



RURAL ELECTRIFICATION AGENCY
ENERGY = EMPOWERMENT = EFFICIENCY
NIGERIA ELECTRIFICATION PROJECT (NEP)



THE WORLD BANK

LIVELIHOOD RESTORATION PLAN SCREENING

FOR

FEDERAL UNIVERSITY OF GASHUA

UNDER PHASE II OF THE

ENERGIZING EDUCATION PROGRAMME

(EEP)

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DEFINITIONS

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

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

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

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

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

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

Operational Policy 4.12: Describes the basic principles and procedures for resettling, compensating or at least assisting involuntary displace persons to improve or at least restore their standards of living after alternatives for avoiding displacement is not feasible

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

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

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

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

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

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

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

communities affected by a project.

Livelihood Restoration Plan (LRP): documented procedures or measures put in place to compensate and support the livelihoods of the persons affected by the development of a project.

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

Squatters: squatters are landless household squatting within the public / private land for residential and business purposes.

ABBREVIATIONS AND ACRONYMS

BESS	Battery Energy Storage Systems
BP	Bank Policy
COVID-19	Corona Virus Disease of 2019
EEP	Energizing Education Programme
EHS	Environmental Health and Safety
ESIA	Environmental and Social Impact Assessment
FEED	Front End Engineering Design
FEPA	Federal Environmental Protection Agency
FGN	Federal Government of Nigeria
FIT	Feed in Tariff
FME _{env}	Federal Ministry of Environment
FUGA	Federal University of Gashua
HA	Hectare
LRP	Livelihood Restoration Plan
MSMEs	Micro, Small and Medium Enterprises
MW	Mega Watts
NEP	Nigeria Electrification Project
NERC	Nigerian Electricity Regulatory Commission
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Person
PMU	Project Management Unit
PSRP	Power Sector Recovery Program
REA	Rural Electrification Agency
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
TOR	Terms of Reference
WB	World Bank
WHO	World Health Organization

EXECUTIVE SUMMARY

ES 1: Background of the Study

The Nigeria Federal Executive Council approved the Power Sector Recovery Program (PSRP) on March 22, 2017. One of the PSRP initiatives is the Nigeria Electrification Project (NEP) which seeks to increase electricity access to households, public institutions, micro, small and medium enterprises (MSMEs) and to provide clean, safe, reliable and affordable electricity to un-served and underserved rural communities through mini-grid/off-grid renewable power solutions. The NEP is being implemented by the Rural Electrification Agency (REA), on behalf of the Federal Government of Nigeria (FGN).

The EEP seeks to provide adequate power supply (up to approximately 100MW in total) to Thirty-Seven (37) Federal Universities (“the Universities”) and seven (7) University Teaching Hospitals across the Federal Republic of Nigeria. It also aims to provide streetlights to promote and facilitate safe, secure and productive learning environments and develop and operate training centres to train university students in renewable energy technology innovations.

The EEP Phase II, funded by the World Bank will provide sustainable and clean power supply to 7 federal universities and 2 university teaching hospitals across the 6 geo-political zones in Nigeria for which Federal University of Gashua is a beneficiary.

ES 2: Project Description

The Energizing Education Program is component 3 of the 4 components of the Nigeria Electrification Project. Summary of the components of the NEP is discussed below, while detailed description is contained in the Project Appraisal Document (PAD) of NEP.

Project Components

The Project has four broad components as summarized below:

Component 1: Solar Hybrid Mini Grids for Rural Economic Development

Component 2: Stand-alone Solar System for Homes and MSMEs

Component 3: Energizing Education

Component 4: Technical Assistance

Component 3 Activities Applicable to Federal University of Gashua (FUGA)

The implementation of this project entails the following:

- Installation of Solar PV Hybrid Power plants
- Installation of street lighting system to improve quality of campus life, particularly safety
- Construction and outfitting of a Training Facility for power system training with an emphasis on renewable energy. The purpose is to provide practical vocational level training in renewable energy and electrical power systems to students to better qualify them for jobs in the off-grid industry.

ES 3: Objective of the Livelihood Restoration Plan (LRP)

The broad objective is to prepare a Livelihood Restoration Plan (LRP) for persons to be affected by the EEP Phase II project if applicable, in FUGA

The specific objectives of the LRP are to:

- Consult with the affected stakeholders
- Conduct a census survey of affected assets and impacted persons
- Ascertain the number of vulnerable persons among PAPs and design livelihood restoration measures suitable to addressing their economic sustenance.
- Describe compensation and other assistance to be provided; and
- Prepare a budget and time table for Livelihood Restoration Plan.

ES 4: Rationale for Conducting an LRP Screening

The survey carried out under the ESIA of the Energizing Education Programme (EEP) for FUGA submits that the land for EEP belongs to the University and has no presence of squatters or users whose livelihood may be affected. The essence of this screening study is to carry out the necessary investigation to determine if there are land owners, squatters or users who may be vulnerable on the basis of the land under consideration for EEP. Therefore, vulnerability or loss of livelihood provides a basis for the preparation of this LRP in order to ensure that, in line with the involuntary policy guideline of the World Bank, PAPs are not rendered economically worse off as a result of the EEP project but are assisted to improve on their livelihood conditions.

ES 5: Methodology of the LRP Screening

- Virtual meetings attended by FUGA project management team, REA representatives, World Bank representative and the LRP consultant.
- Review of relevant literature and project documents
- Visit to FUGA: The visit to FUGA involved a consultation with the project management team and more importantly provided a platform for site inspection.
- Interview and survey from the project area
- Collection, Collation and analysis of livelihood screening result

ES 6: Key Findings of the LRP Screening

The following findings were established through site inspection, literature review, stakeholder consultation and assessment of land documentation of FUGA land:

- The size of the land is 12,464 hectares

- The land is a virgin land initially intended to be used as student demonstration farm which was later relocated to another site as a result of the emerging Education Energizing Project (EEP)
- LRP is not likely to apply in FUGA as the proposed land is a virgin land which belongs to the school and is void of any encumbrances.
- There is no alternative allocation of land since there are no persons in use of the land as at the time of preparing this LRP
- Gashua is a peaceful community and has not recorded any serious issues of insurgency
- The COVID-19 national safety guidelines issued by the NCDC is duly observed in the school. For example, handwashing basins and soap are installed at major door entrances and the wearing of facemasks is compulsory for all in the school.

ES 7: Conclusion

1. It is concluded based on the evidences of the screening exercise, literature and site visit that the EEP project in FUGA does not trigger World Bank involuntary resettlement (OP 4.12).
2. That there are no local community conflict, claim or interest on the proposed EEP land
3. That LRP is not required for FUGA EEP.

ES 8: Recommendation

FUGA management should proceed with other necessary steps for the implementation of the EEP.

