



**FEDERAL REPUBLIC OF NIGERIA**

**RESETTLEMENT POLICY FRAMEWORK  
(RPF)**

**FOR**

**NIGERIA ELECTRIFICATION  
PROJECT (NEP)**

**March 2017**

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## ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CBOs	Communities Base Organisations
EEP	Energizing Education Programme
EPC	Engineering Procurement and Construction
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
NEP	National Electrification Project
NGOs	Non- Governmental Organisations
O&M	Operation and Maintenance
PAPs	Project Affected Persons
PMU	Project Implementation Unit
PMU	Project Management Unit
PR	Public Relation
RP	Resettlement Plan
REA	Rural Electricity Agency
RESIP	Rural Electrification Strategy and Implementation Plan
SMOEs	State Ministry of Environment

## Definitions of Key Terms

Word/Term	Definition
Asset Inventory	A complete count and description of all property that will be acquired.
Bank	World Bank
Cut - off Date	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
Compensation	Payment in cash or in kind of the replacement value of the acquired property.
Displacement	Removal of people from their land, homes, farms, etc. as a result 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.
Entitlements	Compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Grievance Procedures	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.
Host Communities	Communities receiving resettled people as a result of involuntary resettlement activities
Land Acquisition	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.
Market rate	Highest rate over the last five years based on commercial terms.
Market Value	The most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self interest to maximize satisfaction and both act independently and without collusion, fraud or misrepresentation.
Project Affected Person (s)	A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located 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.
Rehabilitation Assistance	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
Resettlement Policy Framework (RPF)	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.

Resettlement Action Plan (RAP)	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.
Resettlement	The measures taken to mitigate any and all adverse impacts of the Project on PAPs property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation

## EXECUTIVE SUMMARY

### Project Background

The Federal Executive Council approved the Power Sector Reform Program (PSRP) on 22 March 2017. The Federal Government of Nigeria (FGN) seeks to increase electricity access in remote, low density and traditionally underserved areas of the country through the Rural Electrification Agency (REA). The Nigeria Electrification Project (NEP) directly promotes these objectives, and will provide electricity access to serve households, enterprises, community facilities, and small businesses. While the project is technology neutral, it is expected that most of the power under the project will be generated by solar technology.

The project is nationwide in scope. The project aims to provide electricity to households, firms and public institutions in a least-cost and timely manner. Most of the project's funds will be used to stimulate private construction and operation of off-grid electricity supply systems by providing financial incentives and technical support. Some of the project funds will be used to acquire, by competitive tender, supply systems for selected Federal universities. The project will also co-finance Technical Assistance.

The project has three distinct and different investment components, with IDA fund allocation as presented in Table 1.

Table 1: NEP project scale and components

Component	IDA Allocation (US\$ million)
Solar Hybrid Mini grids for Rural Economic Development	150
Standalone Solar Systems for Homes, Enterprises and Farms	75
Power Systems for Public Universities and Teaching Hospitals	105
Implementation Support and Technical Assistance	20
<b>Total</b>	<b>350</b>

- **Component 1 Solar Hybrid Mini Grids for Rural Economic Development** will provide subsidies and/or performance-based grants to private mini grid developers to build solar hybrid mini grids in unserved and underserved rural areas.
- **Component 2 Standalone Solar Systems for Homes, Enterprises and Farms** will provide market-based incentives to standalone private sector solar system providers to install solar home systems (SHS) for underserved households and SMEs in dedicated areas.

- **Component 3 Power Systems for Public Universities and Teaching Hospitals<sup>1</sup>** will support the construction and operations of solar mini-grid for beneficiary universities and teaching hospitals. This component will be implemented by REA in collaboration with universities. A contractor(s) will be engaged directly by REA to construct the power systems under this component, which will then be operated by the universities.

Due to the remoteness and dispersed nature of the target populations, communities and their socio-economic status, the project will address the high costs of provision of infrastructure services, low ability to pay of potential users, and sustainability of service provision.

Therefore, sustainability of the proposed approach to expand energy access beyond the nationally owned power grid depends on two primary factors: institutional capacity of REA, and the involvement of the private sector. Moving forward, REA remains the primary institution enshrined in the law to carry out these activities.

### **Need for RPF**

The Resettlement Policy Framework (RPF) is designed to provide procedures and guidelines that will be followed because the World Bank's OP 4.12 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) or an Abbreviated Resettlement Plan (ARAP). The World Bank Operational Policy on Involuntary Resettlement (OP 4.12) therefore requires the development of a Resettlement Policy Framework (RPF). **The proponents of each subproject will prepare a RAP or ARAP satisfactory to the Bank in order to be eligible for project funds.**

The main objective of the RPF is to describe and clarify the policies, principles and procedures to be followed in minimizing and mitigating adverse social and economic impacts that will be caused by NEP in the course of implementation. The RPF is formulated to establish and clarify the resettlement principles, organizational arrangements and design criteria to be applied to subprojects which will be prepared during project implementation. Sub-project resettlement plans consistent with the RPF will subsequently be prepared and submitted to the World Bank for approval when relevant and specific information on the sub-project's activities becomes available.

The RPF shall serve as a practical tool (e.g. screening checklist) to guide the preparation of Resettlement Action Plans (RAPs) for sub-projects during the implementation of the NEP. It is vital to note that for each subproject supported under the Project that involves land acquisition or relocation of people, a separate

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<sup>1</sup> Nigeria's Federal Energizing Education program's scope is 37 federal universities and 7 associated university teaching hospitals across the country. World Bank will support a subset of this program, which is already under implementation by REA.

Resettlement Action Plan (RAP) satisfactory to the Bank is required prior to signing a work order.

### **Project Location**

This RPF covers the 36 states consisting of six defined geopolitical zones namely North Central, North East, North West, South East, South-South and South West.

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

At this stage of NEP preparation, accurate figures with regard to 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 RAPs/ARAPs preparation will provide more information on the social conditions of the potentially affected persons and even estimates.

### **Legal Framework for Land Acquisition**

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 (OP) 4.12, which addresses land acquisition and resettlement, was adopted in 2001. The differences between the Land Use Act and the Bank's OP 4.12 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.*

### **Potential Impacts**

NEP 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 and university campuses in Nigeria through construction and installation of mini-grids, standalone solar system and energizing education programme.

In the course of actualising these noble objectives, however, it is anticipated that sub-projects under Components 1 and 3 (**Component 1: Solar Hybrid Mini Grids for Rural Economic Development** and **Component 3 Power Systems for Public Universities and Teaching Hospitals**) 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.

The project activities will include the installation/construction of mini-grid system which are likely to have two categories of effects viz permanent and temporal effects. Permanent effects will result in a loss of use of property, vegetation and land by the affected persons. Temporal effects will result to interruption in the current use of property or temporary loss of access to land as a result of the subproject activities. These are likely to occur during construction and rehabilitation of existing infrastructure especially road access.

However, during stakeholder consultations , communities expressed appreciation for the project and in some cases expressed willingness to donate the required land; nevertheless, this does not eliminate the fact that people will be displaced and the land use changed especially in unforeseen situation. Therefore, displacement of people within the project areas is expected although it is not possible to determine the number of people that are likely to be impacted,

This RPF states the legislative framework upon which the concept of the entire resettlement procedure under NEP 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, OP 4.12 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.

### **Guiding Principles for Resettlement Planning**

This framework identifies the guarding principles for resettlement planning for the borrower and the processes to follow in screening subproject activities to ensure appropriate measures are in place to address issues arising from potential land acquisition/disruption of livelihood under NEP.

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 socioeconomic study should focus on such issues as livelihoods, 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. The water supply available to each household and the availability of electric power will also be recorded. All the above data shall be photographically documented. A sample household questionnaire has been prepared as an annex to this RPF. Concurrently, data will be collected on services available to households in the area such as educational institutions, health-care facilities, places of worship, extension agencies, shops and any other services normally used by household members. should be recorded. Distance from households to such facilities should be noted.

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. Project affected persons, communities, NGOs relevant

stakeholders shall participate in the resettlement/rehabilitation process. The specific plans/mechanisms for consultation participation will be detailed in the RAP and shall include resettlement committees for PAPs and communities and interagency committees for participating stakeholders

### **Grievance Redressal Mechanism**

The NEP RPF provides for grievance redress mechanism which is a non-judicial procedure within the agency (-ies) responsible for the resettlement. This, it is anticipated, will allow unencumbered fora for people to express their dissatisfaction over compensation 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.

### **RPF Coordination and Implementation**

The Rural Electricity Agency 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/ARAPs in each State.

### **Budget and Funding**

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. The budget will cover resettlement activities including compensation cost for affected assets. Funds for preparation and implementing inventory assessments as well as land acquisition and resettlement action plans;

- a. Component one: This component will be implemented by private sector mini-grid developers. As such, funds for preparation and implementing site specific land acquisition and resettlement action plans should be factored into the private sector agreement
- b. Component three: This component will be implemented by the government through REA, as such, funds for preparation and implementing inventory assessments as well as land acquisition and resettlement action plan will be the responsibility of the government of Nigeria

## **Institutional Arrangement**

**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.

REA will provide overall coordination of the project and lead in the implementation of the project components, which will include overall responsibility for E&S due diligence and compliance monitoring. Specific arrangements and responsibilities for each component are as follows:

To achieve this made, REA has put in place a Project Management Unit (PMU) for coordinating the day to day activities with the relevant line departments. Specifically, with regard to 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 NEP sub-projects.

An officer of the PMU designated as the Social Safeguards Officer 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 NEP, 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.

### **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.

## **Measures for Strengthening Organizational Capability - Capacity Building and Training**

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 that shall be set up 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 Safeguard Policy (O.P 4.12) on resettlement and other World Bank operational policies on environment;
- Relevant Nigerian laws and policies relating to land acquisition and resettlement;
- Compensation and supplementary assistance;
- 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

### **Monitoring and evaluation**

In order 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 Nigerian Electricity Project. It also highlights mechanisms for internal and external monitoring and provides the indicators.

### **Consultation, Review and Disclosure**

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

Upon finalization, this RPF shall be disclosed in-country to the general public for review and comment at designated locations in the participating Ministries, Department and Agencies namely, the Federal Mistry 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

# INTRODUCTION

## 1.1 Background of Project

Nigeria faces significant challenges in energy access. At present, 80 million people lack access to grid electricity, with the national electrification rate at 58 percent and only 41 percent in rural areas. The majority of the unserved people live in rural areas, and rely on candles and flashlights for lighting. To achieve universal access to electricity by 2030, Nigeria would need to connect between 500,000 to 800,000 households per year, and add around 25 GW to its actual operating capacity.

Due to lack of access to power, enterprises and public institutions are constrained. The productive uses of labor and development of economic activity are hindered, including in manufacturing, light industry, and agriculture, by lack of electricity access. Rural commercial and industrial enterprises rely on diesel generation sets that produce expensive electricity. Further, public institutions, such as educational institutions, health centers, and offices cannot provide adequate service without power.

The FGN aims to make reliable electricity available to 75 percent of the population by 2020, and 90 percent by 2030, with at least a 10 percent share of renewable energy by 2025.5 Under the PSRP, the FGN intends to take a comprehensive approach to extending access through grid extension and off-grid expansion. It addresses the weak financial, technical, and operational position of the Discos, and also provides for expansion of off-grid supply of power.

The proposed Nigeria Electrification Project (NEP) is co-financed by the World Bank (WB) through a loan of US\$350 million, and implemented by Nigeria Rural Electrification Agency. Its objective is to increase access to electricity services for households, universities, and small business. The project aims to accelerate electricity access in rural areas through mini grids and stand-alone off-grid solutions. In addition, the project will provide electricity supply to selected universities that do not have adequate power supply from the Discos. It is expected to increase access to 500,000 households (2.5 million people).

The expected results of this project are increased number of people, enterprises, and public institutions with new or improved electricity services. Intermediate indicators include (1) number of households, enterprises, and institutions electrified through mini grid; (2) number of households electrified through stand-alone solar home system (SHS); and (3) number of universities and hospitals provide with new or improved electricity service through off-grid solutions.

This project is implemented by the Rural Electrification Agency (REA). A Project Management Unit (PMU) for the project has been established within REA. Key members of the PMU have been hired. They include: (i) financial management specialist, (ii) procurement specialist, (iii) environmental specialist; and (iv) social

specialist. An international consultant with experience in setting-up and supporting effective and efficient rural electrification agencies will assist with building REA's organizational structure, business planning, and operational manuals.

## **1.2 Objective of the World Bank's Resettlement policy OP/BP 4.12**

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

- (i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives;
- (ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in the project benefits. Affected persons shall be meaningfully consulted and have opportunities to participate in planning and implementing the programs linked to their resettlement.
- (iii) Affected persons should be assisted in their efforts to improve their livelihoods; standards of living should be improved as a result of the resettlement program, or at least restored, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

## **1.3 The Need for NEP RPF**

The Resettlement Policy Framework (RPF) is designed to provide procedures and guidelines that will be followed because the World Bank's OP 4.12 is triggered by the project

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 NEP.

