Nigeria Public Private Partnership (PPP) Project

Infrastructure Concession Regulatory Commission (ICRC)

Resettlement Policy Framework (RPF)

Draft Final Report

November 3, 2009
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Glossary of Key Terms

Asset Inventory: A complete count and description of all property that will be acquired.

Cut-off Date: Refers to 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 means payment in cash or in kind of the replacement value of the acquired property.

Displacement refers to the 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: means entitlements with respect to a particular eligibility category are the 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 means 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: Is defined as the highest rate over the last five years based on commercial terms.

Market Value: Means 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 means 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) refers to 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 affectees.
Resettlement Action Plan (RAP): means the resettlement action plans prepared for specific micro-projects.

Resettlement means all the measures taken to mitigate any and all adverse impacts of the Project on PAP’s property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation.

Vulnerable Groups: People who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status are more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits.
**List of Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CBO</td>
<td>Community Based Organization</td>
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<tr>
<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<td>FMEnv</td>
<td>Federal Ministry of Environment</td>
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<td>FGN</td>
<td>Federal Government of Nigeria</td>
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<tr>
<td>LGA</td>
<td>Local Government Area</td>
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<tr>
<td>MDAs</td>
<td>Ministries, Department, Agencies</td>
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<tr>
<td>NCC</td>
<td>Nigeria Communications Commission</td>
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<tr>
<td>NEGIP</td>
<td>Nigeria Electricity and Gas Improvement Plan</td>
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<td>NERC</td>
<td>Nigeria Electricity Regulatory Commission</td>
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<tr>
<td>NGO</td>
<td>Non Governmental Organization</td>
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<tr>
<td>ICRC</td>
<td>Infrastructure Concession and Regulatory Commission</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>MDG</td>
<td>Millennium Development Goals</td>
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<td>MIGA</td>
<td>Multilateral Guarantee Agency</td>
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<td>PAP</td>
<td>Project Affected person</td>
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<td>PCU</td>
<td>Project Coordinating Unit</td>
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<td>PID</td>
<td>Project Information Document</td>
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<td>PPIAF</td>
<td>Private Public Infrastructure Advisory Facility</td>
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<td>PPPI</td>
<td>Public Private Partnership Initiative</td>
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<td>PSP</td>
<td>Privatization Support Project</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<td>SMOE</td>
<td>State Ministry of Environment</td>
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Executive Summary

The Federal Government of Nigeria (FGN) has requested World Bank assistance to move forward with their Public-Private Partnership Program. The PPP will support the FGN to tackle the binding infrastructure constraints in the business environment that are currently limiting firm productivity and employment generating growth. It will also seeks to increase the infrastructure service levels and quality through a six-year institutional development and public-private partnership initiative (PPPI) financing program.

The project components will encompass support to lead PPP agencies and legal and regulatory systems, provision of technical expertise for both Greenfield and Brownfield investments, and financing facilities for selected pipeline PPP initiatives, including in the transportation sector.

The PPP Program will seek to increase infrastructure service levels and quality as well as contribute to strengthened institutional governance over key factor markets. This project has four primary components: (i) Infrastructure Concession Regulatory Commission (ICRC) institutional development; (ii) legal, regulatory and fiduciary reforms and capacity building; (iii) PPP transactions support; and (iv) infrastructure financing.

Component IV of the Public Private Partnership (PPP) Program will involve taking of land or productive resources either temporarily or permanently, for subproject activities and infrastructure. Taking of land and productive resources may result in relocation and resettlement of people and facilities, thus triggering the World Bank (WB) Safeguard Policy on Involuntary Resettlement (OP 4.12). The Bank policy required that a Resettlement Policy Framework (RPF) is developed to take into account the development and implementation of these sub-projects and their Resettlement Action Plans (RAPS).

The main objective of the RPF is to describe and clarify the policies, principles and procedures that will be followed in minimizing and mitigating negative social and economic impacts caused by the infrastructure development project. The RPF is formulated to establish and clarify the resettlement principles, organizational arrangements and design criteria to be applied to sub projects which will be prepared during the main project implementation. Subproject resettlement plans consistent with the RPF will subsequently be prepared and submitted to the Bank for approval after the relevant and specific information on the subproject becomes available.

The legal framework for land acquisition in Nigeria is the land use Act of 1978, reviewed under Cap 202, 1990. The relevant World Bank operational policy (OP 4.12), which addresses land acquisition and involuntary resettlement was reviewed. The differences between the Land Use Act and the Bank’s OP 4.12 are mostly rehabilitation measures, which are neither proscribed nor mandated in the Act. Where there are conflicts between the national law (Land Use Act) and the WB policy, the World Bank OP 4.12 will prevail for all sub projects under the PPP.

Infrastructure subprojects are expected to have adverse effects, sometimes loss of land or loss of access to other resources, particularly in the case of new physical works or changes in the configuration of existing infrastructure. Moreover lack of appropriate resettlement and compensation guidelines may lead to a cumulative displacement and resettlement over the lifespan of the Programme. Thus, adequate measures must be put in place in order to ensure that all subprojects are screened for potential resettlement and where resettlement is anticipated, that the appropriate steps are taken to compensate project affected persons.

This document identifies the guiding principles for resettlement planning for the Borrower and mechanisms that should be put in place in order to screen subprojects and ensure that appropriate
measures are in place to address any issues which arise from potential land acquisition under the PPP.

The valuation procedures of all assets that will be affected as a result of the implementation of the programmes under the PPP projects will be conducted by a qualified valuer/surveyor. Compensation for loss of income and assets will be at full replacement cost such that the PAPs will experience no net loss.

Project affected persons, communities, NGOs relevant stakeholders will participate in the resettlement/rehabilitation process. The specific plans/mechanisms for consultation participation will be detailed in the RAP and will include resettlement committees for PAPs and communities and interagency committees for participating stakeholders.

The RPF underscores the importance of monitoring and evaluation of the sub projects under the PPP program. It also highlights mechanisms for internal and external monitoring.
Chapter 1: Introduction

1.1 Background

The Federal Government of Nigeria (FGN) has requested World Bank assistance to move forward with their Public-Private Partnership Program. This Public-Private Partnership (PPP) Program will support the Government of Nigeria to tackle the binding infrastructure constraints in the business environment that are currently limiting firm productivity and employment generating growth. The project seeks to increase the infrastructure service levels and quality through a six-year institutional development and public-private partnership initiative (PPPI) financing program.

Infrastructure development in Nigeria over the past ten years has had limited success in bringing PPP investment initiatives to closure. The determining factors encompass a range of project investment risks including financial, operational and political. While FGN initiatives to date have gone some way to addressing these various risks, the effort has fallen short in terms of the targeted results. On the financial side, although commercial banks have enjoyed significant liquidity and have actively sought investment opportunities, the tenor and lending margins have not provided much scope for increased long-term financing of infrastructure. In the context of the current global financial crisis this situation is unlikely to improve. High operational risks also remain, reflecting a lack of key technical expertise necessary to develop/implement sound PPPI business and financial plans. While there has been considerable progress in the establishment of sector regulators (notably the Nigerian Electricity Regulatory Commission, NERC, and the Nigerian Communications Commission, NCC), there remain significant regulatory gaps and, more generally, no track record of government performance and delivery.

Conceptually, two particular “failures” underlie the project’s risk constraints described previously. These factors, together with poor allocation/mitigation of project risks, continue to compromise further development and scale up of the PPPI market in Nigeria. The first of these constraints is a “coordination” failure. PPP projects are complex and require a predictable and transparent framework of collaboration across a range of public sector ministries, departments and agencies (MDAs), private sector investors/developers and financial institutions/banks. In the absence of a disciplined roadmap, including specified roles, responsibilities, effective dispute resolution and boundary rules between the MDAs, high transaction costs persists that can prevent “market clearing” of PPPs. In addition to the coordination failure, there exists a “demonstration effect” failure. In the absence of proven performance in government and private sector operations, neither party has practical benchmarks against which to calibrate the different risks associated with doing PPP transactions. This failure, which is effectively a barrier to entry problem, is borne out of information asymmetry; it pushes up cost estimates for both public and private sector counterparties (risk pricing) and can threaten the bank ability of the deal. But once a “first mover” investment occurs, one where the government and investor successfully complete a project, information gaps will start to close and the private sector can draw on track record evidence of government performance when costing the different risks involved in their investment decisions.

In recognition of these constraints and building on received international best practice, the government, in cooperation with the World Bank, has embarked on the development and implementation of a “best practice” PPP Framework. The PPP project will, in turn, contribute to
the sustainable development the PPP market. The involvement of the World Bank, follows on from the extensive contribution made to date, first through the support to the privatization program under the Privatization Support Project (PSP) and more recently through the technical assistance provided to the FGN through a PPIAF (Private Public Infrastructure Advisory Facility) funded study on the development of a PPP Resource Centre.

This proposed project, which will also enable the World Bank to provide requested best practice advisory services to the FGN, would constitute the next generation of support to the government’s program of market and institutional reform for growth. It will build on the successes to date and lessons learned from the PSP, while also providing a new programming framework and mandate to support key outstanding PSP initiatives that remain priorities for the FGN.

1.2 Project Objective

This project will

- seek to increase infrastructure service levels and quality through a six year institutional development and PPPI financing program.
- contribute to strengthened institutional governance over key factor markets, improving risk and cost determinants.

1.3 Project Description

The project components will encompass support to lead PPP agencies and legal and regulatory systems, provision of technical expertise for both Greenfield and Brownfield investments, and financing facilities for selected pipeline PPP initiatives, building on the Energy APL I (i.e.: Nigeria Electricity and Gas Improvement Plan - NEGIP) “first mover” successes.

This project has four primary components: (i) Infrastructure Concession Regulatory Commission (ICRC) institutional development; (ii) legal, regulatory and fiduciary reforms and capacity building; (iii) PPP transactions support; and (iv) infrastructure financing.

Component 1: Infrastructure Concession Regulatory Commission (ICRC) Institutional Development

This component comprises three elements of primary support:

1. ICRC institution building including, potentially: works and supply, equipment and vehicles, incremental operating expenses; skills and organizational development including departmental design, management information system and job specification and remuneration development; with particular focus on the ICRC specialized monitoring, evaluation and enforcement role;

2. ICRC training, including strategic and change management training and the development/establishment of a core training curriculum;

3. Establishment of a PPP Capacity Building Fund to be managed by ICRC. This could lead to a program of system training and skills and institutional upgrades to support key PPP MDAs and State governments to develop and hone their PPP capacities. This would encompass all the key elements of the PPP framework (viz: gate-keeping; project development and transactions; and monitoring and enforcement).
Component 2: Legal, Regulatory and Fiduciary Reforms and Capacity Building

In support of the objective of ensuring a consistent and coordinated approach to the development of regulatory laws, this component of the PPP project would

- provide capacity building, implementation of laws and related capacity building and technical support to regulators and line/cross-cutting MDAs; and
- support to the Federal Ministry of Finance to strengthen its capacity to effectively record, manage and monitor PPP contingent liability issues.

Component 3: PPP Transactions Support

This component treats the pipeline of existing PPP deal flow that the FGN wants to address in the short to medium term. While there is expertise within the FGN – particularly within the BPE - that can assist with this work, it will require extensive specialized expertise that will need to be recruited at market rates over the short to medium term. Additionally, the government capacity to manage a pipeline of technically complex project development and negotiation activities will be highly dependent on the effectiveness of the core technical management team which, over the short term, would also need to be contracted.

Component 4: Infrastructure Financing

The fourth component would involve the deployment of international development association (IDA) investment credits and risk mitigation products (IDA partial risk guarantee) to address political/regulatory risk and improve financing terms (e.g.: tenor and project risk premium). Additional outreach will also be made to engage Multilateral Guarantee Agency (MIGA) and International Finance Corporation (IFC) facilities in support of specific deals, building on the different comparative advantages of their products in terms of pricing and other characteristics (e.g. partial credit guarantees for local currency funding, ability to provide financial support without sovereign counter-guarantee). This component of the project would also seek to promote domestic capital market development. This sub-component includes:

- Capacity-building support to domestic commercial banks and project funds in project finance, financial structuring and long-term credit risk analysis, management and supervision;
- Facilitating the long-term investment by local institutions in debt and equity instruments of infrastructure financing;
- Developing primary capital market issuance of corporate bonds;
- Increasing the penetration of credit ratings.

1.4 Format of the Resettlement Policy Framework (RPF)

Component IV of the Public Private Partnership (PPP) Program will involve taking of land or productive resources either temporarily or permanently, for subproject activities and infrastructure. Taking of land and productive resources may result in relocation and resettlement
of people and facilities, thus triggering the World Bank (WB) Safeguard Policy on Involuntary Resettlement (OP 4.12). The WB requires that any project that causes displacement must be subject to the requirements of its Operational Policy on Involuntary Resettlement, thus the preparation of this document. The Resettlement Policy Framework (RPF) is presented in the following manner:

Chapter One: provides a background to the project, outlines the objectives of the framework and provides a description of the components of the programme

Chapter Two: outlines the policy principles and objectives governing resettlement, which will provide the basis for applying resettlement planning to the PPP

Chapter Three: describes the process the will be used to prepare and approve resettlement plans for micro-projects to be financed under the programme.

Chapter Four: identifies the groups of individuals most likely to be affected by the activities under the PPP.

Chapter Five: provides the eligibility criteria and conditions for compensating project affected persons by first high-lighting the World Bank’s OP4.12 provisions for eligibility for compensation, resettlement and rehabilitation assistance

Chapter Six: outlines the legal and regulatory framework for resettlement planning in Nigeria and discusses the land tenure policies in the country.

Chapter Seven: outlines the institutional mechanisms and organizational procedures for delivery of entitlements in line with the government’s decentralized administration

Chapter Eight: The Chapter gives procedures for the valuation of assets and calculation of compensation payments.

Chapter Nine: The chapter outlines the organizational procedure for delivery of entitlements; mechanisms for grievance redress and source of funding.

Chapter Ten: provides the implementation schedule; process for consultation and information disclosure and measures for supervision and monitoring and evaluation.
Chapter 2: Principles and Objectives Governing Resettlement Preparation

2.1 Principles of Resettlement Planning

Land tenure and involuntary resettlement are a highly sensitive issue in community development and if not addressed adequately can easily become a source of conflict for individuals and communities and give rise to severe economic, social and environmental risks particularly in developing countries such as Nigeria.

Poor planning can result in: productive systems being adversely affected; impoverishment to communities due to loss of productive assets or income sources; increased competition for resources due to migration; and negative impacts on cultural identity, traditional authority and community empowerment.

Component IV of the Public Private Partnership (PPP) Program will involve taking of land or productive resources either temporarily or permanently, for subproject activities and infrastructure. Taking of land and productive resources may result in relocation and resettlement of people and facilities.

For World Bank (WB) supported projects, any project that causes displacement must be subject to the requirements of its Operational Policy on Involuntary Resettlement (OP4.12). The policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in:

- relocation or loss of shelter;
- the loss of assets or access to assets important to production;
- the loss of income sources or means of livelihood; or
- the loss of access to locations that provide higher incomes or lower expenditures to businesses or persons.

The WB describes these processes and outcomes as "involuntary resettlement", or simply "resettlement", even when people are not forced to move, but may have to give up land or access to land resources. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins. WB OP 4.12 is applied whether or not the affected persons must move to another location.

PPP is a sector-wide project. It involves multiple sub-projects each of which may require land and asset takings. In such cases, WB OP 4.12 requires two types of resettlement planning.

