



RURAL ELECTRIFICATION AGENCY

ENERGY = EMPOWERMENT = EFFICIENCY

Resettlement Policy Framework (RPF)

For

Nigeria Electrification Project (NEP)

Consultation draft

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ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CBOs	Communities Base Organisations
EEP	Energizing Education Programme
EPC	Engineering Procurement and Construction
FGN	Federal Government of Nigeria
FMENV	Federal Ministry of Environment
FMP	Federal Ministry of Power Works and Hosing
GRM	Grievance Redress Mechanism
GDP	Gross Domestic Product
ICT	Information Communication Technology
M&E	Monitoring and Evaluation
MDAs	Ministries Departments Agencies
MW	Megawatts
NEP	National Electrification Project
NGOs	Non- Governmental Organisations
O&M	Operation and Maintenance
PAPs	Project Affected Persons
PIU	Project Implementation Unit
PMU	Project Management Unit
PR	Public Relation
RP	Resettlement Plan
REA	Rural Electricity Agency
RESIP	Rural Electrification Strategy and Implementation Plan
SMOEs	State Ministry of Environment

Definitions of Key Terms

Word/Term	Definition
Asset Inventory	A complete count and description of all property that will be acquired.
Bank	World Bank
Cut - off Date	A day on and beyond which any person who occupies land or assets, or constructs assets on land, required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences
Compensation	Payment in cash or in kind of the replacement value of the acquired property.
Displacement	Removal of people from their land, homes, farms, etc. as a result of a project's activities. Displacement occurs during the involuntary taking of lands and from involuntary restriction or access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of PAPs.
Entitlements	Compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Grievance Procedures	The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
Host Communities	Communities receiving resettled people as a result of involuntary resettlement activities
Land Acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land he/she owns or possesses, to the ownership and possession of that agency, for public purpose in return for a consideration.
Market rate	Highest rate over the last five years based on commercial terms.
Market Value	The most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self interest to maximize satisfaction and both act independently and without collusion, fraud or misrepresentation.
Project Affected Person (s)	A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located inland to be acquired or used, for needs of the project. Not all PAPs are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.
Rehabilitation Assistance	the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels
Resettlement Policy Framework (RPF)	The present document which is the overall Policy Framework for Compensation, Resettlement and Rehabilitation of Project Affected Persons for the PPP. The Policy Framework describes the process and methods for carrying out resettlement under the Project, including compensation, relocation and rehabilitation of Project affected.
Resettlement Action Plan (RAP)	The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.

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

Project Background

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

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

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

Table 1: NEP project scale and components

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

- **Component 1 Solar Hybrid Mini Grids for Rural Economic Development** will provide subsidies and/or performance-based grants to private mini grid developers to build solar hybrid mini grids in unserved and underserved rural areas.

- **Component 2 Standalone Solar Systems for Homes, Enterprises and Farms** will provide market-based incentives to standalone private sector solar system providers to install solar home systems (SHS) for underserved households and SMEs in dedicated areas.
- **Component 3 Power Systems for Public Universities and Teaching Hospitals¹** will support the construction and operations of solar mini-grid for beneficiary universities and teaching hospitals. This component will be implemented by REA in collaboration with universities. A contractor(s) will be engaged directly by REA to construct the power systems under this component, which will then be operated by the universities.

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

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

Key Environmental and Social Risks and Impacts

The key E&S issues are limited in number. Further, their magnitude is mostly proportionate to the small size of subprojects. The identified risks are systemic and expected to manifest themselves frequently across components.

The specific identified environmental and social (E&S) risks for each project component are:

- **Component 1** supports construction and operation of a large number of rural mini grids by private developers. The expected key issues are: land acquisition associated with potential involuntary resettlement and/or economic displacement, and land use changes. possible voluntary land donation². In the medium term, risks associated with disposal of lead-acid batteries and lithium batteries used in mini grids will present a challenge for the project's sustainability. Additional risks include stress on local water use and supply, construction impacts (including community and occupational health and safety), waste management (in addition to batteries) and bird mortality. All of these can become systemic risks, if not managed well.
- **Component 2** supports stand-alone solar home systems provided by private firms. The core issue with SHS is long-term implications of the increased number of the energy storage units (containing batteries). This impact requires a strategic solution through a program for battery disposal/recycling, in which SHS distributors play a role. Additional risks would include weak labor practices among SHS companies,

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

²Voluntary Land Donation (VLD) is open to abuse and coercion, as such, it should not be encouraged on this project except in instances where the donation meets the requirements set out in the VLD guidelines in the annex of this ESMF.

such as possible use of child or forced labor, or inadequate occupational health and safety (OHS) practices.

- **Component 3** supports construction and operation of power systems for Nigerian universities and associated hospitals. The E&S impacts will be similar for Components 1 and 3, with the key difference being the predominant locations (rural areas for Component 1 and peri-urban areas for Component 3). Main E&S risks as water availability, OHS issues, land-related issues, e-waste management. Most of all, a major risk is expected to be encroachment on land that may be used for power systems that is allocated to universities and traditionally used by communities.

Need for RPF

The RPF sets out the policies, principles, institutional arrangements, schedules and indicative budgets that will take care of any anticipated resettlements. These arrangements shall also ensure that there is a systematic process (as against an ad-hoc one) for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Government procedures and requirements, and outline compensation for affected persons. The RPF provides the framework within which RAPs/ARAPs will be developed when specific locations and impacts of the sub-project have been identified.³

The main objective of the RPF is to describe and clarify the policies, principles and procedures to be followed in minimizing and mitigating adverse social and economic impacts that will be caused by NEP in the course of implementation.

Project Location

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

NEP Impacts that could lead to Displacement

The main investments/sub projects that could lead to permanent or temporary land acquisition are listed below and mainly entail those under sub component (ii):

1. Land for setting up mini grids
2. Land that may be acquired for setting up new training centre

Potentially Affected Persons and the number likely to be involved

At this stage of NEP preparation, accurate figures with regard to the amount of land-space to be used, exact location of and actual sub-project activities, and numbers of affected peoples, are not available. The socio-economic study/survey during RAPs/ARAPs preparation will provide more information on the social conditions of the potentially affected persons and even estimates.

³The proponents of each subproject will prepare a RAP or ARAP satisfactory to the Bank in order to be eligible for project funds.

Legal Framework for Land Acquisition

A range of diverse cultural and traditional practices and customs characterize land ownership in Nigeria. The legal framework for land acquisition and resettlement in Nigeria is the Land Use Act (LUA) of 1978. The relevant Bank policy (OP) 4.12, which addresses land acquisition and resettlement, was adopted in 2001. The differences between the Land Use Act and the Bank's OP 4.12 mostly concern rehabilitation measures, which are neither proscribed nor mandated in the Act. *Thus, it is noted in this RPF that in the event of divergence between the two, that which favours the PAPs more shall take precedence over the other.*

Potential Impacts

NEP is designed to trigger positive social outcomes like increased well-being and providing livelihood security for the overall populations in targeted areas.

The project is aimed at providing electricity supply to rural communities and university campuses in Nigeria through construction and expansion of mini grids, standalone solar system and energizing education programme.

In the course actualising these noble objectives, however, the acquisition of land for the various constructions will result in the displacement of persons thus leading to restriction of access or loss of means of livelihood.

This RPF states the legislative framework upon which the concept of the entire resettlement procedure under NEP is based, specifies the appropriate safeguards instrument required to mitigate the impacts relating to involuntary resettlement during the implementation of the project – in this case a Resettlement Action Plan (RAP) – and sets the format/template for the preparation of the RAP that will be prepared where displacement of persons occurs.

The World Bank resettlement policy, OP 4.12 ensures that the negative impacts of the project are minimized or mitigated. When displacement occurs, the affected persons/people are compensated for their loss (of land, property or access) in kind -- e.g. land for land -- or a combination of land and cash or, when appropriate, cash compensation.

