

**FEDERAL REPUBLIC OF NIGERIA**

**Community and Social Development Project Additional Finance  
(CSDP AF- 2)**

**Resettlement Policy Framework (RPF)**

**Final Report**

*May, 2016*

## **List of Acronyms**

AF-1	Additional Financing -1
AF-2	Additional Financing-2
ARAP	Abbreviated Resettlement Action Plan
CDD	Community Driven Development
CPMC	Community Project Management Committee
CPRP	Community –based Poverty Reduction Project
CSDP	Community Social Development Project
ESMF	Environmental and Social Management Framework
EMP	Environmental Management Plan
FGN	Federal Government of Nigeria
LEEMP	Local Empowerment and Environmental Management Project
LGA	Local Government Area
LGRC	Local Government Review Committee
NGO	Non Government Organization
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SEPA	State Environmental Protection Agency
SA	State Agency
SPMC	State Project Management Committee

## Glossary of Terms

- **Cut - off Date:** Refers to a day on and beyond which any person who occupies land required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences.
- **Market rate:** Is defined as the highest rate over the last three to five years based on commercial terms.
- **Market value:** Means the most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self-interest to maximize satisfaction and both act independently and without collusion fraud or misrepresentation
- **Project Affected Person:** A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located in land to be acquired for needs of the project. Not all PAPs are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.
- **Host Communities:** Communities receiving resettled people as a result of involuntary resettlement activities
- **Resettlement and Compensation Plan (RAP):** Also known as a Resettlement Action Plan or Resettlement Plan – is a resettlement instrument to be prepared when project activities are identified, that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The RAP is prepared by the party impacting people and livelihoods in this manner and contains specific and legal binding requirements to be taken by that party to resettle and compensate the affected party before project activities causing this adverse impact are implemented.
- **Resettlement Policy Framework (RPF):** This resettlement instrument (this document) that is prepared by the borrower the Federal Government of Nigeria. When project activities that requires land acquisition that leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources, are not identified at the project preparation stage. The RPF is therefore prepared before the proposed project is appraised setting out the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project, when project activities are identified . The RAP is prepared consistent with the provisions of the RPF.
- **Reproduction Cost:** This means the cost of an area plus cost of land, labour and materials to replicate improvements
- **Public Land:** Means all land in Nigeria whether granted, customary or occupied

## **EXECUTIVE SUMMARY**

### **Background**

The thrust of the Community and Social Development Project (CSDP) is to contribute to the realization of the Nigerian government's strategy for poverty reduction by improving the welfare and living conditions of many poor and vulnerable communities in most states of Nigeria, particularly the Internally Displaced People (IDP) in the North Eastern part of the country. The Project is supported by the World Bank's Country Partnership Strategy which identified the need to continue to focus on community empowerment and local level development as a key element of the overall strategy for poverty reduction and development in the Country. The original CSDP was implemented from 2009 to 2014. The Federal Government of Nigeria requested for Additional Financing (AF-1) of \$140 million for the Project to be implemented from 2015 – 2017. However owing to the activities of insurgency in the North East States of Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe and the need to rehabilitate and resettle the displaced people, the Federal Government requested for an Additional Financing (AF-2) of USD75 million and extension of closing date of the two Additional Financing (AF-1 and AF-2) to 2020. This RPF provides the guidelines for land acquisition and resettlement issues that may arise during the CSDP AF-2 project activities.

### **Project Description and Objectives**

The initial consultation suggest that the Project Development Objective (PDO) for the CSDP AF-2 will be slightly amended - "to sustainably increase access of poor people and particularly by the internally displaced and vulnerable people in the North East of the Recipients territory to improved social and natural resource infrastructure services in a sustainable manner through the Recipient's territory". The key performance indicators (KPIs) will also be revised. The CSDP AF-2 KPIs will put more emphasis on support to vulnerable and displaced households and individuals; expand the scope of assistance to such households beyond public goods (schools, health center, water etc.). It will also include demand side support i.e. a safety net. The use of a community managed approach and emphasis on local government active partnership with community groups will be retained and strengthened during CSDP AF -2 period. The new emphasis on safety net will result in an additional component, for 'vulnerable groups' transfers, to the original design. In essence, this additional financing will now have 4 components:

- *Component 1: Coordination and Program Support Component (Federal and State Level)*
- *Component 2: LGA/Sectoral Ministries Capacity and Partnership building Component*
- *Component 3: Community-Driven Investment Component*
- *Component 4: Vulnerable Groups livelihood investment grants/transfers component.*

### **Rationale for the RPF**

The parent Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) prepared by the borrower for the CSDP and disclosed in-country and at the Bank Info shop are applicable to the AF-2. However, in order to address the potential adverse social impacts of the new Component 4 - Vulnerable Groups Livelihood Investments Grants/Transfers, the RPF is being updated. The CSDP AF-2 project is rated environmental category B. Although it is not anticipated that sub-projects under CSDP AF-2 will entail land acquisition or restrict access to natural or economic resources, one cannot rule out the possibility that this may occur. Therefore this CSDP AF-2 RPF has been prepared in accordance with OP 4.12 Involuntary Resettlement to provide appropriate guidance on resettlement and compensation, should the occasion arise.

### **Policy, Legal and Administrative Framework**

The Legal basis for land acquisition and resettlement in Nigeria is the Land Use Act 1978 (modified in 1990). In addition, the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. However, the World Bank's OP

4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut -off date.

### **Potential Environment and Social Impacts**

Positive Impacts of CSDP AF-2 will include: increased/improved welfare of the communities; poverty reduction; appropriate environmental management; improved education standards; improved health and improved livelihood conditions for the vulnerable groups. The negative impacts will include: loss of natural resources and loss of habitual land uses. Due to the anticipated impacts, the World Bank Resettlement Policy OP 4.12 could be triggered in instances where project activities could result in loss of habitual land uses.

### **Institutional Implementation Arrangements**

State Agency (SA) shall constitute a resettlement committee only after an Environmental and Social Screening Form and the Environmental and Social Checklist as contained in the ESMF indicate the need for a RAP. All Resettlement Action Plans (RAPs) shall be prepared by an independent, qualified consultants and/or NGOs, recruited by the SA and approved by the World Bank before disclosure and implementation. The SA and SEPA will be responsible for overall monitoring of the implementation of RPF. For optimal performance of the RPF, the Environmental/Social specialist in the SA and his/her counterpart in the SEPA would be responsible for periodically transferring the information compiled at the local government level to the SA for proper evaluation so that the SA is alerted in a timely manner to any difficulties

### **Monitoring and Evaluation**

Valuation methods for affected land and assets would depend on the type of asset and affected persons may be compensated for; damage to or loss of land assets, damage to or loss of crops, trees or other activities related to livelihood and damage to or loss of structures, such as housing, enclosures, latrines, shops or other structures related to livelihood/well-being. The forms of compensation may include: payments in cash; payments in kind and assistance in one way or the other.

### **Consultations, Review and Disclosure**

The World Bank policy on Involuntary Resettlement OP 4.12 is triggered because the CSDP AF-2 project will finance social and economic infrastructure investments that may lead to loss, denial or restriction of access to economic resources. However, during implementation of CSDP AF-2, if the environmental and social screening process indicate the need for a RAP for a particular micro-project, the Bank's policy calls for the preparation of Individual Resettlement Plans through consultations, review and disclosure. The Individual Resettlement Plans must be consistent with this RPF.

### **Estimated Budget for Implementing the ESMF**

A total of Four Hundred and Ninety Eight Thousand US dollars (USD498,000) was estimated for the implementation of this RPF, including preparation and implementation of the RAP.

## **1 Project description:**

### **1.1 Background**

The thrust of the Community and Social Development Project (CSDP) is to contribute to the realization of the Nigerian government's strategy for poverty reduction by improving the welfare and living conditions of many poor and vulnerable communities in most states of Nigeria. The project is supported by the World Bank's Country Partnership Strategy which identified the need to continue to focus on community empowerment and local level development as a key element of the overall strategy for poverty reduction and development in the Country. The original CSDP was implemented from 2009 to 2014. The Federal Government of Nigeria requested for Additional Financing (AF-1) of \$140 million for the Project to be implemented from 2015 – 2017. However owing to the activities of insurgency in the North East States of Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe and the need to rehabilitate and resettle the displaced people, the Federal Government requested for an Additional Financing (AF-2) of USD75 million and extension of closing date of the two Additional Financing (AF-1 and AF-2) to 2020. This RPF provides the guidelines for land acquisition and resettlement issues that may arise during the CSDP AF-2 project activities.

For the CSDP AF-2, there will be no changes in the environmental category of the credit and no new safeguard policy is expected to be triggered. Therefore, the Additional Financing is a Category B project, and the environmental and social impacts of the project are expected to be minimal, site specific and manageable to an accepted level. The range, scale, locations and number of micro-projects as part of community development initiatives will emerge from the participatory process. The parent Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) prepared by the borrower for the CSDP and disclosed in-country and at the Bank Info shop are applicable to the AF-2. However, in order to address the potential adverse social impacts of the new Component 4 - Vulnerable Groups Livelihood Investments Grants/Transfers, the RPF is being updated, in order to ensure that the AF is in compliance with World Bank Safeguard Operational Policy (OP) 4.12 Involuntary Resettlement.

The CSDP AF-2 project is rated environmental category B. Since specific information on numbers of micro-projects, their site locations, land requirements, type and use of equipment/plant, etc. was not available during project preparation, a revised Environmental and Social Management Framework (ESMF) of CSDP was prepared and presented in a separate document. This defines standard procedures and methods for incorporating environmental and social concerns into the selection, planning and implementation of all sub-projects to be carried out under the project.

Although it is not anticipated that sub-projects under CSDP AF-2 will entail land acquisition or restrict access to natural or economic resources, one cannot rule out the possibility that this may occur. Therefore this CSDP AF-2 RPF has been prepared in accordance with OP 4.12 Involuntary Resettlement (see annex 2 for the policy) to provide appropriate guidance on resettlement and compensation, should the occasion arise.

The purpose of the RPF, in the context of the CSDP AF-2 project, is to establish the overall principles and mechanism for addressing social impacts of the project related to the involuntary taking of land and other assets resulting in a (i) relocation or loss of shelter, (ii) loss of assets or access to assets, and (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The Involuntary Resettlement policy also requires resettlement plans to be implemented prior to undertaking the project activities causing the resettlement.

The RPF is valid for all project activities that are funded by the World Bank CSDP AF-2 or any other activities that are essential to the completion of project activities funded by the World Bank CSDP. The operational objective of the RPF is to provide guidelines to stakeholders participating in the resettlement and related rehabilitation in order to ensure that Project Affected Persons (PAPs) will not be adversely affected by the social impacts of the projects. The basic principles imply that PAPs should be compensated for loss of assets at replacement costs; given opportunities to share project benefits; and be assisted in case of relocation or resettlement. This RPF governs all activities funded under the two CSDP AF-2 projects, and is to be used in conjunction with the ESMF that has also been prepared for this project as a separate and stand-alone document.

Focus is on restoring the income earning capacity of the project-affected persons. The aim should be, at a minimum, to improve or at least sustain the living conditions that existed prior to project implementation or resettlement. These principles are embodied in the following impact management strategy for the CSDP AF-2:

- Involuntary resettlement will be avoided through project site planning processes to avoid and minimize social impacts of the project.
- Where resettlement is unavoidable, resettlement activities will be seek to provide offsetting mitigation measures that give the persons displaced by the project meaningful opportunity to share in the project benefits.
- Displaced persons will be assisted in their efforts to improve livelihoods and standards of living or at least to restore them to levels equivalent to those prior to the project.

The initial consultation suggest that the Project Development Objective (PDO) for the CSDP AF-2 will be slightly amended - “to sustainably increase access of poor people and particularly by the internally displaced and vulnerable people in the North East of the Recipients territory to improved social and natural resource infrastructure services in a sustainable manner through the Recipient’s territory”. The key performance indicators (KPIs) will also be revised. The CSDP AF-2 KPIs will put more emphasis on support to vulnerable and displaced households and individuals, and expand the scope of assistance to such households beyond public goods (schools, health center, water etc.). It will also include demand side support i.e. a safety net. The use of a community managed approach and emphasis on local government active partnership with community groups will be retained and strengthened during CSDP AF-2 period.