The first is a Resettlement Policy Framework (RPF) which guides and governs the project as subprojects are selected for inclusion. An RPF is prepared in situations where specific investment sites and details (i.e. individual sub-projects) are not known. It is a statement of the policy, principles, institutional arrangements and procedures that will be followed in each sub-project involving compensation and/or resettlement. It sets out the elements common to all the sub-projects. It allows for the principles and processes to be agreed so that these do not have to be discussed for every subproject. It also allows project implementers, who may be in many
locations, agencies or communities, to undertake specific sub-projects without having to renegotiate fundamental agreements. The RPF must be prepared, accepted and disclosed publicly before the WB appraises the project.

The second element includes individual Resettlement Action Plans (RAPs) that are undertaken for each sub-project where land acquisition and displacement will occur, once more specific details of the location and nature of the sub-project are known. Individual RAPs must be prepared and reviewed before they are accepted for inclusion in the overall project or programme. The RPF provides the basis for developing RAPs where the need to conduct one for a particular subproject has been established.

This RPF has been prepared to meet the PPP and WB’s requirements to address the needs of people who may be affected by the implementation of individual sub-projects and it will guide the preparation and implementation of sub-projects with components requiring land acquisition and leading to relocation. It lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional frameworks, modes of compensation, stakeholder participation features and grievance procedures that will guide the implementation of compensation and resettlement for persons affected by land or resource acquisition and subsequent resettlement. The RPF has been prepared for the relevant PPP’s components or subproject activities according to WB’s standards and procedures relevant to involuntary resettlement.

The resettlement framework has also been guided by the Terms of Reference for the “Resettlement Policy Framework” provided by the Client and by several examples of RPFs prepared for WB supported projects in Nigeria.

2.2 Objectives of the RPF

The objectives of this resettlement policy framework are to:

- avoid and minimize potential negative impacts which include involuntary resettlement and compensation caused by land acquisition;

- develop measures to mitigate the adverse impacts if they cannot be avoided, to adequately compensate PAPs and to restore their livelihoods;

- ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition, or acquisition of assets, for purposes of implementing PPP subprojects;

- assist adversely affected persons in dealing with the psychological, cultural, social and other stresses caused by project impacts;

- make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive; and,

- have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the subproject implementer and the affected persons.

2.3 General Principles

The general principles for the framework can be summarized as follows:
• Resettlement and land acquisition will be minimized as much as possible. Where land acquisition is unavoidable, the project will be designed to minimize adverse impacts on the poorest segments of the population.

• PAPs will be compensated, relocated and rehabilitated, if required, so as to improve their standard of living, income earning capacity and production capacity, or at least to restore them to pre-project levels.

• All PAPs residing in, or cultivating land, or having rights over resources within the project area as of the date of the census survey are entitled to compensation for their losses and/or income rehabilitation. Lack of legal rights or title to the asset(s) taken for the project will not bar the PAP from receiving compensation, rehabilitation and relocation measures to achieve the objectives set forth above.

• Compensatory mechanisms to accomplish resettlement include: compensation at full replacement cost for houses and other structures, agricultural land of equal productive capacity, replacement of residential land at least of equal size and not less than 200 sq. m., dislocation allowance and transition subsidies, full compensation for crops, trees and other similar agricultural products at market value, and other assets, and appropriate rehabilitation measures to compensate for loss of livelihood.

• PAPs forced to relocate due to their house being acquired will be provided full assistance for transportation and re-establishment of their home and will be provided a Dislocation Allowance, in addition to provision of residential land and the replacement cost of their home.

• Replacement residential and agricultural land will be as close in nature as possible to the land that was lost, and acceptable to the PAP.

• Where the total amount of agricultural land acquired is less than 20% of the PAP’s farm land for those with holdings more than 1 ha, and 10% of land for those with holdings less than 1 ha, cash compensation may be paid in lieu of land-for-land compensation provided that:
  — the PAP receives full replacement value for the land and all assets on it, without any deductions for depreciation;
  — the PAP stands to benefit directly from the project through an increase in income which will off-set the loss of land, such that net production after project completion is equal to, or greater than, the pre-project production; and
  — prior agreement has been reached on acquisition of land through a negotiated settlement at a rate acceptable to the PAP, at replacement value.

• Resettlement plans will be implemented following consultations with the PAPs, and will have the endorsement of the PAPs.

• The previous level of community services and access to resources will be maintained or improved after resettlement.
• Any acquisition of, or restriction on access to resources owned or managed by PAPs as common property will be mitigated by arrangements ensuring access of those PAPs to equivalent resources on a continuing basis.

• Financial and physical resources for resettlement and rehabilitation will be made available as and when required.

• Resettlement programs will include adequate institutional arrangements to ensure effective and timely design, planning and implementation of resettlement and rehabilitation measures.

• Adequate arrangements for effective and timely internal and external monitoring will be made on implementation of all resettlement measures.

Chapter 3: Preparation, Review and Approval of RAPs

3.1 Introduction

Resettlement planning shall be mainstreamed into the PPP Program so as to ensure that all development activities are appropriately screened for potential impacts. The steps for resettlement planning are illustrated in Figure 3.1. As indicated in OP 4.12, for all subprojects included in a project, the Bank requires that a satisfactory RAP or abbreviated RAP that is consistent with the RPF be submitted to the Bank for approval prior to Bank financing. However, OP 4.12 (par 30) also suggests that:

"For certain projects, subproject abbreviated RAPs may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. In all cases, implementation of the resettlement plans is subject to ex post review by the Bank."
Subprojects screening is used to identify the types and nature of potential impacts related to the activities proposed under the project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the Environmental and Social Management Framework (ESMF).

### 3.2 Screening for Involuntary Resettlement

The steps to be undertaken for each individual RAP include a screening process; a socio-economic census and land asset inventory of the area and identification of PPP investment project Affected Parties (PAPs). This is followed by the development of a Resettlement Action Plan (RAP) or abbreviated RAP, RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. The goal of screening is to identify and consider resettlement issues as early as possible. The general guidelines to determine whether a resettlement plan is required are as follows:

- For subprojects that are determined to result in minor impacts, defined under OP 4.12, when "the affected people are not physically displaced and less than 10% of their productive assets are lost" (or fewer that 200 people are displaced), then an abbreviated RAP is required.
• For projects that may result in more significant impacts, i.e., physical displacement of people, and more than 10% of their productive assets are lost then a RAP will be prepared.

The result from the environmental and social screening should (i) be communicated to local communities and their leaders; (ii) be used to develop appropriate mitigation measures; and (iii) help identify the need, if any, for any additional environmental analysis (i.e. Environmental Impact Assessment).

3.3 Baseline and Socioeconomic Data

An important aspect of preparing a RAP is to collect baseline data within the project targeted areas to better assess potentially affected communities. A socio-economic study and census will be used to collect base line data within the targeted areas thereby enabling the social assessment of potentially affected populations/communities, identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally impacted people, affected internally displaced households, etc.) and to discourage inflow of people ineligible for assistance.

The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation.

Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process. Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the displaced population (For more details on the baseline and socio-economic data, see Annex A).

3.4 Preparation of Resettlement Action Plan

A RAP or abbreviated RAP (as required) shall be prepared by the Project Implementation Unit (PIU), preferably with the support of a technical consultant, for subprojects that have been determined to result in negative impacts. The contents of the ARAP are:

— A census survey of impacted persons and valuation of assets.
— Description of compensation and other resettlement assistance to be provided.
— Consultations with impacted people about acceptable alternatives.
— Institutional responsibility for implementation and procedures for grievance redress.
— Arrangements for monitoring and implementation, and
— A timetable and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site (details in Annexes A and B). World Bank OP 4.12 Article 25 sets the requirements of the RAP to include:
— Baseline census and socio-economic survey information.
Specific compensation rates and standards

Policy entitlements related to any additional impacts identified through the census or survey

A description of the resettlement sites and programs for improvement or restoration of livelihoods and standards of living

Implementation schedule for resettlement activities

Detailed costs estimates

3.5 Review and Approval of RAP

The resettlement plans would then be forwarded for screening and approval to the (PIU) in compliance with the project institutional and administrative requirements. All approved subprojects that trigger OP 4.12 and their resettlement plans would be subject to the final approval of the World Bank to ensure compliance with the Bank safeguards. This ensures that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement plans are consistent with this RPF.

In addition, the PIU, should as a guideline consider the cumulative factor and not approve subprojects that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community’s or individual’s total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermined or they cost more than 15% of the subproject’s investment budget.

3.6 Capacity Building

Capacity building shall be integrated into subproject preparation at the community level through technical assistance (e.g., training) that will allow communities to conduct an initial screening of their own subproject project proposals for environmental and social issues. This will be managed by the proposed Environmental and Social Mitigation Officers with assistance from technical consultant, when necessary. This training will be incorporated into the PPP's Capacity Building at the Local Level. Special attention will be given to gender balance and representation of vulnerable groups (in particular women) as participants in the training programs.

All training will include capacity to develop mitigation measures to address environmental and social impacts and to monitor performance. Capacity building will be targeted at decentralized levels in line with the Millennium Development Goals (MDG), to ensure that resettlement planning is mainstreamed throughout public administration, specifically as it relates to the project.
Chapter 4: Likely Categories of Project Affected Persons

4.1 Identification of Project Affected Persons

Project affected persons (PAPs) are defined as "persons affected by land acquisition, relocation, or loss of incomes associated with (a) acquisition of land or other assets, and (b) restriction of access to legally designated parks and protected areas." The amount of displacement (physical, social, economic and cultural) that could occur as a result of subproject activities would be highly dependent on specific subproject circumstances. At this stage of preparation, it is not possible to quantify the estimated likely number of PAPs since the subprojects under the program have not yet been identified. Displacement will be caused by the construction of subproject infrastructure which will require the permanent acquisition of land. However, the likely displaced persons can be categorized into three groups, namely:

i. **Affected Individual** - an individual who suffers loss of assets of investments, land and property and/or access to natural and/or economic resources as a result of the micro-projects and to whom compensation is due. For example, an individual is a person who farms a land, or who has built a structure that has been demarcated for agricultural use and is now required by the subproject.

ii. **Affected Household** - a household is affected if one or more of its members is affected by project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This provides for:
   - any members in the households, men, women, children, dependant relatives and friends, tenants;
   - vulnerable individuals who may be too old or ill to farm along with the others;
   - opposite-sex relatives who cannot reside together because of cultural rules, but who depend on one another for their daily existence; and
   - other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

iii. **Vulnerable Households** - vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. This provides for:
   - *Unmarried women* - may be dependent on sons, brothers, or others for support.
   - *Elderly* - elderly people work and farm as long as they are able. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to "exchange" with others, they can subsist on the cooked food and generous return gifts of cereal from people such as their kin and neighbors.
   - *Women* – may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinners in their household. They need relatively easy access to health service facilities, as mothers and wives. Some women live in a polygamous situation in Nigeria and this requires special attention, as women are central to the stability of the household. For example, where the land being acquired is used by a woman with no formal rights to it or a

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1 World Bank 2002 Resettlement and Rehabilitation Guidebook Washington DC
woman who is dependent on a man other than her husband for her primary income. 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.

- **Internally Impacted peoples** – these are people who had to flee their homes during recent civil unrests/riots/armed robberies and are virtually refugees in their own country and have not returned. They may be dependent on the NGO community and others for support.

- **Income related poverty** – that is the poorest households are also vulnerable. Special attention would be paid to these groups by identifying their needs from the socioeconomic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.
Chapter 5: Criteria and Eligibility for Compensation of Various Categories of Project Affected Persons

5.1 Introduction

Project affected persons will be entitled to compensation based on the status on their occupation of the affected areas. Under the World Bank’s OP 4.12, PAPs are defined as:

a. Those who have formal legal rights to land (including customary and traditional rights, recognized under the Federal and/or State Laws of Nigeria);

b. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the state and/or federal laws of Nigeria, traditional or customary recognition of right to occupy, or become recognized through a process identified in the resettlement plan.

c. Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from.

The policy specifies that those individuals covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with the policy. Individuals covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the ICRC in close consultation with the potential PAPs and acceptable to the World Bank. Individuals who encroach upon the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who occupied the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

5.2 Eligibility for Community Compensation

Communities (districts, towns and villages) permanently losing land and/or access to assets and or resources under customary rights will be eligible for compensation. Examples of community compensation could include those for public toilets, market place, taxi parks, schools and health centers. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted is also restored. The local community leaders will play a crucial role in identifying users of land.

5.3 Method to Determine the Cut – Off Dates

It will be important to set a cut-off date at an early stage of the preparation process in order to avoid speculation and illegitimate claims at a later stage.

An appropriate cut-off date will be the time when the assessment of persons and their property in the subproject area is carried out, i.e. the time when the subproject area has been identified and when the baseline survey, census and preliminary asset inventory is undertaken. Thereafter, no
new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut-off survey can estimate investment which should be compensated for in lieu of expenses (including labor) incurred until the cut-off date.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land thereby posing a major risk to the project. Therefore, establishment of the cut-off date is of critical importance.

The local administrative heads such as the Chiefs, Baales, Emirs, District Heads, Oba’s etc, will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their customary heads.

5.4 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 would 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. It will also list the type of loss, criteria for eligibility and define entitlements as presented in Table 5.1.

Table 1: Entitlement Matrix

<table>
<thead>
<tr>
<th>Types of Loss</th>
<th>Eligibility Criteria</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Land</td>
<td>Various interest and rights - freeholder, leaseholder, tenant, licensee</td>
<td>Compensation - Capital market value of asset</td>
</tr>
<tr>
<td>Loss of Structure</td>
<td>Various interest and rights - freeholder, leaseholder, tenant, licensee</td>
<td>Compensation - Capital market value of asset</td>
</tr>
<tr>
<td>Business Losses</td>
<td>Business owner/tenant premise owner/operator/tenant</td>
<td>Supplementary assistance based:</td>
</tr>
<tr>
<td>• Loss of business structure</td>
<td>Business owner/operator/tenant</td>
<td>relocation allowance to new site</td>
</tr>
<tr>
<td>• Loss of business premises</td>
<td>Business owner/operator/tenant</td>
<td>average net daily profit;</td>
</tr>
<tr>
<td>• Loss of business income</td>
<td>Business owner/operator/tenant</td>
<td>monthly rent passing;</td>
</tr>
<tr>
<td>• Loss of business goodwill</td>
<td>Business owner/operator/tenant</td>
<td>equivalent of rent advance to be refunded;</td>
</tr>
<tr>
<td>• Loss of rented income</td>
<td>Business owner/operator/tenant</td>
<td>monthly wages earned;</td>
</tr>
<tr>
<td>• Loss of wage income</td>
<td>Business owner/operator/tenant</td>
<td>training fees to be refunded;</td>
</tr>
<tr>
<td>• Loss of fees</td>
<td>Business owner/operator/tenant</td>
<td>calculated for a specific period taking into consideration reinstatement period</td>
</tr>
<tr>
<td>• Trainees/apprentices</td>
<td>Business owner/operator/tenant</td>
<td></td>
</tr>
<tr>
<td>Loss of Shelter</td>
<td>Squatters living on site</td>
<td>Compensation at full replacement value for relocation of structure to resettlement site, with payment of site</td>
</tr>
<tr>
<td>Loss of training apprenticeship</td>
<td>Apprentice/trainee</td>
<td>Comparable fees for alternative training</td>
</tr>
<tr>
<td>Loss of business, residential or industrial accommodation</td>
<td>Residential/industrial/commercial tenant-owner of building during reinstatement period</td>
<td>Supplementary assistance based:-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>comparative open market rent for alternative accommodation based on specific period (reinstatement period); and transport rate for the transfer of movable properties</td>
</tr>
</tbody>
</table>
Chapter 6: Legal and Regulatory Framework for Resettlement

6.1 Introduction

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

- **Community land**, or land commonly referred to as ancestral land, is owned by all the people.
- **Communal land** consists mostly of under-developed forests and is owned by nobody. Those who clear it first claim ownership.
- **Clan or family land** is owned by clans and families, as the name suggests.
- **Institutional land**: land allocated to traditional institutions such as traditional authorities and chiefs.
- **Individual land**: land acquired by an individual, which may be inherited by the immediate family, depending on customary practices.

