

FEDERAL REPUBLIC OF NIGERIA

**WORLD BANK
PROGRAM-FOR-RESULTS FINANCING**

**STATE ACTION ON BUSINESS ENABLING REFORMS
(SABER)**

FINAL REPORT

**ENVIRONMENT AND SOCIAL SYSTEMS ASSESSMENT
(ESSA)**

AUGUST 29, 2022

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AfCFTA	African Continental Free Trade Area
CBN	Central Bank of Nigeria
COF	Commissioners of Finance
CofO	Certificate of Occupancy
CP	Core Principle
DG	Director General
DISCOs	Distribution Companies
DLI	Disbursement Linked Indicators
DLR	Disbursement Linked Results
E&S	Environment and Social
EBES	Enabling Business Environment Secretariat
EIA	Environmental Impact Assessment
ENB	Environment, Natural Resources and Blue
EODB	Ease of Doing Business
ESCP	Environment and Social Commitment Plan
ESMP	Environmental and Social Management Plan
ESRS	Environment and Social Review Summary
ESSA	Environment and Social Systems Assessment
FCCL	Fiscal Commitment and Contingency Liability
FGN	Federal Government of Nigeria
FME _{env}	Federal Ministry of Environment
FMFBNP	Federal Ministry of Finance, Budget and National Planning
FMITI	Federal Ministry of Industry, Trade and Investment
FRILIA	Framework for Responsible and Inclusive Land Intensive Agricultural Investments
GBV	Gender Based Violence
GIS	Geographic Information System
GoN	Government of Nigeria
GRM	Grievance Redress Mechanism
HFD	Home Finance Department
ICRC	Infrastructure Regulatory Commission
ICT	Information Communication Technology
IERD	International Economic Relation Department
IPA	Investment Promotion Agency
IPF	Investment Project Financing
LDN	Land Degradation Neutrality
LFN	Laws of the Federal Republic of Nigeria
LMP	Labour Management Procedure
MDAs	Ministries, Departments and Agencies
MSMEs	Micro, Small and Medium Scale Enterprises
MW	Megawatts
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBP	National Broadband Plan
NDP	National Development Plan
NEC	National Executive Council

NEPA	National Electric Power Authority
NERC	Nigeria Electricity Regulatory Commission
NESG	Nigeria Economic Summit Group
NGF	Nigeria Governors' Forum
NSC	National Steering Committee
OHS	Organization, Health and Safety
PAP	Program Action Plan
PAP	Project Affected Persons
PCU	Program Coordination Unit
PDO	Program Development Objective
PEBEC	Presidential Enabling Business Environment Council
PforR	Program for Results
PIU	Project Implementation Unit
POM	Program Operational Manual
PPP	Public Private Partnership
PSF	Permanent Secretary Finance
RA	Result Area
RAP	Resettlement Action Plan
ROW	Right of Way
SABER	State Action on Business Enabling Reforms
SCEP	State Committees for Export Promotion
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SFTAS	State Fiscal Transparency, Accountability and Sustainability
SH	Sexual Harassment
SME	Small and Medium Scale Enterprises
SSI	Social Sustainability and Inclusion
TA	Technical Assistance
TWG	Technical Working Group
VAPP	Violence Against Persons Prohibition

EXECUTIVE SUMMARY

1. The World Bank is proposing to support the Government of Nigeria (GoN) with a Program for Results (PforR) instrument in a program referred to as State Action on Business Enabling Reforms (SABER) (hereafter referred to as the Program). The Program will build on the success of the Presidential Enabling Business Environment Council (PEBEC). It will support the Government's SABER program, which is anchored in the National Development Plan (NDP) 2021-2025's Business Environment, Trade and Competitiveness Pillar and implemented through PEBEC's federal and PEBEC-National Economic Council (NEC)'s state initiatives. It will prioritize critical measures and interventions, focusing on accelerating targeted business-enabling environment reform actions at the state level. It aims to strengthen the existing PEBEC-NEC subnational interventions by adding incentives, namely results-based financing to the states and the delivery of wholesale technical assistance—available to all states—to support gaps in reform implementation. The proposed Program Development Objective (PDO) of the PforR is to improve (1) the efficiency of land administration, (2) the regulatory framework for private investment in fiber optic infrastructure, (3) services provided by investment promotion agencies and public-private partnership units, and (4) the efficiency and transparency of government-to-business services in participating states.¹
2. This proposed US\$750 million lending operation will last from 2023-2025 and consists of: (1) a US\$730 million performance-based financing component for state governments, which will be implemented as a Program-for-Results (PforR); and (2) a US\$20 million Technical Assistance (TA) component which will be implemented as Investment Project Financing (IPF) to support implementation and capacity building.
3. The US\$20 million IPF Component for technical assistance (the 'Project') has two sub-components: (1) Strengthening State Government Systems and Capacities; and (2) Strengthening Program Coordination and Verification of Results. The first component will be the largest, focusing on providing capacity support to all participating state governments to strengthen their systems and capacities to enable them to achieve the Program results (DLRs). The IPF Component will be delivered by selected national-level institutions who are critical for supporting state governments to achieve Program results as well as to strengthen state government capacities in a sustainable manner.
4. Under the PforR Component, the proposed Program is expected to contribute to four result areas and eight disbursement-linked indicators (DLIs) to achieve the Program Development Objective (PDO). The Program's Results Areas are: Results Area 1: Improved Land Administration and Land-Based Investment Process; Results Area 2: Improved Regulatory Framework for Private Investment in Fiber Optic Infrastructure; Results Area 3: Improved Services Provided by Investment Promotion Agencies (IPAs) and Public-Private Partnership (PPP) units; and Results Area 4: Improved Efficiency and Transparency of Services.

¹ 'Participating State' means a State which, having met the Eligibility Criteria for any given Fiscal Year, as agreed by the Recipient and the Bank, is participating in the Program during such Fiscal Year. 'State' means each of the 36 states and FCT.

5. Results Area 1: Improved Land Administration and Land-Based Investment Process. Under this Result Area, the PforR will support participating states to: (i) promote more transparency in land administration, (ii) produce better quality and more transparent data on land ownership, and (iii) strengthen sustainability and transparency in the land-based investment procedures for large-scale agribusiness investments. This will lead to higher-level impacts (beyond the Program's scope), such as improving access to land-based investments and securing private investment that better meets economic and social objectives, reduces the risk of conflict, and is more sustainable and inclusive for all.
6. Results Area 2: Improved Regulatory Framework for Private Investment in Fiber Optic Infrastructure. Under this Result Area, the PforR will support participating states to: (i) adopt right of way (ROW) fees of maximally NGN145 per meter for broadband without reformulating them as new or increased charges, and (ii) promote transparency on ROW fees, processes, and approvals. This will lead to states having new routes with fiberoptic cable for broadband deployed.
7. Results Area 3: Improved Services Provided by investment promotion agencies (IPAs) and public-private partnership (PPP) units. Under this Results Area, the PforR will support participating states to (i) set up a PPP coordination unit to better identify, vet, and implement PPP projects, (ii) better manage PPP risks, especially fiscal commitments and contingent liabilities, (iii) establish a PPP Project Facilitation Fund, (iv) promote transparency of state incentive frameworks, and (v) strengthen states' investment promotion and investor aftercare capabilities. This will lead to states having a more effective and sustainable attraction and delivery capacity for PPP transactions, with stronger risk-management, better provision of investor services by state investment promotion entities, and investors having greater access to information on available incentives.
8. Results Area 4: Improved Efficiency and Transparency of Government-to-Business Services: Under this Results Area, the PforR will support participating states to: (i) provide greater access and transparency on requirements and public services to businesses; (ii) promote transparency of fees and levies for inter-state trade and increased exporter certification; (iii) adopt a presumptive turnover tax for small businesses and consolidate payment of key business-related state and local-government taxes and other fees and levies through an e-platform which includes automated e-receipts generation; and (iv) establish special courts for small claims and put in place practice directions to strengthen small claims court practices and encourage alternative dispute resolution (ADR).
9. Regarding Gender, the Program will address several of the underlying factors driving the gender gap in statutory rights of occupancy between men and women, to the disadvantage of women, specifically the lack of information and awareness among women and men of the benefits of statutory rights of occupancy (for women and of co-ownership of certificate of occupancies) and lack of transparency regarding the property registration.
10. The DLIs are as follows (for exact formulation, see Annex 1):

- a. *DLI1: Improved efficiency in property registration and sustainability of the land-based investment process* supports (i) the publication of information on procedures, time, and cost to obtain Certificates of Occupancy (CofOs) and construction permits to foster transparency in land administration; (ii) the improvement of the land administration system by supporting the development of a digital, data-centric and indexed database for CofOs to facilitate greater transparency and allowing for regular monitoring and reporting covering key land indicators and including gender dis-aggregated data and better service delivery; and (iii) the strengthening of the social and environmental framework of land allocation through the adoption and implementation of the Framework for Responsible Investment in Land-Intensive Agriculture (FRILIA), or equivalent.
- b. *DLI2: Improved regulatory framework for private investment in fiber optic infrastructure* will support participating states in (i) fully implementing the new right-of-way (ROW) fees of maximally NGN145 per meter (i.e., aggregate per-linear meter fees capped at NGN145); (ii) online publication of ROW processes, fees, and approvals, increasing the total deployed non-Gigabit Passive Optical Network (GPON) fiber optic cable kilometers.
- c. *DLI3: Development of an effective PPP framework* would support participating states to establish a regulatory and institutional PPP framework with strengthened analytical capacity of relevant ministries, departments and agencies (MDAs) for project design and implementation by (i) establishing State-level PPP coordinating units/agencies, (ii) adopting a PPP pipeline, (iii) adopting and publishing a PPP disclosure framework, (iv) adopting and disclosing a PPP Fiscal Commitment and Contingency Liability Management framework, (v) adopting and disclosing a PPP legal and institutional framework, and (vi) establishing a State Project Facilitation Fund.
- d. *DLI4: Improved Investment Promotion Environment* will support participating states to improve their legal and policy environment, and institutional framework on investment by (i) producing, disclosing and mandating the regular publication and updating of an inventory of investment incentives available in states; (ii) publishing the number of entities receiving incentives; (iii) legally mandating state-level IPAs to promote investment into the state; (iv) ensuring the IPAs have an online presence, corporate plans, established key performance indicators; (v) enabling the IPAs to provide core services to investors; (vi) supporting the development of investor outreach and aftercare strategies; and (vii) increasing the number of investment announcements supported by the IPAs.
- e. *DLI5: Increased Transparency of official fees and procedures* will support participating states to improve transparency and access to regulatory information by supporting (i) the online publication of fees, procedures, service delivery timelines and mandatory advance communication of upcoming changes to fees and regulations of five key business-enabling environment MDAs on state website(s), (ii) functional Grievance Redress Mechanisms (GRM) at two key State-level business-enabling environment MDAs with grievances receiving a response within the specified service level agreement, and (iii) monitoring and public statistics of compliance to timelines for service delivery by the MDAs.

- f. *DLI6: Increased transparency of fees and levies for inter-state trade and increased exporter certification* supports participating states at (i) establishing a new or strengthening existing grievance and redress mechanism for traders covering unauthorized payments, harassment, and in-kind requests.; (ii) clarifying the schedule of trade-related fees and levies and removing haulage fees; and (iii) strengthening the capacity of State Committees for Export Promotion (SCEP), which are funded by the state government to establish an export strategy and guidelines, and to increase the number of exporter certifications within the state.
 - g. *DLI7: Simplified state and local business tax regimes* supports increased transparency and harmonization of State taxes in participating states through (i) States amending existing legislation or passing new legislation to adopt presumptive turnover tax regime for small businesses; (ii) States subsuming business-related local government charges/fees/taxes into a consolidated demand notice; (iii) the establishment of an electronic platform for the collection of taxes, levies and fees that provide an automated e-receipt generation.
 - h. *DLI8: Quick determination of commercial disputes* will support participating states at facilitating access to justice, in particular for smaller claims, through (i) the establishment of small claims courts for commercial disputes of MSMEs, (ii) instilling practice directions that facilitate access to justice and strengthen efficient court practices and encourage alternative dispute resolution (ADR) mechanisms, and (iii) the collection and publication of key performance reports for small claims courts.
11. The Program’s implementation and institutional arrangements will build on the State Fiscal Transparency, Accountability and Sustainability (SFTAS) implementing arrangements (and related lessons learned), as well as the PEBEC-EBES structures put in place for the PEBEC-NEC subnational initiatives. The PEBEC is chaired by the Vice President and comprises 10 ministers (including the minister of finance, budget, and national planning), the Head of Civil Service of the Federation, Governor of the Central Bank of Nigeria, representatives of Lagos and Kano State governments, the National Assembly, and the private sector. Several institutional and implementation arrangements from SFTAS can be continued for SABER, such as the Program Coordinating Unit (PCU) and the Project Management Firm. The Nigeria Governor’s Forum (NGF) has set up an Ad-hoc Committee for SABER similar to the NGF SFTAS Committee, and chaired by the Governor of Gombe State, with the Governors of Anambra, Edo and Kwara, Oyo and Zamfara States as members. The arrangements will also benefit from the PEBEC-EBES structure, and the state level structures that were established in the context of the PEBEC-NEC subnational initiatives, including the state ease of doing business (EODB) councils and the state reform champions. The detailed institutional and implementation arrangements will be guided by the Program’s operations manual.
12. The proposed National Steering Committee for SABER brings together the PEBEC and the NGF SABER Ad-hoc Committee, chaired by the Vice President. The proposed NSC was endorsed by NGF, PEBEC and NEC in July-August 2022. For SABER, a TWG has been established, drawing on both the EODB reform implementation as well as SFTAS experience. The SABER TWG is chaired by the PEBEC Secretary and consists of state

representatives from the 6 geo-political zones and two legacy state representatives, representatives from HFD/PCU, technical representatives from EBES, the World Bank, NGF Secretariat, and the organized private sector (Nigerian Economic Summit Group, NESG). At the State level, the SABER will build on structures set up under the PEDEC-EBES' subnational initiatives. These include State level EODB Councils, chaired mostly by the Governor or Deputy, supported by a Secretariat, and reporting to the State Executive Council; and Reform Champions that act as a focal point for each state, and often act as the Secretary of the EODB Council.

13. The SABER PforR component may implement activities with moderate E&S risks, however, the Program will not support investments of particularly high environmental and social risks and these will be excluded from financing under the Program. The Program will exclude large-scale construction and rehabilitation work. It will not accommodate large-scale involuntary displacements and resettlements. It may accommodate limited / temporary involuntary displacements especially all those occupying the right of way of fiber optic network installation / expansion. Also, any Program activity that entails large scale land acquisition will not be funded by the PforR. Activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing. The exclusion list is presented in Annex 7.
14. The Environmental and Social Systems Assessment (ESSA) examines the extent to which the Federal and State Government's existing environmental and social management systems: operates within, an adequate legal and regulatory framework to guide environmental and social impact assessments, mitigation, management and monitoring at the PforR Program level; and incorporate recognized elements of good practice in environmental and social assessment and management. The ESSA thereafter defines measures to strengthen the system and recommends measures that will be integrated into the overall Program. The ESSA is undertaken to ensure consistency with six core principles and key planning elements of PforR ESSA.
15. The ESSA was prepared by Bank team through a combination of detailed reviews of existing Program materials and available technical literature, including policies, regulations, guidelines and examples of due diligence and design documents, interviews and extensive consultations with government staff (Federal, and State levels). An environmental and social risk screening was undertaken at the concept stage. The ESSA process was informed by the Bank Guidance on PforR Environmental and Social System Assessment (September 2020).
16. Consultations were carried out prior to the development of the ESSA. Initial consultations held with government officials and some stakeholders over a period led to the formulation of the SABER Program. The outcomes of those consultations are embedded in this Program and influenced its design. World Bank specialists consulted with different stakeholders, especially federal and state government agencies. The consultations were virtual via Microsoft teams meetings. Consultations were held for a sample of potential Program States, namely Edo, Ekiti and Nasarawa for day one and Enugu, Gombe and Kaduna for day two. Although all states (including the FCT) that meet the eligibility criteria

(see Annex 1) can participate in the Program, the six states were initially sampled for assessment because of the following reasons: (i) they represent the six political zones; (ii) they are members of the TWG for the SABER program; (iii) they are likely participating states in the Program. The State teams involved in the consultation comprised of top government officials responsible for the environmental and social management, focal point for SABER in each state, etc. The team held additional consultation where the findings of the assessment was presented to the stakeholders representing all Nigerian states and FCT as well as the organized private sector and civil society organizations on August 17, 2022. The ESSA was disclosed prior to this consultation and this final version will be disclosed again.

17. In line with the six core principles outlined in the World Bank's policy and guidance note for the PforR instrument, the relevant risks directly associated with the SABER Program activities and indirectly given the achievement of the program activities under the DLIs and within the proposed Result Areas (RAs) under the PforR covers environmental and social issues and include:
- a) Potential generation of e-waste given the digital data-centric and indexed database for Certificates of Occupancy (CofOs).
 - b) In case of poor implementation of FRILIA, induced increase pollution due to environmentally unsustainable agriculture practices.
 - c) Indirectly, temporary displacement of people, primarily low-income people selling their wares or residing along the right-of-way for the deployment of fiber optic network.
 - d) Indirectly, the expansion and deployment of fiber optic networks given standardized ROW fees will lead to the generation of dust resulting in air pollution.
 - e) Indirectly, there could be increase in carbon emissions due to use of off-grid diesel generators at cellular sites linked to fiber deployment.
 - f) Indirectly, there may be GBV and SH due to the influx of workers deploying fiber optic networks.
 - g) Indirectly, expected environmental and social risks, such as risks due to construction and rehabilitation and involuntary resettlement associated with PPP projects (that may materialize after Program completion), given weak E&S systems in most states.
18. The overall environmental and social risks have been assessed and deemed to be **Moderate**. Although the Program will not support construction work, the achievement of new ROW fees at maximally NGN145 per meter may indirectly lead to the expansion of fiber optic networks by the private sector (not financed by the Program), which will involve some minor construction which will not lead to displacement considering this will be limited to existing ROW. Also, the establishment of a robust PPP framework may indirectly lead to PPP projects involving construction and rehabilitation (after the Program period). Actual Program activities are thus not likely to require significant changes to the borrower's overall environmental and social systems. The program was generally assessed as moderate because some improvements in environmental and social management approaches are expected through the program despite the envisaged environmental and social risks outlined in section III. Overall, the program risks and impacts are not likely to

be significant, not complex, low in magnitude, predictable and expected to be temporary and/or reversible; and low probability of serious adverse effects to human health and/or the environment and mitigation measures are readily available, including use of exclusion list.

19. Some analyses were carried out to determine the range of environmental and social risks and benefits associated with the PforR Program based on each of the DLIs (see section III). The PforR Program will deliver some direct and indirect environmental and social benefits. For example, some direct and indirect environmental risks associated with DLI1 include the generation of e-waste given the increased use of ICT in land administration, such as the digital data-centric for land documentation and indexed database for Certificates of Occupancy (CofOs). Also, pilot implementation of a Framework for Responsible and Inclusive Land Intensive Agricultural Investments (FRILIA) may be associated with some environmental risks due to slippage from sustainable agricultural practices (i.e., poor implementation of FRILIA), possibly resulting in uncontrolled pesticide and fertilizer application; habitat alteration; and carbon emissions. However, the Program does not finance poor implementation of FRILIA, and instead only disburses against the successful pilot implementation of FRILIA, as confirmed by a social audit. Furthermore, the Program aims to encourage the private sector to invest in deployment of the broadband network through achieving new ROW fees at NGN145 per meter in DLI2. Indirectly, this private sector deployment would involve clearing and the excavation of soils to lay optic fiber cables. These activities, in turn, will result in environmental consequences, for example, the generation of waste and dust resulting in air pollution and risks of obstructing drainage networks and water pollution. Indirectly, e-waste will also be generated from the deployment of the broadband network and indirectly be generated from ICT applications associated with it, for example, data centers, and e-administration platforms. E-waste causes air, water and land pollution and poses human health risks.
20. In addition, some environmental benefits are associated with the Program. Achieving DLI1 is expected to limit land grabbing for investments and its ecological consequences, especially uncontrolled land use change which could result in increased carbon emissions, erosion and land degradation. Also, there is the possibility of reduced carbon emissions from improved land management for agriculture. Improved transparency and sustainability in property registration will also reduce uncontrolled land use change and its consequences. In addition, strengthening the social and environmental framework of land allocation through the adoption and implementation of FRILIA can help forestall biodiversity loss and serve as an enabling environment for the achievement of land degradation neutrality (LDN) in the states. Also, increased deployment, access, and use of the broadband network given new ROW fees of NGN145/meter, as covered in DLI2, could help reduce greenhouse gas emissions. This is because the use of broadband internet could facilitate reduced movement of people to offices as they work from home, thus reducing the amount of fossil fuel burnt and the associated reduction in emissions. Thus, companies can reduce both their energy use for keeping people in offices and the associated emissions. Person hour lost in traffic which can be used for production will also be reduced.
21. The SABER program is also associated with some social risks. For example, social risks as a result of DLI 1 could indirectly result from ineffective GRM in land acquisition, thus

impacting livelihoods and living standards, especially of the vulnerable groups, negatively. Indirectly, there could be elite capture, the challenge regarding title owner determination, gender-based violence (GBV) and sexual harassment (SH) due to poor land acquisition and resettlement procedures. The achievement of FRILIA would help to mitigate some of these risks. Furthermore, the achievement of DLI 2 may, indirectly, due to reduced ROW fees, lead to the temporary displacement of people, primarily low-income people selling their wares or residing along the right-of-way. In addition, in case of the lack of an effective GRM, the system may not appropriately redress the grievance of those impacted due to the deployment of fiber optic networks. It thus may negatively impact the livelihoods of poor and vulnerable people. Also, deploying fiber optic networks may harm workers and public safety. There could also be GBV and SH due to the influx of workers deploying fiber optic networks.

22. The achievement of DLI3 could indirectly lead to land acquisition and resettlement issues due to a PPP project that may be implemented after Program closure. For example, this DLI could indirectly result in voluntary or involuntary land acquisition and grievances among people who may be displaced from lands for PPP projects that may be implemented after the Program has been completed, due to the establishment of a robust PPP framework in the participating states, especially where the land acquisition process for PPP is not well spelt out. It could enhance underlying tensions between landowners and pose a security risk, especially where property rights are not well defined. The achievement of FRILIA (under the Program) would help to mitigate some of these risks that may occur (outside the scope of the Program).
23. In addition, a lot of social benefits are associated with the Program. For example, some direct social benefits from DLI1 include secure property rights, effective monitoring of land use, increased inflow of investments, and increased access to finance for investment purposes. Also, there is a possibility of increased government revenue from property tax, land rent and fees, and increased investment in development projects due to increased government revenue, and hence reduced poverty and enhanced livelihoods. Some benefits for firms include reduced operational costs, and increased production, output and revenue. Enhanced performance and increased revenue from firms also translate to increased revenue for the government from sales and income taxes. Also, achieving this DLI will equally lead to increased employment opportunities, increased employee income/productivity and reduced poverty. The detailed description of the social benefits and risks is presented in section III.
24. Following the identification of environmental and social risks, the E&S management systems in place to manage the identified risks were assessed. The assessment was done using the following criteria: strengths of the system, or where it functions effectively and efficiently and is consistent with Bank Policy and Directive for Program-for-Results Financing; inconsistencies and gaps between the principles espoused in Bank Policy and Directive for Program-for-Results Financing and capacity constraints; actions to strengthen the existing system. Information from this analysis, identification of gaps and opportunities/actions, were used to inform the recommendations and Program Action Plan (PAP).

25. The recommendations are as follows:

- There is a need to include E&S considerations in the PPP framework adopted by participating states (DLI3). State governments that will approve ROW for the deployment of fiber optic networks should ensure that these private operators are adequately regulated.
- State governments should institute a scheduled program to build and strengthen the capacity of technical staff of the States Ministry of Environment and the PCU to be able to manage and monitor environmental assessments processes, environmental monitoring to ensure pollution control, hazards and other environmental issues in the state. In the long run, there is a need to equip the State Ministries of Environment with necessary facilities and equipment (including laboratories and monitoring devices for monitoring environmental parameters). Participating states' MDAs responsible for broadband deployment need to formulate/develop guidelines and manuals for mainstreaming stakeholder engagement processes, environmental, and OHS issues, into the implementation of DLI2.
- There is a need to develop a standard procedure for consultation with all program-affected persons along the ROW (for DLI2).
- There is need to develop an effective Program-wide GRM system that aligns with state ADR system so complainants and businesses (especially small-scale businesses and those that do not have the capacity to use the courts) can leverage on for resolution of their concerns.
- There is a need to increase the capacity and effective framework to handle GBV, SH and SEA.

26. Following the recommendations, the breakdown of actions to be included in the Program Action Plan (PAP) with indicative timeline, responsibility for implementation and indicators for measuring the completion of such actions are detailed in the Table ES1 below

Table: ES1: Program Action Plan (PAP)

s/n	Action Description	Due Date	Responsible Party	Completion Measurement
1	Hire qualified Environmental and Social Officers at the PCU and provide capacity building/system strengthening program to strengthen their skills	Within three months of Effectiveness	Federal PCU as part of the IPF TA work plan	Inclusion of the listed specialist in the team and maintained throughout the Program implementation; and Training Module and Implementation Support Supervision Report of World Bank Task team
2	Inclusion of E&S considerations in PPP framework for participating states in DLI3	December 31, 2024	Participating States in DLI3	Published on state's official website: the PPP legal and institutional framework, including E&S considerations
3	Include in the Program Operational Manual, environmental and social	Six months after effectiveness	Federal PCU	Completed guidelines disseminated to stakeholders, training

	guidelines for participating states' MDAs responsible for broadband deployment to explore core social inclusion activities such as gender, SEP, SEA/SH, and protection of the vulnerable groups including, OHS, GRM and stakeholder consultation procedure for PAPs, etc.			provided, and the guidelines operationalized
4	Develop e-waste management strategy for managing e-waste result from the program	Within one year of effectiveness	Federal PCU	E-waste management strategy document.

SECTION I: PROGRAM DESCRIPTION AND SCOPE

1.1 Introduction

27. Although the Nigeria’s economy in 2021-2022 recovered from recession induced by the COVID-19 pandemic and lower oil prices, growing by 3.6 percent in 2021 with an expected growth of 3.2 percent in 2022, welfare has continued to deteriorate. The outlook for Nigeria’s growth is uncertain and highly dependent on external factors and the government’s overall policy response to longstanding issues. Catalyzing private investment is needed to boost growth and create jobs.

28. Nigeria’s ability to attract domestic and foreign investment is low and declining compared to its peers. Private sector investment’s contribution to growth has declined as a consequence of macroeconomic and financial policies, largely in the purview of the federal government, that constrain exports and foreign investment. States do have the ability, however, to do their part to catalyze private investment, but have varied significantly in their efforts and ability to do so.

29. Several critical business-enabling policy actions lie at least partially within the domain of the States, and are related to: (i) infrastructure deficiencies, (ii) the lack of strong public-private partnership (PPP) and investment policy frameworks, (iii) ambiguous and inconsistent land administration affecting land-based investments, (iv) a complex and uncertain business regulatory environment related to business registration, operation, interstate and external trade, paying taxes and contractual enforcement.

30. Given the urgency of these reforms, the government is developing a new program—State Action on Business Enabling Reforms (SABER)—to accelerate the implementation of critical actions that improve the business enabling environment in Nigeria’s states.

1.2 Program Description

27. The World Bank is thus proposing to support the GoN with a Program for Results (PforR) instrument in a Program referred to as State Action on Business Enabling Reforms (SABER) (hereafter referred to as the Program). The Program will build on the success of the Presidential Enabling Business Environment Council (PEBEC). It will support Government’s SABER program, which is anchored in the National Development Plan (NDP) 2021-2025’s Business Environment, Trade and Competitiveness Pillar and implemented through PEBEC’s federal and PEBEC-National Economic Council (NEC)’s state initiatives. It will prioritize critical measures and interventions, focusing on accelerating targeted business-enabling environment reform actions at the state level. It aims to strengthen the existing PEBEC-NEC subnational interventions by adding incentives, namely results-based financing to the states and the delivery of wholesale technical assistance—available to all states—to support gaps in reform implementation. The proposed Program Development Objective (PDO) of the PforR is to improve (1) the efficiency of land administration, (2) the regulatory framework for private investment in

fiber optic infrastructure, (3) services provided by investment promotion agencies and public-private partnership units, and (4) the efficiency and transparency of government-to-business services in participating states. Monitoring of the progress toward the PDO achievement will be through the following PDO level outcome indicators:

- PDO Indicator 1: Improved efficiency of land administration measured by:
 - States (number) with at least at least 50% of Certificates of Occupancy (CofOs) issued and duly registered since 01 January 2012 digitized and indexed in accordance with international good standards
 - PDO Indicator 2: Improved regulatory framework for private investment in fiber optic infrastructure measured by:
 - States (number) adopting aggregate fees for broadband deployment on a per linear basis at a maximum of ₦145 per meter
 - PDO Indicator 3: Improved services provided by IPAs and PPP units measured by:
 - States (number) that establish an IPA performing the key functions of Marketing, Information, Assistance and Advocacy.
 - States (number) that establish a PPP coordinating unit mandated to facilitate PPPs, that has publicly disclosed its PPP pipeline projects on a portal.
 - PDO Indicator 4: Improved efficiency and transparency of government-to-business services measured by:
 - States (number) in which all State-level and local government taxes, levies, and fees from businesses can be paid electronically.
 - States (number) in which fees, procedures, and service delivery timelines of five key business-enabling environment State-level MDAs are published on a website
28. This proposed US\$750 million lending operation will last from 2023-2025 and consists of: (1) a US\$730 million performance-based financing component for state governments, which will be implemented as a Program-for-Results (PforR); and (2) a US\$20 million Technical Assistance (TA) component which will be implemented as Investment Project Financing (IPF) to support implementation and capacity building.
29. The US\$20 million IPF Component for technical assistance (the ‘Project’) has two sub-components: (1) Strengthening State Government Systems and Capacities; and (2) Strengthening Program Coordination and Verification of Results. The first component will be the largest, focusing on providing capacity support to all participating state governments to strengthen their systems and capacities to enable them to achieve the Program results (DLRs). The IPF Component will be delivered by selected national-level institutions who are critical for supporting state governments to achieve Program results as well as to strengthen state government capacities in a sustainable manner.
30. Under the PforR Component, the proposed Program is expected to contribute to four result areas and eight disbursement-linked indicators (DLIs) to achieve the Program Development Objective (PDO). The Program’s Results Areas are: Results Area 1: Improved Land Administration and Land-Based Investment Process; Results Area 2:

Improved regulatory framework for private investment in fiber optic infrastructure; Results Area 3: Improved services provided by IPAs and PPP units; and Results Area 4: Improved efficiency and transparency of government-to-business services.

1.3 Program Scope, Boundaries and Activities

31. The PforR supports the most critical state-level business enabling reforms of the Government’s SABER program, which in turn is anchored in the NDP 2021-2025’s Business Environment, Trade and Competitiveness Pillar, which is implemented through PEBC’s federal and PEBC-NEC’s state initiatives. PEBC’s mandate was articulated in the Economic Recovery and Growth Plan (ERGP) 2017-2020 and subsequently retained in the NDP 2021-2025. The proposed US\$730 million SABER PforR (2023-2025) focuses on a subset of the SABER program: the most critical State-level business enabling reforms (Figure 1.1, Table 1.1).

Figure 1.1: Program boundary: link with NDP 2021-2025 and PEBC’s initiatives

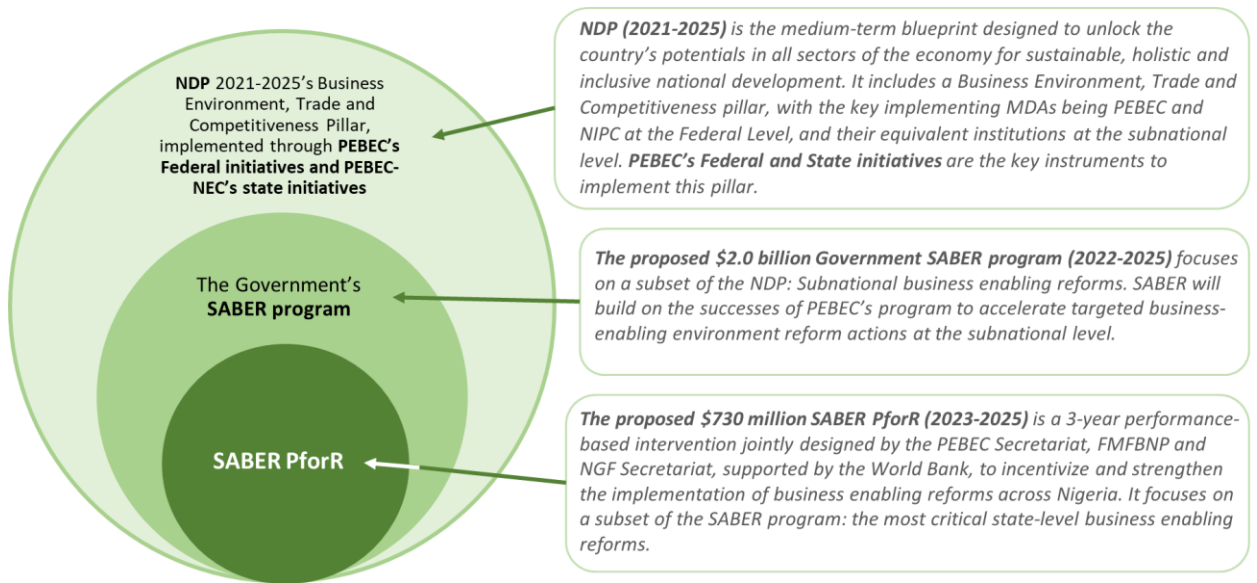


Table 1.1: Program Boundary

	Government program	PforR Program	Reasons for non-alignment
Objective	To improve the business enabling environment in Nigeria’s states.	To improve (1) the efficiency of land administration, (2) the regulatory framework for private investment in fiber optic infrastructure, (3)	States must achieve the annual eligibility criteria as a prerequisite for being part of the Program’s results-based financing.

		services provided by investment promotion agencies and public-private partnership units, and (4) the efficiency and transparency of government-to-business services in participating states.	
Duration	2022-2025	2023-2025	The Government program was adopted in August 2022; the PforR is expected to be effective in November 2022.
Geographic coverage	Entire country	Entire country	N/A
Results areas	RA1-4	RA1-4	N/A
Results focus	State-level business enabling reforms	Select State-level business enabling reforms	The PforR supports the most critical State-level business enabling reforms out of the Government's program.
Overall Financing	US\$2.0B	US\$730M	The PforR finances about 36% of the Government's SABER program.