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.

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

## **1.4 Justification for RPF**

It is certain that NEP activities will lead to positive and negative impacts, by virtue of its design, the NEP will contribute to positive social outcomes relating, for example,

to provision of uninterrupted power supply in Federal Universities and University Teaching hospitals (and surrounding communities), creation of new businesses and jobs, agricultural and other productive activities, and reduction of air and noise pollution from diesel generators and other alternative power supplies. The negative impacts could entail loss of access to and/or property, loss of livelihoods, loss of assets, loss of sources of income, loss of access to locations that provide higher incomes or lower costs, etc., which will result from acquisition of land/displacement.

During NEP project preparation, specific information on numbers of sub-projects, site location, local communities, geo-physical land features, nature etc. were not available. Thus, it is difficult to identify what the specific social impacts of the sub-projects are with regard to 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 are 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.

### **1.5. 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 NEP 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 NEP interventions of any particular subproject.

OP4.12 demands mitigation only when land is taken or people are displaced from their homes, businesses or place of work. The policy does not prohibit compensation for other kinds of losses and damage such as loss of “customer goodwill” but such compensation is not required by OP4.12.

The scope of work covers the following elements, consistent with the provisions described in OP 4.12, Paragraphs. 2 and 4:

- a. A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a 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 or an ARAP, 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 identify precisely 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 as a result 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; and
- m. Arrangements for monitoring by the implementing agency and if required, by independent monitors.
- n. Template for the design of sub-project RAPs and /or ARAPs
- o. A description of the processes of monitoring, verification and evaluation required for effective implementation of the resettlement process.

## **1.6. NEP 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 Safeguards Policies
- (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. Introduction

This Section provides information on the proposed project concept, components and highlights the physical and socio-economic settings of the project.

### 2.1 Project Concept and Components

This project has four components. The first and second components are privately developed mini grids (Component 1) and stand-alone solar systems (Component 2). They are two different ways to promote rural electrification using renewable energy, with each appropriate under different circumstance. Component 3 is electrification of federal universities and teaching hospitals, with public ownership. Component 4 is technical assistance. All components will be implemented by the Rural Electrification Agency (REA).

Table 1.1: Project scale and components

<b>Component</b>	<b>IDA Allocation (US\$ million)</b>
<b>Solar Hybrid Mini grids for Rural Economic Development</b>	150
<b>Standalone solar systems</b>	75
<b>Power systems for public universities and teaching hospitals</b>	105
<b>Technical Assistance</b>	20
<b>Total</b>	<b>350</b>

#### **Component 1. Solar Hybrid Mini Grids for Rural Economic Development (US\$150 million)**

Under this component, the project will support the development of private sector mini grids in unserved and underserved areas that have high economic growth potential. The target is to serve 300,000 households, and 30,000 local enterprises, with 15 mini grid operators. Early activities are expected in Niger, Sokoto, Ogun, Plateau, and Cross River states. The component will be implemented under a market-based approach, under which the private sector will provide electricity on a commercial basis, with subsidies. There are two sub-components:

- (a) **Minimum Subsidy Tender:** To kick start implementation, REA will select 200 sites in areas where there is private sector interest. REA will invite private developers to bid for minimum subsidies required to provide electricity these sites. Given the large number of sites, this tender is expected to attract some international private developers to enter this market in Nigeria. For another 70 mini grids in high risk environments in

the Northeast of Nigeria (excluding Borno), full public funding is proposed, with the tendering process to be management by the implementing partner for this activity, UNOPS.

- (b) **Performance Based Grant.** These are part of the ongoing support. REA will use a market-based approach to support eligible companies. REA will provide performance based grants to mini grid operators on the basis of new customer connections (\$/end user). It is expected that the performance-based grants will benefit an estimated 585 mini grid sites, at least 8 companies, and 230,000 end users.

### **Component 2. Standalone Solar Systems (US\$75 million)**

The goal of this component is to help 1.5 million Nigerian households and micro, small and medium enterprises (MSMEs) access better energy services at lower cost than their current service, via stand-alone solar home systems provided by the private sector. A market-based approach has been elected based on the conditions in Nigeria as well as experience in other countries.

The project will support solar home systems of various sizes, and around 1 million single solar lanterns. The proposed IDA allocation for the component is US\$80 million, while the total amount leveraged from the private sector is estimated at US\$230 million<sup>2</sup>.

### **Component 3. Reliable power for federal universities and teaching hospitals, or “Energizing Education”<sup>3</sup> (US\$105 million)**

The overall objective of FGN’s Energizing Education Program (EEP) is to provide reliable, affordable, and sustainable power to universities and associated teaching hospitals. This program’s scope is 37 federal universities and 7 associated university teaching hospitals across the country. They will be powered by off-grid systems of 1 MW to 11 MW.

The proposed project would support power systems for federal universities and hospitals. Sites will be selected to represent each of the six geopolitical zones. The program is expected to have a broad positive impact on the universities and hospitals served. This includes academics and research as well as ancillary university functions and overall campus quality of life.

REA will lead the design, installation, operation, and maintenance of the systems. REA will contract with competitively selected EPC contractors to build, operate and maintain the power plants at each site, and also build and equip the training center.

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<sup>2</sup> Considering that the objective of the component is to support market growth that would continue beyond the life of the project, the amount leveraged from the private sector would be even higher. E.g. by 2028 it is estimated that the amount leveraged will reach over \$400 million.

<sup>3</sup> “Power systems for public universities and teaching hospitals” and “Energizing Education” are used interchangeably to refer to Component 3 of the project.

The procurement will allow for bidders to bid on several sites. Each bidder will also be considered for a ten-year O&M contract for the power station (see below). On behalf of FGN, REA will own the installed equipment and oversee construction and O&M. REA will also arrange for fuel supply. Both the O&M and fuel expenses of the power stations will be financed by the project. Arrangements for post-project finance of these expenses will be confirmed during project implementation.

**Component 4: Technical Assistance (US\$20 million)**

This component will finance project implementation as well as help build the framework for rural electrification.

This component will be used to fund activities including but not limited to the following:

- Funding of the PMU
- Energy demand studies, surveys and community identification for developing solar mini grids and individual solar systems
- Support for safeguard instruments
- Support for engineering design and project management for Energizing Education and Economic Clusters
- Support for preparation of PPSD
- Preparation of operational guidelines for REF and implementation support

**2.2 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, North East, North West, South East, South-South and South West.

Table 1: 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
South-West	Ekiti
	Lagos
	Ogun
	Ondo
	Osun
	Oyo
North- West	Jigawa
	Kaduna
	Kano
	Kebbi
	Sokoto
	Zamfara

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

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

- Land for setting up mini grids
- Land that may be acquired for setting up new training centres

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 Population of Nigeria and Size of Settlements**

Nigeria is the most populous country in Africa with a population of 186 million and national population density is currently about 255people/km<sup>2</sup>. The Nigerian urban system is composed of Lagos megacity, seven metropolitan areas with a population of greater than 1million, 15 large cities with between 500,000 to 1 million, 19 medium sized cities with population from 300,000 to 500,000 and a network of hundreds of smaller towns. Urban population increase in Nigeria is occurring at all levels: from Lagos, Kano, Abuja and Ibadan; other state capitals and smaller secondary and tertiary cities. By 2020 another three cities which include Uyo, Nnewi and Aba are projected to reach metropolitan size and by 2030 the number of cities with more than 1 million inhabitants will be 23.

## **2.5 Economy of Nigeria**

Nigeria in the past 10 years has been one of the fastest growing countries in the sub-Saharan African, with GDP growth exceeding 7 percent. Nigeria's economy has diversified over the past two decades and covers agriculture, mining and quarrying, wholesale and retail trade, manufacturing, services, construction, real estate and ICT. The ICT and real estate sectors are concentrated in the southwest. The manufacturing sector is more spread out across the country, but heavily concentrated within Abuja-Kaduna-Kano industrial corridor in the North central and west; the Lagos –Ibadan industrial corridor in the South west and a concentration from Port Harcourt in the South-south through Imo and Enugu states in the South east. Lagos has the largest concentration of manufacturing small and medium enterprises, finance and service and insurance sectors. Electricity is one of the major factors affecting the economy of Nigeria.

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

At this stage of NEP 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/ARAPs 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**

Essentially, 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. The relevant Bank policy (OP) 4.12, which addresses land acquisition and resettlement, was adopted in 2001. The differences between the Land Use Act and the Bank's OP 4.12 mostly concern rehabilitation measures, which are neither proscribed nor mandated in the Act.

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 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

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

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

The Land Use Act, Cap 202, 1990 Laws of the Federation of Nigeria is the applicable law regarding ownership, transfer, acquisition and all such dealings on Land. The provisions of the Act vest every Parcel of Land in every State of the Federation in the Executive Governor of the State. He holds such parcel of land in trust for the people and government of the State. The Act categorized the land in a state to urban and non-urban or local areas. The administration of the urban land is vested in the Governor, while the latter is vested in the Local Government Councils. At any rate, all lands irrespective of the category belongs to the State while individuals only enjoy a right of occupancy as contained in the certificate of occupancy, or where the grants are “deemed”.

Thus, the Land Use Act is the key legislation that has direct relevance to resettlement and compensation in Nigeria. 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; grant easements appurtenant to statutory rights of occupancy and to demand rent. The Statutory rights of Occupancy are for a definite time (the limit is 99 years) and may be granted subject to the terms of any contract made between the state Governor and the Holder.

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

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

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

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

under the Land Use Act, the local government can allocate alternative land for the same purpose (section 6) (6).

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

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

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

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

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

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

Again, the Act provides in section 30 that where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use and Allocation Committee. It is clear from section 47 (2) of the Act that no further appeal will lie from the decision of such a committee. If this is so, then the provision is not only retrospective but also conflicts with the fundamental principle of natural justice, which requires that a person shall not be a judge in his own cause. The Act must, in

making this provision, have proceeded on the basis that the committee is a distinct body quite different from the Governor or the Local Government. It is submitted, however, that it will be difficult to persuade the public that this is so since the members of the committee are all appointees of the Governor.

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

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

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

### **3.3 International Guidelines**

International Development Partners/Agencies such as World Bank and other financial organizations interested in development projects recognize that such projects are likely to result in involuntary resettlement. It is against this background that policies and guidelines have been set for managing such issues. Project proponents shall comply with these policies before these institutions invest in them such as the World Bank Policy on Involuntary Resettlement (OP.4.12).

The World Bank's policy on involuntary resettlement will be applied in any sub-project of the NEP that displaces people from land or productive resources due to land take. Where there is conflict between national legislation and World Bank Operational Policies, the latter policies shall prevail.

#### **3.3.1 World Bank Policy on Involuntary Resettlement (OP.4.12) and NEP**

The Bank's policy (in paragraph 2) advocates that where feasible, involuntary resettlement should be avoided or minimized. Resettlement shall be conceived and

executed as a sustainable development program, where it is inevitable, providing sufficient investment resources to enable persons displaced by the project share in project benefit. Persons displaced shall be:

- i. Duly consulted and should have opportunity to participate in the planning and execution of the resettlement;
- i. Compensated for their losses at full replacement cost prior to civil works;
- ii. Assisted with the move and supported during the transitional period in the resettlement site;
- iii. Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least to restore them to pre-displacement levels.

### **3.3.2 Interim Guidelines for Addressing Legacy Issues in World Bank Projects, 2009**

The purpose of this guideline is to provide Bank project teams and Management with guidance on how to address legacy issues related to Safeguards documents when:

- The Bank restarts engagement in a project after a significant passage of time, or
- The Bank becomes engaged significantly late in a project or in a component of a project that is already well underway.

Legacy issues in the context of social impacts are commonly understood as impacts that remain after a project enterprise has ceased operations. This guidance note is not intended to cover such legacy issues because those types of legacy issues may require situation-specific approaches or other approaches not well addressed through the use of the Bank's Safeguards work.

In the legacy situations, there may be concerns about the consistency of the proposed project and its social Safeguards-related documents with the Bank's current social Safeguard Policies. These concerns may arise from: a legacy of inadequate social impact assessment; or adequate social impact that was carried out but may have become outdated due to either the passage of time or to significant changes in the social setting of the project area.

### **3.4. Nigerian Law and World Bank OP 4.12 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 OP4.12 is structurally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by an announced cut -off date.

The Nigeria Land Use Act and World Bank Safeguards Policy OP/BP 4.12 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 OP4.12.

