have a claim to land that is recognized or recognizable under the national, local, or traditional laws including those measures put in place by the draft land policy; or
- Those who have no recognizable legal right or claim to the land they occupy.

The likely displaced persons can further be categorized into three groups as outlined below:

#### 1. *Individuals:*

An individual who suffers loss of land, property, other assets, or investments made on land, livelihood, and/or access to natural and/or economic resources because of the sub project investments.

#### 2. *Households:*

A household is affected if one or more of its members are affected by any sub-project. This includes any member in the households, men, women, children, dependent relatives, and tenants; vulnerable individuals who may be too old or ill to farm along with the others; insofar as displacement due to the sub-project activities create challenges for which these people are ill prepared.

#### 3. *Vulnerable Persons/Groups:*

DARES will particularly pay attention to the needs of *vulnerable groups* among those displaced such as those below the poverty line of \$1/day; the landless, the elderly, women, and children, the physically challenged other displaced persons who may not be protected through Nigerian land compensation legislation. The objective is to provide whatever additional assistance that may be necessary to restore pre-project living standards of these extraordinary needing persons who are displaced due to the DARES activities.

Some of the vulnerable PAPs likely to be found in the proposed project States and who will require special consideration due to physical displacement because of land take are highlighted below:

##### a. *Internally Displaced Persons*

An internally displaced person is forced to flee his or her home but who remains within his or her country's borders. They are often referred to as refugees, although they do not fall within the legal definitions of a refugee.

##### b. *Elderly persons*

Elderly people farm or carry out some other form of work if they are able. However, resettlement will damage their economic viability even more than losing land since it will separate them from the person or household on whom they depend for their support.



*c. Persons Living with HIV/AIDS*

It is reported that there is a growing trend of people living with AIDs. Thus, H should be paid attention with a view not to compound the woes of their lives. These could readily be identified through health centres and NGOs, etc., who support initiatives in this direction and thus adequately compensate them.

*d. Orphans and Street Children*

These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and because they are considered too young to be heard. Compensation for these orphans and street children, if they are affected by the projects in a way which requires their physical relocation, will take the form of paying for their rehabilitation and training to acquire useful vocational skills.

*e. Unmarried women and/or Widow-Female-headed Households*

These are women who may be dependent on sons, brothers, or others for support. Since an affected individual can name the person with whom he/she is linked in dependency as part of the household, resettlement will not sever this link.

In addition, in other cases, women are the main breadwinners in their household and therefore need access to health service facilities. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must consider all these factors.

*f. Small-scale Female Farmers*

Small-scale female farmers are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks. Either male relatives in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing new land, so these women are provided for by the compensation plan.

*g. Dependent Persons*

These are people who are closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership. Any form of resettlement for local people embodies more serious risks than for any other populations and should consequently be avoided. If this is not feasible, the project will offer affected local and customary people at least compensation and due process available to those with full legal title to land in the case of commercial development of their land under national laws, together with culturally appropriate development opportunities. The project will enter good faith negotiation with the affected people and document their informed participation and the successful outcome of the negotiation.

*h. The physically challenged.*

These include people with handicaps such as blindness, paralysis, difficulties with locomotion, incapacity to work, etc. Priority shall be given to these kinds of vulnerable persons who are affected. And the needs of each physically challenged person shall be taken into consideration. In some cases, it could be necessary for qualified persons to provide direct assistance in locating (or constructing) new housing nearby to relatives who can help care for an invalid providing transitional support (e.g., moving expenses, temporary food supply, etc.), possibly job training and other support needed to allow vulnerable people to resume their lives under conditions at least as good as prevailed before displacement.

The PMU will seek to facilitate local social support networks and, failing this, to involve specialized agencies to provide support and care. The idea is not for the state government to become a welfare agency, except insofar as displacement creates challenges for which vulnerable people who are ill prepared.

### **5.3 Approximate Number of PAPs and Potential Relocation Areas**

Since at present it is not possible to determine the exact location, nature, and magnitude of the sub-projects, it is also not possible at this stage to determine/estimate the number of Project Affected Persons. For each sub-project, which might require physical resettlement, the number of PAPs will be established through RAPs which will be elaborated before sub-project implementation. The location and extent of land take are not known at present and receiving host communities of displaced persons are also not known during the preparation of this RPF.

### **5.4 Risks to the Success of the DARES Project**

The project activities: government level officials and mini-grid developers may aggravate tensions by suggesting that a few should sacrifice for the benefit of the many. It is, therefore, particularly important to neutralize to the extent possible any socio-economic pressures in the rural communities and university campuses that are likely to be exacerbated by involuntary resettlement, by facilitating the consultation and participation of those persons impacted by the project activities. Therefore, offering PAPs the opportunity to continue to participate in the planning process that will lead to the preparation of Resettlement Plans is essential and instrumental to the success of the DARES.

## **CHAPTER 6: PREPARING AND APPROVING RESETTLEMENT AND COMPENSATION PLANS**

### **6.0 Introduction**

This section sets out a “harmonized” step by step process that the DARES (PMU and private sector mini-grid developers) will take to determine whether the subproject will result in physical displacements, and therefore whether a RAP is required and if so, how to prepare and implement one.

### **6.1 The Screening Process**

For the DARES, each sub project that is proposed to be included will be screened and classified according to its social impact. Screening will be based on the defined area of impact, engineering drawings, maps and satellite images of the project area showing homes, farms, workplaces, schools, health posts, places of worship and other places to which people require regular access. Screening also requires on-the-ground surveys. If screening determines that resettlement is likely, the next step will be to initiate resettlement planning, consultation, and the preparation of a RAP.

The steps to be undertaken for each individual Resettlement Plan (RAP) include identification of Project Affected Persons (PAPs), a socioeconomic census and asset inventory of the area, and. The screening process will take the form of:

1. Classifying the sub projects by activity into the following categories: Each subproject planned for implementation under the project shall be screened for possible triggering of ESS5 (Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement). In general subprojects that entail new construction are more likely to trigger the policy if the activity involves acquisition of land and if displacement or restriction of access may result.
2. Identifying and evaluating potential impacts for each proposed sub project. Triggering of the resettlement policy will require further preliminary determination of whether the sub project should be proposed or not, based on an assessment of the intensity of the impact and on the mitigation measures that will need to be developed and proposed. The impact significance of involuntary resettlement as envisaged in the DARES can be seen in three ways in relation to the likely sub-projects that could be embarked upon. Any sub-project where 200 or more persons are anticipated to experience adverse impacts or physical displacement from housing will be lost will require the preparation of a RAP.<sup>9</sup> A subproject displacing fewer than 200 people is anticipated to experience adverse impacts. The Resettlement Plans (RAPs) with time-bound actions and budgets are to be prepared for every sub-project in which there are displacement.

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<sup>9</sup> It is noteworthy that large scale resettlement is not anticipated under the project.

3. Identifying and evaluating potential impacts for each proposed sub project Triggering of the resettlement policy will require further preliminary determination of whether the sub project should be proposed or not, based on an assessment of the intensity of the impact and on the mitigation measures that will need to be developed and proposed. The impact significance of involuntary resettlement as envisaged in the DARES can be seen in three ways in relation to the likely sub-projects that could be embarked upon. Any sub-project where 200 or more persons are anticipated to experience adverse impacts or physical displacement from housing will be lost will require the preparation of a RAP. A subproject displacing fewer than 200 people is anticipated to experience adverse impacts. The Resettlement Plans (RAPs) with time-bound actions and budgets are to be prepared for every sub-project in which there are displacement.