CHAPTER ONE INTRODUCTION

1.1 Project Background

The Nigeria Federal Executive Council approved the Power Sector Recovery Program (PSRP) on March 22, 2017. One of the PSRP initiatives is the Nigeria Electrification Project (NEP) which seeks to increase electricity access to households, public institutions, micro, small and medium enterprises (MSMEs) and to provide clean, safe, reliable and affordable electricity to un-served and underserved rural communities through mini-grid/off-grid renewable power solutions. The NEP is being implemented by the Rural Electrification Agency (REA), on behalf of the Federal Government of Nigeria (FGN).

Access to uninterrupted power supply in Federal Universities and University Teaching hospitals in Nigeria has been cited as a major challenge and barrier to effective learning, institutional operations and student residency. Considering the role of education in economic growth and socio-economic development in Nigeria, the Federal Ministry of Power, Works and Housing at the time, resolved to embark on viable projects that will ensure the availability of reliable, sustainable and affordable power to Nigeria's tertiary institutions. This led to the conception of the 'Energizing Education Programme' (the "EEP").

The EEP seeks to provide adequate power supply (up to approximately 100MW in total) to Thirty-Seven (37) Federal Universities ("the Universities") and seven (7) University Teaching Hospitals across the Federal Republic of Nigeria. It also aims to provide streetlights to promote and facilitate safe, secure and productive learning environments and develop and operate training centers to train university students in renewable energy technology innovations.

The EEP Phase II, funded by the World Bank will provide sustainable and clean power supply to 7 federal universities and 2 university teaching hospitals across the 6 geo-political zones in Nigeria. The institutions for this Phase are Federal University of Gashua in Yobe state, University of Abuja, University of Maiduguri in Borno state, Nigerian Defense Academy in Kaduna state, Federal University of Agriculture Abeokuta in Ogun state, Michael Okpara University of Agriculture in Umudike, Abia State and University of Calabar in Cross River state.

1.2 Project Description

The Energizing Education Program is the component 3 of the 4 components of the Nigeria Electrification Project. Summary of the components of the NEP is discussed below, while detail description is contained in the Project Appraisal Document (PAD) of NEP.

1.2.1 Project Components

Component 1: Solar Hybrid Mini Grids for Rural Economic Development – This component will support the development of private sector mini grids in unserved and underserved areas that have high economic growth potential. The target is to provide access to electricity to 300,000 households, and 30,000 MSMEs, with an estimated 15 mini grid operators.

Component 2: Stand-alone Solar Systems for Homes and MSMEs – The goal of this component is to significantly increase the market for stand-alone solar systems in Nigeria in order to provide access to electricity to more than one million Nigerian households and MSMEs at lower cost than their current means of service such as small diesel generator sets. In addition, about one million single solar lanterns are expected to be distributed during the course of the project

Component 3: Energizing Education – The goal of the Energizing Education is to provide reliable, affordable, and sustainable power to public universities and associated teaching hospitals. The project targets 37 public universities and will be implemented in phases. Implementation under phase 1 is already on-going, while the LRP under consideration is for the phase II of the EEP which consists of 7 universities and two (2) teaching hospitals as earlier stated.

Component 4: Technical Assistance – This component is designed to build a framework for rural electrification upscaling, support project implementation as well as broad capacity building for the Rural Electrification Agency (REA), Nigeria Electricity Regulatory Commission (NERC), Federal Ministry of Power, Works & Housing (FMPWH) and other relevant stakeholders.

Further insight on the Component 3 shows that activities being supported under the EEP include:

- Installation of street lighting system to improve quality of campus life, particularly safety
- Construction and outfitting of a Training Facility for power system training with an emphasis on renewable energy. The purpose is to provide practical vocational level training in renewable energy and electrical power systems to students to better qualify them for jobs in the off-grid industry.

The implementation of these work activities under component 3, require land take and civil work construction and therefore, triggered essentially two Operational Policies of World Bank: Environmental Assessment (OP 4.01), due to the potential impacts of civil work construction and Involuntary Resettlement (OP 4.12, due to land acquisition and displacement.

1.3 Objective of the Livelihood Restoration Plan (LRP)

The objective is to prepare a Livelihood Restoration Plan (LRP) for persons to be affected by the EEP Phase II project across the seven universities and two teaching hospitals listed above. The LRP will align with the requirements of the World Bank's OP/BP 4.12 and ensure that adverse economic and livelihood impacts resulting from the project activities are adequately mitigated and restored. The LRP will pay special attention to the vulnerable groups identified during the socio-economic survey; such as elderly, women and children, and unemployed youths, including detailed information on project-affected persons (PAPs) whose livelihoods are likely to be adversely affected by the project activities both during pre-construction, construction and operation phase of the sub projects.

1.4 Rational for the LRP

The survey carried out under the ESIA of the Energizing Education Programme (EEP) for FUGA submits that the Land for EEP belongs to the University and has no presence of squatters or users whose livelihood may be affected. The essence of this screening study is to carry out the necessary investigation to determine if there are land owners, squatters or users who may be vulnerable on the basis of the land under consideration for EEP. Therefore, vulnerability or loss of livelihood provides a basis for the preparation of this LRP in order to ensure that, in line with the involuntary policy guideline of the World Bank, PAPs are not rendered economically worse off as a result of the EEP project but are assisted to improve on their livelihood conditions.

1.5 Underlying Principles of LRP

The key principles for LRP preparation and implementation are as follows:

- When cultivated land is acquired, it often is preferable to arrange for land-for-land replacement. In some cases, as when only small proportions of income are earned through agriculture, alternative measures such as payment of cash or provision of employment are acceptable if preferred by the persons losing agricultural land.
- Lack of legal rights does not bar persons in peaceful possession from compensation or alternative forms of assistance.
- Compensation rates refer to amounts to be paid in full to the individual or collective owner of the lost asset, without deduction for any purpose.
- Sites for relocating businesses, or redistributed agricultural land should be of equivalent use value to the land that was lost.

Compensation should be paid prior to the time of impact, so that new houses can be constructed, fixed assets can be removed or replaced, and other necessary measures can be undertaken before displacement begins.