Method of Valuation

In ensuring that during the project implementation, PAPs will be provided full replacement cost of lost structures and other impacted assets and are able to rebuild or replace their structures/assets without difficulties. The valuation will estimate asset compensation rates based on full replacement cost without depreciation. The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations.

Methods of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance in the knowledge and presence of both man and wife and adult children or other relevant stakeholders where applicable. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in-kind

compensation especially when the loss amounts to more than 20% of the total loss of productive assets.

It should be noted that when land holdings necessary for the livelihood of affected persons are taken away or reduced in size by project works, OP4.12 clearly states that the preferred form of compensation is to offer an equivalent parcel of land elsewhere, i.e. “land for land.” Such land is not always available, but cash compensation is not the preferred form of compensation in such cases.

It is also important to note that, under this policy, cash compensation is only appropriate where there is a market for land or other lost assets in the area of the impact. If all the available land in the area is controlled by the State or by kinship groups such as clans and there is no functioning land market, it is unacceptable to offer cash compensation to, say, a farmer, when he/she has no possibility of acquiring new land in the same area.

Arrangements for Compensation

A Compensation and Relocation Committee will be set up and be responsible for planning, coordinating and monitoring of compensation and relocation activities. The compensation process for the subproject will involve several steps to be carried out in accordance with the resettlement and compensation plan and the RAP. This will be in accordance with the individual project resettlement and compensation plans

Grievance Redress Mechanisms

It is important to redress grievances as soon as they occur to avoid unnecessary litigations that could result in delays in project implementation and cost overrun of the project. It also serves as a forum for people to express their dissatisfaction over compensation.

Institutional and Implementation Arrangements for E&S Risk Management

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

- Under **Component 1**, REA will establish operating guidelines⁴ and specific construction requirements for site and developer selection, which include E&S aspects. Competent developers who apply for grants to support their activities for identification,⁵ development, construction, and operation of mini grids across the

⁴There are two processes for E&S risk management for this component. One covers the minimum subsidy tender and the second covers the performance-based grant process for mini grid developers. Conceptually, these processes are very similar (with the difference in timing of certain steps) and thus are presented here as one.

⁵ REA’s involvement will primarily be through identification of demand for electrification in a range of communities for the minimum subsidy tender, but the actual mini grid sites within these communities will be identified by private sector developers. For the performance based grants, private sector developers will select both the community and the exact location of the proposed mini grids within those communities.

country will have to indicate in their respective proposals how they intend to address E&S sustainability issues that could be associated with these activities. These selected companies will be responsible for putting in place a corporate Environmental and Social Management System (ESMS), satisfactory to REA, for implementing the E&S risk identification and management measures on the ground, to ensure subproject compliance with applicable E&S requirements as stated above.

- Under **Component 2**, REA will establish SHS company selection criteria and compliance clauses in the grant agreement, both of which will include E&S requirements. Qualified SHS companies will install units of SHS per the grant agreement and will be required to have an ESMS that will focus on key risks for this component (labor issues, battery/ waste management, and OHS issues).
- Under **Component 3**, REA will lead by coordinating the design of each system and hiring qualified contractors to conduct the construction. The contractors will need to comply with government and REA's requirements, including World Bank E&S requirements. Contractor bidding documents will be reviewed by the World Bank to ensure all required E&S clauses are incorporated. The beneficiary universities will provide land and all other support needed to enable construction and then operate the system once built. As the universities are expected to provide land for the project (however, REA will be responsible for compensation costs, where compensation and livelihood restoration are needed as well as be responsible for conducting stakeholder engagement).

REA's Project Management Unit (PMU) will oversee implementation of all E&S processes. REA will ensure that mini grid developers and SHS companies have adequate Environmental and Social Management Systems (ESMS), and Terms of Reference (TOR) for hiring the consultants/contractors and that other project documents are consistent with relevant country and World Bank requirements.

Furthermore, REA will supervise REA's zonal offices in the six geopolitical zones, which will support REA in managing and monitoring subprojects in their specific zones.

It is also REA's responsibility to provide leadership around strategic E&S issues, including strategy and engagement with private sector project participants to deal with out-of-use solar devices, such as batteries and other e-waste disposal and recycling.

Environmental and Social Risk Management Process

The successful implementation of the ESMF depends on the commitment of the private sector and related institutions, and the capacity within the institutions to apply or use the ESMF effectively, and the appropriate and functional institutional arrangements, among others. The details of institutional arrangements, the roles and responsibilities of the institutions that would be involved in the implementation of the ESMF, including primary and secondary institutions, are presented in Table 2 below for each project component.

Table 2. Roles and Responsibilities for E&S Risk Management by Project Component

Operational process steps (by component)	Roles and responsibilities (REA and private sector)		
	REA	Private sector	Other key stakeholders
Component 1: Solar Hybrid Mini grids for Rural Economic Development			
1. Setting applicable E&S requirements	<p>Sets applicable E&S requirements and includes them in the grant application process for mini grid developers</p> <p>Requires mini grid developers to prepare Environmental and Social Management Systems (ESMS) to manage E&S risks across subprojects each developer will design and implement</p> <p>Integrates E&S requirements in legal agreements with mini grid developers</p>	<ul style="list-style-type: none"> • Mini grid developers incorporate applicable E&S requirements in their institutional ESMS • Prepare RAPs as required 	Federal Ministry of Environment (FMoE) provides environmental clearance, as required
2. Screening for E&S risks and impacts	Validates developer process and risk categorization	<p>Determine key E&S risks and impacts of individual mini grids and assign E&S risk category (I or II)⁶</p> <p>Submits list of category I sites to REA before construction.</p>	N/A
3. E&S due diligence and risk management	Conducts site visits for all category I mini grids and for a sample selection of category II mini grids	<p>Prepare and integrate into design:</p> <ul style="list-style-type: none"> • For category I, ESIA/ RAP/ as needed • For category II, ESMP • For both, Stakeholder 	Federal Ministry of Environment (FMoE) provides environmental clearance, as required

⁶ Corresponding to high or medium / low risk.

		Engagement Plan (SEP) and grievance mechanism	
4. Monitoring	Conducts monitoring activities during mini grid construction and operation (sample, risk-based checks and site visits)	Conduct self-monitoring activities in line with their ESMS, maintain monitoring records	Communities participate in monitoring, as per SEP
5. Reporting	Reviews annual E&S reports from developers and conducts follow-ups Maintains records of developer screening, ESIA, ESMPs, RAPs, other relevant documents	Prepare annual E&S reports to REA Report any incidents or accidents within several days of occurrence	N/A
6. Independent E&S audit	Engages independent E&S auditor	Provide all relevant reports and documents to the independent E&S auditor	Independent E&S auditor conducts annual review of developers' E&S performance
Component 2: Standalone solar systems (solar home systems, or SHS)			
1. SHS company grant application	Incorporates E&S requirements (ESMS, clean track E&S record, exclusion criteria) into application and grant agreements Conducts review of SHS companies' ESMS	SHS companies prepare elements required for ESMS in line with REA's requirements Submit statement of current practice for battery disposal/ recycling	N/A
2. SHS company operations	Conducts sample performance checks, as needed	Remain in good compliance to all relevant requirements. Participate in battery disposal/recycle program	N/A
3. Monitoring	Oversees (under TOR for general monitoring of SHS companies) monitoring E&S compliance by independent company	Conduct self-monitoring, provide relevant documentation	N/A
Component 3: Power systems for public universities and teaching hospitals			
1. E&S impact assessment	Prepares ESIA and ESMPs for university mini grid subprojects. Integrates E&S clauses I bid documents for contractors	Contractors engaged to construct university power systems integrate ESIA/ESMP requirements into their activities	FMoE provides environmental clearance
2. Resettlement	Prepares RAPs, as needed, and	Contractors ensure that	REA prepares

planning	provide funds for compensation, as needed, at full replacement cost in line with World Bank requirements Maintains targeted stakeholder engagement efforts and a grievance mechanism, in addition to general grievance mechanism	works are not started until resettlement is completed	and implement RAPs. and stakeholder engagement with support from the Universities.
3. Monitoring	Monitors contractor E&S performance before and during construction	Self-monitors against ESMPs	Universities support REA in monitoring process
4. Independent E&S audit	Engages independent E&S auditor	Provide all relevant reports and documents to the independent E&S auditor	Universities will assist independent auditors by providing necessary documents and information

Environmental and Social Monitoring

REA has the primary responsibility to ensure safeguards specialist are trained, and, in turn, ensure WB safeguards are implemented for the projects. M&E is essential to inform corrective actions during implementation. Both the PMU and regional REA staff will monitor and evaluate the Project, collect and assess data and statistics on project outputs and outcomes to include in half-yearly progress reports to the PMU, which will submit same to the WB. They are also expected to use the Geographic Information System (GIS) to plan and monitor Project outputs and outcomes for both grid and off-grid electrification. It is expected that REA staff will be trained to develop high capacity for M&E. Moving forward, REA will develop the M&E framework, train staff, and establish a system for regular implementation progress reporting.