The Legal basis for land acquisition and resettlement in Nigeria is the **Land Use Act 1978 (modified in 1990)**. According to the Act, all land in Nigeria is vested in the Governor of each State, and shall be held in trust for the use and common benefit of all people. The administration of land area is divided into urban land, which will be directly under the control and management of the Governor of each State; and non-urban land, which will be under the control and management of the Local Government. The Governor of each State will have the right to grant statutory rights of occupancy to any person for any purposes; and the Local Government will have the right to grant customary rights of occupancy to any person or organization for agricultural, residential and other purposes.

For agricultural purposes, no single customary right of occupancy shall exceed 500 hectares. The rationale for the Act was that bitter disputes over land were resulting in loss of lives and properties; moreover, that the management and ownership of land needed to be streamlined and simplified; and furthermore that citizens, irrespective of their social status, need support to realize their aspirations of owning a place where they and their family can lead a secure and peaceful life.

The Act gives the government the right to acquire land by revoking both statutory and customary rights of occupancy for the overriding public interest. In doing so, the Act specifies that the State or Local Government should pay compensation to the current holder or occupier with equal value.

The following are selected relevant sections;

Section 1. Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of each State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

Section 2. (a) all land in urban areas shall be under the control and management of the Governor of each State; and (d) all other land shall be under the control and management of local government within the area of jurisdiction in which the land is situated.
Section 5 (1) It shall be lawful for the Governor in respect of land, whether or not in an urban area (a) to grant statutory rights of occupancy to any person for all purposes.

Section 6 (1) It shall be lawful for a Local Government in respect of land not in an urban area, (a) to grant customary rights of occupancy to any person or organization for the use of land in the Local Government Area for agricultural, residential and other purposes; (b) to grant customary rights of occupancy to any person or organization for use of land for grazing purposes as may be customary in the Local Government Area concerned.

Section 6 (3) It shall be lawful for a Local Government to enter upon, use and occupy for public purposes any land within the area of its jurisdiction, and for the purpose, to revoke any customary right of occupancy on any such land.

Section 6 (5) The holder and the occupier according to their respective interests of any customary right of occupancy revoked under subsection (3) of this section shall be entitled to compensation, for the value at the date of revocation, of their unexhausted improvements.

Section 6 (6) Where land in respect of which a customary right of occupancy is revoked under this Act was used for agricultural purposes by the holder, the Local Government shall allocate to such holder alternative land for use for the same purpose.

Section 28 (1) It shall be lawful for the Government to revoke a right of occupancy for overriding public interest.

Section 29 (1) If a right of occupancy is revoked, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

Section 29 (3) If the holder or occupier entitled to compensation under this section is a community the Governor may direct that any compensation payable to it shall be paid (a) to the community or (b) to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable customary law (c) into some fund specified by the Governor for the purpose for being utilized or applied for the benefit of the community.

Section 29 (4) Compensation under subsection (1) of this section shall be, (a) the land, for the amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked, (b) buildings, installation or improvements thereon, for the amount of the replacement cost of the building, installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interests at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost thereof as may be sustained by documentary evidence and proof to the satisfaction of the appropriate officer, (c) crops on land apart from any building, installation or improvement thereon, for an amount equal to the value as prescribed and determined by the appropriate officer.

Section 33 (1) Where a right of occupancy in respect of any developed land on which a residential building had been erected is revoked under this Act, the Governor or the Local Government, as the case may be, may in his or its discretion offer in lieu of compensation payable in accordance with the provisions of this Act, resettlement in any other place or area by way of a reasonable alternative accommodation (if appropriate in the circumstances).

6.2 Comparison between Land Law in the Federal Republic of Nigeria and Bank OP 4.12

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 OP 4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date.
Therefore, as this is a Bank funded project, the principles of OP 4.12 are not negotiable; the Bank’s OP.4.12 must be adhered to. As a result, all land to be acquired by the government, states or FCA’s for this project would be so acquired subject to the Laws of Nigeria and the Bank OP 4.12. Where, there is conflict, the Bank OP 4.12 must take precedence if the Bank is to fund this project.

Table 2: Comparison of Nigerian Law with World Bank OP 4.12

<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Asset</th>
<th>Nigerian Law</th>
<th>World Bank OP 4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value.</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based upon the amount of rights they hold upon land.</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy.</td>
</tr>
<tr>
<td>Land Users</td>
<td>Not entitled to compensation for land, entitled to compensation for crops.</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</td>
</tr>
<tr>
<td>Owners of &quot;Non permanent&quot; Buildings</td>
<td>Cash compensation based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of &quot;Permanent&quot; buildings</td>
<td>Cash Compensation is based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
</tbody>
</table>
Chapter 7: Institutional Framework

7.1 Introduction

There are various institutions that will participate in the implementation of resettlement process of the PPP programme. Such institutions include the Infrastructure Concession and Regulatory Commission (ICRC), Federal Ministry of Environment, Federal Ministry of Finance, Federal Ministry of Internal Affairs, Bureau of Public Enterprise (BPE), State Ministry of Environment, Local Government Councils, community based organizations (CBOs), NGOs and other stakeholders. The aforementioned institutions have been identified as some of the institutions for resettlement. Most of the institutions are related in function and some other cases have overlapping functions but are duly recognized by law or customary norms of Lagos state. While most of them do not have direct links with resettlement, some of them, by operation or functions, have related responsibilities with resettlement. However, the ultimate responsibility rests with ICRC. For the purpose of this RPF, the activities of the major institutions are highlighted below.

7.2 Infrastructure Concession and Regulatory Commissions (ICRC)

The ICRC was established by the ICRC Act of 2005 which provides for the participation of the private sector in financing the construction, development, operation, or maintenance of infrastructure or development project of the FGN. The Act grants the Commission the powers to:

- Take custody of every concession agreement made under this Act and monitor compliance with the terms and conditions of such agreement.
- Ensure efficient execution of any concession agreement or contract entered into by the Government.
- Ensure compliance with the provisions of this Act.
- Perform such other duties as may be directed by the President, from time to time, and as are necessary or expedient to ensure the efficient performance of the functions of the Commission under this Act.

The responsibilities of the commission include:

- Developing and issuing guidelines on PPP policies, processes and procedures;
- Working closely with relevant MDAs to identify potential PPP projects and take lead role in the development and procurement processes that will enable the participation of the private sector in line with international best practices;
- Act as the interface with the private sector to promote communication on national PPP Policies and Programs
- Collaborate with State Government to promote an orderly and harmonized framework for development of infrastructure and accelerate market development for PPP projects.

The Project Co-ordination Unit (PCU) at ICRC has the overall responsibility for implementing the Resettlement Policy Framework and for ensuring that all compensation, resettlement and
rehabilitation activities are satisfactorily completed before providing approval for disbursement of funds for subprojects.

Funding will be processed through this unit which will be set-up and staffed with several members including a Project Coordinator, Financial Specialist, Environmental Specialist, Social/Resettlement Specialist, Monitoring and Evaluation Specialist. The PCU will manage the day-to-day functions and project activities, *inter alia*, ensuring availability of funds and technical assistance at decentralized levels.

The key roles of the PCU in terms of resettlement planning are to:

- facilitate the discussion between PAPs and communities regarding compensation for land acquired for the subprojects micro-projects;

- monitor the project work to ensure that the activities are carried out in a satisfactory manner;

- organize the necessary orientation and training for the departmental officials so that they can carry out consultations with communities, support communities in carrying out RAPs and implement the payment of compensation and other measures (relocation and rehabilitation entitlement) to PAPs in a timely manner;

- ensure that progress reports are submitted to the World Bank regularly.

### 7.3 Federal Ministry of Environment

The Federal Ministry of Environment (FMEnv) formerly Federal Environmental Protection Agency (FEPA) is the federal regulatory ministry responsible for the formulation and implementation of environmental policies in Nigeria. As contained in Act 58 of 1988 and 59 of 1992, FMEnv, from inception/ had put in place statutory documents to monitoring, control and abatement of all environmental wastes including indiscriminate pollution of the environment.

FMEnv has the mandate to implement all statutory national regulations on the protection of the environment, ranging from water/ air, land, etc. Among the implementation strategies used to check unwarranted pollution of the environment in Nigeria constant monitoring of wastes and other pollutants discharged into the environment.

Apart from the mandatory Environmental Impact Assessment for new project equally mandatory for all industries in the country to carry out Environmental Audit/monitoring of their facilities and processes within stipulated periods as prescribed by the regulators. This is to ensure that stipulated limits are not exceeded by the industry therefore prevent avoidable pollutions of the environment.

Environmental studies recommended by the ministry which may be relevant to the PPP program and resettlement are:

- Environmental Impact Assessment.

- Impact Mitigation Monitoring.

The Impact Mitigation monitoring is expected to be carried out periodically throughout the construction phase and the early part of the operation phase. Relevant documents within the FMEnv that apply to the PPP projects include:


• Regulations (S. 1.8, S. 1.9/ S. 1.15 of 1991).
  
  
  – S.1.9 - National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes).
  

These statutory documents spell out clearly the restrictions imposed on the release of toxic substances into the environment and the responsibilities of likely polluters. Such responsibilities include provision of anti-pollution equipment, adequate treatment of effluent before being discharged into the environment, etc. (s.1.8 & 9). For example, paragraph 1S (2) of 5.1.9 states that "no oil in any form shall be discharged into public drain, rivers, lakes, seas, atmosphere or underground injection without the permit issued by FMEnv or any organization designated by the Ministry". Also paragraph 17 states that "an industry or a facility which is likely to release gaseous, particulate, liquid or solid untreated discharges shall install into its system, appropriate abatement equipment in such a manner as may be determined by the Ministry".

7.4 Federal Ministry of Finance (FMF)

The Federal Ministry of Finance was established in 1958 by the Finance (Control and Management) Ordinance, to replace the then Finance Department. The Ordinance conferred on the Ministry the responsibility for the control and Management of the public finance of the Federation. The functions of the ministry of finance include:

• Preparing annual estimates of revenue and expenditure for the Federal Government;

• Formulating policies on fiscal and monetary matters;

• Mobilizing domestic and external financial resources through both internal and external financial institutions, for development purposes;

• Maintaining adequate foreign exchange reserves aimed at Ensuring a healthy balance of payment position;

• Maintaining the internal and external value and stability of the Nigerian currency; Monitoring government revenue from oil and non-oil resources;

• Supervising the insurance industry;

• Managing revenue allocation matters;

• Relating with relevant international organization and Financial institutions, such as the Economic Commission for Africa, World Bank, International Monetary Fund (IMF). United Nations Development Programmes (UNDP), Commonwealth Economic Committee, European Union/Africa. Caribbean and Pacific, Economic and Social Commission of the OAU, ECOWAS, etc.
The International Development Assistance Division of the International Economic Relations Department within the FMF has the responsibility of relating with the World Bank Group and supervising the Nigeria portfolio of World Bank. They also participate in World Bank Project supervision missions in Nigeria.

7.5 **State Ministries 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.

7.6 **Local Government Authority**

The constitution of the Federal Republic of Nigeria approves the creation of Local Government Councils in each of the 36 States of the federation. Local governments council were created by the federal government to carry out their functions as stated in the constitution. The local governments are directly involved in the allocation sites for infrastructure projects it is imperative that they are part of the resettlement plan. Therefore, the roles and responsibilities of the local authorities in the resettlement plan shall not be limited to the following.

- Liaising with the PCU to verify adequacy of resettlement location and provide approval for such sites.
- Providing additional resettlement area if the designated locations are not adequate.
- Provide necessary infrastructures in relocated areas.
- Implement policies developed by ICRC for project sustainability.

7.7 **Measures for Strengthening Organizational Capability**

The ICRC should have an Environmental and Social Safeguard Unit with well trained personnel in resettlement. It is the responsibility of this unit to ensure that all identified members of the implementation team are trained prior to implementation of resettlement and compensation. The training should not be limited to the following.
• 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.
Chapter 8: Methods of Valuing Affected Assets

8.1 Introduction
Valuing methods for affected land and assets depend on the type of asset. The three land asset types identified under Nigeria law in this policy framework are:

- State (urban and non-urban) owned Land
- Privately owned Land
- Assets held under Customary Law

State owned land would be allocated freely by the Governor or Local Government (perhaps except for processing and registration fees); however the State Government would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by individual and/or household farmers. Privately owned property would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired by the Project would be provided other land of equal size and quality.

However, according to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and would have to be valued according to the following method and compensation paid for. The project would compensate for assets and investments, including labour, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. Compensation would not be made after the entitlement cutoff date in compliance with this policy.

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. However, because the Bank’s policy on resettlement (OP4.12) makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

8.2 Basis of Valuation
In ensuring that during the project implementation displaced persons will be provided full replacement cost of lost structures and are able to rebuild or replace their structures without difficulties. The valuation will estimate building/structure compensation rates based on full replacement cost without depreciation (Table 8.1). 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 and structures;
- property details including noting accommodation, constructional details of affected property external works (fence walls, gates, pavements) affected details etc where relevant.
- categorizing temporary structures based on constructional details (wall materials, affixed to concrete not), size of structure and use of structure (business/residential); and,
• data on households affected (tenants, owners, relatives apprentices/trainees and livelihood

The basis of valuation would comply with the stated legal provisions and this necessitate that the basis of valuation must assess the "Open Market Capital Value."

**Table 3: Method of Valuation**

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Method of valuation</th>
<th>Basis of Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Land</td>
<td>Comparative Sales Method</td>
<td>Based on the open market value of comparable recent land transaction</td>
</tr>
<tr>
<td>Loss of Buildings, structures and other civil works</td>
<td>Replacement Cost Method or Comparative Sales Method (which ever gives a commensurate value)</td>
<td>Full replacement cost value as if new - recent construction cost rates</td>
</tr>
<tr>
<td>Loss of Business Income and loss of business Goodwill</td>
<td>Comparative method</td>
<td>Based on the average monthly net profit</td>
</tr>
<tr>
<td>Loss of income from rent and expenditure incurred for alternative accommodation during reinstatement period</td>
<td>Comparative sales method</td>
<td>Based on the comparable rent passing, rent advance paid</td>
</tr>
<tr>
<td>Expenditure incurred for transfer of movable properties and temporary structures</td>
<td>Comparative method</td>
<td>Based on truck/transport with hiring charges</td>
</tr>
<tr>
<td>Loss of Wages</td>
<td>Comparative method</td>
<td>Based on Current Fees and Wages</td>
</tr>
<tr>
<td>Loss of fees from apprentice, Loss of job training</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**8.3 Compensation Payments and Related Considerations.**

Individual and household compensation will be made in cash, in kind, and/or through assistance (Table 8.2). The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more that 20% of the total loss of subsistence assets.

**Table 4: Forms of Compensation**

<table>
<thead>
<tr>
<th>Cash payments</th>
<th>Compensation will be calculated in Naira. Rates will be adjusted for inflation</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-kind Compensation</td>
<td>Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipments</td>
</tr>
<tr>
<td>Assistance</td>
<td>Assistance may include moving allowance, transportation assistance and labour.</td>
</tr>
</tbody>
</table>

Making compensation payments raises some issues regarding inflation, security, and timing. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices shall be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payment, needs to be addressed by the State, with oversight from the ICRC. Local banks and micro-finance institutions should work closely with the State and Local Government to encourage the use of their facilities which will positively impact the growth of the local
economies. The time and place for in-kind compensation payments shall be decided upon by each recipient in consultation with the ICRC. Monetary payments should be paid at a time in relation to the seasonal calendar.