4. Use of the Socio-Economic Studies to identify affected people at the household level and vulnerable groups in the sub project impact area(s) and to calculate household economies. The purpose of the socio-economic study is to collect baseline data within the chosen sites thereby enabling the social assessment/survey of potentially affected populations/communities. The socio-economic study will focus on the identification of stakeholders, the participation process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income. The socioeconomic study should focus on such issues as livelihoods, incomes, household and compound composition, clan and sub-clan organization, other forms of social organization, ethnic groups, traditional and non-traditional leadership and other factors in the area, conflict, and other issues relevant to the implementation of a resettlement plan. The census should include information on all income sources including remittances.

5. Preparation of individual resettlement and compensation Plans. The RAP provides a link between the impacts identified and proposed mitigation measures to realize the objectives of involuntary resettlement. The RAPs will consider magnitude of impacts and accordingly prepare a resettlement plan consistent with this framework for Bank approval before the sub-project is accepted for Bank financing.

The preparation of RAPs is anticipated to be undertaken by a consultant commissioned for this task. It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance, and timeframes.

More detailed guidelines for preparing these instruments are available on the World Bank's Website ([www.worldbank.org](http://www.worldbank.org)) or in the World Bank's Resettlement Rehabilitation Guidebook.

## **6.2 Review and Submission of RAP to Project Authorities**

Following completion of the RAP (RAP) for a sub-project, the RAP shall be submitted for approval by the Consultant to the PMU and shared with World Bank for review and, if needed, revised.

## **CHAPTER 7:**

### **ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PERSONS**

#### **7.0 Introduction**

In this Section, eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits and to discourage inflow of ineligible persons, are set out.

#### **7.1 Eligibility Criteria for Various Categories of Project Affected Persons**

PAPs will be entitled to compensation based on the status of their occupation of the potential project area.

Under the WB's ESS5, PAPs are defined as those who are affected by project activities which result in:

- Relocation or loss of shelter
- Loss of assets or access to assets; and/or
- Loss of income source, business or means of livelihood, whether affected person must move to another location.

#### **7.2 Eligibility**

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the project area before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance, except possibly for moving expense. Similarly, assets built after the cut-off date is not eligible for compensation.

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 recognised 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.

**Table 5: Eligibility Criteria for Compensation**

PAP Classification	Eligible for		
	Compensation	No Compensation	Assistance
<b>Those with legal right</b>	Land or asset at replacement cost	For land, assets, and structure on the land after the cut-off-date	Assistance as needed
<b>Those with temporary or leased rights at cut-off date</b>	Land and assets at replacement cost	For land, assets, and structure on the land after the cut-off-date	Assistance as needed
<b>Those with no legally recognized right but arrived before cut-off date.</b>	Assets at replacement cost except that compensation may be “topped off” to allow the PAP to acquire a new residence.		Assistance as needed
<b>Those who arrived after Cut-off-date</b>	None	None	None
<b>Those with business located within the Community</b>	Assets and lost income because of lost business during project duration	For business located in community after the cutoff- date and outside the affected area.	Assistance as needed

The World Bank’s ESS5 guidelines require compensation for lost, or impacted, assets and replacement costs to both titled and non-titled landholders and resettlement assistance for lost income and livelihood. In this project, the absence of formal titles should not constitute a barrier to resettlement assistance and rehabilitation.

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

### **7.3 Cut-Off Date**

To avoid an influx of outsiders to subproject areas and misuse of the compensation policy, the date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. The cut-off date will be announced and made public through appropriate means of reach-out such as radio advertisement during the community awareness campaigns. The detailed census of PAPs will be appended to the RAP. Subprojects should only be approved if they include at least a

preliminary RAP and budget. Special attention shall be taken to secure the sites from opportunistic invasion. These measures should include close consultation with the recognized PAPs, signs that inform public of intended use of site, security patrols to identify opportunistic invaders.

Nevertheless, if works are not initiated two years or more pass after declaration of cut-off date, a new census and evaluation of properties shall be carried out.

#### **7.4 Proof of Eligibility**

The PMU will consider various forms of evidence as proof of eligibility to cover:

Affected persons with legal/formal legal rights, documented in the form of certificates of occupancy, tenancy agreements, rent receipts, building, and planning permits, business operating licenses, utility bills among others. Unprocessed/unregistered formal legal documents will not bar eligibility and procedures for confirming authenticity of such documents will be established in the RAP.

Criteria for establishing non-formal, undocumented, or unrecognised claims to eligibility by affected persons with no formal or recognized legal rights shall be established by alternative means of proof of eligibility such as:

- Affidavit signed by landlords and neighbours.
- Witnessing or evidence by recognized trade union heads, traditional authority, customary heads, community elders, family heads and elders and the general community.

#### **7.5 Eligibility for Community Compensation**

It is important to note that the eligibility may be claimed collectively e.g., as a community or religious group. Communities permanently losing land and/or access to assets and or resources under statutory/customary rights will be eligible for compensation. Example of community compensation includes public toilets, marketplaces, taxi parks, schools, and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored. The local community leaders will play a crucial role in identifying users of land. Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the various local government Areas.

#### **7.6 Defining Entitlements and Preparing an Entitlement Matrix**

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement will be selected in accordance with Bank Policy ESS5 and the merits of the option. The RAP planner will prepare an entitlement matrix with respect to both temporary and permanent displacement. This matrix will set the measure for the payment for all losses or impacts.

**Table 6: Entitlement Matrix**

<b>Entitlement Matrix</b>		
<b>Type of Loss</b>	<b>Entitled Person</b>	<b>Description of Entitlement</b>
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) Cash compensation at replacement value based on market rate plus 10% compulsory acquisition surcharge (b) & (c) Compensation will be paid as plus a one-time lump sum grant for restoration of livelihood and assistance for relocation.
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	2. 1 (a) & (b) Restoration of land to pre-construction condition or cash compensation at prevailing rates for necessary bulldozer/ tractor hours to restoring level and/or truckloads of earth for fill 2.2 Provision of water course to connect severed segment with source of water
3. Loss of income and livelihood 3.1. Temporary loss of access to land for cultivation	3.1. Cultivator occupying land	3.1. Estimated net income for each lost cropping season, based on land record averages of crops and area planted in the previous four years
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.	3.2. (a) Cash compensation for loss of agricultural crops at current market value of mature crops, based on average production. Compensation for loss of fruit trees for average fruit production for next 15 years to be computed at current market value. Compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be). 3.2. (b) Partial compensation to tenants for loss of their crops/trees as per due share or agreement (verbal or written) 3.3 One-time lump sum grant to agricultural tenants (permanent, short-term, or long-term agricultural labor (this will be in addition to their shares in crop/tree compensation)



**Entitlement Matrix**

<p>4. Permanent loss of Structures 4.1 Residential and commercial structures</p>	<p>4.1. (a) Owners of the structures whether the land on which the structure stands are legally occupied.  (b) Renters</p>	<p>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) Onetime cash assistance equivalent to 4 months' rent moving to alternate premise. Transfer allowance to cover cost of shifting (transport plus loading/unloading) personal effects paid on actual cost basis or on current market rates.</p>
<p>4.2. Cultural, Religious, and community structures /facilities</p>	<p>4.2. School, church, water channels, pathways, and other community structures/installations</p>	<p>4.2. Complete rehabilitation/restoration by the Project; or Cash compensation for restoring affected cultural/community structures and installations, to the recognized patron/custodian.</p>
<p>5. Special provision for vulnerable APs 5.1. Re-establishing and/or enhancing livelihood</p>	<p>5.1 Women headed households, disabled or elderly persons and the landless</p>	<p>5. Needs based special assistance to be provided either in cash or in kind.</p>
<p>5.2 Change in Livelihood for women and other vulnerable APs that need to substitute their income because of adverse impact</p>	<p>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</p>	<p>5.2 (a) &amp;(b). Restoration of livelihood (vocational training) and subsistence allowance @ agreed rate per day for a total of 6 months while enrolled in a vocational training facility</p>
<p>Unanticipated adverse impact due to project intervention or associated activity</p>	<p>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.</p>	

## **CHAPTER 8: METHODS FOR VALUING ASSETS AND COMPENSATION ARRANGEMENT**

### **8.0 Introduction**

This Section sets out the detailed requirements for determining the value of affected assets.