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

**Table 2: Comparison of Nigerian Law and World Bank OP4.12 regarding compensation**

<b>Category</b>	<b>Nigerian Law</b>	<b>World Bank OP4.12</b>	<b>Measures to Filling the Gaps</b>
Minimization of resettlement	No requirement to consider all options of project design in order to minimize the need for resettlement or displacement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs	Design of footprints of project-related activities, particularly commercial farmland, will be undertaken so as to minimize resettlement.
Information and Consultation	It's lawful to revoke or acquire land by the governor after issuance of notice. No consultation is required.	PAPs are required to be meaningfully consulted and participate in the resettlement process	PAPs shall be meaningfully consulted and engaged in the resettlement process
Timing of Compensation	The law is silent on timing of payment	Compensation implementation to take precedence before construction or displacement	Compensation and resettlement implementation to take place before construction or displacement
Livelihood restoration	Makes no proscription on livelihood restoration measures	Requires that vulnerable PAPs be rehabilitated	Livelihood restoration measures will be put in place for vulnerable PAPs
Grievance Process	The land use and allocation committee appointed by the Governor is vexed with all disputes/grievances and compensation matters	Requires that a grievance redress mechanism be set early constituting the representative of PAPs and, prefers local redress mechanism. The law court is the last resort when available mechanism or outcome is unsatisfactory to PAP	A grievance redress committee (GRC) shall be established early and existing local redress process shall be considered to address issues of project induced grievances. PAPs or their representatives shall be members of the GRC.
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary	Compensation in cash to the community, chief or leader of the community for the	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

right	benefit of the community		
Agricultural land	Entitled to alternative agricultural land <sup>4</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 Land Owners	Cash compensation equal to the rent paid by the occupier during the year in which the right of occupancy was revoked	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Squatters settlers and migrants	Not entitled to compensation for land, but entitled to compensation for crops.	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land	Are to be provided resettlement assistance in addition to compensation for affected assets; but no compensation for land
Owners of “Non-permanent” Buildings	Cash compensation based on market value of the building (that means depreciation is allowed)	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Owners of “Permanent” buildings, installations	Resettlement in any other place by way of reasonable alternative accommodation or Cash Compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.

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<sup>4</sup> Nigerian Land Use Act (1978)

## **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, like NEP supported by the Bank 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 Involuntary Resettlement**

It is generally recognized that the impacts due to involuntary resettlement from development projects give rise to severe economic, social and environmental risks if left unmitigated such as listed below:

- 1. Landlessness**
  - Land expropriation removes the main foundation on which many people build livelihoods.
  - Often land is lost forever and sometimes it is partially replaced, seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced, and both natural and man-made capital is lost.
  
- 2. Homelessness**
  - Loss of shelter may be only temporary for many people, but for some it remains a chronic condition and is also felt as loss of identity and cultural impoverishment.
  - Loss of housing may have consequences on family cohesion and on mutual help networks if neighbouring households of the same kinship group get scattered.
  - Group relocation of neighbours is therefore usually preferable over dispersed relocation.
  
- 3. Joblessness**
  - Loss of salaried employment occurs both in rural and urban displacement.
  - People losing jobs may be industrial or service workers, landless agricultural labourers, or artisans.
  - Unemployment or under-employment among those who are resettled may linger long after physical relocation.
  - Creating new jobs for them is difficult and requires substantial investments, new creative approaches, and reliance on sharing project benefits.
  
- 4. Food insecurity**
  - Destruction of crops diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk of chronic food insecurity. This is

defined as calorie-protein intake levels below the minimum necessary for normal growth and work.

5. Increased morbidity and mortality
  - Vulnerability of the poorest people to illness is increased by forced relocation, because it tends to be associated with increased stress, psychological traumas, or the outbreak of parasitic diseases.
  - Decreases in health levels result from unsafe water supply and sewage systems that proliferates epidemic infections, diarrhea, dysentery, etc.
6. Educational loss
  - Involuntary displacement disrupts all public services at the departure sites, with heavy effects particularly on school programmes.
  - Interruption of school attendance causes prolonged loss of access to education; some children do not return to school at all and are prematurely sent by their families to join the labour force.
7. Social displacement
  - The dismantling of community structures and social organization, the dispersion of informal and formal networks, local associations, etc. is a massive loss of social capital. Such displacement undermines livelihoods in ways usually not recognized and not measured by planners, and is a cause of disempowerment and impoverishment.
8. Marginalization
  - This occurs when relocated families lose economic power and slide down towards lesser socio-economic positions.
  - Middle-income households become small landholders while small shopkeepers and craftsmen lose business and fall below poverty thresholds.
  - Economic marginalization tends to be accompanied by social and psychological marginalization.
9. Loss of access to common property
  - Poor farmers, particularly those without assets, suffer loss of access to the common property goods belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands fishing areas, cemetery lands, etc.). This represents a form of income loss and livelihood deterioration that is typically overlooked by planners and therefore uncompensated.

The World Bank resettlement policy, OP 4.12 is developed to ensure that the negative impacts of NEP development on people do not occur. And even it does occur, the affected persons/people are commensurately 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 cash compensation becomes inevitable.

It should be noted that massive involuntary displacement in NEP is not envisaged. Also, NEP does not envisage the project that will lead to the acquisition of protected areas (PA) or community resource management areas.

## **4.2 NEP and the Principle of Involuntary Resettlement**

Under OP 4.12, 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 or not the affected persons must move to another location.
  
- (b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The Bank Safeguard Policy OP 4.12 applies to NEP in:

1. All components under the project, whether or not 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 or not they have legal title to the land.
  3. Squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy who should be entitled to assistance in accordance with the objectives of the RPF.
- 
- (c) This RPF further applies to other activities resulting in involuntary resettlement that are:
    - i. Directly and significantly related to NEP 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 NEP sub-projects.

As required by the policy, implementation of individual resettlement and compensation plans under NEP 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.

### **4.3 NEP Sub-Project Implementation Principle**

The implementation of individual RAPs shall be completed prior to the implementation of sub-project activities causing resettlement. The Bank Safeguard Policy OP 4.12 applies to all components under the NEP programme, whether or not 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 in the course of the NEP subprojects in the targeted areas.

### **5.1 Project Impacts**

NEP 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/ARAP) 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 NEP 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 in order 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 2 provides a generic category of losses/disturbance/disruptions which could arise from the various NEP 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 as a consequence 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 2: 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	• Loss of Business, Residential or Industrial Accommodation or Room
Opportunity to Livelihood	• Loss of income-generating activities
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	• Disconnection of utility services
<i>Physical Loss of Assets</i>	
Land	• Loss of land for residential, agricultural, commercial or industrial use
Structures	<ul style="list-style-type: none"> <li>• Buildings</li> <li>• Temporary Buildings 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 or not 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 OP4.12. 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 as a result 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:*

NEP 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 NEP 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 as a result of land take are highlighted below:

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

An internally displaced person is someone who 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 as long as 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 also 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 is able to 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 take into account 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 into 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 NEP 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 NEP.

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

### **6.0 Introduction**

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

### **6.1 The Screening Process**

For the NEP, 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 /ARAP) 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 OP4.12 (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 NEP 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>5</sup>. A subproject displacing fewer than 200 people is anticipated to experience adverse impacts. The Resettlement Plans (RAPs or ARAP with time-bound actions and budgets are to be prepared for every sub-project in which there are displacement.

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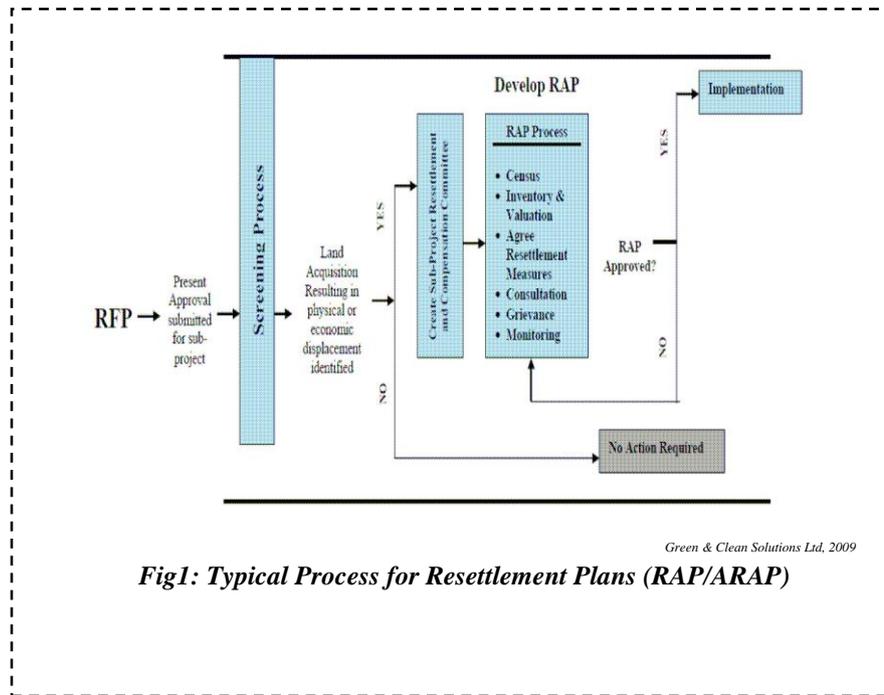
<sup>5</sup> It is noteworthy that large scale resettlement is not anticipated under the project

3. Identifying and evaluating potential impacts for each proposed sub project according to whether land is acquired and whether displacement or loss of access may result. 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 under NEP 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

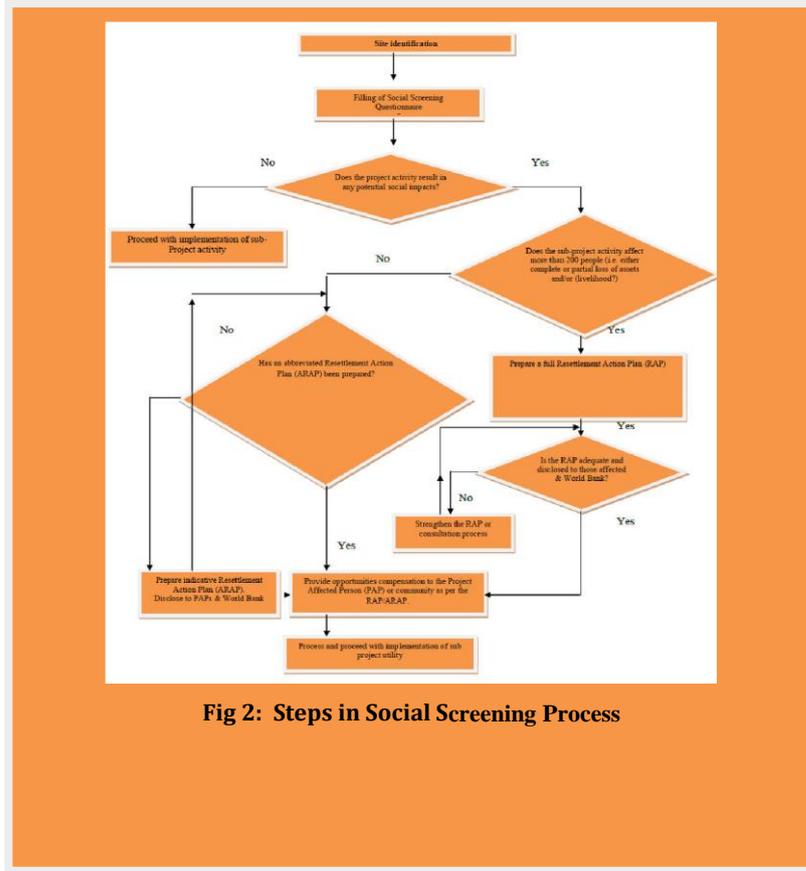
or physical displacement from housing will be lost will require the preparation of a RAP. A subproject displacing fewer than 200 people is anticipated to experience adverse impacts will require ARAP.

The Resettlement Plans (RAPs or ARAPs) with time-bound actions and budgets are to be prepared for every sub-project in which there are resettlement effects.



Green & Clean Solutions Ltd, 2009

**Fig1: Typical Process for Resettlement Plans (RAP/ARAP)**



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 take into account 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/ARAP to Project Authorities**

Following completion of the RAP (RAP/ARAP) 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 OP 4.12, 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 or not 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 3: 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 as a result 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 OP 4.12 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/ARAPS. 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 general 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, market places, 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 OP 4.12 (6a (ii)) 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 4. 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)
4. Permanent loss of Structures 4.1 Residential and commercial structures	4.1. (a)Owners of the structures whether or not the land on which the structure stands is legally occupied  (b) Renters	4.1. (a) Cash compensation for loss of built-up structures at full replacement costs Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure. In case of relocation, transfer allowance to cover cost of Shifting (transport plus loading/unloading) the effects and materials will be paid on actual cost basis or on current market rates. (b) One time cash assistance equivalent to 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.
4.2. Cultural, Religious, and community structures /facilities	4.2. School, church, water channels, pathways, and other community structures/installations	4.2. Complete rehabilitation/restoration by the Project; or, Cash compensation for restoring affected cultural/community structures and installations, to the recognized patron/custodian.
5. Special provision for vulnerable APs 5.1.Restablishing and/or enhancing livelihood	5.1 Women headed households, disabled or elderly persons and the landless	5. Needs based special assistance to be provided either in cash or in kind.
5.2 Change in Livelihood for women and other vulnerable APs that need to substitute their income because of adverse impact	5.2. (a) Vulnerable APs, particularly Women enrolled in a vocational training facility 5.2. (b) owner/s whose landholding has been reduced to less than 5	5.2 (a) &(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

<b>Entitlement Matrix</b>		
acres		
Unanticipated impact due to intervention or activity	adverse to project or associated	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.