1.6 Study Methodology

The study involved a step wise approach involving the following:

- Virtual meetings attended by FUGA project management team, REA representatives, World Bank representative and the LRP consultant.
- Review of relevant literature and project documents
- Visit to FUGA: The visit to FUGA involved a consultation with the project management team and more importantly provided a platform for site inspection.
- Interview and survey from the project area
- Collection, Collation and analysis of livelihood screening result

CHAPTER TWO: STATUTORY LEGAL AND ADMINISTRATIVE FRAMEWORKS

2.1 Overview of the Key Reviewed Documents with emphasis on description of the legal context within which the displacement will take place

As a first step towards delivering on the assignment, project specific documents along with regulatory documents of the World Bank and Government of Nigeria were reviewed. The documents included the Land Use Act, Operational Policy (OP4.12) of the World Bank, FEED, RPF, PAD and the ESIA. The review of the Land Use Act (the Nigerian Extant Law on Land Acquisition and Compensation) and the World Bank OP4.12 were helpful in understanding the convergences and gaps in the policy frameworks of the World Bank and the country laws and policies on involuntary resettlement. The FEED document dealt with the engineering design, Bill of quantities and options considered by the project. It gave the LRP team meaningful understanding of the activities that will cause involuntary resettlement as well as the gains of the planned project. Similarly, the review of the ESIA studies carried out for each of the seven (7) sites identified the social and environmental issues to be grappled with. It offered mitigation measures which if implemented will ensure that the project does not exacerbate the biophysical environment and livelihood of the people. The RPF on the other hand was a framework prepared prior to project appraisal when the final selection of sites and specific details about the installations and work activities had not been sufficiently known. The RPF provided the procedures and guidelines that the project will follow to prepare site specific Resettlement Action Plan or Livelihood Restoration Plan when implementing specific sub-projects.

The sections below present details of the reviewed regulatory laws and policies.

2.2 The World Bank Safeguard Policies

The environmental and social safeguards policies of the World Bank are the fulcrum of its support towards sustainable poverty reduction, particularly in developing countries. The policies aimed at preventing and mitigating undue harm to the people and the environment in the development process. There are a total of ten (10) environmental and social safeguard policies of the World Bank, of which only Operational Policy (OP) 4.01 Environmental Assessment and Operational Policy (OP) 4.12 – Involuntary Resettlement- is triggered by the proposed Project, and its requirements will be taken into consideration in the LRP study.

2.3 The World Bank Group Environmental, Health and Safety (EHS) Guidelines

The World Bank Group EHS Guidelines are technical reference documents that include the World Bank Group expectations regarding industrial pollution management performance. The EHS Guidelines are designed to assist managers and decision makers with relevant industry

background and technical information. This information supports actions aimed at avoiding, reducing, and controlling potential EHS impacts during the construction, operation, and decommissioning phase of a project. The EHS Guidelines serve as a technical reference source to support the implementation of the World Bank policies and procedures, particularly in those aspects related to pollution prevention and occupational and community health and safety.

2.4 The regulations, guidelines and standards of Federal Ministry of Environment (FMEnv) concerning Mini grid activities in Nigeria

The FMEnv is the primary authority for the regulation and enforcement of environmental laws in Nigeria. The Act establishing the Ministry places on it the responsibilities of ensuring that all development and industry activity, operations and emissions are within the limits prescribed in the national guidelines and standards, and comply with relevant regulations for environmental pollution management in Nigeria as may be released by the Ministry.

In furtherance of her mandate, the FMEnv developed laws, guidelines and regulations on various sectors of the national economy. The specific policies, acts, guidelines enforced by FMEnv that apply to the proposed Project are summarized in the following paragraphs:

National Policy on the Environment, 1989 (revised in 1999 and 2017)

The National Policy on the Environment, 1989 (revised 1999 and 2017) provides for a viable national mechanism for cooperation, coordination and regular consultation, as well as harmonious management of the policy formulation and implementation process which requires the establishment of effective institutions and linkages within and among the various tiers of government.

Federal Ministry of Power

The Federal Ministry of Power is the policy making arm of the Federal Government with the responsibility for the provision of power in the country. The Ministry is guided by the provisions of the Electricity Act No 28 of 1988, the National Electric Power Policy, 2001, the Electric Power Sector Reform Act, 2005, the Roadmap for Power Sector Reform, 2010, the National Energy Policy, 2013 and the National Energy Efficiency Action Plans, 2015.

Nigerian Electricity Regulatory Commission (NERC)

The Nigerian Electricity Regulatory Commission (NERC) is an independent regulatory agency inaugurated on October 31, 2005. Its powers emanate from the Electric Power Sector Reform Act (EPSR) 2005 in Section 31 Sub 1. Its principal objects relevant to the EEP among others includes maximizing access to electricity services by promoting and facilitating consumer connections to distribution systems in both rural and urban area; ensure safety, security, reliability, and quality of service in the production and delivery of electricity to consumers; license and regulate persons engaged in the generation, transmission, system operation, distribution and trading of electricity.

State and Local Government Environmental Authorities

In Nigeria, States and Local Government Councils are empowered under the law to set up their own environmental protection bodies for the purpose of maintaining good environmental quality in the areas of related pollutants under their control.

The key State and Local Government administrative authorities with statutory functions related to the project are briefly described below:

Yobe State Ministry of Environment and Natural Resources

The Yobe State Ministry of Environment and Natural Resources is responsible for the policy awareness and intervention of key environmental issues in Yobe State. The key environmental issues include desertification and deforestation, pollution and waste management, climate change and clean energy, flood and erosion, and environmental standards and regulations.

Yobe State Environmental Protection Agency (YOEPA)

- The functions of the agency are:
- Collection and disposal of both wet and dry refuse (solid and liquid) including human waste.
- Control of industrial waste (liquid emission) and air pollution..
- In consultation with FEPA ensure implementation and enforcement of FEPA's regulations in the state where applicable.
- Collaborate with the FEPA in conducting public investigation of measure environmental pollution.
- Cooperate with federal and state ministries, local government council's statutory bodies, research and educational institutions on matters related to environmental protection.
- In collaboration with FEPA, conduct public investigation and pollution.

2.5 Nigeria Law/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 is the Executive Governor of the State.

Summary of the major provisions of the LUA includes:

- Section 1: all land comprised in the territory of each state in the Federation is vested in the Governor of the state and such land shall be held in trust and administered for the use and common benefit of all.
- Section 2: (a) all land in urban areas shall be under the control and management of the Governor of each State; and
- Section 2 (b) all other land shall be under the control and management of the local government within the area of jurisdiction in which the land is situated.

2.5.1 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 unexhausted improvements at the date of revocation.

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

Again the Act provides in section 30 that where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use and Allocation Committee. It is clear from section 47 (2)

of the Act that no further appeal will lie from the decision of such a committee. If this is so, then the provision is not only retrospective but also conflicts with the fundamental principle of natural justice, which requires that a person shall not be a judge in his own cause. The Act must, in making this provision, have proceeded on the basis that the committee is a distinct body quite different from the Governor or the Local Government. It is submitted, however, that it will be difficult to persuade the public that this is so since the members of the committee are all appointees of the Governor.