## **1.2 Project Components:**

The new emphasis on safety net will result in an additional component, for vulnerable groups’ transfers, to the original design. In essence, the additional financing will now have 4 components:

### ***Component 1: Coordination and Program Support (Federal and State Level)***

This component will involve Federal and State level coordination and the Federal unit will focus on CDD policy and strategy assessment and formulation, technical support, monitoring and impact evaluation.

### ***Component 2: LGA/Sectoral Ministries Capacity and Partnership building***

The State Agencies/PMUs will fund and support the process of strengthening the capacity of sectoral ministries and local government in programme administration and accountability vis-à-vis local communities. Funds will be made available for capacity building and skills training as well as essential facilities for specific local government officials – community development workers – on a demand led basis to enable them to facilitate the activities of community groups and also manage local government subprojects. Participatory planning and Training of Trainers for community capacity building are key

elements of this component. This will also include safeguards management and monitoring related training.

Funds will also be provided to *qualifying* LGAs to finance social and natural resource management infrastructure benefiting more than one community. These sub-projects will be identified through a participatory planning process with the communities, and complementary to the CDPs. The subprojects will be implemented, managed and maintained by the LGA in partnership with the communities.

### ***Component 3: Community-Driven Investment***

The major role of the State Agencies will be funding Community Development Plans or project proposals, along with the necessary awareness/sensitization, training, and supervision of community micro-projects. In addition, to the micro-projects that are socioeconomic infrastructure, the CSDP at the State level will fund natural resource management/environmental initiatives.

Micro-projects that may be contained in eligible CDPs include rehabilitation, extension or construction of primary schools, health centres, water points, reservoirs and sanitation services; rehabilitation or repair of feeder road, small bridges, and other basic transport infrastructures; and small socio-economic infrastructure for community use (public goods) such as markets and storage or natural resource management facilities.

More than 70% of the funds in this component will be devoted to funding of CDPs produced by community groups.

#### **List of sub-projects eligible for financing under CSDP**

- Rural roads (Rehabilitation of rural feeder roads)
- Water Supply and sanitation – bore holes, hand pumps, reticulation etc.
- Waste disposal and management
- Construction of markets (small stalls, shelters for stalls etc.)
- Multipurpose community centers/halls/civic centers
- Rural Electrification
- Construction or rehabilitation of health centres
- Rehabilitation or construction of new school building
- Erosion control measures, afforestation, community woodlots/forestry

#### **List of sub-projects not eligible for financing under CSDP**

- Construction of Dams (especially large scale dams)
- Commercial logging
- Acquisition of land (whether individually or communally owned)
- Construction or rehabilitation of places of worship
- Natural Resource Management (NRM) productive investments including income generation activities through sales and marketing of natural resources and irrigation and drainage (e.g. irrigation and drainage, agroforestry).
- NRM governance including land reform and cadaster and strengthening or reforming of NRM related institutions, regulation and policies.

In essence this component handles only public good infrastructures and services that has no exclusion practice i.e. all members of the community (public) have user rights.



***Component 4: Vulnerable Groups livelihood investment grants/transfers***

This component will use the same approach and project cycle as component 3. It is more targeted and would apply to specific individuals and groups (vulnerable, deprived, physically challenged etc.) and also the goods or services may not always be purely social and could be socio-economic. Such micro-projects would include: specialized skills centers, classrooms, health centers, specialized tools and equipment, one time start-up grants into drug revolving funds, scholarship funds or other welfare funds for vulnerable groups.

The World Bank's Operational Policy (OP) 4.12 requires that the RPF be disclosed as a separate and stand-alone document. The disclosure should be both in all the participating CSDP AF-2 States, where it can be accessible by the general public (including at the local government councils) as well as the Infoshop at the World Bank, and the date of disclosure must precede the date for appraisal of the project.

In the implementation of this RPF, where differences are found between the World Bank Policies and Nigerian laws and policies, the World Bank Policies will be followed.

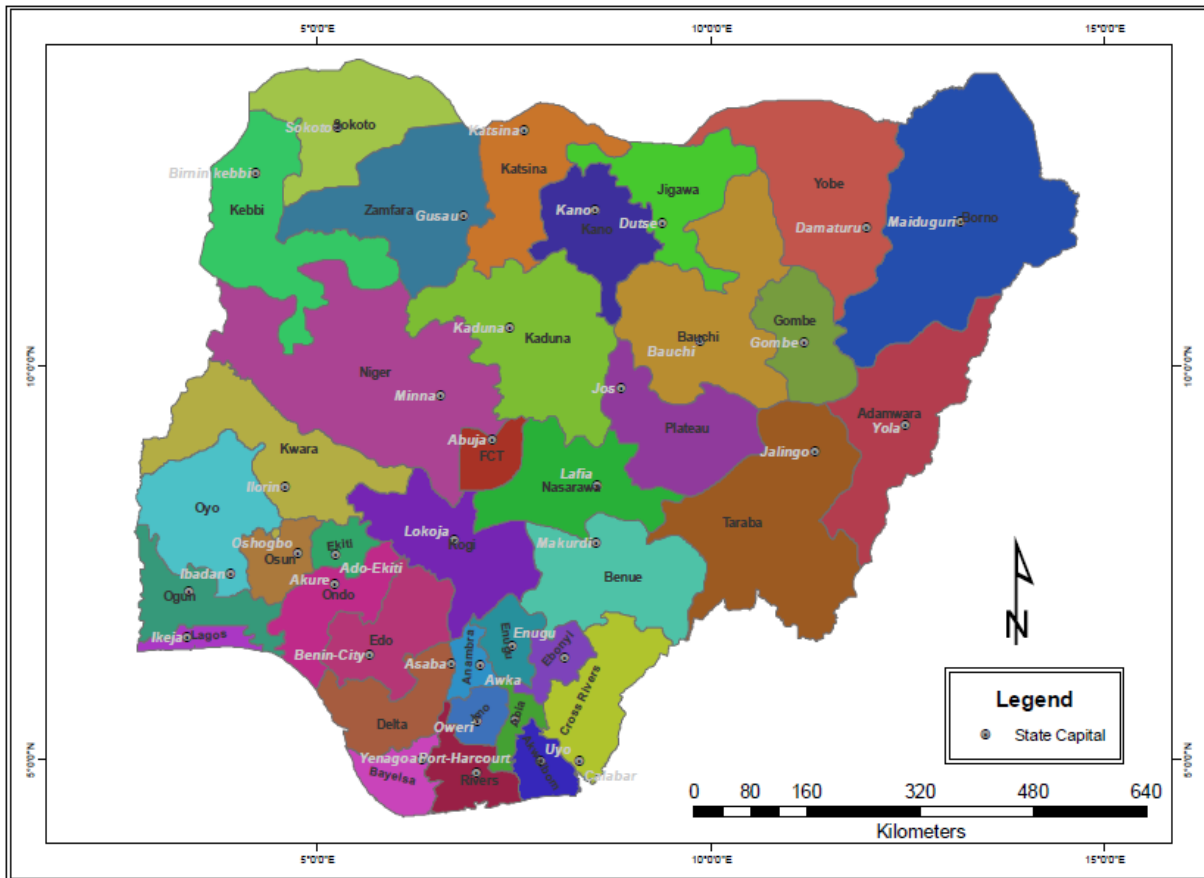
**1.3 Study Approach and Methodology**

The study was conducted by a Consultant using the following approach and methodology; Documents consulted in the process of preparing the CSDP AF-2 RPF study includes: CSDP RPF; Fadama III Project RPF; the RPF of RAMP; the general environmental management conditions for construction contracts; the Constitution of the Federal Republic of Nigeria; numerous relevant Federal, State, and local laws, regulations, decrees, acts, policies and guidelines, World Bank Safeguards Policies and other relevant documents. In addition, Consultation with CSDP Federal Project Coordinating Unit (FPSU), State Agencies (Adamawa, Bauchi, Gombe and Yobe), NGOs and selected communities that have benefited from CSDP projects were consulted. The major concerns and mitigation measures during the consultations were focused on the new component 4.

## 2. Project Location Details

### 2.1 The Bio- Physical Environmental Features

Nigeria is situated in West Africa lying between latitudes 4°00' N and 14°00' N and longitudes 2°50' E and 14°45' E, bordered to its south by the Gulf of Guinea for about 850km, by the Republic of Benin to the West for 773km, Republic of Niger to its North for 1497km, Chad at its North Eastern Boundary (Lake Chad water boundary) for 87km and Cameroon to its East for 1,690km (see map below)



**Figure 2.1: Map of Nigeria showing the 36 states of Nigeria**

Nigeria has a total area of 923,768 sq. km of which the total land area is 913, 768 sq. km and 10,000 sq. km is water. Nigeria is blessed with abundant water resources estimated at 226 billion m<sup>3</sup> of surface water and about 40 billion m<sup>3</sup> of ground water. The main characteristics of the biological, physical and socio-economic environment of the project area are summarized below.

#### 2.1.1 Physical Environment

##### 2.1.1.1 Climate

Nigeria's climate varies from arid in the north, tropical in the centre and equatorial in the south. The climate is largely controlled by prevailing winds and nearness to the Atlantic Ocean. The two dominant air masses are the dry wind from the Sahara and the wet wind from the Atlantic Ocean. Marginal

alterations have been recorded due to landform characteristics, configuration of surrounding shoreline and the generally flat topography of the country.

#### 2.1.1.2 Rainfall

Rainfall is the single most important element for defining the climatic seasons in the tropics. Hence, Nigeria has two dominant seasons; the wet and the dry seasons. Rainfall throughout Nigeria depends on the interaction of the tropical maritime air mass and the tropical continental mass which meet along the inter-tropical convergence zone (ITCZ). The annual average rainfall around the country is between 2000mm and 3000mm.

#### 2.1.1.3 Temperature

Nigeria's climate is characterized by relatively high temperatures throughout the year. The average annual maximum varies from 35°C in the north to 31°C in the south; the average annual minimum from 23°C in the south to 18°C in the north. On the Jos plateau and the eastern highlands altitude makes for relatively lower temperatures, with the maximum no more than 28°C and the minimum sometimes as low as 14°C.

#### 2.1.1.4 Wind

Two principal wind currents affect Nigeria. The south-westerlies dominate the rainy season of the year while north-easterlies dominate the dry season. Depending on the shifts in the pressure belts in the Gulf of Guinea, these winds are interspersed respectively by south-easterlies and north-westerlies in different parts of the year. The wetter winds prevail for more than 70% due to the strong influence of the breeze from the Atlantic Ocean. Mean annual wind speed varies between 2 to 6 m/s. Speeds in dry season (November -March) are lower. In the wet season (April–October), daily average speed could rise to 15 m/s. Values of up to 25 m/s are sometimes experienced due to inducement by convective rainfall activities and relative diffusion.

#### 2.1.1.5 Ambient Air Quality

Generally, air quality in the area complies with regulatory standards. Although, slight variations are noticed in major industrial cities like Lagos, Ibadan, Aba, Kano, Port Harcourt and Kaduna. The Federal Ministry of Environment (FME) adopted the WHO standards (Table 2.1) as the national standards for gaseous emissions against which air quality parameters monitored are compared in order to ascertain its "cleanliness".

**Table 2.1: Nigerian Ambient Air Quality Standard**

<b>Air Pollutants</b>	<b>Emission Limits</b>
Particulates	250 (µg/m <sup>3</sup> )
SO <sub>2</sub>	0.1 (ppm)
Non-methane Hydrocarbon	160 (µg/m <sup>3</sup> )
CO	11-4 (µg/m <sup>3</sup> ) or 10 (ppm)
NO <sub>X</sub>	0.04-0.06 (ppm)
Photochemical Oxidant	0.06 (ppm)

Source: FME 1991

**Table 2.2: Air Quality Classification Based on TSP Values**

Range of TSP Values (Pg/m <sup>3</sup> )	Class of Air Quality
0 – 75	High Quality
76 – 230	Moderate Quality
231 – 600	Poor Quality

Source: Jain, et. al (1976)

### *Geology*

Nigeria lies on the southern portion of the West African Craton. The geological setting comprises broadly crystalline basement complex rocks and sedimentary formations. They occur in equal proportions around the country. The former are highly mineralized and give rise to soils of high nutrient status, although variable from place to place. The latter are found in the south-east, north-east and north-west of the country, and give rise to sandy and less variable soils that are deficient in plant nutrient.