32. As described in Figure 1.1, the proposed PforR will support the Government's SABER program. The Program will cover the gamut of instruments that impact states' land administration, regulatory framework for private investment in fiber optic infrastructure, PPP and investment promotion frameworks and services, and business enabling regulatory environment. The duration of the PforR is proposed to be 3 years, from 2023 to 2025, in line with the boundaries of the government program. In line with the Government's SABER program, the proposed Program will focus on the following result areas:

- a. Result Area 1: Improved Land Administration and Land-Based Investment Process. Under this Result Area, the PforR will support participating states to: (i) promote more transparency in land administration, (ii) produce better quality and more transparent data on land ownership, and (iii) strengthen sustainability and transparency in the land-based investment procedures for large-scale agribusiness investments. This will lead to higher-level impacts (beyond the Program's scope), such as improving access to land-based investments and securing private investment that better meets economic and social objectives, reduces the risk of conflict, and is more sustainable and inclusive for all.
- b. Results Area 2: Improved Regulatory Framework for Private Investment in Fiber Optic Infrastructure. Under this Result Area, the PforR will support participating states to: (i) adopt right of way (ROW) fees of maximally NGN145 per meter for broadband without reformulating them as new or increased charges, and (ii)

promote transparency on ROW fees, processes, and approvals. This will lead to states having new routes with fiberoptic cable for broadband deployed.

- c. Results Area 3: Improved Services Provided by IPAs and PPP Units. Under this Results Area, the PforR will support participating states to: (i) set up a PPP coordination unit to better identify, vet and implement PPP projects, (ii) better manage PPP risks, especially fiscal commitments and contingent liabilities, (iii) establish a PPP Project Facilitation Fund, (iv) promote transparency of state incentive frameworks, and (v) strengthen states' investment promotion and investor aftercare capabilities. This will lead to states having a more effective and sustainable attraction and delivery capacity for PPP transactions, with stronger risk-management, and better provision of investor services by state investment promotion entities, and investors having greater access to information on available incentives.
 - d. Results Area 4: Improved Efficiency and Transparency of Government-to-Business Services: Under this Results Area, the PforR will support participating states to: (i) provide greater access and transparency on requirements and public services to businesses; (ii) promote transparency of fees and levies for inter-state trade and increased exporter certification; (iii) adopt a presumptive turnover tax for small businesses and consolidate payment of key business-related state and local-government taxes and other fees and levies through an e-platform which includes automated e-receipt generation; (iv) establish special courts for small claims and put in place practice directions to strengthen small claim court practices and encourage alternative dispute resolution.
33. Gender. The Program will address several of the underlying factors driving the gender gap in statutory rights of occupancy between men and women, to the disadvantage of women, specifically the lack of information and awareness among women and men of the benefits of statutory rights of occupancy (for women and of co-ownership of certificate of occupancies) and lack of transparency regarding the property registration process. It will build on the experience in Kaduna State which successfully piloted an approach in the years 2016 to 2022 in which it provided a mix of financial incentives and targeted promotion of statutory rights of occupancy for women. Gender-disaggregated baseline data is available in Lagos, Edo and Kano States. According to information provided by the states, in 2021, the share of female owned or jointly owned CofO registrations out of all CofO registrations that year was 7% (Lagos), 26% (Edo), and 5% (Kano). For other states, the Program will incentivize the collection of gender-disaggregated data as a Prior Result and by supporting—through the DLRs—the establishment of a digital CofO database with data that is gender-disaggregated. The Program will aim to reduce the gender gap between men and women, to the disadvantage of women, in at least Lagos, Edo and Kano States by: (i) making CofO procedures public; (ii) collecting gender-disaggregated CofO data; (iii) implementing a financial incentive for registration of female owned or jointly-owned CofOs, making it cheaper for women to register their statutory rights of occupancy; and (iv) putting in place a communications campaign aimed at promoting woman and/or joint registration of statutory rights of occupancy by dissolving cultural and social norms affecting women's understanding and perception of their rights to own or co-own statutory rights of occupancy and occupy land. To ensure that women are reached through the communication campaign,

it will be conducted through several channels such as the Open Government System (OGS), social media, the National Orientation Agency (NOA), as well as women-focused NGOs and community-based organizations (CBOs). The percentage of total CofOs registered by women will be tracked, with a target increase of 15 percent against the baseline.

34. Citizen Engagement. Several DLIs are designed to strengthen citizen engagement and accountability by State MDAs towards the private sector and the public at large, including:
 - a. DL11 ensures citizen engagement through a FRILIA implementation. This will include a strong consultative component to ensure the process is subject to public scrutiny, utilizing (i) a Stakeholder Engagement Strategy to outline the consultation process, (ii) a social audit to ensure the satisfaction of all stakeholders, and (iii) community grievance redressal and conflict resolution mechanisms. The FRILIA implementation consultation process would be undertaken by the relevant States with capacity support from the Bank to help the implementation agencies understand the core components of a FRILIA. After the adoption of a FRILIA the states would embark on an agency-wide consultation and stakeholders buy in process, and then set up steering committees. The FRILIA principles would be domesticated to the institutional arrangements in each of the states. This process, called ‘unbundling the FRILIA framework’ is usually led by independent consultants, wherein the consultants engage thoroughly with all stakeholders (MDAs, non-state actors, community stakeholders) with a core interest in FRILIA. At the completion of the unbundling process, there is a sign-off of FRILIA by the stakeholders. Social audits would confirm the satisfactory implementation of FRILIA, which would ensure successful citizen engagement in the process.
 - b. DL15 on increased transparency of official fees and procedures will allow for citizen engagement through GRM focused on the business regulatory environment. GRMs would be housed under key State-level business-enabling environment MDAs, and the DLR-linked disbursement will require that these GRMs are operational and address a minimum of 50% of grievances within the specified service level agreements. This DLI will also require advance communication to the public on upcoming State-level changes to legislation, regulation, and fees.

35. The rationale for the result areas, and the description of program DLIs is shown in Table 1.2 below. The detail of the proposed DLIs, baseline, Prior Results, DLRs and State-level MDAs is shown in Annex 1.

Table 1.2: Summary Description and Rationale for Program DLIs

<p>Results Area 1: <i>Improved land administration and land-based investment process</i></p> <p>DLI 1: Improved efficiency in property registration and sustainability of the land-based investment process</p> <p><i>Rationale:</i> Ambiguous and inconsistent land administration impacts sustainable land-based investments. An estimated 3 percent of land is registered, and an estimated 70 percent of transactions take place in the informal sector. Persistent informality of land markets hinders states’ collection of revenue, precludes development of a modern cadaster and registration system, hinders land use planning efforts, limits access to finance, undermines security of tenure, and contributes to GHG emission. Furthermore, customary practices coexist with statutory land laws, which results in conflicting land administration</p>
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frameworks. In this environment, the private sector faces significant hurdles in identifying land for investment, with uncertainty around ownership, and the risk of conflicts to ensue before investments begin.

Description: This DLI supports Participating States to (i) promote more transparency in land administration, (ii) produce better quality and more transparent data on land ownership, and (iii) strengthen sustainability and transparency in the land-based investment procedures for large-scale agribusiness investments.

Results Area 2: *Improved regulatory framework for private investment in fiber optic infrastructure*

DLI 2: Improved regulatory framework for private investment in fiber optic infrastructure

Rationale: Fast, reliable, and accessible broadband is a key foundation for the growth of Nigeria’s digital economy, but Nigeria’s broadband infrastructure is underdeveloped. Only about 23 percent of Nigerians use broadband services, and companies commonly cite lack of reliable broadband access as a key constraint. Given broadband’s potential to improve productivity and enable new ventures, studies find that a 10 percent increase in mobile broadband penetration is associated with up to 2.5 percent of additional GDP growth per annum in Africa. To achieve Nigeria’s NBP 2020-2025 targets, Nigeria needs between 120,000 to 167,000 km of fiber infrastructure in addition to its current 55,000 km. At the state level, fiber deployment has been held back by excessive, untransparent, and inconsistent ROW fees, amongst other state levies.

Description: This DLI seeks to support states in (i) adopting right of way (ROW) fees of maximally NGN145 per meter for broadband without reformulating these as additional fees or levies to customers (i.e., aggregate per-linear meter fees capped at NGN145), and (ii) promoting transparency on ROW fees, processes, and approvals.

Results Area 3: *Improved services provided by IPAs and PPP units*

DLI 3: Development of an effective PPP framework

Rationale: Increasing states’ infrastructure stock and other key services requires mobilizing private investment at scale. Many states have recognized PPPs as a financing option for their infrastructure stock. However, today, unclear institutional arrangements on how a PPP transaction is developed, vetted, and implemented, and conflicting agendas across government agencies stall investments from developing in a timely, efficient, and consistent fashion. States lack adequate risk-management throughout the PPP lifecycle, particularly with regards to fiscal commitments and contingent liabilities.

Description: This DLI seeks to support states to establish a formal legal, regulatory and institutional PPP framework by (i) establishing State-level PPP coordinating units/agencies, (ii) adopting a PPP pipeline, (iii) adopting and publishing a PPP disclosure framework, (iv) adopting and disclosing a PPP Fiscal Commitment and Contingency Liability (FCCL) Management framework, (v) adopting and disclosing a PPP legal and institutional framework, (vi) establishing a State Project Facilitation Fund.

DLI 4: Improved Investment Promotion Environment

Rationale: The NDP 2021-2025 sets a target of increasing FDI to Nigeria by over 230 percent to US\$5 billion in the next 3 years. Well-organized IPAs and targeted investment promotion efforts are critical for governments to attract and retain FDI. Nigeria’s states lack IPAs with clear, legal mandates, appropriate internal organization, strategy, and capacity to deliver services to attract, support the establishment of and retain investors. There is currently also limited transparency on and access to updated information on the investment incentives available in states. Ensuring easier access to such information is key for investors to benefit from the business environment, and for state governments to reduce inefficiencies. Having a published and up to date inventory of investment (including green investment) incentives is also the first step to rationalize the use of incentives by comparing the costs and benefits and determining if such incentives are appropriate, effective, and sufficiently targeted to meet a state’s development objectives.

Description: This DLI seeks to support states to improve their legal and policy environment, and institutional framework on investment by (i) producing, disclosing and mandating the regular publication and updating of an inventory of investment incentives available in states; (ii) publishing the number of

entities receiving State incentives; (iii) legally mandating state-level IPAs to promote investment into the state; (iv) ensuring the IPAs have online presence, corporate plans, established key performance indicators; (v) enabling the IPAs to provide core services to investors; (vi) supporting the development of investor outreach and aftercare strategies; and (vii) increasing the number of investment announcements supported by the IPAs.²

Results Area 4: *Improved efficiency and transparency of government-to-business services*

DLI 5: Increased transparency of official fees and procedures

Rationale: Access to information to state fees, requirements and timelines needed for obtaining a service from government bodies, as well as changes in regulations and fees is impeded by lack of timely easily accessible information. In addition, changes to official fees, procedures and requirements are done on an ad hoc basis making it difficult to know the most up to date information. Service delivery timelines are difficult to obtain and adherence to timelines are not measured or published to hold government bodies accountable. In most states there is inadequate implementation of GRMs for complaints. Easier access to regulatory information such as fee schedules would allow for greater regulatory efficiency, lower compliance costs and better regulatory quality for businesses in the state.

Description: This DLI seeks to improve transparency and access to regulatory information by ensuring (i) the online publication of fees, procedures, service delivery timelines and mandatory advance communication of upcoming changes to fees and regulations of five key business-enabling environment MDAs on state website(s), (ii) functional GRM at two key State-level business-enabling environment MDAs with grievances receiving a response within the specified service level agreement, and (iii) monitoring and public statistics of compliance to timelines for service delivery by the MDAs.

DLI 6: Increased transparency of fees and levies for inter-state trade and increased exporter certification

Rationale: On average businesses spend about 9 percent of their revenues on transportation costs and these costs can be as high as 40-70 percent in Lagos, FCT, Bauchi, Abia and Cross River. In Nigeria, interstate haulage fees vary from state to state and can be high, thereby reducing the incentive to move goods across states and abroad. In the absence of a uniform and transparent schedule of levies and fees, such measures make state borders increasingly thick. While most of the trade barriers that Nigerian firms face require federal policy reform, states can support exporters by having functioning state export promotion agencies that connect firms with international markets. There is evidence that export promotion agencies contribute positively to increasing exports.

Description: This DLI supports increased transparency of fees and levies for inter-state trade and increased exporter certification by (i) establishing a new or strengthening existing grievance and redress mechanism for traders covering unauthorized payments, harassment, and in kind requests; (ii) clarifying the schedule of trade-related fees and levies and removing haulage fees; and (iii) strengthening the capacity of State Committees for Export Promotion (SCEP), which are funded by the state government to establish an export strategy and guidelines, and to increase the number of exporter certifications within the state.

DLI 7: Simplified state and local business tax regimes

Rationale: In several states the presumptive tax regimes are very complex with a large number of business categories, and different rates for micro, small, and medium-sized firms within each category. There are several policy and implementation issues that arise, such as unclear basis of definition of micro, small, or medium-sized firms; unclear basis of determination of fixed or lumpsum rates; businesses pay the same fixed fee, even in bad years; the fixed rates are regressive; and several business categories overlap leading to discretion that could encourage rent-seeking behavior. For the states' revenue, these rates are fixed and not indexed to inflation, which means in real terms the tax value is declining over time. There are multiple layers of taxation in Nigeria. State and Local taxes, fees and levies are opaque

² The DLI focuses on states that need to set up and strengthen their IPAs for better service delivery to investors. Establishing an IPA may not be feasible in the case of FCT given the need to obtain approval from the national assembly. It may also not be necessary since NIPC supports investors based in Abuja.

and difficult to understand. Businesses are often in a position of having paid one agency of state government and essentially the same taxes being followed up by another collecting agency. In many states once payments are made to government, receipts are often required to be resubmitted to the agencies before further action is taken. Rationalizing and streamlining/harmonizing the business tax codes, and electronically tracking and receipting the consolidated business payments, would make it easier and clearer for businesses, avoiding repeated interaction with the collection bodies. This would increase compliance and reduce time spent on paying taxes.

Description: This DLI supports the simplification of state and local business tax regimes increased transparency and harmonization of state taxes through (i) states amending existing legislation or passing new legislation to adopt presumptive turnover tax regime for small businesses; (ii) states subsuming business-related local government charges/fees/taxes into a consolidated demand notice; and (iii) the establishment of an electronic platform for the collection of taxes, levies and fees from businesses that provide an automated e-receipt generation.

DLI 8: Quick determination of commercial disputes

Rationale: The contractual environment and enforcement through courts is weak across most states, dampening business and investor confidence. Only 8 percent of SMEs, surveyed in 2021, had utilized the judicial system to enforce a breach of law, and when they do, businesses spent an average of 6.3 percent of their revenue on court costs. The low utilization of courts may be attributed to the relative high costs and complexity of the judicial process, and the overall difficulty in gaining access to justice. In addition, the time taken to receive justice for commercial disputes negatively affects businesses and potential litigants across Nigeria. According to the subnational doing business survey 2018, resolving a commercial dispute across Nigerian states takes 475 days and costs 37 percent of the claim value, on average. Simplified procedures or specialized courts for the resolution of small claims can enable policy makers to achieve two often competing goals at the same time: improving access to justice and increasing judicial efficiency.

Description: This DLI will support states at facilitating access to justice, in particular for smaller claims, through (i) the establishment of small claims courts for commercial disputes of MSMEs, (ii) instilling practice directions that facilitate access to justice and strengthen efficient court practices and encourage ADR, and (iii) the collection and publication of key performance reports for small claims courts.

1.4 Program Implementation and Institutional Arrangements

36. The Program's implementation and institutional arrangements will build on the SFTAS implementing arrangements (and related lessons learned), as well as the PEBEC-EBES structures put in place for its subnational initiatives. The institutional arrangements are as follows:

37. **National Steering Committee (NSC):** The proposed National Steering Committee brings together the PEBEC and the NGF SABER Ad-hoc Committee, chaired by the Vice President (VP). The proposed NSC was endorsed by NGF, PEBEC and NEC in July-August 2022. The PEBEC is chaired by the Vice President and comprises 10 ministers (including the minister of finance, budget and national planning), the Head of Civil Service of the Federation, Governor of the Central Bank of Nigeria, representatives of Lagos and Kano State governments, the National Assembly and the private sector.

38. **NGF SABER Ad-Hoc Committee:** The NGF has set up an Ad-hoc Committee for SABER similar to the NGF SFTAS Committee, chaired by the Governor of Gombe State, with the Governors of Anambra, Edo and Kwara, Oyo and Zamfara States as members.

39. **SABER Technical Working Group (TWG):** Learning from PEBEC’s subnational interventions, a TWG can be a useful forum to have more in-depth technical discussions on program design, and—once SABER is under implementation—program implementation challenges and solutions. In July 2017, a year after the establishment of PEBEC, the PEBEC model was brought to the state level to support states in their reform initiatives. A Subnational TWG was established, chaired by the PEBEC Secretary, and including state representatives from the 6 geo-political zones, organized private sector and private sector representatives, and public sector representatives. For SABER, a TWG has been established, drawing on both the EODB reform implementation as well as SFTAS experience. The SABER TWG is chaired by the PEBEC Secretary and consists of state representatives from the 6 geo-political zones and two legacy state representatives, representatives from HFD/PCU, technical representatives from EBES, the World Bank, NGF Secretariat, and the organized private sector (Nigerian Economic Summit Group, NESG).
40. **EBES:** PEBEC is supported by EBES, which is administratively housed in the Vice President’s office and headed by Secretary to PEBEC. EBES is the operational arm of PEBEC, assisting MDAs to implement the reform agenda of PEBEC. Regarding SABER, EBES will: (1) act as the secretariat to the SABER TWG; (2) lead the TA support to the states on the preparation of the State Business Enabling Reforms Action Plans (Eligibility Criteria), including related M&E and EODB surveys; (3) lead the TA support to the states on DLI 5 and DLI 8; (4) lead the private sector engagement; and (5) lead Program communications and outreach, in close partnership with the PCU and the PMF.
41. **PCU:** The PCU’s key functions are to: (i) ensuring the engagement of the IVA firm and ensuring verification of the achievement of the Eligibility Criteria and the DLRs, (ii) disbursing the proceeds of the Credit to the Participating States on the basis of Eligibility Criteria and DLR achievement; (iii) coordinating capacity building activities for the States, including engaging consultants and firms to ensure timely and effective capacity building for support on DLIs where EBES and PMF do not have capacity or expertise; (iv) conducting communications and outreach activities; (v) conducting monitoring and evaluation activities, and ensuring timely accounting and reporting for the Operation in line with the Results Framework; and (vi) ensuring compliance with the Program Action Plan, the Operations Manual, the Environmental and Social Commitment Plan (ESCP), and all applicable Bank policies, all as may be further specified in the Operations Manual. With some amendments to reflect SABER priorities and improve performance, the SFTAS PCU could support the accelerated preparation and implementation of SABER, and includes specialists working alongside Ministry staff, for program management, financial management, procurement, and communications.
42. **State level:** To support the implementation of the Program in each state, a state steering council will be established in each of the participating states. The membership of the council will include representation from the key state MDAs responsible for achieving the DLIs: governor’s offices, state ministries of finance, budget and planning, state ministries of trade, investment, commerce and industry, state ministries of land and urban planning, state IPAs, and state judiciaries. In view of the link between the achievement of the Eligibility Criteria

and the DLRs and state finances, and as the State Commissioner of Finance (COF) signs the Subsidiary Loan Agreement, the COF shall be represented on the council. As of August 2022, 32 states had appointed an EODB Reform Champion, and 17 states had established an EODB Council. Most state EODB Councils are chaired by governors or deputy governors, but other arrangements exist too. The suggested operating model is for the councils to be supported by coordinating offices, led by the reform champions. The coordinating offices focus on implementation and monitoring, and provide monthly reporting to the EODB Council, which meets monthly. In this suggested operating model, the EODB Council reports to the state executive council on a quarterly basis. Irrespective of the operating model chosen by the state, key responsibilities of each of the state councils are to approve the annual state business-enabling reforms action plan for achieving the Eligibility Criteria and the DLRs, which should include the annual capacity building activities for the state, to monitor progress of the annual state business-enabling reforms action plan, to review the state's result in the annual performance assessment (APA) by the Independent Verification Agent (IVA), and to take remedial action if the state is unable to achieve the Eligibility Criteria and the DLRs.

43. **Private sector engagement:** Considering SABER's objectives, private sector consultation meetings were held as part of SABER's preparation process, with PEBEC-EBES, PCU and NGF expected to continue the engagement process throughout the life of the Program. Organized private sector, if engaged meaningfully and constructively, can be a sounding board for reform identification as well as a 'watchdog' of the Program's progress towards its objectives. Organized private sector, represented by the Nigerian Economic Summit Group (NESG), has membership in the NSC and the TWG. With SABER expected to operate in many states and covering reform action for firms of all sizes, the private sector would ideally be organized in a similar way. Micro and small firms are less organized; however, EBES shall undertake efforts to get inputs from all sizes of firms, building on consultation meetings already held as part of the Program's preparation process and on PEBEC's experience since 2016 in engaging the private sector. Firms operating in the different sectors covered by the DLIs – agriculture, manufacturing, telecoms, etc., as well as organized private sector, such as the NESG, Manufacturers Association of Nigeria (MAN), Lagos Chambers of Commerce and Industry (LCCI), were engaged as part of the preparation process. In addition, through the DLIs/DLRs, opportunities for the private sector to get hands-on support (through Investment Promotion Agencies (IPAs)), report concerns, and hold State MDAs accountable for government-to-business services will be improved. The annual business-enabling reforms action planning process at the state level will also require the involvement of the private sector and other relevant stakeholders. Finally, PEBEC also systematically engages the private sector through a survey for its subnational EODB report. The survey can serve as an effective private sector feedback.

1.5 Excluded Activities

44. The Program will exclude activities that do not meet the World Bank's Policy on eligibility for PforR financing (September 2020). The borrower shall ensure that the Program excludes any activity which, in the opinion of the World Bank, are likely to have significant

adverse impacts that are sensitive, diverse or unprecedented on the environment and/or requires significant land acquisition, displacement and or resettlement of affected people.

45. The SABER PforR component will not support investments of particularly high environmental and social risks, and these will be excluded from financing under the Program. The program will exclude large-scale construction and rehabilitation work. It will not accommodate large-scale involuntary displacements and resettlements. It may accommodate limited / temporary involuntary displacements especially those along the right of way during fiber optic network installation / expansion. Also, any Program activity that entails large scale land acquisition will not be funded by the PforR. The Program will not accommodate activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing. An exclusion list of high-risk E&S activities which will specify activities/ impacts that will not be eligible for funding under the PforR as per the policies of the Bank will be prepared and included in the PIM. Tentative and general list of excluded projects are included in Annex 7.

1.6 Scope of the Environmental and Social Management System Assessment (ESSA)

46. The ESSA for the program examines the extent to which the Federal and State Government's existing environmental and social management systems: operates within, an adequate legal and regulatory framework to guide environmental and social impact assessments, mitigation, management and monitoring at the PforR Program level; It evaluates how the system incorporates recognized elements of good practice in environmental and social assessment and management, via due diligence including: (i) early screening of potential impacts; (ii) the consideration of strategic, technical, and site alternatives (including the "no action" alternative); (iii) explicit assessment of potential induced, cumulative, and transboundary impacts; (iv) the identification of measures to mitigate adverse environmental or social risks and impacts that cannot be otherwise avoided or minimized; (v) clear articulation of institutional responsibilities and resources to support implementation of plans; and (vi) responsiveness and accountability through stakeholder consultation, timely dissemination of the PforR Program information, and responsive grievance redress mechanisms; among others. Based on these findings the ESSA thereafter defines measures to strengthen the system and recommend measures that will be integrated into the overall Program.
47. This ESSA has been prepared for the SABER Program to ensure consistency with the "core principles" outlined in the World Bank's policy for the PforR instrument to effectively manage the Program's risks and impacts while promoting sustainable development. These six core principles are:
- a) **General Principle of Environment and Social Management:** Program E&S management systems are designed to (a) promote E&S sustainability in the Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program's E&S effects.
 - b) **Natural Habitats and Physical and Cultural Resources:** Program E&S management systems are designed to (a) promote E&S sustainability in the

Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program's E&S effects.

- c) **Protection of Public and Worker Safety:** To protect public and worker safety against the potential risks associated with: (a) construction and/or operations of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.
 - d) **Land Acquisition and Loss of Access to Natural Resources:** To manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards.
 - e) **Vulnerable Groups:** To give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups.
 - f) **Social Conflict:** To avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial dispute.
48. In line with the six core principles above, the relevant risks directly associated with the SABER Program activities and indirectly given the achievement of the program activities under the DLIs and within the proposed Result Areas (RAs) under the PforR covers environmental and social issues and include:
- a) Potential generation of e-waste given the digital data-centric and indexed database for Certificates of Occupancy (CofOs).
 - b) In case of poor implementation of FRILIA, induced increase pollution due to environmentally unsustainable agriculture practices.
 - c) Indirectly, temporary displacement of people, primarily low-income people selling their wares or residing along the right-of-way for the deployment of fiber optic network.
 - d) Indirectly, the expansion and deployment of fiber optic networks given standardized ROW fees will lead to the generation of dust resulting in air pollution.
 - e) Indirectly, there could be increase in carbon emissions due to use of off-grid diesel generators at cellular sites linked to fiber deployment.
 - f) Indirectly, there may be GBV and SH due to the influx of workers deploying fiber optic networks.
- Indirectly, expected environmental and social risks, such as risks due to construction and rehabilitation and involuntary resettlement associated with PPP projects (that may materialize after Program completion), given weak E&S systems in most states.
49. The details of applicability of Core Environmental and Social Principles (CP) to SABER PforR Result Area and Disbursement Linked Indicators (DLIs) is presented in Annex 2 while the environmental and social benefits of the program is presented in Annex 3 and summarized in section 3 of this ESSA. Summary of DLIs Applicability by Core Principle is presented in the table below:

Table 1.3: Summary of DLIs Applicability by Core Principle

DLI #	DLI Description	Applicability by Core Principle	
		Environment	Social
DLI 1	Improved efficiency in property registration and sustainability of the land-based investment process	CP1	CP4
DLI 2	Improved regulatory framework for private investment in fiber optic infrastructure	CP1	CP3, CP4 and CP5
DLI 3	Development of an effective PPP framework	CP1	CP3, CP4 and CP5
DLI8	Quick determination of commercial disputes		CP1

1.7 Objectives of this ESSA

50. The specific objectives of this ESSA are to:

- a) Identify the potential environmental and social impacts/risks applicable to the Program's interventions;
- b) Review all relevant Nigerian policy and the legal framework of the Government of Nigeria (GoN) and relevant State Governments related to management of environmental and social impacts of the Program's interventions;
- c) Review the environmental and social due diligence and management procedures and institutional responsibilities that are being used by the GoN for the SABER program
- d) Assess capacity within domestic revenue generation institutions and Environmental and Social management within the public sector operating systems of the GoN put in place for environmental and social impact management within the Program system;
- e) Assess the Program's system performance with respect to the core principles of the Program-for-Results (PforR) instrument as well as to identify gaps in the Program's performance.
- f) Recommended actions to fill gaps identified that will be embedded into the Program Action Plan (PAP) to strengthen the Program's performance with respect to the core principles on Environment and Social of the PforR instrument to ensure sustainable implementation via good due diligence.

51. The overall environmental and social risks have been assessed and deemed to be **Moderate**. Although there are limited direct environmental impacts due to the Program, the indirect impacts due to the achievement of the DLIs, for example, expansion of fiber optic network due to achievement of DLI2, may pose some E&S risks. However, actual Program activities are thus not likely to require significant changes to the borrower's overall environmental and social systems. The program was generally assessed as moderate because combined with the social impacts, there could be some improvements in environmental and social management approaches due to envisaged environmental and social risks outlined in section 3. Overall, the program risks and impacts are not likely to

be significant, not complex, low in magnitude, predictable and expected to be temporary and/or reversible; and low probability of serious adverse effects to human health and/or the environment and mitigation measures are readily available, including use of exclusion list.

1.8 Approach of ESSA

52. The ESSA was prepared by the World Bank team through a combination of detailed reviews of existing program materials and available technical literature, including policies, regulations, guidelines and examples of due diligence and design documents, interviews and extensive consultations with government staff, non-governmental organizations, regulatory agencies, private sector organizations and sector experts associated with public revenue generation. The findings, conclusions, and opinions expressed in the ESSA are those of the Bank based on the analysis conducted.
53. An environmental and social risk screening of proposed activities was undertaken at the concept stage. The purpose of the screening was to:
- Confirm that there are no activities that meet the defined exclusion criteria included in the PforR in line with the Bank Guideline for the ESSA; and
 - Establish the initial scope of the ESSA. This includes the identification of relevant systems under the PforR and relevant stakeholders for engagement and consultations.
54. The ESSA process was informed by the Bank Guidance on PforR Environmental and Social System Assessment (September 2020). The guidance sets out core principles (See Section I.5) and planning elements used to ensure that PforR operations are designed and implemented in a manner that maximizes potential environmental and social benefits while avoiding, minimizing, or mitigating environmental and social harm.
55. Following the initial screening, the system review was conducted using a two-step approach:
- Identification of relevant systems that are pertinent to the ESSA was addressed in Section IV which presents an overview of relevant government environmental and social management systems; and
 - Assessment of CLIENT'S environmental and social management systems for consistency with the applicable Core Principles including capacity and enforcement of certain environmental and social measures, was addressed in Section V while environmental and social recommendations was addressed in Section VI.

SECTION II: STAKEHOLDER CONSULTATION

56. This section provides a summary of the stakeholder consultation activities undertaken for the ESSA as well as future engagement activities for ESSA disclosure. Initial consultations held with government officials and some stakeholders over a period led to the formulation of SABER Program. The outcomes of those consultations are embedded in this Program and influenced its design.
57. The ESSA process includes extensive stakeholder consultations and disclosure of the ESSA Report, following the World Bank Policy and Directive for Program for-Results Financing and Access to Information Policy. Currently, the ESSA consultation process is embedded in the Program consultation process. Initial consultation regarding the ESSA was carried out for two days on July 19 and 20 2022. World Bank specialists consulted with different stakeholders, especially federal and state government agencies. The consultations were virtual via Microsoft Team meeting. The team consulted the representatives of a sample of potential Program States, namely Edo, Ekiti and Nasarawa, for day one and Enugu, Gombe and Kaduna for day two. The teams comprised top government officials responsible for the environmental and social management, the focal point for SABER in each state, etc.
58. Although all the 36 states and FCT that meet the eligibility criteria (see Annex 1) can participate in the program, the six states were initially sampled for assessment because of the following reasons: (i) they represent the six political zones; (ii) they are members of the TWG for the SABER program; (iii) they are likely participating states in the Program.
59. During the consultation, the details of the SABER program, World Bank ESSA guidance requirements and ESSA process and methodology were presented to the stakeholders. The Bank team also had discussions with the states' representatives, who provided information regarding their E&S systems based on questions (see Annex 8) posed to them. The state government representatives later provided some requested documents regarding their E&S systems and also written answers to the questions. The summary of the responses provided by the different states (representative of the different geopolitical region) is presented in Table 2.1. The details of the discussions during the consultation is presented in Annex 4. A follow-up consultation was also held on the August 17, 2022, where the findings of the ESSA were presented to the stakeholders representing all Nigerian states and FCT as well as the organized private sector and civil society organizations (See Annex 11 for participants list). Table 2.2 and 2.3 shows the questions by stakeholders during the presentation of prepared ESSA, as well as the E&S safeguards documents linked to the \$20 million IPF Component of the Operation, namely the Stakeholder Engagement Plan (SEP) and the Environmental and Social Commitment Plan (ESCP).