### **8.1 Organization Procedures for Valuation of Acquired Land**

Valuation methods for affected land and assets will depend on the type of asset. The following land asset types identified under Nigeria law in this resettlement policy framework include:

#### **8.2 State (urban and non-urban) owned Land.**

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

#### **8.3 Privately owned Land**

Privately owned property will be acquired at replacement value. The guiding principle is that whoever was using the land to be acquired will be provided other land of equal size and quality or compensation.

#### **8.4 Assets held under Customary Law**

According to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and will be valued according to the following method and compensation paid for. The project will compensate assets and investments, including buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates will be replacement cost as determined by surveys of recent transactions of similar assets in the same area as of the date and time that the replacement is to be provided. Under customary law land belongs to chiefdoms, towns, and villages. The permanent loss of any such land will be covered by community compensation, which will be in-kind only. **A customary landowner or land user on state owned land will be compensated for land, assets, investments, loss of access, etc., at replacement rates at the time of the loss.**

#### **8.5 Method of Valuation**

In ensuring that during the project implementation, PAPs will be provided full replacement cost of lost structures and other impacted assets and are able to rebuild or replace their structures/assets without difficulties. The valuation will estimate asset compensation rates based on full replacement cost without depreciation (Table 9). The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. Relevant data to be captured during valuation will include:

- Location details of the land, boundaries of the area/section of the land to be affected.  
Affected immovable properties: detailed measurement of buildings, shops, other assets, and structures.

- Property details including noting accommodation, constructional details of affected property external works (fence walls, gates, pavements) affected details were relevant.
- Categorizing temporary structures based on constructional details (wall materials), size of structure and use of structure (business/residential/institutional/agricultural); and Data on households affected (tenants, owners, relative apprentices/trainees, and livelihood).

Valuation shall be based on comparisons to recent comparable transactions/costs and comparable assets or land and not simply on general tables that may be out of date and may be based on non-comparable assets or land.

**Table 7: Method of Valuation**

<b>S/No</b>	<b>Loss of Land</b>	<b>Comparative Sales Method</b>	<b>Based on the open market value of comparable recent land transactions</b>
<b>1</b>	Loss of Buildings, structures, and other civil works	Replacement Cost Method or Comparative Sales Method (which ever gives a commensurate value)	Full replacement cost value as if new – recent construction cost rates
<b>2</b>	Loss of Business Income and Loss of Business Goodwill	Comparative Method	Based on the average monthly net profit
<b>3</b>	Loss of Income from Rent and Expenditure Incurred for Alternative Accommodation during reinstatement period	Comparative Sales Method	Based on the comparable rent passing, rent advance paid
<b>4</b>	Expenditure incurred for Transfer of movable properties and temporary structures	Comparative Method	Based on truck/transport hiring charges
<b>5</b>	Loss of Wages, Loss of Fees from Apprentice, Loss of Job Training	Comparative Method	Based on Current Fees and Wages

6	Loss of access to land used for agriculture.	Comparative method	Based on Crop Compensation Resettlement assistance: Economic Rehabilitation assistance:
7	Economic trees	Comparative method	Compensation for fruit tree is cash compensation for average fruit production for 3 years at current market value. Although government rate prepared by National Technical Development Forum (NTDF) on land administration 2006-2008 exists, market research will be conducted by appropriate experts (independent quantity survey) to determine if the government rate is in tune with current market rate. Where this rate is different from current market rate, the later will be used to fulfil the condition “current market rate” of ESS5.
8	Farm Crops	Comparative method	Compensation for farm crops is at full market value of crop yield per hectare. This entails conducting an inventory of size of hectares farmed by each PAP and the type of crop. The existing market value of crop yield per hectare will be determined and adjusted (as may be necessary for inflation) during LRP/RAP preparation so that result will be reminiscent of prevailing market price at the time of LRP/RAP compensation.

### 8.6 Methods of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance in the knowledge and presence of both man and wife and adult children or other relevant stakeholders where applicable. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in-kind compensation, especially when the loss amounts to more than 20% of the total loss of productive assets.

It should be noted that when land holdings necessary for the livelihood of affected persons are taken away or reduced in size by project works, ESS5 clearly states that the preferred form of

compensation is to offer an equivalent parcel of land elsewhere, i.e., “land for land.” Such land is not always available, but cash compensation is not the preferred form of compensation in such cases.

It is also important to note that, under this policy, cash compensation is only appropriate where there is a market for land or other lost assets in the area of the impact. If all the available land in the area is controlled by the State or by kinship groups such as clans and there is no functioning land market, it is unacceptable to offer cash compensation to, say, a farmer, when he/she has no possibility of acquiring new land in the same area.

## **8.7 Entitlement for Compensation**

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in this RPF and the actual field consultations during the preparation of the RAP. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individual PAPs, as the case may be. In dealing with compensation, preference shall be given to land based resettlement strategies for PAPs whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land-based options centred on opportunities for employment or self-reemployment should be provided in addition to cash compensation for land and other assets lost. However, this lack of land shall be documented and justified. Palliative assistance should be avoided, i.e., assistance that is not sustainable such as temporary payments or food donations.

### **8.7.1 Forms of compensation**

- **Cash payments:** Compensation will be calculated in Naira. Rates will be adjusted for inflation.
- **In-Kind compensation:** Compensation may include items such as land, houses, building Materials, other buildings, seedlings, agricultural inputs, and financial credits for equipment.
- **Assistance:** Assistance may include moving allowance, transportation assistance and labour.

### **8.7.2 Arrangements for Compensation**

A Compensation and Relocation Committee will be set up and shall be responsible for planning, coordinating, and monitoring of compensation and relocation activities. The compensation process for the subproject will involve several steps to be carried out in accordance with the resettlement and compensation plan and the RAP. This will be in accordance with the individual project resettlement and compensation plans as outlined below:

#### **1. Public Participation**

This process seeks the involvement and concerns of the PAPs and the communities in a participatory approach with the project, from the beginning to implementation.

Public participation with local communities is an ongoing process throughout resettlement planning and this will have taken off at the screening stage. PAPs will be notified during the identification of subprojects and consulted with as part of the screening process. The subsequent socio-economic survey will record all relevant information about the PAPs and ensure that this is accurately reflected in the RAP to allocate the appropriate compensation. Periodic monitoring will ensure that PAPs have been consulted and that compensation and relocation has been carried out satisfactorily. This will ensure that no affected individual/household is simply “notified” one day that they are affected in this way.