### *Topography*

Nigeria has varying landforms and much of the country is dominated by plains, generally less than 610m above sea level. The eastern border with the Republic of Cameroun is lined by an almost continuous range of mountains which rise to about 2,419m at Chappal Waddi, the highest known point in Nigeria.

In the North, the Jos Plateau rises abruptly from a general level of about 609.5m in the Hausa Plains to an average level of some 1,219m but reaches 1,781.6m in Shere Hills. The area west of the River Niger is dominated by the plain, which rises gently from the coast northwards to the area of crystalline rocks where inselbergs rise abruptly above the surrounding plains. The Idanre Hills, the highest point of these inselbergs, rises to about 981m above sea level. In general, the land surface of the country could be classified into three broad physical units or major relief features namely: the plains; the highlands; the troughs and the river valleys.

### *Soils Characteristics*

The broad pattern of soil distribution in the country reflects both the climatic conditions and the geological structure; heavily leached, reddish-brown, sandy soils are found in the south, and light or moderately leached, yellowish-brown, sandy soils in the north. The difference in color relates to the extent of leaching the soil has undergone. Nigeria soils are highly weathered and are characterized by light texture, low pH, low organic matter, low potassium levels, variable phosphorous levels with clay contents ranging between 7%-43%.

### *Surface and Ground Water Hydrology*

Nigeria has two major rivers, the Niger and the Benue, which traverse the northwest and northeast portion of the country, then merge at Lokoja before draining down to the Atlantic. There are several other rivers and quite a number of minor streams and rivulets that crisscross the entire Nigerian land mass. These include the Ogun, Oshun, Imo, Cross, Osse, Nun and the Anambra rivers in the south and the Kaduna, the Gongola, Sokoto – Rima and the Hadeija in the North.

Generally the water quality in the rivers of Nigeria is very good. The average electrical conductivity in the main rivers ranges between 48-65 Umhos/cm<sup>2</sup> and the total dissolved solids (TDS) concentration is about 100mg/l. The pH is less than 6.5, although higher values were reported in swamps and floodplains with levels of 100-150 Umhos/cm<sup>2</sup>. These rivers are also low in nutrients, with an average nitrogen content of 0.32mg/l and a total phosphorous content of 0.1 mg/l. The data indicate water of high quality according to FMEnv limits.

## 2.1.2. Biological Environment

### *Fauna*

Animals found in both forest and savannas include leopards, golden cats, monkeys, gorillas, and wild pigs. Today these animals can be found only in protected places as the Yankari Park, Gashaka Gumti Park, and Cross River Park. Rodents such as the squirrel, porcupine, and cane rat constitute the largest family of mammals. The northern savannah abounds in guinea fowl. Other common birds include quail, vultures, kites, bustards, and gray parrots. The rivers contain crocodiles, hippopotamuses, and a great variety of marine life.

In the rain forest, few large animals notably gorillas, chimpanzees, baboons and monkeys are present. Crocodiles, lizards, and snakes of many species are also present. Hippopotamuses, elephants, giraffes, leopards, and lions now remain only in scattered localities and in diminishing number. Wildcats, however, are more common and widely distributed. Wildlife in the savanna includes antelope, lions, leopards, gazelles, and desert hyenas. Nigeria also abounds in bird life with a great number of species being represented.

### *Flora*

Vegetation varies dramatically in relation to climate, soil, elevation, and human impact on the environment. In the low-lying coastal region, mangroves line the brackish lagoons and creeks, while swamp forest grows where the water is fresh. Farther inland, this vegetation gives way to tropical forest, with its many species of tropical hardwoods, including mahogany, iroko, and obeche.

North of the forest is the Guinea Savannah, a region of tall grasses and trees. The southern margin of the Guinea Savannah has been so altered by humans that it is also called the derived savannah. Beyond the Guinea savannah lies the Sudan Savannah, a region of shorter grasses and more scattered, drought-resistant trees such as the baobab, tamarind, and acacia. In the northeastern corner of Nigeria, the very dry semi-desert Sahel Savannah persists.

## 2.2 The Social Environmental Features

### 2.2.1 The Demographics

According to the latest estimates, the population of Nigeria is approximately, 174,507,539 (July 2013 est) 155million with average population density of about 160 persons per sq. km. This makes Nigeria the largest country by population, in Africa. The annual average growth rate is about 2.54% (2013 est.) and the urban population represented 49.6% of total population (2011) and the **rate of urbanization is about 3.75%** annual rate of change (2010-15 est) The illiteracy rate, which is an estimate of the percentage the population over 15years old that have not completed a primary school education level, is about 35%. (World Fact Book, CIA)

**Table 2.3: Demographic Data**

	1985	1990	1995	2000	2005	2010	2015	2020	2025
Total population (000s)	83,068	96,154	111,721	128,786	147,610	168,369	190,922	214,551	238,397
Urbanization Level (%)	30.7	35.0	39.6	44.0	48.2	52.0	55.4	58.2	60.9
Urban population (000s)	25,527	33,664	44,184	56,651	71,121	87,557	105,699	124,888	45,217
Urban population growth rate (%)		5.53	5.44	4.97	4.55	4.16	3.77	3.34	3.02

Rural population growth rate (%)		1.65	1.55	1.32	1.17	1.1	1.06	1.02	0.77
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Source: UN Habitat

One projection of Nigeria's population estimates that it will reach the level of 338 million by the year 2050. If this estimate and other country estimates are correct, Nigeria would move from 10th most populous country in the world to the 4th most populous country in a short span of just under 50 years. The tables below place Nigeria's rapid forecasted growth in global perspective.

#### Countries Ranked by Population 2000 (in millions)

1 China	1,256
2 India	1,017
3 United States	275
4 Indonesia	219
5 Brazil	174
6 Russia	146
7 Pakistan	141
8 Bangladesh	129
9 Japan	126
<b>10 Nigeria</b>	<b>123</b>

#### Countries Ranked by Population 2050 (in millions)

1 India	1,707
2 China	1,322
3 United States	394
<b>4 Nigeria</b>	<b>338</b>
5 Indonesia	331
6 Pakistan	260
7 Brazil	228
8 Bangladesh	211
9 Congo (Kinshasa)	184
10 Mexico	167

The real significance of Nigeria's demographic situation is that it simultaneously has a large population and one of the highest rates of growth in the world, causing its projection to move up so rapidly in total population. Many unknown factors could alter the above estimate. AIDS is one factor that could have a dramatic impact on Nigeria's future demographics. While AIDS is not the critical national health concern that it is in other sub-Saharan countries, it may grow to become a problem of great concern.

Rural – Urban migration in Nigeria, like in most other countries is fuelled by the pursuit for increased economic/ livelihood opportunities. Today, it is estimated that 45% or 58.5 million people form the urban population of Nigeria. 68.8% or 40.3million of this urban population are considered to be low-income earners. This pressure has forced changes in urbanization patterns, for instance, giving rise to a significant increase in peri-urban growth centers, as migrants pour daily into the cities to work but can only afford to live in new sprawling growth centers outside these cities, often where basic infrastructure and social services are very poor.

### **2.2.2 Ethnic Groups and Religion**

Nigeria, which is Africa's most populous country, is composed of more than 250 ethnic groups, the larger of which are the Hausa and Fulani, who are predominantly from the North represent approximately 29% of the population, the Yoruba, predominantly from the South (South West) and represent approximately 21% of the population and the Ibo, predominantly from the East represent about 18% of the population. The other large groups are the Ijaw with about 10%, the Kanuri with about 4%, the Ibibio with about 3.5% and the TIV with about 2.5%. The Middle Belt region of Nigeria shows the greatest degree of ethnic diversity, particularly in Adamawa, Taraba and Plateau States. The religious groups include Muslims, Christians and the indigenous beliefs.

English is the official language while the vast majority of the population conducts commercial activities in their ethnic language. The literacy level of the population is 57.1% (male: 67.3%, female: 47.3%). Predominantly the people are Muslims (50%) and Christians (40%) with few animists (10%).

### **2.2.3 Land Use Pattern**

The estimated land area of Nigeria is 924,000 km<sup>2</sup>. Land use varies based on location and the needs of the community. However, the different uses of land revolve around agriculture, industry and social needs such as the provision of infrastructure. Recent data shows that about 60% of the land area of Nigeria is under various forms of food (crop and animal) production and forest plantation.

### **2.2.4 Land Tenure**

The Land Use Decree of 1978 vests all land in the state through the office of the governor. Land is to be held in trust and administered for the use and common benefit of all Nigerians according to the provisions of the Act. By this legal instrument, the state replaced the traditional institutions of traditional rulership and chieftaincy in their roles as keepers of communal land.

Control and management of land in urban areas is the responsibility of the state governor, while all other land (rural, public, etc.) is the responsibility of the Local Government of the area. The governor is empowered to designate certain areas as urban land and to grant statutory rights of occupancy of fixed periods and rights of access to any person, subject to rental arrangements fixed by and payable to the state. The local government can grant a customary right of occupancy to land in the local government area (LGA) to any person or organization for agriculture, grazing, residential or other purposes.

### **2.2.5 Public Health Features**

The increase in urban and peri-urban population over the years, coupled with the significant decline in the performance of the State Water Agencies to provide potable water ( it is estimated that only 50% of the urban and 20% of the peri-urban have access to reliable water supply), and with poor or no acceptable sanitation or drainage infrastructure in many of these areas, the prevalence rate for diseases such as diarrhoea, malaria, dysentery and other serious health conditions are high.

### **2.2.6 Poverty**

According to the World Bank, Country at a Glance report, 2001, the gross national income (GNI) per capita of Nigeria is US\$290, which is significantly lower than the average of US\$470 for sub Saharan Africa (SSA).

It is estimated that 60% of the total population of Nigeria live below the poverty line. The average percentage of the urban poor (i.e. % of population below national poverty line) is a staggering 45% compared with the SSA average of 32%

### **2.2.7 Economics**

The Nigerian economy rests on two pillars: oil/gas and agriculture. Both sectors contribute 65% - 70% of GDP, while the secondary sector (manufacturing contributes about 7% and the tertiary sector (transport, trade, housing etc.) contributes about 25%.

Nigeria's major industries are located in Lagos, Sango Ota, Port Harcourt, Ibadan, Aba, Onitsha, Calabar, Kano, Jos and Kaduna.

### **2.2.8 Facilities**

The main transportation means in Nigeria is the road. Water transportation is fairly developed in some coastal areas. Air transportation is considered fair with major airports in Lagos, Abuja, Port Harcourt, Kano and Kaduna. The railway sector has experienced a major decline in the last decades but efforts are being made to revive it and extend its geographical links.

Electricity is supplied through the national grid. Though the power supply is still erratic, significant progress in improving the power supply situation has been made in recent years; and government is promoting the development of independent power supply to augment the current inadequate supply. Privatization of key infrastructures in the sector has been completed.

With regard to educational facilities, Nigeria is reasonably served. There are over 80 universities consisting of federal, state and private owned. High schools in most states are insufficient and are in dilapidated state, except for states in the southern part of the country.

The Federal Government has just concluded refurbishing existing tertiary health institutions nationwide. There is at least 1 primary health care institution in each of the 774 local government areas.

## **2.29 Social Impacts of the Conflict in the North-East of Nigeria**

Since 2009, nearly 15 million people have been affected by the conflict of Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad, also known as Boko Haram, and the resulting military operations in the North-East of Nigeria. The conflict became particularly intense from 2014, leading to the loss of an estimated 20,000 lives and the displacement of 1.8 million people. While many of the displaced people have remained within the three conflict-affected states of Borno, Adamawa, and Yobe, the rest are scattered throughout Northern and Central Nigeria. Over 170,000 more have sought refuge in neighboring countries. The human, social, and economic losses of the conflict, and the consequent need of investment for recovery, peace building, and reconstruction of the North-East, are overwhelming. Damage to education and health facilities, and attacks on markets and farms, closure of cattle markets, and restricted access to lands with consequent negative impact on livelihoods, are adversely affecting the developmental outcomes of an entire generation. The conflict has triggered a humanitarian crisis, with increasing food insecurity, additional pressure on already overstretched basic and considerable damage to social services and infrastructure and degraded environment; all of which has exacerbated already existing socioeconomic disparities in the North-East, further straining a population already among the most underdeveloped and vulnerable in the country. Furthermore, social cohesion has been deeply eroded, and with social interaction becoming increasingly characterized by violence have followed, due to communal, property and land disputes, and retaliation for conflict-related violence.