Table 2.1: Summary of response from State teams during the consultation

State	Summary of Response
Ekiti	From Ekiti representatives' response, the State's framework always requires some refinements but at least looking at the results areas, the State has some robust frameworks for E&S management and is working on some. The State has carried out a number of development partner or donor projects over the last two years, and thus, has a mechanism for handling environmental and social issues regarding projects and program. The State has a robust gender policy and the track record of dealing with GBV is second to none across the country. The State have some experience with the private sector. They are at two levels. One would be things that are public-private partnerships in nature, and the other would be purely private sector institutions. They rely on extant Federal Government's regulatory framework, where applicable, to monitor firms' compliance to environmental standards within their state. Approvals are given if the individual or firm met all the federal requirements.
Edo	From Edo representatives' response, Edo has a procedure for land acquisition although public consultation s limited. Issues of displacements arising from investments are channeled to Edo State Investment Promotion office. The State also has a Private Property Protection Law (PPPL) and an Implementation Committee for the PPPL that is charged with the responsibility of improving land administration in the State. Edo State, according to the team, has a procedure for grievance redress regarding land acquisition related matters. Legal and mediation department of Edo GIS has a walk-in-system where everyone with grievance is free to report and are attended to. No environmental clearance for broadband infrastructure development. Conduct EIA for PPP projects in collaboration with the Federal Ministry of Environment.
Enugu	From Enugu representatives' response, Enugu has a procedure for land acquisition through the ministry of lands although they do not operate a GIS platform. The Ministry of Environment's Pollution and Ecology Departments are responsible for issues related to environmental assessment for example EIA and Environmental audit however, there is no legal backing as the Enugu State Waste Management Agency (ESAWAMA) law did not provide for EIA. The Ministry collaborate with the Federal Ministry of Environment on environmental assessment. The Ministry of Gender Affairs and Social Development has a department of Social Welfare that is responsible for GRM.
Gombe	From the response of the team from Gombe, the Ministry of Environment and Forest Resources (GSMEFR) carries out impact assessment on behalf of government and there is no law or regulation guiding the activities of the ministry. The team representing the state indicated that they adopt federal environmental regulations and laws for environmental assessment. Although the State has a Ministry of Women Affairs and Social Development, they do not have the legal framework for gender activities – the executive bill is currently at the House of Assembly. The State has a referral pathway and action plan for victims of gender-based violence, however, weak capacity a major problem
Kaduna	The Kaduna team reported that the state has an environment protection law and a number of environmental regulations that can guide environmental issues relating

	to PPP. The also indicated that they cooperate with the Federal Ministry of Environment on environmental assessment. They reported that they have a robust policy and legal framework for dealing with social risks. They also reported that the State adopted a robust GRM with a quick method of reporting grievance through an App developed by the state. The State equally has GBV response team to quickly deal with issues of sexual and GBV, and SH.
Nasarawa	The Nasarawa team reported that the state has some legal and regulatory framework for environmental management, however, the environment law did not cover issues related to environmental assessment, for example, EIA. The State team indicated that there is insufficient pool of experts, lack of capacity and infrastructure are major constraints to environmental management. They also reported that the state has robust legal and regulatory framework for managing social issues relating to gender parity and women empowerment, gender-based and domestic violence, social safety nets, and social inclusion. However, poor capacity, lack of manpower and equipment are major constraints.

Table 2.2: Questions from state teams based on ESSA presentations and responses from World Bank team members

Question	Response
There happens to be a little mix up in the DLI numbering. The first presentation shows DLI 1,2,3,4 and today the numbers differ eg, DLI 3 to do with PPP and we know it to be for ROW and 2 has to do with energy.	The program is still under preparation so changes may occur in the DLIs. The government led by PEBEC has consulted with the state on the design of the program and there has been feedback form stakeholders and states and as a result, we have reduced the DLIs, and the government has also chosen to reduce the number of DLIs for the government program and drop DLI related to electricity, risk-based licensing and workers’ skills. The current design of the program has been reduced from 11 DLIs to 8 DLIs.
The recommendations made had to do mainly with E&S officers to the states. Where is the place of E&S consultants? Are they going to be handled also at the states or centrally? We want to see that it is also included in the work plan	The PforR aims to strengthen the government system, thus we recommended that the PCU be strengthened with E&S expert. The idea of the program is not to inject consultant capacities into the states but to utilize and strengthen the existing capacities in the states.
Why is the office of the surveyor general of the state is not involved in the issue of land use and land act matters?	The presentation only gave limited set of key level MDAs expected to coordinate the whole program. For each DLI, the state will have to bring together a wide range of MDAs because of cross cutting nature of business enabling reforms. It was not specified which agency should achieve each DLI.

<p>States that have ministries that have implemented the VAP law, GBV, child right and cross river state is not mentioned, and Cross River state Ministry of women affairs has been acclaimed the best in GBV reporting by Federal ministry of women affairs and have been granted the VAP law, child right law</p>	<p>The program is kept as flexible as possible to reflect different state have different way of organizing and achieving results.</p> <p>Some criteria were used in selecting the 6 states sampled for the ESSA and Cross river state was not among them.</p> <p>The same program is open to all states and FCT, however some states were looked in detail as sample, but all states are invited to join the Program and meet the eligibility criteria.</p>
<p>Since DLI 1.2 on framework for responsible investment on land intensive agriculture, issuance of CofO is based on private sector investment interest, what is the role of gender when you said on the last year of the program, you will measure states that have issued 20% CofO to female gender. What is the role of the state in instigating the application of CofO since it is investment that is interest driven?</p> <p>Are the DLIs cast on stone? Will the inputs of this consultation be used to redesign the DLIs?</p> <p>What is the role of the state in measuring the extent of broadband deployment when we know it is private sector driven</p>	<p>Both the government and the Bank, as part of all development programs, always look for opportunities to improve the gender aspects of these programs. The program also has technical assistance component with the states getting support in designing the intervention that will help them in terms of increasing the shares of female or jointly owned CofO.</p> <p>To date, NGF has endorsed the program and as of yesterday [August 16, 2022] also PEDEC. The program with this DLIs will be proposed to NEC on Thursday [August 18, 2022]. And the government consultation on design of the program has been largely completed. Today we are discussing the E&S issues that may come as a result of the program and how to best mitigate the risks and to ensure environmental and social sustainability.</p>
<p>The fund is a grant from the federal government and for on lending to the state, can this be elaborated?</p>	<p>The decision by the honorable minister of finance is that the loan the federal government will receive will be passed on to the states at the same terms as the federal government receives the loan. This comes from the consensual financing from the World Bank so the terms of the loan will expect to be incredibly attractive to the states.</p>
<p>The first disbursement will happen in Dec 2022, how much is it and what is the criteria.</p>	<p>Achievement of each prior result will result in indicative disbursement of an allocation of USD0.5 M to 4M USD (for select stretch targets).</p>
<p>Prior result compilation has started since May 31st and is ongoing. We haven't received any guideline to submit. Are we left out?</p>	<p>Information on this has been shared with the Ease of Doing Business reform champions and the commissioners of finance; they will be the one to know the details of this. It started last May and</p>

	continues till the signing of the financing agreement by the FMFBNP. FMFBNP and PEBEC have agreed that the reform and pushing in communication to the states aggressively will be after the negotiation of the loan, expected in late August/early September.
<p>Elaborate on the role of Nigerian communication commission on the broad band deployment and the states to clearly understand there are issues around the ROW and private sector investment</p> <p>For the e-waste, how do we look at the opportunities between the solid waste, e-waste sorting and being able to stimulate an investment and huge opportunity in the waste value chain</p> <p>How do we link possibilities identifying of carbon credit climate change financing strategy and how it will benefit the blue economy effective</p>	<p>The actual activity is the implementation of the ₦145 per meter right of way, which will trigger broad band deployment. The NCC is not directly involved because the actual activity of the DLI is only the reform of the ROW charge. There are lots of opportunities to improve e-waste management, but those are not captured in this program and recommendations have been made that states should develop a strategy to deal with e-waste either by creating a value chain or market for e-waste to manage it which will be seen during implementation.</p>
There is an aggregation on what is better defined economic issues and social benefits relating to belief system	It is socio-economic. Core principle 5 refers to issues relating to cultural, indigenous and vulnerable people.
Conditionality for the loan has been made known to the federal government, as states we dire to know the conditions attached to the state such that when the conditionalities are not favorable to the state, the state can decline participation in the program.	<p>Period of the loan and interest rate will be passed on from the federal government to the states and as soon as this has been clarified, the federal ministry will communicate about that.</p> <p>The state will receive disbursement against the achievements of the results, in line with the concept of result-based financing.</p>
With previous experience on other PfoR, states were able to achieve some results and because of lack of standardization, the IVAs will come and disqualify some states on certain results and qualify some. My plea is sample of all results in this program be made clear and categorical so that while state perform will know whether they are on track or not	<p>We agree it will be very important that there will be standardization across the states especially in programs of this nature that spans across multiple states.</p> <p>The TA component will set up frameworks documents and guidance for each of the result areas and prepare and share templates that include key information that will be put up on the website.</p>

Question	Response
We look forward to see the document to go through it again and the capacity building scheduled for September and March	The documents have been disclosed and links have been shared earlier. please go through if you have any questions.

<p>This is an entirely new concept being introduced to program management and government activities, to bring this in may create difficulties in taking in the ESCP and require a lot of awareness on the side of Government and the public to make headway. For e.g the physically challenged are behind and are mostly neglected in government office</p>	<p>The ESF is no additional activity or burden as the ESF provides better clarity on the E&S requirements, roles and responsibility expected of different actors in the course of project preparation, and implementation. In addition, the ESF provides the flexibility, adaptability, and proportionality required for effective and sustainable development programs. Above all the World Bank task team is always available to provide the needed support.</p>
<p>How do we access the component 20M USD for the 36 plus 1 state?</p>	<p>This is not like PfoR where you achieve your DLI to get your money. It will be used to implement technical assistance. The states are the beneficiaries of this technical assistance, but he technical assistance is managed by the federal Program Coordinating Unit. It also finances the independent verification agenda (IVA). The 20M USD IPF component will be implemented by the Program Coordinating Unit (housed in the Home Finance Department), the PEBEC-EBES team and the NGF at the federal level while the 730M USD for PfoR will be disbursed to the states when the states achieve results.</p>

SECTION III: DESCRIPTION OF EXPECTED PROGRAM ENVIRONMENTAL AND SOCIAL IMPACTS

3.1 Overview of Program Risks and Benefits

60. Nigeria's business environment challenges are limiting private sector-led economic growth and development. To create a more resilient business environment, the World Bank is supporting the government of Nigeria's SABER program with a PforR Program to accelerate the implementation of critical actions that improve the business enabling environment in Nigeria's states.
61. The PforR component of SABER will generate some E&S benefits and risks. The E&S risks of the Program have been assessed and deemed to be **moderate** given the expected E&S risks associated with improved land administration and land investment processes, and improved business enabling infrastructure, among others. The environmental risks include e-waste due to an increased use of ICT in land administration, generation of emissions due to electricity use in the deployment of fiber optic network and broadband infrastructure as a result of achievement of DLI2, e-waste, waste, dust, and air pollution from the deployment of broadband network, among others. On the other hand, improved land management and increased deployment of fiber optics and associated increase in the use of broadband network due to achievement of DLI2 is expected to have some climate co-benefits especially reduction in greenhouse gas emissions, and thus will facilitate the achievement of the emission targets Nigeria pledged in its Nationally Determined Contribution (NDC). The details of critical environmental and social risks and benefits associated with specific DLI in SABER PforR is presented in Annex 3.

3.2 Expected Environmental Benefits

62. The activities of the SABER PforR Program will result in some direct and indirect environmental benefits. Implementing the activities involved in DLI1 (**Improved efficiency in property registration and sustainability of the land-based investment process**) is expected to limit land grabbing for investments and its ecological consequences, especially uncontrolled land use change which could result in increased carbon emissions, erosion, and land degradation. Also, there is the possibility of reduced carbon emissions from improved land management for agriculture. Improved transparency and sustainability in property registration will also reduce uncontrolled land use change and its consequences. In addition, strengthening the social and environmental framework of land allocation through the adoption and implementation of the Framework for Responsible and Inclusive Land Intensive Agricultural Investments (FRILIA) can help forestall biodiversity loss and serve as an enabling environment for the achievement of land degradation neutrality (LDN) in the states. The enabling environment for LDN is “the combination of contextual elements that enable progress towards LDN”³, that is, a situation

³ Akhtar-Schuster, M., Thomas, R. J., Stringer, L. C., Chasek, P. & Seely, M. (2011) Improving the enabling environment to combat land degradation: Institutional, financial, legal and science-policy challenges and solutions. *Land Degradation & Development*, 22, 299-312.

where there is no net loss of the land-based natural capital relative to a reference state, or baseline⁴.

63. Also, increased deployment, access and use of the broadband network given new ROW fees of N145/meter, as covered in DLI2, could help reduce greenhouse gas emissions. This is because the use of broadband internet could facilitate reduced movement of people to offices as they work from home, thus reducing the amount of fossil fuel burnt and the associated reduction in emissions. Thus, companies can reduce both their energy use for keeping people in offices and the associated emissions.
64. Regarding DLI3 (**Development of an effective PPP framework**), realizing the indicator could indirectly facilitate building climate-friendly infrastructures and help reduce carbon emissions. For example, installing renewable energy power generation systems through a PPP arrangement can help mitigate carbon emissions.
65. An improved Investment Promotion Environment (DLI4) is expected to indirectly facilitate investment in climate-friendly projects that can help reduce carbon emissions. For example, it can facilitate private investments in renewable energy power generation systems, or clean cooking can help mitigate carbon emissions.
66. Also, increased transparency of fees and levies for inter-state trade and increased exporter certification (DLI 6) can facilitate firms' access to modern technologies that enable efficient production processes that can reduce the use of energy, water and other environmental resources in production⁵. It can also facilitate the use of climate-friendly technologies and thus reduce carbon emissions and climate change impacts.
67. In addition, realizing DLI7 (**Simplified state and local business tax regimes**) will facilitate the payment of environmental taxes and levies, for example, waste management fees, by firms, enhance states' revenue and thus facilitate environmental management.

3.3 Expected Environmental Risk and Impacts

68. SABER PforR activities generally have limited direct environmental impacts, as the program does not involve construction or rehabilitation activities but focuses on improving the business-enabling environment across the states. This sub-section thus describes the direct and indirect environmental impacts of the Program. Generally, there is a probability that some states cannot manage environmental risks associated with the program due to lack of capacity and thus would build the capacity and update the knowledge of the environmental staff of the PCU. Regarding the DLIs, implementing or achieving DLI1 has the potential to generate e-waste given the digital data-centric for land documentation and indexed database for Certificates of Occupancy (CofOs). Also, the pilot implementation of FRILIA may indirectly be associated with some environmental risks due to slippage from

⁴ Cowie, A. L., Orr, B.J., Castillo Sanchez, V.M., Chasek, P., Crossman, N.D., Erlewein, A., Louwagie, G., Maron, M., Metternicht, G.I., Minelli, S., Tengberg, A.E., Walter, S., Welton, S. (2018). Land in balance: The scientific conceptual framework for Land Degradation Neutrality. *Environmental Science & Policy*, 79(), 25–35. doi:10.1016/j.envsci.2017.10.011

⁵ How are trade and environmental sustainability compatible? <https://www.oecd.org/trade/topics/trade-and-the-environment/>

sustainable agricultural practices (i.e., poor implementation of FRILIA), possibly resulting in uncontrolled pesticide and fertilizer application; habitat alteration; and carbon emissions. However, the Program does not finance poor implementation of FRILIA, and instead only disburses against the successful pilot implementation of FRILIA, as confirmed by a social audit.

69. The achievement of DLI2 (Increased fiber optic network deployment and access to broadband), which involves the full implementation of new ROW fees at ₦GN145 per meter via standardized, transparent processes, is not expected to impact the environment directly. However, with increased broadband network deployment due to the new ROW fees, the laying of fiber optic cables will involve clearing and the excavation of soils to lay the cables. These activities will, in turn, result in environmental consequences, for example, the generation of waste and dust resulting in air pollution and risks of obstructing drainage networks and water pollution. In addition, e-waste will also be indirectly generated if the DLI is achieved. This will result from the deployment of the broadband network and indirectly be generated from ICT applications associated with it, for example, data centers, and e-administration platforms. E-waste causes air, water and land pollution and possess human health risks⁶. Also, some cellular sites may use off-grid diesel generators resulting in air pollution and increased carbon emissions. In addition, the extension of broadband optic fiber networks requires electricity which will also lead to the burning of fossil fuels and an associated increase in emissions.
70. The development of an effective PPP frameworks (DLI3) through the establishment of formal legal, regulatory and institutional PPP framework with strengthened analytical capacity of relevant MDAs for project design and implementation is not expected to impact the environment directly. However, the achievement of the reform is expected to indirectly (and beyond the Program period) lead to the establishment of PPP projects in the different sectors in the states, including possibly power, transport ICT, among others with some associated environmental consequences, for example, air, soil and water pollution. Thus, there will be a need to strengthen environmental and social systems in the states to be able to deal with the expected environmental risks that will be associated with the achievement of this DLI. Likewise, although the implementation of activities involved in DLI 4 (Improved Investment Promotion Environment) would not directly impact the environment, it could lead to more investments in the States and indirectly pose environmental risks, especially if projects are poorly screened for environmental risks before establishment.

3.4 Expected Social Benefits

71. The SABER PforR has a lot of social benefits that will result from the achievement of the DLIs. Generally, reforming of the business environment “can result in substantial benefits for an economy including faster growth, less unemployment, more gains from trade, greater

⁶ Rajesh, R., Kanakadhurga, D., and Prabakaran, N (2022) Electronic waste: A critical assessment on the unimaginable growing pollutant, legislations and environmental impacts. *Environmental Challenges* 7, 100507. <https://doi.org/10.1016/j.envc.2022.100507>

formalization, reduced poverty, less corruption and lower budget deficits”⁷. It can foster market development, encourage competition, and make other development interventions effective and sustainable⁸. Figure 3.1 shows the summary of the different levels of social benefits for the program.

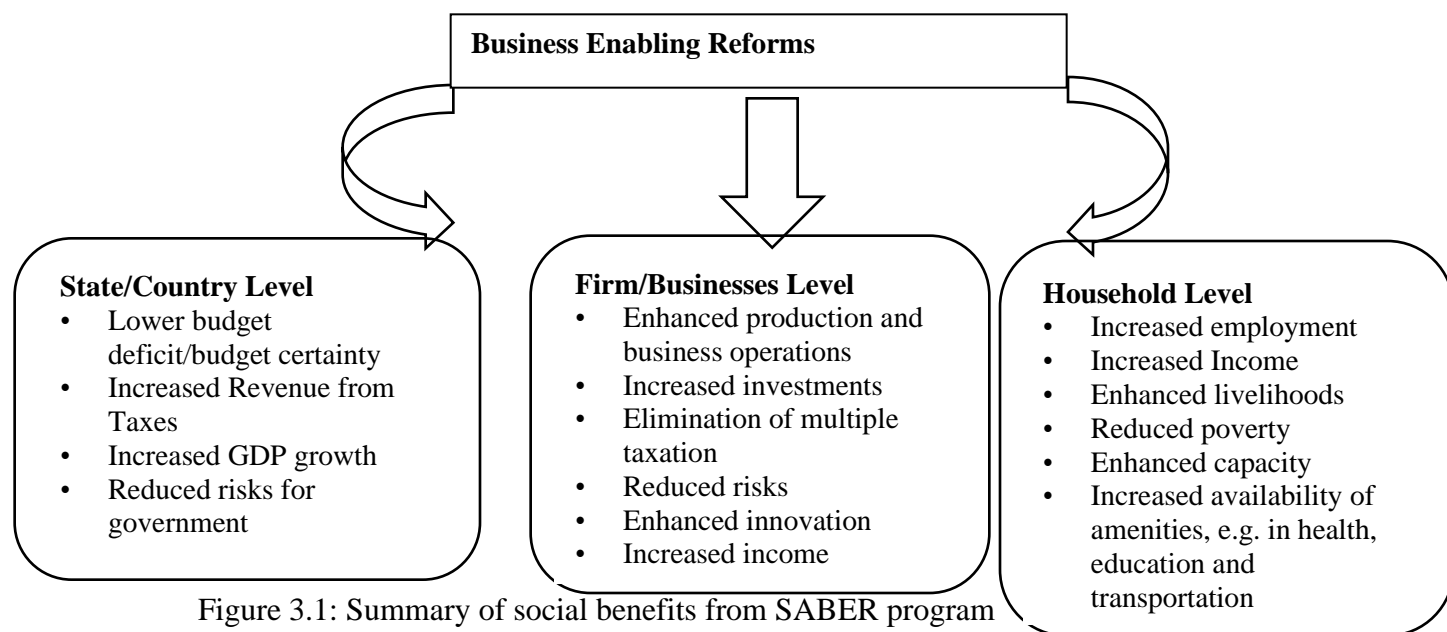


Figure 3.1: Summary of social benefits from SABER program

72. Specifically, direct social benefits that could result from the achievement of DLI1 (**Improved efficiency in property registration and sustainability of the land-based investment process**) include: secure property rights, effective monitoring of land use, increased inflow of investments, and increased access to finance for investment purposes. Also, there is a possibility of increased government revenue from property tax, land rent and fees, and increased investment in development projects due to increased government revenue, and hence reduced poverty and enhanced livelihoods.

73. Furthermore, DLI 2 (**Improved regulatory framework for private investment in fiber optic infrastructure**) is associated with some social benefits. The deployment of fiber optic network will increase access to broadband internet and thus enhance firms’ business operations, production and income. Enhanced income of firms also translates to increased revenue for the government from sales and income taxes and increased GDP. Evidence from studies show that a 10 percent increase in mobile broadband penetration is associated with additional global GDP growth of not less than 0.7 percent, and additional GDP growth in Africa of up to 2.5 percent.⁹

⁷ USAID MarketLinks. <https://www.marketlinks.org/good-practice-center/value-chain-wiki/business-enabling-environment-overview>

⁸ Donor Committees for Enterprise Development (DCED)- Why business environment reform. <https://www.enterprise-development.org/what-works-and-why/evidence-framework/rationale-for-ber/>

⁹ Edquist, Harald, Peter Goodridge, Jonathan Haskel, Xuan Li, and Edward Lindquist. 2018. “How important are mobile broadband networks for the global economic development?” *Information Economics and Policy* 45, pp. 16-29; ITU. 2020. “How broadband,

74. **DLI3 (development of an effective PPP framework)** could reduce risks for the government as the risks involved in projects are shared between the government and private investors. Also, it can create budget certainty and free up resources meant for other capital projects for distribution to different socio-economic and development sectors that impact more on the poor and vulnerable, such as education, health and agriculture. This will help improve the income, health and livelihoods of the poor and vulnerable. It can also facilitate the speedy and more efficient provision of social and economic infrastructure, for example, in the transport and health sector and thus enhance the achievement of the SDGs. Achievement of this DLI can improve government tax revenues and therefore support the provision of infrastructures and amenities needed by the people and thus enhance economic growth and poverty reduction. The DLI, if achieved, can potentially facilitate employment generation, for example, through the construction of infrastructure and the establishment of institutions that would require human resources for its operations.
75. An improved Investment Promotion Environment (DLI4) can indirectly facilitate private investments in different sectors of the economy and thus enhance job creation and reduction in unemployment, increase income for the people and poverty reduction. Also, realizing increased transparency of official fees and procedures (DLI5) is expected to reduce multiple taxations as often complained about by enterprises and company owners, reduce corruption in official processes and procedures regarding businesses and enhance increased business investment in the states.
76. In addition, increased transparency of fees and levies for inter-state trade and increased exporter certification (DLI6) will enhance innovation, improve the productivity and income of firms and businesses and enhance economic growth. It will also enhance employment and the development of a skilled workforce and equally benefit consumers as competition makes them have access to affordable goods and services.
77. In addition, DLI 7 (**Simplified state and local business tax regimes**) would help eliminate multiple taxation of firms and thus enhance their income. Also, it can enhance government tax revenues and thus support the provision of infrastructures and amenities needed by the people and thus enhance economic growth and poverty reduction. Also, DLI 8 (**quick determination of commercial disputes**) can facilitate private investments in the state, as investors would be more comfortable investing when they are sure that their assets are secured and can quickly obtain justice where their rights are infringed.

3.5 Social Risks and Impact

78. Like environmental risks, some of the social risks are direct, while some are indirect and result from the achievement of the DLIs and not actual activities relating to the DLIs. For example, social risks as a result of DLI 1 could indirectly result from ineffective GRM in land acquisition, thus impacting livelihoods and living standards, especially of the vulnerable groups, negatively. Indirectly, there could be elite capture, the challenge

regarding title owner determination, gender-based violence (GBV) and sexual harassment (SH) due to poor land acquisition and resettlement procedures. Furthermore, the achievement of DLI 2, that is, full implementation of the new ROW fees at NGN145 per meter via standardized, transparent processes, will result in the deployment of fiber optic cable. This may, in turn, lead to the temporary displacement of people, primarily low-income people selling their wares or residing along the right-of-way. In addition, due to the lack of an effective GRM, the system may not appropriately redress the grievance of those impacted due to the deployment of fiber optic networks. It thus may negatively impact the livelihoods of poor and vulnerable people. Also, deploying fiber optic networks may harm workers and pose public safety. There could also be GBV and SH due to the influx of workers deploying fiber optic networks.

79. The achievement of DLI3 could indirectly lead to temporary displacement, land acquisition and resettlement issues due to a PPP project that may be implemented after Program close. For example, this DLI could indirectly result in voluntary or involuntary land acquisition and grievances among people who may be displaced from lands for PPP projects that may materialize post- program, especially where the land acquisition process for PPP projects that may materialize post-program is not well spelt out. It could enhance underlying tensions between landowners and pose a security risk, especially where property rights are not well defined. Given ineffective GRM in some states, this could negatively impact the income and livelihoods of those involved. Also, there could be disproportionate benefits to investors, which may lead to minor conflicts. Stakeholder agreements on some issues could be overlooked in setting up PPP projects, thus leading to limited benefits to locals and vulnerable stakeholders and minor disputes. In addition, achievement of this DLI can indirectly result in GBV and SH, especially with increased PPP projects that may materialize post-program and subsequent construction and rehabilitation activities and associated activities.

SECTION IV: OVERVIEW OF RELEVANT BORROWERS ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS

80. The government of Nigeria (GoN) has several policies, instruments and laws which support environmental and social management and environmental and social impact assessment processes. There are a number of sectoral policies which provide directives to integrate environmental and social considerations in the decision-making process to avoid or minimize impacts associated with program implementation. This section summarizes the policy, regulatory, institutional and legal frameworks for environmental management Nigeria.

4.1 The Constitution of the Federal Republic of Nigeria (1999) as Amended

81. The basis of environmental policy in Nigeria is contained in the 1999 Nigerian Constitution of the Federal Republic of Nigeria. Pursuant to section 20 of the Constitution, the State is empowered to protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. In a similar way, social policy in Nigeria also takes its origin from the 1999 Nigerian Constitution of the Federal Republic of Nigeria. Section 17 encourages the state to pursue equality of rights, equal pay for equal work, obligations, opportunities and human dignity for all citizens. In addition, the state shall avoid social exclusion and discrimination of any form including gender, protection of children and vulnerable from any exploitation and moral and material neglect. The state will also promote equal access to facilities including education centers, health services.

4.2 Policies Relevant to the SABER Program

82. Nigeria has several policies guiding E&S screening and management of PforR programs. The national policies relevant to the SABER PforR program activities and associated impacts and risks are presented in Table 4.1. The Table indicates the policies and their overall goals and objectives regarding managing and handling environmental issues.

Table 4.1: Nigerian Policies Relevant to the SABER Program

Policy	Objectives
National Policy on the Environment (Revised 2016)	<p>Overall Policy Goal</p> <p>To define a new holistic framework for guidance, management and protection of the environment as well as the conservation of natural resources for sustainable development’ of the country.</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ Ensuring and securing the quality of Nigeria’s environment to support good health and well-being. ▪ Promoting efficient and sustainable use of Nigeria’s natural resources and the restoration and maintenance of the biological diversity of ecosystems. ▪ Promoting understanding of essential linkages between the environment, social and economic developmental issues. ▪ Encouraging individual and community participation in environmental improvement initiatives. ▪ Raising public awareness and engendering a national culture of environmental preservation; and

	<ul style="list-style-type: none"> ▪ Building partnership among all stakeholders, including government at all levels, international institutions and governments, non-governmental agencies and communities on environmental matters.
National Forestry Policy (2006)	<p>Overall Policy Goal The overall objective of the national forest policy is to achieve sustainable forest management that would ensure sustainable increases in the economic, social and environmental benefits from forests and trees for the present and future generation including the poor and the vulnerable</p> <p>Objectives</p> <ul style="list-style-type: none"> ▫ Increase, maintain and enhance the national forest estate through sound forest management practices. ▫ Address the underlying causes of deforestation, desertification including lack of policy support, market distortions, weak regulations and rural poverty. ▫ Promote and regulate private sector involvement in forestry development, and to create a more positive investment climate in the sector. ▫ Capitalize on the economic, social and environmental opportunities in forestry without undermining the resource base. ▫ Encourage forest dependent people, farmers and local communities to improve their livelihood through new approaches to forestry. ▫ Ensure the survival of forest biodiversity and to balance this with the pressing development needs of the country. ▫ Rehabilitate and conserve key watershed forests. ▫ Promote and maintain the greening of the urban environment and meet the increasing demand for forest products by urban centers. ▫ Ensure that improved tenure to land and tree acts as an incentive for individuals, communities and women in particular to invest in forestry. ▫ Help private owners and communities to reserve land for forestry. ▫ Build capacity and systems for state and local government to engage actively in forest resources management and development. ▫ Apply an effective regulatory system to safeguard public interests under private sector forest management agreements to ensure adequate legal provisions for tenure in order to encourage long-term investment. ▫ Develop partnerships or management agreement with local communities that improve forest management and alleviate poverty
National Policy on Climate Change (2013)	<p>Overall Policy Goal policy response to climate change that aims to fosters low carbon, high growth economic development path and build a climate-resilient society through the attainment of set targets.</p> <p>Objectives</p> <ul style="list-style-type: none"> ▫ Implement mitigation measures that will promote low carbon ▫ Strengthen national capacity to adapt to climate change ▫ Raise climate change-related science, technology and R&D to a new level that will enhance the country's image on climate change ▫ Significantly increase public awareness and involve private sector participation in tackling climate change ▫ Strengthen national institutions and mechanisms to establish a suitable framework for climate change governance
National Gender Policy (2006)	<p>Overall Policy Goal The goal of the gender policy is to “build a just society devoid of discrimination, harness the dull potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights and protect the health, social , economic and political well- being of all citizens in order to achieve equitable rapid economic growth, evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently deployed for sustainable development”. One of the principles of the gender policy is a general recognition that gender issues are central and critical to the achievement of national development goals and objectives and by extension water, sanitation and hygiene programs.</p>

	<p>Objectives</p> <ul style="list-style-type: none"> ▫ Establish the framework for gender responsiveness in all public and private spheres and strengthen capacities of all stakeholders to deliver their component mandate of the gender policy and National Strategic Framework ▫ Develop and apply gender mainstreaming approaches, tools and instruments that are compatible with the macro- policy framework of the country at any given time towards national development. ▫ Adopt gender mainstreaming as a core value and practice in social transformation, organisational cultures and in the general polity in Nigeria. ▫ Incorporate the principles of CEDAW and other global and regional frameworks that support gender equality and women empowerment in the country’s laws, legislative processes, judicial and administrative systems ▫ Achieve minimum threshold of representation for women in order to promote equal opportunity in all areas of political social and economic life of the country for women as well as for men. ▫ Undertake women and men- specific projects as a means of developing the capabilities of both women and men, to enable them take advantage of economic and political opportunities towards the achievement of gender equality and women’s empowerment. ▫ Educate and sensitize all stakeholders on the centrality of gender equality and women’s empowerment to the attainment of overall national development.
<p>National Policy on Public Private Partnership- 2012</p>	<p>Policy Objectives The primary policy objectives of government regarding its infrastructure investment programme and for public private partnership are as follows:</p> <p>Economic Objectives</p> <ul style="list-style-type: none"> • To accelerate investment in new infrastructure and ensure that existing infrastructure is upgraded to a satisfactory standard that meet the needs and aspirations of the public. • To ensure that all investment projects provide value for money and that the costs to government are affordable. • To improve the availability, quality, and efficiency of power, water, transport and other public services in order to increase economic growth, productivity, competitiveness, and access to markets. • To increase the capacity and diversity of the private sector by providing opportunities for Nigerian and international investors and contractors in the provision of public infrastructure, encouraging efficiency, innovation, and flexibility. • To ensure that infrastructure projects are planned, prioritized and managed to maximize economic returns ad are delivered in a timely, efficient and cost-effective manner. • To manage the fiscal risks created under PPP contracts within the government’s overall financial and budgetary frameworks. • To utilize federal and state assets efficiently for the benefit of all users of public services. <p>Social Objectives</p> <ul style="list-style-type: none"> • To ensure balanced regional development. • To increase access to quality service for all members of society. • To ensure that user charges for new or improved public services are affordable and provide value for money. • To respect the employment rights and opportunities of existing employees and to ensure that any redundancy or other social safety net issues are resolved before final project approval. • To enhance the health, safety and wellbeing of the public. • To encourage the direct or indirect participation of small and medium sized enterprises in PPP projects.

	<p>Environmental Objectives</p> <ul style="list-style-type: none"> • To protect and enhance natural environment. • To minimize greenhouse gas emissions and other pollutants.
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4.3 Relevant Nigerian National Laws

83. The national laws relevant to the SABER PforR and its associated impacts is presented in Table 4.2. The Table indicates the Acts and their description/ summary of objectives. The provision of the Acts would facilitate an objective, disinterested or independent assessments of E&S impacts of the program.