## **2. Notification**

Landowners will be notified by the Social Assessment (SA) that their property is required for development of the subproject. The user will be informed through both a formal notification, both written and verbal, to be delivered in the presence of the community heads and the Coordination Committee. To ensure that any sensitive areas are accurately identified during this procedure, all necessary community heads, religious leaders, other elders, and individuals will accompany the project team to the site.

## **3. Documentation of Holdings and Assets**

The project proponent and the local community will arrange meetings with the project affected persons to discuss the compensation process. For each individual or household affected, the project officials complete a compensation dossier containing necessary personal information on, the affected party and those individuals considered as household members, total land holdings, inventory of assets affected, and information for monitoring future arrangements. The dossier shall be confirmed and witnessed by village/community officials and will be kept up to date. This is necessary because it ensures monitoring of an individual over time. All claims and assets should be documented in writing.

## **4. Agreement on Compensation and Preparation of Contracts**

The types of compensation shall be clearly explained to the individual or household involved. The project proponent will draw up a contract, listing all property and/or land being surrendered, and the types of compensation (cash and/or in-kind). A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract and the grievance redress mechanisms are to be read aloud in the presence of the affected party and the representative of the local government chairman (or his/her representative), the project officials, and other community leaders prior to signing.

## **5. Compensation Payments**

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, representative of the state environmental agency and the community officials.

### **8.7.3 Community Compensation Payments**

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the structure to at least the same standard or equivalent better standard to that being built by the program in the area to serve the same function. Examples of community compensation include School Building (public or religious), Public Toilets, Well or borehole, Market Place, Taxi Park, Road, Storage warehouse, etc. Community compensation may require land take and people may be affected, thus a change of impacts which will be compensated.

### **8.7.4 Procedures for Delivery of Compensation**

The procedure for delivery of compensation will be detailed in each RAP. The Project proponent will follow approved procedures ensuring that:

- Full payment of compensation is carried out before possession of acquired sites and before works begins.
- Project proponent formally make offers to the affected persons and allow persons to accept or reject offer, offer a counter claim, and seek redress under the grievance procedures established.
- Land/Asset valuation committee communicates the amount to be paid to the acquiring agency and the Ministry of lands will ensure that the amounts are fair and adequate.
- Cheques in the name of the beneficiary or deposits to the beneficiary's bank account shall be the preferred and first mode of payment; however, payment may be by banker's draft where the amounts involved are "minimal". The project proponent shall make arrangements with nearest bank to effect payments by banker's draft.
- Payments are made to the affected person personally by the State Agency in the presence of Land/Asset Valuation Committee and an independent witness of the affected person/opinion leader.

Proper receipts are issued, and copies given to the affected person, the Finance Department of the State Agency, and the Land/Asset Valuation committee; Comprehensive reports on payment made are submitted for review by Management of the PMUs and the Land/Asset Valuation committee.

## **8.8 Mechanism for Voluntary Donation of Land: Procedure and Records**

Voluntary Land Donation (VLD: Experience from other projects suggest that it is open to abuse and coercion, as such, it should not be encouraged on this project except in instances where the donation meets the requirements set out in the VLD guidelines (in annex XIII) of the ESMF. VLD carried out by local communities do not trigger the Bank's policy on Involuntary Resettlement, however, they may be based upon administrative or social coercion and may lead to unanticipated social impacts, particularly when they are not properly documented, or when they involve vulnerable or disadvantaged community groups.





## **CHAPTER 9: GRIEVANCE MECHANISMS**

### **9.0 Introduction**

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

- (i) Failure to register PAP or identity of individual is disputed;
- (ii) Losses not identified correctly;
- (iii) Inadequate assistance or not as per entitlement matrix;
- (iv) Dispute about ownership;
- (v) Delay in disbursement of assistance; and
- (vi) Improper distribution of assistance

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

The grievance mechanisms

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

### **9.1 Grievance Redress Mechanisms**

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

A Function of Resettlement Implementation Committee shall be constituted within the PMU to monitor and review the progress of implementation of the scheme or plan of rehabilitation and

resettlement of the affected families and to carry out post implementation social audits. The main functions of the Committee are spelt out below:

- Publicize within the list of affected persons and the functioning of the grievance redress procedure established;
- Evaluate grievances from affected persons concerning the application to them of the Entitlement Policy;
- Recommend to the Social Officer, PMU as the case may be, solutions to such grievances from affected persons;
- Communicate the decisions to the Claimants; and
- Hear appeals from persons, households, or groups who, not being affected persons, believe that they are qualified to be recognized as affected persons, to recommend to the PMU whether such persons should be recognized as affected persons, and to communicate the decision of the PMU in that regard to the Claimants.

Ensure that all notices, forms, and other documentation required by Claimants are made available in Local language understood by people.

#### **9.1.1. Grievance Redress Process**

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

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

- (i) Receive and register a complaint;
- (ii) Screen and assess the complaint;
- (iii) Formulate a response (within a specified time frame);
- (iv) Select a resolution approach;
- (v) Implement the approach;
- (vi) Settle the issues;
- (vii) Track and evaluate results;

(viii) Appeals process;

(ix) Monitoring and reporting to project management to detect systemic problems; and

(x) Learn from the experience and communicate back to all parties involved.

### **9.1.2 Expectation When Grievances Arise**

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

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the company, contractors, or government officials must convince people that they can voice grievances and work to resolve them without retaliation. To address these challenges, companies are being called upon to lead and work with their host communities to fund non-judicial, dialogue-based approaches for preventing and addressing community grievances.

The overall process of grievance shall take the following way:

During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances.

The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.

The response time will depend on the issue to be addressed but it should be addressed with efficiency. Nevertheless, Grievance form will be filled by person affected by the project with the Grievance Redress Committee which will act on it within 10 working days on receipt. If no understanding or amicable solution is reached, or the affected person does not receive a response from the local Rehabilitation and Resettlement Committee within 15 working days, the affected person can appeal to a designated office in the PMU, which should act on the complaint/grievance within 15 working days of its filing.

Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

All reasonable moves shall be made to settle any arising grievance amicably. If affected person is not satisfied with the decision received, he/she can, as a last resort, appeal to a court of competent jurisdiction. Affected persons will be exempted from all administrative and legal fees incurred pursuant to grievance redress procedures.

The appeals process will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.

For DARES, it is recognized that the formal legal mechanisms for grievance redress tend to be a lengthy and acrimonious procedures, thus an informal grievance redress mechanism through the PMU Safeguard Units will be established. This unit will work with a committee comprising administrative head of local governments; community/village chiefs, NGOs/CBOs and other relevant Government organs that will be set-up to address complaints.

The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which will otherwise take a considerably longer time. For this reason, handling grievances will begin with the State Project Management Unit and involve Local Government. A grievance log will be established by the project and copies of the records kept with all the relevant authorities. A review of grievances will be conducted at least every three months during implementation to detect and correct systemic problems.

In addition, where displacement is unavoidable and displaced people are dissatisfied with the compensation and rehabilitation offered, The PMU will establish an informal forum for the presentation and consideration of individual appeals after the administrative route has been exhausted. The informal forum will include local government, and other concerned responsible parties, as deemed appropriate them.

The existence, location, purpose, and composition of this forum will be publicized, so that displaced persons are knowledgeable about the availability of this forum for resolving any grievance. If a grievance cannot be resolved in these informal venues, the complainant may take recourse to the administrative and legal systems for satisfaction.

### **9.1.3 Grievance Log**

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

- (i) Date the complaint was reported.
- (ii) Date the Grievance Log was uploaded onto the project database.
- (iii) Date the information on proposed corrective action sent to complaint.
- (iv) The date the complaint was closed out.
- (v) Date response was sent to complainant.