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

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

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

2.6 Gap Analysis between the policies of World Bank and the Land Use Act, 1978 of Nigeria

In this section a gap analysis is made between the World Bank’s operational policies on involuntary resettlement and the Nigerian Land Use Act

Table 2.1: Gap Analysis between the policies of World Bank and Land Use Act, 1978 of Nigeria

Category	Nigerian Law	World Bank OP4.12	Measures to Filling the Gaps
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	It’s lawful to revoke or acquire land by the	PAPs are required to be meaningfully consulted and	PAPs shall be meaningfully consulted and engaged in the

Consultation	governor after issuance of notice. No consultation is required.	participate in the resettlement process	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 right	Compensation in cash to the community, chief or leader of the community for the benefit of the community	Land for land compensation or any other in-kind compensation agreed to with the community	Land for land compensation or any other in-kind compensation agreed to with the community
Agricultural land	Entitled to alternative agricultural land ¹	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation	Land for land compensation
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.

¹ Nigerian Land Use Act 1978

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.

This LRP for EEP aligns with the World Bank Operational Policy which indicates best practices for rehabilitation of livelihoods of people affected by the implementation of the project. The Bank’s policy will be applicable because they are involved in the funding of the project and also because its policy must fulfil the pro-poor objectives of the project, ensuring that the conditions of PAPs are preferably improved and at least, restored to pre-displacement levels as well as offers special considerations for vulnerable and landless PAPs.

CHAPTER THREE: PROJECT ENVIRONMENT AND BASELINE DATA

3.1 Background of the State

Yobe State was created on 27th August, 1991. The State covers an estimated area of 47,000 Square Kilometres and share International Border with the Republic of Niger to the North. The State also share borders with Jigawa, Bauchi and Gombe States to the West, Borno to the East as well as Gombe and Borno States to the South.

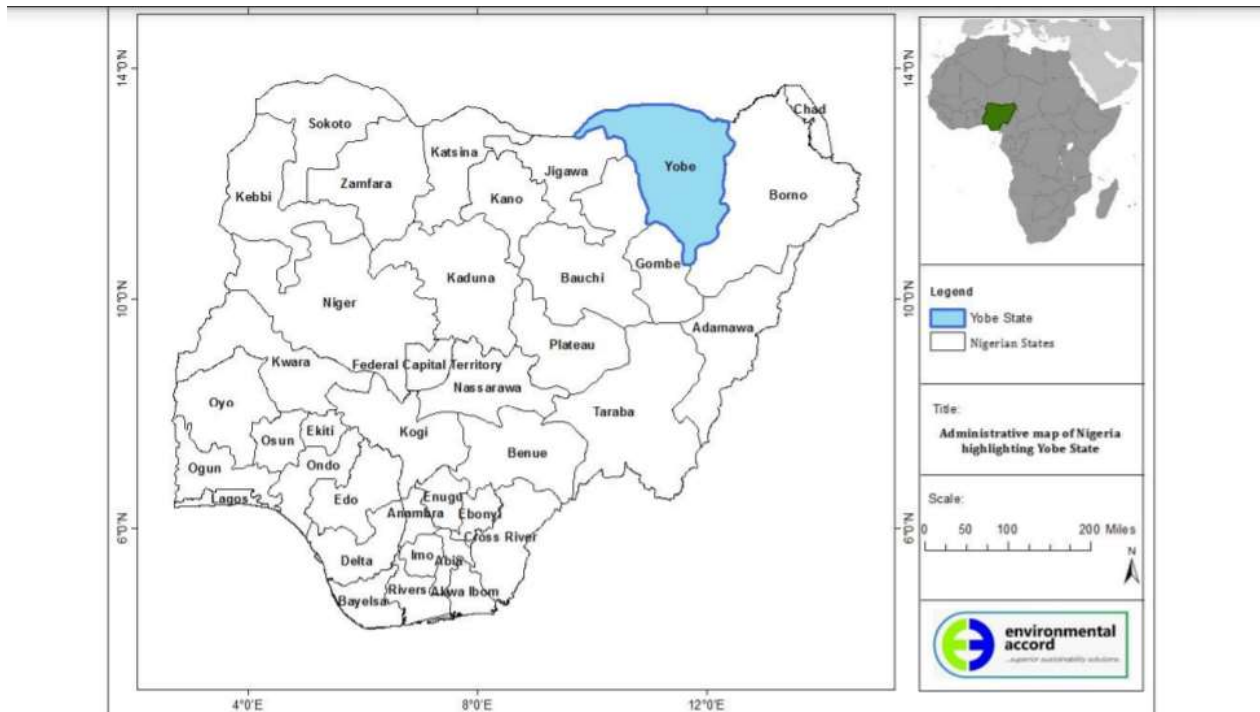


Figure 1: Map of Nigeria showing Yobe state (Source: ESIA Report for FUGA EEP, 2019)

3.1.1 Local Government Areas

Yobe State consists of 17 local government areas (LGAs). They are: Bursari, Damaturu, Geidam, **Bade**, Gujba, Gulani, Fika, Fune, Jakusko, Karasuwa, Machina, Nangere, Nguru, Potiskum, Tarmuwa, Yunusari, Yusufari. Bade is the LGA of Gashua where FUGA is located.

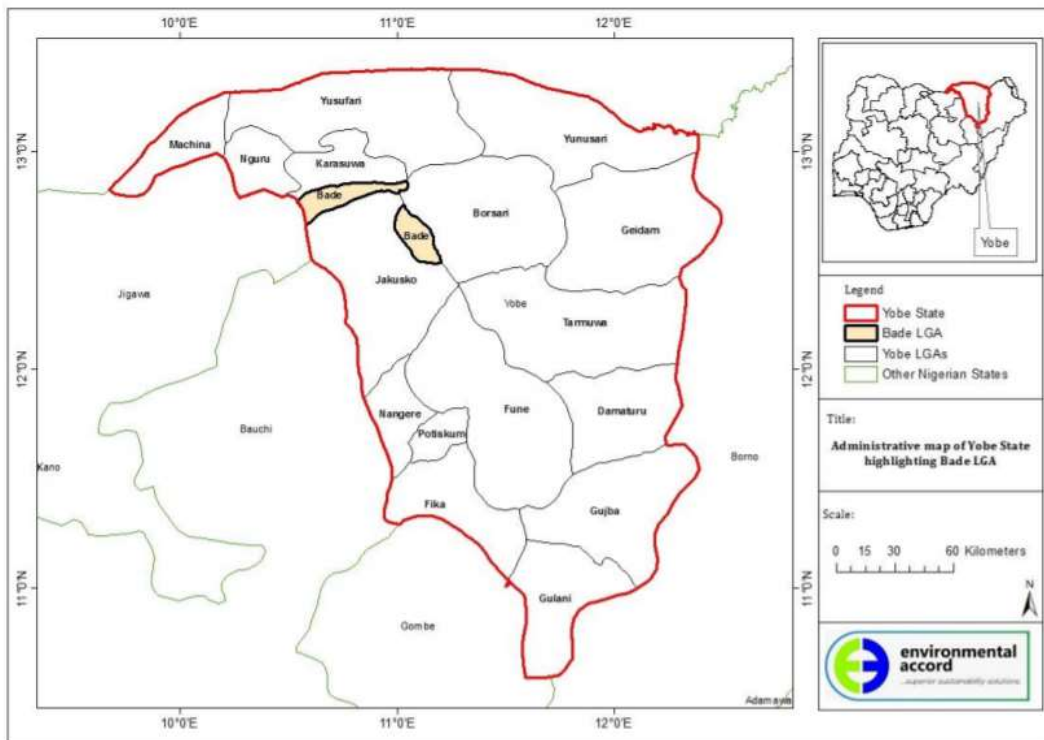


Figure 2: Map of Yobe state highlighting Bade LGA, host to FUGA (Source: ESLA Report for FUGA EEP, 2019)