## **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 land owner or land user on state owned land will be compensated for land, assets, investments, loss of access etc. at replacement rates at the time of the loss.**

## 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 5). 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 etc 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 5: Method of Valuation**

S/No	Loss of Land	Comparative Sales Method	Based on the open market value of comparable recent land transactions
1	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
2	Loss of Business Income and Loss of Business Goodwill	Comparative Method	Based on the average monthly net profit
3	- 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
4	- Expenditure incurred for Transfer of movable properties and temporary structures	Comparative Method	Based on truck/transport hiring charges

5	- 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:

## 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, OP4.12 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/ARAP. 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

Forms of Compensation	
1. Cash payments	Compensation will be calculated in Naira. Rates will be adjusted for inflation
2. In-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipments
3. Assistance	Assistance may include moving allowance, transportation assistance and labour.

Box 4: Forms of Compensation

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.

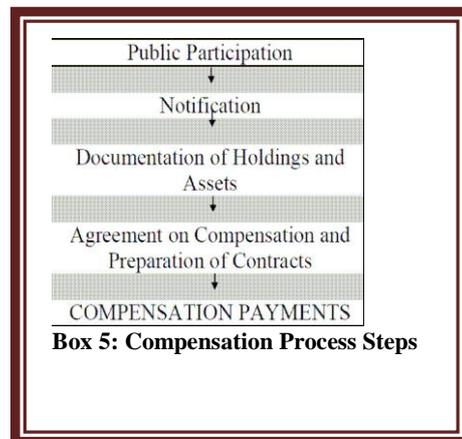
### 8.7.1 Arrangements for Compensation

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 in order 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 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 completes 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.

#### **8.7.2 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 in itself require land take and people may be affected, thus a change of impacts which will be compensated.

#### **8.7.3 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 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 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 NEP, 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;
- (ii) 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,
- (iii) 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 over compensation.

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;

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; (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 NEP, 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 in order 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 stakeholders, 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 in order 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 the course of project implementation.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of the NEP 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 NEP. 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 6 below:

Table 6

Sub project	Responsible part 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
Sub-projects under Component 3 that will lead to land acquisition and	Government of Nigeria/ Rural Electrification Agency

loss of assets especially at sites for installation/construction for Universities and Teaching hospitals	
Resettlement audits for sub-project under components 1 & 3 <sup>6</sup>	

Component 3: The FGN, shall provide counterpart funds to REA to fund resettlement matters related to this component. The PMU will be responsible for ensuring the prompt provision and efficient flow of the budgeted funds for resettlement to the various subprojects. Ensure that land acquisition and compensation are adequately funded and carried out in accordance with applicable rules as presented in this framework.

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.

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<sup>6</sup> Sub projects under component 2 of the project are not expected to lead to land acquisition and resettlement

## **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 NEP 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 on-going 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 NEP.

There are many vehicles that could be used for communication and consultation such as listed below:

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 take into account 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 such 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 taken into account. 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 NEP Public Consultation for RPF Preparation and Outcomes**

In the course of the preparation of this RPF relevant institutional stakeholders such as MDAs and NGOs/CBOs and potentially project affected persons were met Relevant information about the RPF and ESMF) were shared with the stakeholders followed by an interactive session aimed at exploring:

- The adequacy, workability and familiarity with the RPF;
- The extent to which the RPF interfaced with the State Procedures and the system of property valuation;
- Capacity or awareness within the relevant institutions generally of RPF;
- The existing capacity and/or availability to facilitate the application of or compliance with the RPF;
- Identification of the relevant project affected persons

The major outcome of the various consultation is summarized below while further details on the consultations and those consulted are provided in Annex 9:

- Imperative for proper compensation plans for women and households when lands are taken from them & the communities
- Need to allow voluntary Land donation as donation of land by communities will help keep electricity tariff low
- Opportunities for sharing lessons from the field to assist in future review acquisition of land
- Challenges associated with Land title registration
- Harmonization of processes and policies with other agencies such as the African Development Bank AFDB

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 (in particular 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 NEP provides opportunities for reforms in a number of issues, such as:

1. Strengthening existing policies on electricity generation, supply and distribution in the country.
2. Encouragement of Private sector participation in Power sector in the country.
3. Encourage the Universities to engage in more researches.
4. Understanding best practice in involuntary *resettlement & compensation management issues*.
5. Building of capacity/awareness within the relevant institutions of the RPF, the extent to which this interfaces 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;
6. 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.
7. 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 6: outlines some key stakeholders identified at present, in the course of preparing this RPF.

**Table: 7 PAPs 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</li> </ul>

	<p>stakeholder or relevant group.</p> <ul style="list-style-type: none"> <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 and other environmental and social strategies 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 Arrangement**

**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. Specifically, in terms of resettlement management across project components, PMU for the project will be responsible for:

1. Overall oversight of the E&S risk assessment, management, and monitoring processes in line with this ESMF, for each component of the Project;
2. Putting in place and implementing a reporting system from private sector entities to REA on implementation of resettlement on Component 2;
3. Engaging an independent E&S auditor to ensure that private sector entities are implementing E&S requirements set out in the ESMF consistently;
4. Assuming responsibility for citizen engagement, maintaining adequate stakeholder engagement and grievance redress mechanism and ensuring that private sector entities maintain the same at their level. REA-PMU will establish a communication line between the REA zonal offices and ensure project success on this aspect. It will also facilitate liaison with MDAs, CBOs, NGOs and project affected communities;
5. Designing, organizing and implementing capacity building programs for mini grid developers and other key stakeholders;
6. Defining, jointly with the respective states and local governments, the project priorities based on technical and policy development priorities;
7. Resolving in consultation with the States/local governments challenges requiring high level intervention facing the project;
8. Engaging in preparing solutions for E&S strategic risks identified (battery recycling, land, and harmonization of standards);

9. Monitoring the implementation of the project in consultation.

REA will provide overall coordination of the project and lead in the implementation of the project components, which will include overall responsibility for E&S due diligence and compliance monitoring. Specific arrangements and responsibilities for each component are as follows:

To achieve this made, REA has put in place a Project Management Unit (PMU) for coordinating the day to day activities with the relevant line departments. Specifically, with regard to 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 co-ordinated response on the environmental and social aspects of the NEP sub-projects.

An officer of the PMU designated as the Social Safeguards Officer 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. The roles and responsibilities of the Social Safeguard Specialist (Livelihood & Social Safeguard Specialist) include:

- Ensure the preparation and implementation of Resettlement Action Plan by Mini grid developers/ companies as required under Component 1
- Initiate Resettlement Action Plans as required by sub projects in Component 3 (whenever the project involves displacement of homes or businesses) or land acquisition of any kind).
- Ensure Social Assessment (SA) (analysis of social conditions related to the subproject such as income levels, local organization, conflicts identified, leadership)
- Ensure/Carry out Social Mobilization Plan (assigning a role to the affected community and providing appropriate incentives for people to participate)
- Ensure Communication Plan
- 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 under the World Bank Safeguard policies including the OP4.01/ OP 4.12.
- Co-ordinate application, follow up processing and obtain requisite clearances required for the project, if required
- Prepare compliance reports with statutory requirements.
- Develop, organize and deliver training programme for the PMU staff, Mini-grid developers/ companies, the contractors and others involved in the project implementation.

- Review and approve the Contractor/ Mini-grid developer's Plans for the social impact measures as per the RAP/ARAP 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
- Continuously interact with the NGOs and Community groups that will be involved in the project
- Review the performance of the project through an assessment of the periodic environmental and social monitoring reports; provide a summary of the same to the Project Manager, and initiate necessary follow-up actions
- 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 NEP, 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.

## **12.3 Roles and Responsibilities by Project Component**

### **Component 1**

Under this component, the key players are REA, the World Bank, the private mini grid developers/companies, FMoE, the affected communities, and the independent auditor hired by the mini grid developers to conduct annual E&S review.

**REA** plays an essential role in setting the overall resettlement standards and ensuring the requirements are met thorough the process. Its responsibilities include:

1. E&S requirement setting, REA will:
  - a. Set applicable E&S requirements and includes them in the grand application process for mini grid developers. Such as the exclusion list and requirements for, RAP/LRP, consultation, clean E&S track records, etc.
  - b. Require mini grid developer/companies to prepare Environment and Social Management System. A sample mini grid developer ESMS will be provided to the private mini-grid developers/companies and capacity building will be provided to help developers to design and implement a suitable ESMS.

- c. Integrate E&S requirements in legal agreements with mini grid developments.
2. E&S screening: REA will ensure the developer's E&S screening process meets the requirement set out the RPF/ESMF.
3. E&S due diligence: REA will conduct site visits to all sites with land acquisition and resettlement implementation
4. E&S monitoring: REA will conduct monitoring of resettlement activities during mini grid construction and operation,
5. E&S reporting: REA will:
  - a. Review resettlement and other E&S reports submitted by the developers and conduct follow-ups based on desk-top reviews and site visits.
  - b. Maintain records of developer screening, ESIA's, ESMPs, RAPs and/ or LRPs, and other relevant documents.
6. E&S auditing: REA will hire an independent E&S auditor.

**Mini grid Developers/companies** plan and conduct the construction and is responsible for complying with all relevant E&S requirements. Its responsibilities include:

1. **E&S requirement setting:** mini grid developers will incorporate application E&S requirements in their institutional ESMS, that include national and regional laws/policies and any requirement set by REA and other investors (if any).
2. **E&S screening:**
  - a. Conduct the actual E&S (including resettlement) screening based on all relevant requirements, employing or hiring qualified E&S specialists, and provide sufficient resources for such activities.
  - b. Submit a list of all sites with anticipated land acquisition and resettlement to REA before begin construction.
3. **E&S due diligence:** mini grid developers will prepare and integrate into project design that: will lead to land acquisition and resettlement, RAPs and/or LRP as needed; (2) for Category II projects, ESMP; and (3) for all projects: The Stakeholder Engagement Plan (SEP) and grievance mechanism.
4. E&S monitoring: mini grid developers will conduct self-monitoring activities in line with their ESMS and main all monitoring records properly.
5. E&S reporting:
  - a. Prepare E&S reports to REA based on REA's reporting requirements;
  - b. Report any incident or accidents within several days of occurrence, including any E&S fines, litigation, or other administrative/legal issues.
6. E&S audit: mini grid developers will provide all relevant reports and documents to the independent E&S auditors in a timely manner upon request.

In addition to REA and the mini grid developers, the following key stakeholders also have specific responsibilities under this component:

**World Bank** will review and clear all Resettlement Action Plans and Livelihood Restoration Plans prepared by the mini grid developers

**FMoE** will provide environmental clearance as required by laws and regulations, when the mini grid developer submits sufficient information and evidence of compliance.

**Affected communities** will participate in monitoring, based on the arraignment agreed with the mini grid developer and outlined in the SEP.

**Independent E&S auditor** hired by REA will conduct annual review of developers' E&S performance.

### **Component 2**

Under this component, the key players are REA and the standalone solar system (solar home system, or SHS) companies.

**REA** sets the E&S standards and ensures the requirements are met through the process. Its responsibilities include:

**SHS companies** plan and conduct the construction and is responsible for complying with all relevant E&S requirements. Its responsibilities include:

The implementation of this component is not expected to lead to land acquisition and resettlement.

### **Component 3**

Under this component, the key players are REA, the World Bank, MFoE, and the beneficiary universities.

**REA** sets the overall E&S standards, prepares actual E&S documents, designed related processes, and ensures the E&S compliance through the construction and operation. Its responsibilities include:

1. E&S impact assessment:
  - a. Prepare ESIA and ESMPs for university power systems subprojects
  - b. Integrate E&S clauses in bidding documents and legal agreements with EPC contractors.
2. Resettlement planning:
  - a. Prepare RAPs and LRPs, as needed, based on the Resettlement Policy Framework (RPF) prepared for the project
  - b. Maintain targeted grievance redress mechanism for all land related issues in this component, in addition to the overall grievance mechanism that it has for this project in general.
3. E&S monitoring: REA will monitor contracts' E&S performance before and during construction.
4. Independent E&S audit: REA will engage independent E&S auditor as needed.

In addition to REA and its hired contractors, the following key stakeholders also have specific responsibilities under this component:

**World Bank** will review and clear all Resettlement Action Plans and Livelihood Restoration Plans prepared by the mini grid developers

**FMoE** will provide environmental clearance as required by laws and regulations, when the mini grid developer submits sufficient information and evidence of compliance.