8.3.1 Compensation for Land

Compensation for land is aimed at providing a PAP whose land is acquired and used for project purposes with compensation for land labor, building and structures.

— Land Measurement

The unit for the measurement of the land should be that one understandable by the PAPS. It is useful to have a conversion table where indigenous units of land can be compared to the modern measurement unit to enable every PAP appreciate the area under threat. Every measure should be taken to ensure that every PAP understands the unit of measurement for the land under threat. To ensure transparency in the system the PAP should be in a position to verify the size of the affected land using the units understandable to him/her

— Calculation of Land Compensation Rate

All "land" to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labor) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.

The rate used for land compensation is to be updated to reflect values at the time when compensation is paid. The following example, which is based on 2002 data, derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.

8.3.2 Compensation for Buildings and Structures.

Compensation for buildings and other structures will be paid by replacement costs for labor and construction materials of these structures including fences, water and sanitation facilities, etc, will be used to calculate the values. Any home lost will be rebuilt on acquired replacement land; however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The market prices for construction materials will be determined. Where part of the compensation is to be paid in cash the applicable replacement costs for construction materials will be used to calculate the values.

Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis. Compensation will be made for structures that are abandoned because of relocation or resettlement of an individual or household or directly damaged by construction activities.

Replacement values will be based on:

- Drawings of individual’s house and all its related structures and support services,
• Average replacement costs of different types of household buildings and structures based on collection of inflation on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.),

• Prices of these items collected in the markets,

• Costs for transportation and delivery of these items to acquired/replacement land or building site,

• Estimates of construction of new buildings including labor required.

8.3.3 Compensation for Community Assets

The socio-economic survey shall identify among others the community assets within the project area in general and within the area earmarked for resettlement in particular. Such community assets should be compensated for, and in all cases such assets will be compensated in kind. New facilities must be provided even if there are exiting facilities at the new location.

8.3.4 Determination of Crop Compensation Rates

Prevailing prices for cash crops would have to be determined. Each type of crop is to be compensated for, using the same rate. This rate should incorporate the value for the crop and the value for the labor to be invested in preparing new land. It is however important that the PAP agrees with such rates otherwise new calculations may have to be done. The calculations are based on the number of crops and or the area cultivated. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time used to prepare. The rate used for land compensation should be updated to reflect values at the time compensation is paid. In total the compensation will cover the replacement value of crops plus labour in Nigerian Naira.

8.3.5 Compensation for Vegetable Gardens and Seasonal Crops

Vegetables are planted and harvested for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will thereafter have to be compensated at the purchase prices of these items on the market. Seasonal crops are mostly for daily use such as vegetable gardens. Replacement costs are calculated based on what an adult will require to purchase such vegetables foods for a year.

8.3.6 Compensation for Cultural Assets

The WB Safeguard Policy OP 4.11 provides that the Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from the development project that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrower’s national legislation, or its obligations under relevant international environmental treaties and agreements. Such physical cultural resources include alteas, initiation centres, ritual sites, tombs and cemeteries. As no compensation may be adequate for any losses, the use of cultural or sacred sites should be avoided.

National Commission for Museums and Monuments Act of 1979 established the National Commission for Museums and Monuments and empowers it to see to the administration and maintenance of antiquities, monuments etc. The Commission shall be notified of any antiquity of cultural resources in any State of the Federation. If the Commission considers that any antiquity
is in need of protection or preservation, the Commission shall take immediate step for the protection or preservation and may if so authorized by the Governor of the State where the antiquity is, do all such things as it would have been entitled to do if the antiquity had been declared a national monument.

8.3.7 Entitlements for Compensation

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals 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 centered on opportunities for employment or self re-employment should be provided in addition to cash compensation for land and other assets lost. However, this lack of land shall be documented and justified. In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e. widowed household heads, households without employment, single parent households etc) as identified by the census will be provided with appropriate assistance by the project. Assistance may be in form of food, temporary accommodation, medical subsidy, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the project.
Chapter 9: Organizational Elements and Procedures for Delivery of Compensation

9.1 Introduction

The compensation process for the subproject will involve several steps to be carried out in accordance with state utility resettlement and compensation plan and the RAP. A Compensation and Relocation Committee would be set up and be responsible for planning, coordinating and monitoring of compensation and relocation activities. These steps include the following:

- **Public Participation**

  Public participation with ICRC and local communities will be an ongoing process throughout resettlement planning. PAPs will be notified by the ICRC 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.

- **Notification**

  Landowners will be notified by the ICRC 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.

- **Documentation of Holdings and Assets**

  The ICRC officials 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 must 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.

- **Agreement on Compensation and Preparation of Contracts**

  The types of compensation should be clearly explained to PAPs. The ICRC will draw up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and then witnessed. The compensation contract and the grievance mechanism will be read aloud in the presence of the affected party, project officials, community representatives and State officials prior to signing.

- **Compensation Payments**
All handling of property such as land and buildings and compensation payments will be made in the presence of the affected party and community representatives.

### 9.2 Community Compensation Payments

In the context of the PPP, 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 buildings (public or religious)
- well or hand pump
- market place
- road or bridge
- storage warehouse

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

### 9.3 Grievance Redress Mechanism

The grievance redress procedure provides a mechanism to mediate conflict and cut down on lengthy litigation, which often causes delay in infrastructure projects. It will also provide people who might have objections or concerns about their assistance, a public forum to raise their objections and through conflict resolution enable issues to be addressed adequately. The grievance procedure will be simple, administered as far as possible at the local and State levels to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances. It will be used for all sub-projects implemented under the project.

Given the potential conflict of interest, the Project Coordinating Unit (PCU) would not be the best office to receive, handle and rule on disputes. Therefore, a grievance redress committee comprising administrative head of local governments, community/village chiefs will be set-up to address complaints and at the time that the individual resettlement and compensation plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress. Grievances likely to arise include:

- failure to register PAP or identity of individual is disputed;
- losses not identified correctly;
- inadequate assistance or not as per entitlement matrix;
- dispute about ownership;
- delay in disbursement of assistance; and
- improper distribution of assistance
Grievance related to any aspect of the project will be handled through negotiation, which will aim at achieving a consensus settlement. Affected PAPs may follow the procedures outlined below:

- A grievance form will be filled by persons affected by the project with the Grievance 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 Committee within 15 working days, the affected person can appeal to a designated office in the PCU, which should act on the complaint/grievance.

- If an affected person is not satisfied with the decision received, he 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

It is the responsibility of the grievance redress committee to satisfactorily address all complaints brought by the project affected persons, where an affected person is not satisfied with the decisions of the grievance redress committee, such person has an opportunity to seek the intervention of the ICRC to address the grievance.
9.4 Cost and Source of Funding

Each RAP will include a detailed budget for compensation and other rehabilitation entitlements (As seen in Annex C). It will also include information on how the funds will flow as well as the compensation schedule. The RAP will also clearly state where the sources of land and fund will come from. The borrower, FGN, carries official responsibility for meeting the terms of this framework, including financial obligations associated with land acquisition.

At this stage, it is not possible to estimate the likely number of people who may be affected since sub-projects have not yet been identified. 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 would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

The Project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals of the PCU. It is common to
underestimate the actual costs of resettlement planning and implementation by the project sponsors/managers, therefore it is imperative that all costs be estimated carefully and included in a detailed RAP budget. The detailed budget will contain accurate assessment of the costs of land acquisition compensation for lost assets, costs of physical displacement and costs for various alternative options. Resettlement costs will be recorded by:

- Categories of impact;
- Entitlement;
- Training;
- Project Management; and
- Monitoring

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget highlighting key features that the budget must contain inter alia, as follows:

<table>
<thead>
<tr>
<th>S/N</th>
<th>Item</th>
<th>Cost (Naira)</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of land per hectare</td>
<td>N/A</td>
<td>For land acquisition purpose based on const realized in projects involving similar issues in Nigeria</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of crops per hectare of farm lost</td>
<td>N/A</td>
<td>Include cost of labour invested and average of highest price of staple food.</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for buildings and structures N/A</td>
<td>This compensation would be in-kind. New buildings will be built and given to those affected</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Cost of relocation assistance/expenses per household</td>
<td>N/A</td>
<td>This cost is to facilitate transportation</td>
</tr>
<tr>
<td>5</td>
<td>Cost of restoration of individual income N/A</td>
<td>Assume to be higher than the GDP/capita</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Cost of restoration of household income N/A</td>
<td>For household of ten</td>
<td></td>
</tr>
</tbody>
</table>

It is expected that the costs will be confirmed during socio-economic study and revised at the time the payment are made.

Chapter 10: Description of Implementation Process and Arrangements

10.1 Implementation Schedule

For each subproject, a detailed implementation schedule of the various activities to be undertaken will be included in each project’s RAP. Resettlement schedules will also be coordinated with the civil works schedules. Payment of compensation and provision of other rehabilitation entitlements (in cash or in-kind), and relocation if that is the case, will be completed at least one month prior to the scheduled start-up date of works in the respective work site.

The environmental and social unit of the ICRC will be responsible for the implementation of the RPF in close collaboration with all line ministries and state officials.
10.2 Implementation Plans

The ICRC shall make sure that, following the census of PAPs, a comprehensive Resettlement Action Plan is prepared for each project activity that triggers resettlement. In this undertaking, the services will be contracted to a resettlement specialist and a valuation expert to carry out the evaluations of the assets of PAPs to be embodied in the RAP. In case of involuntary resettlement, approval of the new land areas designated to be used for resettlement shall be sought from the FGN in consultation with State, Local Government and Community Representatives. As detailed in Chapter 3 above, the following shall be carried out:

- A census to identify PAPs; the census will generate information about the displaced persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required, disturbances, especially those affecting income-earning activities and impact on assets should be properly recorded with the view to compensation or replacement in case of resettlement, based on the census and inventory of losses, and in consultation with the displaced persons, a time-phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

- PAPs and Displaced Persons shall be informed of the method of valuation employed to assess their assets. All payments of Compensation, Resettlement Assistance and Rehabilitation Assistance, as the case may be, shall be made by ICRC in the presence of the PAP(s) in question and witnesses.

- Other studies, as required, including land tenure systems, patterns of social interaction among affected communities, public infrastructure and social services that will be affected, social and cultural characteristics of displaced communities, legal framework, and institutional framework (see Annex A).

10.3 Public Consultation and Participation

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the program activities. This reduces the likelihood for conflicts between and among PAPs and with the management of the Project. In recognition of this, particular attention should be paid to public consultation with affected individuals, households and homesteads (including host communities) when resettlement and compensation concerns are involved. As a matter of strategy, public consultation should be an on-going activity taking place throughout the entire project cycle. Public participation and consultation will be undertaken through various channels like meetings with key community leaders, radio programs, request for written proposals/comments, completion of questionnaires and explanations of the project ideas and requirements. For subprojects where involuntary resettlement is indicated, early consultation will help to manage public expectations concerning the impacts and benefits of the project. Consultations will provide opportunities for the project sponsor and representatives of PAPS to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. It is important that consultation involves the affected people themselves, as well as the planned hosts of the re-settlers, if any. Effective resettlement planning therefore requires regular consultation with a wide range of project stakeholders. Relocating or compensating people therefore implies effective communication or dialogue with all stakeholders. It also implies the free flow of information between project sponsors and
stakeholders to promote effective consultation and participation so as to achieve the objectives of resettlement planning. During implementation the PAPs will need to be informed about their rights and options and at which point they can discuss matters that need clarification. Regarding cash compensation, it will be important to consult on methods of payment and whether it is important for the PAPs to open a bank account. Many PAPs may never have operated a bank account before hence the need to discuss and sensitize them on how to manage the funds. It is also important to agree on a cut off amount above which the compensation will have to be paid through a bank. Notice for meetings/consultations should be given well in advance including announcing the place where the meeting will take place. A neutral place should be chosen such that all stakeholders are free to gather at such a place. The convening of public consultations should take into account any sensitivities that some PAPs may have about possible retaliation for participating in the consultations. Monitoring of grievances is also part of the consultations. For this matter the Grievances Committee will always be involved in the public consultation and participation.

10.3.1 Stakeholders Engagement

Stakeholders for the purpose of the Nigeria’s PPP shall be defined as people or groups who will be directly affected by the subproject, as well as those who may have interests in a project and/or ability to influence its outcome, either positively or negatively. The ICRC recognizes the importance of stakeholders’ involvement in the PPP program, and thus developed a stakeholder engagement plan early in the program to gain the cooperation and goodwill of the stakeholders through education, participation and good relationship at all levels. The plan provides a framework for achieving effective stakeholder involvement and promoting greater awareness and understanding of issues among all the stakeholders so that the PPP subproject is carried out effectively within budget and on-time to the satisfaction of all stakeholders. The four categories of stakeholder’s engagement that will be employed to ensure that all identified stakeholders on the PPP project are actively involved are depicted in Figure 3.
Stakeholder Consultation on Nigeria’s PPP Program for Infrastructure Development

Stakeholder engagement for the Nigeria’s PPP started early with information sharing (program level engagement). The ICRC convened three stakeholders’ workshops on September 17th and 24th in Lagos and Abuja and October 15th in Kano (see Annex E- Workshop Program). The objective of the workshop was to facilitate the exchange of ideas and sharing of experiences from each other and to feed the recommendations of the workshop into the PPP program and the ongoing safeguard instruments being prepared. The workshop was conducted in a clear, transparent manner that provides the public and all participants with a realistic understanding of the project and the range of possible outcomes.

Several participants attended the stakeholder workshops from a diverse range of backgrounds, including Federal Ministries, State Ministries, Department of Immigration Services, Nigeria Labour Congress, Financial Institutions, Industry, Environmental Groups, Academia, Private Business Improvement Groups, Non-Governmental Organizations, Chambers of Commerce and others.

At the workshops, ICRC Director General (DG) provided an overview of the Nigeria’s PPP program. A paper on the World Bank’s involvement in the program was presented by the program Task Team Leader (TTL). The World Bank Environmental Safeguards Specialists presented papers on the Bank’s Safeguard Policies with particular reference to the policies triggered by the PPP program. Thereafter the consultants presented the instruments prepared (ESMF and RPF) to prevent and mitigate undue harm to people and their environment in the subproject implementation. These frameworks will provide guidelines in the identification, preparation and implementation of the program and subprojects.

The workshop organizers stated that copies of the presentations will be emailed to stakeholders and encouraged participants to ask questions/make comments or submit comments/questions via email to ICRC.
Workshop Session: Resettlement Policy Framework
The paper discussed World Bank Policy on Involuntary Resettlement as well as the policy, principles, institutional arrangements and procedures that will be followed in each sub-project involving compensation and/or resettlement. The grievance redress procedure to mediate conflict and cut down on lengthy litigation, which often causes delay in infrastructure project, was presented.

After the presentation of the paper, some workshop participants noted that the National legislation does not recognize the rights to compensation for lost assets to informal dwellers.

Major issues raised were how the PPP program will ensure the rights and entitlements of informal dwellers to compensation and resettlement assistance, and ensure a partnership of development between key stakeholders, public participation and consultation in subproject preparation.