Coordination and Implementation of this RPF and other Resettlement Issues

PMU have broad role to play on resettlement planning and resettlement issues with linkage to four major players in the projects which include private mini-grid developers, Fund manager, Universities and Contractors

Resettlement Activities and Implementation

A detailed, time-bound implementation schedule will be included in each RAP. This which will include the specification of the sequence and time frame of the necessary activities for land acquisition, release of funds to the acquiring agency, payment of compensation for various categories of loss and relocation, demolition of structures and transfer of land, grievance redress, and monitoring and evaluation.

Monitoring and Evaluation

Specifically, for NEP, Monitoring and Evaluation (M&E) is required to ensure that the goals of the resettlement and compensation plans are met. Monitoring and evaluation will be a continuous process and will include internal and external monitoring. The safeguards officer shall play a key role in reporting the progress of implementation as well as compliance to the PMU and the World Bank.

Consultation, Review and Disclosure

Public consultation and stakeholder participation which have been initiated in the course of the preparation of this RPF are considered. This RPF documents those that were consulted, dates, concerns raised and how these concerns were addressed.

The PMU will disclose this Resettlement Policy Framework for review and comments by making copies available at its offices, the Federal Ministry of Environment as well as the World Bank's external website.

The final list of sites approved by the States, the process of selection of the sites, and the RAPs/ARAPs are all subject to final review and clearance by the World Bank in order to ensure compliance with Bank safeguards. Individual RPs that shall be prepared for each sub-project based on the guidelines and procedures highlighted in this RPF are also to be disclosed in the same manner as this RPF.

CHAPTER 1: GENERAL INTRODUCTION

1.1 Background

The Economic and Recovery Growth Plan 2017-2020 (ERGP) sets out the medium-term structural reform to diversify Nigeria's economy, including expanding power sector infrastructure as one of the top priorities. The ERGP recognizes the fundamental role of power to the development of all sectors of the economy.

In the long term, the ERGP aims to increase power generation by optimizing operational capacity, encouraging small-scale renewable projects, and building more capacity. Medium term, the ERGP aims to optimize the delivery of at least 10,000 MW of operational capacity by 2020 by optimizing the existing installed capacity available for generation, addressing gas supply issues including vandalism and completing major gas infrastructure lines for power.

To achieve universal access to electricity by 2030, Nigeria would need to connect between 500,000 to 800,000 households per year, and add around 25 GW to its actual operating capacity. It is on this basis that the Government of Nigeria (GON), through the Rural Electrification Agency (REA) is taking steps to improve the quality and reliability of Electricity supply in the un-served or underserved areas within the Country through the Nigeria Electrification Project (NEP) thereby ensuring the sustainability of the entire operations of the electricity industry within the Country.

In line with the above objective, the Government of Nigeria prepared a Power Sector Recovery Program (PSRP or the Program) in March 2017 with the goal of putting the sector on a financially sustainable path.

The Program in consultation with the World Bank Group (WBG) was approved by the Federal Economic Council on March 23rd, 2017. The PSRP is a series of carefully thought out policy actions, operational and financial interventions to be implemented by the Government of Nigeria to attain financial viability for the power sector, and, reset the Nigerian Electricity Supply Industry ("NESI"). In this light, the World Bank has been requested to provide a \$350 million loan to support the implementation of the Nigeria electrification project.

1.2 Objectives of NEP

The objective of the Nigeria Electrification project and by extension the Rural Electrification Strategy and Implementation Plan (RESIP) is to increase access to electricity services through Off-grid solutions which consists of mini-grids and standalone systems for households, universities, communities as well as rural businesses, farms and enterprises which will lead to job creation and economic development.

The strategy facilitates the entry of new market participants, especially the private sector. Furthermore, it provides for diverse approaches, including a “bottom-up” approach through spontaneous initiatives by project proponents as well as a “top-down” approach through organized procurements at scale.

1.3 Objective of the World Bank’s Resettlement policy OP/BP 4.12

In line with the World Bank policy on Involuntary Resettlement (IR) OP/BP 4.12, as land acquisition for development projects directly or indirectly affect people residing in site areas, proper resettlement of the affected people in terms of their livelihood restoration, equitable compensation and addressing issues of socio-cultural losses have assumed importance.

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

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

1.4 The Need for NEP RPF

The RPF is designed to provide procedures and guidelines that will be followed because the World Bank’s OP 4.12 is triggered by the project. The RPF provides a practical tool (e.g. screening checklist) to guide the preparation of RAPs for sub-projects during the implementation of the comprehensive NEP programme.

The RPF sets out the policies, principles, institutional arrangements, schedules and indicative budgets that will take care of any anticipated resettlements. These arrangements shall also ensure that there is a systematic process (as against an hoc one) for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Government procedures and requirements, and outline compensation for affected persons. The RPF provides the framework within which RAPs/ARAPs will be developed when specific locations and impacts of the sub-project have been identified.

1.5 Justification for RPF

All projects proposed for Bank financing in accordance with World Bank policy, requires screening to help ensure that they take social concerns into account with respect to adverse

impacts on project affected persons (PAP's) and to appropriately plan for and respond to these impacts, and thus improve decision making about resettlement, options, alternatives, participation of PAP's and compensation.

The overall social impact of the project is expected to be positive with the provision of basic services with resulting improved health outcomes, employment generation and enhancement of incomes and providing livelihood security for the overall populations in targeted areas.

However, by virtue of the NEP design there could be some negative impacts such as loss of access to and/or property, loss of livelihoods, loss of assets, loss of sources of income, loss of access to locations that provide higher incomes or lower costs, etc., which will result from acquisition of land/displacement. During NEP project preparation, specific information on numbers of sub-projects, site location, local communities, geo-physical land features, nature etc. is not known.

Thus it is difficult to identify what the specific social impacts of the sub-projects are with regard to the exact locations and magnitude of the sub-projects (volume, scope, scale and/or actual nature of activities, etc.). This implies, at present, that who will be impacted and how or the nature of impacts are not known as well in the event of land acquisition/displacement. The difficulties inherent in defining what the real social impacts of the proposed sub-projects are and coupled with the fact that no exact locations and magnitude of sub-projects are known at present necessitate the development of an RPF.

1.6. Scope of the RPF

The Resettlement policy framework clarifies resettlement principles, organizational arrangements and design criteria to be applied during project implementation. Subproject resettlement plans consistent with the RPF will subsequently be submitted to the Bank for approval after specific planning information becomes available. It should be noted that the policy is designed to mitigate harm caused by displacement or land acquisition occurring in the process of NEP implementation. It is not designed to address "economic displacement" in itself. It is also not designed to mitigate damages caused by processes occurring prior to the NEP interventions of any particular subproject.