Table 4.2: Nigerian Laws that are Relevant to the SABER Program

S/N	Law	Description/Summary of Objectives
Environmental Acts		
1	EIA Act - CAP. E12 L.F.N. 2004	<ul style="list-style-type: none"> ▪ The main aim of the Act is to ensure environmentally sound and sustainable development projects. ▪ To carry out an EIA on all projects likely to have significant impact on the environment ▪ Encourage information exchange and consultation between all stakeholders when proposed activities are likely to have significant impact on the environment. ▪ The Act with its accompanying guidelines provides a comprehensive screening procedure to ensure that E&S risks are identified and mitigation measures recommended. However, the involvement of stakeholders in the identification of priority E&S risks and impacts is weak.
2	National Environmental Standards and Regulations, Enforcement Agency Act, (NESREA) 2007	<ul style="list-style-type: none"> ▪ Enforce compliance with national (and international) laws, legislations, guidelines, policies and standards on environmental matters. ▪ Coordinate and liaise with, stakeholders, within and outside Nigeria on matters of environmental standards, regulations and enforcement. ▪ Ensure that environmental projects funded by donor organizations and external support agencies adhere to regulations in environmental safety and protection. ▪ Enforce environmental control measures through registration, licensing and permitting Systems other than in the oil and gas sector; and ▪ Conduct environmental audit and establish data bank on regulatory and enforcement mechanisms of environmental standards other than in the oil and gas sector. <p>Some relevant sections include</p> <p><u>Section 7:</u> Authority to ensure compliance with all of Nigeria’s environmental laws and treaty obligations; and</p> <ul style="list-style-type: none"> ▪ <u>Section 8 (1) K and Section 27:</u> Authority to make and review regulations on air and water quality, discharge of effluents and other harmful substances as well as control of other forms of environmental pollution. ▪ The Agency has powers to: <ul style="list-style-type: none"> ▪ prohibit processes and use of equipment or technology that undermine environmental quality. ▪ conduct field follow-up of compliance with set standards and take procedures prescribed by law against any violator. ▪ subject to the provision of the Constitution of the Federal Republic of Nigeria, 1999, and in collaboration with relevant judicial authorities establish mobile courts to expeditiously dispense cases of violation of environmental regulation.
3	Nigerian Urban and Regional Planning Act CAP. N138 L.F.N. 2004	<p>Facilitates the preparation and implementation of development plans and planning schemes and creating a better environment for living, working and recreation</p> <p>Relevant Sections are:</p>

		<ul style="list-style-type: none"> ▪ <u>Section 30</u>: Requirement for a building plan by a registered architect before commencement of any building project. ▪ <u>Section 39</u>: Making the acceptance of a land development plan contingent on proof it would not harm the environment or constitute nuisance to the community; and ▪ <u>Section 74</u>: Ensures effective control in special cases like wasteland
4	Harmful Waste (Special Criminal Provisions, etc.) Act 1988	<ul style="list-style-type: none"> ▪ Criminalizes all activities relating to the purchase, sale, importation, transit, transportation, deposit, storage of harmful wastes; and ▪ By this Act it is unlawful to dump harmful waste in the air, land or waters of Nigeria
5	National Environmental (Electrical/Electronics Sector) Regulations S.I. No. 23, 2011.	<ul style="list-style-type: none"> ▪ The principal thrust of the Regulations is to prevent and minimize pollution from all operations and ancillary activities of Electrical/ Electronic Sector to the Nigerian environment. The Regulations are based on life cycle approach and shall cover all the aspects of the electrical/electronic sector from cradle to grave. ▪ Also, the Regulations are anchored on the 5Rs ('Reduce, Repair, Recover, Recycle and Re-use,') principle as the primary drivers of the sector and shall encompass all the categories and lists of electrical/electronic equipment. ▪ NESREA also developed a guide for importers of used EEE into Nigeria, which contains the guiding principles, requirements for import of used EEE, and the description of items that are not allowed to be imported to Nigeria. ▪ According to this guide, all importers of used EEE in Nigeria are required to register with NESREA.
Social Acts		
1	Factories Act, Cap F1, LFN 2004	<ul style="list-style-type: none"> ▪ Provide a legal framework for the regulation of safety standards for the operation of factories in Nigeria. ▪ Set out minimum standards for clean and conducive working environments. ▪ Protect workers exposed to occupational hazards. ▪ To provide for factory workers and a wider spectrum of workers and other professionals exposed to occupational hazards, but for whom no adequate provision had been formerly made. ▪ To make adequate provision regarding the safety of workers to which the Act implies; and ▪ To impose penalties for any breach of its provision.
2	Trade Union Amended Act 2005	<ul style="list-style-type: none"> ▪ Makes provisions with respect to the formation, registration and organization of trade unions, and the Federation of Trade Unions ▪ It states, "notwithstanding anything to the contrary in this Act, membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member". The amended Act, to ensure the funding of trade unions, empowers employers to make deduction from the wages of every worker who is a member of any of the trade unions for the purpose of paying contributions to the trade union so registered;
3	Employees Compensation Act (2010)	<ul style="list-style-type: none"> ▪ This Act repeals the Workmen Act of 1980. ▪ The objectives of the Act include Provide for an open and fair system of guaranteed and adequate compensation for all employees or their dependents for any death, injury, disease or disability arising out of or in the course of employment. ▪ provide rehabilitation to employees with work-related disabilities as provided in this Act. ▪ establish and maintain a solvent compensation fund managed in the interest of employees and employers. ▪ provide for fair and adequate assessments for employers.

		<ul style="list-style-type: none"> ▪ provide an appeal procedure that is simple, fair and accessible, with minimal delays; and ▪ combine efforts and resources of relevant stakeholders for the prevention of workplace disabilities, including the enforcement of occupational safety and health standards.
4	Trade Dispute Act CAP. T8 LFN 2004	The Act makes provisions for the settlement of trade disputes and other matters ancillary thereto. The Act established the National Industrial Court. The Act provides for procedure of settling dispute before it is reported; apprehension of trade dispute by the Minister; reporting of dispute if not amicably settled; appointment of conciliator, etc. Regarding the procedure before dispute is reported, the Act provides that parties to the dispute shall first attempt to settle it by an agreed means for settlement of the dispute apart from the Act. It is only when this procedure fails or does not exist that the parties report within seven days and come together to settle the dispute under a conciliator. Notwithstanding this provision, the Minister can apprehend the dispute and decide on the cause of action for the settlement of the dispute.
5	Labor Act CAP L1 LFN 2004	Act provides for the protection of wages, contracts of employment and terms and conditions of employment as well as recruiting guidelines. It provides for special classes of worker and miscellaneous special provisions. The Act in the different parts made a lot of provisions to ensure that the interest of the worker is protected. For example, under protection of wages the Act made provisions to ensure that the worker's dignity regarding wages is maintained. For example, the Act provides in part 1 No 2 that no employer shall impose in any contract for the employment of any worker any terms as to the place at which, or the manner in which, or the person with whom any wages paid to the worker are to be expended; and every contract between an employer and a worker containing any such terms shall be illegal, null and void
6	Child Right Act 2003	Incorporate into its laws all the rights guaranteed in the United Nations' Convention on the Rights of the Child. The U.N. convention, adopted in 1989, states that: "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development." The Act must be ratified by each state to become law in its territory.
7	Land Use Act	This act provides a legal basis for land acquisition in Nigeria. The major provisions include: <ul style="list-style-type: none"> ▫ Section 1: all land comprised in the territory of each state in the Federation is vested in the Governor of the state and such land shall be held in trust and administered for the use and common benefit of all. ▫ Section 2: (a) all land in urban areas shall be under the control and management of the Governor of each State; and ▫ Section 2 (b) all other land shall be under the control and management of the local government within the area of jurisdiction in which the land is situated. ▫ State governments have the right to grant statutory rights of occupancy to any person for any purpose; and the Local Government has the right to grant customary rights of occupancy to any person or organization for agricultural, residential and other purposes.
8	Pension Reform Amendment Act	<ul style="list-style-type: none"> ▫ Establishes the contributory pension scheme (the Scheme) for employees in the public and private sectors in Nigeria; and the National Pension Commission (NPC), in order to facilitate the payment of retirement benefits to deserving employees. ▫ Ensure that every person who worked in either the Public Service of the Federation, Federal Capital Territory or Private Sector receives his retirement benefits as and when due:

		<ul style="list-style-type: none"> ▫ Assist improvident individuals by ensuring that they save in order to cater for their livelihood during old age: and ▫ Establish a uniform set of rules, regulations and standards for the administration and payments of retirement benefits for the Public Service of the Federation, Federal Capital Territory and the Private Sector. On the other hand, the principal object of the Commission, as provided in the Act, shall be to regulate, supervise and ensure the effective administration of pension matters in Nigeria.
9	Violence Against Persons (Prohibition) VAPP Act 2015	<ul style="list-style-type: none"> ▫ The Act was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders ▫ The content of the Act is rich in its provisions as it covers most of the prevalent forms of violence in Nigeria today ranging from physical violence; psychological violence; sexual violence; harmful traditional practices; and socio-economic violence. ▫ The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is named as the service provider. ▫ Under the VAPP Act, the following offences are punishable offences.; <ul style="list-style-type: none"> ○ rape, ○ spousal battery, ○ forceful ejection from home, ○ forced financial dependence or economic abuse, ○ harmful widowhood practices, ○ female circumcision or genital mutilation, ○ abandonment of children, ○ harmful traditional practices, ○ harmful substance attacks such as acid baths, ○ political violence, ○ forced isolation and separation from family and friends, ○ depriving persons of their liberty, ○ incest, ▫ indecent exposure and violence by state actors (especially government security forces).
<ul style="list-style-type: none"> ▫ Key Acts Related to PPP in Nigeria 		
1	Infrastructure Concession Regulatory Commission Act 2005	<ul style="list-style-type: none"> ▫ The ICRC which was signed into law on November 10, 2005, provides for the participation of the private sector in financing the construction, development, operation, or maintenance of infrastructure or development projects of the Federal Government through concession or contractual arrangements; and the establishment of the Commission to regulate, monitor and supervise the contracts on infrastructure or development projects. ▫ The Act has two parts. Part I provides that Federal Government entities can enter into agreements with the private sector for the provision of infrastructure. Part II establishes the Infrastructure Concession and Regulatory Commission (ICRC) and provides that its functions are to: Take custody of every concession agreement made under the ICRC 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 ICRC; and perform such other duties as may be directed by the President
2	Electric Power Sector Reform Act, 2005	<ul style="list-style-type: none"> ▫ The Act which was signed into law in March 2005 provides the statutory framework for participation of private companies in electricity generation, transmission, and distribution. The Act specifically provides for dissolution of the National Electric Power Authority (NEPA) and for the creation of companies to take over its functions, assets, liabilities and staff. It also provides for the establishment of the Nigerian Electricity Regulatory Commission (NERC) and

		for the development of competitive electricity markets. In addition, the Act also makes provision for the licensing and regulation of the generation, transmission, distribution and supply of electricity. The Act also governs regulatory issues regarding enforcement of matters such as performance standards, determination of tariffs and consumer rights and obligations.
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4.4 Relevant Nigerian National Environmental Regulations

84. The national environmental regulations relevant to the SABER PforR and its associated impacts is presented in Table 4.3. The Table contains the regulations and their objectives. The regulations are detailed and has provide for ways to handle E&S risks associated with the program.

Table 4.3: Nigerian Regulations that are Relevant to the SABER Program

S/N	Regulation	Objectives
1	National Environmental (Permitting and Licensing System) Regulations, 2009. S. I. No. 29.	The provisions of this Regulation enable consistent application of environmental laws, regulations and standards in all sectors of the economy and geographical regions.
2	National Environmental (Sanitation and Wastes Control) Regulations, 2009. S.I. No. 28	To provide the legal framework for the adoption of sustainable and environment friendly practices in environmental sanitation and waste management to minimize pollution.
3	National Environmental (Noise Standards and Control) Regulations, 2009. S.I. No 35	To ensure tranquility of the human environment or surrounding and their psychological well-being by regulating noise levels.
4	National Environmental (Surface and Groundwater Quality Control) Regulations, 2010. S.I. No. 22	To restore, enhance and preserve the physical, chemical and biological integrity of the nation's surface waters, and to maintain existing water uses.
5	National Environmental (Soil Erosion and Flood Control) Regulations, 2011. S. I. No. 12.	To check all earth-disturbing activities, practices, or developments for non-agricultural, commercial, industrial and residential purposes.
6	National Environmental (Watershed, Mountainous, Hilly and Catchments Areas) Regulations, 2009. S. I. No. 27.	To protect of water catchment areas. All land users must observe and respect the carrying capacity of the land; carry out measures for soil conservation and for the protection of water catchment areas using the best available environmentally friendly technologies to minimize significant risks/damage to ecological and landscape aspects.
7	National Environmental (Desertification Control and Drought Mitigation) Regulations, 2011. S. I. No. 13.	To provide an effective and pragmatic regulatory framework for the sustainable use of all areas already affected by desertification and the protection of vulnerable lands.
8	National Environmental (Control of Bush/Forest Fire and Open Burning) Regulations, 2011, S.I. No. 15	To prevent and minimize the destruction of ecosystem through fire outbreak and burning of any material that may affect the health of the ecosystem through the emission of hazardous air pollutants.
9	National Environmental (Domestic and Industrial Plastic, Rubber and Foam Sector) Regulations, 2011. S. I. No. 17.	To prevent and minimize pollution from all operations and ancillary activities of the domestic and industrial plastic, Rubber and Foam Sector to the Nigerian environment.
11	National Environmental (Surface and Groundwater Quality Control) Regulations, 2011. S. I. No. 22.	To restore, enhance and preserve the physical, chemical, and biological integrity of the nation's surface waters, and to maintain existing water uses.

12	National Environmental (Construction Sector) Regulations, 2011. S. I. No. 19.	To prevent and minimize pollution from construction, decommissioning and demolition activities to the Nigerian environment.
13	National Environmental (Air Quality Control) Regulations, S. I. No 64, 2014.	To provide for improved control of the nation's air quality to such an extent that would enhance the protection of flora and fauna, human health and other resources affected by air quality deteriorations.
14	Nigerian Urban and Regional Planning Act CAP N138 LFN 2004	Planned development of urban areas (to include and manage waste sites)
15	Workmen Compensation Act	Occupational Health and Safety

4.5 Nigeria's Institutional Framework

4.5.1 Federal Ministries Relevant to SABER Program

85. The Federal Ministries whose functions and responsibilities are relevant to the SABER PforR is presented in Table 4.4.

Table 4.4: Relevant Ministries and their functions

S/N	Ministry	Relevant Functions and Responsibilities
1	Federal Ministry of Finance, Budget and National Planning	<ul style="list-style-type: none"> ▪ Secretariat of the Program and houses the collaboration with the World Bank and controls disbursement of funds. Program funds will be channeled through this Ministry. The FMFBNP is the main ministry responsible for the implementation of the Program including its agencies, the FIRS and NCS.
2	Federal Ministry of Environment (FMEnv)	The focal ministry of environmental issues in Nigeria. They will lead in implementing environmental actions at the federal level as recommended in the PAP. They are also responsible for oversight and disclosure regarding EIA at the federal level.
3	The Federal Ministry of Labor and Employment	<ul style="list-style-type: none"> ▪ Development and promotion of productive employment policies and programs for employment generation and actualization of national employment policies of the Federal Government. ▪ Skills Development, upgrading, certification, placement and empowerment of artisans, tradesmen and applicants in various areas of national needs ▪ Provision of Social Security Coverage, Welfare and Employee's Compensation to the nation's workforce ▪ Provision of Labor Protection Services, supervision, enforcement, Education, Promotion of Social Justice, Ratification, Implementation and Review of National Labor Laws and Policies including collective bargained agreements. ▪ Trade Unions Education and Training ▪ International Labor Diplomacy ▪ Promotion of Occupational Safety and Health under the Occupational Safety and Health Department ▪ Enforcement of the Labor Laws under the Inspectorate Department (INSP)
4	Federal Ministry of Women Affairs, Community and Social Development	<ul style="list-style-type: none"> ▪ The focal ministry of social issues in Nigeria. They will lead in implementing and monitoring environmental and social actions at the federal level as recommended in the PAP
5	Federal Ministry of Power	<ul style="list-style-type: none"> ▪ Formulating broad policies for the development of power sector. Also, coordinates activities within the power sector.
6	Federal Ministry of Industry, Trade and Investment (FMITI)	<ul style="list-style-type: none"> ▪ FMITI was created with the aim to facilitate the diversification of economy's resource by promoting trade and investment with special emphasis on increased production and export of non-oil and gas products. The mandate of the ministry

		is to formulate policies that will help create wealth and employment, reduce poverty and ensure enhanced service delivery in a manner that will stimulate the growth of the domestic economy through industrialization, trade and investment.
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4.6 State Ministries, Relevant Laws and Institutional Framework and Responsibilities

4.6.1 State Level Environmental and Social Laws, Policies and Edicts

86. The laws and regulations of a sample of possible participating States relevant to the SABER PforR is presented in Table 4.6.

Table 4.6: Relevant Illustrative State Laws and Regulations of small sample of possible Participating States in SABER

S/N	State	Environmental Laws, Regulations and Permits	Social Laws, Regulations and Permits
1	Edo		
2	Ekiti	<ul style="list-style-type: none"> ▫ Environmental Health and Sanitation Law ▫ Ekiti State Environmental Protection Agency Law ▫ Ekiti State Waste Management Authority Law 	<ul style="list-style-type: none"> ▫ A law to provide welfare assistance in form of cash grants or in-kind assistance to elderly persons No 5 of 2012 ▫ Discrimination Against Persons with disability (Prohibition) Law 2020 ▫ Ekiti State Child’s Rights Law 2006 ▫ Ekiti State Citizens’ Rights Centre Law 2007 ▫ Ekiti State Gender Based Violence (Prohibition) Law 2019 ▫ Sexual Violence Against Children Law.
3	Enugu	<ul style="list-style-type: none"> ▫ Enugu State Waste Management Authority Law ▫ Enugu State Environmental Regulation. 	<ul style="list-style-type: none"> ▫ Ministry of Gender Affairs and Social Development. ▫ Enugu State Child’s Right Law. ▫ Violence Against Persons (Prohibition) Law; Ministry of Labor.
4	Gombe	<ul style="list-style-type: none"> ▫ Gombe State Environment Protection Agency (GOSEPA) 	<ul style="list-style-type: none"> ▫ Yet to domesticate gender laws
5	Kaduna	<ul style="list-style-type: none"> ▫ Kaduna State Environmental Protection Authority Law 2010 ▫ Kaduna State Regulation on Waste Management NO 1 of 2010 ▫ Regulation on control of water pollution sources No 2 of 2010 ▫ Regulation on Effluent Limitation and Management No 3 2010 ▫ Regulation on Impact Assessment and Audit No 4 2010 ▫ Regulation on Bush Burning Control No 5 2010 ▫ Regulation on Control and Management of Hazardous Substances No 6 2010 ▫ Regulation on Special Work Places No 7 2010 ▫ Kaduna State Policy on Environment 2019 	<ul style="list-style-type: none"> ▫ Kaduna State Gender Equity and Social Inclusion (GESI) Policy 2017 ▫ Standard Operating Procedures for Prevention and Response of Gender – Based Violence (GBV) ▫ Adopted the Grievance Redress Mechanism Procedure of National Safety Net Program ▫ Kaduna State Social Protection Policy, 2020 ▫ Violence against persons (prohibition) Law 2018.

6	Nasarawa	<ul style="list-style-type: none"> ▫ Ministry of Environment and Natural Resources ▫ Nasarawa State Environment Law ▫ Nasarawa State Waste Management Bureau ▫ Nasarawa State Environment Protection Agency (NASEPA); 	<ul style="list-style-type: none"> ▫ Ministry of Women Affairs and Social Development ▫ Nasarawa State Dangerous Infectious Disease (Emergency Prevention) Regulations 2020 ▫ Nasarawa State Child’s Right Law 2005 ▫ Legal Notice No 1 of 2020-Executive Order for the Protection of Children and Implementation of Nasarawa State Child’s Right Law 2005 ▫ Nasarawa State Community and Social Development
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4.6.2 State Environment and Social Policy, Regulations, Edicts, Legal and Institutional Framework

87. Tables 4.7 highlights environmental and social institutional framework of a sample of 6 possible participating states (Edo, Ekiti, Enugu, Gombe, Kaduna, Nasarawa).

Table 4.7: Illustrative Select States’ Environmental, and Social Institutional Framework and Responsibilities

S/N	Institutional Management Frameworks	Relevant Functions and Responsibilities
Environmental Institutional Management Framework		
1	State Ministries of Environment <ul style="list-style-type: none"> ▫ Edo State Ministry of Environment ▫ Ekiti State Ministry of Environment ▫ Enugu State Ministry of Environment and Mineral Resources ▫ Gombe State Ministry of Environment and Forest Resources (GSMEFR) ▫ Kaduna State Ministry of Environment and Natural Resources. ▫ Nasarawa State Ministry of Environment 	<ul style="list-style-type: none"> ▫ Formulation and implementation of environmental policies and programs for the states. ▫ Monitoring and enforcement of environment laws and regulations in the state;
2	State Environmental Law and Protection Agencies <ul style="list-style-type: none"> ▫ Edo State Sanitation and Pollution Management Law – Law No 5 of 2010 ▫ Ekiti State Environmental Protection Agency ▫ Enugu State Environmental Protection Agency ▫ Gombe State Environment Protection Agency (GOSEPA) ▫ Kaduna State Environmental Protection Agency ▫ Nasarawa State Environmental Protection & Sanitation Agency 	<ul style="list-style-type: none"> ▫ Collaboration with federal government and donor agencies on environmental matters. ▫ Control of environmental and natural resources degradation. ▫ Coordinates and supervises the activities of environmental agencies within the state. among others. ▫ Enforcement of all environmental legislations in the states. ▫ Minimization of impacts of physical development on the ecosystem ▫ Preservation, conservation and restoration to pre-impact status of all ecological process. ▫ Protection of air, water, land, forest and wildlife within the state ▫ Pollution control and environmental health in the state.
Social Institutional Management Framework		
1	State Ministries <ul style="list-style-type: none"> ▫ Edo State Ministry of Social Development and Gender Issues 	The focal ministries of social issues at the state level. Lead in implementing and monitoring social actions as recommended in the PAP.

S/N	Institutional Management Frameworks	Relevant Functions and Responsibilities
	<ul style="list-style-type: none"> ▫ Enugu State Ministry of Gender Affairs and Social Development ▫ Gombe State Ministry of Women Affairs and Social Development ▫ Ekiti State Ministry of Women and Social Development ▫ Kaduna State Ministry of Women Affairs and Social Development ▫ Nasarawa State Ministry of Women Affairs and Social Development 	
2	<p>Relevant State Laws Relating to the Social Sector</p> <ul style="list-style-type: none"> ▫ Edo State Private Properties Protection Law ▫ Edo State Public Procurement Law ▫ Violence Against Persons Prohibition Law of Edo State 2019 ▫ Edo State Trafficking in Persons Prohibition Law 2018 ▫ Edo State Child Rights Law 2007 	

SECTION V: ASSESSMENT OF THE CLIENT'S ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS

88. This section assesses the federal and State' E&S management systems in place to manage all identified E&S risks associated with the program interventions detailed in Section III. It describes the main elements of applicable CLIENT'S systems. It analyses these systems, putting into consideration the level of risk and the extent to which the systems and practices are aligned with the Banks 6 core principles on E&S. In order words, the analysis will show the extent to which the applicable systems are consistent with the core principles and key planning elements expressed in the PforR Guidance Document. It also provides a review of aspects where gaps exist between the two. The guiding questions in annex A of the 2020 World Bank Guidance Note on PforR guided the analysis and assessment of the government systems. The assessment was done using the following criteria:

- An analysis of the strengths of the existing environmental and social due diligence system, or where it functions effectively and efficiently and is consistent with Bank Policy and Directive for Program-for-Results Financing.
- Identification of inconsistencies and gaps between the principles espoused in Bank Policy and Directive for Program-for-Results Financing and capacity constraints and gaps in existing capacity; and
- Based on the above findings, recommendations to fill gaps and proposed mitigation measures and actions to strengthen the existing system to ensure environmental and social soundness and long-term sustainability in line with the design and implementation and operation of program interventions across the project areas.

89. The summary of the assessments of Federal State Government and State systems in line with the core principles is presented in section 5.1. Detailed assessment of the environmental and social systems of the Federal and each of the pilot six State Governments, as indicated earlier, was carried out against the core principles. State specific findings and recommendations that can be undertaken at state level that will be incorporated into the Program Action Plan are summarized in **Annex 6**.

90. Information from this analysis and the resulting identification of gaps and opportunities/actions were used to inform the recommendations presented for the program in terms of managing E&S aspects and have informed the preparation of the Program Action Plan (PAP).

5.1: Summary of Systems Assessment

5.1.1 Core Principle 1: General Principle of Environmental and Social Management

Table 5.1: Assessment Core Principle 1: General Principle of Environmental and Social Management

Bank Policy for Program-for-Results Financing: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in Program design; (b) avoid, minimize or mitigate against adverse impacts; and (c) promote informed decision-making relating to a program’s			
<p>Bank Directive for Program-for-Results Financing: Program procedures will:</p> <ul style="list-style-type: none"> ▪ Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the program level. ▪ Incorporate recognized elements of environmental and social assessment good practice, including: <ul style="list-style-type: none"> ▪ early screening of potential effects. ▪ consideration of strategic, technical, and site alternatives (including the “no action” alternative). ▪ explicit assessment of potential induced, cumulative, and trans-boundary impacts. ▪ identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized. ▪ clear articulation of institutional responsibilities and resources to support implementation of plans; and ▪ Responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures. 			
<p>Applicability: YES / NO</p> <p>The E&S team has screened the initial risks of the PforR. Environmental and social risks are posed due to increased fiber optics deployment; and the generation of e-waste given the digital data-centric and indexed database for Certificates of Occupancy (CofOs). Also, the implementation of FRILIA may indirectly be associated with some environmental risks due to slippage from sustainable agricultural practices, uncontrolled pesticide and fertilizer application, habitat alteration; carbon emissions (The Program does not finance poor implementation of FRILIA, and instead only disburses against the successful pilot implementation of FRILIA, as confirmed by a social audit) The applicability in terms of specific DLI is detailed below.</p>			
Applicable DLIs	Findings from Systems Assessment	Gaps	Suggestions to Fill Gaps/Proposed Mitigation Measures
<p>DLI 1. Improved efficiency in property registration and sustainability of the land-based investment process</p> <p>DLI 2. Improved regulatory framework for private investment in fiber optic infrastructure.</p> <p>DLI 3. Development of an effective PPP framework.</p> <p>DLI 4. Improved Investment Promotion Environment.</p>	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ At the Federal level, National Policies, Acts, Regulations for environmental management as well as institutional system’s identifying environment procedures, roles and legislation to be followed in the country (See Chapter 4) are well defined and are consistent with Core Principle 1 of the Bank Policy and Directives on PforR Operation. ▫ The national EIA system (EIA Act No. 86 of 1992) provides a comprehensive legal and regulatory framework for environmental and social impact assessment that is broadly consistent with the Core Principle 1 of the Bank Policy and Directive. The EIA ACT is supported with a guideline which provides a comprehensive screening procedure to ensure the E&S risks are identified. ▫ The EIA system provides for early screening of E&S risks and associated impacts in an integrated 	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ The EIA Act only focuses on the environmental standards. The World Bank standards on social issues is not addressed by the EIA particularly requirements on stakeholder engagement, labor, resettlement and land acquisition or ecosystem services. ▫ At the national level there is no direct/ single ministry that is responsible for the totality of the social sustainability components, that is required by the World Bank Standards. What we have are isolated ministries performing isolated roles related to social concerns. See Chapter 4. ▫ The engagement of stakeholders, especially impacted communities, in the 	<ul style="list-style-type: none"> ▫ Support should be provided at specific program levels and a technical assistance component be used to fill capacity gaps and strengthen E&S risk management systems. ▫ There is need to strengthen the capacity of requisite staff of FMFBNP on E&S issues. ▫ The Participating States (DLI3) should include E&S considerations in the PPP framework. This should be done in consultation with the EA department at the Federal Ministry of Environment and the Infrastructure Concession and Regulatory Commission (ICRC). ▫ There is a need, in the long run, to equip the State Ministries of Environment with necessary facilities and gadgets (including laboratory) to facilitate the monitoring and reporting of

<p>DLI 6. Increased transparency of fees and levies for inter-state trade and increased exporter certification</p>	<p>manner and includes the consideration of alternative options.</p> <ul style="list-style-type: none"> ▫ Environmental Assessment (EA) Department of the Federal Ministry of Environment is responsible for ensuring that the environmental risks are assessed, and adequate measures are taken to mitigate and or manage potential project impacts in line with the Federal Republic of Nigerian EIA Act of 1992. ▫ Nigeria has a climate change policy which guides climate action by government. Nigeria is also part of the Paris Agreement. NESREA is also empowered to enforce non-compliance with environmental laws and regulations. <p>STATES LEVEL</p> <ul style="list-style-type: none"> ▫ States have their own state environment Ministry or agency such as Kaduna State Environmental Protection Authority (KSEPA), Gombe State Environment Protection Agency (GOSEPA), Enugu State Waste Management Agency (ESWAMA) who can be contacted for permits or any clarifications if necessary. Most of the States Ministry of Environment have enforcement units and task force. ▫ Most of the states have specific regulatory instruments, e.g., GOSEPA law, KSEPA law, ESWAMA law. ▫ Most of the sample states have robust framework regarding environmental assessment and management. E.g., Kaduna, Edo, Ekiti and Enugu. ▫ Most of the sampled States, e.g., Edo, Enugu, and Kaduna states, also have strong coordination with Federal Ministry of Environment and NESREA. Thus, they often rely on the federal EIA Act and system to conduct E&S assessments 	<p>identification of priority E&S risks and impacts in weak.</p> <ul style="list-style-type: none"> ▫ There is no requirement for consulting with local communities or vulnerable people in EIA process. ▫ Previous experience in E&S assessment indicates that the capacity of the ministry and responsible agency to monitor and enforce environmental assessments is weak. The Environmental Assessment of the Federal Ministry of Environment often hire consultants to conduct and review EIA documents. ▫ The FMFBNP also lack capacity to mainstream environmental issues to budgets, projects, etc. <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ E&S capacity at the state level is weak in terms of policies, infrastructure, E&S risk management and human resources. The corresponding ministries to E&S thematic areas at the state level do not adequately interface with the ministries of finance, and others involved in projects as found out during the consultation. ▫ The State environment ministries have weak capacities and mirror gaps in the federal environmental regulation and laws. ▫ The states specifically do not have the capacity and equipment to monitor and manage environmental pollution, hazards and other environmental problems in the state. Sample EIA documents provided by the states after consultation show that consultants were engaged to produce and also review the documents. ▫ The environmental ministries and protections agencies in the states do not have e-waste management procedures 	<p>environmental issues (pollution, degradation, hazards etc.) in the states.</p> <ul style="list-style-type: none"> ▫ There is a need to develop and implement guidelines for e-waste management in the states. ▫ There is a need to enhance/strengthen cross-ministries and agencies coordination and public consultation as well as improve citizen engagement. ▫ Put in place a Grievance redress mechanism to handle conflicts for the Program staff and beneficiaries.
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		<p>and do not have capacity for e-waste management.</p> <ul style="list-style-type: none"> ▫ The state government often do not include E&S issues in contract bidding documents. ▫ Also, the GRM especially for land related issues in the states are weak and often does not align with best practices. 	
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5.1.2 Core Principle 2: Natural Habitats and Physical Cultural Resources

Table 5.2 : Assessment Core Principle 2: Natural Habitats and Physical Cultural Resources

<p>Bank Policy for Program-for-Results Financing: Environmental and social management procedures and processes are designed to avoid, minimize and mitigate against adverse effects on natural habitats and physical cultural resources resulting from program.</p>
<p>Bank Directive for Program-for-Results Financing: As relevant, the program to be supported:</p> <ul style="list-style-type: none"> ▪ Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas. ▪ Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities. ▪ Takes into account potential adverse effects on physical cultural property and as warranted, provides adequate measures to avoid, minimize, or mitigate such effects
<p>Applicability: YES / NO It is not expected that the Program will impact on natural habitats and physical cultural resources.</p>

5.1.3 Core Principle 3: Public and Worker Safety

Table 5.3 : Assessment Core Principle 3: Public and Worker Safety

<p>Bank Policy for Program-for-Results Financing: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.</p>
<p>Bank Directive for Program-for-Results Financing:</p> <ul style="list-style-type: none"> ▪ Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed. ▪ Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promotes use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions. ▪ Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.
<p>Applicability: YES / NO Indirectly, public and worker safety are posed due to full implementation of the new ROW fees at NGN145 per meter and the subsequent increased deployment of a fiber optic network, and establishment of PPP institutional framework and subsequent possible increase in PPP transactions (after the Program period) that may involve construction and rehabilitation works.</p>

Applicable DLIs	Findings from Systems Assessment	Gaps	Suggestions to Fill Gaps/Proposed Mitigation Measures
<p>DLI 2. Improved regulatory framework for private investment in fiber optic infrastructure.</p> <p>DLI 3. Development of an effective PPP framework.</p>	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ The legal/regulatory system of the country includes provisions for protecting worker, community and public safety. Some of these include, Labor Act of 2004, the Trade Union Amended Act of 2005, and the Employees Compensation Act of 2010. See Table III.5 ▫ NESREA has regulations to protect the public from hazardous chemicals, pesticides, and agrochemicals (National Environmental (Hazardous Chemicals and Pesticides) Regulations, S.I. No 65, 2014). ▫ The country also has some legal statutes and provisions to protect workers and prevent the use of child labor. Some of these include, Labor Act of 2004, the Trade Union Amended Act of 2005, and the Employees Compensation Act of 2010 and Childs’ Right Act. ▫ The federal government has the Ministry of Labor, and their responsibilities include the protection of the rights of workers. ▫ The Federal Child’s Right Act (CRA) (2003) codifies the rights of children in Nigeria. It has penalties on the use of child labor ▫ The Nigerian Labor Law requires compliance with all national and international labor laws on occupational health and safety. The law requires routine inspection of workplaces, accident investigation, preparation of safety and health regulations, code of practice, guidelines and standards for various operations, processes and hazards. ▫ The Federal Ministry of Humanitarian Affairs and Disaster Management and associated agencies, for example, the 	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫The national EIA system does not comprehensively encompass aspects of public and worker safety. ▫There is limited awareness by the general public, on public health and safety issues, particularly in relation to exposure to hazardous materials. ▫Lack of awareness of relevant authorities’ staff to appreciate the need to ensure occupational health and safety. The FMFBNP do not have any experience in OHS in a project environment. ▫The enforcement of national labor laws is weak. ▫The national EA Department of the FMEnv and NESREA have not comprehensively incorporated OHS management into civil works. <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫Lack of OHS guidelines and procedures to be adopted by contractors, firms’ employers of labor and workers in most of the States ▫Lack of awareness of relevant authorities’ staff to appreciate the need to ensure occupational health and safety. ▫Most of the state ministries and agencies that will be involved in this Program do not have adequate OHS guidelines and practices. ▫There is limited awareness and lack of interest by the general public, on public health and safety issues, ▫Inadequate awareness of relevant authorities’ staff to appreciate the need to ensure OHS. 	<ul style="list-style-type: none"> ▫ States and Federal Ministry of Environment, States and Federal Ministry of Labor and States and Federal Ministry of Finance and Budget, Governors’ offices, and States and Federal Ministry of Industry, Trade and Investment should collaborate and build the capacity of the leaders in the different MDAs in order for them to become knowledgeable on issues relating to occupational health and hazard and how to deal prevent and deal with it. ▫ State governments should ensure that government and employers of labor in the state enroll or cover their workers under the Workers Compensation Insurance. ▫ The Participating States (DLI3) should include E&S considerations in the PPP framework. State governments should ensure that employers of labor provide personal protective equipment for their workers. ▫ strengthen citizen engagement through different channels so as to create awareness regarding the entire program activities especially in relation to OHS. ▫ Put in place a Grievance redress mechanism to handle conflicts among workers involved in fiber optics deployment.