Discussion
In response to the questions, the Senior Social Development Specialist stated that the World Bank Policy on Involuntary Resettlement requires that in a World Bank funded project, people that would be affected by displacement should not be impoverished after the intervention. He further explained that the RPF of the project provides for compensation for lost assets at replacement cost and security of tenure to all PAPs. The main feature of the RPF is that all those staying within the project area as of the cut-off date will be compensated, relocated and rehabilitated, if required, so as to improve their standard of living, income earning capacity and production capacity, or at least to restore them to pre-project levels. The document also provides guidance for public consultation and participation in the resettlement plan.

Workshop Closing Remarks
The Director General of the ICRC in his closing remark stressed that:

- The workshop is the beginning in the series of stakeholder consultation engagement to ensure the success of the program.
- Equal partnership between the key stakeholders and change in attitude from mutual suspicion to alliance, is necessary for successful partnership development, and building trust and confidence is the first step in having a good partnership.
- Sector stakeholder engagement will be carried out where some key sectors will be consulted based on the nature of their influence with the PPP program.
- At the subproject level, stakeholders within the project areas of influence including traditional heads and community based organizations (CBOs) will be consulted.
- Network will be established with all stakeholder groups and NGOs to enable sharing of experience on complex issues.

ICRC also held a consultative meeting with the representatives of the Federal Ministry of Environment (FMEnv) and the World Bank on October 27th 2009 (Annex F- Minutes of Meeting). The purpose of the meeting was to brief the Ministry about Nigeria’s PPP program, discuss and clarify their role and responsibility and to solicit their support towards the success of the program by ensuring that all infrastructure development projects embarked upon under the PPP program comply with the Ministry’s environmental regulations and standards. The FMEnv, while stating that they are not involved the resettlement and compensation, assured the ICRC of

2 There is neither specific policy nor agency on resettlement in Nigeria. However the Resettlement and Planning Unit of the Federal Ministry of Works collaborate with other government ministries and parastatals to address issues involving resettlement and compensation of PAPs. The Resettlement and Compensation Committee of the Federal Capital Development Authority, (FCDA) is responsible for resettlement and compensation within the FCT
their cooperation and agreed to assist in facilitating the in-country disclosure of the environmental safeguards instrument (ESMF and RPF) prepared.

10.4 Monitoring and Evaluation

Monitoring and evaluation is required to assess whether the goals of the resettlement and compensation plan are met. This monitoring plan will indicate parameters to be monitored, monitoring guidelines and resources including responsible persons or institutions to carry out the monitoring activities.

Arrangements for monitoring by Implementing Agency

Arrangements for monitoring the resettlement and compensation activities should fit with the overall monitoring plan of the PPP, which includes the ICRC PCU monitoring at the national level and decentralized monitoring through the Local Government and the community based organizations (CBO). These units are expected to have monitoring and evaluation guides established and functional by the end of the first year in the project cycle. The monitoring and evaluation should include but not limited to the following:

- delivery and usage of compensation and resettlement entitlements;
- allocation of replacement land and residential plots, where applicable;
- reconstruction of new houses and other infrastructure, where applicable;
- compensation measures applied to cater for damage during construction activities;
- reported grievances and action taken;
- problems encountered and action taken;
- general issues related to the success of compensation and resettlement measures.
- implementation progress;
- compensation and resettlement policies;
- delivery of entitlements, including replacement land where applicable;
- changes in livelihoods and incomes among PAPs; and,
- consultation with and participation of PAPs and other Stakeholders.

World Bank supervision arrangements

The World Bank will undertake periodic project supervision to assess compliance with the Framework requirements, and to recommend any corrective measures that may be necessary to resolve implementation problems or inadequacies.

Verifiable 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 monitoring indicators to be used for different RAPS or ARAPs will have to be developed to respond to specific site conditions.
The following indicators will be used to monitor and evaluate the implementation of resettlement and compensation plans:

### VERIFIABLE INDICATORS

<table>
<thead>
<tr>
<th>Monitoring</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding Compensation or Resettlement Contracts not completed before next agricultural season</td>
<td>Outstanding individual compensation or resettlement contracts</td>
</tr>
<tr>
<td>Communities unable to set village-level compensation after two years</td>
<td>Outstanding village compensation contracts</td>
</tr>
<tr>
<td>Grievances recognized as legitimate out of all complaints lodged.</td>
<td>All legitimate grievances rectified</td>
</tr>
<tr>
<td>Pre-project production and income (year before land used) versus present production and income of resettlers,</td>
<td>Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.</td>
</tr>
<tr>
<td>Pre-project production versus present production (crop for crop, land for land)</td>
<td>Equal or improved household production</td>
</tr>
<tr>
<td>Pre-project income of vulnerable individuals identified versus present income of vulnerable groups.</td>
<td>Higher cost project income of vulnerable individuals</td>
</tr>
</tbody>
</table>

Financial records will be maintained by the Local Governments and the PCU to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual biological information,
- Number of people s/he claims as household dependents
- Amount of land available to the individual or household when the dossier is opened.
- Additional information will be acquired for individuals eligible for resettlement/compensation:
  - Level of income and of production
  - Inventory of material assets and improvements 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 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.

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The Local Governments and PCU will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feedback from:

- Indicators monitored by the local governments to determine whether goals are being met, and
- A grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.
This framework is suggesting that the office of the State Environmental Protection Authorities/Agencies (SEPAs) in Nigeria be structured into the whole M&E component of the project. This would take the form of giving them the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. The appointment of an independent (independent of Federal, State or Local Governments or agencies) monitor, for example a local NGO, is required to monitor socio-economic baselines and to determine whether all project affected people (with special attention on vulnerable individuals and groups) obtained their due assistance and compensation. This independent monitor would carry out this requirement yearly.

10.5 Disclosure of Social Safeguard Instruments.

ICRC will disclose this Resettlement Policy Framework by making copies available to the office, relevant Local Government Council, Federal and State Ministries of Environment and all relevant stakeholders. The RPF will also be disclosed at the World Bank Info shop. Likewise, all RAPs to be prepared under the subprojects will be disclosed at the Federal Ministry of Environment and the World Bank Info shop. Copies of the report will be made available at relevant offices, Local Government Secretariats and to stakeholders.
Annexes
Annex A: Template for Preparing Resettlement and Compensation Plans (RAPs).

This template is extracted from OP 4.12 which can also be found on the Banks website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with 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 displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

**Description of the sub project:** General description of the sub-project and identification of sub project area.

**Potential Impacts:** Identification of (a) the sub 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.

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

**Socio-economic studies:** The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

(a) the results of a census survey covering:
   (i) current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
   (ii) standard characteristics of displaced 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 displaced population
   (iii) the magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic
   (iv) information on vulnerable groups or persons, for whom special provisions may have to be made; and
   (v) provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(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 sub project area.
   (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project
(iii) Public infrastructure and social services that will be affected; and
(iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non governmental organizations (NGO’s) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**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 displaced 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 sub 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 displacement, 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 and traditional usage.

**Institutional Framework:** The findings of any 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.

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

**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.

**Resettlement Measures:** A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

**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
Public Private Partnership

Resettlement Policy Framework

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 eligible persons at the selected sites,

(c) procedure 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.

Housing, infrastructure, and social services: Plans to provide (or to finance resettler’s provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

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

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including

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

(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 displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing 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); and

(d) Institutionalized arrangements by arrangements by which displaced 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, landless, and women are adequately represented.

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.

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.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or 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 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.

**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.

**Costs and budget:** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable 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.

**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 displaced 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.
## Annex B: An Outline of a Resettlement Action Plan

<table>
<thead>
<tr>
<th>S/No</th>
<th>Elements</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Description of the Project</td>
<td>Define the Project, and its components and the Project Site(s)</td>
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<tr>
<td></td>
<td></td>
<td>Determine whether the Project will require land acquisition and relocation of persons</td>
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<td></td>
<td></td>
<td>Describe the amount of land acquisition and resettlement required</td>
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<td></td>
<td>Identify options of reducing amount of resettlement</td>
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<td></td>
<td></td>
<td>Quantify the options of minimizing resettlement</td>
</tr>
<tr>
<td>2</td>
<td>Project Objectives</td>
<td>Formulate the main objectives of the Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Identify Specific Objectives</td>
</tr>
<tr>
<td>3</td>
<td>Socio-Economic Studies/Census</td>
<td>Carry out census of affected community/individual and their assets.</td>
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<tr>
<td></td>
<td></td>
<td>Determine income levels and livelihood patterns of the affected persons</td>
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<td></td>
<td></td>
<td>Identify alternatives of restoring income for the displaced population</td>
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<td>Define magnitude of the impacts with special reference to vulnerable groups (aged, HIV and other ailed persons, female-headed households, the poor etc)</td>
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<td>Document landholding tenure system in place, lot sizes and any cultural heritages/values that may be restricted by the project</td>
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<td>Describe any social organizations in place that may be impacted</td>
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<td>Document type and size of infrastructure and other services that may be impacted</td>
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<td></td>
<td>Summarize impacts of the project for each categories of affected groups</td>
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<td></td>
<td></td>
<td>Provide mechanism for updating information on the displaced population</td>
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<tr>
<td>4</td>
<td>Legal/Institutional Framework</td>
<td>Define the Project affected Persons</td>
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<tr>
<td></td>
<td></td>
<td>Identify local agencies responsible for resettlement</td>
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<td></td>
<td>Discuss staffing of the Project Resettlement Unit</td>
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<td>Assess capacity of the agencies to handle the magnitude of the resettlement</td>
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<td>Comply with national and local legislation on matters relating to land and environment</td>
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<td>Describe plan to inform the affected population</td>
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<tr>
<td>5</td>
<td>Eligibility and Entitlements</td>
<td>Set criteria for the displaced persons to be eligible for compensation and resettlement</td>
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<tr>
<td></td>
<td></td>
<td>Prepare Entitlement Matrix</td>
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<tr>
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<td></td>
<td>Determine Assistance required for resettlement</td>
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<tr>
<td>6</td>
<td>Compensation Assessment</td>
<td>Appoint Registered/District Valuer for compensation purposes</td>
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<td></td>
<td></td>
<td>Carry out consultation with affected persons</td>
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<td></td>
<td></td>
<td>Identify and inspect affected assets for valuation</td>
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<tr>
<td></td>
<td></td>
<td>Process Valuation Report and prepare Compensation Schedule</td>
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<tr>
<td></td>
<td></td>
<td>Determine whether additional income assistance is necessary</td>
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<tr>
<td>7</td>
<td>Resettlement Plan</td>
<td>Determine need for relocation and discuss with affected person</td>
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<tr>
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<td>Select site for relocation and make arrangement for land titling in favour of resettlers</td>
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<td></td>
<td>In consultation with respective District Settlement Planning Department, prepare Resettlement Plan</td>
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<tr>
<td>S/No</td>
<td>Elements</td>
<td>Activities</td>
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<td>Discuss outsourced services if any and draw up cost implications</td>
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<td>Ensure Plan comply with environmental consideration</td>
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<td>Evaluate the impact of the Plan on host community</td>
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<td>Determine any special assistance measures necessary to vulnerable groups</td>
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<td></td>
<td>Identify risks associated with the Plan and chart out ways of overcoming them</td>
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<td>Provide information on updating of the Plan</td>
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<tr>
<td>8</td>
<td>Grievances Procedures</td>
<td>Design system for recording grievances and establish response time</td>
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<tr>
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<td></td>
<td>Discuss mechanism for hearing grievances</td>
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<td></td>
<td></td>
<td>Discuss appeal Measures</td>
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<tr>
<td>9</td>
<td>Organizational Responsibilities</td>
<td>Prepare implementation schedule indicating target dates and backstopping measures</td>
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<td></td>
<td></td>
<td>Discuss arrangements for coordinating agencies and other jurisdictions</td>
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<tr>
<td></td>
<td></td>
<td>Describe measures of transferring responsibilities of resettlement sites back to respective authorities</td>
</tr>
<tr>
<td>10</td>
<td>Costs and Budgets</td>
<td>Prepare a financial plan with emphasis on responsibilities and accountability</td>
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<tr>
<td></td>
<td></td>
<td>List sources of funds</td>
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<td></td>
<td></td>
<td>Identify components of the sub-project that may require additional external funding</td>
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<td></td>
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<td>Discuss provisions for handling price fluctuations, contingencies and excess expenditure</td>
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<td>Prepare a template for Project Cost Estimate/budget</td>
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<tr>
<td>11</td>
<td>Monitoring and Evaluation</td>
<td>Discuss measures for external and internal monitoring</td>
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<tr>
<td></td>
<td></td>
<td>Define monitoring indicators</td>
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<td></td>
<td>Determine mode and frequency of reporting and content of internal monitoring</td>
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<td></td>
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<td>Discuss feedback mechanism</td>
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Annex C: Template Itemization of a RAP/ARAP Budget

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<tr>
<th>No</th>
<th>Item (Break down and detail as appropriate)</th>
<th>Nigeria Naira</th>
<th>US Dollars</th>
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<tr>
<td>A</td>
<td>COMPENSATION</td>
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<tr>
<td>A1</td>
<td>Compensation for Land Acquisition</td>
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<td>A2</td>
<td>Compensation for destruction and damages to crops</td>
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<td>A3</td>
<td>Compensations for Structures</td>
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<td>Disturbance allowance</td>
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<td>Contingencies – other compensations</td>
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<td>TOTAL COMPENSATION</td>
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<td>RESETTLEMENT</td>
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<td>B1</td>
<td>Resettlement land Purchase</td>
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<tr>
<td>B2</td>
<td>Resettlement Land Development</td>
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<td>B3</td>
<td>Housing Construction</td>
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<td>TOTAL RESETTLEMENT</td>
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<td>C</td>
<td>ADDITIONAL MITIGATIONS</td>
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<tr>
<td>C1</td>
<td>Livelihood restoration measures</td>
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<td>C2</td>
<td>Vulnerable groups</td>
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<tr>
<td>C3</td>
<td>Coordination of additional mitigations</td>
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<td>C4</td>
<td>Grievance management</td>
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<td>TOTAL ADDITIONAL MITIGATIONS</td>
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<td>IMPLEMENTATION COSTS</td>
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<td>D1</td>
<td>Surveying and asset pre-identification</td>
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<td>D2</td>
<td>Valuation</td>
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<tr>
<td>D3</td>
<td>Coordination and works supervision</td>
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<td>Legal Advice</td>
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<td>Monitoring</td>
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<td>Evaluation</td>
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<td>CONTINGENCIES %</td>
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<td>GRAND TOTAL</td>
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Annex D: Land Use Act 1978 (Amended 1990)

Land Use Act

Chapter 202

Laws of the Federation of Nigeria 1990

An Act to Vest all Land compromised in the territory of each State (except land vested in the Federal government or its agencies) solely in the Governor of the State, who would hold such Land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the State and to organisations for residential, agriculture, commercial and other purposes while similar powers will with respect to non urban areas are conferred on Local Governments. (27th March 1978) Commencement.

29th March 1978

Part I

General

1. Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.
2. (1) As from the commencement of this Act -
   (a) all land in urban areas shall be under the control and management of the Governor of each State. And
   (b) all other land shall, subject to this Act, be under the control and management of the Local Government, within the area of jurisdiction of which the land is situated.

   (2) There shall be established in each State a body to be known as "the Land Use and Allocation Committee" which shall have responsibility for:-
      (a) advising the Governor on any matter connected with the management of land to which paragraph (a) of subsection (1) above relates;
      (b) Advising the Governor on any matter connected with the resettlement of persons affected by the revocation of rights of occupancy on the ground of overriding public interest under this Act; and
      (c) determining disputes as to the amount of compensation payable under this Act for improvements on land.