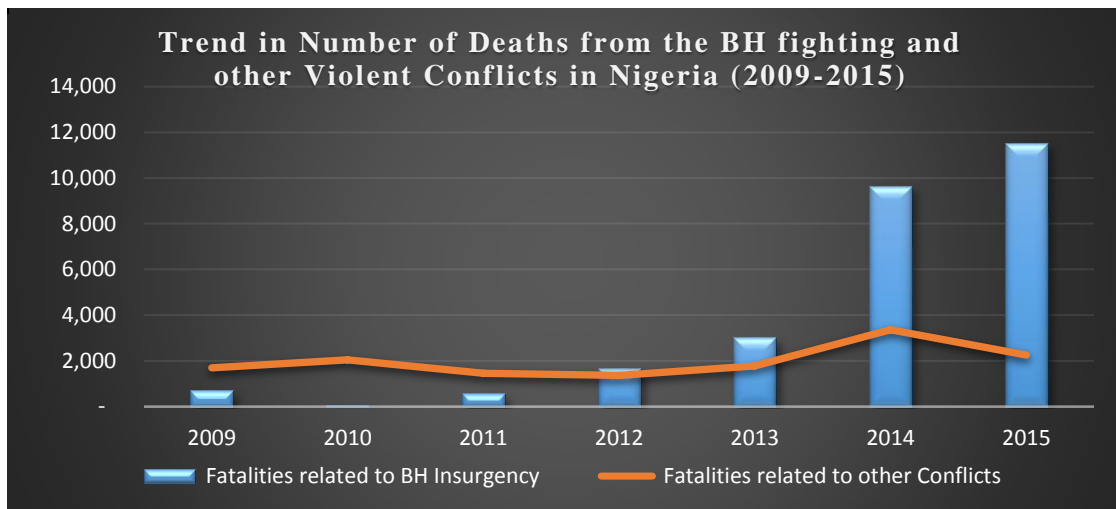
The Boko Haram insurgency has disrupted economic and social activities and has negatively affected the productive capacity, employment, and livelihoods of over six million people in the six northeast states of Borno, Yobe, Adamawa, Taraba, Bauchi and Gombe. The human, social and economic losses attributed to the Boko Haram insurgency are enormous, resulting in the loss of over 20,000 lives, the displacement of over 2.0 million people (nearly 80 percent are women, children and youth) forcibly displaced by the



conflict with Boko Haram, and the destruction of entire towns and villages. A recently completed Northeast Nigeria Recovery and Peace Building Assessment (RPBA estimates nearly US\$ 9.0 billion in damages across all six states. With US\$ 5.9 billion in damages, Borno is the most affected state, followed by Adamawa (US\$ 1.6 billion) and Yobe (US\$ 1.2 billion). The damages to the agricultural (US\$ 3.5 billion) and housing sectors (US\$ 3.3 billion) are considerable and make-up three-quarters of the total losses. The economic impact of the insurgency has also transcended the geographic borders of the country, impairing cross-border trade with Niger, Chad and Cameroon. The cumulative effect of the above is a further increase in the number of the poor and vulnerable that fall further below the poverty line.

**The Boko Haram campaign of violence has intensified over time.** The conflict broadened from revenge attacks on the Nigerian police and security forces, to attacks on public servants, politicians, moderate imams, and civilians, targeted through bombing and shooting attacks on schools, churches, mosques, markets, government installations and other public places. As Figure 3 shows, fatalities have soared in the last two years. Suicide bombings began in 2011, and since mid-2014 many young women and girls have mainly been systematically used as suicide bombers. Boko Haram has also abducted people: between January 2014 and April 2015, the group abducted well over 2,000 Muslim and Christian women, girls, and boys. Many girls have been abducted, forcibly ‘married’ to Boko Haram fighters, are being systematically raped, and forced to carry out caretaking duties. In April 2014, 200 schools girls from Chibok in Borno state were abducted and the majority remain in captivity. Large numbers have been taken to Boko Haram outposts and remote communities under Boko Haram control (Amnesty International 2015).

*Fatalities Related to the Boko Haram Conflict and Other Conflicts in Nigeria: 2009 to 2015.*



Source: Armed Conflict Location and Event Data Project (ACLED), accessed on 01/30/2016.

**In addition to continuous sporadic attacks on rural communities, Boko Haram started to consolidate control over territory, most of which has by now been recaptured by the government.** The group established what its leader, Abu Bakr Shekau, allegedly referred to as a ‘caliphate’, which

would extend across national borders.<sup>1</sup> In 2014, Boko Haram affiliated groups held a territory the size of Belgium, in Borno, Yobe, and Adamawa states.<sup>2</sup> The massacre at Baga, on the shores of Lake Chad in January 2015 drew international attention to Boko Haram's trans-boundary capabilities, and from February 2015 onwards, the MJTF, a coalition of troops from Nigeria, Chad, Cameroon, and Niger (with Benin subsequently joining in) undertook joint military operations and recaptured most of the territory taken by Boko Haram. However, attacks continue throughout the North-East region. These include suicide bombings in urban areas, of which at least 32 were reported in the region between 1 November 2015 and 15 January 2016, where the majority of bombers allegedly female.<sup>3</sup>

Although originating in Nigeria, the conflict has a regional dimension, with incursions and recruitment in neighbouring countries. In 2015 alone, there were 1,335 Boko Haram related casualties in Cameroon, 936 in Niger, and 412 in Chad. On 9 In March 2015, Abu Bakr Shekau declared formal allegiance to Islamic State (IS) that was accepted a week later. The group subsequently changed its name to Wilayat Gharb Ifriqiyya (West Africa Province of the Islamic State). The move may lead to closer ties between the two movements, although its precise implications remain unclear. There are indications that Boko Haram has benefitted from IS media and communication tactics with reports that IS may have either sent media producers to Nigeria or that BH media footage was sent elsewhere for production and editing. The movement appears to have a wide range of sources of funding, including bank, livestock, and other robberies, extortion through kidnapping, and (perhaps now predominately) the sale of arms, illicit drugs, and other smuggled goods.

As in other complex crises, there are many factors contributing to the conflict in the North-East. Structural factors, such as economic and political marginalization, poverty and poor governance, can create conditions for the emergence of crisis, by stoking frustration and a sense of injustice. Intermediate factors may exacerbate structural factors over the medium term, while triggers are short term, perhaps unforeseen, incidents which provoke violence. The following sections summarize the dynamics arising from them.

**A context of underdevelopment and inequality:** Despite its status as the economic giant of Africa, social and economic indicators in Nigeria are very low, and those in its North-East region are generally the poorest. The country ranks 152 of 187 in the Human Development Index (HDI), which is well below the average for sub-Saharan Africa. The country has a quarter of the continent's extreme poor, and comes third internationally, after India and China. Nigeria now has 10 percent of the world's out-of-school children, 10 percent of the world's child and maternal deaths, and 25 percent of global malarial cases. Nationally, 33 percent of the population is below the poverty line, while in the North-East, the figure is 50 percent, increasing between 2012 and 2013. Access to education is also very low with 52 percent of children being out of school in the region. Of those who attend school, 72 percent are unable to read upon completion of grade 6. In Borno, with the lowest rates of any state in the country, only 35 percent of female and 46 percent of male adolescents are literate (compared to 98 percent for both genders in Imo state in the South-East). Under-5 mortality rates in the North-East are as high as 160 deaths per 1,000.

**Governance and political conditions:** Weak governance is a cause of poor development outcomes, a driver of conflict, and a constraint on effective responses to both conflict and displacement. Financial mis-management undermines the effectiveness of policy and program implementation, and deprives

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<sup>1</sup> NSRP, 2014a.

<sup>2</sup> Chothia, F., 2015.

<sup>3</sup> Nigeria Watch <http://www.nigeriawatch.org/index.php?urlaction=evtStat> Nigeria Watch, year?.

citizens of access to essential services (.For example, about 40 percent of people surveyed claim that they have had to pay a bribe to enrol their children in school or get medical attention in health facilities. North-East States, given their weak economies and conflict-generated disruptions to economic activities, tend to have few means of generating internal revenue, and are thus particularly dependent upon transfers from the centre. States have wide responsibilities in the fields of service delivery, including education, health, and infrastructure. At the State level, political power is effectively centralized in the hands of governors, with weak accountability and very low capacity and autonomy at the LGA level. But government performance, in terms of governance and service delivery, is uneven among states. The Northern Governors' Forum fosters policy dialogue across Northern States and can contribute to emulation of good practices and successful initiatives. Traditional institutions and local associations have demonstrated resilience and managed to uphold and promote social solidarity within local communities, while providing local-level conflict resolution and other services. These institutions are, however, affected directly by the hostilities as well as being subject to less inclusive cultural norms (notably the low levels of women's representation), and the long-term erosion of their legitimacy through the politicization of traditional authority.

**Security:** Low levels of human security in North-East Nigeria are both a cause and an effect of the conflict. Military intervention has been the dominant response of the government to Boko Haram with allegations of violations of international human rights and international humanitarian law. The alleged use of CJTF by the government, expressly or tacitly, to enforce local level security, has been problematic with human rights abuses that have also been attributed to them. Boko Haram continues to spread violence and insecurity throughout the region through sustained soft target attacks such as on markets, using girls in particular as suicide bombers. Their "hit and run" attacks on settlements including those of returnees exacerbates challenges of recovery and return. Boko Haram related conflict and military response by the Nigerian armed forces and other armed groups has severely affected civilians, particularly vulnerable groups.

**Economic development:** Economic infrastructure in the North-East is also limited, and the industrial base of Northern Nigeria (mostly located outside the zone in Kano and Kaduna) has largely collapsed in recent decades. Rural livelihoods in agriculture, pastoralism, and fisheries, have been badly eroded as a result of a combination of limited government support, poor management, and limited access to new technology and inputs. The lack of employment and livelihood opportunities, in particular for young people, is one of the major causes of frustration and discontent with government, and a possible 'push factor' in the incitement of individuals to violence.

**Culture and ideology:** For centuries, religion has been central to the identity of the State in Northern Nigeria. As many other sources of identity, religion has been mobilized at times as a source to gain political legitimacy. Manipulation and exploitation of religious fault lines for political purposes, such as provoking conflicting views over the imposition of sharia law, have been used as ploys to divert attention from issues such as inadequacies in governance and financial mismanagement. This is one of the key factors contributing towards the rise of radicalization and violent extremism in North-East Nigeria among numerous other underlying causes and trigger factors, including the rise of international networks of extremists. Attacks have increasingly shifted from purely religion-based targeting to a general proliferation of targets irrespective of religion. Changes in social values and erosion of moral standards have been reported as a consequence, with economic standing and wherewithal replacing education and honesty as social merits, leading to a rise in politically-connected criminal activity, and a general societal disdain towards the rule of law.

**Environmental challenges:** The natural environment in North-East Nigeria is fragile, especially in the area immediately surrounding Lake Chad. This fragility undermines food security and drives environmental out-migration. Climate and weather variability play a part in this environmental degradation, exacerbated by man-made stressors such as irrigation and dam construction. For herders and

pastoralists, the scarcity of surface water has added to the difficulties of watering animals, causing them to encroach on agricultural resources. Meanwhile, agriculture has expanded into areas previously used for grazing, rendering the remaining herding sites increasingly exposed to overgrazing. In addition, the reduction in the size of Lake Chad and associated water-flow reduction have had considerable negative impacts on small-scale fishing throughout the Basin. Overall, the diverse and interdependent livelihood systems that make up the productive sector in the Lake Chad Basin are faced with increasingly inadequate supplies of water and are therefore under strain.

These categories of drivers combine to create conditions for the emergence and spread of conflict. The circumstances and motivations leading to participation in Boko Haram related conflict vary considerably between individuals. 'Pull factors' may be ideological, or material; recruitment may also be the direct result of coercion.