### **9.1.4 Monitoring Complaints**

The Project Liaison Officer will be responsible for:

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

## **CHAPTER 10: IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS AND RPF IMPLEMENTATION BUDGET**

### **10.0 Introduction**

This section emphasizes that in each sub-project, resettlement schedules will be coordinated with construction schedules. All resettlement activities arising out of the works to be implemented in a given year will be completed prior to the scheduled start-up date of those works on the respective sub-project, and prior to disbursements of funds for activities related to the respective sub-project.

### **10.1 Important principles in Project Implementation**

The project will adhere to the following important principles in its implementation:

No civil works contracts for proposed projects site will be initiated unless land free of any encumbrance is made available; this could be done in phases.

No construction should be undertaken until PAPs are compensated for their losses and have received their resettlement entitlements. That is, before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. In cases where a dispute or absence makes it impossible to compensate the affected party (ies) promptly, payments may be held in escrow by the court or other responsible party on condition that the affected party does not lose the right of grievance and appeal.

For activities involving land acquisition or loss, denial, or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required.

Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. Escrow accounts are allowable as provided above. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs. The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation.

There will be transition arrangements for displaced families until they get their replacement housing. Information sharing and consultation with PAPs will continue throughout the planning and implementation phase of the program, including the relocation and the restoration of livelihoods.

A completion survey of the delivery of compensation and resettlement entitlements will be undertaken as per the RPF requirement. The schedule for the implementation of activities shall be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates shall be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties.

## **10.2 Coordination RAPs and Civil works**

In compliance with this policy, the screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works. The timing mechanism of these measures will ensure that no individual or affected household will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or community affected. Once the resettlement plan is approved by the REA and national authorities, the resettlement plan should be sent to the World Bank for final review and approval and disclosure.

## **10.3 Implementation process**

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts will be achieved. Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Planning and coordination of the tasks of the various actors is crucial to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every subproject identified to have adverse social impacts. The workshops will focus on the following:

- i. Taking stock of the legal framework for compensation.
- ii. Settling institutional arrangements and mechanisms for payment of compensation.
- iii. Defining tasks and responsibilities of each stakeholder, and
- iv. Establishing a work plan

The stakeholders will be requested to participate in the decision-making process and provide inputs in the area of their expertise to establish a coherent work plan or schedule. To approve RAPs will be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with the World Bank policy.

## 10.4 RPF and RAP Implementation Budget

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

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of the DARES sub-projects have not yet been developed. Moreover, the exact locations are not known. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of DARES. When these locations are known, and after the conclusion of the site-specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budget for each RAP will be prepared. Each RAP must include a detailed budget. The budget must be integrated with the budget for the civil works and should be considered in any feasibility studies or benefit/cost analyses. The RAP will include a detailed budget for the payment of compensation and implementation of the various resettlement aspects for a particular subproject, including amongst others, costs of surveys, third party validations of voluntary land donation, land acquisition, loss of livelihood, and loss of crops and other property, and allowances for the vulnerable members of the community. This will enable facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

### 10.4.1 Sources of Funding

There will be two funding sources for the implementation for resettlement matters on this project. The respective sources are articulated table 7 below:

**Table 8: Sources of funds for resettlement**

Sub project	Responsible party for funding resettlement
Sub-projects under Component 1 that will lead to land acquisition and loss of assets especially at sites for mini-grid installation/construction	Mini-grid developer/ company
Resettlement audits for sub-project	This will be funded by the Government of Nigeria /Rural Electrification Agency.

Appropriate safeguards will be developed, utilizing gender-disaggregated socioeconomic information from the census surveys, to ensure that men and women are compensated equally

(i.e., that cash payments to households are made jointly, entitlements to land and other in-kind compensation are provided equally, etc.).

The resettlement budget and financing will cover funds for compensation of private property, community infrastructure replacement and improvement, assistance to top-up compensation, training, and the management of resettlement expenses, including those for the PMU and other stakeholders for external monitoring.



## **CHAPTER 11: CONSULTATIONS AND STAKEHOLDER PARTICIPATION**

### **11.0 Introduction**

Public consultation and participation are essential because they afford PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts. One key factor that exists in all successful approaches to project development and implementation is participation by all stakeholders and communities. 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.

Meanwhile, it makes sense in this RPF to understand two concepts, consultation, and communication, that are frequently confused with each other. Consultation with affected populations and other stakeholders is basically a two-way process in which the ideas and concerns of stakeholders and the subproject designers are shared and considered. Communication involves dissemination of information from the subproject proponents to the concerned public. These concepts should be kept separate.

### **11.1 Mechanism for Consultation and Participation of Displaced Persons**

The public participation strategy for the DARES will evolve around the provision of a full opportunity for involvement for all stakeholders, especially the PAPs. Therefore, as a matter of strategy, public consultation will be an ongoing activity taking place throughout the entire project cycle. The consultation process will ensure that all those identified as stakeholders are consulted. Subject to PMU approval, information about the project will be shared with the public, to enable meaningful contribution, and enhance the success of DARES.

There are many vehicles that could be used for communication and consultation such as meetings, filling in of questionnaires/ application forms, public readings, and explanations of project ideas and requirements making public documents available at the national, states local, and university communities' levels at suitable locations. The use of various media, newspaper announcements placement in more than one paper, preferably all local papers, notice board near project site, posters located in strategic locations and many public places frequented by community and radio and local television.

Any of these means to use must consider the low literacy levels prevalent in the rural communities by allowing enough time for responses and feedback and putting messages in the language readily understood by the people.

In fact, the PMU should as a matter of reaching the relevant public, engage directly with stakeholders and take their concerns into account. In other words, for effective consultation, the PMU should hold specific events (preferably community-level meetings) at which affected

people will feel comfortable expressing their views. Such events should be carefully documented by written minutes, recordings, video recordings, etc., and the minutes of these meetings together with attendance lists should be included with the RAP to demonstrate that consultation has taken place. RAPs will explicitly show how ideas from PAPs were considered. Generally, the PMU is not required to accept every suggestion or demand made, but they should take each reasonable suggestion into account as a matter of good faith.

## **11.2 DARES Public Consultation for RPF Preparation and Outcomes**

Public consultation initiated during the RPF preparation will continue during the preparation of the following: socio-economic study, resettlement and compensation plan and drafting and reading of the compensation contract. Through these, the PMU will be able to:

- clarify the project's objectives in terms of stakeholders' needs and concerns.
- identify feasible alternatives (alternative locations) and examine their relative merits in terms of environmental, social, and economic factors.
- identify and priorities' environmental and resettlement issues and establish the scope of future studies.
- Identify processes for continued stakeholders' involvement.

## **11.3 Opportunities for Reform During projects**

The DARES provides opportunities for reforms in several issues, such as:

1. Understanding best practice in involuntary *resettlement & compensation management issues*.
2. Building of capacity/awareness within the relevant institutions of the RPF, the extent to which this interface with the existing States' procedures and the system of property valuation as well as the ability to facilitate the application of or compliance with the RPF needs to be strengthened.
3. When constraints emerged during implementation, the project should support a legal review of common land resource management, and/or help to develop a new memorandum of understanding signed between the communities and land Ministries/Agencies (for example, forestry and local authority) that set out guidelines for management and benefit sharing.
4. Revise and adopt in the light of current realities the Harmonized Compensation Rates for Economic Trees and Crops for Geo-Political Zones passed in a resolution by NTDF in 2008 with recourse to the Land Use Act for guidance.