   (3) The Land Use and Allocation Committee shall consist of such number of persons as the Governor may determine and shall include in its membership:-
      (a) not less than two persons possessing qualifications approved for appointment to the public service as estate surveyors or land officers ad who have had such qualification for not less than five years; and
      (b) a legal practitioner.

   (4) The Land Use and Allocation Committee shall be presided over by such one of its members as may be designated by the Governor and, subject to such directions as may be given in the regard by the Governor, shall have power to regulate its proceedings.

   (5) There shall also be established for each Local Government a body to be known as "the Land Allocation Advisory Committee" which shall consist of such persons as may be determined by the Governor acting after consultation with the Local Government and shall have responsibility for advising the Local Government on any matter connected with the management of land to which paragraph (b) of subsection (1) above relates.

3. Subject to such general conditions as may be specified in that behalf by the National Council of States, the Governor may for the purposes of this Act by order published in the State Gazette designate the parts of the area of the territory of the State constituting land in an urban area.

4. Until other provisions are made in that behalf and, subject to the provisions of this Act, land under the control and management of the Military Governor under this Act shall be administered -
   (a) in the case of any State where the Land Tenure Law of the former Northern Nigeria applies; in accordance with the provisions of that law; and
   (b) in every other case, in accordance with the provisions of the State Land Law applicable in respect of State Land in the State, and the provisions of the Land Tenure Law or the State Land Law, as the case may be, shall have effect with such modification as would bring those laws into conformity with this Act or its general intendment.

Part II
Principles of Land Tenure, Powers of Governor and Local Governments, and Rights of Occupiers

5. (1) It shall be lawful for the Governor in respect of land, whether or not in an urban areas:-
      (a) to grant statutory rights of occupancy to any person for all purposes;
(b) to grant easements appurtenant to statutory rights occupancy;
(c) to demand rental for any such land granted to any person.
(d) to revise the said rental -
   (i) at such intervals as may be specified in the certificate of occupancy; or
   (ii) where no intervals are specified in the certificate or occupancy at any time during the term of the statutory rights of occupancy;
(e) to impose a penal rent for a breach of any covenant in a certificate of occupancy requiring the holder to develop or effect improvements on the land the subject of the certificate of occupancy and to revise such penal rent as provided in section 19 of this Act
(f) to impose a penal rent for a breach of any condition, express or implied, which precludes the holder of a statutory right of occupancy from alienating the right of or any part thereof by sale, mortgage, transfer or possession, sub-lease or request or otherwise howsoever without the prior consent of the Governor;
(g) to waive. Wholly or partially, except as otherwise prescribed; all or any of the covenant or conditions of which a statutory right of occupancy is subject where, owing to special circumstances, compliance therewith would be impossible or great hardship would be imposed upon the holder;
(h) to extend except as otherwise prescribed, the time to the holder of a statutory right of occupancy for performing any of the conditions of the right of occupancy upon such terms and conditions as he may think fit.

(2) Upon the grant of a statutory right of occupancy under the provisions of subsection (1) of this section all existing rights to the use and occupation of the land which is the subject of the statutory right of occupancy shall be extinguished.

6. (1) It shall be lawful for a Local Government in respect of land not in an urban area.
   (a) to grant customary rights of occupancy to any person or organisation for the use of land in the Local Government areas for agricultural residential and other purposes.
   (b) to grant customary right of occupancy to any person or organisation for the use of land for grazing purposes and such other purposes ancillary to agricultural purposes as may be customary in the Local Government area concerned.

(2) No single customary right of occupancy shall be granted in respect of an area of land in excess of 500 hectares if granted for agricultural purposes, or 5,000 hectares if granted for grazing purposes, except with the consent of the Governor.

(3) It shall be lawful for a Local Government to enter upon, use and occupy for public purposes any land within the area of its jurisdiction which is not
   (a) land within an area declared to be an urban area pursuant to Section 3 of this Act;
   (b) the subject of a statutory right of occupancy;
   (c) within any area compulsorily acquired by the Government of the Federal or of the State concerned;
   (d) the subject of any laws relating to minerals or mineral oils, and for the purpose to revoke any customary right of occupancy on any such land.

(4) The Local Government shall have exclusive rights to the lands so occupied against all persons except the Governor.
(5) The holder and the occupier according to their respective interests of any customary right of occupancy revoked under sub-section (2) shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

(6) Where land in respect of which a customary right of occupancy is revoked under this Act was used for agricultural purposes by the holder, the Local Government shall allocate to such holder alternative land for use for the same purpose.

(7) If a Local Government refuses or neglects within a reasonable time to pay compensation to a holder and an according to their respective interests under the provisions of subsection (5), the Military Governor may proceed to the assessment of compensation under section 29 and direct the Local Government to pay the amount of such compensation to the holder and occupier according to their respective interests.

7. It shall not be lawful for the Governor to grant a statutory right of occupancy or consent to the assignment or subletting of a statutory right of occupancy to a person under the age of twenty-one years; Provided that -

(a) Where a guardian or trustee for a person under the age of 21 has been duly appointed for such purpose the Governor may grant or consent to the assignment or subletting of a statutory right of occupancy to such guardian or trustee on behalf of such person under age;

(b) a person under the age of twenty-one years upon whom a statutory right of occupancy devolves on the death of the holder shall have the same liabilities and obligations under and in respect of his right of occupancy as if he were of full age notwithstanding the fact that no guardian or trustee has been appointed for him.

8. Statutory right of occupancy granted under the provisions of section 5 (1) (a) of this Act shall be for a definite term and may be granted subject to the terms of any contract which may made by the Governor and the holder not being inconsistent with the provisions of this Act.

9. (1) It shall be lawful for the Governor--

(a) when granting a statutory right of occupancy to any personal or

(b) when any person is in occupation of land under a customary right of occupancy and applies in the prescribed manner; or

(c) when any person is entitled to a statutory right of occupancy, to issue a certificate under his hand in evidence of such right of occupancy.

(2) Such certificate shall be termed a certificate of occupancy and there shall be paid therefore by the person in whose name it is issued, such fee (if any) as may be prescribed.

(3) If the person in whose name a certificate of occupancy is issued, without lawful excuse, refuses or neglects to accept and pay for the certificate, the Governor may cancel the certificate and recover from such person any expenses incidental thereto, and in the case of a certificate evidencing a statutory right of occupancy to be granted under paragraph (a) of subsection (1) the Governor may revoke the statutory right of occupancy.

(4) The terms and conditions of a certificate of occupancy granted under this Act and which has been
accepted by the holder shall be enforceable against the holder and his successors in title, notwithstanding that the acceptance of such terms and condition is not evidenced by the signature of the holder or is evidenced by the signature only of some person purporting to accept on behalf of the corporation.

10. Every certificate of occupancy shall be deemed to contain provisions to the following effect:-
   (a) that the holder binds himself to pay to the Governor the amount found to be payable in respect of any unexhausted improvements existing on the land at the date of his entering into occupation;
   (b) that the holder binds himself to pay to the Governor the rent fixed by the Governor and any rent which may be agreed or fixed on revision in accordance with the provisions of section 16 this Act.

11. The Governor or any public officer duly authorised by the Governor in that behalf shall have the power to enter upon and inspect the land comprised in any statutory right of occupancy or any improvements effected thereon at any reasonable houses in the day time and the occupier shall permit and give free access to the Governor or any such officer so to enter and inspect.

12. (1) It shall be lawful for the Governor to grant a licence to any person to enter upon any land which is not the subject of a statutory right of occupancy or of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Act or any other enactment, and remove or extract there from any stone, gravel, clay, sand or other similar substance (not being a mineral within the meaning assigned to that term in the Mineral Act) that may be required for building or for the manufacture of building materials.
   (2) Any such licence may be granted for such period and subject to such conditions as the Military Governor may think proper of as may be prescribed.
   (3) No such licence shall be granted in respect of an area exceeding 400 hectare.
   (4) It shall not be lawful for any licensee to transfer his licence in any manner whatsoever without the consent of the Governor first had and obtained, and any such transfer effected without the consent of the Governor shall be null and void.
   (5) The Governor may cancel any such licence if the licensee fails to comply with any of the conditions of the licence.

13. (1) The Occupier of a statutory right of occupancy shall at all times maintain in good and substantial repair to the satisfaction of the Governor, or of such public officer as the Military Governor may appoint in that behalf, all beacons or other land marks by which the boundaries of the land comprised in the statutory right of occupancy are refined and in default of his so doing the Military Governor or such public officer as aforesaid may by notice in writing require the occupier to define the boundaries in the manner and within the time specified in such notice.
(2) If the occupier of a statutory right of occupancy fails to comply with a notice served under subsection (1) of this section he shall be liable to pay the expenses (if any) incurred by the Governor in defining the boundaries which the occupier has neglected to define.

14. Subject to the other provision of this Act and of any laws relating to way leaves, to prospecting for minerals or mineral oils or to mining or to oil pipelines and subject to the terms and conditions of any contract made under section, the occupier shall have exclusive rights to the land the subject of the statutory right of occupancy against all persons other than the Governor.

15. During the term of a statutory right of occupancy the holder -
   (a) shall have the sole right to and absolute possession of all the improvements of the land;
   (b) may, subject to the prior consent of the Governor, transferor, assign or mortgage any improvements on the land which have been effected pursuant to the terms and conditions of the certificate of occupancy relating to the land.

**Part III**

**Rents**

16. In determining the amount of the original rent to be fixed for any particular land and the amount of the revised rent to be fixed on any subsequent revision of rent, the Governor -
   (a) Shall take into consideration rent previously fixed in respect of any other like land in the immediate neighbourhood, and shall have regard to all the circumstances of the case;
   (b) shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his term or terms of occupancy, or any increase in the value of the land the rental of which is under consideration, due to the employment of such capital.

17. (1) The Governor may grant a statutory right of occupancy free of rent or at a reduced rent in any case in which he is satisfied that it would be in the public interest to do so.
   (2) Where a statutory right of occupancy has been granted free of rent the Governor may, subject to the express provisions of the certificate of occupancy, nevertheless impose a rent in respect of the land the subject of the right of occupancy if and when he may think fit.

18. Subject to the provisions of sections 20 and 21, the acceptance by or on behalf of the Governor of any rent shall not operate as a waiver by the Governor of any forfeiture accruing by reason of the breach of any covenant or condition, express or implied, in any certificate of occupancy granted under this Act.

19. (1) When in any certificate of occupancy the holder has covenanted to develop or effect improvements on the land the subject of the certificate of occupancy and has committed a breach of such covenant the Governor may
   (a) at the time of such breach or at any time thereafter so long as the breach remains unremedied, fix a penal rent which shall be payable for twelve months from the date of such breach; and
   (b) on the expiration of twelve months from the date of such breach and on the expiration of every subsequent twelve months so long as the breach continues revise the penal rent to be paid.
(2) Such penal rent or any revision thereof shall be in addition to the rent reserved by the certificate of occupancy and shall be recoverable as rent:
Provided that the first penal rent fixed shall not exceed the rent so reserved and any revised penal rent shall not exceed double the penal rent payable in respect of the twelve months preceding the date of revision.

(3) If the Governor fixes or revises a penal rent he shall cause a notice in writing to be sent to the holder informing him of the amount thereof and the rent so fixed or revised shall commence to be payable one calendar month from the date of the receipt of such notice.

(4) If the breach for which a penal rent has been imposed is remedied before the expiration of the period for which such rent has been paid, the Governor may in his discretion refund such portion of the penal rent paid for such period as he may think fit.

(5) The fact that a penal rent or a revised penal rent has been imposed shall not preclude the Military Governor, in lieu of fixing a subsequent penal rent, from revoking the statutory right of occupancy.
Provided that the statutory right of occupancy shall not be revoked during the period for which a penal rent has been paid.

20. (1) If there has been any breach of any of the provisions of section 22 or 23 the Governor may in lieu of revoking the statutory right of occupancy concerned demand that the holder shall pay an additional and penal rent for and in respect of each day during which the land subject of the statutory right of occupancy or any portion thereof or any building or other works erected thereon shall be or remain in the possession, control or occupation of any person whomsoever other than the holder.

(2) The acceptance by or on behalf of the Governor of any such additional and penal rent shall not operate as a waiver by the Governor of any breach of section 22 or 23 which may continue after the date up to and in respect of which such additional and penal rent has been paid or is due and owing and the Military Governor shall accordingly be entitled to exercise in respect of any such continuing breach all or any of the powers conferred upon him by this Act.

Part IV
Alienation and surrender of Rights of Occupancy

21. It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sublease or otherwise howsoever:
   (a) Without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law; or
   (b) in other cases without the approval of the appropriate Local Government.

22. It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sublease or otherwise howsoever without the consent of the Governor first had and obtained:
   (1) Provided that the consent of the Governor-
      (a) shall not be required to the creation of a legal mortgage over a statutory right of occupancy in favour of a person in whose favour an equitable
mortgage over the right of occupancy has already been created with the consent of the Governor:

(b) shall not be required to the reconveyance or release by a mortgage to a holder or occupier of a statutory right of occupancy which that holder or occupier has mortgaged and that mortgage with the consent of the Governor:

(c) to the renewal of a sub-lease shall not be presumed by reason only of his having consented to the grant of a sub-lease containing an option to renew the same.

(2) The Governor when giving his consent to an assignment mortgage or sub-lease may require the holder of a statutory right of occupancy to submit an instrument executed in evidence of the assignment, mortgage or sub-lease and the holder shall when so required deliver the said instrument to the Governor in order that the consent given by the Governor under subsection (1) may be signified by endorsement thereon.

23. (1) A sub-lease of a statutory right of occupancy may with the prior consent of the Governor and with the approval of the holder of the statutory right of occupancy, demise by way of sub-underlease to another person the land comprised in the sub-lease held by him or any portion of the land.

(2) The provisions of subsection (2) shall apply mutatis mutandis to any transaction effected under subsection (1) of this section as if it were a sub-lease granted under section 22.

24. The devolution of the rights of an occupier upon death shall -

(a) in the case of a customary right of occupancy, (unless non customary law or any other customary law applies) be regulated by the customary law existing in the locality in which the land is situated; and

(b) in the case of a statutory right of occupancy (unless any non customary law or other customary law applies) be regulated by the customary law of the deceased occupier at the time of his death relating to the distribution of property of like nature to a right of occupancy:

Provided that -

(a) no customary law prohibiting, restricting or regulating the devolution on death to any particular class of persons or the right to occupy and land shall operate to deprive any person of any beneficial interest in such land (other than the right to occupy the same) or in the proceeds of sale thereof to which he may be entitled under the rule of inheritance of any other customary law;

(b) a statutory right of occupancy shall not be divided into two or more parts on devolution by the death of the occupier, except with the consent of the Governor.

25. In the case of the revolution or transfer of rights to which any non customary law applies, no deed or will shall operate to create any proprietary right over land except that of a plain transfer of the whole of the rights of occupation over the whole of the land.

26. Any transaction or any instrument which purports to confer on or vest in any person any interest or right over land other than in accordance with the provisions of this Act shall be null and void.

27. The Governor may accept on such terms and conditions as he may think proper the surrender of any statutory right of occupancy granted under this Act.

Part V
Revocation of Rights of Occupancy and compensation therefore
28. (1) It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest.

(2) Overriding public interest in the case of a statutory right of occupancy means--.

(a) the alienation by the occupier by assignment, mortgage, transfer of possession, sublease, or otherwise of any right of occupancy or part thereof contrary to the provisions of this Act or of any regulations made thereunder;

(b) the requirement of the land by the Government of the State or by a Local Government in the State, in either case for public purposes within the State, or the requirement of the land by the Government of the Federation for public purposes of the Federation;

(c) the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith.

(3) Overriding public interest in the case of a customary right of occupancy means--.