3.1.2 Geographical and socioeconomic attributes of Yobe

A summary of key geographical and socioeconomic attributes of Yobe state is presented as follows:

Population	3,532,989 comprising of 1,801,824 males and 1,731,164 females (source: NPC)
Vegetation	Sudan and Sahel Savannah
Solid Minerals	Diatonite, Silica sand, Gypsum and Clay
Agricultural Produce	Sorghum, Sesame, Maize, Cowpea, Millet, Groundnut, Beef, Dairy, Livestock
Means of Transportation	Tricycle (Keke) and Motor cycle
Communication	Availability of all GSM service providers in Nigeria (MTN, Globacom, 9 Mobile and Airtel)

3.2 Description of the Project Site

The proposed Project will be sited within the FUGA campus in Gashua, Bade Local Government Area of Yobe State. There is no local community presence within the Project site. However, the identified community within 2km radius of the Project site is Low-Cost Community, which is a state developed layout in Gashua.

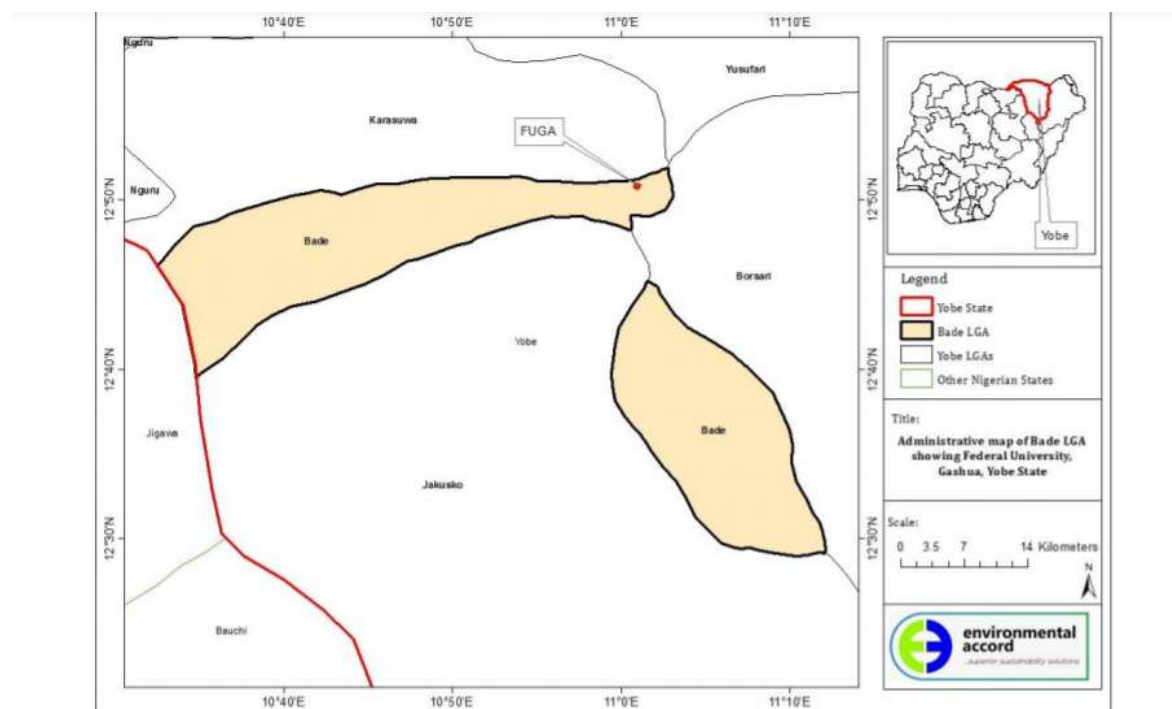


Figure 3: Map of Bade LGA depicting the location for FUGA (Source: ESIA Report for FUGA EEP, 2019)

3.2.1 Land Use/Land Cover

The land for Federal University of Gashua covers an expanse of 2,248Ha out of which a total of 12.48 Ha is designated for the EEP project (see annex 2 for survey plan).

From the existing literature (EEP ESIA for FUGA, 2019) which was also corroborated during our site visit, the land use cover within the project site can be categorized into bare land, built up area and water body. The percentage coverage of the categories is presented in below:

S/N	Category of Land Cover	Size in Hectares	Percentage
1	Bare/undeveloped land	2,093.35	93%
2	Built up area	154.21	6.8%
3	Water body	5.44	0.2%
	Total	2,248	100%

Source: EnvAccord Field Survey, 2019

Built-Up Area

This is a general name used to classify building structures within an environment. The major constituents of this class are the buildings in FUGA and road infrastructure. This covers over 150ha of the entire FUGA land area. These built up structures within the University are not located within the land designated for the Solar PV Hybrid Project.



Figure 4: Built up Area within FUGA land

Waterbody /Rain Water Harvesting Trench

The waterbodies observed during the field survey are rainwater harvesting trench (owned by the University) at a section of the Project site and an artificial pond in the wider area (located about 1 km away from the Project site). This covers about 5.44 Ha or 2% of the entire FUGA land area.



Figure 5: Water Body within FUGA land

Bare /undeveloped land

Bare land area in FUGA measures about 2,093 Ha and accounts for 93% of the total land area. It entails bare soil and dry vegetal cover. The bare lands within FUGA campus are mostly undeveloped lands that have been reserved for future projects by the University. The proposed Project site (12.48Ha) accounts for only about 6% of the undeveloped land in FUGA.