	<p>National Emergency Management Agency, is in place for emergency responses.</p> <ul style="list-style-type: none"> ▫ Also, previous programs and projects carried out by government has provisions for handling emergencies. ▫ In addition, the SABER program provides for stakeholder engagement and gender considerations in the activities. ▫ <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ Most state governments also have Ministries of Labor, and these ministries also work to protect the rights of workers at the state level. ▫ Some of the states have standalone laws and regulations to protect the rights of children and workers, e.g., Edo State Child Rights Law 2007, and Edo State Child Protection Policy, and Enugu State Child’s Right Law. ▫ The states also have state emergency management agencies to handle emergencies and disasters. 		
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5.1.4 Core Principle 4: Land Acquisition

Table 5.4 : Assessment Core Principle 4: Land Acquisition

<p>Bank Policy for Program-for-Results Financing: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards.</p>
<p>Bank Directive for Program-for-Results Financing: As relevant, the program to be supported:</p> <ul style="list-style-type: none"> ▪ Avoids or minimizes land acquisition and related adverse impacts. ▪ Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy. ▪ Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access. ▪ Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment); and ▪ Restores or replaces public infrastructure and community services that may be adversely affected.
<p>Applicability: YES / NO</p>

This is indirectly applicable given the possible displacement of people in ROW, implementation of FRILIA, fiber optics deployment and establishment of PPP institutional framework and subsequent possible increase in PPP transactions (after the Program period) that may involve construction and rehabilitation works.			
Applicable DLIs	Findings from Systems Assessment	Gaps	Suggestions to Fill Gaps/Proposed Mitigation Measures
<p>DLI 1. Improved efficiency in property registration and sustainability of the land-based investment process.</p> <p>DLI 2. Improved regulatory framework for private investment in fiber optic infrastructure.</p> <p>DLI 3. Development of an effective PPP framework</p>	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ Nigeria has the Land Use Act of 1978 which was modified in 1990 as the legal basis of land acquisition and administration in Nigeria ▫ Given the numerous gaps in the Act, a Presidential Technical Committee on Land Reform (PTCLR) is working on issues regarding land reform in Nigeria. <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ Some states have specific land acquisition and use regulations, such as the Kaduna State Land Use Review of 2018. ▫ Edo state has Private Property Protection Law 	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ The Land Use Act has a lot of limitations regarding land acquisition. Some of these include the provision in the Act that the Governor of a State controls all land in the State, the issues of resettlement of project affected persons, poor grievance redress mechanism, poor land rights, doesn't include anything with regards land donation, consultation prior to land acquisition, makes no provision for livelihood restoration, makes compensation provisions for those who have recognized land rights, silent on timing of compensation payment, makes no provision for compensation for undeveloped land, among others. <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ The Gaps identified in Land Use Act at the Federal level also applies at the State level. ▫ Many of the states do not have structured system of consulting with people along the ROW in previous similar development projects compared to the Bank process. 	<ul style="list-style-type: none"> ▫ All States participating in DLI1 would have to ensure that due processes are followed to ensure land acquisition is indeed voluntary without encumbrances (i.e., ensure the FRILIA is implemented successfully). ▫ Temporary displacement support should be provided were needed to avoid adverse impacts on socioeconomic assets and activities. Thus, there should be adequate and extensive consultation with all PAPs along the ROW that might be temporarily displaced

5.1.5 Core Principle 5: Social Considerations - Indigenous Peoples and Vulnerable Groups

Table 5.5: Assessment Core Principle 5: Social Considerations - Indigenous Peoples and Vulnerable Groups

<p>Bank Policy for Program-for-Results Financing: Program E&S systems give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable groups.</p>
<p>Bank Directive for Program-for-Results Financing:</p> <ul style="list-style-type: none"> • Undertakes free, prior, and informed consultations if Indigenous Peoples are potentially affected (positively or negatively) to determine whether there is broad community support for the program. • Ensures that Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples. • Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable access to program benefits.

Applicability: YES / NO			
It is expected that the program will indirectly impact vulnerable people, given that it will involve laying fiber optic cables which may lead to the displacement of vulnerable people in the ROW. Also, there will be land acquisition and possible displacement of local communities and vulnerable people for the possible establishment of PPP projects (after the Program period).			
Applicable DLIs	Findings from Systems Assessment	Gaps	Suggestions to Fill Gaps/Proposed Mitigation Measures
<p>DLI 2. Improved regulatory framework for private investment in fiber optic infrastructure.</p> <p>DLI 3. Development of an effective PPP framework.</p>	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ Chapter IV of the Nigerian Constitution contains a variety of fundamental rights set out in Sections 33 - 44. Of particular relevance is Section 42, which prohibits discrimination on the grounds of ethnic origin, sex (gender), religion, or linguistic affiliation. ▫ There is a Federal Ministry of Women Affairs and Social Development that deals with all gender related issues especially as it concerns the vulnerable especially women youths and People living with Disabilities (PWDs). They have a unit that deals with GBV and discrimination. ▫ The federal government of Nigeria has signed many treaties on women issues including the CEDAW in 1999 and has a gender policy. There is also the Violence Against Persons (Prohibition) Act 2015. ▫ Several policy statements and programs at the state and levels clearly indicate the nation's commitments to achieving the Sustainable Development Goal (SDG) on gender equality. <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ Also, most state governments have Ministry of Women Affairs/Gender Affairs and Social Development. These ministries help to address the issues of GBV and discriminations of vulnerable people. Specifically, the Law in Ekiti State provides welfare package (cash/in-kind) to the elderly. ▫ Almost all of the sampled States have robust legal framework for Gender 	<p>FEDERAL LEVEL</p> <ul style="list-style-type: none"> ▫ There is lack of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths. ▫ There is weak knowledge of the public especially vulnerable groups regarding the issues of GBV and how to handle cases of GBV especially sexual abuse. ▫ There is weak of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths <p>STATE LEVEL</p> <ul style="list-style-type: none"> ▫ Some States are yet to adopt the Violence Against Persons (Prohibition) Law. ▫ Many states do not have adequate framework and institutional arrangement for combating GBV or prosecuting and punishing those involved in GBV thus offenders often do not get punished. ▫ Also, some of the States do not have gender policy or guidelines for dealing with vulnerable people and PWDs to ensure that they are not treated with contempt and partiality ▫ Some states, for example Nasarawa, lacks capacity and manpower to deal with some social issues including GBV and SA and SH although the legal and policy framework exist. 	<ul style="list-style-type: none"> ▫ Deliberate efforts to strengthen multi-agency coordination e.g., between state ministries for women affairs and social development and the ministry of justice to provide clear pathway for referral of gender-based offences. ▫ States without Gender Policy should set in motion the process of developing their gender policy which will contain guidelines and processes of preventing discrimination against vulnerable groups and PWDs. ▫ States without a gender-based violence response team should quickly set up Domestic and Gender-based (Sexual) Violence Response Team (DSVRT) to for quick response to issues of GBV in the states. ▫ States should carryout regular enlightenment programs for the public and capacity building programs for staff of gender/women ministries.

	<p>considerations, youths' affairs and social exclusions and discrimination.</p> <ul style="list-style-type: none"> ▫ The Ministry of Gender Affairs and Social Development has a department of Social Welfare that is responsible for GRM. ▫ Gombe state also has an established referral pathway for victims of GBV. ▫ Many states have laws and frameworks in dealing with violence and discrimination while some states, in addition, some have response teams to deal with GBV for example Kaduna State GBV Response Team. ▫ Some sampled States have adopted the Violence against persons Law, e.g. Kaduna State (adopted in 2018) and Ekiti State (adopted in 2019). Also, Edo State has Violence Against Persons Prohibition Law of 2019. ▫ Ekiti State has a law on PWD referred to as Discrimination Against Persons with disability (Prohibition) Law 2020 		
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5.1.6 Core Principle 6: Social Conflict

Table 5.6: Assessment Core Principle 6: Social Conflict

<p>Bank Policy for Program-for-Results Financing: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.</p>
<p>Bank Directive for Program-for-Results Financing: Program E&S systems avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes</p>
<p>Applicability: YES / No Although there are conflicts in different regions in Nigeria, the program activities are not expected to contribute to underlying tensions, civil strife or armed conflicts.</p>

SECTION VI: PROGRAM ACTION PLAN (PAP) AND RECOMMENDATIONS

91. This section recommends measures that will be taken to strengthen system performance in line with the gaps and risks identified in the system assessment section to ensure that the Program interventions are aligned with the Core Principles of Bank Policy for Program-for-Results financing. The identified key areas are elucidated below. These actions may be further refined and adjusted during the consultation process and the implementation of the Program.

6.1 Environmental Summary and Recommendations

92. Although Nigeria has a well-defined environmental system that is close to the core principle on environmental assessment, significant gaps remain. For example, the EIA process in Nigeria does not cover the social aspects as it should. Often impacted communities and vulnerable groups are not consulted during the EIA process and when even when they are consulted at the beginning, they are not carried along during the review and approval process thus, their concerns may not be reflected in EIA document. Besides, the monitoring of EIA implementation is weak as there is no tracking system to monitor environmental and social risks and performance. Other major concerns are as follows:

- At the State and local levels, there is weak capacity in delivering a robust environmental assessment process:
- Although the Ministry of Environment exists in all sampled states under the program, they do not have an adequate environmental legal framework as most laws do not make enough provisions for e-waste management and OHS issues and have weak provisions for environmental assessment and guidelines to guide due diligence processes, especially for PPP projects, in line with national and international best practice.
- E&S elements on impact management from physical works, labor management and occupational health and safety and overall environmental management are sometimes not considered in approvals for projects by private operators involved in the deployment of fiber optic networks. This could allow private operators to operate without ensuring adequate financial allocations for ESMP implementation, procurement of PPEs for workers and site level management, which can lead to various negative environmental impacts.

93. Based on these assessments, the following recommendations are made:

- There is a need to include E&S consideration in the PPP framework adopted by participating states (DLI3).
- State governments that will approve ROW to private operators for the deployment of fiber optic networks should ensure that the operators put in place appropriate controls and staffing.
- Participating state governments should institute a scheduled program to build and strengthen the capacity of technical staff of the States Ministry of Environment and the PCU to be able to manage and monitor environmental assessments processes,

environmental monitoring to ensure pollution control, hazards and other environmental issues in the state especially in relation to fiber optics deployment. At the long run, there is need to equip the State Ministries of Environment with necessary facilities and equipment (including laboratories, monitoring devices for monitoring environmental parameters).

- Participating states' MDAs responsible for broadband deployment need to formulate/develop guidelines and manuals for mainstreaming stakeholder engagement processes, environmental, and OHS issues, into the implementation of DLI2.

6.2 Social Summary and Recommendations

94. Although the SABER PforR will induce improved business operations in the states and generate revenue for the firms and government, create employment and enhance the income and livelihoods of people especially private sector workers, there are gaps in the E&S systems of the states that need to be filled if the benefits are to be realized. Major concerns are as follows:

- Although the program does not envisage large-scale land acquisitions, there is a weak procedure for consultation with project/program-affected persons, especially those legally or illegally in the ROW (related to DLI2).
- There is need to develop an effective GRM system that aligns with state ADR system so complainants and businesses (especially small-scale businesses and those that do not have the capacity to use the courts) can leverage on for resolution of their concerns. Inadequate capacity and effective framework to handle GBV, SH and SEA.
- Weak or lack of OHS guidelines and procedures which firms deploying broadband can adopt in the state.

95. Following these assessments, the following recommendations are made:

- A procedure for extensive consultation with those that may be affected by the Program should be developed to ensure that PAPs are properly sensitized and provided with needed support (DLI2).
- There is a need to strengthen stakeholder engagement and Program-level GRM procedures for both individuals and businesses in the state, especially concerning the program.
- There is a need to strengthen frameworks and means for responding to GBV. Thus, States without a procedure for quick intervention regarding GBV, including having a GBV response team, should set up a procedure and response team and also increase public enlightenment campaign on the evils and dangers of GBV/SH/SEA. The PCU should also establish a framework and procedure for addressing GBV/SH/SEA concerning the program.

96. Following the recommendations, the breakdown of actions to be included in the Program Action Plan (PAP) with indicative timeline, responsibility for implementation and indicators for measuring the completion of such actions are detailed in the Table 6.1 below.

Table 6.1 : Program Action Plan (PAP)

s/n	Action Description	Due Date	Responsible Party	Completion Measurement
1	Hire qualified Environmental and Social Officers at the PCU and provide capacity building/system strengthening program to strengthen their skills	Within three months of Effectiveness	Federal PCU as part of the IPF TA work plan	Inclusion of the listed specialist in the team and maintained throughout the Program implementation; and Training Module and Implementation Support Supervision Report of World Bank Task team
2	Inclusion of E&S considerations in PPP framework for participating states in DLI3	December 31, 2024	Participating States in DLI3	Published on state's official website: the PPP legal and institutional framework, including E&S considerations
3	Include in the Program Operational Manual, environmental and social guidelines for participating states' MDAs responsible for broadband deployment to explore core social inclusion activities such as gender, SEP, SEA/SH, and protection of the vulnerable groups including, OHS, GRM and stakeholder consultation procedure for PAPs, etc.	Six months after effectiveness	Federal PCU	Completed guidelines disseminated to stakeholders, training provided, and the guidelines operationalized
4	Develop e-waste management strategy for managing e-waste result from the program	Within one year of effectiveness	Federal PCU	E-waste management strategy document.

SECTION VII. SUPPORTING ANNEXES AND REFERENCE DOCUMENTS

Annex 1: Proposed Program DLIs, Baseline, Prior Results, DLRs, Results and State-level MDAs

Notes:

- (1) DLIs that contain 2 DLRs which are separately valued i.e., States can receive the financing only achieving one of the DLRs. Are indicated by the sub-numbering, i.e., 1.1 and 1.2; 6.1 and 6.2 and 7.1 and 7.2.
- (2) DLRs have distinct but related components that must be all achieved in order to receive financing are indicated by the use of 'AND'
- (3) DLRs have a basic target with a lower value and a stretch target with a higher value. States need to at least achieve the basic target.
- (4) For DLRs for which no time period is described, the period during which the DLR is to be obtained is Jan 1-Dec 31, 2023, for Result 1, Jan 1-Dec 31, 2024, for Result 2, and Jan 1-Dec 31 2025 for Result 3.

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
<p>Eligibility Criteria:</p> <p>Improved planning and accountability of business enabling reforms</p> <p>AND</p> <p>Continued transparency of annual State Budget and Audited Financial Statements AND</p> <p>Strengthened and transparent debt management</p>			<p>Currently States and FCT do not prepare Annual State Business-Enabling Reforms Action Plans.</p> <p>All 36 States published FY2022 national Chart of Accounts compliant State budgets by end January 2022.</p> <p>All 36 States published FY2020 audited financial statements, prepared in accordance with International Public Sector Accounting Standards (IPSAS) by end July 2021.</p> <p>33 States published annual state debt sustainability analysis and Medium-term debt management strategy by end December 2021.</p>	<p>Annual FY21 audited financial statement, prepared in accordance with IPSAS, submitted to the State Assembly and published by 31 October 2022.</p>	<p>Annual State Business-Enabling Reforms Action Plan for 2023 approved by the State Executive Council and published online by 31 January 2023.</p> <p>AND</p> <p>Annual State Business-Enabling Reforms Action Plan for 2024, prepared with, and including records of, private sector participation, approved by the State Executive Council and published online by 31 December 2023.</p> <p>AND</p> <p>Annual FY23 state budget, prepared under national Chart of Accounts, approved by the State Assembly and published online by 31 January 2023.</p> <p>AND</p>	<p>Annual State Business-Enabling Reforms Action Plan for 2025, prepared with, and including records of, private sector participation, approved by the State Executive Council and published online by 31 December 2024.</p> <p>AND</p> <p>Previous year's (2023) progress report submitted to the State Executive Council and published online by 31 July 2024.</p> <p>AND</p> <p>Annual FY24 state budget, prepared under national Chart of Accounts, approved by the State Assembly and published online by 31 January 2024.</p> <p>AND</p> <p>Annual FY23 audited financial statement, prepared in accordance with IPSAS,</p>	<p>Annual State Business-Enabling Reforms Action Plan, prepared for 2026 with, and including records of, private sector participation, approved by State Executive Council and published online by 31 December 2025.</p> <p>AND</p> <p>Previous year's (2024) progress report submitted to the State Executive Council and published online by 31 July 2025.</p> <p>AND</p> <p>Annual FY25 state budget, prepared under national Chart of Accounts, approved by the State Assembly and published online by 31 January 2025.</p> <p>AND</p> <p>Annual FY24 audited financial statement, prepared in accordance with IPSAS,</p>

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
					Annual FY22 audited financial statement, prepared in accordance with IPSAS, submitted to the State Assembly and published by 31 July 2023. AND Annual State Debt Sustainability Analysis and Debt Management Strategy Report (SDSA-DMSR) published online by 31 December 2022.	submitted to the State Assembly and published online by 31 July 2024. AND Annual SDSA-DMSR published online by 31 December 2023.	submitted to the State Assembly and published online by 31 July 2025. AND Annual SDSA-DMSR published online by 31 December 2024.
DLII: Improved efficiency in property registration and sustainability of the land-based investment process			1.1 As of July 2022, 4 States + FCT reported having published on their state official website information on: the process for obtaining certificates of occupancy (CofOs); and 2 states reported having published the process for obtaining construction permits. None provide the complete information required.	1.1.1 Published on state official website: (i) the process for obtaining CofOs including all relevant MDAs, time frames and costs; and (ii) the process for obtaining Construction Permits including all relevant MDAs, time frames and costs; and (iii) number of CofOs registered (1 January 2012 – 31 December 2021); and number CofOs digitized and indexed in a digital archive registered (1 January 2012 - 31 December 2021); and number of female owned or joint/co-owned CofOs registered (1 January 2021 - 31 December 2021)	1.1.2 Published on state official website: (i) the process for obtaining CofO including all relevant MDAs, time frames and costs; and (ii) the process for obtaining Construction Permits including all relevant MDAs, time frames and costs. AND 1.1.2 Terms of References (TOR) for the creation of a data centric digital archive of CofOs with a searchable index in accordance with international good standards completed. ¹⁰	1.1.3 Published on state official website: (i) the process for obtaining CofO including all relevant MDAs, time frames and costs; (ii) the process for obtaining Construction Permits including all relevant MDAs, time frames and costs. AND 1.1.3 Existing CofOs (registered from 1 January 2012 to December 31, 2024) digitized and indexed in a digital archive in accordance with international good standards established in the TOR meets target: Basic target: 50%-70% of CofOs registered	1.1.4 Published on state official website: (i) the process for obtaining CofO including all relevant MDAs, time frames and costs; (ii) the process for obtaining Construction Permits including all relevant MDAs, time frames and costs. AND 1.1.4 New CofOs registered during 2025 (1 January 2025 to 31 December 2025) digitized and indexed on an ongoing basis in accordance with international good standards as established in the TOR meets target: Target: At least 90% of new CofOs registered; AND

¹⁰ The digital archive, with a view to facilitate the development of a more sophisticated GIS, should be in line with standards such as outlined in the Land Administration Domain Model. The LADM has an ISO certification. <https://www.iso.org/standard/51206.html> . The digital archive should also include and allow for a systematic monitoring of key land-related indicators, including gender disaggregated data.

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)		Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
			1.2 One State adopted the Framework for Responsible Investment in Land-Intensive Agriculture (FRILIA).		1.2.1 State executive order issued on FRILIA, or equivalent, commitment and process as per verification protocols, and FRILIA, or equivalent, adopted through State executive order as per verification protocols <i>(one-time payment for year in which DLR is first achieved, up to Year 2)</i>	Stretch target: 71%-100% of CofOs registered	15% increase from 2021 to 2025 in the share of CofOs registered per year that are female owned or joint/co-owned. 1.2.2 FRILIA, or equivalent, under satisfactory implementation with at least 1 pilot investment materialized under FRILIA and as confirmed by a social audit.
DLI 1	104	14%		15	9	50	30
<i>DLI 1.1 Basic</i>	60	8%		15 (15 states x \$1m)	5 (10 states x \$0.5m)	20 (10 states x \$2m)	20 (10 states x \$2m)
<i>DLI 1.1 Stretch</i>	20	3%				20 (5 states x \$4m)	
<i>DLI 1.2</i>	24	3%			14 (7 states x \$2m)		10 (4 states x \$2.5m)
DLI2: Improved regulatory framework for private investment in fiber optic infrastructure			As of July 2022, States reported that 10 States are applying aggregate per-meter fees of at most 145₺/meter for ROW and related fees. Only 1 State publishes online its ROW processes and fees, and no states publish approved ROW applications.	N/A	2.1 State amended existing legislation/regulation or passed new legislation/regulation to adopt aggregate fees charged for broadband deployment on a per linear meter basis ¹¹ at a maximum of ₺145 per meter. AND Published on state official website: the process for obtaining ROW including all relevant MDAs, timeframes, and costs.	2.2 State maintained aggregate per linear meter fees for broadband deployment and online publication of ROW processes and fees. AND Published on state official website: Approved ROW-related requests by operators.	2.3 State maintained aggregate per linear meter fees for broadband deployment, online publication of ROW processes and fees, and online publication of approved ROW-related requests. AND Increase in total deployed non-Gigabit Passive Optical Network (GPON) fiber optic cable kilometers against 2022 baseline meets target: Basic target: 20-99%

¹¹ These should include all fees that are charged on a per linear basis for operators deploying broadband infrastructure, including but not necessarily limited to ROW fees, annual per-meter fees, and reinstatement fees.

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
							Stretch target: >100% ¹²
DLI 2	108	15%			40	20	48
<i>DLI 2 Basic</i>	84	12%			40 (20 states x \$2m)	20 (20 states x \$1m)	24 (12 states x \$2m)
<i>DLI 2 Stretch</i>	24	3%					24 (6 states x \$4m)
DLI3: Development of an effective PPP framework			20 states including the FCT have a PPP law in place. 11 states including the FCT have a PPP FCCL framework, and other key PPP frameworks documents. While 21 states including the FCT have established PPP offices, only 11 states including the FCT have a PPP pipeline of project and have published a PPP pipeline of projects in the public domain. 8 states (noting that the FCT is excluded) have developed an independent project development fund or project facilitation fund.	N/A	3.1 State-level technical PPP coordination unit/agency mandated as the lead organization tasked with facilitation of PPPs. AND PPP pipeline adopted and disclosed by State-level PPP coordination unit/agency, of which at least 50 percent is screened for climate adaptation and mitigation evidenced by disclosure of the assessment.	3.2 State-level technical PPP coordination unit/agency maintained. AND Published on state's official website: (i) the PPP Fiscal Commitment and Contingent Liability (FCCL) Management Framework; and (ii) the PPP legal and institutional framework, including guidelines and manual; and (iii) the PPP disclosure framework. AND Web-based disclosure portal/ website publishes pipeline PPP projects.	3.3 State-level technical PPP coordination unit/agency maintained. AND State Project Facilitation Fund is established with a minimum funding of 3% of the total pipeline estimated capital investment.
DLI 3	62	8%			12 (12 states x \$1m)	30 (12 states x \$2.5m)	20 (8 states x \$2.5m)
DLI4: Improved Investment			14 states have an IPA with a verified legal mandate, out of which 11 have a functional website. Of these 11 IPAs, 5	4.1 Published on state official website: Inventory of all investment incentives (Federal and State) available in the	4.2 Published on state official website: Inventory of all investment incentives (Federal and State) available	4.3 Published on state official website: Inventory of all investment incentives (Federal and State) available in the	4.4 Published on state official website: Inventory of all investment incentives (Federal and State) available in the

¹² 100% derived from 300% growth needed to achieve NBP targets, which is in turn scaled down by two thirds given need for complementary federal-level reforms to unlock full potential and limited progress towards NBP targets to date.

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
Promotion Environment			have information available on their websites about investment incentives; 3 have information available on access to credit; none have information on the number of recipients of investment incentives; 6 have a corporate plan (of which 3 with clear KPIs); 6 have an investor tracking system; 8 have an aftercare or retention program (of which 2 with clear KPIs); 10 indicate that they provide investor services.	State, including information on (i) legal reference instrument, (ii) sectors, (iii) eligibility criteria, (iv) description of benefits, (v) duration, (vi) awarding and implementing agency, and (vii) year when the incentive was introduced.	in the State and the number of entities receiving State investment incentives. AND The Investment promotion agency (IPA) mandated as the lead organization promoting investment into the State. AND The IPA has updated its website with information as per the verification protocols, including on access to credit.	State and the number of entities receiving State investment incentives. AND The IPA is performing key functions as per the verification protocols. AND The IPA organized at least 2 information sessions for investors on access to credit and provided assistance to investors to link them to credit institutions, in the period 1 January 2024 till 31 December 2024.	State and the number of entities receiving State investment incentives. AND An aftercare and retention program is adopted as per the verification protocols; AND The number of announced investments proactively supported by IPA meets target: Basic target: 1 to 4 Stretch target: At least 5
DLI 4	105	14%		5	30	30	40
<i>DLI 4 Basic</i>	85	12%		5 (5 states x \$1m)	30 (15 states x \$2m)	30 (15 states x \$2m)	20 (10 states x \$2m)
<i>DLI 4 Stretch</i>	20	3%					20 (5 states x \$4m)
DLI5: Increased Transparency of official fees and procedures			31 states + FCT have websites but do not have fees, procedures and service level agreements (SLAs) for their business-enabling environment (BEE) MDAs stated. No advanced notification is provided of changes to fees and procedures. Adherence to SLAs is not monitored or reported to the public. Only one state and FCT have timelines associated to the resolution of grievances.	5.1 Published on state official website(s): fees, procedures, and service delivery timelines of five key BEE State MDAs as per the verification protocols.	5.2 Published on state official website(s): fees, procedures, and service delivery timelines of five key BEE State MDAs. AND State Executive Order issued to direct five State BEE MDAs to publish on state official website(s) their fees, procedures, SLAs, GRM, and mandatory advance communication rules of upcoming changes, as per the verification protocols.	5.3 Published on state official website(s): fees, procedures, and service delivery timelines of five key BEE State MDAs. AND GRMs at two key BEE State MDAs are operational and a minimum of 50% of grievances received are addressed within the specified SLAs.	5.4 Published on state official website(s): fees, procedures, and service delivery timelines of five key BEE State MDAs. AND GRMs at two key BEE State MDAs are operational and a minimum of 75% of grievances received are

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
							addressed within the specified SLAs. ¹³ AND Publish at least on a monthly basis on state official website(s): compliance with SLAs of five key BEE State MDAs.
DLI 5	60	8%		10 (10 states x \$1m)	10 (10 states x \$1m)	20 (10 states x \$2m)	20 (10 states x \$2m)
DLI6: Increased transparency of fees and levies for inter-state trade and increased exporter certification			<p>6.1 15 states have haulage fees. 17 states lack a published schedule of trade-related fees and levies. 20 states have a GRM systems, out of which 17 also cover traders, while 4 states do not have a GRM system for traders.</p> <p>6.2 20 states have an active State Committee on Export Promotion (SCEP) and 3 states have an inactive one. 13 of the SCEPs do not have an operational budget other than the NEPC contributions, hence they do not carry out activities and meetings.</p>	<p>6.1.1 Published on state official website: schedule of trade related fees and levies on inter-state movement of goods.</p>	<p>6.1.2 Published on state official website: schedule of trade related fees and levies on inter-state movement of goods.</p> <p>AND</p> <p>GRM for traders established including SMS/hotline for reporting and redress.</p> <p>6.2.1 State allocated an operational budget to the SCEP in the 2024 budget.</p> <p>AND</p> <p>Published on state official website: a state export strategy and guidelines.</p>	<p>6.1.3 Published on state official website: schedule of trade related fees and levies on inter-state movement of goods.</p> <p>AND report on complaints from traders and redress actions.</p> <p>AND</p> <p>A minimum of 50 percent of grievances received in the GRM are addressed within the specified service level agreements.</p> <p>6.2.2 At least 10% increase in the number of firms in the state that obtained export certificates from NEPC from the baseline year (2021).</p>	<p>6.1.4 Published on state official website: schedule of trade related fees and levies on inter-state movement of goods; AND report on complaints from traders and redress actions.</p> <p>AND</p> <p>A minimum of 75 percent of grievances received in the GRM are addressed within the specified service level agreements.</p> <p>AND</p> <p>Eliminated haulage fees and charges.</p> <p>6.2.3 At least 20% increase in firms in the state that obtained export certificates from NEPC from the baseline year (2021).</p>

¹³ Multiple channels for grievance uptake/publicly available procedure/service standards for resolution/clearly defined appeal process. This could include Establishing a state dashboard that shows real time statistics on key metrics such as time taken to resolve complaints, updates on key infrastructure projects as compared to service level agreements each MDA has.