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

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

- a. A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a RPF;
- b. Principles and objectives governing resettlement preparation and implementation, including a legal analysis and framework, reviewing the fit between borrower laws and

regulations and Bank policy requirements and measures proposed to bridge any gaps between them;

- c. A clearly set out screening process for all subcomponents and a description of the process for preparing and approving RAP or an ARAP, including outlining the process and content required for the preparation of such plans;
- d. Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- e. Eligibility criteria for defining various categories of displaced persons;
- f. A Methodology to identify precisely the affected population before the intervention; and to assure that this population will be the beneficiary of the relocation;
- g. A Methodology for valuing affected assets; Compensation and assistance are to be based on the overall principle that people shall not suffer net losses as a result of the project.
- h. Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- i. A description of the implementation process, linking resettlement planning and implementation to both civil works and livelihood strategies;
- j. A description of grievance redress mechanisms that needs to be supported or established;
- k. A description of the arrangements for funding resettlement including the preparation and review of cost estimates, the flow of funds, and the contingency arrangements
- l. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- m. Arrangements for monitoring by the implementing agency and if required, by independent monitors.
- n. Template for the design of sub-project RAPs and /or ARAPs
- o. A description of the processes of monitoring, verification and evaluation required for effective implementation of the resettlement process.

1.7. NEP RPF Main Tasks

Below is an outline of a detailed description of the process of preparing this RPF:

- (i) Project Description,
- (ii) Legal and Institutional Guidelines and Requirements,
- (iii) World Bank Safeguards Policies
- (iv) Social Assessment and Socio-Economic Survey

- (v) Estimated Population, Displacement and Categories of Affected People
- (vi) Eligibility Criteria for various Categories of Affected People
- (vii) Entitlement Matrix for proposed Resettlement and Compensation Policy
- (viii) Methods for Valuing Affected Assets
- (ix) Organizational Arrangement and Procedures for Delivery of Entitlement
- (x) Methods for Consultation with and participation of Affected People
- (xi) Grievance Redress Mechanism
- (xii) Budget and Funding Arrangement
- (xiii) Monitoring Arrangements
- (xiv) Implementation Schedule

CHAPTER 2: PROJECT DESCRIPTION

2.0. Introduction

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

2.1 Project Concept and Components

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

Table 1.1: Project scale and components

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

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

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

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

funding is proposed, with the tendering process to be management by the implementing partner for this activity, UNOPS.

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

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

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

The project will support solar home systems of various sizes, and around 1 million single solar lanterns. The proposed IDA allocation for the component is US\$80 million, while the total amount leveraged from the private sector is estimated at US\$230 million⁷.

Component 3. Reliable power for federal universities and teaching hospitals, or “Energizing Education”⁸ (US\$105 million)

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

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

REA will lead the design, installation, operation, and maintenance of the systems. REA will contract with competitively selected EPC contractors to build, operate and maintain the power plants at each site, and also build and equip the training center. The procurement will allow for bidders to bid on several sites. Each bidder will also be considered for a ten-year O&M

⁷ Considering that the objective of the component is to support market growth that would continue beyond the life of the project, the amount leveraged from the private sector would be even higher. E.g. by 2028 it is estimated that the amount leveraged will reach over \$400 million.

⁸ “Power systems for public universities and teaching hospitals” and “Energizing Education” are used interchangeably to refer to Component 3 of the project.

contract for the power station (see below). On behalf of FGN, REA will own the installed equipment and oversee construction and O&M. REA will also arrange for fuel supply. Both the O&M and fuel expenses of the power stations will be financed by the project. Arrangements for post-project finance of these expenses will be confirmed during project implementation.

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

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

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

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

2.2 Project Location

In Nigeria, there are 36 states and Federal Capital Territory (FCT) - Abuja. The 36 states are organised in 6 Geo-political zones consisting of six defined geopolitical zones namely North Central, North East, North West, South East, South-South and South West.

Table 1: 36 States in the 6 Geo-Political Zones in Nigeria

Geo-Political Zone	State
South-East	Abia
	Anambra
	Ebonyi
	Enugu
	Imo
North-East	Adamawa
	Bauchi
	Borno
	Gombe
	Taraba
	Yobe
South- South	Akwa Ibom
	Bayelsa

	Cross River
	Delta
	Edo
	Rivers
Geo-Political Zone	State
North –Central	Benue
	Kogi
	Kwara
	Nassarawa
	Niger
	Plateau
South-West	Ekiti
	Lagos
	Ogun
	Ondo
	Osun
	Oyo
North- West	Jigawa
	Kaduna
	Kano
	Kebbi
	Sokoto
	Zamfara

2.3. NEP Impacts that could lead to Displacement

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

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

The exact impact of the proposed investments is unknown at this stage and will only be known when further feasibility work is carried out in locations proposed for the said components. Nevertheless, the construction of mini grids, and installation of solar panels that involve land acquisition has the potential of adversely affecting the livelihoods of communities in selected sites specifically through involuntary resettlement. Private land and assets (farmland), cultural and community assets as well as spiritual sites may also be affected.

2.4 Population of Nigeria and Size of Settlements

Nigeria is the most populous country in Africa with a population of 186 million and national population density is currently about 255people/km². The Nigerian urban system is composed of Lagos megacity, seven metropolitan areas with a population of greater than 1million, 15

large cities with between 500,000 to 1 million, 19 medium sized cities with population from 300,000 to 500,000 and a network of hundreds of smaller towns. Urban population increase in Nigeria is occurring at all levels: from Lagos, Kano, Abuja and Ibadan; other state capitals and smaller secondary and tertiary cities. By 2020 another three cities which include Uyo, Nnewi and Aba are projected to reach metropolitan size and by 2030 the number of cities with more than 1 million inhabitants will be 23.

2.5 Economy of Nigeria

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

2.6 NEP – A Catalyst for Development and Growth

The biggest constraint to productivity in Nigeria as observed by businesses is electricity. Nigeria ranked 175th out of 189 countries in 2014 in the World Bank's Doing Business rating. Its ranking was particularly bad because of inability to resolve the problem of electricity. This has resulted to closing down of companies, unemployment, poverty, high crime rate and rural urban migration. WorldBank is well-placed to support Nigeria with the NEP given its leading role among development partners in Nigeria. The FGN recognises that reliable power for higher institutions of learning is paramount to the future of the country. Agriculture has the highest contribution to GDP of Nigeria and to boost productivity and add value of the rural area, electricity is required. The project design has borrowed experience from WorldBank assisted project in countries such as Bangladesh, Ethiopia, Kenya, Mali, Peru, Senegal, Myanmar and Tanzania. The experience is in the area of off-grid rural electrification using renewable energy technologies, especially solar systems.

2.7 Potentially Affected Persons and the number likely to be involved

At this stage of NEP preparation, accurate figures with regard to the amount of land-space to be used, exact location of and actual sub-project activities, and numbers of affected peoples, are not available. The socio-economic study/survey during RAPS/ARAPs preparation will provide more information on the social conditions of the potentially affected persons and even estimates.

CHAPTER 3: LEGAL/INSTITUTIONAL GUIDELINES, REQUIREMENTS AND SAFEGUARD POLICIES

3.0 Introduction

Essentially, this Section considers the various land tenure and ownership systems in Nigeria, the different legal instruments regarding government and individual acquisitions and resettlement and compensation policies. Construction, expansion and upgrading of power generation and distribution plants works best when there is a supportive policy and legal framework, particularly:

- (a) Policies that facilitate decentralized and participatory development;
- (b) Institutional arrangements that allow and encourage public agencies at all levels to work together; and
- (c) An approach to access to natural resources that reflects local legislation and tenure practices and problems.

Land tenure is a particular challenge for developmental projects. Hence there needs to be a clear understanding of the policy and legal framework and local practices of how a project can work within this framework to promote investment especially when issues of resettlement arise.

3.1 Land Ownership in Nigeria

A range of diverse cultural and traditional practices and customs characterize land ownership in Nigeria. The legal framework for land acquisition and resettlement in Nigeria is the Land Use Act (LUA) of 1978. The relevant Bank policy (OP) 4.12, which addresses land acquisition and resettlement, was adopted in 2001. The differences between the Land Use Act and the Bank's OP 4.12 mostly concern rehabilitation measures, which are neither proscribed nor mandated in the Act.