Figure 6: A sectional View of the Undeveloped Land for FUGA EEP



Figure 7: A sectional View of Undeveloped FUGA land highlighting Natural Watercourse area

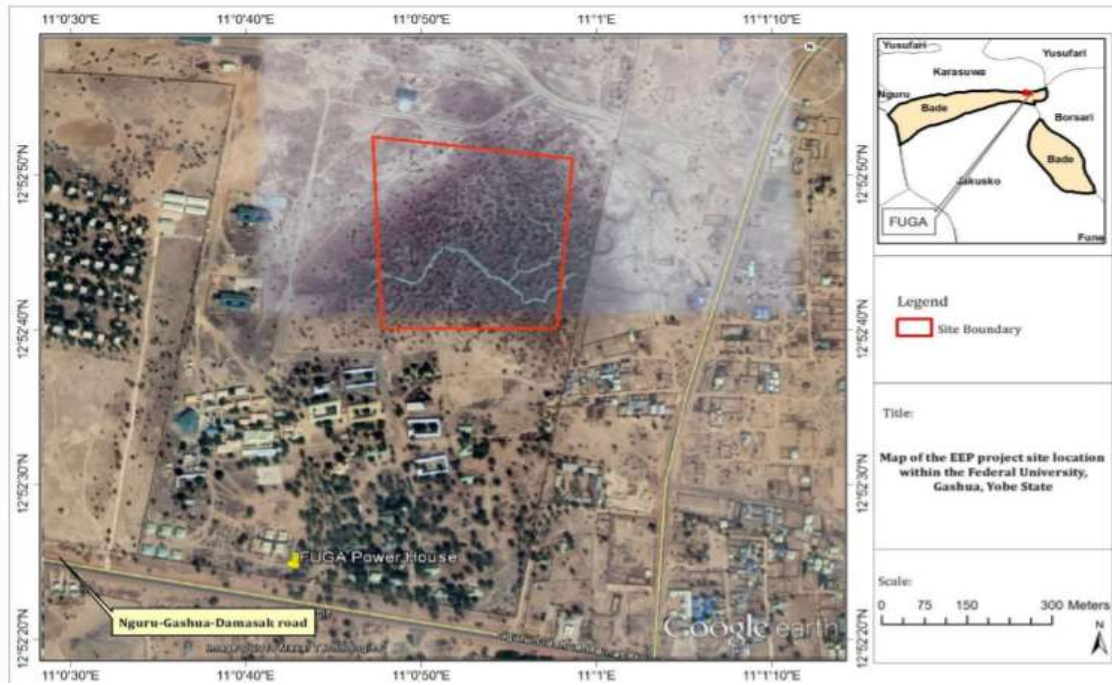


Figure 8: Aerial Map of the Project Area indicating the EEP Project site

CHAPTER FOUR: STAKEHOLDER ENGAGEMENT AND CONSULTATION

4.1 Description of the consultation and engagement strategy

Stakeholders' consultations are key to the success of this LRP/safeguards screening preparation. Consultation is important both as a tool for information gathering and for carrying the stakeholders along to achieve sustainability. Consultations will extend this LRP screening preparation stage up to the project implementation and evaluation stages.

The thrust of the consultations carried out are to:

- notify the relevant stakeholders including the university management and project affected persons about the project set up and development objectives;
- establishing and maintain a two way process of dialogue and understanding between the project and its stakeholders,
- create ownership and
- elicit broader inputs and suggestions that will ensure project sustainability and success.

4.2 Strategy for Consultation Process

The following steps and considerations guided the public consultations:

- Site visit of the project site parameter
- Identification of the administrative leadership in the project location
- Identification of social impacts
- Public forum with stakeholders on the project matter



Figure 9: Site Survey of the EEP Project Land

4.3 Summary of the stakeholders' Consultations

Meetings were held with the University management at two fora. One was a zoom visual meeting and a physical meeting at the project site. Discussions centered on the objectives and benefits of the

project and the adverse impacts that may result from the implementation and how they can be mitigated. The site meeting was held duly observing the COVID-19 protocols in compliance with the NCDC guidelines; and was helpful in the assessment of the condition of the site and the screening for involuntary resettlement.



Figure 10: Digital Temperature Check in observance of COVID-19 Procedure

The Summary of the consultation with FUGA management is shown below:



Figure 11: Consultation held with FUGA management representatives

Minutes of Meeting held with the Management of Federal University of Gashua, Yobe State

Date	14 th August, 2020
Attendance	<ol style="list-style-type: none"> 1. Engr. Samuel Sule (Acting Director, Works and Physical Planning, Federal University of Gashua) 2. Engr. Jerome Mishion Gumpy (Acting Director, ICT Federal University of Gashua) 3. Dr Isa Ibrahim (Desk Officer, EEP Phase II Project) 4. Mr Oliver Nwuju (MD, Factor Resources- Lead Consultant) 5. Consultancy Team
Language of communication	English Language
Venue	Zoom
Introduction	<p>The consultant remarked that the Energizing Education Project which entails the installation of Solar Hybrid PV for the participating seven universities triggered two key Operational Policies of the World Bank; OP 4.01- Environmental Assessment (which has been carried out by another consultant) and OP 4.12- Involuntary Resettlement. He stated that OP4.12 was triggered because of land acquisition and/or the associated economic displacement of persons within the proposed project land.</p> <p>Livelihood Restoration Plan (LRP) is an instrument approved by the World Bank for addressing OP 4.12 in order to ensure that the livelihood of PAPs is not worsened. He further stated that the policy of World Bank requires that PAPs be compensated for their assets or restored to livelihood irrespective of their right/ownership status on the land where they occupy.</p> <p>In that event, LRP is being prepared to identify those who are using the land and the type of land</p>

	use, with a view to assisting them to remain in livelihood, whether on land based activity or alternative livelihood options.
Issues discussed	<p>The issues discussed included the following;</p> <ul style="list-style-type: none"> • The size of the university land • Ownership right • The existing land use • Type of people making use of the land • Alternative preparation made for the land users • Security issues/ challenge in the project area • COVID-19 Response Protocol being observed in the school <p>The consultant requested for pictures, land title and survey plans of the proposed land for EEP. These were presented during the meeting.</p>
Questions raised by the University Management	<p>The questions raised included the following;</p> <ul style="list-style-type: none"> • Engr. Samuel Sule reacted to the previous activities conducted by the Surveyor and Environmental consultants, he sought for clarification of the difference between LRP and the previous activities carried out • Dr Isa Ibrahim asked for the timeline of the project implementation
How the questions raised by the University Management	<ul style="list-style-type: none"> • The consultant explained that the energy audit survey carried out is to establish optimal location for receiving sunlight for the solar installation. It is not the same as the LRP which involves the identification of PAPs and their choice of livelihood for purpose of supporting them to improve or attain economic status that is not less than their pre-project status. • The management wondered if LRP must be implemented by FUGA even when no physical nor economic displacement or impacts is envisaged. • The project implementation is likely to commence as soon as the environmental and social impact assessment study and the Livelihood restoration plan study are completed and implemented.
Key findings	<ul style="list-style-type: none"> • The size of the land is 12,464 hectares • The land is a virgin land with a traversing stream belonging to the Federal University of Gashua, it was initially intended to be used as student demonstration land which was later relocated to another site as a result of the Education Energizing Project (EEP) • LRP is not likely to apply in FUGA as the proposed land is a virgin land which belongs to the school and is void of any encumbrances. • There is no alternative allocation of land since there are no persons in use of the land

	<ul style="list-style-type: none"> • Gashua is a peaceful community and has not recorded any serious issues of insurgency • The COVID-19 national safety guidelines issued by the NCDC is duly observed in the school. For example, handwashing basins and soap are installed at major door entrances and the wearing of facemasks is compulsory for all in the school. •
Conclusion	The management presented via screen sharing the document of land acquisition and survey plans and it was agreed that the team will inspect the proposed project land for verification, during field visit which was scheduled to hold on 19 th of August 2020.