(a) the requirement of the land by the Government of the State or by a Local Government in the State in either case for public purpose within the State, or the requirement of the land by the government of the Federation for public purposes of the Federation.

(b) the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith;

(c) the requirement of the land for the extraction of building materials;

(d) the alienation by the occupier by sale, assignment, mortgage, transfer of possession, sublease, bequest or otherwise of the right of occupancy without the requisite consent or approval.

(4) The Governor shall revoke a right of occupancy in the event of the issue of a notice by or on behalf of the (Head of the Federal Military Government) if such notice declares such land to be required by the Government for public purposes.

(5) The Military Government may revoke a statutory right of occupancy on the ground of--.

(a) a breach of any of the provisions which a certificate of occupancy is by section 10 deemed to contain;

(b) a breach of any term contained in the certificate of occupancy or in any special contract made under section 8;

(c) a refusal or neglect to accept and pay for a certificate which was issued in evidence of a right of occupancy but has been cancelled by the Military Governor under subsection (3) of section 10.

(6) The revocation of a right of occupancy shall be signified under the hand of a public officer duly authorised in that behalf by the Governor and notice thereof shall be given to the holder.

(7) The title of the holder of a right of occupancy shall be extinguished on receipt by him or a notice given under subsection (5) or on such later date as may be stated in the notice.

29. (1) If a right of occupancy is revoked for the cause set out in paragraph (b) of subsection (2) of section 28 or (c) of subsection (3) of the same section, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

(2) If a right of occupancy is revoked for the cause set out in paragraph (c) of subsection (2) of section 28 or in paragraph (b) of subsection (3) of the same section the holder and the occupier shall be entitled to compensation under the appropriate provisions of the Minerals Act or the Mineral Oils Act or any legislation replacing the same.
(3) If the holder or the occupier entitled to compensation under this section is a community the Governor may direct that any compensation payable to it shall be paid -
(a) to the community; or
(b) to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable customary law; or
(c) into some fund specified by the Governor for the purpose of being utilised or applied for the benefit of the community.

(4) Compensation under subsection (1) of this section shall be, as respects -
(a) the land, for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked;
(b) building, installation or improvements thereon, for the amount of the replacement cost of the building, installation or improvement, that is to say, such cost as may be assessed on the basis of the 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 and in respect of any improvement in the nature of reclamation works, being such cost thereof as may be substantiated by documentary evidence and proof to the satisfaction of the appropriate officer;
(c) crops on land apart from any building, installation or improvement thereon, for an amount equal to the value a prescribed and determined by the appropriate officer.

(5) Where the land in respect of which a right of occupancy has been revoked forms part of a larger area the compensation payable shall be computed as in subsection (4) (a) above less a proportionate amount calculated in relation to that part of the area not affected by the revocation but of which the portion revoked forms a part and any interest payable shall be assessed and computed in like manner.

(6) Where there is any building, installation or improvement or crops on the land to which subsection (5) applies, then compensation shall be computed as specified hereunder, that is a respects -
(a) such land, on the basis specified in that subsection;
(b) any building, installation or improvement or crops thereon (or any combination or two or all of those things) on the basis specified in that subsection and subsection (4) above, or so much of those provisions as are applicable, and any interest payable under those provisions shall be computed in like manner.

(7) For the purposes of this section, "installation" means any mechanical apparatus set up or put in position for use or materials set up in or on land or other equipment, but excludes any fixture in or on any building.

30. 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.

31. The provisions of the Public Lands Acquisition (Miscellaneous Provisions) Act 1976 shall not apply in respect of any land vested in, or taken over by, the Governor or any Local Government pursuant to this Act or the right of occupancy to which is revoked under the provisions of this Act but shall continue to apply in respect of land compulsorily acquired before the commencement of this Act.

32. The revocation of a statutory right of occupancy shall not operate to extinguish any debt due to the Government under or in respect of such right of occupancy.
33. (1) Where a right of occupancy in respect of any developed land on which a residential building has been erected is revoked under this Act the Governor or the Local Government, as the case may be, may in his or its discretion offer in lieu of compensation payable in accordance with the provisions of this Act resettlement in any other place or area by way of a reasonable alternative accommodation (if appropriate in the circumstances).

(2) Where the value of any alternative accommodation as determined by the appropriate officer of the Land Use and Allocation Committee is higher than the compensation payable under this Act the parties concerned may by agreement require that the excess in value in relation to the property concerned shall be treated as a loan which the person affected shall refund or repay to the Government in the prescribed manner.

(3) Where a person accepts a resettlement pursuant to subsection (1) of this section his right to compensation shall be deemed to have been duly satisfied and no further compensation shall be payable to such person.

Part VI

Transitional and other related provisions

34. (1) The following provisions of this section shall have effect in respect of land in an urban area vested in any person immediately before the commencement of this Act.

(2) Where the land is developed the land shall continue to be held by the person in whom it was vested immediately before the commencement of this Act as if the holder of the land was the holder of a statutory right of occupancy issued by the Governor under this Act.

(3) In respect of land to which subsection (2) of this section applies there shall be issued by the Governor on application to him in the prescribed form a certificate of occupancy if the Governor is satisfied that the land was, immediately before the commencement of this Act, vested in that person.

(4) Where the land to which subsection (2) of this section applies was subject to any mortgage, legal or equitable, or any encumberance or interest valid in law such land shall continue to be so subject and the certificate of occupancy issued, shall indicate that the land is so subject, unless the continued operation of the encumberance or interest would in the opinion of the Governor be inconsistent with the provisions, or general intendment of this Act.

(5) Where on the commencement of this Act the land is undeveloped, then

(a) one plot or portion of the land not exceeding half hectare in area shall subject to subsection (6) below, continue to be held by the person in whom the land was so vested as if the holder of the land was the holder of a statutory right of occupancy granted by the Governor in respect of the plot or portion as aforesaid under this Act; and

(b) all the rights formerly vested in the holder in respect of the excess of the land shall in the commencement of this Act be extinguished and the excess of the land shall be taken over by the Governor and administered as provided in this Act.

(6) Paragraph (a) of subsection (5) above shall not apply in the case of any person who on the commencement of this Act also the holder of any undeveloped land elsewhere in any urban area in the State and in respect of such a person all his holdings of undeveloped land in any urban area in State shall be considered together -
(a) one plot or portion not exceeding 1/2 hectare in area shall continue to be held by such a person as if a right of occupancy had been granted to him by the Governor in respect of that plot or portion; and

(b) the remainder of the land (so considered together) in excess of 1/2 hectare shall be taken over by the Governor and administered in accordance with this Act and the rights formerly vested in the holder in respect of such land shall be extinguished.

(7) No land to which subsection (5) (a) or (6) above applies held by any person shall be further subdivided or laid out in plots and no such land shall be transferred to any person except with the prior consent in writing of the Governor.

(8) Any instrument purporting to transfer any undeveloped land in contravention of subsection (7) above shall be void and of no effect whatsoever in law and any party to any such instrument shall be guilty of an offence and liable on conviction to imprisonment for one year or a fine of N5,000.

(9) In relation to land to which subsection (5) (a) or (6) (a) applies there shall be issued by the Military Governor on application therefore in the prescribed form a certificate of occupancy if the Military Governor is satisfied that the land was immediately before the commencement of this Act vested in that person.

35. (1) Section 34 of this Act shall have effect notwithstanding that the land in question was held under a leasehold, whether customary or otherwise, and formed part of an estate laid out by any person, group or family in whom the leasehold interest or reversion in respect of the land was vested immediately before the commencement of this Act so however on, group of family in whom the leasehold interest or reversion was vested that if there has been any improvements on the land effected by the person; as aforesaid the Governor shall, in respect of the improvements, pay to that person, group or family compensation computed as specified in section 29 of this Act.

(2) There shall be deducted from the compensation payable under subsection (1) of this section any levy by way of development or similar charges paid in respect of the improvements on the land by the lessee to the person, group or family in whom the leasehold interest or reversion was vested and the amount to be deducted shall be determined by the Governor taking into consideration all the circumstances of the case.

36. (1) The following provisions of this section shall have effect in respect of land not in an urban area which was immediately before the commencement of this Act held or occupied by any person.

(2) Any occupier or holder of such land, whether under customary rights or otherwise howsoever, shall if that land was on the commencement of this Act being used for agricultural purposes continue to be entitled to possession of the land for use for agricultural purposes as if a customary right of occupancy had been granted to the occupier or holder thereof by the appropriate Local Government and the reference in this subsection to land being used for agricultural purposes includes land which is, in accordance with the custom of the locality concerned, allowed to lie fallow for purposes of recuperation of the soil.

(3) On the production to the Local Government by the occupier of such land, at his discretion, of a sketch or diagram or other sufficient description of the land in question and on application therefore in the prescribed form the Local Government shall if satisfied that the occupier or holder was entitled to the possession of such land whether under customary rights or otherwise howsoever, and that the land was being used for agricultural purposes at the commencement
of this Act register the holder or occupier as one to whom a customary right of occupancy had been issued in respect of the land in question.

(4) Where the land is developed, the land shall continue to be held by the person to whom it was vested immediately before the commencement of this Act as if the holder of the land was the holder of a customary right of occupancy issued by the Local Government, and if the holder or occupier of such developed land, at his discretion, produces a sketch or diagram showing the area of the land so developed the Local Government shall if satisfied that that person immediately before the commencement of this Act has the land vested in him register the holder or occupier as one in respect of whom a customary right of occupancy has been granted by the Local Government.

(5) No land to which this section applies shall be sub-divided or laid out in plots and no such land shall be transferred to any person by the person in whom the land was vested as aforesaid.

(6) Any instrument purporting to transfer any land to which this section relates shall be void and of no effect whatsoever in law and every party to any such instrument shall be guilty of an offence and shall on conviction be liable to a fine N5,000 or to imprisonment for 1 year.

37. If any person other than one in whom any land was lawfully vested immediately before the commencement of this Act enters any land in purported exercise of any right in relation to possession of the land or makes any false claim in respect of the land to the Military Government or any Local Government for any purpose under this section, he shall be guilty of an offence and liable on conviction to any imprisonment for one year or to a fine of N5,000.

38. Nothing in this Part shall be construed as precluding the exercise by the Governor or as the case may be the Local Government concerned of the powers to revoke, in accordance with the applicable provisions of this Act, rights of occupancy, whether statutory or customary, in respect of any land to which this Part relates.

Part VII

Jurisdiction of High Courts and other Courts

39. (1) The High Court shall have exclusive original jurisdiction in respect of the following proceedings:-
   (a) proceedings in respect of any land the subject of a statutory right of occupancy granted by the Governor or deemed to be granted by him under this Act; and for the purposes of this paragraph proceedings include proceedings for a declaration of title to a statutory right of occupancy.
   (b) proceedings to determine any question as to the persons entitled to compensation payable for improvements on land under this Act.

(2) All laws, including rules of court, regulating the practice and procedure of the High Court shall apply in respect of proceedings to which this section relates and the laws shall have effect with such modifications as would enable effect to be given to the provisions of this section.

40. Where on the commencement of this Act proceedings had been commenced or were pending in any court or tribunal (whether at first instance or on appeal) in respect of any question concerning or pertaining to title to any land or interest therein such proceedings may be continued and be finally disposed of by the court concerned but any order or decision of the court shall only be as respects the entitlement of either of the parties to the proceedings to a right of occupancy, whether statutory or customary, in respect of such land as provide in this Act.

41. An area court or customary court or other court of equivalent jurisdiction in a State shall have jurisdiction in respect of proceedings in respect of a customary right of
occupancy granted by a Local Government under this Act; and for the purposes of this paragraph proceedings include proceedings for a declaration of title to a customary right of occupancy and all laws including rules of court regulating practice and procedure of such courts shall have effect with such modification as would enable effect to be given to this section.

42. (1) Proceedings for the recovery of rent payable in respect of any certificate of occupancy may be taken before a Magistrate Court of competent jurisdiction by and in the name of the Chief Lands Officer or by and in the name of any other officer appointed by the Governor in that behalf.

(2) Proceedings for the recovery of rent payable in respect of any customary right of occupancy may be taken by and in the name of the Local Government concerned in the area court or customary court or any court of equivalent jurisdiction.

Part VIII
Supplemental

43. (1) Save as permitted under Section 34 of this Act, as from the commencement of this Act no person shall in an urban area -

(a) erect any building, wall, fence or other structure upon; or

(b) enclose, obstruct, cultivate or do any act on or in relation to, any land which is not the subject of a right of occupancy or licence lawfully held by him or in respect of which he has not received the permission of the Governor to enter and erect improvements prior to the grant to him of a right of occupancy.

(2) Any person who contravenes any of the provisions of subsection (1) shall on being requires by the Ministry Governor so to do any within the periods of obstruction, structure or thing which he may have caused to be placed on the land and he shall put the land in the same condition as nearly as may be in which it was before such contravention.

(3) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to imprisonment for one year or to a fine of #5,000.

(4) Any person who fails or refuses to comply with a requirement made by the Governor under subsection (2) Shall be guilty of an offence and liable on conviction to a fine of #100 for each day during which he makes default in complying with the requirement of the Governor.

44. Any notice required by this Act to be served on any person shall be effectively served on him

(a) by delivering it to the person on whom it is to be served; or

(b) by leaving at the usual or last known place of abode of that person; or

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending to in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(e) if it is not practicable after reasonable inquiry to ascertain the name or address of a holder or occupier of land on whom it should be served by addressing it to him by the description of "holder" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it
can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

45. (1) The Governor may delegate to the State Commissioner all or any of the powers conferred on the Governor by this Act, subject to such restrictions, conditions and qualifications, not being inconsistent with the provisions, or general intendment, of this Act as the Governor may specify.

(2) Where the power to grant certificates has been delegated to the State Commissioner such certificates shall be expressed to be granted on behalf of the Governor.

46. (1) The National Council of States may make regulations for the purpose of carrying this Act into effect and particularly with regard to the following matters:
   (a) the transfer by assignment or otherwise howsoever of any rights of occupancy, whether statutory or customary, including the conditions applicable to the transfer of such rights to persons who are not Nigerians;
   (b) the terms and conditions upon which special contracts may be made under section 8:
   (c) the grant of certificates of occupancy under section 9:
   (d) the grant of temporary rights of occupancy;
   (e) the method of assessment of compensation for the purposes of section 29 of this Act.

(2) the Governor may, subject to subsection (1) make regulations with regard to the following matters:-
   (a) the method of application for any licence or permit and the terms and conditions under which licences may be granted;
   (b) the procedure to be observed in revising rents;
   (c) the fees to be paid for any matter or thing done under this Act.
   (d) the forms to be used for any document or purposes.

47. (1) Act shall have effect notwithstanding anything to the contrary in any law or rule of law including the Constitution of the Federation or of a State and, without prejudice to the generality of the foregoing, no court shall have jurisdiction to inquire into:-
   (a) any question concerning or pertaining to the vesting of all land in the Governor in accordance with the provisions of this Act: or
   (b) any question concerning or pertaining to the right of the Military Governor to grant a statutory right of occupancy in accordance with the provisions of this Act: or
   (c) any question concerning or pertaining to the right of a Local Government to grant a customary right of occupancy under this Act.

(2) No court shall have jurisdiction to inquire into any question concerning or pertaining to the amount or adequacy of any compensation paid or to be paid under this Act.

48. All existing laws relating to the registration of title to, or interest in, land or the transfer of title to or any interest in land shall have effect subject to such modifications (whether by way of addition, alteration or omission) as will bring those laws into conformity with this Act or its general intendment.