## **11.4 Identifying Stakeholders**

Stakeholders for the purpose of this project shall be defined as all those people and institutions that have an interest in the planning and execution of the project. This includes those positively and negatively affected by the project. Table 11: outlines some key stakeholders identified at present, while preparing this RPF.

**Table 9: PAs Identification Matrix**

Who?	How to Identify them
People living in the vicinity of the project works	<ul style="list-style-type: none"><li>➤ Field survey</li><li>➤ Identify the local government area(s) that falls within the 1 km radius of the proposed site.</li><li>➤ Review available data to determine the stakeholder, profile of the whole stakeholder or relevant group.</li><li>➤ Use identified groups and individuals to tap into stakeholder networks to identify others</li></ul>
Special interest groups	<ul style="list-style-type: none"><li>➤ Identify key individuals or group through organised group, local clubs and community halls and religious places.</li></ul>
Individual people who own properties that will be directly or indirectly affected	<ul style="list-style-type: none"><li>➤ Advertise in the local newspapers, tell people that they may be affected asking them to register interest in attending meetings or receiving further information</li></ul>
Business (owners and employees)	<ul style="list-style-type: none"><li>➤ Field survey</li><li>➤ Council list of property registers</li></ul>

## **CHAPTER 12: INSTITUTIONAL FRAMEWORKS**

### **12.0 Institutional and Implementation Arrangements for RPF Implementation**

The implementation of this RPF will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations, and authority limits.

#### **12.1 Institutional Arrangements**

**Rural Electrification Agency (REA):** REA will provide overall coordination of the Project and lead in the implementation of the different components (1-3), which will include overall responsibility for resettlement and compliance monitoring. Specifically, PMU for the project will be responsible in terms of resettlement management across project components.

An officer of the PMU designated as the Social Safeguards Specialist will oversee the implementation of this RPF as well as any other social provisions as deemed fit for project implementation as per the regulations of the World Bank / ESS5 provision and Government of Nigeria and the respective State governments. The roles and responsibilities of the Social Safeguard Specialist include:

- Ensure the preparation and implementation of Resettlement Action Plan by Mini grid developers/ companies.
- Ensure development of Livelihood Enhancement Plan (especially where livelihoods are affected adversely by the project, or stakeholders are economically vulnerable)
- Review all Resettlement Plans and other instruments prepared by consultants and ensure adequacy with ESS5 requirements.
- Review and approve the Contractor/ Mini-grid developer's Plans for the social impact measures as per the RAP and any other supplementary studies that may need to be carried out by the PIU in relation to resettlement issues.
- Liaise with various National and State Government agencies on environmental, resettlement and other regulatory matters.
- Provide support and assistance to the Government Agencies and the World Bank to supervise the implementation.

#### **12.2 Mini-grid developers/companies**

Mini-grid developers/companies will play a critical role in the implementation of this resettlement policy framework. As beneficiaries of subsidies / and or performance grants under the DARES, mini-grid companies will have the responsibility of preparing relevant applicable Resettlement Action Plan (RAPs) in compliance with this Resettlement Policy Framework, requirement of

ESS5, and national regulations related to land acquisition. The RAP prepared by developer will be cleared by REA and sent to World Bank for review and clearance.

### **12.3 Ministry of Lands, Survey, Urban and Regional Planning**

The Ministry processes all instruments evidencing ownership and possession of land and keeps in custody all real estate instruments, records, and their management.

- Generally, the Ministry advises Government as well as manages Lands and all other landed properties belonging to the State Government situated within and outside the State. The Ministries will:
- Be responsible for the acquisition of Land for projects.
- Recommend to the Governor on the allocation of States (Acquired) lands to individuals and organizations as well as the management of all State Lands.
- Be responsible for the preparation of Certificates of Occupancy which evidence the grant of State lands and the transfer of interest by the customary land holders. The Land Use and Allocation Committee is also an organ of this Ministry.
- Undertake research and carries out inspections and valuation of landed properties for all purposes with a view to advising the various Ministries/Establishments e.g., Compensation Valuation for acquisitions of Right of Ways, general acquisition of Land, Valuation for Insurance purposes, Valuations for Asset sharing, Valuation of Share Equities in Joint Ventures, and Memorandum of Agreements, etc.
- Be responsible for the making of Surveys of all Government lands.

### **12.4 Local Government Level Institutions**

- Responsible for coordinating activities at local level during the preparation and implementation of RAPs such as activities for determining the cut-off date and for actually implementing the resettlement, and for handling any grievances and complaints.
- Responsible for the appraisal of dwellings and other buildings affected by the project.
- Provide additional resettlement area if the designated locations are not adequate.
- Provide necessary infrastructures in relocated areas.

### **12.5 Community and other Institutions**

Provide support and assistance in resettlement planning, management, institutional/governance issues, and other livelihood related matters. Additionally, the community and other institutions will also support in assessing Project impacts and mitigation measure including awareness campaigns.

### **12.6 World Bank**

- Maintains an oversight role to ensure compliance with the ESF, review and provide clearance and approval for the RAPs of each project site as required.

- Maintain an oversight role of the supervision of the RPF/RAP implementation and may conduct spot checks as necessary.
- Conduct regular supervision missions throughout the project implementation and monitor the progress of the project construction.
- Recommend additional measures for strengthening the management framework and implementation performance.
- In case the WB considers the implementation to be not acceptable and no improvements can be expected, it will require that institutional capacity building measures be taken to strengthen the PMU and PIUs.

## **12.7 Resettlement Activities and Implementation**

A detailed, time-bound implementation schedule will be included in each RAP, which will include the specification of the sequence and time frame of the necessary activities for land acquisition, release of funds to the acquiring agency, payment of compensation for various categories of loss and relocation, demolition of structures and transfer of land, grievance redress, and monitoring and evaluation.

## **12.8 Measures for Strengthening Organizational Capability**

Based on the assessment of the institutional capacities of the different ministries and agencies involved, it is recommended that a capacity building and training programme be enshrined in the overall project management and support for the stakeholders, especially the mini-grid developers/ companies and the relevant MDAs as well as the communities and the NGOs/CBOs. It is the responsibility of the Social Safeguard Unit to ensure that all identified members of the implementation team are trained prior to implementation of resettlement and compensation.

The training should focus on the following, *inter alia*:

- World Bank ESF (ESS5) on resettlement and other World Bank operational policies;
- Relevant Nigerian laws and policies relating to land acquisition and resettlement;
- Compensation and supplementary assistance; and
- RAP Implementation process.

As part of sensitization, introduction to social and resettlement aspects learning basic concepts and policy, legal and other relevant statutory requirements in Nigeria and World Bank

Table 12 outlines an indicative training programme with relevant topics that could be adapted.