Community Driven Projects are land based. To this end, various interests and titles to particular pieces of land may be impacted. Therefore an analysis of the legal framework for the project will be carried out in the RAP and this will consider the various land holding arrangements in the assessment of entitlements and compensations for the various interests for lands acquired.

Below is a broad land ownership classification in Nigeria:

1. Community land (Ancestral Land): owned by all the people.
2. Communal land: consists mostly of under-developed forests and owned by nobody. Those who clear it first claim ownership.
3. Clan or family land: owned by clans and families
4. Institutional land: land allocated to traditional institutions such as traditional authorities and chiefs.

5. Individual land: land acquired by an individual, which may be inherited by the immediate family, depending on customary practices or purchased or allocated by the government

3.2 Nigerian Legal/Institutional Guidelines and Requirements

3.2.1 Land Use Act of 1978 and Resettlement Procedures

The legal basis for resettlement in Nigeria is the Land Use Act of 1978. According to the Act, all land in Nigeria is vested in the Governor of each State, to be held in trust for the use and common benefit of all people. The administration of urban land is directly under the control and management of the Governor, whereas non-urban land is under the control and management of the Local Government Authority. The Governor has the right to grant statutory rights of occupancy to land while the Local government has the right to grant customary rights of occupancy. At any rate, all lands irrespective of the category belongs to the State while individuals only enjoy a right of occupancy as contained in the certificate of occupancy, or where the grants are “deemed”.

Thus the Land Use Act is the key legislation that has direct relevance to resettlement and compensation in Nigeria. Relevant Sections of these laws with respect to land ownership and property rights, resettlement and compensation are summarized in this section.

The concept of ownership of land as known in the western context is varied by the Act. The Governor administers the land for the common good and benefits of all Nigerians. The law makes it lawful for the Governor to grant statutory rights of occupancy for all purposes; grant easements appurtenant to statutory rights of occupancy and to demand rent. The Statutory rights of Occupancy are for a definite time (the limit is 99 years) and may be granted subject to the terms of any contract made between the state Governor and the Holder.

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

3.2.1.1 Requirements of the Land Use Act

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

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

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

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

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

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

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

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

Again the Act provides in section 30 that where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use and Allocation Committee. It is clear from section 47 (2) of the Act that no further appeal will lie from the decision of such a committee. If this is so, then the provision is not only retrospective but also conflicts with the fundamental principle of natural justice, which requires that a person shall not be a judge in his own cause. The Act must, in making this provision, have proceeded on the basis that the committee is a distinct body quite different from the Governor or the Local Government. It is submitted, however, that it will be difficult to persuade the public that this is so since the members of the committee are all appointees of the Governor.

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

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

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

3.3 International Guidelines

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

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

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

The Bank's policy (in paragraph 2) advocates that where feasible, involuntary resettlement should be avoided or minimized. Resettlement shall be conceived and executed as a sustainable development program, where it is inevitable, providing sufficient investment resources to enable persons displaced by the project share in project benefit. Persons displaced shall be:

- i. Duly consulted and should have opportunity to participate in the planning and execution of the resettlement;
- i. Compensated for their losses at full replacement cost prior to civil works;

- ii. Assisted with the move and supported during the transitional period in the resettlement site;
- iii. Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least to restore them to pre displacement levels.

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

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

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

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

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

3.4. Nigerian Law and World Bank OP 4.12 on Compensation– A Comparison

The table below shows a comparison between compensation in Nigerian Land law and the WB policy. Whereas the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. The Bank’s OP4.12 is structurally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by an announced cut -off date.

The Nigeria Land Use Act and World Bank Safeguards Policy OP/BP 4.12 agree that compensation should be given to PAPs in the event of land acquisition and displacement of persons prior to the commencement of works. Thus all land to be acquired by the government for this project will be so acquired subject to the Laws of Nigeria and the Bank OP4.12.

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

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

Category	Nigerian Law	World Bank OP4.12	Measures to Filling the Gaps
Minimization of resettlement	No requirement to consider all options of project design in order to minimize the need for resettlement or displacement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs	Design of footprints of project-related activities, particularly commercial farmland, will be undertaken so as to minimize resettlement.

Information and Consultation	It's lawful to revoke or acquire land by the governor after issuance of notice. No consultation is required.	PAPs are required to be meaningfully consulted and participate in the resettlement process	PAPs shall be meaningfully consulted and engaged in the resettlement process
Timing of Compensation	The law is silent on timing of payment	Compensation implementation to take precedence before construction or displacement	Compensation and resettlement implementation to take place before construction or displacement
Livelihood restoration	Makes no proscription on livelihood restoration measures	Requires that vulnerable PAPs be rehabilitated	Livelihood restoration measures will be put in place for vulnerable PAPs
Grievance Process	The land use and allocation committee appointed by the Governor is vexed with all disputes/grievances and compensation matters	Requires that a grievance redress mechanism be set early constituting the representative of PAPs and, prefers local redress mechanism. The law court is the last resort when available mechanism or outcome is unsatisfactory to PAP	A grievance redress committee (GRC) shall be established early and existing local redress process shall be considered to address issues of project induced grievances. PAPs or their representatives shall be members of the GRC.
Owners of economic trees and crops	Compensation for an amount equal to the value as prescribed by the appropriate officer of the government	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour	Compensation for the market value of the yield plus the cost of nursery to maturity (for economic tree) and labour
Community land with customary right	Compensation in cash to the community, chief or leader of the community for the benefit of the community	Land for land compensation or any other in-kind compensation agreed to with the community	Land for land compensation or any other in-kind compensation agreed to with the community
Agricultural land	Entitled to alternative agricultural land ⁹	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation subject to land holding right	Land for land compensation subject to land holding right
Statutory and customary right Land Owners	Cash compensation equal to the rent paid by the occupier during the year in which the right of	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.

⁹ Nigerian Land Use Act 1978

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

CHAPTER 4: PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

4.0 Introduction

Generally, involuntary resettlement, unless properly managed, may result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. For these reasons, most projects, like NEP supported by the Bank are designed to avoid involuntary resettlement. Where it is unavoidable to embark on involuntary resettlement, appropriate measures to minimise to the extent possible are chosen. For adverse impacts on displaced persons and host communities carefully planned and implemented framework are ensured to mitigate the levels

4.1 Involuntary Resettlement

Involuntary resettlement, if left unmitigated, normally gives rise to severe economic, social, and environmental risks. People face impoverishment when their productive assets or income sources are lost and social networks are weakened. Some of the impacts of resettlement, if not mitigated, include:

1. Landlessness

Land expropriation removes the main foundation on which many people build livelihoods.

Often land is lost forever and sometimes it is partially replaced, seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced, and both natural and man-made capital is lost.

2. Homelessness

Loss of shelter may be only temporary for many people, but for some it remains a chronic condition and is also felt as loss of identity and cultural impoverishment. Loss of housing may have consequences on family cohesion and on mutual help networks if neighbouring households of the same kinship group get scattered. Group relocation of neighbours is therefore usually preferable over dispersed relocation.

3. Joblessness

Loss of salaried employment occurs both in rural and urban displacement. People losing jobs may be industrial or service workers, landless agricultural labourers, or artisans. Unemployment or under-employment among those who are resettled may linger long after physical relocation. Creating new jobs for them is difficult and requires substantial investments, new creative approaches, and reliance on sharing project benefits.

4. Food insecurity

Destruction of crops diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk of chronic food insecurity. This is defined as calorie-protein intake levels below the minimum necessary for normal growth and work.

5. Increased morbidity and mortality

Vulnerability of the poorest people to illness is increased by forced relocation, because it tends to be associated with increased stress, psychological traumas, or the outbreak of parasitic diseases. Decreases in health levels result from unsafe water supply and sewage systems that proliferates epidemic infections, diarrhoea, dysentery, etc.

6. Educational loss

Involuntary displacement disrupts all public services at the departure sites, with heavy effects particularly on school programmes. Interruption of school attendance causes prolonged loss of access to education; some children do not return to school at all and are prematurely sent by their families to join the labour force.