**Displacement:** One of the furthest-reaching effects of the conflict is the vast scale of forced displacement that it has caused, ranking Nigeria as the country with the third largest number of IDPs in the world, after Syria and Colombia. As government military operations intensified in 2015 and Boko Haram fighters were pushed out of towns and into rural areas, displacement increased further and food production was disrupted. IDPs face challenges in accessing basic services and humanitarian assistance in most areas. Forced displacement creates a range of serious secondary effects, including physical and psychological trauma, and social and economic hardship, as well as the conditions for possible radicalization and polarization. Displacement exacerbates the already existing conditions of poverty and deprivation and its effects are felt not only by the displaced themselves, but also in the communities in which they take refuge. 92 percent of those displaced by the armed conflict have been taken in by host communities who share space, resources, and services with them, all of which are generally already overstretched and increasingly under severe strain. The economic dislocation caused by the fighting adds further to hardship. Most IDPs remain in Borno (67 percent), followed by Adamawa and Yobe (6 percent each). It is estimated that an additional 3 million people remain trapped in insecure areas, who may become IDPs. The unfolding situation in the region can further exacerbate the pre-existing conditions of poverty and development deficit.

Conflict-related psychological trauma is widespread, while mental health services are limited. Psycho-social support and mental health interventions are needed, including special care for survivors of SGBV, child abuse and retained children by armed groups. There are only three mental health facilities in the region and no referral mechanism to link the affected population to these facilities, and there are insufficient free-of-charge psychotropic drugs available. Such widespread psycho-social needs, especially when left unaddressed, can have serious impacts on health, wellbeing, employability, and the emergence of new patterns of violence, including domestic violence and SGBV, long after the current conflict ends.

With the intensification of conflict, the prevalence of SGBV has escalated dramatically in the North-East. Women and girls are vulnerable to rape, exploitation, and forced marriage due to the conflict and resulting displacement, adding to already high rates of domestic violence and early marriage. Women and girls abducted by Boko Haram (estimated to be at least 2,000) are often raped, forced into marriage/labour/ religious conversion, physically/sexually/emotionally abused and are highly vulnerable, exposed to sexually transmitted diseases, and often forced impregnation by their captors.

The current conflict and displacement, combined with longer-term social processes, have undermined gender norms and child rights and created a power shift between generations. Conflict and displacement have broken communities and families, throwing up large numbers of unconventional households (e.g. headed by women, children, or the elderly). There are serious implications for future stability as the human capital of upcoming generations is compromised. North-East Nigeria faces an emergency in terms of access to education, where 600 teachers have been murdered, 19,000 teachers displaced, and 1,200 schools have been damaged or destroyed. This has resulted in 600,000 children losing access to learning

since 2013. In IDPs camps, 75 percent of children do not attend school. In host communities where as many as 92 percent of the displaced have found refuge, already thin educational resources are being stretched even further. Currently, 1.4 million IDPs children urgently require child protection services.

Social cohesion has been deeply affected by the Boko Haram conflict in the North-East. The wide geographical spread and high levels of conflict affecting the North-East, combined with the limited effectiveness of formal and informal mechanisms to prevent and contain violence, have resulted in widespread levels of suspicion, mistrust, and stigmatization along ethnic, religious, political, and geographical lines. The social fabric in the North-East has been deeply damaged, eroding social relations between citizens and government, ethnic clans, communities and even extended families. Economic, ethnic, religious, political, and geographical divisions have hardened, affecting the way in which any recovery effort is perceived. Restoring social cohesion and trust is the most critical precondition to recovery and peace building, but also the most difficult, given the deep impact of the conflict. Hence, any type of recovery and stability activity should carefully assess and take on board its impact on social cohesion and trust. In this context community policing could be reintroduced in North –East Nigeria to foster social cohesion, trust and human security.

More generally, the repeated but unpredictable incidences of violence have led to fragmentation along religious, ethnic, or other cultural fault lines. The authority of traditional institutions and community-level conflict management mechanisms (such as Local Government councils, local courts, and religious institutions) has been eroded. As security is restored and communities are resettled, it will be essential to address the capacity gaps of these institutions.

### **3. Potential Project Impacts**

#### **3.1 Overview**

Impacts of the sub projects will vary in nature and degree depending on the situation at hand of the social, economic, administrative and environmental setting. For example, if the project area is in a village with an appropriate land use plan which has been prepared and is implemented and reviewed by the villagers themselves, the resulting impacts of a sub project will be minimal as the area for the project will be already well determined in the plan, set aside and known to all stakeholders (including the villagers). On the other hand, if the project area is in an area which does not have a land use plan, the project will most likely cause both positive and negative impacts as in most cases the land in question will be under use of some sort, communally or individually. The communal land uses that might be taking place on such area include foot paths, livestock grazing, firewood collecting, recreation etc.; and the individual land uses include homesteads, crop cultivation etc. However, by all means the resulting impacts of the projects will either be general or specific.

#### **3.2 Generic Project Impacts on Assets and Livelihood**

Assets to be impacted by the development positively or negatively may include human settlements (homesteads), infrastructure (i.e. pathways, roads, water supply network etc.) land, and natural resources (vegetation cover, wildlife, soils, rocks etc.). Livelihoods to be impacted will mainly be on crop production areas, livestock rearing areas, settlement areas, firewood collecting areas, recreation areas, etc. In summary, the general impacts on assets and livelihoods that will result from the project to be undertaken are as follows:-

##### **3.2.1 Positive Impacts**

**(i) Increased/improved welfare of the communities**

The welfare of the communities involved in the project will be improved/ increased. For example, if say the sub-project is borehole with an over-head tank; more and clean/potable water will be available for various uses in the community for both domestic and production uses. This will result into better sanitation and therefore better health to enable people to engage fully in production activities thereby reducing the poverty syndrome. On the other hand, people will be able to attend production activities for more time rather than using that time for searching water (especially the women).

**(ii) Poverty Reduction**

The projects will assist in reducing poverty in the participating communities. For example: if the project is an investment for market stalls, it will assist the communities in marketing and selling their products, which will enable them to have more income, which is an initiative towards poverty reduction and food security.

**(iii) Appropriate Environmental Management**

The project also includes activities intended for appropriate environmental management. Projects such as construction of latrines and public toilets have a significant positive impact on the environment. Also, projects to assist the villagers to rehabilitate areas undergoing deforestation or erosion have very positive significance in managing the environment especially in the aspect of maintaining the hydrological cycle in its natural limits. The hydrological cycle is the natural control of the basic natural unifying resource of the environment i.e. water.

- (iv) **Improved Education Standards**  
Project undertakings in the education sector will improve learning of pupils, resulting into improved results enabling more pupils to continue with higher education, thereby helping the nation's build its manpower in the long term.
- (v) **Improved Health**  
Project undertakings in the health sector will assist the villagers in curing diseases which otherwise do impair their production ability and capability. With good health, communities will be able to engage fully in production activities and therefore be much able to reduce the poverty afflicting them.
- (vi) **Vulnerable Groups**  
Through the implementation of component 4 which will specifically target female headed households, displaced populations, elderly, differently abled; there will be general improvement on the six most severe factors identified by "Assessment of Social Safety Nets in CSDP" that dispose persons to vulnerability. These factors in order of severity include poverty, lack of vocational skills, disease and ill health, lack of income or employment, lack of a male breadwinner and lack of access to capital.

### 3.2.2. Negative Impacts

- (i) **Loss of natural resources**  
As a result of the project undertakings, in some instances, it shall be inevitable to remove vegetal cover. However, such actions shall be taken with utmost caution to ensure that as minimum as possible vegetation cover is removed. After completion of the construction that had necessitated the removal, environmental scenery rehabilitation and land scaping shall be undertaken. The loss of vegetation cover will have appreciable negative impacts on the communities which initially depended on it.
- (ii) **Loss of habitual land uses**  
In some instances the projects will cause losses of habitual land uses especially in areas which do not yet have land use plans, in which land is used haphazardly. Notable losses include loss of cultivation land, firewood collecting areas, livestock grazing areas, recreation etc. However, even in villages with well prepared land use plans with area for various related subprojects set aside. Normally, when the intended use is not yet in place, the area will always be put to some habitual land use although not the formal ones. Therefore, what ever the situation, the loss of habitual land uses will always be there.

### 3.3 Specific Impacts on Assets and Livelihood

Specific Impacts on Assets and Livelihood which are likely to result from the sub-projects' undertakings are several; however the notable ones include the following:

- Loss of cultivated land (or farm land)
- Loss of shelter (houses)
- Loss habitual land uses
- Improved roads
- Improved water supply facilities
- Improved health services
- Improved education facilities

- Improved education performance in schools etc.

### 3.4 Categories of Project Affected Persons (PAPs)

Within the project context, displaced persons may be categorized as:

- (i) *Individual persons affected*: an individual is affected when he/she is subject to loss of goods, property and or access to natural resources resulting from the project. For example, an individual who is cultivating land or owns a commercial or housing structure which would be affected as a result of the project.
- (ii) *Household affected*: a household is affected when one or several of its members are subject to loss of property, land or access to land or other income-generating activity as a result of the project.
- (iii) *Vulnerable households affected*: a vulnerable household may have needs affected by the project which are different from most other households. They may concern such segments of the population as self-supporting women and elderly people.

### 3.5 Eligibility Criteria

According to OP 4.12 displaced persons may be classified into one of the three following groups:

- (i) Those who have formal legal rights to land and physical assets (including customary and traditional rights) recognized under the laws of the country.
- (ii) Those who do not have formal legal rights to land or physical assets at the time the census begins, but have a claim to such assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.
- (iii) Those who have no recognizable legal right or claim to the land or building they are occupying.

Persons covered under (i), (ii) and (iii) above are provided assistance under this Policy Framework if they occupy land or buildings prior to the cut-off date (which is the date the detailed census to identify affected persons begins). Persons who encroach on the area after the cut-off date are not entitled to consideration or any form of resettlement assistance under this Policy.



#### **4. Rationale for the Resettlement Policy Framework (RPF)**

The impacts due to involuntary resettlement from development projects, if left unmitigated, often give rise to severe economic, social, emotional and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive skills may be less applicable and greater competition over resources; community institutions and social networks being weakened; kin/clan groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help getting diminished or lost.

The World Bank Resettlement Policy OP 4.12 could be triggered in instances where project activities could result in loss of structures (houses, fences etc.) and possibly incomes (rents for landlords, business premises, agricultural land). Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which, in most cases the former is preferred.

The failure to take into account potential involuntary resettlement in the sub-project investments under the CSDP AF-2 can increase the risk of hardship and negatively impact poverty reduction objectives.

In this context, the overall policy objectives to be pursued in implementing the RPF are:

- (i) Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, exploring all viable alternatives.
- (ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.

For the purposes of this framework, “affected persons” are defined as:

- a) All persons who, as a result of works carried out or to be carried out under the Project, would incur: (i) relocation or loss of shelter, such as houses; (ii) loss of assets or access to assets, such as structures, land or crops; or (iii) loss of income sources or means of livelihood whether or not the affected persons must move to another location, such as stalls or productive activities on the land; or
- b) The involuntary restriction of access to legally designated parks or protected areas, which would result in adverse impacts on the livelihoods of displaced persons.

Therefore, involuntary resettlement, as per the definition in OP 4.12 (see Annex 2) means both physical displacement as well as economic displacement. The term “involuntary” means that any impact, to which the project affected person cannot say no, is “involuntary” and therefore the policy OP 4.12 is triggered.

The policy applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced especially those below the poverty line; the landless, the elderly, women and children and the ethnic minorities or other displaced persons who may not be protected through Nigerian land compensation legislation.

In particular for CSDP AF-2, the policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the commencement of project activities causing

resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place.

It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites (if necessary) with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons.

Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement and compensation plan of action.

## 5. Legislative Framework

### 5.1 Land Ownership:

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

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

The Legal basis for land acquisition and resettlement in Nigeria is the **Land Use Act 1978 (modified in 1990)**. The following are selected relevant sections;

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

Section 2. (a) all land in urban areas shall be under the control and management of the Governor of each State; and (d) all other land shall be under the control and management of local government within the area of jurisdiction in which the land is situated.