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
DLI 6	89	12%		17	21	21	30
<i>DLI 6</i>	53	7%		17 (17 states x \$1m)	9 (9 states x \$1m)	9 (9 states x \$1m)	18 (9 states x \$2m)
<i>DLI 6</i>	36	5%			12 (12 states x \$1m)	12 (12 states x \$1m)	12 (12 states x \$1m)
DLI7: Simplified state and local business tax regimes			No states have a presumptive turnover tax regime for small businesses; no states have a consolidated demand notice that business-related local government charges/fees/taxes; no states have an electronic platform established for the collection of taxes, levies, and fees from businesses and automated e-receipt generation (QR code or unique payment ID) for all business-enabling environment related MDAs	N/A	7.1 State amended existing legislation or passed new legislation to adopt presumptive turnover tax regime for small businesses; AND (b) State subsumed business-related local government charges/fees/taxes into a consolidated demand notice (<i>one-time payment for year in which DLR is first achieved, up to Year 3</i>)		
						7.2.1 Electronic platform established for the collection of taxes, levies, and fees from businesses and automated e-receipt generation (QR code or unique payment ID) for all business-enabling environment related MDAs.	7.2.2 All State-level and local government taxes, levies, and fees from businesses can be paid electronically; and there is an adoption rate of: Basic target: At least 33% of State collection of taxes, levies, and fees from businesses Stretch target: At least 66% of State collection of taxes, levies, and fees from businesses.
DLI7	122	17%			32	50	40
<i>DLI 7.1</i>	32	4%			32 (16 states x \$2m)		
<i>DLI 7.2 Basic</i>	70	10%				50 (20 states x \$2.5m)	20 (10 states x \$2m)
<i>DLI 7.2 Stretch</i>	20	3%					20 (5 states x \$4m)
DLI8: Quick determination of commercial disputes			Seven states and the FCT have operational small claims courts. These are: Lagos, Jigawa, Edo, Ogun, Kano, Ekiti, Nasarawa and FCT.	N/A	8.1 Judicial Committee established by the Chief Judge of the state judiciary. AND	8.2 Monthly performance reports for small claims courts for 2023 (from inception of the courts to December 2023) to be made available to the public on state Judiciary's website by 31 March 2024.	8.3 Monthly performance reports for small claims court for 2024 (Jan to Dec 2024) to be made available to the public on state Judiciary's website by 31 March 2025. AND

DLIs	Total Financing allocated (US\$m)	As % of total financing (US\$730m)	Baseline	Prior Result <i>(Achievable b/w Concept Note Review on May 31, 2022, and Financing Agreement signing, estimated by November 14, 2022)</i>	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)	Disbursement Linked Results (DLR)
					Result 1 (Jan-1 - Dec-31 2023)	Result 2 (Jan-1 - Dec-31 2024)	Result 3 (Jan-1 - Dec-31 2025)
					<p>Published on State judiciary website: Practice Directions of the small claims' courts.</p> <p>AND</p> <p>State established and operated at least two small claims courts having tried at least one case each.</p>	<p>AND</p> <p>50% of cases disposed within 60 days, as recorded by the time to disposition report.</p> <p>AND</p> <p>50% of judgments executed within 30 days, as recorded by the execution reports.</p>	<p>75% of cases disposed within 60 days as recorded by the time to disposition report.</p> <p>AND</p> <p>75% of judgments executed within 30 days as recorded by the execution reports.</p>
DLI 8	80	11%			20 (20 states x \$1m)	40 (20 states x \$2m)	20 (20 states x \$1m)

Annex 2: Applicability of Core Environmental and Social Principles (CP) to the SABER Program Disbursement Linked Indicators (DLIs)

Result Area	DLI	CP1 General Principle of Environment and Social Management	CP2 Natural Habitats and Physical and Cultural Resources	CP3 Protection of Public & Worker Safety	CP4 Land Acquisition and Loss of Access to Natural Resources	CP5 Cultural appropriateness and rights, and needs of indigenous and Vulnerable groups	CP6 Social Conflict
<p>RA 1: Improved Land Administration and Land-Based Investment Process</p>	<p>DLI 1. Improved efficiency in property registration and sustainability of the land-based investment process</p>	<p>Applicable. Although the DLI supports no physical work, many states may not have adequate capacity for E&S screening, lack of an effective GRM and other considerations especially concerning indirect activities relating to the program.</p>	<p>Not Applicable as the DLI does not support physical works that may impact natural habitats and physical and cultural resources.</p>	<p>Not Applicable as the DLI does not support physical works, exposure to toxic chemicals or rehabilitation and reconstruction of infrastructure that may lead to hazards to the public and effect on workers safety.</p>	<p>Applicable. Although the DLI supports no physical work, the DLI itself is about land acquisition and if poorly implemented in states could indirectly lead to displacement of people given that the land use Act has challenges regarding land acquisition and resettlement and given ineffective GRM in most states, livelihoods and living standards may be impacted.</p>	<p>Not Applicable as this focuses on businesses and the rights, interests and needs of minority and vulnerable people may not be affected.</p>	<p>Not Applicable as the DLI supports no physical work. Although there may be indirect disagreements regarding criteria for land acquisition, restriction of access to livelihood sources, elite capture and GRM, the program may not contribute to armed conflicts, and civil strife, notwithstanding some level of insecurity, exists in participating states.</p>

Result Area	DLI	CP1 General Principle of Environment and Social Management	CP2 Natural Habitats and Physical and Cultural Resources	CP3 Protection of Public & Worker Safety	CP4 Land Acquisition and Loss of Access to Natural Resources	CP5 Cultural appropriateness and rights, and needs of indigenous and Vulnerable groups	CP6 Social Conflict
<p>RA 2: Improved regulatory framework for private investment in fiber optic infrastructure</p>	<p>DLI 2: Improved regulatory framework for private investment in fiber optic infrastructure</p>	<p>Applicable. Although Full implementation of the new ROW fees at ₦GN145 per meter will not directly impact the environment, indirectly, increased deployment of fiber optic following the new ROW fees will involve soil excavation to lay new fiber optic cables. These activities will result in the generation of dust, debris, and clearing of vegetation . Besides the E&S framework and institution in the states may not be robust to deal with the issues. In addition, the GRM in most</p>	<p>Not Applicable. Full implementation of the new ROW fees at ₦GN145 per meter and the deployment of a fiber optic network, as a result, may not impact natural habitats and physical resources, given that the laying of optic fiber cables would be only on preexisting roads.</p>	<p>Applicable. Full implementation of the new ROW fees at ₦GN145 per meter and the deployment of a fiber optic network, as a result, may generate some hazards that will affect the public safety and that of workers.</p>	<p>Applicable. Full implementation of the new ROW fees at ₦GN145 per meter and the deployment of a fiber optic network, as a result, may indirectly lead to temporary displacement of people and temporary loss of access to land (ROW) during the deployment. The available institutional framework in the states especially given the weaknesses regarding consultation, resettlement, and compensation in the Land Use Act, may not adequately deal with the impact.</p>	<p>Applicable as the rights, interests and needs of minority and vulnerable people may be affected during deployment of fiber optic networks, as a result of new ROW fees, especially vulnerable people on the ROW that may be displaced.</p>	<p>Not Applicable as the DLI supports no physical work. Although there may be indirect disagreements regarding temporary displacement and right of way for the deployment of fiber optic cables, the program will not contribute to armed conflicts, and civil strife, notwithstanding some level of insecurity, exists in participating states.</p>

Result Area	DLI	CP1 General Principle of Environment and Social Management	CP2 Natural Habitats and Physical Cultural Resources	CP3 Protection of Public Worker Safety	CP4 Land Acquisition and Loss of Access to Natural Resources	CP5 Cultural appropriateness and rights, and needs of indigenous and Vulnerable groups	CP6 Social Conflict
		states are ineffective and may indirectly derail program implementation.					
RA3: Improved services provided by IPAs and PPP units	DLI3: Development of an effective PPP framework	Applicable. Although the DLI supports no physical work, many states may not have adequate capacity for E&S screening / enforcement of regulatory standards, ineffective GRM and other considerations especially concerning indirect activities relating to the achievement of this DLI.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	This is applicable. Directly, this DLI does not support physical works. However, the achievement of the DLI may indirectly support physical works after the completion of the Program that may lead to hazards to the public and effect on workers safety.	Applicable. Although the DLI supports no physical work, achieving the DLI would indirectly lead to compulsory land acquisition after the completion of the Program. Given that the land use Act has challenges regarding land acquisition and resettlement and given ineffective GRM in most states, livelihoods and living standards may be impacted.	This is applicable as rights, interests and needs of minority and vulnerable people may be indirectly affected especially in relation to displacements during the establishment of PPP projects after the completion of the Program, due to the achievement of this DLI.	Not Applicable as the DLI supports no physical work. Although there may be indirect disagreements regarding GRM and litigations due to PPP arrangements, the program may not contribute to armed conflicts, and civil strife, notwithstanding some level of insecurity, exists in participating states.

Result Area	DLI	CP1 General Principle of Environment and Social Management	CP2 Natural Habitats and Physical and Cultural Resources	CP3 Protection of Public & Worker Safety	CP4 Land Acquisition and Loss of Access to Natural Resources	CP5 Cultural appropriateness and rights, and needs of indigenous and Vulnerable groups	CP6 Social Conflict
	DLI4: Improved Investment Promotion Environment	Not Applicable as the DLI does not support physical works that may impact environment.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	Not Applicable as the DLI does not support physical works that may impact public and worker safety.	Not Applicable as the DLI does not support physical works that may impact land acquisition.	Not Applicable as this focuses on policy and legal environment for investment and may not affect the rights, interests and needs of minority and vulnerable people.	Not Applicable as the DLI supports no physical work but focuses on improving the system, that is, on the policy and legal environment for investment.
RA4: Improved efficiency and transparency of government-to-business services	DLI5: Increased Transparency of official fees and procedures	Not Applicable as the DLI does not support physical works that may impact environment.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	Not Applicable as the DLI does not support physical works that may impact public and worker safety.	Not Applicable as the DLI does not support physical works that may impact land acquisition.	Not Applicable as this focuses on policy and legal environment for investment and may not affect the rights, interests and needs of minority and vulnerable people.	Not Applicable as the DLI supports no physical work but focuses on improving the system, that is, on the policy and legal environment for investment.
	DLI6: Increased transparency of fees and levies for inter-state trade and increased exporter certification	Not Applicable as the DLI does not support physical works that may impact environment.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	Not Applicable as the DLI does not support physical works that may impact public and worker safety.	Not Applicable as the DLI does not support physical works that may impact land acquisition.	Not Applicable as this focuses on policy and legal environment for investment and may not affect the rights, interests and needs of minority and vulnerable people.	Not Applicable as the DLI supports no physical work but focuses on improving the system, that is, on the policy and legal environment for investment.

Result Area	DLI	CP1 General Principle of Environment and Social Management	CP2 Natural Habitats and Physical and Cultural Resources	CP3 Protection of Public & Worker Safety	CP4 Land Acquisition and Loss of Access to Natural Resources	CP5 Cultural appropriateness and rights, and needs of indigenous and Vulnerable groups	CP6 Social Conflict
	DLI7: Simplified state and local business tax regimes	Not Applicable as the DLI does not support physical works that may impact environment.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	Not Applicable as the DLI does not support physical works that may impact public and worker safety.	Not Applicable as the DLI does not support physical works that may impact land acquisition.	Not Applicable as this focuses on policy and legal environment for investment and may not affect the rights, interests and needs of minority and vulnerable people.	Not Applicable as the DLI supports no physical work but focuses on improving the system, that is, on the policy and legal environment for investment.
	DLI8: Quick determination of commercial disputes	Applicable. Although the DLI does not support physical works that may impact environment, there is a need for GRM procedures to be effective at the implementing agency level.	Not Applicable as the DLI does not support physical works that may impact natural habitats.	Not Applicable as the DLI does not support physical works that may impact public and worker safety.	Not Applicable as the DLI does not support physical works that may impact land acquisition.	Not Applicable as this focuses on policy and legal environment for investment and may not affect the rights, interests and needs of minority and vulnerable people.	Not Applicable as the DLI supports no physical work but focuses on improving the system, that is, on the policy and legal environment for investment.

Annex 3: Key Potential Environmental & Social Risks and Benefits Associated with Program Activities

Result Areas	DLIs	Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
1. Improved land administration and land-based investment process	1. Improved efficiency in property registration and sustainability of the land-based investment process	Some direct environmental benefits will accrue from this DLI. First, an efficient land registration system will prevent land grabbing for investments and its ecological consequences, especially uncontrolled land use change. Also, there is the possibility of reduced carbon emissions from improved land management for agriculture and guided land use change due to improved transparency and sustainability in property registration. Also, FRILIA can help forestall biodiversity loss and serve as an enabling environment for the achievement of land degradation neutrality (LDN)	There is a probability that the State ministry and PCU do not have the capacity to manage environmental and social risks. This situation may have indirect consequences, for example, poor E&S considerations, especially in the screening of land investments. It has the potential to generate e-waste given the digital data-centric and indexed database for Certificates of Occupancy (CofOs). Also, the implementation of FRILIA may indirectly be associated with some environmental risks due to slippage from sustainable agricultural practices (i.e., poor implementation of FRILIA), uncontrolled pesticide and fertilizer application; habitat alteration; carbon emissions. (Directly, the Program does not finance poor implementation of FRILIA, and instead only disburses against the successful pilot implementation of FRILIA, as confirmed by a social audit).	Direct social benefits include: <ul style="list-style-type: none"> • Secure property rights. • Effective monitoring of land use. • Increased inflow of investments. • Increased access to finance for investment purposes. Also, there is a possibility of increased government revenue from property tax, land rent and fees, and increased investment in development projects due to increased government revenue, and hence reduced poverty and enhanced livelihoods.	Social risks as a result of DLI 1 could indirectly result from ineffective GRM in land acquisition (i.e., poor implementation of FRILIA), thus impacting livelihoods and living standards, especially of the vulnerable groups, negatively. Indirectly, there could be elite capture, challenge regarding title owner determination, gender-based violence (GBV) and sexual harassment (SH) due to poor land acquisition and resettlement procedure.
RA 2: Improved regulatory framework for	2. Improved regulatory framework for private	Increased deployment, access and use of the broadband network given	Deployment of the broadband network as a result of new ROW fees of	This DLI is associated with some social benefits. The deployment of broadband	The achievement of this DLI may lead to the temporary displacement of people,

Result Areas	DLIs	Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
private investment in fiber optic infrastructure	investment in fiber optic infrastructure	new ROW fees of N145/meter could help reduce greenhouse gas emissions. This is because the use of broadband internet could facilitate reduced movement of people to offices as they work from home, thus reducing the amount of fossil fuel burnt and the associated reduction in emissions. Thus, companies can reduce both their energy use for keeping people in offices and the associated emissions.	upto NGN145/meter would involve clearing and the excavation of soils to lay optic fiber cables. These activities will result in some environmental consequences, for example, the generation of waste and dust resulting in air pollution and risks of obstructing drainage networks and water pollution. E-waste will also be generated from deployment of broadband network. Also, some cellular sites may use off-grid diesel generators resulting in pollution and increased carbon emissions. In addition, the extension of broadband optic fiber networks requires electricity which will also lead to the burning of fossil fuels and an associated increase in emissions.	internet facilities will increase access to broadband internet and thus enhance business operations of firms, and equally enhance production and income, of firms. Enhanced income of firms also translates to increased revenue for the government from sales and income taxes.	primarily low-income people selling their wares or residing along the right-of-way. In addition, due to the lack of an effective GRM, the system may not appropriately redress the grievance of those impacted by the program. fiber It thus may negatively impact the livelihoods of poor and vulnerable people. fiber
RA3: Improved services provided by IPAs and PPP units	3. Development of an effective framework	The achievement of the DLI can potentially indirectly facilitate the building of climate-friendly infrastructures and help reduce carbon emissions. For example, installing renewable energy power generation systems through a PPP arrangement (induced by a	Given low capacity for E&S in most states, achieving this DLI could potentially indirectly lead to environmental risks associated with PPP projects involving construction and rehabilitation of infrastructures (post-Program).	The achievement of this DLI can potentially indirectly reduce risks for the government as the risks involved in projects are shared between the government and private investors. Also, it can free up money meant for other capital projects for distribution to different socio-economic and development sectors that impact more on the	The achievement of this DLI could indirectly create some social risks. It could potentially indirectly lead to land acquisition and resettlement issues due to a PPP project that materializes after Program close. For example, the achievement of this DLI could indirectly result in compulsory /forced land acquisition and grievances

Result Areas	DLIs	Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
		robust PPP framework developed under the Program) can help mitigate carbon emissions.		<p>poor and vulnerable, such as education, health and agriculture. This will help improve the income, health and livelihoods of the poor and vulnerable.</p> <p>It can also facilitate speedy and more efficient provision of social and economic infrastructure, for example, in the transport and health sector and thus enhance the achievement of the SDGs.</p> <p>Achievement of this DLI can indirectly enhance government tax revenues and thus support the provision of infrastructures and amenities needed by the people and thus enhance economic growth and poverty reduction.</p> <p>The DLI, if achieved, can potentially indirectly facilitate employment generation, for example, through the construction of infrastructure and the establishment of institutions that would require human resources for its operations.</p>	<p>among people who may be displaced from lands for PPP projects especially where land acquisition process for PPP is not well spelt out. It could enhance underlying tensions between landowners and pose security risk especially where property rights are not well defined. Given ineffective GRM in some states, this could negatively impact the income and livelihoods of those involved.</p> <p>Also, there could be disproportionate benefits to investors, which may lead to minor conflicts.</p> <p>Stakeholder agreements on some issues could be overlooked in setting up PPP projects, thus leading to limited benefits to locals and vulnerable stakeholders and minor conflicts.</p> <p>In addition, achievement of this DLI can indirectly result in GBV and SH especially with increased PPP projects and subsequent construction and rehabilitation activities and associated activities.</p>
	4. Improved Investment Promotion Environment	The achievement of the DLI can indirectly facilitate investment (after the Program) in climate-friendly projects that can help reduce carbon	Given weak E&S capacity in some states, the achievement of the DLI can indirectly and potentially (after the Program) result in a poor environmental screening of	The achievement of the DLI can indirectly and potentially (after the Program) facilitate private investments in different sectors of the economy and thus enhance job-creation and	Social risks associated with this DLI is negligible.

Result Areas	DLIs	Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
		emissions. For example, it can facilitate private investments in renewable energy power generation systems or clean cooking can help mitigate carbon emissions.	investment projects resulting in projects that can pose adverse ecological risks.	reduction in unemployment, increased income for the people and poverty reduction.	
RA4: Improved efficiency and transparency of government-to-business services	5. Increased Transparency of official fees and procedures	Environmental benefits associated with this DLI is negligible.	Environmental risks associated with this DLI is negligible.	Achievement of the DLI is expected to reduce multiple taxations as often complained about by enterprises and company owners, reduce corruption in official processes and procedures regarding businesses and enhance increased business investment in the states. This will thus lead to increased employment, enhanced income, and poverty reduction among the citizens, especially the poor and vulnerable, as more businesses will be attracted to the states. It will generally translate to more economic growth and development.	Social risks associated with this DLI is negligible.
	6. Increased transparency of fees and levies for interstate trade and increased exporter certification	Improved transparency of, and accountability around, interstate trade related fees and levies, the removal of haulage fees, and export certification can, indirectly, encourage firms' access to modern technologies that enable efficient production processes that can reduce the use of energy, water	The achievement of the DLI can induce increased access to markets, which could in turn increase firm production, which in turn, could also increase pollution and the application of environmentally harmful practices in production by firms, especially in states with a low capacity to	The achievement of the DLI can create increase access to markets, which could increase firm production, which in turn, could enhance innovation, improve productivity and income of firms and businesses, and hence enhance economic growth. If the DLI induces increased firm production, it will also enhance employment and the development of a	The achievement of the DLI can reduce interstate trade costs, which could introduce more competitive firms to uncompetitive markets, which in turn can lead to loss of jobs especially for unskilled labor force, unemployment, and reduced wages, for non-competitive firms.

Result Areas	DLIs	Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
		and other environmental resources.	monitor the environmental practices of firms.	skilled workforce and equally benefit consumers as competition makes them have access to affordable goods and services.	
	7. Simplified state and local business tax regimes	The achievement of this DLI will facilitate the payment of environmental taxes and levies by firms, enhance the revenue for the states and thus facilitate environmental management.	Environmental risks associated with this DLI is negligible.	Achievement of this DLI can enhance government tax revenues and thus support the provision of infrastructures and amenities needed by the people and thus enhance economic growth and poverty reduction.	Social risks associated with this DLI is negligible.
	8. Quick determination of commercial disputes	Environmental benefits associated with this DLI is negligible.	Environmental risks associated with this DLI is negligible.	Achievement of this DLI has the potential to facilitate private investments in the state, as investors would be more comfortable investing when they are sure that their assets are secured and that they can quickly obtain justice where their rights are infringed. Increased investment will thus enhance the income of workers and the people and thus secure their livelihoods. It will also strengthen government revenue from taxes and levies and thus facilitate the provision of infrastructure, economic growth and development.	Social risks associated with this DLI is negligible.

Annex 4: Report of Stakeholder Consultation Held on July 19, 2022, Via Microsoft Teams

Opening remarks

Mr Karim Belayachi greeted the guests and all participants of the meeting. He said the meet would be based on discussing the State Action on Business Enabling Reforms Program (SABER), which is a government program designed by the Presidential Enabling Business Environment Council (PEBEC) along with its partners, NGF and the home finance department with World Bank support. He noted that, as the name implies, the objective was to improve the business-enabling environment in the states. He said that the World Bank is considering financing the most promising areas of this government program, the subset of the overall government program. For the World Bank to finance a government program, there are environmental and social requirements that an institution needs to have information about and meet. He noted that there was a need to ensure that the government systems used for the SABER program meet certain environmental and social requirements. He observed that the condition is across the board for all the financing that World Bank provides. According to him, "today's meeting is the initial consultation for this environmental and social assessment". He observed that in parallel, some of the participants might have been attending several SABER meetings over the last few weeks, as several meetings on the technical aspects were conducted. He noted that the meetings are continuing in parallel and that there will be additional opportunities for the states to participate in discussions linked to the verification protocol. He reiterated that the objective of the discussion was to focus on the environmental and social assessment of the program.

The PEBEC partners, after that, gave a presentation which provided background on all the SABER programs with the following contents - introduction, program boundaries, program features for SABER design pr programs, proposed institutional arrangements and proposed timelines.

Presentation on the ESSA – Dr Nnaemeka Chukwuone, on behalf of the E&S team, presented the details of the Environmental and Social System Assessment (ESSA) of the SABER performance for results. The presentation outline includes:

- and social requirements for the program for result financing,
- environmental and social requirements for investment project finance
- the key questions for states that the states are expected to respond to. The questions, he noted, were earlier circulated to the states.

He said that the consultation was aimed at fostering a systematic approach for stakeholder engagement because one of the key aspects of performance for results financing program like in SABER program was stakeholders' engagement. He said it was to enable the stakeholders to be completely involved from the beginning of the program. He noted that further consultation would hold to present the findings of the ESSA to the stakeholders. He further pointed out that the consultation would facilitate engagement so that stakeholders could ask questions and raise their concerns about the program, obtain clarifications and agree on them before the actual program starts. He noted that during the consultation, the stakeholders could provide their input and suggestions regarding the program design, and they are provided information about the environmental and social risk and its impacts. He also noted that one of the major objectives was to provide the programme affected parties with accessible and inclusive means to raise issues and

grievances. He further presented the core principles guiding the ESSA in line with World Bank guidance and the methodology/steps of the ESSA. He also presented the questions that the states are to respond to. He noted that the response to the questions and the documents the states would provide would help the team understand the gaps in the environment and social system in line with the six core principles. He noted that based on the analysis, effective recommendations would be made and included in the Program Action Plan (PAP) to take care of the issues before the program take off or within the program. He urged the representatives from the states to provide the requested documents regarding the E&S legal and policy framework to facilitate analysis of the government systems.

Comments from the Other World Bank Team Members

Elijah

He provided additional clarification to participants regarding the program. He noted that the program is a hybrid with a PforR and an IPF component and should not be misunderstood as two projects. He observed that although it is one project, they are two levels of environmental and social documents that are in use. In other words, the Program Action Plan in the ESSA would dictate actions and procedures that states and implementing agencies would take to address potential environmental and social risks resulting from all the five result areas. On the other hand, the IPF component rely on the provision of the Environmental and Social Commitment Plan (ESCP) to address specific environmental and social risks or issues/areas of concern related to activities spelt out under the IPF component. During implementation, the team would monitor the implementation and performance of the Program Action Plan agreed upon and the delivery of actions listed under the Environmental and Social Commitment Plan. So, the State's capacity to manage environmental and social risk would be viewed from those two main instruments.

Nadia

She thanked Nnaemeka for the comprehensive presentation and welcomed the participants. She said, "we are here because it is the requirements of the project preparation from the World Bank side, and it is a joint work that needs to be done together". She also said, "we are talking about the performance for results and IPF, and the way it is, they are independent/one project. Also, from the World Bank angle, it is considered one project. However, from the requirement perspective, we are talking about the different tool kits needed. The performance for Result and IPF are requirements for the project. ESSA is the task of the World Bank". It is the responsibility of the client to implement the program action plan. She noted that the federal/state government would prepare the ESCP with the support of the World Bank and that the ESCP is a part of the legal document required from the government. She also noted that the states need to prepare Stakeholders Engagement Plan (SEP) and Labor Management Plan (LMP). She said that the third is ESMP which can be done after the project appraisal before the project effectiveness. According to her, these documents are the client's responsibility to prepare, and World Bank would be there to help and work on it together with them as States are the ones who need to own it and implement it. On the other aspect of the stakeholders' consultation, she said some questions are to be discussed because to complete the ESSA, we need the various states' views on the questions that have been shared. Lastly, she noted that the ESSA, the SEP, ESCP, LMP, ESMP, documents would be disclosed on the client's websites.

Cindy assured colleagues that they should not feel confused. She said the World Bank team would guide the state teams through the process. SEP and the LMP, as earlier mentioned, can come as one document. The SEP document aims to document stakeholders' engagements and how to carry along various stakeholders such as project affected presents and influential people to the project. Also, it would outline how the program would carry along CSOs and NGOs throughout the program with support from the Bank. LMP also discusses how issues that are related to labor would be managed in the program. She told the state team not to be scared, as the World Bank is on the ground to walk them through the process

Lucky

Lucky, like his colleagues, asked the state team not to be confused as they are in it together to provide the state team with the necessary support. He also observed that the project was a hybrid one including the TA components and the PforR components. Based on the questions shared with the team, the ESSA is on systems assessment. He noted that, essentially, the WB team is assessing how the states have been addressing environmental and social issues in their projects. He said that the team would need written responses and evidence-based information. According to him, "for instance, if one question is how you manage occupational health and safety issues in your program, we will need you give us evidence of how the State has been managing it. If there are gaps, the WB team will help you strengthen the State's system. This is essentially one of the purposes of the consultation. It is not rocket science but rather a system assessment".

Kayode, who anchored the consultation, gave leaders of each team from the four states (Edo, Nasarawa, Ekiti and Niger) three minutes to tell the audience their understanding of the questions on each of the results areas.

Mr Oyebode, the Hon. Commissioner from Ekiti State said it was very straightforward and did not think there was any problem. He noted that obviously, the State's framework always requires some refinements but at least looking at the results areas, the State has some of the documents and is working on some. He said it was for RA1 more than RA2 where they could provide adequate information. He also noted that RA3 is very straightforward, and to a large extent, they have a robust environmental and social mechanism. Also, he said that because of the number of development partners or donor projects they have done over the last two years, there was a mechanism for handling environmental and social issues on projects that they could always share with the WB team. He also said that the State had done some RAP, and that they are currently doing a RAP for one of their projects. He said that they had gotten approval from the Federal Ministry of Environment for some environmental and social activities. The ongoing projects in the State are RAMP and NEWMAP. They are also carrying out the knowledge zone project with the Africa Development Bank, and even their airport project has a solid environmental and social component. He noted that the State has had to these similar things for these projects, so they are very comfortable with these frameworks, and he doesn't see any concerns. He said that the State has specific training development centres for people with disabilities and has supported some victims of gender-based violence and sexual harassment. He promised to send a sample EIA for PPP project as they have a couple that they just concluded. He said he was unsure whether the State has a documented procedure for GRM. He observed that they have a robust gender policy and that their track record of dealing with GBV is second to none across the country.

Nadia: Thanked Mr Oyebode for giving a very reassuring brief of the experience of Ekiti state. She inquired whether they have any experience with the private sector and how they manage environmental and social safeguards for the private sector.

Mr Oyebode indicated that they have some experience with the private sector. He said that they are at two levels. One would be public-private partnerships in nature, and the other would be purely private sector institutions. The experience is a mix-bag; in some instances, there are always concerns around regulation over state and federal government. Sometimes visiting these people requesting for the same compliance framework, but what we have tried to do now as a state is to let the Federal environmental agencies lead. If there are any additional requirements, often there is none from the State. We check if you have met all the federal requirements, then the person passes the checklist, and the firm is given approval for what was required.

Nnaemeka thanked the Honorable Commissioner for the information provided and encouraged him to provide a written response to the questions.

Mr Oyebode, the Ekiti HCF, said they would forward the questions in 5 minutes to the team, and if there are additional issues to address, they will send them in 72 hours.

Elijah- He commended the Hon. Commissioner and his team in terms of the system they have in place. He further asked if they have a PPP framework for each sector or one that covers all the sectors.

Oyebode – we did not disaggregate it by sector. We have it as a standard requirement in line with the Federal Ministry of Environmental and State Ministry of Environment requirements.

Edo State HCF- we received the questions and have held an internal meeting with the team comprising representatives from the relevant Ministries, Departments and Agencies. So, we are putting the response together. So far, there is no area we do not understand, and there are no misgivings. What I would like to confirm, and I am happy that Mr Elijah is on this call is, is it possible, given that we only recently went through an assessment project like this for our performance for results instruments, that we went through the same environmental and social assessment? Can it be extended to cover this program, or do we need to reassemble the document afresh?

Olukayode- this is a different program, and we will need the documents, especially the updates.

Nnaemeka - We will be grateful to receive the document, especially if they are updated. I remember we had EDO BEST and the State also was part of the Nigerian CARES; during the EDO BEST we had a series of interviews and discussions in-person meetings with the sectors and ministries in Edo. Elijah and I gathered information, especially in terms of your PPP environmental and social documents, gender and so on. We still have most of the documents. But if you will recall, when I was making the presentation, I noted that we would also like to see whether, based on previous recommendations in the program action plan, there have been improvements in the environmental and social system. You would give more information, so we will not provide obsolete but an updated assessment of Edo systems. So, if there are new things, we will know them. Then you started a PPP, and now maybe the PPP has happened, and you have done some

environmental and social activities. We would like to see how you did it to know whether we need to make some further recommendations or applaud the framework. We would appreciate it if you could share the document, especially in terms of improvements in your system based on the performance for results you are doing now. We will be happy to have them.

HCF Edo Mr. Joseph said that they would make all the documents available by way of responding to the question that has been sent in. He noted that he was supporting the proposition by HCF Ekiti regarding a possible submission date of Friday this week.

Olykayode – Hoped that Friday was sacrosanct because it was delaying the production of the first draft of ESSA. He thanked the HCFs for their commitments.

Elijah- just like Nnaemeka said and because of RA1 that has to do with land administration, we would also like to get feedback from the Edo team because I remember we had a lengthy conversation with Edo GIS. We would like to know how far they have gone to improve their system. We recall then that they were looking at urban areas, regularizing land holding in urban areas without focusing on the rural areas. We would like to see also areas where there has been improvement, particularly in Edo GIS. I noticed the director was connected at the beginning of the meeting. So, we would see if there were improvements we can also showcase to other States as part of the success story. In a nutshell, we will rely on the previous information and depend on you for updated information.

Edo HCF - I can confirm that, indeed, we have moved ahead from the last time we had the assessment. So far, the land administration we had an area survey of the states, and this was before the SFTAS program. A DLI catered for property taxes and now required all states to have a GIS implemented. We have done the area survey, and we are at the point of ground strolling; it has been done across all the local government areas in the State, where we enumerated properties and attributes also of bare land. Right now, we are cleaning the data, and we are also updating our GIS system. By the time we respond, you see that we have achieved certain milestones since the last time we spoke. We are also currently implementing a physical master plan documented for the metropolitan cities and then regional master plans for other parts of the states that a semi-urban and rural. This would also help to define land use on the one hand, and closely tied to this is a grievance redress mechanism being put in place to ensure that we facilitate development across the State. Traditional landowners would have a mechanism through which they can shout out should there be an instance of land grabbing or forced parting of their lands. So, these mechanisms are being put in place to ensure that the original landowners are treated with respect and that all the other norms and covenants are adhered to. So, we will have quite a bit of updates in that area.

Olukayode- thanked Edo HCF and said he was impressed with the grievance redress mechanism; that it was a good takeaway as the project's success depended on it.

The focal person for Niger state indicated that the consultation was their first meeting with the team and the first time they saw the questions discussed during the consultation. He noted that Niger state has PforR program in the State. He also noted that there are PPP, RAMP and other environmental projects going on in the State. He said that the State needs a lot of time to go through the questions and will get back to the World Bank team. He noted that it was two days back that

the focal person received a mail regarding the meeting. There is a need for the state team to sit with the stakeholders in the State and go through the questions and get back to the World Bank team probably within 72 hours. The focal person also said that the HCF was new as he had just been deployed to the ministry, so he needed time to review the documents.

Kayode mentioned that it was a learning process for everyone. He said that, fortunately, the State had implemented Bank projects, including a PforR program. He requested the World Bank technical team members, Grace and Dotun, to assist the Niger team in responding to these questions between now and Friday. He asked the Niger team not to hesitate to reach out to the World Bank team and the consultant on what they are unclear about the questions and program. He noted that having these responses by Friday was important, as agreed.

Titus, the focal person from Ekiti state, noted that there was a need to have a process in place to ensure that information is disseminated rightly to the states for effective action. He was happy that they provided their contact details for additional information.

Olukayode added that the World Bank team wants the contact addresses of as many relevant people as possible to the program so the team can easily disseminate information.

Nadia also requested teams to share the requested documents before Friday, July 22, to facilitate the preparation of the ESSA. She said that the WB team needed the documents as soon as possible and would request for the various states to share the document at their earliest convenience.

Lucky: Noted that he was glad about the consultation level and the document that states have confirmed that are available, which was a good development. However, he noted that previous assessments observed some gaps in the States' enforcement of occupational health and safety issues which is related to core principle three on public and worker safety. He indicated that the team would be glad if the States provided some documents that showed how they have managed occupational health and safety issues in projects. He also indicated that the States should provide a sample of incidence investigations they have carried out and show their capacity and capabilities in managing occupational health and safety issues in their projects.

Olukayode, who anchored the discussions, read out the next steps in the program preparation, which includes:

- i. the completion of the ESSA, which he said was based on the states' responses to the questions as it would facilitate the production of the first draft.
- ii. ESCP between the clients and the World Bank.
- iii. SEP- which the clients are supposed to produce although the World Bank on their side was helping the States to produce the first draft.
- iv. LMP, which the draft is in the works.
- v. ESMP will come up after appraisal, given that it is a site-specific instrument.
- vi. Assigning a focal person for environmental and social activities during preparation; and
- vii. Disclosure.

Nadia thanked everyone for joining and noted that it was the first consultation meeting and noted that another one would be conducted when the team had prepared all the relevant documents. She told the state teams to feel free to ask any questions as the World Bank team would be available to respond.

Mr Dotun stressed the submission date timelines. He noted that the earlier the documents are submitted and responses to the questionnaire, the better, particularly to facilitate the delivery of other deliverables. He said the technical team would get back to the states to see that all the documents were submitted as soon as possible.