Minutes of Follow up Physical Meeting held with the Management of Federal University of Gashua,
Yobe State at the University Campus

Date	19 th August, 2020
Attendance	<ol style="list-style-type: none"> 1. Engr. Haruna A Bashir (Acting on behalf of the School Management) 2. Engr. Isa Ibrahim (Desk Officer, EEP Phase II Project) 3. Engr. Musa.S. Bizi (Electrical Engineer, FUGA) 4. Mr Oliver Nwaju (MD, Factor Resources- Lead Consultant) 5. Consultancy Team
Language	English
Venue	Vice Chancellor's Complex
Pre-meeting activity	The meeting observed the COVID-19 Nigeria Centre for Disease Control (NCDC) Guidelines. In accordance with the guidelines, all participant's temperature was checked to make sure that nobody with COVID-19 symptoms was permitted into the meeting. Face mask, soap and water were provided and used by all the participants during the meeting, while social distancing was observed in the sitting arrangement
Introduction	The Desk Officer, EEP Phase II Project introduced the consultant and his team members as those appointed by Rural Electrification Agency to undertake LRP. The consultant remarked that the meeting was a follow up to the zoom meeting that was held on the 14 th of August 2020. He gave a recap of the discussion of the zoom meeting and conclusions reached.
Remarks by the representative of the management	Engr Haruna Bashir who acted on behalf of the management welcomed the consultant and his team and appreciated the LRP initiative. He informed the consultant that the university receives an average of 2 hours of grid supplied power a day, hence, making the school to rely on generator plant to power the university which consumes more diesel

	and high financial cost to the University. He believes that the project is very important to the University as it will improve power generation and lower cost of energy.
Issues discussed and verified	<p>Issues discussed and verified in the University include:</p> <ul style="list-style-type: none"> • Determination of the size of the proposed land • Transient walk-through to determine the land use status of the proposed land • Observation of fencing as an indicator for potential encroachment on the land • Pictures showing the present condition of the proposed land
Overview history of FUGA	<ul style="list-style-type: none"> • Engr Haruna stated that FUGA came into existence in the year 2013 having its first admission in the year 2014. The university land was formerly belonging to Government Secondary School GASHUA which was relocated to another site following the establishment of FUGA. FUGA occupies about 2,248Ha size of land and 12.48Ha is proposed for the Solar Hybrid Plant project. The land area is made up of primary vegetation comprising of scanty trees, shrubs and grasses. • A portion of the University is presently fenced off while perimeter fencing is still on-going.
Question from University Management	The University management wanted to know when the project will be implemented
How concerns and questions were addressed	The management were informed that the project implementation is likely to commence as soon as the environmental and social impact assessment study and the Livelihood restoration plan study are completed and implemented.
Conclusion	The project desk officer in the University and the Project Engineer took the Consultant and his team to the proposed project site where necessary observations, pictures and coordinates of the site were taken.

CHAPTER FIVE: SCREENING ASSESSMENT OUTCOME FOR LRP

5.1 Introduction

Although LRP was agreed upon for implementation as an instrument to mitigate OP 4.12 of the World Bank, triggered by the EEP. The peculiarity of the environment for FUGA deserved further investigation for justification for LRP.

In view of the unclear circumstance of the impacts triggering the preparation of LRP by FUGA, this screening exercise is germane.

The approach of the screening was via site observation and key informant interview. Site observation involved a visit to the proposed project site to inspect the physical land use condition and verification of the literature evidence about the land.

Conversely, the key in-depth interview with custodians of history and heads of authority of FUGA was helpful in establishing facts for making conclusion about involuntary resettlement for the project.

The Table below is a presentation of the outcome of the screening exercise.

Table 5.1: Screening for the Plausibility of LRP for FUGA

Questions	Targeted Output	Method	Outcome
Was the project land legally acquired	Evidence of certificate of occupancy or offer letter from the Governor	Sighting of document Interview with University management	Land was legally acquired
Are there any forms of conflict or litigation surrounding the land?	Report, grievance or complaint regarding displacement of rightful owners or occupants	Interview Review of extant literatures	No conflict or litigation on the proposed land
Is the site/land fenced?	Evidence of fencing to wade off potential encroachment	Observation/sighting	Part of the School land is fenced, while parameter fencing was still on-going
What is the present use of the proposed project land	To determine land use	Physical observation Literature review	Bare land
Are their squatters or users presently on the land	To determine land use and persons that may be affected by displacement due to the project	Interview Observation during transient walk-through of the project area	No squatters nor anthropogenic activities found
Does the land or the natural resources on it serve as source of livelihood to any group	To determine loss of livelihood and income	Interview of the school staff	The land resources belong to FUGA and does not serve as livelihood to any group

CHAPTER SIX: FINDINGS, CONCLUSION AND RECOMMENDATION

6.1 Findings

The screening outcome engaged in for determination of justification for OP 4.12 for the FUGA site EEP provides the following results:

1. The land allocated for the EEP project was lawfully acquired with sufficient documented land title and survey plan.
2. Perimeter fencing of the land is on-going;
3. There are no conflict on the ownership or use of the land;
4. There are no presence of group or community activities on the land;
5. The proposed project land is a bare land, undeveloped and void of any farming or anthropogenic activities;
6. Neither the land nor natural resources on it is a source of livelihood to any person or group

6.2 Conclusion

1. It is concluded based on the evidences of the screening exercise, literature and site visit that the EEP project in FUGA does not trigger World Bank involuntary resettlement (OP 4.12).
2. That there are no local community conflict, claim or interest on the proposed EEP land
3. That LRP is not required for FUGA EEP.

6.3 Recommendation

FUGA management should proceed with other necessary steps for the implementation of the EEP.

REFERENCES

Nigerian Electrification Project (2017); Project Appraisal Document (PAD) for the Rural Electrification Agency.

Nigerian Electrification Project (2017); Resettlement Policy Framework for Rural Electrification Agency.

Nigerian Electricity Act No 28 (1988).

Nigeria Land Use Act (1978).

Rural Electrification Agency (2020); Front End Engineering Design (FEED) Document,

Rural Electrification Agency (2020); Environmental and Social Impact Assessment of the proposed 2.5 MW Solar-Hybrid Power Plant & Associated Infrastructure in Federal University of Gashua

World Bank Safeguard Policies (2013); Operational Manual, OP4.12

ANNEXES

Annex 1: Screening Checklist For Involuntary Resettlement

Title of the Project:

.....

LGA..... Name of community.....