**Beneficiary Universities** will support REA in monitoring the hired contractors' E&S performance during construction.

The mitigation principles are considered broadly as they capture all levels of impacts that each sub-project could present in the project sites and the communities. These mitigation principles will also be useful and fundamental in the preparation of mitigation strategies which will be developed and implemented in the ESMPs prepared for sub-projects.

#### **12. 4. State Ministry of Environment**

By the provision of acts, edicts and laws the states have also set up State Ministry of Environments (SMOEs) as the regulatory bodies to protect and manage the environmental issues in the states.

- The functions of the SMOEs include:
- Enforcement of all environmental legislations and policies;
- Coordination and supervision of environmental assessment studies;
- Minimization of impacts of physical development on the ecosystem;
- Preservation, conservation and restoration to pre-impact status of all ecological processes essential to the preservation of biological diversity;
- Protection of air, water, land, forest and wildlife within the states;
- Pollution control and environmental health in the states; and
- Co-operation with FMEnv and other agencies to achieve effective prevention of abatement of trans-boundary movement of waste.

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

The Ministry processes all instruments evidencing ownership and possession of real estate in the states and also 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.

- Thus amongst other things, 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.

## **12.6 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.
- Engage and encourage carrying out comprehensive and practical awareness campaign for the proposed project, amongst the various relevant grass roots interest groups.
- Appointing a suitable Desk Officer
- Participating in sensitization of all communities
- Participate in resolving grievances;
- Monitor implementation of sub-projects and activities of Operational Officers;

## **12.7 Community and other Institutions**

- Ensure Community participation by mobilizing, sensitizing community members;
- Assist in resolving grievances of PAPs
- Ensures that social values are not interfered with.
- They may have complaints that need to be resolved in the execution of the sub-project.

- Support and assist in the mobilization of the various relevant grass roots interest groups may have complaints that need to be resolved in the execution of the project with a view to avoiding conflicts and grievances.
- Oversees the development needs of the entire community.
- Ensure Community participation by mobilizing, sensitizing community members; □Support and assist in the mobilization of the various relevant grass roots interest

## **12.8 World Bank**

- Maintains an oversight role to ensure compliance with the safeguards policies, review and provide clearance and approval for the RPs of each project site.
- Maintain an oversight role of the supervision of the RPF/RAP/ARAP 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.

## **12.9 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.

### **12.10 Measures for Strengthening Organizational Capability - Capacity Building and Training**

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 that shall be set up 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 Safeguard Policy (O.P 4.12) on resettlement and other World Bank operational policies on environment;
- Relevant Nigerian laws and policies relating to land acquisition and resettlement;
- Compensation and supplementary assistance;
- 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 8 outlines an indicative training programme that with relevant topics that could be adapted.

Table 8: Typical Training Programme on Capacity Building of Relevant Stakeholders

S/n	Duration	Subject	Resources
1	60Mins	Official opening Introduction of Participants Introduction to programme, Sessions and trainers	List of participants Agenda for training Session
2	15Minus	Tea Break	
3	90 Minus	General Introduction Involuntary vs. Voluntary Resettlement World Bank Safeguard policies Policy, legal and other statutory requirements as p Government of Nigeria and World Bank Main issues associated with Involuntary Resettlement er	PowerPoint presentation Associated handouts
4	60mins	Lunch	
5	60mins	Introduction to Social and Resettlement Issues Basic Concepts	
6	90mins	World Bank OP 4.12 Involuntary Resettlement Principles of RAP/ARAP Planning Requirements Implementation Requirements Grievance and Conflict Management and Resolution Documentation and Disclosure Requirements Monitoring and Evaluation of RAPs and ARPs	Full text of OP 4.12 for each participant (included in the RPF
7		Tea Break	
8	60mins	Overview & Objective of the RPF Gaps between OP 4.12 & Nigerian Land Use Act a how to bridge them Eligibility and Entitlements Resettlement and Compensations packages	Full copy of the RPF for each participant PowerPoint Presentation
9	30minus	Review of Day	
<b>DAY 2</b>			
1	60mins	Assessment process (i.e. introduction to ARAPs and RAPs as proposed in the RPF) Census & Socio-economic Methodology Content of an ARAP Content of a RAP Grievance and conflict Management Vulnerable people Monitoring and Evaluation tools	Full copy of the RPF for each participant PowerPoint Presentation
2	15mins	Tea Break	
3	90mins	NEWMAP Resettlement Action Plan Background Resettlement packages Consultations and negotiations with affected people Development of Resettlement sites Potential strong point and weak points	PowerPoint presentation Associated Handouts
4	60mins	Lunch	

5	90mins	<p>Social &amp; Resettlement Considerations in Urban and Rural Development Projects:</p> <p>Social and Resettlement aspects arising during construction and operation stages</p> <p>Social and Resettlement Good Practices in Urban public works and rural agricultural practices</p>	
6	30Mins	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 in order 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 NEP, 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/ARAPs 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.

In order to assess whether these goals are met, RAPs/ARAPs 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, PMU and the World Bank.

The PMU will institute an administrative reporting system that:

- Provides timely information about all resettlement arising as a result of NEP project activities
- Identifies grievances that have not been resolved at a local level and require resolution through the involvement of the PMU; and
- 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;
- 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 and journalists 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**

A number of objectively verifiable indicators shall be used to 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/ARAPs 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.

A number of objectively verifiable indicators shall be used to 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 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 PAPs details**

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 meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

### **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 Socio-Economic Monitoring**

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

A number of indicators will be used in order to determine the status of affected people, land being used to compare before, standard of house compare to before, level

of participation in project activities compared to before, how many children in school compared to before, health standards, etc. The key issue is not the actual standard of living so much as the opportunity to maintain or improve the standard of living. Actual standards of living will depend on the initiative taken by individuals and also on general economic conditions. The resettlement and rehabilitation programme is designed to afford opportunities to maintain or improve standards of living but this cannot be guaranteed because individual or general economic conditions may fluctuate.

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.

### **13.8 Disclosures of Social Safeguards Instruments**

The PMU will disclose this Resettlement Policy Framework by making copies available at its offices, the Federal Ministry of Environment and State Ministries of Environment, States Ministries of Land, Survey, Urban and Regional Planning and Physical Planning Unit/ Work & Services Department of Universities as well as the World Bank's external website

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## ANNEXES

### APPENDICES

#### Appendix 1: Valuation Gazette of Economic Trees

**Harmonised Compensation Rates for Economic Trees and Crops in South-South  
Geo-Political Zone**

S/N	Economic Trees	A Mature	B Immature	C Seedling
1.	Mango	2,000	1,000	500
2.	Coconut	3,500	750	3500
3.	Guava	400	200	100
4.	Pawpaw	500	250	125
5.	Locust Beans Tree	200	100	50
6.	Shea Nut Tree akan	200	100	50
7.	Cashew	600	300	150
8.	Banana	800	400	120
9.	Plantain	1000	500	250
10.	Pineapple	200	100	50
11.	Bamboo/India	100	50	25
12.	OIL PALM TREE	2,500	1250	650
	(a) Plantation Tree			
	(b) Other Types	1500	750	300
13.	Orange/Tangerine	2000	1000	500
14.	Coffee	500	250	125
15.	Bagoruwa	300	150	75
16.	(a) Kola nut Tree	1000	500	250
	(b) Kola nut Ganja	1000	500	250
17.	Raffia Palm	800	400	200
18.	Rubber Tree	1000	400	150
19.	Agbono (Bush Mango)	2000	1000	500
20.	Starapple/Ndiya/Otiem	500	250	125
21.	Oha (Mkpafera)	500	250	125
22.	Timing Tree (Pepper Fruit)	1000	500	250
23.	Bitter Kola	800	400	200
24.	Grape fruit	7500	375	187
25.	Lemon	1000	500	250
26.	Lime	1000	500	250
27.	Calabash Tree	300	150	75
28.	Cainwood	200	100	50
29.	Camword	200	100	50
30.	Ugiri (Ibaba)	1500	750	375
31.	Hardwood e.g. Mahaogany, Iroko Aora, Obeche etc	1500	750	375
32.	Softwood e.g. Chestnut Tree	1500	750	375
33.	Boababa	750	375	187
34.	Animal Trap (constructed)	15000	7500	3750
35.	Date Palm	400	200	100
36.	Atititiba (Alilib)	200	100	50
37.	E-calyplus	200	100	50
38.	Rimi (Silk Cotton)	400	200	100
39.	Gproba	400	200	100
40.	Tsamiya	400	200	100
41.	Gomgomya	35	17	8
42.	Native [ear (Orunmwun)	1000	500	250

43	Avacado Pear	1000	500	250
44	Caclus	400	200	100
45	Gmelina	500	250	125
46	Neem (Dogo Yaro)	600	300	150
47	Cocoa Tree	1000	500	250
48	Gum Arabic	1000	500	250
49	Native Pium	600	300	150
50	Oil Bean Tree	800	400	200
51	Castor Oil Tree	800	400	200
52	Wall nut (Okwe or Ukpa)	600	300	150
53	Bread fruit (Dinya)	70	35	17
54	Mal Plant	200	100	50
55	Indigo	200	100	50
56	Almond tree (Ebelbor umbrella tree)	400	200	100
57	Bread-fruit	400	200	100
58	Walnut wood	7500	3750	1875
59	Mangrove	820	410	205
60	Icheku	400	200	100
61	Animal Trap/Fence			

S/N	Crops	Rate Per Stand			Rate for Hectare		
		A	B	C	A	B	C
1	Milet	14	7	3.50	45,000	22,500	11.5
2	Guinea corn	18	9	4.50	56,000	28,000	14
3	Soya Beans	20	10	5	58,000	29,000	14.5
4	Irish Potatoes	21	10.50	5.25	96,000	48,000	24
5	Acca	15	7.50	3.75	50,000	25,000	12.5
6	Babba	14	7	3.50			
7	Duma	14	7	3.50	47,000	23,500	11.75
8	Wheat	18	9	4.50	115,000	57,500	28.75
9	Niaga	12	6	3	35,000	17,500	8.75
10	Beniseed	15	7.50	3.75	35,250	17,625	8.2.5
11	Maize	20	10	5	112,500	56,250	
12	Rice	25	12.50	6.25	120,000	60,000	30
13	Beans (creeper)	21	10.50	5.25	50,000	25,000	12.5
14	Beans (standing)	15	7.50	3.75	35,150	17,575	8.7.5
15	Cotton	11	5.50	2.75	33,750	16,875	8.4.5
16	Groundnut	20	10	5	70,250	35,125	17,562.5
17	Coco yam	18	9	4.50	56,250	28,125	14,26.5
18	Yam	115	57.50	28.75	1,000,000	500,000	250
19	Sugar Cane	60	30	15	105,250	52,625	26,312.5
20	Cassava	200	100	50	800,000	400,250	200.125
21	Pepper	100	50	25	105,250	52,625	26,312.5
22	Kanaf (Jule)	50	25	12.50	115,000	57,500	28.75
23	Tobacco	-	-	-	112,500	56,250	28.125
24	Sweet Potatoes	90	45	22.50			
25	Others, vegetable e.g. Carrots, Cabbages/Onions	50	25	12.50	55,000	27,500	13.75
26	Bitter Leaf, Water leaf, Editan, Afang	20	10	5	35,000	17,500	8.75

## **Annex 2: World Bank Policy on Involuntary Resettlement (OP 4.12)**

1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in [OP 4.12, paras. 17-31](#).

### **Resettlement Plan**

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

3. *Description of the project.* General description of the project and identification of the project area.

4. *Potential impacts.* Identification of

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

5. *Objectives.* The main objectives of the resettlement program.

6. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially d people, including

- (a) The results of a census survey covering
  - (i) Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- (ii) standard characteristics of d households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the d population;
- (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of ment, physical or economic;
- (iv) Information on vulnerable groups or persons as provided for in [OP 4.12, para. 8](#), for whom special provisions may have to be made; and
- (v) Provisions to update information on the d people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their ment.

(b) Other studies describing the following

- (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- (iii) public infrastructure and social services that will be affected; and
- (iv) social and cultural characteristics of d communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

*7. Legal framework.* The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to d persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

(c) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to ment; and environmental laws and social welfare legislation;

(d) Laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage (see [OP 4.12, para.15 b](#)).

8. *Institutional Framework.* The findings of an analysis of the institutional framework covering

(a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) an assessment of the institutional capacity of such agencies and NGOs; and

(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

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

10. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.<sup>1</sup>

11. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible d persons to achieve the objectives of the policy (see [OP 4.12, para. 6](#)). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the d persons, and prepared in consultation with them.

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12. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

(b) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

(c) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

13. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);<sup>2</sup> plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

14. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement<sup>3</sup> and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

15. *Community participation.* Involvement of resettlers and host communities,<sup>4</sup>

(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

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(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

(c) a review of the resettlement alternatives presented and the choices made by d persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries);<sup>5</sup>and

(d) Institutionalized arrangements by which d people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

16. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including

(a) Consultations with host communities and local governments;

(b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

(c) Arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

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

18. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the

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transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

19. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

20. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

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

### **Abbreviated Resettlement Plan**

22. An abbreviated plan covers the following minimum elements:<sup>6</sup>
- (a) a census survey of d persons and valuation of assets;
  - (b) description of compensation and other resettlement assistance to be provided;
  - (c) consultations with d people about acceptable alternatives;
  - (d) institutional responsibility for implementation and procedures for grievance redress;
  - (e) arrangements for monitoring and implementation; and
  - (f) a timetable and budget.