Kayode thanked the HCF of the three states for participating and taking the meeting seriously as they did not send a representative; instead, they were present to provide their responses. He noted that the World Bank team would keep counting on their support for the quick delivery of the program. He mentioned that the states are lucky to be part of the pioneering participating states and everyone's hands are on deck, including the country director, to ensure that the set target date for the World Bank board and approval was realized

Annex 5: ESSA Consultation Attendance on July 19 and 20, 2022

S/N	NAME	ORGANIZATION	POSITION	TELEPHONE NUMBER	EMAIL ADDRESS
1.	Akintunde Oyebode	Finance & Economic Development, Ekiti State	Honourable Commission		aoyebode@ekitistate.gov.ng
2.	Gbenga Babs Bababta	TA, HCFED, Ekiti State	HCFED	07031805846	Gbenga.babsbabata@gmail.com
3.	Taye Titus Adelus		Focal Person, SABER, Ekiti State	08038184982	adelusitaye@gmail.com
4.	Bright Omorogbe		Focal Person, SFTAS TA, Edo State	07035843992	b.omorogbe@edostate.gov.ng presomo@gmail.com
5.	Kelvin Uwaibi	Edo State Investment Promotion Office (ESIPO)	Managing Director	08055354490	Kelvin.uwaibi@gmail.com k.uwaibi@edostate.gov.ng
6.	Joseph Eboigbe		Honourable Commissioner of Finance, Edo	08037279584	j.eboigbe@edostate.gov.ng
7.	Ogbomo Osaze	Ease of Doing Business Secretariat, ESIPO	Team Lead	08052055477	osazeighoretin@gmail.com
	Francis Evbuomwan	Edo Geographic Information Service	Managing Director	08033084114	fevbuomwan@edogis.org
8.	UT Muhammad		Honourable Commission of Finance, Niger State	08033142495	Tinau060@gmail.com
9.	Sirajo Sa'id		Senior Focal Person, Niger State	08034344444	Sirajo10@yahoo.co.uk
10.	Sanusi Aliyu		Senior Focal Person, TA, Niger State	08035885775	Sanusialiyu997@gmail.com

S/N	NAME	ORGANIZATION	POSITION	TELEPHONE NUMBER	EMAIL ADDRESS
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1.	Linda Yakubu	Development Aid Corporation, Kaduna State Planning and Budget Commission	Director	080328429966	Linda.yakubu@kdsg.gov.ng
2.	Umma Yusuf Aboki	Planning and Budget Commissioner	Commissioner/Kaduna State Focal Person	08033033693	Personumma.aboki@kdsg.gov.ng
3.	Sadiq Mohammed	Kaduna Investment Promotion Agency	Executive Secretary		
4.	Gerald Ilukwe	Government House, DICT	Chief Information Officer	08034021793	Gerald.ilukwe@kdsg.gov.ng
5.	Mohammed Mahmud Shuaibu		MOF Kaduna State		
6.	Chibuike C.P. Ozofor	Enugu State Ease of Doing Business Council ESIDA	Team Lead	08038695281	Cpcozofor.esida@gmail.com
7.	Maimuna Zakari	Kaduna Environmental Protection Authority	General Manager	09016162626	Maimuna.zakari@kdsg.gov.ng
	Badamasi Musa		Director, planning and budget commissioner	08025256028	Badamasi.musa@kdsg.gov.ng
8.	Muhammad Gambo Magaji	Ministry of Finance, Gombe	Honourable Commissioner of Finance		Mgm262@yahoo.com
9.	Dr. Ishiyaku M. Mohammed	Budget, Planning and Development Partner Coordination Office, Gombe	Sp. Adviser		Ishiyakum@gmail.com
10.	Abubakar Inuwa Tata	Gombe Internal Revenue Services	Executive Chairman		abubakartata@gmail.com
11.	Abubakar Dauda Gadam	Ministry of Finance		08036702950	masigadam@yahoo.com
12.	Ahmed Yunusa Muhd		DAFMO, Gombe		famyunusa@gmail.com
13.	Yusuf Adamu Goje		DFA MOF, Gombe	08061340981	yusufgoje@gmail.com
14.	Kabiru Tsoho		DG MOF, Gombe		Kabirutsoho38@gmail.com
15.	Aminu U. Yuguda	Budget Planning and Development Partner Coordination Office	PS/AG MOF, Gombe		fauyuguda@yahoo.com

16	Musa M. Babaji			08036272039	Musababaji444@gmail.com
17.	Abubakar Haruna Garba	Ministry of Trade, Industry & Tourism	Gombe	08142323202	Abubakarharuna1123@gmail.com
18.	Balarabe Musa	EODB	Council Secretary, Gombe	08036477317	Balarabe25@gmail.com
19.	Elias Istakes B.	Ministry of lands	Focal Person on EODB, Gombe	08096553672	istakisillias@gmail.com/
20.	Abubakar Hussaini		Land Officer, ML&S, Gombe		Husainiyya76@gmail.com
21	Abdulkadir Abubakar Bello	Debt Management Agency, Gombe	SOO		Azbelo90@gmail.com
22	Sadiya Yusuf Umar	Kaduna State Urban Planning and Development Authority		07039368466	yusaads@gmail.com

**Annex 6: Summaries of State Level Analysis of E&S Systems in line with the PforR Core Principles.
Federal Environmental and Social Systems Assessment**

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>General Principle of Environmental and Social Management</p>	<p>On Environmental and Social Management</p> <ul style="list-style-type: none"> • At the Federal level, National Policies, Acts, Regulations such as the EIA Act No. 86 of 1992) for environmental management are well defined as are the institutional system’s identifying environment procedures, roles and legislation that are broadly consistent with the Core Principle 1 of the Bank Policy, there is weak coverage of social issues in the national EA regulations • FMEnv and NESREA Sectoral guideline: Guideline covering infrastructure projects deals with both the procedural and technical aspects of EIA for construction projects. The guideline stresses the need to carry out an EIA at the earliest stage possible. • Environmental Assessment (EA) Department of the Federal Ministry of Environment is responsible for ensuring that the environmental risks are assessed, and adequate measures are taken to mitigate and or manage potential project impacts in line with the Federal Republic of Nigerian EIA Act of 1992. • Nigeria has a climate change policy which guides climate action by government. Nigeria is also part of the Paris Agreement. NESREA is also empowered to enforce non-compliance with environmental laws and regulations. • The Nigerian Environmental Impact Assessment Act (Act 86, 1992) required project implementing agencies to carry out extensive consultations with project affected parties and disclosure of project documents. 	<ul style="list-style-type: none"> • Weak enforcement capacity is a major concern. While there seem to be adequate legal and institutional frameworks for managing environmental issues, the ability of the relevant institutions to enforce the existent laws is rather weak and would require further strengthening. • On E&S performance of contractors, including contractor selection, routine supervision, quality control and corrective actions, the management of contractor’s E&S performance at the federal level is weak • There is an absence of reliable environmental baseline data in Nigeria • Although the federal government has an institution (the public complaints commission) and prior experience on GRM consistent with the Bank’s requirement, the GRM implementation process is not adequate • 	<ul style="list-style-type: none"> • Strengthening the capacity of the PIU, through capacity building and other operational support mechanisms. • Recruit an Environmental and Social Specialist in the PIU to coordinate the E&S activities/management at the state level. • Coordinate the states to develop a robust system for environmental compliance monitoring and enforcement at the State/LGA levels • Develop an accessible grievance system.

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>Natural Habitats and Physical Cultural Resources</p>	<ul style="list-style-type: none"> • Nigeria has several forest policies, programs and guidelines to facilitate the management of forests and other natural habitats. For example, the National Forest Policy (NFP) 2006, National Biodiversity Strategy and Action Plan, Nigeria REDD+ project. The NFP remains relevant in the preservation of the National ecosystem and addressing climate change challenges in Nigeria. Nigeria has a lot of biodiversity sites including sacred groves as detailed in the National Biodiversity Strategy, however, it is not envisaged that the program will have any adverse direct impact on biodiversity. <p>Other Federal Governing laws on environment and water resources include:</p> <ul style="list-style-type: none"> ✓ The Endangered Species Act, Cap E9. ✓ The National Parks Act. ✓ Water Resources Act, Cap W2, LFN 2004 <p>On PCR related aspects, the Federal Ministry of Information and Culture</p>	<ul style="list-style-type: none"> • Most of the States are familiar with and has implemented Bank-supported projects that assessed the project impacts on biodiversity and natural habitats, including preparation of necessary instruments to manage such impacts consistent with the Bank’s requirements under the previous safeguards. However, the ministry relies on third-party consultants to carry out such assessments • The Nigeria EIA Act does not include assessments of risks and impacts on cultural heritage. • The EIA requirement for consultation with communities does not capture aspects related to the protection/safety/integrity of cultural heritage sites • The enforcement of biodiversity and natural habitat laws at the federal e levels is often weak. 	<ul style="list-style-type: none"> • Coordinate the states in developing a comprehensive screening procedure should be built to carry out an early screening of potential E&S impacts on natural habitat • Develop a robust management system for environmental and social compliance monitoring and enforcement on natural habitats and “chance find” procedure • Requisite skills are required to monitor the impacts on natural habitats.

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
Public and Worker Safety	<ul style="list-style-type: none"> • There is a revised National policy on occupational safety and health, 2020 • The legal/regulatory system of the country includes provisions for protecting worker, community and public safety. Some of these include, Labor Act of 2004, the Trade Union Amended Act of 2005, and the Employees Compensation Act of 2010. See Table III.5 • NESREA has regulations to protect the public from hazardous chemicals, pesticides, and agrochemicals (National Environmental (Hazardous Chemicals and Pesticides) Regulations, S.I. No 65, 2014). • The country also has some legal statutes and provisions to protect workers. Some of these include, Labor Act of 2004, the Trade Union Amended Act of 2005, and the Employees Compensation Act of 2010. • The federal government has the Ministry of Labor, and their responsibilities include the protection of the rights of workers. • The Federal Child’s Right Act (CRA) (2003) codifies the rights of children in Nigeria. It has penalties on the use of child labor • The Nigerian Labor Law requires compliance with all national and international labor laws on occupational health and safety. The law requires routine inspection of workplaces, accident investigation, preparation of safety and health regulations, code of practice, guidelines and standards for various operations, processes and hazards. 	<ul style="list-style-type: none"> • The national EIA system does not comprehensively encompass aspects of public and worker safety • There is general lack of awareness on public health and safety issues, particularly in relation to exposure to hazardous materials, workplace safety aspects are and are unaware of the potential risks involved in handling hazardous wastes • Lack of awareness of relevant authorities’ staff to appreciate the need to ensure occupational health and safety. • Lack of stringent punitive measures against abuse of laborer and use of child labor. • Lack of commitment and institutional capacity to enforce extant laws that protect the rights of workers and discourage forced labor 	<ul style="list-style-type: none"> • Coordinate the states in developing guidelines and manuals for mainstreaming sound environmental, and OHS risk management in construction contracts and ESIA’s related to program interventions • Capacity strengthening through training and workshops to the PIU to better manage labor-related issues. adopt international best practices in the monitoring of child labor.
Land Acquisition	<ul style="list-style-type: none"> • Most state governments do not have well-designed land acquisition and resettlement policy framework • 	<ul style="list-style-type: none"> • While the Land Use Act of 1978 governs all land in Nigeria, the nature of compensation and impact mitigation under the Act is limited when viewed from the 	<ul style="list-style-type: none"> • To ensure the consistency of the Program with Core Principle 4 and to minimize the risk of economic and temporary displacement, there is a need for the states to develop a guideline for extensive consultation with potential impacted

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<p>perspective of international best practice.</p> <ul style="list-style-type: none"> • The Land Use Act is unclear regarding standards for replacement land, and status and compensation for customary land • The land use act does not make provisions for livelihoods restoration and improvements • 	<p>people along the right of way for fiber optics networks.</p>
<p>Social Considerations - Indigenous Peoples and Vulnerable Groups</p>	<ul style="list-style-type: none"> • Chapter IV of the Nigerian Constitution contains a variety of fundamental rights set out in Sections 33 - 44. Of relevance is Section 42, which prohibits discrimination on the grounds of ethnic origin, sex (gender), religion, or linguistic affiliation. • There is a Federal Ministry of Women Affairs and Social Development that deals with all gender related issues especially as it concerns the vulnerable especially women youths and People living with Disabilities (PWDs). They have a unit that deals with GBV and discrimination. • The federal government of Nigeria has signed many treaties on women issues including the CEDAW in 1999 and has a gender policy. There is also the Violence Against Persons (Prohibition) Act 2015. • Several policy statements and programs at the federal levels clearly indicate the nation's commitments to achieving the Sustainable Development Goal (SDG) on gender equality. 	<ul style="list-style-type: none"> • There is lack of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths. • There is weak knowledge of the public especially vulnerable groups regarding the issues of GBV and how to handle cases of GBV especially sexual abuse. • There is weak of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths 	<ul style="list-style-type: none"> • Strengthen the existing GRM process • Robust stakeholder engagement strategy on consultation, information disclosure and grievance mechanism) should be developed as part of the outreach program targeting the vulnerable groups. • Improved stakeholders training should be provided in social inclusion issues and methodology for improved outreach work.
<p>Social Conflict</p>	<ul style="list-style-type: none"> • The constitution of the Federal Republic of Nigeria 1999 (as amended) provides in Section 17 (3) (g) that “the State shall direct its policy towards ensuring that provision is made for public assistance in deserving cases, or other conditions 	<ul style="list-style-type: none"> • Lack of a Grievance Redress Mechanism (GRM) for the poor and vulnerable. Although Nigeria has a justice system with courts where people can seek justice, poor and 	<ul style="list-style-type: none"> • Strengthened stakeholder engagement and grievance redress mechanisms and increased transparency to provide information and communication avenues for complaints and their resolutions.

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>of need.</p> <ul style="list-style-type: none"> • Federal throughout the country with well-trained police and security forces who maintain the rule of law and also provides security against bandits and during clashes between farmers and herders. There is also a justice system with courts where people can seek redress. • The federal government also has the public complaints commission where people can make complaints regarding administrative injustices. 	<p>vulnerable people do not have the capacity to seek justice in courts.</p> <ul style="list-style-type: none"> • The available GRM are weak and ad-hoc and not properly institutionalized. This is to ensure that people's grievances are properly redressed even when there is need to seek further redress if the individual is not satisfied with the outcome of existing arrangements. 	

Gombe Environmental and Social Systems Assessment

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>General Principle of Environmental and Social Management</p>	<p>State</p> <ul style="list-style-type: none"> • Gombe state has a designated agency for the management of environmental and sanitation issues, and development of policies and guidelines to undertake its mandate (GOSEPA). The activities of this agency are governed by the GOSEPA law. GOSEPA’s organogram shows the state has designated units for sanitation and waste management. • The state does not have its own EIA law but adopts the federal Republic of Nigeria’s EIA Act of 1992. The state is able to issue EIA certificates upon completion of ESIA’s for proposed projects. • The state has a monitoring team for adherence to health and sanitation standards. • There is no institutional mandate in sate urban water board to manage E&S concerns • 	<p>State</p> <ul style="list-style-type: none"> • There is weak policy at the state level for addressing environmental and social risks associated with projects. E.g., The GOSEPA law mentions environmental risks such as air quality, noise and hazardous substances but does not provide details on how they will be managed. • Even though it was indicated that there is a specific department in charge of EIA and environmental officers responsible for management of environmental and social issues, the organogram of GOSEPA does not explicitly show this. • The institutional and legislative framework of the state focuses on the management of environmental risks with no consideration for social risks management. • There is inadequate human resources capacity at the state level for management of environmental and social risks. Though the assessment indicated that the state has personnel responsible for E&S management, the capacity and qualification of the personnel are inadequate. • There is low capacity in terms of resources for E& S management at the state level. 	<ul style="list-style-type: none"> • There is a need for GOSEPA to develop a standardized and robust system for monitoring SBER program across all levels of implementation. • State laws for management of environmental and social risks need to be amended to include social aspects of risks management. • There is a need for a standardized protocol for stakeholder engagement, communication, public disclosure and dissemination. • Gombe state should inculcate grievance redress management into its E&S regulatory framework as part of the social component.

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<ul style="list-style-type: none"> No formal protocol for stakeholder engagement, communication and dissemination with regards to development projects. No evidence of monitoring functions on GOSEPA organogram. <p><u>LGA</u></p> <ul style="list-style-type: none"> Although the GOSEPA law mandates the establishment of environmental protection bodies at the LGA, details of the composition and roles of this body is not specified. 	
<p>Natural Habitats and Physical Cultural Resources</p>	<p><u>State</u></p> <ul style="list-style-type: none"> Gombe state has a designated Ministry of Environment and Forest Resources responsible for ecosystem preservation and biodiversity conservation. Gombe state does not currently have its own forestry law/policy but has a Forestry edict under review. The state adopts Nigerian Forestry Law for the preservation and conservation of forests. Protection of cultural resources is covered within the Cultural policy for Nigeria. 	<p><u>State</u></p> <ul style="list-style-type: none"> Gombe state currently lacks a bespoke policy for the management of natural habitats and cultural resources. <p><u>LGA</u></p> <ul style="list-style-type: none"> Lack of framework and capacity for biodiversity and ecosystem preservation at LGA level. 	<ul style="list-style-type: none"> The state should hasten the process of development of its Forestry edict. Adequate support and infrastructure should be put in place to support the sustainable implementation of the edict when developed.
<p>Public and Worker Safety</p>	<p><u>State</u></p> <ul style="list-style-type: none"> The Gombe state government has the Ministry of Environment and Labour who have the mandate to protect the rights of workers at the state level. The state also has the Ministry of Works who provide construction laws and guidelines for construction or 	<p><u>State</u></p> <ul style="list-style-type: none"> Lack of professional awareness for safety enforcers to develop and implement safety policies on projects. Lack of capacity to address child labour issues should this arise. 	<ul style="list-style-type: none"> There is a need for the creation of a sustainable framework guiding public and worker safety There should be a regular sensitization for safety professionals on the need to ensure safety at work. Ensure that adequate and quality PPEs are provided for workers

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>rehabilitation activities.</p> <ul style="list-style-type: none"> The state does not have its own labour and child labour laws but adopts those of the Federal Government. Gombe state has an Occupational Hazard Unit in the Ministry of Health. The state has a due process office guided by the Procurement and Public Procurement Bureau law of 2019. The due process office is responsible for the procurement of contractors, but the responsibility for safety remains with the Ministry of Environment. <p>LGA</p> <ul style="list-style-type: none"> There are no OHS guidelines and procedures that can be adopted by contractors, firms, employers of labour, workers and the general public. 	<p>LGA</p> <ul style="list-style-type: none"> Lack of OHS guidelines and procedures at the LGA level. 	<ul style="list-style-type: none"> There is need to create awareness regarding SABER programs concerning public and worker safety. Gombe state would have to put in place a bespoke Grievance redress mechanism to handle workers conflicts and grievances.
Land Acquisition	<p>State</p> <ul style="list-style-type: none"> Gombe state has no specific regulation and guideline to guide in the acquisition of land for any purpose. <p>LGA</p> <ul style="list-style-type: none"> Since the state has no specific regulation guiding land acquisition, the LGA's role is not defined. 	<p>State</p> <ul style="list-style-type: none"> No well define provision for managing displacement and resettlement. No provision for managing project-related grievances. No provision for compensation payment to physically and economically displaced person. <p>LGA</p> <ul style="list-style-type: none"> The role of the LGA in land acquisition is not defined. 	<ul style="list-style-type: none"> Gombe state would have to ensure that due processes are followed to ensure land acquisition is indeed voluntary without encumbrances. Gombe State should develop an E&S inclusive land acquisition framework. Gombe state should make provision for compensation over loss of assets and livelihood which result from temporary displacement for fiber optic network expansion .
Social Considerations - Indigenous Peoples and Vulnerable Groups	<p>State</p> <ul style="list-style-type: none"> Gombe state has no framework/policy implemented with regards to vulnerable groups (such as people with disabilities, GBV victims) in the state. 	<p>State</p> <ul style="list-style-type: none"> There is a lack of capacity to tackle vulnerable groups and other relating issues. There is a lack of access to a 	<ul style="list-style-type: none"> The state should ensure there is a policy in place to curb the widespread issues of vulnerable groups

Core Principles	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<p>Grievance Redress Mechanism for the poor and vulnerable.</p> <ul style="list-style-type: none"> • The state doesn't have a policy or guidelines to deal with the vulnerable groups to ensure they are not treated unfairly • There is inadequate infrastructure in place to combat problems regarding vulnerable groups 	<ul style="list-style-type: none"> • Gombe state should organize and manage a community-based development participatory group to allow the participation of the vulnerable groups in programs • Gombe State should develop an educative programme for the vulnerable groups to help in skills acquisitions and other means of helping workers. • The state should ensure that all programs are designed to be accessible to all vulnerable groups no matter where they belong • The state should ensure that attention and cooperativeness need to be giving to the rights and interests of vulnerable groups
Social Conflict	<p><u>State</u></p> <ul style="list-style-type: none"> • Gombe state has an existing judicial commission of committee for resolution of social related conflicts. • Gombe state has the police and other security agencies who maintain law and order and also provide security. • The state has several courts such as area court, chief magistrate court, high court, etc. where conflicts are resolved. • The state Ministry of Women Affairs has a framework for GRM but not specific for businesses. • The state also has the Public Complain unit responsible for collating and escalating project related grievances. 	<p><u>State</u></p> <ul style="list-style-type: none"> • Lack of state-wide a Grievance Redress Mechanism process/framework • There is no provision of feedback of submitted grievances. 	<ul style="list-style-type: none"> • Gombe state should implement policy/ laws to prohibit and reduce the issues on conflicts. • The state needs to be transparent in information dissemination and communication to strengthen the resolution of conflicts. • The state needs to establish agencies for grievance redress and peaceful resolution of disputes related to SABER program. • Gombe State needs to update and strengthen the GRM to facilitate resolution of conflicts.

Ekiti State Environmental and Social Assessment

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>Environment: To promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program’s environmental and social impacts.</p>	<ul style="list-style-type: none"> • Strong and high-level political commitment conformed in writing to the program from the Ekiti State Government. • The state complies by the National Environmental Impact Assessment (EIA) Act No. 86 of 1992 and has a State Environmental Protection Agency Law (SEPA) established the Ekiti Environmental Protection Agency (EEPA), and the Ekiti State Waste Management Law (EKSWMA) which is state specific applies to all interventions including those on SABER. • The national EIA system (EIA Act No. 86 of 1992) provides a comprehensive legal and regulatory framework for environmental and social impact assessment that is broadly consistent with the Core Principle 1 of the Bank Policy and Directive. • For all large-scale projects implemented in the state the EIA Act takes precedence and EIAs are completed accordingly to this regulation but wetted at the state level by the EEPA. • The EEPA is responsible for handling waste and has robust monitoring and oversight. They 	<ul style="list-style-type: none"> • While the procurement process is management in line with a state level procurement policy. The Bid Submission Sheets and contract documents do not include any specific reference to the need to submit any details on Environmental Management such a say contractors ESMP (CESMP) nor have contract clauses pertaining to E and S respectively. • While the state has a good system for E and S due diligence implementation of the existing legal/regulatory provisions in a larger program may face challenges, overstretched regulatory authorities with low number of staff focused on E and S, and the need for additional monitoring during implementation of civil works and project operations will remain a challenge unless augmented via supplementary mechanisms attract more manpower, build capacity and retain them to focus on E and S. • 	<ul style="list-style-type: none"> • The state already uses good examples of appropriate E and S guidelines, checklists, technical options that have been developed via previous sector operations and the same can be used to meet the requirements of this program via following the same quality and due diligence standards on E and S. A screening and assessment criterium that is comprehensive in line with the requirements of Core principle 1, 2 and 3 are already in use. • program level capacity building will be implemented via the PAPs • Developmen of a robust state wise Stakeholder Engagement Plan (SEP) is required to guide cross-ministries and agencies coordination and public consultation as well as improve citizen engagement. • Establishing a specific Grievance redress mechanism to handle conflicts for the Program staff and beneficiaries. •

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	<p>have registered collectors who transport extruded waste from septic tanks and water treatment facilities (sludge and septage), however there are gaps in available final disposal facilities.</p> <ul style="list-style-type: none"> • The state has a procurement process where contracts are management and supervised in line with a state level Procurement Policy. • Strong commitment at the Ekiti state level and have systems for robust stakeholder and grievance redress mechanisms. Processes for Information Dissemination, Public Disclosure, and Communication range from direct consultations to grievance hotlines and direct communications with the agency on resolution of issues and complaints. • It is assessed from the quality of E and S due diligence documentation and process implementation in Ekiti, that staff capacity is high and requires very little augmentation, perhaps in the form of numbers to ensure there is adequate human resources available to handle a larger program. • 		
<p>Natural Habitats and Cultural Resources: To avoid, minimize, or mitigate</p>	<ul style="list-style-type: none"> • The state refers to the federal policies on Environmental Assessment outlined in detail 	<ul style="list-style-type: none"> • E and S processes currently do not involve provisions in the form of Chance find procedures 	<ul style="list-style-type: none"> • Environmental and Social screening stage of ESIA processes used already guides

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>adverse impacts on natural habitats and physical cultural resources resulting from the Program.</p>	<p>above under the Core Principal 1 it can be confirmed that the locating of water supply infrastructure will seek to avoid potential impacts on natural habitats and known physical cultural resources.</p> <ul style="list-style-type: none"> • The screening processes and ESMPs and ESIA's done by the state already includes good due diligence processes to further sift and ensure impacts on Natural Habitats and Cultural Resources are managed. • Nigeria has several forest policies, programs and guidelines to facilitate the management of forests and other natural habitats. For example, the National Forest Policy (NFP) 2006, National Biodiversity Strategy and Action Plan, Nigeria REDD+ project. The NFP remains relevant in the preservation of the National ecosystem and addressing climate change challenges in Nigeria. Nigeria has a lot of biodiversity sites including sacred groves as detailed in the National Biodiversity Strategy, however, it is not envisaged that the program will have any adverse direct 	<p>to ensure management of any unknown tangible heritage assets or chance found antiquities.</p>	<p>the selection of locating for water supply infrastructure to avoid potential impacts on natural habitats and physical cultural. The same mechanism for screening and formats can be continued.</p> <ul style="list-style-type: none"> • Preliminary identification and E&S screening of sub- projects within the Program can be screened against the criteria for ensuring no Natural Habitats or sites of Physical cultural resource importance are impacted either via siting or proximity to project interventions. • The program should take into account potential adverse effects on physical cultural property and as warranted, provides adequate measures to avoid, minimize, or mitigate such effects. • The scope and nature of the subprojects under the Program is such as that may cause adverse effects on physical cultural property can be avoided via a negative list and siting criteria and via adequate public consultation in rural areas.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>impact on biodiversity specific to the State of Ekiti.</p> <ul style="list-style-type: none"> • While the state has designated known areas of heritage, the potential presence of chance finds will reside due to the states cultural heritage and historical setting which historically comprised the historical home of the Ekiti people who are one of the largest historical subgroups of the larger Yoruba people of West Africa. 		
<p>Public and Worker Safety: To protect public and worker safety against the potential risks associated with: (a) construction and/or operations of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.</p>	<ul style="list-style-type: none"> • The legal/regulatory system of the country includes provisions for protecting people and environment that is applicable to regulating hazardous materials via the relevant regulations. <ul style="list-style-type: none"> ○ There are national policies and guidelines addressing public and worker safety. These cover a range of important aspects including environmental pollution control; labor laws; occupational health safety regulations; and standards for workplace environmental emissions and discharges. • Within the state the Ekiti State Child Right Law is domiciled in the Ministry of 	<ul style="list-style-type: none"> • While the SOPs and E and S instruments include aspects of OHS and labour management these need to be more strongly emphasized via contractual obligations for civil work to ensure sound enforcement. • Inadequate awareness of relevant authorities’ staff to appreciate the need to ensure OHS. Thus, in most cases, most managers and contractors may not be aware of workers’ compensation insurance and the fact that it is compulsory workers especially for those involved in certain risky activities like electricity installation and working with hazardous material. Thus, they rarely take insurance cover for their workers and this needs to be built in via due diligence and contract management processes. • 	<ul style="list-style-type: none"> • The program should improve the EIA system to incorporate important aspects lacking in the system, for example, issues relating to public and workers’ safety • Specific Guidelines of Good Environmental and Social Practices for PPP and provision of business infrastructure should specifically include provisions for management of labor, ranging from OHS, management of fair living and working conditions for labor, labor codes of conduct and special provisions focusing on management of labor influx and foreign labor impacts which can be strengthened further, and this can further augment the existing due diligence conducted.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>Women Affairs that handles Child related social risks.</p> <ul style="list-style-type: none"> • On Occupational Health and Safety (OHS) at state level a Standard Operating Principal (SOP) has been developed supported by UNICEF. The Ministry of Infrastructure and Public Utilities implements these SOPs. • national EIA system, which is what the State solely uses as its overarching regulation, does not comprehensively encompass aspects of public and workers' safety, however the examples of state level ESMPs and EIAs from previous projects have adequately addressed the OHS and PHS requirements. 		<ul style="list-style-type: none"> • The State governments should ensure that government and employers of labor in the state enroll or cover their workers under the Workers Compensation Insurance. Specific priority should be provided to workers exposed to hazards especially sanitation engineers who conduct inspection and monitoring of sites. • Strengthen citizen engagement through different channels so as to create awareness regarding the entire program activities especially in relation to OHS. • Agencies working in the sector should put in place a specific Grievance redress mechanism to handle workers conflicts. • Specific OHS and PHS capacity building should be incorporated to the programs E and S capacity building scheme <ul style="list-style-type: none"> ○ Provide on-site training to workers and laborer's that will be involved in fiber optic network expansion so that they can be familiar with OHS issues at their workplace.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>Land Acquisition: To manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards</p>	<ul style="list-style-type: none"> • While the state does not have a specific law for land acquisition, the National Land Use Act of 1978 which was modified in 1990 is the legal basis of land acquisition and administration in Nigeria will be applicable. • In addition, as added due diligence, due to the numerous gaps in the Act, a Presidential Technical Committee on Land Reform (PTCLR) is working on issues regarding land reform in Nigeria. • The LGAs are responsible for the administration of the Land Use Act of 1978 and other state Land Laws where available. 	<ul style="list-style-type: none"> • The State level agencies currently do not include a defined and well-designed resettlement policy framework comparable to either the World Bank's old safeguard policies on Land Acquisition or the new World Bank's Environmental and Social Framework (ESF). • The state follows the Land Use Act of 1978 which contain the following specific gaps relevant to the program as the act remains somewhat outdated. • In urban and large-scale projects, the Land Use Act of 1978 applies. In rural projects, the community is expected to provide land for the project and there needs to be adequate measures for transparent and fair land donation processes as the State currently does not have these. <ul style="list-style-type: none"> ○ The Land Use Act of 1978 does not include anything with regards land donation. ○ The Act does not make provisions for livelihoods restoration and improvements. ○ The Land Use Act only makes provisions for compensation payment. ○ The Land Use Act only makes compensation provisions for those who have recognized land rights 	<ul style="list-style-type: none"> • The State would have to ensure that due processes are followed to ensure land acquisition is indeed voluntary without encumbrances. • Temporary displacement support should be provided to avoid adverse impacts on socioeconomic assets and activities. • Clear, procedures and documentation for land donation (voluntary or otherwise) should be developed. • If land acquisition is required the guidance documents on E and S to be prepared should incorporate guidelines in line with World Bank requirements as well as known best practices to outline specific measure the program implementing agencies should undertake in terms of the following; (i) Direct purchase of land, (ii) Voluntary land Donation by local authorities with supporting documentation, and (iii) Land acquisition following the National regulations and world bank provisions for P for Rs. • Training on community consultations, grievance redress/conflict management should also be provided to implementing agencies.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<p>such as Certificate of Occupancy to the land</p> <ul style="list-style-type: none"> ○ No provisions at state level for voluntary land acquisition ○ Although community members can freely donate their lands under customary practices, there is no provision for voluntary land donation in the Land Use Act. <ul style="list-style-type: none"> ● Given that there is no framework or legislation regarding voluntary land donation, there could be coercion for land donation for PPP projects leading to impoverishment of the people. ● 	
<p>Vulnerable Groups: To give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups</p>	<ul style="list-style-type: none"> ● The Ekiti State Gender Based Violence Prohibition Act is applicable in the state. ● The state adheres to the Violence Against Persons act of 2015. ● 	<ul style="list-style-type: none"> ● The Ekiti legal framework, while covers violence related prohibition, does not have specific laws for Gender considerations, youths' affairs and social exclusions and discrimination in line with Core Principle 5. ● The following issues at Federal Level impact the State as well in the form of Gaps: <ul style="list-style-type: none"> ○ There is lack of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths. 	<ul style="list-style-type: none"> ● The program needs to include a robust stakeholder engagement strategy (sensitization and awareness, consultation, information disclosure and grievance mechanism) should be developed as part of the outreach program, particularly targeting the vulnerable groups. ● There is a need to develop a strong framework and a systematic approach to gender mainstreaming, ensuring that the voices of women, children and vulnerable groups get addressed and that institutions are geared to respond to their water and sanitation services demand.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<ul style="list-style-type: none"> ○ There is weak knowledge of the public especially vulnerable groups regarding the issues of GBV and how to handles cases of GBV especially sexual abuse. ○ There is weak of capacity in Ministries of Women Affairs and Social Development to tackle the issues of GBV and other issues relating to gender and youths. ○ While there is national legislation potentially favourable to women and girls has been passed, but to date they have had little positive impact due to low awareness, enforcement and implementation, and women’s fear of reprisals if they try to seek justice at the state level. ● There are no state level policies in place to ensure inclusion of minority/ ethnic groups at local level or the extreme poor in programs ● Also, many of the States, including Ekiti, do not have gender policy or guidelines for dealing with vulnerable people and PWDs to ensure that they are not treated with contempt and partiality. ● Lack of clarity and consistency regarding the implementation mechanism for consultation and 	<ul style="list-style-type: none"> ● The EIA process in Nigeria does consider social issues in screening, impact assessment, and mitigation measures. There are no specific screening provisions to identify if impacts vary by social group or gender, and if resources are impacted that vulnerable groups depend upon. While there are some criteria for vulnerable groups in the EIA process and EIA regulation nationally, these need to be strengthened so that the disadvantaged are directly targeted for program benefits.