49. (1) nothing in this Act shall affect any title to land whether developed or undeveloped held by the Federal Government or any agency of the Federal Government at the commencement of this Act and, accordingly, any such land shall continue to vest in the Federal Government or the agency concerned.
(2) In this section, "agency" includes any statutory corporation or any other statutory body (whether corporate or unincorporated) or any company wholly-owned by the Federal Government.

50. (1) notwithstanding anything to the contrary in this Act or any other enactment. All laws and subsidiary legislation made at any time between the commencement of this Act and 30th September 1979 by an Administrator (or former Governor) the Executive Council, a Commissioner or any other authority or any public officer of a State shall be deemed to have been validly made and shall have effect as if they have been under or pursuant to the Act and accordingly, shall hereafter continue have effect according to their tenor and intentment as if they were regulations made under or pursuant to section 46 of this Act.

(2) For the purposes of subsection (1) of this section
(a) all contracts and all executive and judicial acts, including acts pertaining to the establishment, membership and functions of any Land Use Allocation Committee or of any other authority or to the appointment of any person, shall be deemed to have been validly entered into or done and shall hereafter continue to have effect as provided in the said subsection; and
(b) any instrument or other evidence relating to the allocation of any land, whether or not expressed to have been made under this Act, shall be deemed to have been validly issued or given under or pursuant to this Act and shall continue to have effect according to its tenor and intentment accordingly.

51. (1) In this Act, unless the context otherwise requires:- "agricultural purposes" includes the planting of any crops of economic value: "appropriate officer" means the Chief Lands Officer of a state and in the case of the Federal Capital Territory means the Chief Federal Lands Officer; "customary right of occupancy" means the right of a person or community lawfully using or occupying land in accordance with customary law and includes a customary right of occupancy granted by a Local Government under this Act. "developed land" means land where there exists any physical improvement in the nature of road development services, water, electricity, drainage, building, structure or such improvement that may enhance the value of the land for industrial, agricultural or residential purposes; 
"easement" means a right annexed to land to utilize other land in different holding in a particular manner (not involving the taking of any part of the natural produce of that land or of any part of its soil) or to prevent the holder of the other land from utilizing his land in a particular manner; 
"Government" means the Government of the Federation or the Government of a State; "grazing purposes" includes only such agricultural operations as are required for growing fodder for livestock on the grazing area; 
"High Court" means the High Court of the State concerned; 
"holder" in relation to a right of occupancy, means a person entitled to a right of occupancy and includes any person to whom a right of occupancy has been validly assigned or has validly passed on the death of a holder but does not include any person to whom a right of occupancy has been sold or transferred without a valid assignment, nor a mortgagee, sub lessee or sub-under lessee; 
"improvements" or "unexhausted improvements" means anything of any quality permanently attached to the land, directly resulting from the expenditure of capital or labour by an 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, wells, roads and irrigation or
reclamations works, but does not include the result of ordinary cultivation other than growing produce: "interest at the bank rate" means a simple interest payable at the rate per cent per annum at which the Central Bank of Nigeria will rediscount bills of exchange; "Local Government" means the appropriate Local Government or any other body having or exercising the powers of a Local Government as provided by law in respect of the area where the land in question is situated; "Governor" means the Governor of the State concerned; "mortgage" includes a second and subsequent mortgage and equitable mortgage; "occupier" means any person lawfully occupying land under customary law and a person using or occupying land in accordance with customary law and includes the sub-under lessee of a holder; "public purposes" includes:-

(a) for exclusive Government use or for general public use;
(b) for use by any body corporate directly established by law or by any body corporate registered under the Companies Act 1968 as respects which the Government owns shares, stocks or debentures;
(c) for or in connection with sanitary improvements of any kind;
(d) for obtaining control over land contiguous to any part or over land the value of which will be enhanced by the construction of any railway, road or other public work or convenience about to be undertaken or provided by the Government;
(f) for obtaining control over land required for or in connection with mining purposes;
(g) for obtaining control over land required for or in connection with planned urban or rural development or settlement;
(h) for obtaining control over land required for or in connection with economic, industrial or agricultural development;

"statutory right of occupancy" means a right of occupancy granted by the Governor under this Act;
"urban area" means such area of the state as may be designated as such by the Governor pursuant to section 3 of this Act;
"sub-lease" includes sub-underlessee.

(2) The powers of a Governor under this Act shall, in respect of land comprised in the Federal Capital Territory or any land held or vested in the Federal Government in any State, be exercisable by the Head of the Federal Military Government or any Federal Commissioner designated by him in that behalf and references in this Act to Governor shall be construed accordingly.

52. This Act may be cited as the Land Use Act 1978.

STAKEHOLDER CONSULTATION ON NIGERIA’S PPP PROGRAM FOR INFRASTRUCTURE DEVELOPMENT
17th September 2009, Lagos, Nigeria

<table>
<thead>
<tr>
<th>SESSION I: NATIONAL POLICY ON PPBS &amp; THE WORLD BANK NIGERIA PPP PROGRAM</th>
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<tbody>
<tr>
<td>09:00 - 10:00 am</td>
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<tr>
<td>10:00 - 10:10am</td>
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<tr>
<td>Eng, Mansur Ahmed, DG – ICRC</td>
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<tr>
<td>10:10 - 10:25am</td>
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<tr>
<td>Chief Ernest Shonekan, Chairman - ICRC</td>
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<tr>
<td>10:25 - 10:45 am</td>
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<tr>
<td>Peter Mousley, World Bank</td>
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<tr>
<td>10:45 - 11:00 am</td>
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<tr>
<td>11:00 - 11:30 am</td>
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<td>11:30 - 11:45 am</td>
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<tr>
<th>SESSION II: ENVIRONMENTAL &amp; SOCIAL SAFEGUARDS</th>
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<tbody>
<tr>
<td>11:45 - 12:00 pm</td>
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<tr>
<td>Chudi Okafor/Amos Abu, World Bank</td>
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</table>
FINANCIAL SECTOR ROUNDTABLE ON NIGERIA PPP
FOR INFRASTRUCTURE DEVELOPMENT

18th September 2009, Lagos, Nigeria

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>12:00 - 12:30 pm</td>
<td>Environmental &amp; Socio-economic Management Framework (ESMF)</td>
</tr>
<tr>
<td></td>
<td><em>Victor Imevbore-Consultant</em></td>
</tr>
<tr>
<td>12:30 - 01:00 pm</td>
<td>Resettlement Policy Framework (RPF)</td>
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<tr>
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<td><em>Olumide Omisore-Consultant</em></td>
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<tr>
<td>01:00 - 02:00 pm</td>
<td>Interactive Session</td>
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<tr>
<td>02:00 pm</td>
<td>Wrap up &amp; Lunch</td>
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Financial Appetite for PPP Infrastructure Financing in Wake of Global Recession

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>09:00 - 9:30 am</td>
<td>Registration</td>
</tr>
<tr>
<td>09:30 - 9:40 am</td>
<td>Welcome Remarks &amp; Introduction</td>
</tr>
<tr>
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<td><em>Eng, Mansur Ahmed, DG –ICRC</em></td>
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<tr>
<td>09:40 - 10:00 am</td>
<td>Opening Remarks</td>
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<tr>
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<td><em>Chief Ernest Shonekan, Chairman- ICRC</em></td>
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<tr>
<td>10:00 - 10:30 am</td>
<td>Financial Sector Appetite For Infrastructure Financing and</td>
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<td></td>
<td>Infrastructure Funds; Are They Part of the Solution?</td>
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<tr>
<td></td>
<td><em>Tom Cochran, World Bank</em></td>
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<tr>
<td>10:30 - 10:45 am</td>
<td>Coffee Break</td>
</tr>
<tr>
<td>10:45 - 11:15 am</td>
<td>Government Support to PPP – The Viability Gap Facility Option</td>
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<tr>
<td></td>
<td><em>Peter Mousley, World Bank</em></td>
</tr>
<tr>
<td>11:15 - 11:45 am</td>
<td>Sub-national Bond Market; Development Options</td>
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<tr>
<td></td>
<td><em>Joel Kolker, PPIAF</em></td>
</tr>
<tr>
<td>11:45 -</td>
<td>Interactive Session (Interventions from FMF/DMO/CBN/BO/ ETB &amp;</td>
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<tr>
<td>Time</td>
<td>Activity</td>
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<tr>
<td>12:45pm</td>
<td>Standard Chartered Bank</td>
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<tr>
<td>12:45 - 01:00pm</td>
<td>Wrap Up</td>
</tr>
<tr>
<td>01:00 - 02:00pm</td>
<td>Lunch</td>
</tr>
</tbody>
</table>
Annex F: Minutes of Consultation on Nigeria’s PPP Program For Infrastructure Development
Held on Tuesday 27th October at the FMEnv Brown Building Abuja.

<table>
<thead>
<tr>
<th>S/NO.</th>
<th>Names</th>
<th>Organization</th>
<th>Designation</th>
<th>Tel. No.</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Victor Imevbore</td>
<td>ERML</td>
<td>Consultant</td>
<td>8024114004</td>
<td><a href="mailto:voi@erl.net">voi@erl.net</a></td>
</tr>
<tr>
<td>2</td>
<td>Shadrach Adjogri, Representing Olumide Omisore</td>
<td>Cedar Energy and Environment</td>
<td>Consultant</td>
<td>8050749796</td>
<td><a href="mailto:Shadjogri@cedarenade.com">Shadjogri@cedarenade.com</a>, <a href="mailto:olumide@cedarenade.com">olumide@cedarenade.com</a></td>
</tr>
<tr>
<td>3</td>
<td>Mr. K. Odusanya</td>
<td>FMENV.</td>
<td>Ag. D. Director EIA</td>
<td>8033155983</td>
<td><a href="mailto:Kodusanya2003@co.uk">Kodusanya2003@co.uk</a></td>
</tr>
<tr>
<td>4</td>
<td>Mr. P. D. Afiakurue</td>
<td>FMENV.</td>
<td>Ag Director (O&amp;G)</td>
<td>8027454695</td>
<td><a href="mailto:fridayafiakurue@yahoo.com">fridayafiakurue@yahoo.com</a></td>
</tr>
<tr>
<td>5</td>
<td>Ms. Adinye</td>
<td>FMENV.</td>
<td>Ag.Director EIA</td>
<td>8036670845</td>
<td><a href="mailto:philoadinye@yahoo.com">philoadinye@yahoo.com</a></td>
</tr>
<tr>
<td>6</td>
<td>Mr. S. O. Oладипопу</td>
<td>FMENV.</td>
<td>Ag. Director (ES&amp;M)</td>
<td>8059650008</td>
<td>oладиппопская@yahoo.com</td>
</tr>
<tr>
<td>7</td>
<td>Amos Abu</td>
<td>World Bank</td>
<td>Snr. Env. Specialist.</td>
<td>8037529220</td>
<td><a href="mailto:aabu@worldbank.org">aabu@worldbank.org</a></td>
</tr>
<tr>
<td>8</td>
<td>Zachary Kaplan</td>
<td>World Bank</td>
<td>Economist</td>
<td>8136038131</td>
<td><a href="mailto:zkaplan@worldbank.org">zkaplan@worldbank.org</a></td>
</tr>
<tr>
<td>9</td>
<td>A. W. Isyaku</td>
<td>Fed. Min of</td>
<td>Chief Acc. Officer</td>
<td>8093496159</td>
<td><a href="mailto:abdulisyaku@yahoo.com">abdulisyaku@yahoo.com</a></td>
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<tr>
<td></td>
<td></td>
<td>Finance</td>
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<tr>
<td>10</td>
<td>Nelson T. Hundumofore</td>
<td>ICRC</td>
<td>Snr. Proc. Adviser</td>
<td>8037870944</td>
<td><a href="mailto:nhundumofore@yahoo.com">nhundumofore@yahoo.com</a></td>
</tr>
</tbody>
</table>
A. Purpose
The purpose for the consultation was to:

- Explain the Nigeria PPP project to the Ministry;
- engage them as part of the requirement for implementation of the ESMF and RPF;
- get confirmation on the priority of the PPP program seeking the FMEnv assistance to carry out its oversight function; and to
- seek the assistance of the Ministry towards the in-country disclosure of the environmental safeguard instruments prepared.

Other areas of concern deliberated upon were the implementation of the EIA on PPP projects, capacity building and stakeholder’s engagement process.

Components of PPP
The PPP has four major components viz:

- Infrastructure Concession Regulatory Commission (ICRC) institutional Development.
- Legal framework, Capacity building and technical systems
- PPP support transaction
- Infrastructure Financing.

The role of the World Bank (WB) as explained by its representative is to help guide the borrower towards sustainable implementation of the PPP program and subprojects on infrastructure development, capacity building, project designs and evaluation. Copies of the concept with respect to the (WB) mission have been sent to the respective ministries, departments and agencies (MDA’s). The programs to initiate this mission for the PPP program have been fixed for March and September 2010.

The World Bank commented on the absence of the FMEnv at the recently concluded Stakeholders Consultation Forum held at Lagos, Abuja and Kano. However, the Acting Director, EIA, stated that it was not deliberate action, but the recent wave of retirements by their Directors resulted in a government bureaucracy which delayed the process.

The World Bank team suggested that the Ministry develop a website where key officers’ contact information could be displayed to facilitate contact even at short notice. The Bank informed the meeting that for the PPP program to be effective and have a positive impact on the nation, the following frameworks will have to be adequately implemented:

- Capacity building and technical systems
- Management training and information systems
- Evaluation and Monitoring Mechanism
- ESMF and RPF

Workshop
The Bank further informed the meeting of its plan to organize a workshop on preliminary design, capacity building and technical systems on the 2nd of November,
2009 at 3-5 pm. Representatives of the FMEnv, FMF, ICRC, the two consultants, the private sectors and other interest groups are cordially invited.

In addition, 13 Nigerian delegates shall embark on a study tour to India from the 7th of November 2009. The purpose is to learn how India started its PPP program (including the India Infrastructure Finance Company Limited) and listen to the success stories.

**The Role of FMEnv in PPP program**

The Acting Director of FMEnv asked the level of involvement of the Ministry in the PPP program. In his response, the Senior Procurement Adviser of the ICRC affirmed that the ministry is a member of its Steering Committee and requested for the nomination of candidates within the FMEnv jurisdiction to be duly represented.

**FMEnv Challenges toward the Implementation of the PPP Program.**

The key challenges of the Federal Ministry of Environment are:

- Logistic Constraints
- Hostile nature of workers, committees, and other interest groups when project sites are inspected for privatisation.
- Poor income revenue generation.

In addressing the challenges, the World Bank and ICRC resolved to work out modalities towards supporting the FMEnv in the area of logistics. FMEnv was advised that consultation with stakeholders and public is a basic key requirement in its operations in handling potential hostility and concern about poor income revenue generation.

**Soliciting FMEnv’s support for Review, Clearance and Public Disclosure**

The ICRC and World Bank representatives solicited the assistance of the FMEnv towards review, clearance and public disclosure of the ESMF and RPF. The Bank emphasized that the disclosure must be in the thirty six states of the federation including FCT. The FMEnv also stated that the duration of the disclosure is 21 working days.

**Questions.**

Three questions directed at FMEnv by the consultants were:

- Does the FMEnv engage in settling compensation due to involuntary resettlement?
- Has FMEnv ever engaged in any settling compensation based on State and Local Government levels?
- Since scoping is an important step in EIA, how is the Ministry involved in environmental scoping?

**FMEnv Responses.**

1. That FMEnv does not engage in resettlement or compensation issues.
2. That FMEnv has never been involved in compensation and resettlement both at the state and local government level. It usually attends or give credence to regulatory procedures but does not engage in the process.
3. That FMEnv gives preference to environmental scoping.

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3 See footnote on page 36