**Table 10: Typical Training Programme on Capacity Building of Relevant Stakeholders**

S/n	Duration	Subject	Resources
1	60 Minutes	Official opening Introduction of Participants Introduction to programme, Sessions, and trainers	List of participants Agenda for training Session
2	15 Minutes	<input type="checkbox"/> Tea Break	
3	90 Minutes	<input type="checkbox"/> General Introduction <input type="checkbox"/> Involuntary vs. Voluntary Resettlement <input type="checkbox"/> World Bank Safeguard policies <input type="checkbox"/> Policy, legal and other statutory requirements as p Government of Nigeria and World Bank <input type="checkbox"/> Main issues associated with Involuntary Resettlement	PowerPoint presentation Associated handouts
4	60 Minutes	<input type="checkbox"/> Lunch	
5	60 Minutes	<input type="checkbox"/> Introduction to Social and Resettlement Issues <input type="checkbox"/> Basic Concepts	
6	90 Minutes	<input type="checkbox"/> World Bank ESS5 Involuntary Resettlement <input type="checkbox"/> Principles of RAP <input type="checkbox"/> Planning Requirements <input type="checkbox"/> Implementation Requirements <input type="checkbox"/> Grievance and Conflict Management and Resolution <input type="checkbox"/> Documentation and Disclosure Requirements <input type="checkbox"/> Monitoring and Evaluation of RAPs and ARPs	Full text of ESS5 for each participant (Included in the RPF
7		<input type="checkbox"/> Tea Break	
8	60 Minutes	<input type="checkbox"/> Overview & Objective of the RPF <input type="checkbox"/> Gaps between ESS5 & Nigerian Land Use Act a how to bridge them. <input type="checkbox"/> Eligibility and Entitlements Resettlement and Compensations packages	Full copy of the RPF for each participant PowerPoint Presentation
9	30 Minutes	<input type="checkbox"/> Review of Day	
<b>DAY 2</b>			

S/n	Duration	Subject	Resources
1	60 Minutes	<input type="checkbox"/> Assessment process (i.e., introduction to <input type="checkbox"/> RAPs as proposed in the RPF) <input type="checkbox"/> Census & Socio-economic Methodology <input type="checkbox"/> Content of a RAP <input type="checkbox"/> Grievance and conflict Management <input type="checkbox"/> Vulnerable people <input type="checkbox"/> Monitoring and Evaluation tools	<input type="checkbox"/> Full copy of the RPF for each participant <input type="checkbox"/> PowerPoint Presentation
2	15 Minutes	<input type="checkbox"/> Tea Break	
3	90 Minutes	<input type="checkbox"/> DARES Resettlement Action Plan <input type="checkbox"/> Background <input type="checkbox"/> Resettlement packages <input type="checkbox"/> Consultations and negotiations with affected people <input type="checkbox"/> Development of Resettlement sites <input type="checkbox"/> Potential strong point and weak points	<input type="checkbox"/> PowerPoint presentation <input type="checkbox"/> Associated Handouts
4	60 Minutes	<input type="checkbox"/> Lunch	
5	90 Minutes	<input type="checkbox"/> Social & Resettlement Considerations in Urban and Rural Development Projects: <ul style="list-style-type: none"> <li><input type="checkbox"/> Social and Resettlement aspects arising during construction and operation stages</li> <li><input type="checkbox"/> Social and Resettlement Good Practices in Urban public works and rural agricultural practices</li> </ul>	
6	30 Minutes	<input type="checkbox"/> Review & closing	



## **CHAPTER 13: MONITORING AND EVALUATION**

### **13.0 Introduction**

This Section sets out requirements for the monitoring and evaluation of the implementation of the RPF to successfully complete the resettlement management as per the implementation schedule and Compliance with the policy and entitlement framework.

### **13.1 Purpose of Monitoring and Evaluation (M & E)**

Specifically, for DARES, Monitoring and Evaluation (M&E) are required to assess the goals of the resettlement and compensation plan are met. The purpose of resettlement monitoring will be to verify that:

- Actions and commitments described in the RPs are implemented on schedule.
- Eligible people and communities receive their full compensation prior to the start of the construction activities in the respective areas.
- RP 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.
- Complaints and grievances lodged by project affected people are followed up and, where necessary, appropriate corrective actions are taken.
- If necessary, changes in RP procedure are made to improve delivery of entitlements to project affected people.

All RAPs will set the following major socio-economic goals by which to evaluate their success: Affected individuals, households, and communities are enabled to maintain or improve their pre-project standard of living; the local communities remain supportive of the project and the absence or prevalence of conflicts.

To assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

### **13.2 Arrangements for monitoring by Implementing Agency**

The PMU will be responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution. The sponsor's M&E activities and programmes should be adequately funded and staffed.

The safeguards officer of the PMU shall play a key role in reporting the progress of implementation as well as compliance to the PMU and the World Bank.

The PMU will institute an administrative reporting system that:

- Provides timely information about all resettlement arising because of DARES project activities;
- Identifies grievances that have not been resolved at a local level and require resolution through the involvement of the PMU;
- Documents timely completion – or delays -- of project resettlement obligations (i.e., payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses; and
- Evaluates whether all PAPs have been compensated in accordance with the requirements of this RAP, and that PAPs are enabled to achieve living standards comparable to or better than to their pre-project living standards.

In-house monitoring may need to be supplemented by independent external monitors to ensure complete and objective information. Thus, the project has developed an extensive M&E system that includes:

- Internal monitoring, in particular reporting by government officials and field consultants, community participatory monitoring.
- External monitoring, with NGOs /CBOs providing independent monitoring; and Impact evaluation.

### **13.3 Monitoring**

The E&S unit of the PMU will perform periodic monitoring of all resettlement activities in the Unit's portfolio. The PMU will consult and coordinate with the appropriate agencies which include Federal Ministry of Environment, Ministry of Lands, Survey Urban and Regional Planning, Local Governments and Physical Planning Unit/ Works & Service Department of Universities) on social monitoring.

### **13.4 Monitoring and Evaluation Indicators**

Several objectively verifiable indicators shall be used to determine the status of affected people, land being used, standard of the home, level of participation in project activities, number of children in school, health standards, etc. and monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being. The establishment of appropriate indicators in the RAPs is essential since what is measured is what will be considered important. Indicators will be created for affected people as a whole, for key stakeholder groups, and for special categories of affected groups such as women headed households, disable persons, marginalized persons, etc.

As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following all the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impact of the social mitigation and measures implemented. In addition, local authorities and PAPs will be consulted to provide their assessment of the impacts of social mitigation measures applied.

The monitoring indicators to be used for different RAPs are developed to respond to specific site conditions.

1. **Input** indicators include the resources in terms of people, equipment and materials that go into the RP. Examples of input indicators in the RAP include: the sources and amounts of funding for various RP activities; and the establishment of the Land Acquisition Team.
2. **Output** indicators concern the activities and services which are produced with the inputs. Examples of output indicators in the RP include a database for tracking individual plot compensation, and the payment of compensation for loss of land or assets.
3. **Process** indicators represent the change in the quality and quantity of access and coverage of the activities and services. Examples of process indicators in the RAP include: the creation of grievance mechanisms; the establishment of stakeholder channels so that they can participate in rap implementation; and information dissemination activities.

### **13.5 Storage of information on PAPs**

Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received. The PMU will maintain a complete database on every individual impacted by the project land use requirement, including relocation/resettlement and compensation, land impacts, or damages.

Individuals receiving compensation will have a dossier containing:

- i. Individual biological information
- ii. Census data
- iii. Amount of land available to the individual or household when the dossier is opened.
- iv. Additional information will be acquired for individual eligible for resettlement and/or compensation for level of income and of production, inventory of material assets and improvement in land and debts.

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

### **13.6 Completion Audit**

An audit will be carried out to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed according to the timetable in the RAP. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions

prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used as a measure against their socio-economic status after the resettlement. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met, irrespective of whether livelihood and living standards have been restored or enhanced.