### **Resettlement Policy Framework**

23. The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation (see [OP 4.12, paras. 26-28](#)). Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12, para. 29](#)).

24. The resettlement policy framework covers the following elements, consistent with the provisions described in [OP 4.12, paras. 2 and 4](#):

- (a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an abbreviated plan as described in para. 22 cannot be prepared by project appraisal;
  - (b) Principles and objectives governing resettlement preparation and implementation;
  - (c) a description of the process for preparing and approving resettlement plans;
  - (d) estimated population ment and likely categories of d persons, to the extent feasible;
  - (e) Eligibility criteria for defining various categories of d persons;
-

(f) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;

(g) Methods of valuing affected assets;

(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 implementation to civil works;

(j) A description of grievance redress mechanisms;

(k) A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;

(l) A description of mechanisms for consultations with, and participation of, d persons in planning, implementation, and monitoring; and

(m) Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

25. When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

### **Process Framework**

26. A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see [OP 4.12, paras. 7 and 31](#)).

27. Specifically, the process framework describes participatory processes by which the following activities will be accomplished

(a) *Project components will be prepared and implemented.* The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially d persons participate in project design.

(b) *Criteria for eligibility of affected persons will be determined.* The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) *Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-ment levels, while maintaining the sustainability of the park or protected area will be identified.* The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) *Potential conflicts or grievances within or between affected communities will be resolved.* The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following

(e) *Administrative and legal procedures.* The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

(f) *Monitoring arrangements.* The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

1. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-ment, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any

registration and transfer taxes. For land in urban areas, it is the pre-market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in

2. Provision of health care services, particularly for pregnant women, infants, and the elderly, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease.
  3. Negative impacts that should be anticipated and mitigated include, for rural resettlement, deforestation, overgrazing, soil erosion, sanitation, and pollution; for urban resettlement, projects should address such density-related issues as transportation capacity and access to potable water, sanitation systems, and health facilities.
  4. Experience has shown that local NGOs often provide valuable assistance and ensure viable community participation.
  5. [OP 4.11](#), *Physical Cultural Resources*.
  6. In case some of the affected persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.
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## **Annex 3: Framework for Census of Affected Assets and Affected Persons**

### **Annex 3.1: 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 3.2: 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 3.3: 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:-

<b>Number</b>	<b>Name</b>	<b>Relationship with Household Head</b>	<b>Sex</b>	<b>Age</b>
1				
2				
3				
4				
5				
6				
7				

#### Socio-Economic Information:-

Head of Household: .....

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

#### Other members of Household:-

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

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

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: .....

## **Annex 4: Outline of a Resettlement Action Plan**

Reference: OP 4.12, Annex A

1. Description of the sub-project and of its potential land impacts
  - 1.1 General Description of the project and identification of the project area
  - 1.2 Potential impacts. Identification of:
    - 1.2.1 The project component or activities that give rise to resettlement;
    - 1.2.2 The zone of impact of such component or activities;
    - 1.2.3 The alternatives considered to avoid or minimise resettlement; and
    - 1.2.4 The mechanisms established to minimize resettlement, to the extent possible, during project implementation
- 2 Objectives. The main objectives of the resettlement program
- 3 Socio economic studies and census of affected assets and affected livelihoods. The findings of socioeconomic studies and census to be conducted with the involvement of potential affected people include:
  - 3.1 The results of a census survey covering
    - 3.1.1 current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
    - 3.1.2 Standard characteristics of impact households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the affected population;
    - 3.1.3 The magnitude of the expected loss – total or partial – of assets, and the extent of mental, physical or economic;
    - 3.1.4 Information on vulnerable groups or persons as provided for in OP 4.12, paragraph 8, for whom special provisions may have to be made;
    - 3.1.5 Provisions to update information on the affected people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their ment.
  - 3.2 Other studies describing the following:

- 3.2.1 Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, Any issues raised by different tenures systems in the project area;
- 3.2.2 The patterns of social interaction in the affected communities, including social networks and asocial support systems, and how they will be affected by the project;
- 3.2.3 Public infrastructure and social services that will be affected, and
- 3.2.4 Social and cultural characteristics of affected communities, including a description of formal and informal institutions (e.g., community organisations, ritual groups, nongovernmental organisations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

#### 4 Legal framework

- 4.1 The scope of the power of eminent domain and nature of compensation
  - 4.1.1 Valuation methodology
  - 4.1.2 Timing of Payment
- 4.2 Applicable legal and administrative procedures
  - 4.2.1 Description of the remedies available to affected persons in the judicial process and the normal time frame for such procedures
  - 4.2.2 Available alternative dispute resolution mechanisms that maybe relevant to resettlement under the project.
  - 4.2.3 Relevant laws (including customary and statutory laws) governing land tenure, valuation of assets and losses, compensation , natural resource usage rights; customary personal ; environmental laws and social welfare legislature
  - 4.2.4 Laws and regulations relating to agencies responsible for implementing resettlement activities;
  - 4.2.5 Gaps, if any between local laws covering eminent domain and resettlement and the bank's resettlement policy
  - 4.2.6 Mechanisms to bridge such gaps
  - 4.2.7 Any legal step necessary to ensure the effective implementation of resettlement activities under the project.

- 5 Institutional framework: This should provide the details of findings of an analysis of the institutional framework covering:
  - 5.1 The identification of agencies responsible for resettlement activities and NGOs that may have a role in the project implementation;
  - 5.2 An assessment of the institutional capacity of such agencies and NGOs; and
  - 5.3 Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation;
- 6 Eligibility: This part of the RAP provides a definition of affected persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
- 7 Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.
- 8 Resettlement measures:
  - 8.1 Description of the packages of compensation and other resettlement measures that will assist each category of eligible persons to achieve the objectives of the policy (see OP 4.12 paragraph 6).
- 9 Site selection, site preparation and relocation, This provides details on alternative relocation sites considered and explanation of those selected sites, covering:
  - 9.1 Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantage and other factors is at least comparable to the advantages of the old sites with estimate of the time needed to acquire and transfer land and ancillary resources.
  - 9.2 Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
  - 9.3 Procedure for physical relocation under the project, including timetables for sites preparation and transfer and
  - 9.4 Legal arrangements for regulating tenure and transferring titles to resettlers.
- 10 Housing, infrastructure and social services.
- 11 Environmental protection and management.
- 12 Community participation. This should describe the involvement of resettlers and host communities.

- 13 Integration with host populations. This should describe measures to mitigate the impact of resettlement on any host communities.
  - 13.1 Specific assistance measures intended for vulnerable people to be identified.
- 14 Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
- 15 Organizational responsibilities: This part of the RAP should describe:
  - 15.1 The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures, and provision of services;
  - 15.2 Arrangement to ensure appropriate coordination between agencies and jurisdictions involved in implementation ;
  - 15.3 Any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
- 16 Implementation schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and host and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
- 17 Cost and budget: Tables showing itemized cost estimates for all resettlement activities (see annex 8 of this RPF), including allowances for inflation, population growth and other contingencies; time tables for expenditures; sources of funds, and arrangement for timely flows of funds and funding for the resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
- 18 Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities; involvement of the affected persons in the monitoring process; evaluation of the

impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the resettlement monitoring to guide subsequent implementation.

## **Annex 5: Outline of an Abbreviated Resettlement Plan**

1. Brief Description of the Sub-Project;
2. Census/ Socio economic Survey of d persons and valuation of assets
  - a. Methodology
3. Description of Compensation and other Resettlement Assistance
4. Consultation with d people about acceptable alternatives
5. Institutional responsibility for implementation and procedure for grievance redress
6. Arrangements for monitoring and implementation;
7. Timetable and budget

## Annex 6: Sample Grievance Form

<b>Grievance Form</b>				
Grievance Number			Copies to forward to:	
Name of Recorder			(Original) –Receiver Party	
County/District/Settlement			(Copy) – Responsible Party	
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define the Grievance				
<b>INFORMATION ABOUT THE COMPLAINANT</b>				<b>Forms of Receipt</b>
Name – Surname				Phone line
Telephone no				Community
Address				Information meeting
Village/Settlement				Mail
District/Province				Informal
Signature of Complainant				Other
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>	<b>2. Damage to</b>	<b>3. Damage to infrastructure or community Assets</b>	<b>4. Decrease or Loss of Livelihood</b>	<b>5. Traffic Accident</b>
a) Lands b) Fishing Grounds c) Pasture Land d) House e) Commercial	a) Land b) house c) livestock d) Means of Livelihoods	a) Roads/Railway b) Power/Telephone lines c) Water sources, canals and water	a) Agriculture b)Animal Husbandry c) Beekeeping d) Small scale trade	a) Injury b) Damage to property c) Damage to livestock d) Other

<p>site</p> <p>f) Others</p>	<p>e) Other</p>	<p>infrastructure for irrigation and animals</p> <p>d) Drinking water</p> <p>e) Sewage System</p> <p>f) Other</p>	<p>e) Other</p>	
<p><b>6. Incidents Regarding Expropriation And compensation (specify)</b></p>	<p><b>7. Resettlement Process (Specify)</b></p>	<p><b>8. Employment and Recruitment (Specify)</b></p>	<p><b>9. Construction Camp and Community Relations</b></p>	<p><b>10. Other (Specify)</b></p>
			<p>a) Nuisance from dust</p> <p>b) Nuisance from noise</p> <p>c) Vibration due to explosion</p> <p>d) Misconduct of the project personal/worker</p> <p>e) Complaint follow-up</p> <p>f) Other</p>	

## Annex 7: Template Itemization of a RAP/ARAP Budget

No	Item (Break down and detail as appropriate)	Nigerian Naira	US Dollars	%
<b>A</b>	<b>COMPENSATION</b>			
A1	Compensation for Land Acquisition			
A2	Compensation for destruction and damages to crops			
A3	Compensations for Structures			
A4	Disturbance allowance			
A5	Contingencies – other compensations			
	<b><i>TOTAL COMPENSATION</i></b>			<b>%</b>
<b>B</b>	<b>RESETTLEMENT</b>			
B1`	Resettlement land Purchase			
B2	Resettlement Land Development			
B3	Housing Construction			

	<b><i>TOTAL RESETTLEMENT</i></b>			
<b>C</b>	<b>ADDITIONAL MITIGATIONS</b>			
C1	Livelihood restoration measures			
C2	Vulnerable groups			
C3	Coordination of additional mitigations			
C4	Grievance management			
	<b><i>TOTAL ADDITIONAL MITIGATIONS</i></b>			<b><i>%</i></b>
<b>D</b>	<b>IMPLEMENTATION COSTS</b>			
D1	Surveying and asset pre-identification			
D2	Valuation			
D3	Coordination and works supervision			
D4	Legal Advice			
D5	Monitoring			

D6	Evaluation			
D7	Capacity building			
	<b><i>TOTAL IMPLEMENTATION</i></b>			<b>%</b>
<b>E</b>	<b>CONTINGENCIES %</b>			<b>%</b>
	<b>GRAND TOTAL</b>			<b>100%</b>

## **Annex 8: Template of a Claim Registration and Follow-up Form**

Prepared by:

Date:

Aggrieved person:

Full name:

Residence:

Project registration number:

Reason for the claim (detailed description of the aggrieved person's version):

Composition of the mediation committee:

Chair (name, position):

District chief executive representative (name, position):

Project (name, position):

Other elders (name, position):

Report of mediation efforts:

Agreed solution:

Implementation of the agreed solution:

Close-out:

In case no settlement is reached:

Reason why no settlement could be reached

## **Annex 9: Stakeholder Consultation**

### **1. Location**

The consultation was organized by the Project Management Unit (PMU) for the Nigeria Electrification project (NEP) under the Rural Electrification Agency (REA) and held on March 23th, 2018 at the premises of the Rural Electrification Agency, from 10 am to 14.00pm.

The event was chaired by the Managing Director of the REA represented by the Head, PMU and was facilitated by the promotions and outreach department of the REA.

The objective of the stakeholder consultation meeting was to present the main aims of the Nigeria Electrification Project, World Bank Environmental and Resettlement policies and requirements prior to loan decision making and main aspects within the draft versions of the Environmental Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) in front of relevant interested stakeholders.

The consultation was open and transparent to ensure active participation and enable the stakeholders to provide their concerns, comments and remarks on the draft documents.