7. Social displacement

The dismantling of community structures and social organization, the dispersion of informal and formal networks, local associations, etc. is a massive loss of social capital. Such displacement undermines livelihoods in ways usually not recognized and not measured by planners, and is a cause of disempowerment and impoverishment.

8. Marginalization

This occurs when relocated families lose economic power and slide down towards lesser socio-economic positions. Middle-income households become small landholders while small shopkeepers and craftsmen lose business and fall below poverty thresholds. Economic marginalization tends to be accompanied by social and psychological marginalization.

9. Loss of access to common property

Poor farmers, particularly those without assets, suffer loss of access to the common property goods belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands fishing areas, cemetery lands, etc.). This represents a form of income loss and livelihood deterioration that is typically overlooked by planners and therefore uncompensated.

4.2 NEP and the Principle of Involuntary Resettlement

Under OP 4.12, those affected by resettlement are defined as those who are directly affected socially and economically by:

(a) The taking of land and other assets resulting in:

Relocation or loss of shelter, loss of assets or access to assets, or loss of direct income sources or means of livelihood (i.e., income and livelihoods directly dependent on the affected areas) whether or not the affected persons must move to another location.

(b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The Bank Safeguard Policy OP 4.12 applies to NEP in:

1. All components under the project, whether or not they are directly funded in whole or in part by the Bank.

2. All persons displaced due to the sub-projects after the cut-off date regardless of the total number affected and the severity of the impact and whether or not they have legal title to the land.
3. Squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy who should be entitled to assistance in accordance with the objectives of the RPF.

(c) This RPF further applies to other activities resulting in involuntary resettlement that are:

Directly and significantly related to NEP sub-projects during implementation

- (i) Necessary to achieve its objectives as set forth in the project documents; and
- (iii) Carried out, or planned to be carried out, at the same time as the NEP sub-projects.

As required by the policy, implementation of individual resettlement and compensation plans under NEP are a prerequisite for the commencement of sub-project activities causing resettlement.

It is further required that these measures include provision of compensation required for relocation, prior to displacement, and preparation and provision of resettlement sites (if necessary) with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to such assets should take place only *after* compensation has been paid or, where applicable, resettlement sites, new homes, related infrastructure, public services. In all cases, of displacement, moving allowances and other necessary transitional expenses shall be provided to displaced persons. Persons deemed to be vulnerable shall be provided with appropriate support that allows them to resettle to a new location without undue hardship. This assistance could include special transportation, assistance in locating a suitable new location and helping to set up suitable social support services in the new location such as mobility.

Below an overview of options that can be offered to compensate loss of land or access to normal means of livelihood) is given:

Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate. Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Make alternative housing and/or cash compensation available prior to relocation.

Build new resettlement sites for displaced persons with improved living conditions.

In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location or cash compensation at full replacement value.

Where these displaced persons own and occupy structures, compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost but sufficient for them to re-establish themselves elsewhere. Note that a floor should be set under compensation to ensure that project operations do not result in homelessness or landlessness (for farmers). Also, compensation in kind in lieu of cash should be made when the affected party depends on land for livelihood where feasible. Based on consultation with such displaced persons, provide relocation assistance adequate for them to restore their livelihood at an adequate alternative site. It is important to stress that the policy is not designed to address “economic displacement” in itself. “Economic displacement” could occur where people suffer losses or damage due to project activities that do not involve the taking of land. For example, if a road is realigned causing a business located along the former roadway loses customers, this is a *purely economic displacement* and not subject to OP4.12 because land was not taken from the business itself. If, on the other hand, construction of a drainage canal involves cutting off access by persons to a school or health facility, some compensation could be called for due to the taking of land to build the canal. In summary, OP4.12 demands mitigation only when land is taken. The policy does not discourage compensation for other kinds of losses and damage such as loss of “goodwill” but such compensation is not required by OP4.12.

4.3 NEP Sub-Project Implementation Principle

The implementation of individual RAPs shall be completed prior to the implementation of sub-project activities causing resettlement. The Bank Safeguard Policy OP 4.12 applies to all components under the NEP programme, whether or not they are directly funded in whole or in part by the Bank.

CHAPTER 5: POTENTIAL IMPACTS OF THE PROJECT

5.0 Introduction erosion

This section of the RPF provides information on the potential impact and likely project affected persons that could be displaced or affected in the course of the NEP subprojects in the targeted areas.

5.1 Project Impacts

NEP is designed to provide electricity supply to rural communities and university campuses in Nigeria through construction and expansion of mini grids standalone solar system and energizing education programme. This RPF (with the required RAP/ARAP) that shall be designed have the inherent ability to mitigate these negative impacts.

5.1.1 Identification and Categorization of Loss and Impacts

It is recognized that NEP project will lead to varying degrees of land acquisition (small or large scale acquisition) which, in turn, could lead to physical displacement from land (e.g. denial of access to means of livelihood).

Project implementation personnel will:

- i. Ensure that identification and categorization of the likely loss or impact is undertaken during the planning and design stages of each sub-project;
- ii. Determine the magnitude and coverage of impacts early in project planning in order to justify the resettlement instrument to adopt. General categorization of losses will be done to reflect extent of loss in terms of the following: Permanent or Temporary Loss; Full or Partial Loss; Minimal or Significant Loss;

Table 3 provides a generic category of losses/disturbance/disruptions which could arise from the various NEP sub-projects.

5.2 Project Affected Persons (PAPs)

In the context of this RPF, Project Affected Persons (PAPs) is defined as those who stand to lose as a consequence of the project, all or part of their assets, including homes, communities, productive lands, resources such as forests, fishing areas or important cultural sites, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, and include restricted or reduced access to legally designated fishing areas, wetlands and protected areas.

Table 3: Categories of Likely Losses/Impact

Category	Type of Loss
<i>Loss of Income and Livelihood</i>	
Business	<ul style="list-style-type: none"> • Loss of rental income • Loss of clientele • Loss of business income • Loss of wage income (for employees)
Impact on accommodation	• Loss of Business, Residential or Industrial Accommodation or Room
Opportunity to Livelihood	• Loss of income-generating activities
Plants & Crops	<ul style="list-style-type: none"> • Loss of economic or perennial trees • Loss of grazing land • Loss of food crops
<i>Impacts arising from Disturbance/Disruptions</i>	
Impact on Access to Utilities	• Disconnection of utility services
<i>Physical Loss of Assets</i>	
Land	• Loss of land for residential, agricultural, commercial or industrial use
Structures	<ul style="list-style-type: none"> • Buildings • Temporary Buildings and building sites • Fence walls • Other Civil works – pavements, concrete curbs, concrete wells or reservoirs
<i>Adapted from Resettlement Handbook</i>	

5.2.1 Squatters/Other Land Occupiers

PAPs apply to all physically displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land.

Thus squatters or other land occupiers who lack legal title or legal occupancy rights to the land they occupy shall be respected as enunciated in OP4.12. Illegal occupants have the same entitlements as legally titled landowners except for compensation for land. Squatters are entitled to assistance in accordance with the objectives of this RPF.

5.2.2 Project Affected Persons Categories

Affected groups under sub-project investments may be classified into three groups:

- Those who have formal legal rights to the land they occupy;
- Those who lack formal legal rights to land, but have a claim to land that is recognized or recognizable under the national, local, or traditional laws including those measures put in place by the draft land policy; or

- Those who have no recognizable legal right or claim to the land they occupy.

The likely displaced persons can further be categorized into three groups as outlined below:

1. *Individuals:*

An individual who suffers loss of land, property, other assets or investments made on land, livelihood, and/or access to natural and/or economic resources as a result of the sub project investments.

2. *Households:*

A household is affected if one or more of its members are affected by any sub-project. This includes any member in the households, men, women, children, dependent relatives and, tenants; vulnerable individuals who may be too old or ill to farm along with the others; insofar as displacement due to the sub-project activities creates challenges for which these people are ill prepared.