Section 5 (1) It shall be lawful for the Governor in respect of land, whether or not in an urban area (a) to grant statutory rights of occupancy to any person for all purposes.

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

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

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

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

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

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

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

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

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

Therefore, according to the Land Use Act, all land in Nigeria is vested in the Governor of each State, and shall be held in trust for the use and common benefit of all people. The administration of land area is divided into urban land, which will be directly under the control and management of the Governor of each State; and non-urban land, which will be under the control and management of the Local Government. The Governor of each State will have the right to grant statutory rights of occupancy to any person for any purposes; and the Local Government will have the right to grant customary rights of occupancy to any person or organization for agricultural, residential and other purposes. For agricultural purposes, no single customary right of occupancy shall exceed 500 hectares.

The rationale for the Act was that bitter disputes over land were resulting in loss of lives and properties; moreover, that the management and ownership of land needed to be streamlined and simplified; and furthermore that citizens, irrespective of their social status, need support to realize their aspirations of owning a place where they and their family can lead a secure and peaceful life.

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

## **5.2 Comparison between Land Law in the Federal Government of Nigeria and World Bank OP 4.12**

Whereas the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. The World Bank's OP 4.12 is fundamentally

different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut -off date.

Therefore, as this is a World Bank funded project, the principles of OP 4.12 are not negotiable; the Bank’s OP 4.12 must be adhered to. As a result, all land to be acquired by the government for this project would be so acquired subject to the Laws of Nigeria and the Bank’s OP4.12.

Where there is conflict between Nigerian law, the World Bank OP 4.12 will prevail.

Table 5.1: Comparison of Nigerian Law and World Bank OP 4.12 regarding compensation

<b>Category of PAPS/Type of Lost Assets</b>	<b>Nigerian Law</b>	<b>World Bank OP 4.12</b>
<i>Land Owners</i>	<i>Cash compensation based upon market value</i>	<i>Recommends land-for-land compensation. Other compensation is at replacement cost.</i>
<i>Land Tenants</i>	<i>Entitled to compensation based upon the amount of rights they hold upon land.</i>	<i>Are entitled to some form of compensation whatever the legal recognition of their occupancy.</i>
<i>Land Users</i>	<i>Not entitled to compensation for land, entitled to compensation for crops.</i>	<i>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least</i>
<i>Owners of “Non permanent” Buildings</i>	<i>Cash compensation based on market value.</i>	<i>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</i>
<i>Owners of “Permanent” buildings</i>	<i>Cash Compensation is based on market value.</i>	<i>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</i>

Based on this comparison, entitlement matrix presented in Table 2 is so designed to assist the process by bridging the gaps between requirements under Nigeria Law and the World Bank OP 4.12. The higher of the two standards is followed in this entitlement matrix, since this procedure also satisfies the requirements of the lesser standard. The missing values in the entitlement matrix will be determined at the time the RAPs are being negotiated and prepared.

Table 5.2: the Entitlement matrix for various categories of PAPS

<b>Category of PAP</b>	<b>Type of Loss</b>	<b>Entitlements</b>				
		<b>Compensation for Loss of Structures</b>	<b>Compensation for Loss of Land and other Assets</b>	<b>Compensation for Loss of Income</b>	<b>Moving Allowance</b>	<b>Other Assistance</b>
Property Owners	Loss of Land	Full Replacement Costs, taking into account market values for the land.	Land replacement at new site, plus land clearing by the project	Crops at market rates in scarce season	None	Amount to be determined by the State Agency
	Loss of Structure or Business	Compensation at full replacement value, not	Lump sum payment of 6 months to owner	For lost rental income, Lump sum cash	Moving to be done free	Disturbance Allowance to be

		depreciated, taking into account market values for structures and materials.	of business or tenant	payment of 6 months' rent per tenant.	by project	determined by State Agency
Residential Tenant	Loss of Rental accommodation	No loss of structure, no entitlement to housing at new site.	Replacement costs for non-movables if installation was agreed with owner.	No loss of income	Free moving if notification before deadline	Lump sum payment of 6 Months' rent per tenant
Business Tenant	Loss of Premises	No Loss of structures	Replacement cost for facilities that cannot be moved	For loss of business income, payment of half of turnover for 6 months	Free moving if notification before deadline	N/A
Encroachers (using Land)	Loss of access to Land	None	Where possible assistance in securing other access to land for crops growing subject to approval of local authorities/ communities.	Crops at market rates in scarce season. For street vendors on right of ways possible access to other sites/locations	None	Possible employment with civil works contractors, etc. and/or amount to be determined by State Agency
Squatters (living on Site)	Loss of Shelter	Compensation at full replacement value for structures, relocation to resettlement site, with payment of site rent.	None	Payments in lieu of wages while rebuilding	None	Amount to be Determined by the State Agency



## 6. Institutional Implementation Arrangements

### 6.1 Methods of valuing affected assets.

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

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

State owned land would be allocated free by the Governor or Local Government Chairman (perhaps except for processing and registration fees). The SA would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by landlords or squatters, settled upon or otherwise being used. Privately owned property, would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired would be provided other land of equal size and quality.

However, according to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and would have to be valued according to the following method and compensation paid for. The project would compensate for assets and investments, including labor, buildings, and other improvements, according to the provisions of the RPF. Compensation rates would be market rates as of the date and time that the replacement is to be provided. Compensation would not be made after the entitlement cut-off date in compliance with this policy. Under customary law land belongs to chiefdoms, towns and villages. The permanent loss of any such land will be covered by community compensation, which will be in-kind, only. However, because the Bank's policy on Involuntary Resettlement (OP 4.12) makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

Affected persons may be compensated for following effects, which occur as a result of the project:

- (i) Damage to or loss of land assets.
- (ii) Damage to or loss of crops, trees or other activities related to livelihood.
- (iii) Damage to or loss of structures, such as housing, enclosures, latrines, shops or other structures related to livelihood/well-being.

Forms of compensation may include one or more of the following:

- (i) **Payments in Cash:** Cash compensation may be made for damage to or loss of land assets, damage to or loss of trees or other activities related to livelihood and damage to or loss of structures. Compensation will be calculated and paid in the national currency. Rates will be adjusted for inflation.
- (ii) **Payments in Kind:** In-kind compensation may be made for land assets, agricultural assets (such as productive trees) or structures.
- (iii) **Assistance:** Assistance may include a dislocation allowance, transportation, moving costs, titling and transfer fees and labour

#### *Payment in Cash*

**Loss of Crops and Trees.** Cash compensation shall be paid for loss of crops and trees, based on replacement values and cover a cash value of the loss estimated until the new crop or tree comes to maturity. Officials of the Ministries of Agriculture, Forestry and Natural Resources will establish the



compensation rates. Compensation for trees will take into account the distinction between various types of trees and their economic values; fruit trees compared to non-fruit trees. Fruit trees will be compensated for the value of lost production until another tree comes to the stage of productivity. The Ministry of Lands and Survey and in some cases Ministry of Housing and Urban Development will be responsible for establishing compensation rates for land or structures losses. In this case, the cost of land preparation will also be part of the compensation package

**Land Assets.** For agricultural land, cash compensation shall be based on the replacement value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of land preparation to arrive at the pre-project state of development, plus the cost of any registration and transfer taxes. For land in populated, or urban areas, compensation shall be based on the replacement value of land of equal size and use, with no less than the public infrastructure facilities and services and located on or serving the affected land, plus the cost of any registration and transfer taxes. Compensation for land will take into account market values for the land.

**Structures.** For houses and other structures, cash compensation shall be based on the replacement cost of the materials to build a new replacement structure with an area and quality no less than those of the affected pre-project structure; or to repair a partially affected structure plus the cost of any registration and transfer taxes. Compensation should take into account market values for structures and materials.

Asset depreciation and the salvage materials shall not be taken into account for the above calculations.

### ***Payments In-Kind***

In-kind compensation of any of the above-mentioned assets will be provided in the form of materials required to re-erect affected structures at no less than the existing standard of the asset being displaced by the project. Such in-kind compensation will be made prior to the destruction of the pre-project assets, such that no loss of shelter and/or income-generating activities occurs as a result of the project.

## **6.2. Organizational principles and responsibilities**

When communities screen sub-projects using the Environmental and Social Screening Form and the Environmental and Social Checklist as contained in the Environmental and Social Management Framework (ESMF), and should the approved Screening Report indicate the need for a RAP, then, a Resettlement Committee shall be established by the State Agency (SA), which will consist of:

- (i) Local Authorities or other local authorized bodies and the Local Administration, including representatives from the local communities and project affected people
- (ii) A Government Surveyor
- (iii) A representative from Ministry of Agriculture for agricultural land and other assets; and/or Ministry of lands and surveys, housing/town planning and the environment for houses and other structures, as the case may be
- (iv) SA coordinator and the agency's environment and social specialist
- (v) The chairman of the LGRC and CPMC
- (vi) A traditional chief or community leader

It is essential that there are at least two women in the Resettlement Committee.

The Terms of Reference (TOR), Draft and Final Report for each RAP shall be prepared by the SA based on the approved Screening Report and subject to No-objection by the Bank.

All Resettlement Action Plans (RAPs) shall be prepared by independent, qualified consultants and/or NGOs, recruited by the SA and approved by the World Bank before disclosure and implementation.

## 7. Monitoring and Evaluation

### 7.1 Monitoring and evaluation arrangements

The arrangements for monitoring would fit the overall monitoring plan of the CSDP AF-2, which would be through the SA.

CSDP AF-2 will institute an administrative reporting system that:

- (a) alerts project authorities to the necessity for land acquisition, impact on assets, and/or impact on livelihood in a particular community sub project,
- (b) provides timely information about the valuation and negotiation process,
- (c) reports any grievances that require resolution, and
- (d) documents timely completion of project resettlement obligations ( i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary loses, as well as unanticipated, additional construction damage.

#### 7.1.1 Monitoring Plan Procedure

The Environmental/Social and community development specialists of the SA will prepare quarterly monitoring plans, and this will encompass clear and definitive criteria and parameters to be monitored for each specific sub-project investment in each local government area. The monitoring plan will take into consideration the scope of development, environmental and social sensitivity and the financial and technical means available for the monitoring it. The plan will identify and describe the indicators to be used, the frequency of monitoring and the standard (baseline) against which the indicators will be measured for compliance with the RPF.

Monthly monitoring plans will be prepared by the SA. Quarterly and annual reports will be submitted to the SEPA and to other appropriate agencies. All monitoring components will be subject to audit, internally by the SA and externally by the SEPA. Each monitoring programme will follow the established schedule; monitoring may be performed daily, weekly, quarterly, semi-annually, annually, biennially, or continuously, depending upon the resource, regulatory requirements for regulatory monitoring, and the project-specific requirements for other monitoring. Monitoring results will be compiled when due and communicated to the SEPA as appropriate.

The SA and SEPA will be responsible for overall monitoring of the implementation of this RPF. This will include:

- (i) **Monitoring of Project Screening**, through visual verification of potential resettlement situations.
- (ii) **Monitoring of Resettlement Action Plan Preparation:** monitoring of Consultant activities and reports and verifying the validity of all community-based agreements.
- (iii) **Establishment of Project Monitoring Files:** for each Resettlement Action Plan, SA/SEPA will establish a file appropriate for implementation monitoring. This will include at a minimum:
  - The Resettlement Action Plan
  - The mutually signed community – based Agreement, which includes a list of each affected person or household and the agreed terms of either land donation and/or structure replacement.
  - The agreed timetable for delivery of any structure replacement.
- (iv) **Monitoring of Resettlement Action Plan Implementation:** Monitoring of Resettlement Plans will involve:
  - Disbursement of Cash Compensation
  - Implementation of In-Kind Compensation
  - Implementation of Assistance

Following its exercise of prior review, the World Bank will monitor the implementation of specific Resettlement Action Plans. The Bank will also carry out targeted and spot review of specific social cases and resettlement action plans, as part of regular supervision, or separate missions

## 7.2 Evaluation

Consistent with the RPF, the Environmental/Social specialist in the SA and his/her counterpart in the SEPA would be responsible for periodically transferring the information compiled at the local government level to the SA so that it is alerted in a timely manner to any difficulties arising at the local level.