1. Characteristics of the Project Area

	Questions	Yes	No	Written Response	Remarks
1.	What is the common language spoken in the community?				
2.	What are the types of Religion practiced in the community?				
3.	Are there common natural resources used by the inhabitants of the community? <i>(if yes, list them and location)</i>				
4.	Do all groups have equal access to these natural resources?				
5.	Are there some groups that are not able to get access as easily as others? <i>(If yes, Probe for possible differences and why?)</i>				
6.	Are there common infrastructural facilities used by the inhabitants of the community? <i>(if yes, List them and location)</i>				
7.	Is there any significant traditional/ cultural practices common to the community?				
8.	What are the common forms of communication channels available to the community?				
9.	What are the main livelihood activities engaged by the people of the community?				
10.	How many adjoining villages do you have within the community <i>(List the names of</i>				

	<i>the villages)</i>				
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2. Migrants and Vulnerability Status

	Questions	Yes / No	Figure	Remarks/Response
a.	Are there migrants in the community? <i>(If yes, where do they mostly come from?)</i>			
b.	Which group (s) will be vulnerable by this project?			
c.	Are there those considered as minority or not key indigenes in the community (probing for marginalized group)			

3. Land Use/Acquisition

	Questions	Yes / No	Figure	Remarks/Response
a.	Does the project entail land acquisition?			
b.	Will the project lead to physical displacement of people?			
c.	Will business or economic activities of people be affected?			
d.	If yes, what is the size of the land to be acquired for the project?			
e.	Is the land to be acquired from the community more than 10% of their land holding?			
f.	What are lands used for in the community?			
g.	What is the percentage use of land in the community? i. Agricultural ii. Housing iii. Commercial			
h.	Will the project affect or up to 200 People?			
i.	Do women own land in the community?			
j.	How is land acquired in the community			
k.	Has there been land conflict in the area in the last 10 years?			
l.	How is land conflict resolved in the community?			

Name of officer completed the form: -----

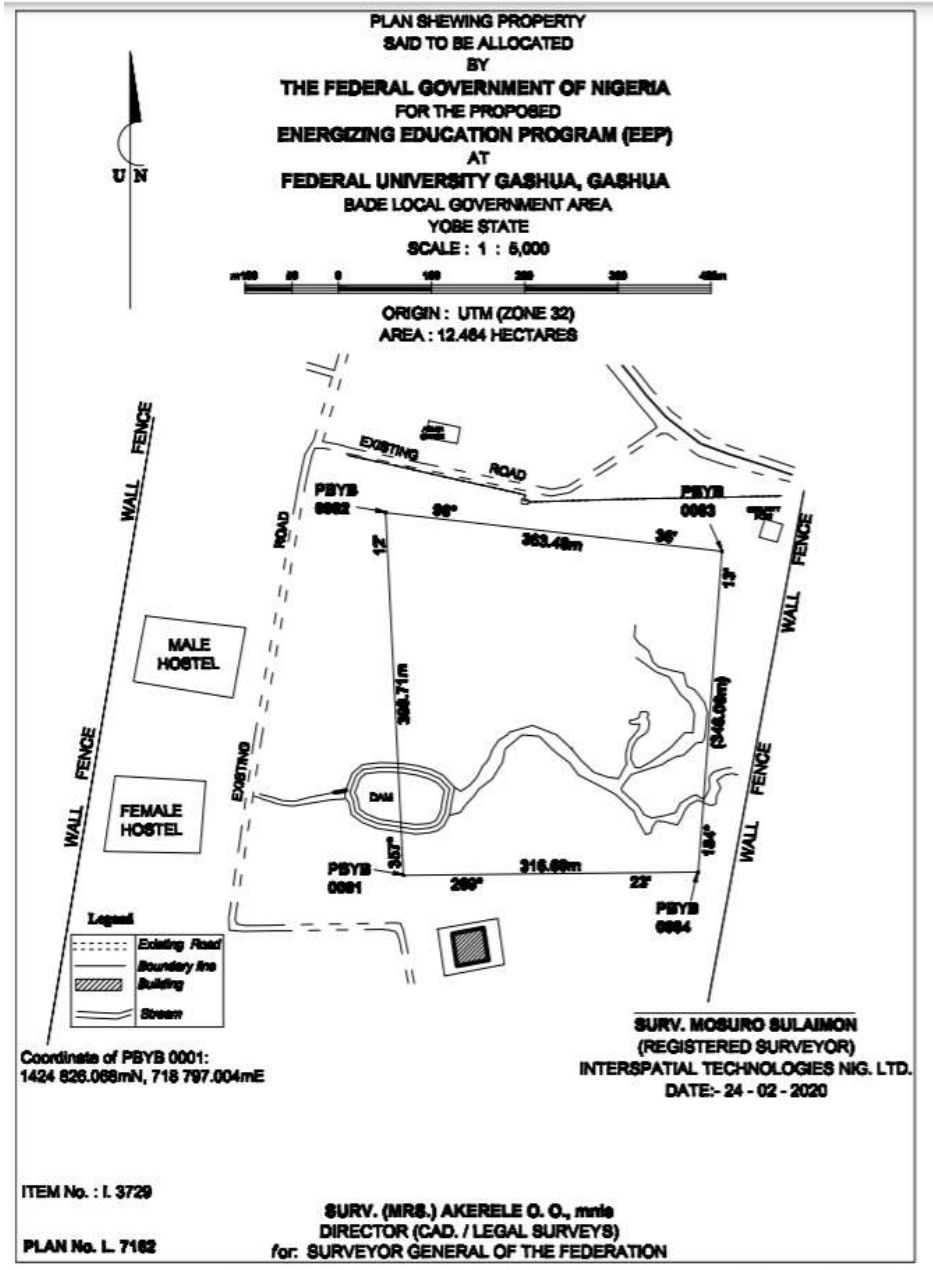
Designation and contact information: -----

Overall observation and recommendation from the team: -----

Date and signature: -----

Annex 2: FUGA Land Survey Plan

FUGA Land Survey Plan



Annex 3: Record of Persons Contacted/Consulted at FUGA

STAKEHOLDER MEETING FOR LIVELIHOOD RESTORATION PLAN (LRP)
FOR THE ENERGIZING EDUCATION PROGRAMME (EEP), NIGERIA ELECTRIFICATION PROJECT

ATTENDANCE REGISTER

STATE: YORUBA
COMMUNITY: GASHA
DATE: 19/08/2020

S/N	Name	Designation/Community	Phone Number	Sex	Signature
1	Engr. Haruna A. Gashi	Director work/PP/Fuga	08086074528	Male	[Signature]
2	Engr. Isa S. Ilorin	REDA & REA Desk Officer	081244905	Male	[Signature]
3	Engr. Musa S. Bizi	ELECTRICAL ENGINEER - FUGA	09036255398	Male	[Signature]