3. *Vulnerable Persons/Groups:*

NEP will particularly pay attention to the needs of *vulnerable groups* among those displaced such as those below the poverty line of \$1/day; the landless, the elderly, women and children, the physically challenged other displaced persons who may not be protected through Nigerian land compensation legislation. The objective is to provide whatever additional assistance that may be necessary to restore pre-project living standards of these extraordinary needing persons who are displaced due to the NEP activities.

Some of the vulnerable PAPs likely to be found in the proposed project States and who will require special consideration due to physical displacement as a result of land take are highlighted below:

a. *Internally Displaced Persons-*

These groups from the past troubles have little or no rights, are often the poorest of the poor, destitute, unskilled, unemployed and unemployable and often shunned by rest of contemporary society.

b. *Elderly persons*

Elderly people farm or carry out some other form of work as long as they are able. However, resettlement will damage their economic viability even more than losing land since it will separate them from the person or household on whom they depend for their support.

c. *Persons Living with HIV/AIDS*

It is reported that there is a growing trend of people living with AIDs. Thus PLWA should be paid attention with a view not to compound the woes of their lives. These could readily be identified through health centres and NGOs, etc who support initiatives in this direction and thus adequately compensate them.

Orphans and Street Children

These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Compensation for these orphans and street children, if they are affected by the projects in a way which requires their physical relocation, will take the form of paying for their rehabilitation and training to acquire useful vocational skills.

d. Unmarried women and/or Widow-Female-headed Households

These are women who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom he/she is linked in dependency as part of the household, resettlement will not sever this link.

In addition, in other cases, women are the main breadwinners in their household and therefore need access to health service facilities. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

Small-scale Female Farmers

Small-scale female farmers are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks. Either male relatives in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing new land, so these women are provided for by the compensation plan.

Dependent Persons

These are people who are closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership. Any form of resettlement for local people embodies more serious risks than for any other populations and should consequently be avoided. If this is not feasible, the project will offer affected local and customary people at least compensation and due process available to those with full legal title to land in the case of commercial development of their land under national laws, together with culturally appropriate development opportunities. The project will enter into good faith negotiation with the affected people and document their informed participation and the successful outcome of the negotiation.

The physically challenged

These include people with handicaps such as blindness, paralysis, difficulties with locomotion, incapacity to work, etc. Priority shall be given to these kinds of vulnerable persons who are affected. And the needs of each physically challenged person shall be taken into consideration. In some cases, it could be necessary for qualified persons to provide direct assistance in locating (or constructing) new housing nearby to relatives who can help care for an invalid providing transitional support (e.g. moving expenses, temporary food supply, etc.), possibly job training and other support needed to allow vulnerable people to resume their lives under conditions at least as good as prevailed before displacement.

The PMU will seek to facilitate local social support networks and, failing this, to involve specialized agencies to provide support and care. The idea is not for the state government to

become a welfare agency, except insofar as displacement creates challenges for which vulnerable people who are ill prepared.

5.3 Approximate Number of PAPs and Potential Relocation Areas

Since at present it is not possible to determine the exact location, nature and magnitude of the sub-projects, it is also not possible at this stage to determine/estimate the number of Project Affected Persons. For each sub-project, which might require physical resettlement, the number of PAPs will be established through RAPs which will be elaborated before sub-project implementation. The location and extent of land take are not known at present and receiving host communities of displaced persons are also not known during the preparation of this RPF.

5.4 Risks to the Success of the NEP Project

The project activities and government level officials may aggravate tensions by suggesting that a few should sacrifice for the benefit of the many. It is therefore, particularly important to neutralize to the extent possible any socio-economic pressures in the rural communities and university campuses that are likely to be exacerbated by involuntary resettlement, by facilitating the consultation and participation of those persons impacted by the project activities. Therefore, offering PAPs the opportunity to continue to participate in the planning process that will lead to the preparation of Resettlement Plans is essential and instrumental to the success of the NEP.

CHAPTER 6: PREPARING AND APPROVING RESETTLEMENT AND COMPENSATION PLANS

6.0 Introduction

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

6.1 The Screening Process

For the NEP, each sub project that is proposed to be included will be screened and classified according to its social impact. Screening will be based on the defined area of impact, engineering drawings, maps and satellite images of the project area showing homes, farms, workplaces, schools, health posts, places of worship and other places to which people require regular access. Screening also requires on-the-ground surveys. If screening determines that resettlement is likely, the next step will be to initiate resettlement planning, consultation and the preparation of a RAP.

The steps to be undertaken for each individual Resettlement Plan (RAP /ARAP) include identification of Project Affected Persons (PAPs), a socioeconomic census and asset inventory of the area; and. The screening process will take the form of:

1. Classifying the sub projects by activity into the following categories;

Each subproject planned for implementation under the project shall be screened for possible triggering of OP4.12 (Involuntary Resettlement). In general subprojects that entail new construction are more likely to trigger the policy if the activity involves acquisition of land and if displacement or restriction of access may result.

2. Identifying and evaluating potential impacts for each proposed sub project Triggering of the resettlement policy will require further preliminary determination of whether the sub project should be proposed or not, based on an assessment of the intensity of the impact and on the mitigation measures that will need to be developed and proposed. The impact significance of involuntary resettlement as envisaged in the NEP can be seen in three ways in relation to the likely sub-projects that could be embarked upon. Any sub-project where 200 or more persons are anticipated to experience adverse impacts or physical displacement from housing will be lost will require the preparation of a RAP¹⁰. A subproject displacing fewer than 200 people is anticipated to experience adverse impacts. The Resettlement Plans (RAPs or ARAP with time-bound actions and budgets are to be prepared for every sub-project in which there are displacement.

3. Use of the Socio Economic Studies to identify affected people at the household level and vulnerable groups in the sub project impact area(s) and to calculate household economies. The purpose of the socio-economic study is to collect baseline data within the chosen sites thereby enabling the social assessment/survey of potentially affected populations/communities. The socio-economic study will focus on the identification of stakeholders, the participation

¹⁰ It is noteworthy that large scale resettlement is not anticipated under the project

process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income. The socioeconomic study should focus on such issues as livelihoods, incomes, household and compound composition, clan and sub-clan organization, other forms of social organization, ethnic groups, traditional and non-traditional leadership and other factors in the area, conflict and other issues relevant to the implementation of a resettlement plan. The census should include information on all income sources including remittances.

4. Preparation of individual resettlement and compensation Plans. The RAP provides a link between the impacts identified and proposed mitigation measures to realize the objectives of involuntary resettlement. The RAPs will take into account magnitude of impacts and accordingly prepare a resettlement plan consistent with this framework for Bank approval before the sub-project is accepted for Bank financing.

The preparation of RAPs is anticipated to be undertaken by a consultant commissioned for this task. It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

More detailed guidelines for preparing these instruments are available on the World Bank's Website (www.worldbank.org) or in the World Bank's Resettlement Rehabilitation Guidebook.

6.2 Review and Submission of RAP/ARAP to Project Authorities

Following completion of the RAP (RAP/ARAP) for a sub-project, the RAP shall be submitted for approval by the Consultant to the PMU and shared with WorldBank for review and, if needed, revision. .

CHAPTER 7: ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PERSONS

7.0 Introduction

In this Section, eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits and to discourage inflow of ineligible persons, are set out.

7.1 Eligibility Criteria for Various Categories of Project Affected Persons

PAPs will be entitled to compensation based on the status of their occupation of the potential project area.

Under the WB's OP 4.12, PAPs are defined as those who are affected by project activities which result in:

Relocation or loss of shelter

Loss of assets or access to assets; and/or

Loss of income source, business or means of livelihood, whether or not affected person must move to another location

7.2 Eligibility

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the project area before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance, except possibly for moving expense. Similarly, assets built after the cut-off date is not eligible for compensation.