The objective will be to make a final evaluation in order to determine;

- (i) if affected people have been paid in full before the commencement of civil works,
- (ii) if PAPs are benefiting from project activities, and
- (iii) if the people who were affected by the project have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

The resettlement and compensation action plans will contain indicators and benchmarks for achievement of the objectives under the resettlement program. These indicators and benchmarks should be of three kinds:

- ◆ process indicators, indicating project inputs, expenditures, staff deployment, etc.
- ◆ output indicators, indicating results in terms of numbers of affected people compensated and resettled, training held, credit disbursed, etc.
- ◆ impact indicators, related to the longer term effect of the project on people's lives.

The benchmarks and indicators should be limited in number, and combined quantitative and qualitative types of data. The first two types of indicators, related to process and immediate outputs and results, will be monitored internally by the project. This information will serve to inform project management about progress and results, and to adjust the work program where necessary if delays or problems arise. The results of this monitoring will be summarized in reports, which will be submitted to authorities and the World Bank twice a year.

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

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The local government councils, the SA and State Environmental Protection Agency (SEPA) will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feedback from:

- ◆ Indicators monitored by the local governments, to determine whether goals are being met; and
- ◆ a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the SEPAs be structured into the whole M&E component of the project. This would take the form of giving the agency and the SA the mandate to carry out independent monitoring of the implementation plans at periodic intervals of quarterly or half yearly (as circumstances

dictate) during the project life. Their joint report would become part of the official documents of the project.

## **8. Consultations, Review and Disclosure**

### **8.1 Description of the process for preparing and approving resettlement and compensation plans.**

As stated earlier, the World Bank policy on Involuntary Resettlement OP 4.12 is triggered because the CSDP AF-2 project will finance social and economic infrastructure investments that may lead to loss, denial or restriction of access to economic resources. Since the location of these areas was not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the FGN is necessary for the project to be in compliance with the OP 4.12.

However, during implementation of this project, in a process defined below, the identification of these areas will be made. At that stage, the Bank's policy calls for the preparation of individual Resettlement Plans that must be consistent with this RPF.

To address the impacts under this policy, resettlement and compensation plans must include measures to ensure that displaced persons are:

- (a) informed about their options and rights pertaining to resettlement and compensation.
- (b) consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives.
- (c) provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.
- (d) enabled to restore but preferably, to improve upon their pre-project living standards and conditions.

The first stage in the process of preparing the individual resettlement and compensation plans is the screening process. Once the land / area has been identified, a baseline census will be conducted to determine who will be impacted and what those impacts entail. The date that the baseline data is collected will serve as the cut-off date after which, persons moving into the area will not be liable to receive compensation. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process.

#### **8.1.1 Screening Process**

The scoping and screening process will identify potential requirements for land acquisition or resettlement and the extent of "affected persons". In addition, during the screening process it needs to be identified whether or not a Community Development Plan (CDP) exists for the impacted area / locations. The screening will also determine whether such impacts can be avoided or minimized through design measures. For instance, like reducing the size of land required for the construction of additional markets stalls or leaving the contentious land as is, in agreement with the community and affected persons. If these impacts cannot be avoided through such measures, this policy will be triggered and a RAP needs to be prepared.

#### **8.1.2 Preparation of Resettlement Plans**

If the micro-project in question is included in the Community Development Plan (CDP), a stand-alone Resettlement Action Plan will be prepared prior to commencement of project implementation. This Plan will be established in coordination with the Community and be carried out in parallel with the preparation of the Environmental Management Plan (EMP).

It's processes will ensure that the affected persons are:

- (i) Informed about their options and rights pertaining to resettlement;
- (ii) Consulted on, offered choices, and provided with technically and economically feasible resettlement alternatives; and
- (iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the projects.

Where impacts are likely to be limited, a simple **Resettlement Action Plans** will be prepared and will include the following elements:

- (i) Summary of the census of displaced persons or assets;
- (ii) Description of compensation and other resettlement assistance to be provided;
- (iii) Consultations with displaced people about acceptable alternatives;
- (iv) Institutional responsibility for implementation and procedures for grievance redress;
- (v) Arrangements for monitoring, evaluating, reporting and implementing; and
- (vi) Timetable and budget.

In order to prepare a Full Resettlement Action Plan when there are significant adverse impacts, a socio-economic study must first be conducted. The Socio-Economic Study will be conducted by a qualified social scientist and Government surveyor, in collaboration with the Resettlement Committee. They will examine the nature of the impacts in the affected areas, the socio-economic and cultural setting, local organizations, and social risks, as well as the indicators that would ensure that the project affected people at minimum regain their former quality of life or are enabled to improve it.

The **Socio-Economic Study** will cover the following:

- (i) The results of the census including current occupants of the affected areas to establish the baseline for eligibility criteria and to prevent subsequent inflows of people and claims;
- (ii) Description of the affected households, including information about livelihoods and production and labour systems, standards of living, social networks, and an analysis of their legal rights and informal entitlements and any issues of potential conflict;
- (iii) Statement of the magnitude of the expected loss (total or partial) of assets and the extent and impact of physical or economic displacement;
- (iv) Information about especially poor or vulnerable groups for whom special provisions should be designed; and
- (v) Provisions to update information about displacement, livelihoods and standards of living before, during and after displacement.

Such a **Resettlement Action Plan** (see Annex 2) will include the following minimum elements:

- (i) Project Description
- (ii) Potential Impacts
- (iii) Objectives of the Resettlement Plan
- (iv) Results of the Socio-Economic Studies
- (v) Legal and Institutional Framework
- (vi) Eligibility
- (vii) Valuation of and Compensation for Losses
- (viii) Resettlement Measures
- (ix) Site Selection, Site Preparation and Relocation
- (x) Housing Infrastructure and Social Services
- (xi) Environmental Protection and Management
- (xii) Community Participation
- (xiii) Integration with Host Populations
- (xiv) Grievance Procedures
- (xv) Organizational Responsibilities

- (xvi) Implementation Schedule
- (xvii) Costs and Budget
- (xviii) Monitoring and Evaluation

## **8.2. Arrangements for compensation**

Compensation (and resettlement) will be funded from the Government funds but like any other activity eligible under the projects' administrative and financial management rules and manuals. Funding would be processed and effected through the SA in each of the participating local government councils, and will comply with the financial arrangements agreed upon at project negotiations. The compensation process, which will involve several steps, would be in accordance with the individual project resettlement and compensation plans, and will include the following:

**Public Participation** with the local communities will be an ongoing process through out resettlement planning. PAPs will be notified by the CPMCs during the identification of micro-projects and consulted with as part of the screening process. The subsequent socioeconomic survey will record all relevant information about the PAPs, and ensure that it is accurately reflected in the RAP in order to allocate the appropriate compensation. Periodic monitoring will ensure that PAPs have been consulted and that compensation and relocation has been carried out satisfactorily. The preparation of the Resettlement Action Plan, including such activities as census of affected persons, socio-economic study and the terms of land donation and in-kind structure replacement, will be carried out in close collaboration with the Resettlement Committee formed for this purpose.

The draft Resettlement Action Plan will be transmitted to the Resettlement Committee for validation and approval. Upon validation and approval of the draft Resettlement Plan, the SA will transmit the Resettlement Action Plans with their proposals and recommendations to the Africa region's safeguards specialist in the World Bank for review and approval. Once the World Bank approves these Resettlement Actions Plans, they will then be disclosed in locations accessible to the PAPs and at the World Bank Info Shop.

**Notification** of land resource holders –Landowners will be notified by the CPMCs that their property is required for development of the micro-project. The user will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the traditional chief or a representative. These local community leaders will also be charged with the responsibility to notify their community members about the established cut-off date and its significance. To ensure that any sensitive areas are accurately identified during this procedure, all relevant village chiefs, community leaders, religious leaders, women leaders and other elders and individuals who control fishing areas, wild trees and bee hives, for example will accompany the survey team to the site.

**Documentation** of Holdings and Assets – township/municipal and state officials to arrange meetings with affected individuals and/or households to discuss the compensation process.

For each individual or household affected, the project officials will complete a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by the state environmental agency and community/village officials. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims, assets, and payments will be documented in writing.

**Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual or household involved. The local community with the help of the



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

**Compensation Payments** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, representative of the state environmental agency, village chief/local leaders and the community officials.

### **8.2.1 Community Compensation Payments**

In the context of the CSDP, community compensation will be in-kind only for a community as a whole in the form of reconstruction of the structure to at least the same standard or equivalent better standard to that being built by CSDP on the area to serve the same function.

Examples of community compensation include;

- ◆ School Building (public or religious structures, i.e catholic schools)
- ◆ Well or Pump
- ◆ Market Place
- ◆ Road or Bridge
- ◆ Storage warehouse

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

#### **8.2.1.1 Description of the Implementation Process**

The environmental / natural resource management specialist and the community development officer of the various State Agencies will be responsible for the implementation of the RPF in close collaboration with the State Environmental Protection Agency (SEPA), CPMC and the LGRC. A consultant on social assessment and resettlement issues will be contracted or called upon time to time to assist the project staff as and when required.

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework and subsequent RAP. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual resettlement plan of action.

The measures to ensure compliance with this policy directive would be included in the resettlement plans that would be prepared for each land involving resettlement or compensation.

When communities present their RAPs to the SA and the SEPA for approval, part of the screening process that would be used to approve recommended sites would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced due to civil works activity before compensation is paid. Once the resettlement plan is approved by the SA and the SEPA, the resettlement plan should be sent to the World Bank for final review and approval.

### **8.3 Grievance Redress Mechanisms**

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation programme may be related to, but not confined to the following issues:

- (i) Inventory mistakes made during census survey as well as inadequate valuation of properties.
- (ii) Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development.
- (iii) Disagreements on plot/asset valuation.
- (iv) Divorces, successor and family issues resulting into ownership dispute or dispute share between heirs or family.
- (v) Disputed ownership of a given Asset (two or more affected individual(s) claim on the same).
- (vi) Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (the location of the resettlement site does not suit them).

At the time the RAP is approved and individual compensation contracts are signed, PAPs will have been informed of the process for expressing dissatisfaction and to seek redress. Each community will have an opportunity to comment on annual communal review of microproject implementation performance. Any grievances may be addressed as part of the review process.

If PAPs are not satisfied with proposed entitlements of implementation arrangements, or are dissatisfied with actual implementation, they can make their grievance known verbally or in written form to the LGRC and the local government officials responsible for project facilitation and information dissemination. If this procedure is also inadequate, PAPs can proceed to make their grievance verbally or in written form to the SA.

If an agreement is not reached with the consent of the local administration and the SA, the matter will be referred to the Commissioner of lands and survey, who is empowered to arbitrate the matter. If the aggrieved person is not satisfied with the decision of the Commissioner, the grievance may be taken to a court of law.

### **8.4 Resettlement, Cost Estimates and Contingencies**

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. There will be provision in the CSDP project to finance the resettlement concerns as and when they arise during project implementation.

At this stage, it is not possible to estimate the likely number of people who may be affected since the technical details/designs have not yet been developed and land needs have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data are available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

The SA will prepare the resettlement budget and finance this from the Government funds consistent with the project's administrative and financial management rules and manuals like any other activity eligible for payment under the project. This budget will be subject to the approval of the World Bank.

## 8.5 Mechanism for Consultation and Participation of Displaced Persons

Public consultation and participation are essential because they afford PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts as well as increase benefits being realized by PAPs and the SA. For this project to be successful, meaningful and effective; close consultation with local communities is a pre-requisite. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households.

### 8.5.1 Identifying Stakeholders

Stakeholders for the purpose of this project shall be defined as all those **people and institutions** that have an interest in the successful planning and execution of the project. This includes those positively and negatively affected by the project. To identify the key stakeholders, the table below was developed.

Table 5: The Stakeholder Identification Matrix

<b>Those who may be affected by the project:</b>	
<b>These may include</b>	<b>How to identify them</b>
People living in the vicinity of the proposed sub-projects investments.	<ul style="list-style-type: none"> <li>◆ Review available data to determine the stakeholder profile of the whole stakeholder or relevant group.</li> <li>◆ Use identified groups and individuals to tap into stakeholder networks to identify others</li> </ul>
Special interest groups.	<ul style="list-style-type: none"> <li>◆ Identify key individuals or groups through organised groups, local clubs, community halls and religious places.</li> <li>◆ Organisations such as environmental groups would be aware of similar local groups or individuals.</li> </ul>
Individual people who own properties that will be directly or indirectly affected.	<ul style="list-style-type: none"> <li>◆ Advertise in local newspapers, telling people that they may be affected and asking them to register interest in attending meetings or receiving further information.</li> </ul>
Business (owners and employees).	Council lists or property registers.