### **2. Invitees**

The following interested stakeholders have been invited:

1. Nigerian Electricity Regulatory Commission (NERC)
2. Federal Ministry of Environment, EIA Department, Pollution control department and Climate change department
3. Federal Ministry of Power Works and Housing (Power sector)
4. National Universities Commission (NUC)
5. World Bank
6. Renewable Energy Association of Nigeria
7. University of Abuja- Director of Works
8. National Environmental Standards and Regulations Enforcement Agency (NESREA)
9. Ministry of Women Affairs
10. Energy Commission of Nigeria
11. Social Action (Social Development Integrated Centre)

12. Consulting companies and other concerned institutions.

The notice of consultation (copy attached) was posted on the website of the REA,

(<http://www.rea.gov.ng>). The draft versions of the ESMF Report and RPF Report and PPT presentations were sent by email to the participants and hard copies of (handouts) were distributed to participants. The hard copies of both frameworks were also available at the project office.

3. **Participants:** There were 53 participants at the consultation event, the copy of the List of Participants is enclosed.

### SUMMARY OF ISSUES

<b>S/N</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>COMMENTS</b>	<b>HOW IT WAS ADDRESSED</b>
1.	Engr Mohammed H. Baba	MD/CTO Multiversal Commlink Nig. Ltd	The NEP should capture Energy usage and Electrification of Estate developers who wish to power their estate through micro grid system being proposed by the REA initiatives and development plans	Assuming the estate is already in existence, developers would need to capture this during their energy audit. Otherwise they will be encouraged to capture it during future expansion.
2.	Mr. Terseer Ugbor	MD/CEO REDIN	The Ministry of environment has been issuing permits to companies who have been collecting and primarily processing these batteries and exporting scrap batteries to countries that have the capacity to process them. Primary Processing and exporting these batteries causes contamination in the soil and water bodies around where these batteries are processed. The Alliance for responsible battery recycling has been launched in partnership with the Renewable Energy Association of Nigeria, the Waste battery recyclers association of Nigeria, the battery importers in Nigeria and Ibeto group which is the only licensed battery recycler in the country. He stated that the association is working to ensure that renewable energy batteries do not go through the informal recycling process as automotive batteries do. The association in conjunction with the International Lead Association has done assessments of battery recycling facilities and discovered that only Ibeto group was the only facility to meet minimum requirements. There is need for local recycling of batteries to reduce cost of batteries. Ibeto group produces renewable energy batteries and sells at cheaper prices. The association is working to create operational guidelines to ensure that batteries are properly recycled. He stated that it is critical for this to happen as there will be an increase in the number of batteries in the country.	The REA is looking to work with battery collection or recycling companies for the NEP project
3.	Dr Patrick Tolani	MD/CEO, Community Energy Social	He highlighted that lessons from the field can be useful in future reviews stating that he has developed 25 Mini Grid	Noted for further Discussions

		<p>Enterprises Limited (CESEL)</p>	<p>sites; however, none of the communities have asked him to pay for the land. He also expressed concerns about the usability of the land for the developer after the project is decommissioned if the developer is made to purchase the land for the project rather than using land donated freely by the community to be returned after the project is decommissioned. Mr. Tolani stated that for acquisition of land, the voluntary donations requirement should be revisited as registration of land title could be a challenge.</p> <p>It is understandable that land issues could be very sensitive especially within the African setting and any policy that attempts to ensure that people are not deprived of the use of such an essential asset without them being thoroughly convinced about the need to surrender their land and (where appropriate) they are compensated for the loss of their land which could also be their means of livelihood. However, the assumption of equality of power in such a transaction should not be undermined by replacing it with the assumption that surrendering a parcel of land without compensation is unfair without more. As a result, it is better that proper safeguards are put in place to ensure that communities who are willing can still give out their lands for development activities. Every community in Nigeria is always willing to surrender their land where they are aware that the asset to be deployed on them are for their own benefit. This will apply to where land is required for development of health facility, water and sanitation facility and other assets of community value. I think the NEP should consider each case on its own merit. For instance, where a developer has proposed to provide other facilities such as free street lighting, provision of free electricity for community assets, provision of solar powered boreholes, then the assumption of unfairness in releasing the land for the project could be rebutted.</p> <p>Again, the Resettlement Policy, in my opinion did not</p>	
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		<p>consider the fact that the developer will be faced with inventory of toxic asset across the country at the end of the life of the project. Even before that time, the possibility that the Discos might take over the asset under the Mini-grid regulation is a real threat to what they would do with the land when such projects are decommissioned or passed on to the community when the developer believes it is right to do so.</p> <p>The propositions are:</p> <p>Voluntary gift of land should not be viewed as unfair unless there is an objection to it by any aggrieved members of the community who has interest in the land; such an objection should not be with malicious intent.</p> <p>2. Leasehold of land should be encouraged with the developer paying ground rent under the payment schedule applicable in the state government or in the local government;</p> <p>Outright purchase of land is encouraged; but care must be taken to ensure that cost of land is not unreasonably inflated to scam innocent developers</p> <p>4. In all the cases, the registration of the deed of title should be done during the life of the project; but insisting on that happening before the project commences may cause unreasonable delay.</p> <p>Acquisition of land – the voluntary donations requirement should be revisited. Registration of title could be a challenge.</p> <p>Harmonization of processes and policies with other agencies: AFDB</p>	<p>Noted for Discussions</p> <p>The NEP ESMF is developed using WB safeguards operational policies, which is an instrument other financial bodies see as all encompassing.</p> <p>The ESMF recognizes capacity building as an important pillar for successful NEP implementation hence funding is allotted.</p>
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			<p>Implementation – how do we build some funds into capacity building (REA and key operators) Lessons from the field to assist in future review</p>	
4.	Prosper Esume	NUC	<p>There is need to extend the stakeholders consultation for the Energizing Education programme which is a component of the Nigeria Electrification Project to the Federal Universities and Teaching Hospitals especially with respect to the draft policy documents on and a sustainable approach for the energy project.</p>	<p>Consultation will be on going throughout the life cycle of the NEP and REA-PMU will endeavour to see universities are carried along, moving forward. Separate consultations shall be done with the Vice Chancellors of the selected universities.</p>
5.	Ifeanyi Orajaka	GVE Projects Ltd	<p>How soon can we get the simplified ESIA framework? How best do we model the NEP in order to provide value to all stakeholders (FGN, Private Sector and communities)? What is the timeline for the role of the NEP.</p>	<p>The REA is working with the Ministry of Environment towards an ease of doing business through Simplified EIA process for the NEP and mini grid projects across the country.</p>
6.	<p>Kingsley Okolo</p> <p>Udousoro O.E (MRS)</p>	Federal Ministry of Women Affairs and Social Development	<p>The land use: I hope there will be a proper compensation plans for women and households when these lands are taken from them &amp; the communities.</p> <p>I wish to plead with the organizers of this programme to make clear the sustainability plans for this project and also make sure the time frame is also sustained. The FMWASD will want the organizers to come to the ministry for courtesy visit to the Hon. Minister to outline strategies on how Nigerian women in the impacted areas will be sensitized since the use of lands and other issues affect women predominantly.</p>	<p>The ESMF/RPF as an instrument give guidance on land acquisition such that during implementation appropriate compensation will be paid for land so acquired.</p> <p>The ESMF for the NEP has a set of principles and procedure that will guide this process</p>
7.	Atanda Olaogun	Environmental Accord	<p>Observations on the draft ESMF: Mitigation measures for issues associated with water abstraction (e.g for solar panel cleaning) are not well addressed in the draft ESMF. The ESMF document is not explicit on EIA process for</p>	<p>The ESMF outlines the safeguards process and the REA is working on an ease of doing business with the Ministry of Environment.</p>

			<p>mini-grid projects. This gap should be addressed to provide clarity for private developers</p> <p>Surface water body is conspicuously missing as one of the environmental components that could be impacted as a result of the project development (e.g, during construction) and operation. This should be looked into given that some of the solar projects would be sited in rural areas</p>	
8.	Tunji Iromini	Solar Centric Technologies ltd	<p>There is a back-side effect of people's ability to repay and the hope is that state governments will be more involved. Government needs to take a decision on why the services are delivered. Is it a social service or a business in which case, the mini grid developers needs to be involved in order to ensure sustainability.</p> <p>The current structure in the rural areas may not totally favor what the REA wants to do in terms of the success we want to gain very quickly.</p> <p>There is need for us to start looking at aggregation i.e. a developer picks about 10 or 20m2 of land and everybody in that community are moved to that central location and a proper settlement is laid out with basic infrastructure such as hospitals, schools, power and water are set up and shared in such a way that:</p> <ul style="list-style-type: none"> <li>• When the members of that community go to the farms and school or hospital in the morning, the power generated is channeled to these amenities especially the irrigation systems in the farms.</li> <li>• When they return to their homes, the same power is then redirected to the homes thereby ensuring a 24hrs usage of power.</li> </ul> <p>The land scape needs to change, otherwise, power will be given to communities and eventually there will be lapses and people will refuse to pay with the mindset that the</p>	Noted for discussion

			<p>power is already in place. We need to broaden the scope of this initiative such that it will have an expiation effect as against just providing power.</p> <p>Land Acquisition - The essence of proper land acquisition is to severe investment of the parties and also avoid future litigation which could stall the execution and operation of the project. It is not meant to make things difficult for the investors.</p>	
9.	Engr. Samuel Bem Ayangeaor, ACEE,	Renewable & Rural Access Dept. - Federal Ministry of Power, Works & Housing	<p>Clarification on the application and scope of ESMF. Stakeholders should be made to understand that the ESMF applies only on projects to be implemented under the NEP. Other alternatives are still available to developers outside of the NEP. Stakeholders impact are necessary to remove the would-be bottlenecks in the implementation of the ESMF for NEP.</p>	The ESMF/RPF for the NEP is an instrument developed as a guide for successful implementation of NEP subprojects.
10.	Innobong Abiola	Deputy Director Department of Climate Change Fed. Min. Of Environment.	<p>She stated that Nigeria has just signed the Paris agreement where Nigeria has committed to ensuring a 20% reduction in Green House Gas emissions. She urged that the ERGP document be looked at side by side with the NEP document and incorporated in the ESMF document. She further stated that the MRV component should be adequately captured within the project to ensure that the Green House Gas emissions reduction within the project is considered. She further stated that there are existing green finances to support mini grid projects presented by the NEP such as The Green Bond, Adaptation Fund, Green Climate Fund.</p> <p>She highlighted that the essence of proper land acquisition is to severe investment of the parties and also avoid future litigation which could stall the execution and operation of the project and not to make things difficult for the investors. She stated that the NEP could latch on to the</p>	<p>We agree and think NEP subproject should be considered for CDM and shall be consulting with your department on this moving forward</p> <p>The Energizing Education programme is a beneficiary of the green bond financing.</p>

			<p>Clean Development Mechanism as a means to generate and increase National income.</p> <p>In line with the objective of the NEP to reduce carbon emissions by utilizing solar powered solutions to reduce harmful emissions from petrol and diesel generations. It is expected that NEP complies with the Paris Agreement</p> <p>It is important to note that as project concepts are developed, the projects can be considered as CDM projects. The department of climate change can be contracted for the procedures of CDM.</p> <p>Input: There are existing green finances to support mini grid projects presented by the NEP. The Green Bond, Adaptation Fund, Green Climate Fund.</p> <p>There is also a need for us to harness the opportunities and benefits of all the intervention project to enable us have a cross cutting, be on-board mind set.</p>	
11.	Engr. Ademola Agoro	MD/CEO Protogy Global Services Ltd Chairman Nigerian Society Engineers (Oluyole Branch)	There is a need to encourage investment in batteries recycling business to help eliminate the risk associated with batteries on the environment Grants, training and stop ADVISE should be encouraged and not left to private sector engagement alone.	End of life battery will constitute major waste stream from NEP and the ESMF recognises same and recommend capacity building in this area
12.	Engr. Yusuf Mohd Guda	Energy Commission of Nigeria (ECN)	<p>We propose a model whereby the state government will give the developer the right of use for the land and the cost of the land factored into the project cost in order to lower the tariff.</p> <p>The community land also gives a right of use of land for the purpose of mini grid project only.</p>	Noted for discussion
13.	Alex C. Obiochina	MD/CEO ACOB lighting Technology ltd	Land Acquisition: There is need for the REA and world bank to understand the peculiarities of each community in Nigeria. The framework for land acquisition should be	Noted for discussion