The audit will also assess the resettlement efficiency, effectiveness, impact, and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meet the objectives and whether the goals were suited to PAP's conditions. Annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the completion audit will take place after all RAP activities have been completed, including development initiatives, but before the completion of financial commitments to the programme. This will allow flexibility to undertake any corrective action that the auditors may recommend before completing the project.

### **13.6.1 Annual audit**

The annual audit of RPF implementation will include:

- (i) A summary of the performance of each sub-project vis-à-vis its RAP
- (ii) Level of compliance and progress in implementation of the process frameworks.
- (iii) A presentation of compliance and progress in the implementation of the RPF.
- (iv) Assess whether resettlement objectives have been met; consider if livelihood and living standards have been restored or enhanced.
- (v) Assess whether resettlement objectives have been met, specifically, whether livelihood and living standards have been restored or enhanced.
- (vi) Assess the resettlement efficiency, effectiveness, impact, and sustainability, drawing lesson for future resettlement activities and recommending correction in the implementation.
- (vii) Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.
- (viii) Annual audit reports will be submitted for scrutiny to World Bank.

### **13.7 Disclosure of the Resettlement Policy Framework**

The PMU will disclose this Resettlement Policy Framework on the REA/NEP website newspaper publications in one National Newspaper and one local newspaper. The copies should be available and displayed in strategic locations such as offices of the Federal Ministry of Environment and State Ministries of Environment, States Ministries of Land, and project areas, including project websites and within affected communities, for 28 days for people to comment. The comments should be incorporated in the report. Evidence of the newspaper publications will be used to disclose the RPF on the World Bank Infoshop for public disclosure.

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*World Bank 2022: Government of Nigeria, Resettlement Policy Framework for Nigeria for Women Scale-Up Project (NFWP-SU)*

*World Bank Environmental and Social Framework (ESF): Environmental and Social Standard (ESS5: Policy on Involuntary Resettlement*

## ANNEXES

### Annex 1: Harmonized Compensation Rates for Economic Trees and Crops in North – West Geo-Political Zone

44.	Ayaba	3000	1500	750
45.	Chediya	3000	1500	750
46.	Durumi	3000	1500	750
47.	Kawari	2000	1000	500
48.	Lalle	3000/bunch	1500	750
49.	Morianga Alicafera	1000	500	250
50.	Giyaya	1000	500	250
51.	Dinya	4000	2000	1000
52.	Grapes (Inabi)	8000	4000	2000
53.	Kantakara	500	250	125
54.	Matsagi	500	250	125
55.	Geza.	500/bunch.	250/bunch	125/bunch
56.	Doka	3000	1500	750
57.	Turare	3000	1500	750
58.	Gmshina	1000	500	250
59.	Gakwara (Domesticated)	5000	2,500	1,250
60.	Dakwara(Wild)	2000	1000	500
61.	Zuwo	500	250	125
62.	Aliliba	1,500	750	375
	Goro	3000	1,500	750
	Cashew	3000	1,500	750
	Bauren Lamba	2000	1000	500
	Gwanda Dawa	2000	1000	500
	Faru	3000	1,500	750
	Zogale	1,000	500	250
	Palm Tree	5000	2500	1250
	Kawo	3000	1500	750
	Atili	3000	1500	750
	Passion fruit	5000	2500	1250
	Kuhu Tree	3000	1500	750
	Sabara (tree)	1500	750	375
	Sabara(shrub)	100	50	25
	Shuwaka	500	250	125
	Nunu	2000	1000	500
	Coconut	5000	2500	1250
	Tsada	3000	1500	750
	Bagaruwa	4000	2000	1000

#### **ECONOMIC CROPS**

	Millet	60,000	30,000	15,000
	Guineacorn	60,000	30,000	15,000
	Maize	80,000	40,000	20,000
	Rice	100,000	50,000	25,000
	Beans	80,000	40,000	20,000
	Groundnut	100,000	50,000	25,000
	Yam	80,000	40,000	20,000
	Cotton	150,000	75,000	87,500
	Cocoyam	80,000	40,000	20,000
	Cassava (improved)	200,000	100,000	50,000

Soya bean	100,000	50,000	25,000
Sugarcane	150,000	75,000	37,500
Tomatoes	80,000	40,000	20,000
Sweet Potatoes	50,000	25,000	12,500
Irish Potatoes	100,000	50,000	25,000
Pepper (i) Tattasai	80,000	40,000	20,000
(ii) Borkano	120,000	80,000	30,000
(iii) Altarugu	80,000	40,000	20,000
Beniseed, (Ridi)	60,000	30,000	15,000
Ginger	150,000	75,000	37,500
Tigernuts (Aya)	60,000	30,000	15,000
Digatana (Acha)	100,000	50,000	25,000
Ceral grass (Iburo)	100,000	50,000	25,000
Cocoyam (Gwaza)	80,000	40,000	20,000
Tobacco (Taba)	15,000	7,500	3,750
Other Vegetables:			
Onions lettuce carrot etc	40,000	20,000	10,000
Rizga (Tube)	100,000	50,000	25,000
Wheat	120,000	60,000	30,000
Kwarya (gound)	30,000	15,000	7,500
Kabewa	35,000	17,500	8,750
Soborodo	50,000	25,000	12,250
Water Melon	35,000	17,500	8,750
Govt/grazing Recours	300,000	150,000	75,000
Neem Plantation	550,000	275,000	137,500
REPLECEMENT VALUE FOR FARM LAND PER HECTARE			
State capital			
Minimum	120,000	60,000	30,000
Fadama Minimun	200,000	100,000	50,000
OTHER LG HEADQUARTERS	80,000	40,000	20,000
RURAL AREAS	60,000	30,000	15,000

NOTE: Seedlings 25%, Immature 50%, Matured 100%. CROPS PER HECTIRE.

**Annex 2: Screening Framework for Census of Affected Assets and Affected Persons**

**Annex 2.1: Affected Plot Sheet**

Reference:

Reference: .....

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

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

Description of soil: .....

.....



.....

Perennial Crops:            1            Owner: .....

   2            Owner: .....

Annual Crops:            1            Owner: .....

   2            Owner: .....

Trees:                            1            Owner: .....

   2            Owner: .....

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

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

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

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

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

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

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

Valuation proposal (details of calculation on attached sheet):

Crops: .....

.....

Structures: .....

.....

Proposed distribution of compensation:

User 1: .....

User 2: .....

User 3: .....

User 4: .....

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

**Annex 2.2: Affected Building Sheet**

Reference: .....

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

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

Owner: -

Full Name: .....

Address: .....

.....

Description: -

Permanent.....non-permanent: .....

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

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

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

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

Annexes outside:

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

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

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

..... Additional features: .....

.....

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

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

Vulnerable group:

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

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

.....

.....

Proposed distribution of compensation:

User 1: .....

User 2: .....

User 3: .....

User 4: .....

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

**Annex 2.3: Affected Household Sheet**

Household Reference: .....

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

Reference of Affected Asset: -

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

Reference of Affected Asset Sheet: .....

Household Information: -

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

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

Composition of Household: -

Number	Name	Relationship with Household	Sex	Age
		<b>Head</b>		
1				
2				
3				

Socio-Economic Information: -

Head of Household: .....

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

Other members of the Household: -

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

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

Total Estimated Household Cash Income: .....

Education level of Household Members: -

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

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

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

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

Project Impact: -

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

.....

Amount of land owned; .....

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

Proposed Compensation or Resettlement Package: -

Household's Wishes: .....

.....

Proposed Package: .....

Proposed Livelihood Restoration Package: -

Household's Wishes: .....

.....

Proposed Package: .....

.....





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