The ensuing RAP will include an annex which identifies what issues were raised during the consultation process and how they were addressed.

### Consultation Strategies

The consultation process shall ensure that all those identified as stakeholders are consulted subject to SA's approval, information about the project will be shared with the public, to enable meaningful contribution, and enhance the success of the CSDP AF-2 project.

Public consultation shall take place through workshops, seminars, meetings, radio programs, request for written proposals/comments, questionnaire administration, public reading and explanation of project ideas and requirements. The consultation plan would be monitored by the state environmental protection agency and the project's community development specialist, and will set their own verifiable indicators to assess the degree of participation of the key stakeholders during all the phases of CSDP AF-2 implementation.

### 8.5.1.1 Level of Engagement

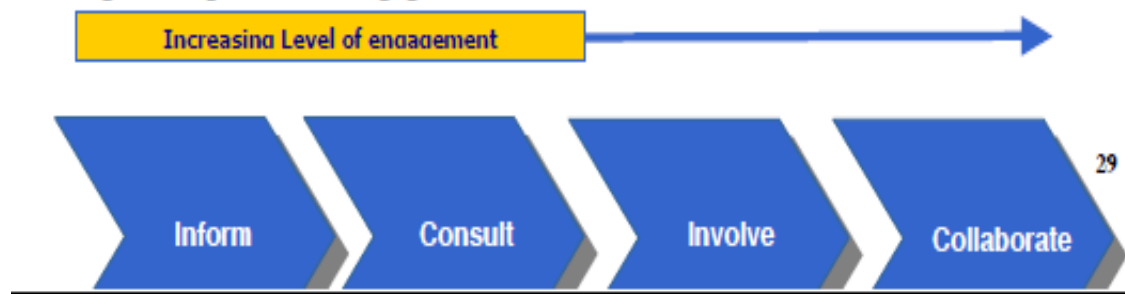
The level of stakeholder involvement would be based on the project phase, location and expected outcome. Small projects would require less complicated stakeholder involvement programs as the issues are likely to be less complex and their impact smaller. This section is a guide to determining the level of stakeholder involvement required. Specifically, the extent of stakeholders' involvement with respect to RAP would be based on the following:

- ◆ the project is likely to have significant impacts, that is, high impacts in one area/location, or relatively small impacts spread out over a large area.
- ◆ the project involves significant issues, that is, the wider stakeholder may be affected.

Table 6: Consultation Plan at Project Phases

Project Stage	Activities	Institutional Responsibilities
Implementation	Preparation of compensation packages, RAP review	SA, SEPA
Monitoring	Review of verifiable indicators	SEPA and SA

Figure 1: Spectrum of Engagement



Through these engagement strategies, the SA would be able to clarify the project's objectives, in terms of stakeholder's needs and concerns, in addition to:

- ◆ identifying feasible alternatives (in particular alternative locations) and examining their relative merits in terms of environmental, social and economic factors
- ◆ identifying and prioritizing environmental and resettlement issues and establishing the scope of future studies
- ◆ identifying processes for continued stakeholders' involvement.

## 9. Budget

### 9.1 Estimated Budget for the Implementation of Resettlement Policy Framework

Table 7: Estimated Cost for RPF implementation

Activity	Unit Cost (\$)	Total Cost	Basis of Estimates
RAP preparation	40,000	40,000	This estimation include cost for census, public consultations and RAP report preparation
RAP implementation	130,000	130,000	Estimate based on comparable projects approved by the World Bank, adjusted to cover inflation. Cost per sub-project will depend on the number of households affected, land required and other structures
Capacity building for compensation committee	100,000	100,000	Based on comparable projects approved by the World Bank
Provision of technical assistance	145,000	145,000	Assumes assistance will be provided by project at no additional cost.
Contingency fund for other costs such as inflated land and crop prices	83,000	83,000	20% of sub-total
<b>Total</b>	<b>498,000</b>	<b>498,000</b>	

## Annex 1

### Details of consultations

<b>Stakeholder Met</b>	<b>Issues/Comments Raised</b>	<b>Response/How Addressed</b>
Adamawa State CSDP AF-2 ESMF RPF Stakeholders Committee	Project Siting:  Damage to economic Trees, houses and other infrastructure:  Where no alternative site is available	Avoid involuntary resettlement in land acquisition. Explore traditional options of land acquisition for community development purposes  Relocation of project site  Cost-benefit analysis should be carried out to determine the project benefit to the community as compared to economic losses.
Bauchi State CSDP AF-2 ESMF RPF Stakeholders Committee	Project Siting and Land Acquisition	Avoid involuntary resettlement in land acquisition.  State Agency should not directly involve in land matter but provide guidance to community on how to avoid involuntary resettlement
Gombe State CSDP AF-2 ESMF RPF Stakeholders Committee	Component 2: LGA/Sectoral Ministries Capacity and Partnership building Component	The content needs to be realigned to reflect that “ the communities implement and maintain the sub projects in partnership with the LGAs
Yobe State CSDP AF-2 ESMF RPF Stakeholders Committee	Environmental Desk Officer from State Ministry of Environment	More active participation of the desk officer(s) from relevant ministries.

**World Bank Policy on Involuntary Resettlement (Revised April 2004)**

**Note: OP and BP 4.12 together replace OD 4.30, *Involuntary Resettlement*. This OP and BP apply to all projects for which a Project Concept Review takes place on or after January 1, 2002. Questions may be addressed to the Director, Social Development Department (SDD).**

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1. The Bank's experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

**Policy Objectives**

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:
  - a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
  - b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable persons displaced by the project to share in project benefits. Displaced persons should be meaning fully consulted and should have opportunities to participate in planning and implementing resettlement programs.
  - c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior the beginning of project implementation, whichever is higher.

**Impacts Covered**

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by
  - (a) the involuntary taking of land resulting in
    - (i) relocation or loss of shelter;
    - (ii) lost of assets or access to assets; or
    - (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
  - (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary

resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12, para. 7).

### **Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:
  - (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
    - (i) informed about their options and rights pertaining to resettlement;
    - (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
    - (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
  - (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
    - (i) provided assistance (such as moving allowances) during relocation; and
    - (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
  - (c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are
    - (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
    - (ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.
7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which
  - (a) specific components of the project will be prepared and implemented;
  - (b) the criteria for eligibility of displaced persons will be determined;
  - (c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and
  - (d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly,



women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional landbased modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see Annex A, para. 11).
10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).
11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.
12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.
13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:
  - (a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
  - (b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

- (c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

### **Eligibility for Benefits**

- 14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the Annex A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.
- 15. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:
  - (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
  - (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and
  - (c) those who have no recognizable legal right or claim to the land they are occupying.
- 16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

### **Resettlement Planning, Implementation, and Monitoring**

- 17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:
  - (a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);
  - (b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A); and
  - (c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).
- 18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design. 20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.
20. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.
21. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.
22. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.
23. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

### **Resettlement Instruments**

#### *Resettlement Plan*

24. A draft resettlement plan that conforms to this policy is a condition of appraisal (see Annex A, paras. 2-21) for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, and fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see Annex A, para. 22). The information disclosure procedures set forth in para. 22 apply.

#### *Resettlement Policy Framework*

25. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a

resettlement policy framework that conforms to this policy (see Annex A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

26. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.
27. For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.
28. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.
29. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

#### *Process Framework*

30. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before to enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

### Assistance to the Borrower

31. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing
    - (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
    - (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
    - (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
    - (d) financing of the investment costs of resettlement.
  32. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionality, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.
  33. The Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.
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1. "Bank" includes IDA; "loans" includes credits, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) adaptable program lending; (b) learning and innovation loans; (c) PPFs and Institutional Development Funds (IDFs), if they include investment activities; (d) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (e) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs under adjustment operations. "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.
2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include OP 4.01 *Environmental Assessment*, OP 4.04 *Natural Habitats*, OP 4.11 *Safeguarding Cultural Property in Bank-Assisted Projects*, and OD 4.20 *Indigenous Peoples*.
3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.
4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.
5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.
6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see OP/BP 8.50, *Emergency Recovery Assistance*).

7. For purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.
8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).
10. The *Resettlement Sourcebook* (forthcoming) provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see Annex A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.
12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements
15. See OD 4.20, *Indigenous Peoples*.
16. See OP 4.04, *Natural Habitats*.
17. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
18. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3 (b) are covered under the process framework (see paras. 7 and 30).
19. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
20. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
21. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

22. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under OP 4.01, *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts. See BP 17.50, *Disclosure of Operational Information* (forthcoming) for detailed disclosure procedures.
23. An exception to this requirement may be made in highly unusual circumstances (such as emergency recovery operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
24. Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.
25. For purpose of this paragraph, the term "subprojects" includes components and subcomponents.

- ANNEX 3 –

**An Outline of Resettlement Action Plan**

<b>S/No</b>	<b>Elements</b>	<b>Activities</b>
1	Description of the Project	Define the Project, and its components and the Project Site (s)
		Determine whether the Project will require land acquisition and relocation of persons
		Describe the amount of land acquisition and resettlement required
		Identify options of reducing amount of resettlement
		Quantify the options of minimizing resettlement
2	Project Objectives	Formulate the main objectives of the Project
		Identify Specific Objectives
3	Socio-Economic Studies/Census	Carry out census of affected community/individual and their assets
		Determine income levels and livelihood patterns of the affected persons
		Identify alternatives of restoring income for the displaced population
		Define magnitude of the impacts with special reference to vulnerable groups( aged, HIV and other ailed persons, female headed households, the poor etc)
		Document landholding tenure system in place, lot sizes and any cultural heritages/values that may be restricted by the project
		Describe any social organizations in place that may be impacted
		Document type and size of infrastructure and other services that may be impacted
		Summarize impacts of the project for each categories of affected groups
		Provide mechanism for updating information on the displaced population
4	Legal/Institutional Framework	Define the Project affected Persons
		Identify local agencies responsible for resettlement
		Discuss staffing of the Project Resettlement Unit
		Assess capacity of the agencies to handle the magnitude of the resettlement
		Comply with national and local legislation on matters relating to land and environment
		Describe plan to inform the affected population
5	Eligibility and Entitlements	Set criteria for the displaced persons to be eligible for compensation and resettlement
		Prepare Entitlement Matrix
		Determine Assistance required for resettlement
6	Compensation Assessment	Appoint Registered/District Valuer for compensation purposes
		Carry out consultation with affected persons
		Identify and inspect affected assets for valuation
		Process Valuation Report and prepare Compensation Schedule
		Determine whether additional income assistance is necessary



S/No	Elements	Activities
7	Resettlement Plan	Determine need for relocation and discuss with affected person Select site for relocation and make arrangement for land titling in favour of resettlers In consultation with respective District Settlement Planning Department, prepare Resettlement Plan Discuss outsourced services if any and draw up cost implications Ensure Plan comply with environmental consideration Evaluate the impact of the Plan on host community Determine any special assistance measures necessary to vulnerable groups Identify risks associated with the Plan and chart out ways of overcoming them Provide information on updating of the Plan
8	Grievances Procedures	Design system for recording grievances and establish response time Discuss mechanism for hearing grievances Discuss appeal Measures
9	Organizational Responsibilities	Prepare implementation schedule indicating target dates and backstopping measures Discuss arrangements for coordinating agencies and other jurisdictions Describe measures of transferring responsibilities of resettlement sites back to respective authorities
10	Costs and Budgets	Prepare a financial plan with emphasis on responsibilities and accountability List sources of funds Identify components of the sub-project that may require additional external funding Discuss provisions for handling price fluctuations, contingencies and excess expenditure Prepare a template for Project Cost Estimate/budget
11	Monitoring and Evaluation	Discuss measures for external and internal monitoring Define monitoring indicators Determine mode and frequency of reporting and content of internal monitoring Discuss feedback mechanism