			<p>flexible and in tandem with the culture and tradition of each community.</p> <p>It is important for the REA and World Bank to operate in harmony with existing frameworks like NESP – 1&amp;2 and tap into some of the provisions therein in order to promote industry growth and framework consistency and to encourage.</p>	
14.	Nengi Obuoforibo	Nigeria Environmental Standards Regulatory Enforcement Agency (NESREA)	<p>The agency also requires for the monitoring of the project:</p> <ul style="list-style-type: none"> <li>• Submission of “environmental Audit report” every 3 years</li> <li>• Submit “environmental management plan Implementation of the “REA” extended producer responsibility</li> <li>• Submit an environmental impact statement for new project</li> </ul> <p>Engage NESREA accredited battery collection companies Also, the Provision of the national environmental (energy sector) regulations 2014 should be complied with.</p>	REA-PMU will ensure proper monitoring during subproject implementation
15.	Etiosa Uyigue	Organization Community Research And Development Centre/Africa Minigrid Development Association	<ul style="list-style-type: none"> <li>• ESMF should be simplified and should not be a barrier to the pace of developing mini grid</li> <li>• We should also be careful not to further increase the cost of renewable energy electricity. As at now, with grant component the cost of RE electricity can be as high as N180/kw. The framework should consider the use of community land.</li> <li>• The UNDP has an existing template for conducting E&amp;S assessment. It is important to tap into the content of the Template.</li> </ul>	Noted for discussion
16.	Najeeb Mahmoud Abdussalam	Trust synergy infrastructure ltd <a href="mailto:najeeb@trustsynergy.c">najeeb@trustsynergy.c</a>	<ul style="list-style-type: none"> <li>• TSIL is currently working on developing the power solution for Kano economic city which is being developed by B &amp; H the power plant will be a</li> </ul>	More stakeholders will be encouraged to collaborate with REA for the successful implementation of the NEP

		<a href="http://om.ng">om.ng</a>	<p>hybrid of 10mw on completion but will begin with 3mw scaled to 10mw</p> <ul style="list-style-type: none"> <li>• TSIL is collaboration with Usman Danfodio University Sokoto and America Technical Partners in the upgrade and expansion of its RI introduction platform 5mw p.d to 25mw p.d and also upgrade its Renewable energy resource centre for capacity development.</li> </ul> <p>TSIL will be interested in partnering with REA in the effort to Energize Economies and Education.</p>	
17	Adetoro, R.A (MRS)	Deputy Director EIA, Federal ministry of Environment	<p>Expressed the support of the Ministry towards the success of the NEP. She stated that the Ministry is under obligation to conclude the EIA process within 3 – 6 months; however, they require project baseline and other documentation from the investors. She stated that theThe EIA should be pursued from project conception stage in order to maximize time. She also suggested that a steering committee with representatives from key MDAs be created to fast-track synergy and communication. She further stated that there should be active community level capacity building for artisans and technicians for renewable energy. She stated that EIAs for Mini Grid requires a site assessment, howeverhowever for projects below 1MW and below 4.9MW, the Ministry has given a concession for this to be done locally, but for sites above 5MW, the site assessment would have to be done at the Federal level.</p> <p>The ministry is currently working on the ease of doing business with regards to mini grid development by scaling down the timeline for public disclosure of safeguards instruments to 15 working days.</p> <p>The ministry is in need of all the cooperation it can get to enable her to have a more robust online platform for</p>	<p>The REA is working with the Ministry to ensure that the EIA process for mini grid is simplified</p> <p>Noted for Discussion</p>

			<p>submission of documents.</p> <p>A checklist has been submitted to the ministry as a guide to a simplified EIA process which they are looking into.</p> <p>She also pointed out that interference from the traditional rulers and chiefs is a very big problem as they usually insist that their subjects refer to them if they have a problem with land that he has donated for a project. She further pointed out that, I the African culture it is a taboo to challenge the authority of the traditional ruler or community head.</p>	
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## PROGRAMME OF EVENTS

10:00 -10:30am	Registration of participants
10:30am-10:40am	Opening Prayer  Introduction of REA Team, World Bank Team & stakeholders
10:40am –10:55am	Opening Remarks-  Damilola Ogunbiyi (Mrs)  Managing Director/CEO - REA
11:00– 11:15am	An Overview of the Nigeria Electrification Project (NEP)  Esther Adejoke Odumosu  Head, Project Management Unit – NEP
11:15 – 11:25am	The importance of the Consultative forum –  Mr. <b>Ayang Ogbe</b> - Director (Promotions) - REA
11:25-11:45am	<b>Tea Break</b>
11:45 – 12:30	Presentation of the Environmental and Social Management Framework (ESMF) – Prof. Michael Okoh  Senior Environmental Specialist – NEP
12:10 – 12:30	Presentation of the Resettlement Policy Framework (RPF) – Susan Igata - Social Specialist – NEP
12:30-1:00pm	<b>Lunch Break</b>
1:00pm– 2.00pm	<b>Stakeholders' Input</b> – Participants' feedback: Concerns and Questions on



## LIST OF PARTICIPANTS

S/N	NAME	PHONE NUMBER	EMAIL ADDRESS	ORGANIZATION
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(Snap Shot)

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 FRIDAY, 23<sup>RD</sup> MARCH 2018  
 10:00AM

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WORLD BANK NATIONAL ELECTRIFICATION PROJECT STAKEHOLDER CONSULTATION  
 FRIDAY, 23<sup>RD</sup> MARCH 2018  
 10:00AM

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RURAL ELECTRIFICATION AGENCY  
ATTENDANCE SHEET

Event: \_\_\_\_\_  
Date: \_\_\_\_\_  
Venue: \_\_\_\_\_

Sheet \_\_\_\_\_

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## Notice of invitation



**RURAL ELECTRIFICATION AGENCY**

State Road 1, Feroz Road, Lagos State, Nigeria

### **INVITATION TO A STAKEHOLDERS CONSULTATION FOR THE NIGERIA ELECTRIFICATION PROJECT (NEP)**

The Rural Electrification Agency, supported by the World Bank is pleased to invite you to participate in a Consultative Forum for the Nigeria Electrification Project (NEP). The Nigeria Electrification Project is an initiative of the Federal Government of Nigeria (FGN) which seeks to increase access to electricity in the rural unserved and underserved areas through the use of renewable energy sources. The NEP project has three components as follows:

1. Mini grid for communities
2. Solar Home Systems for individual homes
3. Energizing Education Programme for Federal Universities & Teaching Hospitals

The broad objective of the stakeholder consultation is to provide authorities, as well as interested and affected parties with the opportunity to identify issues, concerns, and opportunities regarding the proposed Project and to address key stakeholder concerns. It is also a platform:

- To provide information about the project and to tap stakeholder information on key environmental and social baseline information in the project areas
- To provide opportunities to stakeholders to discuss their opinions and concerns;
- To manage expectations and misconceptions regarding the project;
- To discuss potential impacts and verify significant or major environmental, social and health impacts.
- To inform the process of developing appropriate mitigation and management measures as well as institutional arrangements for effective implementation.

The Consultation is scheduled as follows:

Time: 10am

Date: March 23<sup>rd</sup>, 2018

Venue: Board Room, Rural Electrification Agency (REA)

Your contributions/ suggestions will be highly appreciated.

Please visit : [www.rea.gov.ng](http://www.rea.gov.ng), click on **NEP** icon to view the DRAFT Environmental Social Management Framework (ESMF) & Resettlement Policy Framework (RPF) for the Project.

For further enquiries and confirmation of attendance, please contact

**Susan Igata, 08035643211, email: [susan.igata@rea.gov.ng](mailto:susan.igata@rea.gov.ng)**

Accept the assurances of the agency's highest regards.

Signed:

**Damilola Ogunbiyi (Mrs)**  
**Managing Director/CEO**

**Pictures from the event**



**RURAL ELECTRIFICATION AGENCY**    
Project Management Unit (World Bank Projects). THE WORLD BANK

**THE NIGERIA ELECTRIFICATION PROJECT (NEP)**

WELCOMES YOU TO

A STAKEHOLDER CONSULTATION FOR THE MINI GRID  
SOLAR HOME SYSTEMS AND ENERGISING  
EDUCATION PROGRAMME

**EXPANDING SOLAR ELECTRICITY ACCESS TO ALL:  
The Environmental & Social Perspective**

**Time: 10am | Date: March 23rd, 2018**  
**Venue: Board Room, Rural Electrification Agency (REA)**





## **Minutes of consultation meeting**

The meeting was carried out according to the planned agenda.

The opening remarks were made by the MD/CEO of the Rural Electrification Agency of Nigeria (Represented by the Head of the World Bank Project Management Unit, Mrs. Esther Odumosu). She extended the MD/CEO's apologies for absence. She then stated that the Nigeria Electrification Project (NEP) is an initiative of the Federal Government of Nigeria (FGN) which seeks to increase access to electricity in the rural, unserved and underserved areas through the use of renewable energy. Highlighting the key elements of Sustainable Development, she urged all stakeholders to actively engage and proffer solutions on community participation, cultural and local knowledge and the project planning and implementation phases. She concluded by urging all MDAs to carry out their respective monitoring roles as enshrined in the ESMF and RPF reports respectively for the success of the project.

### **FIRST PRESENTATION – An Overview of the Nigeria Electrification Project (NEP) by Mrs. Esther Adejoke Odumosu, Head, Project Management Unit – NEP**

The presentation highlighted the scope, components and objectives of the NEP reflecting that the project will make significant contributions to the Sustainable Development Goal 7, Sustainable Energy for All (SE4ALL), the World Bank's Energy Sector Directions Paper (ESDP) and is aligned with the Multi-Tier Framework for Energy Access (MTF).

Mrs. Odumosu stated that the tentative target for the solar hybrid mini grids project is to reach 200,000 households, 50,000 local enterprises meeting the objective to electrify unserved and underserved areas that have high economic growth potential.

She highlighted that the goal of the Solar Systems component is to help 1.5 million underserved Nigerian households and micro enterprises (MSMEs) access better energy services at lower cost than their current service, via stand-alone solar systems provided by the private sector. She stated that grants will be given to capable providers.

Mrs. Esther highlighted the benefits of the Energizing education program and the relevance of the technical assistance component of the NEP in supporting the development of the off grid electrification framework, surveys, safeguard instruments, operational guidelines and engineering design.

## **SECOND PRESENTATION – The Importance of the Consultative Forum – Mr. Ayang Ogbe – Director, Promotions – REA**

Mr. Ogbe highlighted that stakeholder consultation is crucial to the sustainability of constructive relationships and in increasing the understanding of project components, benefits and impacts. He also expressed the agency's value for stakeholder feedback for improvement of project design and outcomes.

Mr. Ogbe stressed that stakeholder consultations will be key in de-risking projects and ensuring compliance with transaction timelines and targets. He reiterated the agency's commitment to stakeholder engagement particularly for the projects that form part of the off grid electrification strategy. He stated that the REA is also collaborating and engaging with community based Organisations and associations like REA's Rural Electricity Users Cooperative Societies, who are expected to own, operate and maintain Rural Electricity systems mainly in cooperation with professional Private sector companies

## **THIRD PRESENTATION – Environmental and Social Management Framework (ESMF) by Prof. Michael Okoh – Senior Environmental Specialist – NEP**

The presentation highlighted the components of the NEP and the IDA Allocation as follows: Solar Hybrid Mini grids for Rural Economic Development - \$150 million, Standalone Solar systems - \$50 - \$80 million, Power systems for public universities and teaching hospitals - \$100 - \$160 million, Technical Assistance - \$20 million. Prof. Okoh stated that the NEP ESMF addresses environmental and social risk to be addressed in order for countries to receive Bank support for investment projects.

He highlighted the dependencies for successful implementation of the NEP ESMF and the key institutions involved in the NEP. He stated that the Ministry of power is key for the success of the projects and concepts.

The presentation expanded on the roles and responsibilities for E&S Risk management by project components as well as the E&S Capacity building activities. Prof. Okoh highlighted the specific identified Environmental and social risks for each project component.

## **FOURTH PRESENTATION – Resettlement Policy Framework (RPF) by Susan Igata – Social Specialist – NEP**

Highlighting that the NEP covers all 36 states of Nigeria, she outlined the four key components of the NEP to be standalone solar systems, reliable power for Federal universities and teaching hospitals, solar hybrid mini grids and implementation support and technical assistance. Mrs. Igata stated the need for the resettlement policy framework, the scope of the policy framework and the NEP impacts that could lead to displacement covering land for mini grids, construction of training centers in universities and campus distribution network. She stated the importance of ensuring security of livelihoods even as projects are being carried out to enhance standards of living.

She highlighted that additional land above 15sqm per kW would need to be paid for. She further highlighted that in cases where there is displacement; compensation must be paid to affected persons before any civil works begin. Mrs. Igata stated that mini grids should not be sited in locations that affect access to water and other essential resources.

Highlighting the principle of involuntary resettlement, she expanded on the world bank policy on involuntary resettlement, the impacts and the options of compensation for loss of land and livelihood. Ms. Igata stated that the mitigation measure of the RPF is to prepare a RAP/ARAP

Expanding on the RPF and RAP implementation strategy, she stated that a comprehensive implementation schedule will be drafted to include baseline and preparation and actual relocation, post relocation economic and social activities. She also stated that target dates will be set for key activities along with active monitoring and evaluation and workshops on key aspects of the RPF and the RAP.

### **CLOSING REMARKS**

Mrs. Odumosu thanked all stakeholders for their high valued contributions and stated that all questions and comments will be reviewed and incorporated into the ESMF and RPF documents. She further stated that stakeholders could still send in their comments to the NEP email [nep@rea.gov.ng](mailto:nep@rea.gov.ng).