Core Principle	Systems Assessment (And how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		stakeholder engagement could alienate poor and vulnerable groups. <ul style="list-style-type: none"> • 	
Social Conflict: To avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes	<ul style="list-style-type: none"> • State presence is strong throughout the country with well-trained police and security forces who maintain the rule of law and provides security against bandits and during clashes between farmers and herders. There is also a justice system with courts where people can seek redress. • Conflict resolution or GRM structures at the LGA reflect the structural capacity for such at the state level. • Traditional leadership structure exists in parallel to the LGAs which is most often responsible for community conflicts/grievances resolution • Different CDAs are also responsible for addressing conflicts among their members or affecting their members. • 	<ul style="list-style-type: none"> • Lack of a Grievance Redress Mechanism (GRM) for the poor and vulnerable. Although Nigeria has a justice system with courts where people can seek justice, poor and vulnerable people do not have the capacity to seek justice in courts and this applies to Ekiti state as well. • The available GRM are weak and ad-hoc and not properly institutionalized. This is to ensure that people’s grievances are properly redressed even when there is need to seek further redress if the individual is not satisfied with the outcome of existing arrangements. • Many communities rely on CDAs to settle grievances and disputes are at the community level. This form of GRM varies widely between the states and the level of implementation within Ekiti is not clear from the available documentation and consultations. 	<ul style="list-style-type: none"> • In an environment where transition from conflict to peace remain fragile, a concerted effort across Federal, State, and local actors will be necessary to minimize the negative impacts on the Program implementation in fragile regions where conflicts have been reported- which includes this state as well. • Guidance and training on environmental and social measures, supported by the World Bank, could help the SABER program to manage the risks more effectively. • Strengthened stakeholder engagement and grievance redress mechanisms and increased transparency to provide information and communication avenues for complaints and their resolutions should be incorporated via the due diligence processed to be embedded in the program. • States without a grievance regress framework can provide free legal services/legal aid and advice to the citizens should work towards providing such services within the sector.

Kaduna State Environmental and Social Assessment

Core Principle	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
<p>Environment: To promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program's environmental and social impacts</p>	<p>Regarding laws and regulations, Kaduna State has robust environmental laws and regulations.</p> <p>The state has Kaduna State Environmental Protection Law No 7 of 2010 which established the Kaduna State Environmental Protection Agency (KEPA). Based on this law, there are different regulations to guide environmental management and protection. These include Kaduna Environmental Impact Assessment and Audit Regulation (EIAAR) No 4 of 2010, Control of Water Pollution Sources Regulation No 2 of 2010, Effluent Limitation and Management Regulation No 3 of 2010,</p> <p>The EIAAR prohibits the construction or extensive rehabilitation of projects as listed in schedule without submitting and Environmental Impact Analysis Report (EIAR).</p> <p>It also provides for environmental audit after every three years for some categories of firms and projects, while environmental management plan should be submitted by all industries every year.</p> <p>The State also has an environmental protection policy which has a goal to maintain a clean and safe environment and protect the residents from the environmental threats of land degradation, drought and deforestation, pollution, flooding and</p>	<p>Despite the laws and regulations, there is inadequate capacity and staff strength in the environmental protection agency and for environmental management, monitoring and assessment in the State.</p> <p>There is also weak capacity and equipment to monitor and manage environmental pollution, hazards and other environmental problems in the state.</p> <p>This suggests that most of the required actions by the laws and regulations are not well carried out and the implementation is poorly monitored.</p>	<p>There is need to strengthen the capacity of existing staff of KEPA and the Ministry of Environment especially in the areas of environmental management, assessment, and monitoring.</p> <p>There is a need to equip the State Ministries of Environment with necessary facilities and gadgets (including laboratory) to facilitate the monitoring and reporting of environmental issues (pollution, degradation, hazards etc.) in the states.</p> <p>There is need to ensure that bidding documents incorporate environment and social concerns especially regarding environmental assessment, procedure for management of environmental issues during construction and reconstruction etc.</p>

Core Principle	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>erosion, inefficient and ineffective waste management and climate change.</p> <p>The State also has a law for the development and regulation of the water sector. The law comprises the Kaduna State Water Supply and Sanitation Law, The Kaduna State Rural Water Supply and Sanitation Law and Water Services Regulation Commission Law of 2016. These are meant to facilitate the efficient management of water resources in the State.</p> <p>The State also has a Water and Sanitation Policy which facilitates the water governance in urban, semi-urban and rural levels in the State.</p> <p>There are evidences that ESIA was done in previous water projects especially under the third urban water scheme in the State.</p>		
<p>Natural Habitats and Cultural Resources: To avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.</p>	<p>The State has a law and regulation regarding natural resource and biodiversity management. For example, the State has a law to make provision for the conservation management and effective use of forest and the declaration of forest reserves, prevention of deforestation and control of forest, and for matters connected thereto.</p> <p>The State has also Bush Burning Control Regulation No 5 of 2010 which prohibits intentional setting of fire on arable land and unreserved forests in any part of the State without a permit (based on conditions of the permit as stipulated in the regulation).</p>	<p>Although the state has a law to facilitate forest management and effective use and also a regulation to control bush burning, the enforcement of these instruments is weak giving the high level of deforestation and degradation.</p> <p>There was no evidence that conservation and sustainable management of natural habitats and cultural resources are taken into account in the process of screening and in bidding documents for new constructions</p>	<p>There is need for proper screening of subprojects prior to execution to ensure that they are not cited in natural habitats or arears with cultural resources.</p>

Core Principle	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
Public and Worker Safety: To protect public and worker safety against the potential risks associated with: (a) construction and/or operations of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.	<p>The State has a Public Service Rule that guides the activities and welfare of public and civil servants.</p> <p>The State enacted a Child Welfare and Protection Law in 2018, which among others, provides that in an action concerning a child, the child's interest and protection must be always ensured.</p>	<p>Lack of OHS guidelines and procedures to be adopted by contractors, employers of labor and workers in the State.</p> <p>Lack of awareness of relevant authorities' staff to appreciate the need to ensure occupational health and safety</p> <p>There is no evidence that the general public is not well sensitized regarding the issues of public safety.</p>	<p>There is a need to put in place an OHS guideline and procedures for construction workers in the State and under the PforR program.</p> <p>fiber</p> <p>The State Government should strengthen citizen engagement through different channels so as to create awareness regarding the entire program activities especially in relation to OHS, CHS and ROW.</p>
Land Acquisition: To manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards.	Besides the Nigeria Land Use Act, Kaduna State has some laws and regulation governing land acquisition. These include the Kaduna State Land Registration Law, 1982, Kaduna Geographic Information Service (KADGIS) Law, 2015, and Kaduna Land Use Regulation 2016.	<p>The laws and regulations are weak and inadequate regarding involuntary/ compulsory acquisition of land and resettlement and does not cover voluntary acquisition of land.</p> <p>It only indicates that Kaduna State government can acquire land based on overriding public interest and for the strategic economic development of the State and that the land acquisition will be as provided by the Land Use Act, Cap L5 Laws of the federation of Nigeria, 2004. This Act is weak and does not provide for adequate</p>	<p>Given that large scale land acquisition is not envisaged in the PforR, a citizen engagement and consultation process acceptable to the Bank must be prepared for any temporary displacement indirectly associated with the Program.</p> <p>There should be significant capacity building of the FPIU and SPIU on sustainable land access, through trainings and workshops.</p>

Core Principle	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
		<p>compensation and resettlement of project affected persons, poor grievance redress mechanism, poor land rights, doesn't include anything with regards land donation, consultation prior to land acquisition, makes no provision for livelihood restoration, makes compensation provisions for those who have recognized land rights, silent on timing of compensation payment, makes no provision for compensation for undeveloped land, among others.</p>	
<p>Vulnerable Groups: To give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups</p>	<p>Kaduna State Government domiciled a law to prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders-2018. This provides a legal framework to deal with issues relating to discrimination, sexual abuse, sexual harassment, sexual exploitation, sexual intimidation, physical abuse, violence, trafficking, etc.</p> <p>The State also has a Gender Equity and Social Inclusion (GESI) policy domiciled in the Ministry of Women Affairs and Social Development of the State. The policy was created to enable women, girls, young people, persons with disabilities, the elderly and children access socio economic opportunities; and increase the capacity of women, adolescent girls and PWDs to</p>	<p>The gap regarding vulnerable groups is little. However, the state does not seem to have clear policy and action plan to ensure inclusion of minority/ ethnic groups.</p> <p>Although some legislations and policy exist, there is lack of capacity in Ministries of Women Affairs and Social Development to tackle the issues relating to gender and youths and PWD's.</p>	<p>The State should carryout regular enlightenment programs for the public and capacity building programs for staff of gender/women ministries.</p> <p>The State should update her social inclusion policy to ensure that ethnic minorities and well covered and not discriminated against.</p>

Core Principle	Systems Assessment (and how it compares to the core principles)	Analysis of the gaps (Federal/State/LGA level)	Proposed Gap filling measures (recommendations for the PAP)
	<p>realize their rights and determine their life's outcome, among others.</p> <p>The State also has a Social Protection Policy with a vision to establish an inclusive, robust, realistic, and well-coordinated Social Protection (SP) system with a focus that no resident of the state falls below the minimum level of social and economic wellbeing.</p> <p>The State equally has GBV response team to quickly deal with issues of sexual and GBV, and SH and abuse.</p>		
<p>Social Conflict: To avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes</p>	<p>The country has a well-trained police and security forces who maintain the rule of law and provides security against bandits and other forms of violent crimes and attacks in Kaduna State.</p> <p>There is also a justice system with courts where people can seek redress</p> <p>The State adopted the GRM mechanism for quick report of grievances under the social inclusion program.</p>	<p>Available GRM frameworks where poor and vulnerable can make complaints and get redress are not well institutionalized.</p>	<p>The State should institutionalize a GRM mechanism not just adopting the GRM mechanism for social transfers instituted at the federal level.</p> <p>The State should put in place an institutional mechanism for providing free legal services/legal aid and advice to the citizens that need it.</p>

Annex 7: Program Specific Sub Project Exclusion List

Investments of particularly high E&S risks will be excluded from financing under the Program.

Excluded activities include the construction and/or rehabilitation of industrial effluent treatment plant, hydropower plant, wastewater treatment plants, and large-scale water (surface and groundwater) resource, industrial, electric and transport infrastructure, including large dams or activities involving the allocation or conveyance of water, such as inter-basin water transfers or activities resulting in significant changes to water, air quality or availability. Furthermore, other proposed activities with an uncertain level of risk could be subject to additional E&S screening mechanism for acceptability (following an environmental and social assessment satisfactory to the Bank). For example, the following types of projects will be excluded from program financing due to the associated high level environmental and social risks associated with implementation.

1. Projects that require large-scale land acquisition
2. Projects within natural habitats and designated protected areas or land designated as protected areas or sites of designated physical cultural heritage value.
3. Large-scale construction and rehabilitation work, for example, construction or rehabilitation of roads that are more than one kilometer, or construction of dam.
4. Projects involving largescale involuntary displacements and resettlements especially involving PAP of more than 100 persons. Any activities impacting international transboundary will be excluded from the program.

Annex 8: Questions for States During Pre-ESSA Consultation

NIGERIA State Action on Business Enabling Reforms (SABER) Environmental and Social Systems Assessment (ESSA) Questionnaire/ Documents Requested

A. ABOUT THE CONSULTATION MEETING

Objective	It is a Pre-ESSA consultation aimed at explaining the purpose of the ESSA for the SABER Program-for-Results and discussing the questions listed below under part B.
Invited States	Edo, Ekiti, Nasarawa, Kaduna, Gombe, and Enugu
Participating MDAs:	<ul style="list-style-type: none">- Governor's Offices- State Ministries of Finance/Budget/Planning, or equivalent- State Ministries of Trade/investment/Commerce/Industry, or equivalent- State Ministries of Land and Urban Planning, or equivalent- State Ministries of Environment- State Investment Promotion Agencies, or equivalent- State Ministry of Women Affairs/Gender Issues or its equivalent
Length of the consultation	2 hours for each group (each group covers a maximum of 3 states).
Background document for the meeting	Questionnaire (for discussion at consultation, see section B) and List of Document Requested (see Section C).

B. KEY QUESTIONS FOR STATES ON SABER (FOR DISCUSSION AT CONSULTATION)

Note: Questions were shared in advance of the meeting.

Result Area 1: Improved Land Administration and Land Investment Process

1. What is the length of time from fulfilling all requirements for the governor's consent for land alienation/transfer to obtaining the governor's consent?
2. How does the State Ministry of Land and Urban Planning (or equivalent) carry out land acquisition/handle displacement and implement compensation due to investment projects?
3. Do you have a framework, procedure, legislation, or regulation for redressing grievances on land/land acquisition related matters? How accessible is the grievance redress system to marginalized people or those who feel they were not appropriately treated? Is there an avenue to express dissatisfaction on outcome of this grievance channel? Please give an example of how you handled this in the past.

Result Area 2: Improved business-enabling infrastructure

1. What type of equipment you need to develop the broadband network? Do those create any emission or health impact? Do the workers follow any precaution during handling? Do you have any experience in handling wastes generated from the broadband installation and equipment disposal?
2. What kind of environmental clearance and legal framework you need for broadband infrastructure development?

Result Area 3: Increased Sustainable Large-scale Investments

1. Is there any established environmental and social management system for Public-Private Partnerships (PPP)? If yes, is it managed by the state? Please provide relevant environmental and social compliance documents relating to PPP and investment promotion in the state.
2. How are environmental and social requirements integrated in investment promotion? In other words, is sustainable investment promoted? If yes, how?
3. Does the corporate plan/strategy of the IPA, if present in the state, has clear performance indicator on sustainable investment?
4. Do you have an existing PPP project in the state? If yes, how did you handle environmental and social issues before setting up the PPP; for example, environmental impact assessment, land acquisition, issues relating to workers' safety, tariff increases, prevention of gender-based violence etc. What do you do for environmental and social compliance monitoring?
5. Do you have large-scale investments in the state that require the involvement of state government besides PPP arrangements? If yes, how did you handle the environment and social issues relating to the projects before take-off?

Results Area 4: Enabled Firm Operations / Regulatory Reforms

1. Do you have a procedure or regulation for handling business complaints or grievances besides the court system?

Result Area 5: Workers' Skills

1. What is the proportion of males and females taught in the skills development centers, if present in your state?
2. Are there provisions for persons with disabilities in these centers in terms of skill development programs and accessibility?
3. Are there rules governing the use of the hubs and training centers to avoid social issues, for example, gender-based violence and sexual harassment? Please provide evidence.
4. Has the state compiled data on unemployment and under-employment, or have a registry (active and real-time) for unemployed in the state? Please provide evidence.

C. DOCUMENTS REQUESTED

1. Please share a sample Environmental Impact Assessment (EIA) for a PPP?
2. Please share an example of an environmental and socially sustainable investment project?
3. Documented policies, practices or regulations relating to land use, acquisition, and resettlement besides Land Use Act.
4. Documented Procedure/guidelines on Grievance Redress Mechanism (GRM).
5. Gender policy, documented procedures, and practice for dealing with gender-based violence (GBV) and sexual exploitation and abuse/sexual harassment (SEA/SH), etc.
6. Personnel/worker – Human resource policy or extant rules and guidelines for the state.
7. Environmental laws, policies, and regulations especially for EIA etc. (many states have this but there is a need to find out if there have been improvements based on previous assessments and Program-for-Results).

Annex 9: Report of Stakeholder Consultation Held on July 19, 2022, Via Microsoft Teams

Opening remarks by Mr. Kareem

He stated that the World Bank is currently considering financing the most promising areas of the SABER program to improve the business enabling environments across states. However, to finance these government programs, the World Bank must ensure that there is the use of a government system that will be a case for the performance for results that meet these environmental and social requirements. He said that ESSA, which will be discussed preliminarily in the meeting as it is, is what will allow the World bank to put some financing against the SABER program.

The environmental and social team consultant that led the preparation of the ESSA - Dr. Nnaemeka Chukwuone- presented Nigeria: State Action on Business Enabling Reforms. The presentation outline was as follows:

Environment and social requirements for the program for result

Environment and Social requirements for the IPF

Questions for States

Comments

Nadia Sharmin, World Bank's Environmental Specialist, added that the PforR and the IPF are not considered a single program with a complimentary TA. It is also the way different instruments on the ESCP compliments each other. She also noted that the ESSA would reflect the states' information regarding the questions they received.

A member from the Gombe team wanted to know if the secretariat, the NGF, and the World Bank were working in synergy. This was because the template sent by PEBEC may have captured some of the key questions raised.

Prof. Kayode Taiwo responded that there was synergy, but from the earlier question and responses provided, some of the result areas were not covered. He also noted that the questions sent by PEBEC are for a different purpose, while this one was for the E&S systems assessment.

Mr. Kareem jumped in with a quick response to complement the earlier comment. He noted that the earlier questions that the Gombe team referred to are a link to the TA. He noted that the discussions and questions for the consultation are purely focused on environments and social requirements that the word bank needs to ensure that they meet for the use of government systems.

Key questions for states on SABER (for discussion)

Result Area 1: improved land administration and land investments

Musa Babaji budget's planning and partner to the global coordination office on behalf of the Gombe state team responded that they would submit a written response to result area one within 48 hours.

Dr. Ozofor said Enugu state will wish to adopt the 48 hours written response protocol as the State is working on the questions, and they are yet to put it together.

Kaduna states said they have responded to the questions and have also submitted and shared the necessary documents.

Mr. Elijah from the world bank team asked the Kaduna State team to itemize which result areas the State has improved on following their experience from the Kaduna Transformation and Economic Program that just recently closed. And also, based on their previous interaction with the world bank regarding PforR operation, typically like Nigerian CARES, the State also participated in.

The Honorable Commissioner responded that land administration was one key area the State has improved. She noted that the State had automated many of the processes, and the governor also recently delegated approval powers to the director general on some land issues to fast-track the completion of land posting for investment and other processes. The State also tried over time to put ease-of-doing business agencies on a platform where they can do most of the processes that are investments related under one platform. Therefore business licenses, registration licenses, development licenses, and building permits are all automated and are in the process of finalizing one simple process for all of it in a platform. Presently in KADEP, the above licenses are provided online even the investors do not have to come to the states to decide where to have land for investment. There are a lot of clusters for different kinds of investment in the State, and it is available from KADEP, which could be assessed online while the KADEP does processing and allocation. Therefore, a deal can begin and close without the investor coming to the State.

A World Bank team member also asked Kaduna state to provide information on the question relating to the grievance redress mechanism. How is it being handled in the State and channels for people to complain?

The Kaduna state team responded that there was a grievance response mechanism on shop allocation for traders and businesses in Kaduna state.

Result Area 2

The leader of Enugu state team said the State does not have a broadband network. However, laying the fiber optics goes through an environmental permit. He said that the State has almost completed with gathering information from the Ministry of Environment and Works concerning the broadband networks. Information on the type of equipment needed will be obtained from the five major broadband providers in the states. These are private sector participants. He, however, pleaded that they would use the 48 hours protocol to respond to the questions because they cannot give details of the kind of equipment used or their experience in handling the equipment as they are emerging technologies. He also suggested that a detailed explanation of the kind of information that is required and the type of sources of information needed should be provided.

Dr. Chukwuone responded and explained in detail the information required. Some guiding questions are as follows: Is there environmental clearance either from the Federal Ministry of Environment or from ESWAMA in charge of waste management in the State? Also, are there clearance or dues to be paid, what are the policy instruments used to manage the environment and social issues, and are their issues relating to community contacts or issues when people express their grievances? He added that the ministries that can provide the above information are ministries

of environment (that gives environmental clearance), land (in terms of the right of way), and works. They can provide information on regulations regarding laying optic fiber cable in the states.

Mr. Gerald from Kaduna state said the State had done a few things concerning broadband infrastructure as a business enabler. He asked if the World bank team requires the State to respond directly or to put additional information if there is more to that effect.

The consultant said all the information that was available with regards to the results area is required.

Mr. Gerald responded that the State has a comprehensive document called digital strategy for Kaduna state and that the document has a segment that deals with statewide broadband development. He noted that the document would be uploaded to the drive even though it is not solely on broadband but on the statewide digital document with a section on broadband.

1. Mr. Elijah asked the Kaduna team to bear in mind that the World Bank would like to see the kind of inter-agency coordination in most of the frameworks in the State.
2. Additional information regarding the environment and social processes and prior actions that these agencies and investors embark on before commencement of infrastructural work they are doing
3. Also, see how relevant government agencies that are responsible for ensuring compliance to the environment and social processes are keyed into all these activities.

Result Area 3

The consultant clearly explained result area three for the states and what is expected from them. The states were asked to respond if they have PPP arrangements or projects in their states.

The Honorable Commissioner from Kaduna state responded that the State has a very robust PPP department under the Kaduna state investment promotion agency. The State has also developed its own PPP policy and manual, guiding the PPP investments along the environmental impact.

Mr. Saadiq added that the PPP department would provide all PPP frameworks and manuals for the PPP programs in the State. Regarding environmental assessment, the department is currently engaged in the Green Agro Allied Industrial Zone, which is the SAPZ program. The department has developed an ESIA for the project, which is part of the documents in the drive.

Enugu team responded that the State has a well-established PPP law and an office. For matters of environmental and social impact, especially with regards to the environment, it is carried out in collaboration with the Ministry of Environment and some interface with the Federal Character Act. Additionally, the State has a couple of big-ticket PPP projects, such as the N-power free trade zone and the lion business park, under the FTZ regulated by NEDZA, a zone authority. Both projects are ongoing, with infrastructure being provided.

Result Area 4

Mr. Jubril Abdullahi from the Kaduna team responded that in Kaduna state, according to their regulation, a mechanism for addressing these kinds of grievances in RA 4 exists. Also, there is stakeholder engagement which attempts to intervene in these grievances. This stakeholder engagement is purposely to interact with people, build their confidence and ensure that the people are sensitized in every project the State is engaged in. The stakeholder engagement unit tries to attempt and address all the grievances adequately without going to court.

Enugu team: The State has a well-established department in the Ministry of Commerce and Industry called the consumer protection unit. Also, the consumer protection council is formed according to the consumer protection unit, which serves as the secretariat and essentially does some mediation and tries to resolve several business-related disputes. To also move it forward, the State established a multi-door court system about three or four years ago, which is like a mediation arena and tries to settle business disputes of less than 5 million naira in the State and is taking off quite well. "So with the two avenues, business-related complaints can be handled," he said. The only issue is that there is a need to publicize it so that the people would be aware.

Gombe team: started that the State has a law that protects and resolve any grievances and complaints from small business. It is called the Gombe State Small Business Development Agency Law established in 2021. The Ministry of justice also has a department that handles grievances called ADR. Additionally, the state investment development company has a customer and business forum which occasionally brings together both the investors and the customers to listen to their grievances.

Result Area 5

For the Enugu team: two major departments try to develop and encourage both reforms and implement initiatives that encourage youth participation and gender equality in skill acquisition. First is the SME Center, an overarching centre that deals with training and business development support services. They also offer training in terms of business activities processes. There is a policy that creates some type of set aside both in terms of scoring of the participants that emphasizes gender and people with disabilities. There is also the Ministry of women affairs which is active in both advocacy and the actual implementation of empowerment initiatives.

Gombe team: across the LGA in the State, there are women development centres that are specifically involved in training and providing skills to women in the State. For persons living with disability, the State has a rehabilitation centre that assists in providing them with skills. A social register was also established in 2017 to identify the less privileged, the poor, and the vulnerable. However, the unemployment record is not yet established in the states, but it is ongoing. There is an unemployment register in the research and documentation unit of the State. There is also skill development acquisition where some of the activities are carried out by the states and some by an intervention handed over to the communities while some are handed over to the State.

Kaduna State: Mr. Albert said Kaduna state has a proportion of 17 males to 30 females and they are working to push the number to be more balanced. He posited that there is gender equality and social inclusion at the heart of all the State's skill and social development programs and processes.

There is also the social protection policy and the Kaduna disability law that guarantees social inclusion and pushes for gender equality. With regards to avoidance of gender-based violence and harassment, he opined that the State has a gender-based violence response team that has worked to develop the standard operating procedure for prevention and response to gender-based violence. There also exist principles and standards and key actions for gender-based violence programming that ensures that safeguarding mechanisms are inserted in all programs that the state government engages in either as a solo entity or in partnership with other private entities. The State also has a social registry that is domiciled in Kaduna social investment office and also a skill registry as well. A team member from the State added that for all interventions coming into Kaduna state, the upper hand and special consideration are given to females than their male counterparts. The Honorable commissioner also added that the State is probably the only State in the country where the executive Council has more females than males. There are over 17 executive Council members and about nine are females.

Next Immediate Action

Professor Kayode went through the time-sensitive immediate actions to be carried out by the clients and the World Bank task team. They include

1. Completion of ESSA. He reiterated that the World Bank needs to complete the ESSA document, and the responses from the State will assist the task team in producing the first draft.
2. ESCP, which is the client's document, although the World Bank team will assist in producing the documents.
3. SEP
4. LMP, which the word bank team will assist the client in producing.
5. ESMP: will come after the appraisal document when all the above documents are submitted
6. Assigning a focal person for the environment and social during preparation. Professor Kayode said that each participating State should communicate with the World Bank task team and provide who the team will be relating to.
7. Information disclosure

Closing remarks

Nadia thanked the stakeholders for participating actively and also pleaded with each State to swiftly respond to the questions and also upload the necessary required documents so that the World Bank team can produce the drafts of the next immediate action documents.

Mr. Kareem also thanked the participating states for the constructive and clear comments that they provided, which would be useful to the World Bank task team and also said they will be looking forward to the states sharing the documents.

Annex 10: Response to Guiding Questions for systems assessment

Core Principle #1: Program E&S management systems are designed to (a) promote E&S sustainability in the Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program’s E&S effects.

Key planning elements - to what degree the PforR Program systems:	Guiding Questions	Response in relation to SABER PforR
Operate within an adequate legal and regulatory framework to guide E&S impact assessments, mitigation, management and monitoring at the PforR Program level.	What relevant E&S laws, regulations, procedures, decrees, or other mandatory legal instruments are applicable to the Program activities and associated impacts and risks?	The relevant E&S laws, regulations, procedures, among others, include, the National EIA Act, NESREA Act, etc. The states also have E&S Acts- see section IV of ESSA
	Does/do the Program implementing agency/agencies have the legal and/or regulatory authority to commit resources and implement actions necessary for effective E&S assessment and management of impacts and risks?	Yes
	Do systems include mechanisms, where appropriate, to ensure objective, disinterested, or independent assessments of E&S impacts	Yes
Incorporate recognized elements of good practice in E&S assessment and management, including: (i) Early screening of potential impacts.	Do applicable procedures require E&S screening or assessment of activities associated with the proposed PforR operation that presents risks?	Yes
	Does screening lead to E&S assessments that are proportional in depth and scope to the identified adverse impacts and risks (e.g., does it apply risk categories to determine the depth and breadth of assessments?)	Yes
	Are screening procedures comprehensive? Do they include specific consideration of the full range of E&S risks, including among others biodiversity impacts, land use change, changes to air or water quality, management of hazardous materials, and social risks such as land acquisition?	Yes
	Do screening procedures include opportunity for stakeholder involvement in the identification of priority E&S risks and impacts?	Yes, but limited or weak
	Is E&S screening done in an integrated manner, so that both E&S risks and impacts are identified early on?	Yes

Consideration of strategic, technical, and site alternatives (including the “no action” alternative).	Do the applicable systems require the consideration of alternatives or other forms of options assessments to avoid or minimize potential impacts and risks? For example, are strategic, technical, and site-selection alternatives considered, including a “do nothing” option?	Yes
	Does Program design (i.e., identification of activities or expenditures) consider the relative environmental costs and benefits of feasible alternatives?	Yes
(iii) Explicit assessment of potential induced, cumulative, and transboundary impacts.	Do Program procedures require the consideration of induced, cumulative, or transboundary impacts as part of screening, options assessments, and/or Environmental and Social Impact Assessment?	Yes
	Does the assessment provide adequate opportunity to engage stakeholders on induced, cumulative, and transboundary impacts?	Stakeholder engagement is limited
	Do the systems require considering the implications to and from climate change associated with Program activities, including estimating GHG emissions from Program activities?	Yes, but the system capacity is weak regarding GHG estimation.
	Do the procedures include measures for evaluating critical global environmental issues such as transboundary pollution, biodiversity loss, international waterways? and climate change?	Yes
(iv) Identification of measures to mitigate adverse E&S risks and impacts that cannot be otherwise avoided or minimized.	Do the applicable systems effectively promote the application of mitigation hierarchy (e.g., avoid, minimize, mitigate, compensate/offset)?	Yes
	Are mitigation/management measures called for under the system relevant and realistic (e.g., not requiring disposal of hazardous wastes in a licensed facility if there aren’t any in the country)?	Yes
	Do management plans require time-bound actions? Do they have clear targets and clear assignment of responsibilities for implementation and for monitoring/oversight?	Yes
(v) Clear articulation of institutional responsibilities and resources to support implementation of plans.	Are institutional/organizational responsibilities supported by adequate human and financial resources to implement environmental and/or social management procedures or plans?	No

	Are Program entities responsible for E&S aspects adequately staffed—in terms of skills, qualifications, and number of personnel—to ensure effective administration, planning, design, implementation, and monitoring functions?	No
	If the Program does not build sufficient in-house capacity, what reliable alternative arrangements (e.g., coordination with other agencies, use of qualified consulting services) are available to promote effectiveness? If none, what needs have been identified for supplementary support and/or capacity strengthening?	E&S capacity will be provided in the SABER PIC as recommended in the PAP
Responsiveness and accountability through stakeholder consultation, timely dissemination of the PforR information, and responsive GRMs.	Does the borrower consult with stakeholders on various aspects of Program design and operation?	Yes, but consultation is weak
	Is information relating to E&S effects made available to the people or communities that are potentially affected? Do Program implementation arrangements include measures for responsive communications on relevant E&S concerns?	Yes, but weak. Often communities are not consulted.
	Does the Program have accessible GRMs with established procedures for submission of grievances? Do the established GRMs accept and process grievances relating to E&S management issues?	GRM is weak. Recommendation was made in the PAP on how to improve GRM
	Are consultations conducted early enough that stakeholder feedback can be considered in the design of new or changing Program activities? Are consultations conducted in a manner that encourages an open exchange of views?	Yes, but weak

Core Principle #3: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

Key planning elements - to what degree the PforR Program systems:	Guiding Questions	Response in relation to SABER PforR
Promote adequate community, individual, and worker health, safety, and security	Does the Program have a legal framework that addresses and promotes workplace safety? Are there mandatory measures that	Yes, see section IV of ESSA

through the safe design, construction, operation, and maintenance of Program activities; or, in carrying out activities that may be dependent on existing infrastructure, incorporate safety measures, inspections, or remedial works as appropriate.	compel contractors and facility operators to operate equipment and facilities in a manner that protects individuals and communities?	
	Does the Program include adequate measures to protect people and the environment from the effects of hazardous or toxic materials that are used in construction and production processes, or wastes that are generated as a byproduct of construction or facilities operations?	Yes, see section IV of ESSA
	Does the borrower have specific laws or regulations to avoid the use of child and forced labor in the implementation of Program activities?	Yes, Child's Right Law
Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the PforR.	Does the borrower have specific laws, regulations, procedures, standards, etc., to effectively evaluate and manage the potential effects of hazardous or toxic materials in the workplace?	Yes, see section IV of ESSA
	Does the Program include safety measures and standards for emergency preparedness for pre-existing civil works or works under construction that pose potential hazards to people or the environment?	Yes. The Ministry of Humanitarian Affairs and Disaster Risk Management is responsible

Core Principle #4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards.

Key planning elements - to what degree the PforR Program systems:	Guiding Questions	Response in relation to SABER PforR
Avoid or minimize land acquisition and related adverse impacts.	Does the Program screen all planned activities to determine whether they may require involuntary taking of land, relocation of residences or businesses, or restrictions on access to natural resources?	Yes

	Do systems adequately protect individuals and communities against “forced evictions?”	Not well
Identify and address economic or social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to resources they use or occupy.	Do Program processes require identification and mitigation of all significant impacts affecting informal users or occupiers of land (or other resources)?	No. Mitigation measures have been recommended
Provide supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment).	Do the Program systems support livelihood restoration and support measures?	Yes

Annex 11: Participant list consultation August 17, 2022

S/N	NAME	ORGANIZATION	POSITION	TELEPHONE NUMBER	EMAIL ADDRESS
1.	Dr. Bello Abubakar Song	Adamawa State Ministry	SFTAS Focal Person P4R	08037546224	asmasong62@gmail.com
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