All persons residing, conducting activities or earning income within the project affected areas at the cut-off-date, which is the last day of inventory of loss will be entitled to compensation and resettlement assistance. To determine their eligibility, PAPs are classified as follows: Person who have formal right to land (including customary and traditional rights recognised under Nigerian law); Persons with temporary or leased rights to use land; and Persons who do not have formal legal right to lands or other assets at the time of the census, but who have claim to such legal rights by virtue of occupation or use of those assets. Businesses within the community .Those who do not have the legal title to land but reside in the affected area before the cut-off-date will be compensated for properties such as houses and other investment on the land, but will not be compensated for the land.

Table 4: Eligibility Criteria for Compensation

PAP Classification	Eligible for		
	Compensation	No Compensation	Assistance
Those with legal right	Land or asset at replacement cost	For land, assets, and structure on the land after the cut-off-date	Assistance as needed
Those with temporary or leased rights at cut-off date	Land and assets at replacement cost	For land, assets, and structure on the land after the cut-off-date	Assistance as needed
Those with no legally recognized right but arrived before cut-off date.	Assets at replacement cost except that compensation may be “topped off” to allow the PAP to acquire a new residence.		Assistance as needed
Those who arrived after Cut-off-date	None	None	None
Those with business located within the Community	Assets and lost income as a result of lost business during project duration	For business located in community after the cutoff-date and outside the affected area.	Assistance as needed

The World Bank’s OP 4.12 guidelines require compensation for lost, or impacted, assets and replacement costs to both titled and non-titled landholders and resettlement assistance for lost income and livelihood. In this project, the absence of formal titles should not constitute a barrier to resettlement assistance and rehabilitation.

The principles adopted entails special measures and assistance for vulnerable affected persons, such as female-headed households, disabled persons, migrants and the poor. PAPs affected through land acquisition, relocation loss of residence and structures, and business enterprise are entitled to a combination of compensation measures and resettlement assistance, depending on ownership right and lost assets. PAP will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards.

7.3 Cut-Off Date

To avoid an influx of outsiders to subproject areas and misuse of the compensation policy, the date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. The cut-off date will be announced and made public through appropriate means of reach-out

such as radio advertisement during the community awareness campaigns. The detailed census of PAPs will be appended to the RAP/ARAPS. Subprojects should only be approved if they include at least a preliminary RAP and budget. Special attention shall be taken to secure the sites from opportunistic invasion. These measures should include close consultation with the recognized PAPs, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders.

Nevertheless, if works are not initiated two years or more pass after declaration of cut-off date, a new census and evaluation of properties shall be carried out.

7.4 Proof of Eligibility

The PMU will consider various forms of evidence as proof of eligibility to cover:

Affected persons with legal/formal legal rights, documented in the form of certificates of occupancy, tenancy agreements, rent receipts, building and planning permits, business operating licenses, utility bills among others. Unprocessed/unregistered formal legal documents will not bar eligibility and procedures for confirming authenticity of such documents will be established in the RAP.

Criteria for establishing non-formal, undocumented or unrecognised claims to eligibility by affected persons with no formal or recognized legal rights shall be established by alternative means of proof of eligibility such as:

- Affidavit signed by landlords and neighbours
- Witnessing or evidence by recognized trade union heads, traditional authority, customary heads, community elders, family heads and elders and the general community.

7.5 Eligibility for Community Compensation

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group. Communities permanently losing land and/or access to assets and or resources under statutory/customary rights will be eligible for compensation. Example of community compensation includes public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored. The local community leaders will play a crucial role in identifying users of land. Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the various local government Areas.

7.6 Defining Entitlements and Preparing an Entitlement Matrix

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement will be selected in accordance with Bank Policy OP 4.12 (6a (ii)) and the merits of the option. The RAP planner will prepare an entitlement matrix with respect to both temporary and permanent displacement. This matrix will set the measure for the payment for all losses or impacts.

CHAPTER 8: METHODS FOR VALUING ASSETS AND COMPENSATION ARRANGEMENT

8.0 Introduction

This Section sets out the detailed requirements for determining the value of affected assets.

8.1 Organization Procedures for Valuation of Acquired Land

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

8.2 State (urban and non urban) owned Land

State owned land will be allocated free by the Governor or Local Government (perhaps except for processing and registration fees). The State Agency will be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by landlords or squatters, settled upon or otherwise being used.

8.3 Privately owned Land

Privately owned property, will be acquired at replacement value. The guiding principle is that whoever was using the land to be acquired will be provided other land of equal size and quality or compensation.

8.4 Assets held under Customary Law

According to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and will be valued according to the following method and compensation paid for. The project will compensate assets and investments, including buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates will be replacement cost as determined by surveys of recent transactions of similar assets in the same area as of the date and time that the replacement is to be provided. Under customary law land belongs to chiefdoms, towns and villages. The permanent loss of any such land will be covered by community compensation, which will be in-kind only. A customary land owner or land user on state owned land will be compensated for land, assets, investments, loss of access etc. at replacement rates at the time of the loss.

8.5 Method of Valuation

In ensuring that during the project implementation, PAPs will be provided full replacement cost of lost structures and other impacted assets and are able to rebuild or replace their structures/assets without difficulties. The valuation will estimate asset compensation rates based on full replacement cost without depreciation (Table 5). The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations.

Relevant data to be captured during valuation will include:

- Location details of the land, boundaries of the area/section of the land to be affected
- Affected immovable properties: detailed measurement of buildings, shops, other assets, and structures;

- Property details including noting accommodation, constructional details of affected property external works (fence walls, gates, pavements) affected details etc were relevant.
- Categorizing temporary structures based on constructional details (wall materials), size of structure and use of structure (business/residential/institutional/agricultural); and, Data on households affected (tenants, owners, relative apprentices/trainees and livelihood).

Valuation shall be based on comparisons to recent comparable transactions/costs and comparable assets or land and not simply on general tables that may be out of date and may be based on non-comparable assets or land.

Table 5: Method of Valuation

S/No	Loss of Land	Comparative Sales Method	Based on the open market value of comparable recent land transactions
1	Loss of Buildings, structures and other civil works	Replacement Cost Method or Comparative Sales Method (which ever gives a commensurate value)	Full replacement cost value as if new – recent construction cost rates
2	Loss of Business Income and Loss of Business Goodwill	Comparative Method	Based on the average monthly net profit
3	- Loss of Income from Rent and Expenditure Incurred for Alternative Accommodation during reinstatement period	Comparative Sales Method	Based on the comparable rent passing, rent advance paid
4	- Expenditure incurred for Transfer of movable properties and temporary structures	Comparative Method	Based on truck/transport hiring charges
5	- Loss of Wages, -Loss of Fees from Apprentice, - Loss of Job Training	Comparative Method	Based on Current Fees and Wages
6	Loss of access to land used for agriculture	Comparative method	Based on Crop compensation Resettlement assistance: Economic Rehabilitation assistance:

8.6 Methods of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance in the knowledge and presence of both man and wife and adult children or other relevant stakeholders where applicable. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference

of accepting in-kind compensation especially when the loss amounts to more than 20% of the total loss of productive assets.

It should be noted that when land holdings necessary for the livelihood of affected persons are taken away or reduced in size by project works, OP4.12 clearly states that the preferred form of compensation is to offer an equivalent parcel of land elsewhere, i.e. “land for land.” Such land is not always available, but cash compensation is not the preferred form of compensation in such cases.

It is also important to note that, under this policy, cash compensation is only appropriate where there is a market for land or other lost assets in the area of the impact. If all the available land in the area is controlled by the State or by kinship groups such as clans and there is no functioning land market, it is unacceptable to offer cash compensation to, say, a farmer, when he/she has no possibility of acquiring new land in the same area.

8.7 Entitlement for Compensation

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in this RPF and the actual field consultations during the preparation of the RAP/ARAP. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individual PAPs, as the case may be. In dealing with compensation, preference shall be given to land based resettlement strategies for PAPs whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options centred on opportunities for employment or self reemployment should be provided in addition to cash compensation for land and other assets lost. However this lack of land shall be documented and justified. Palliative assistance should be avoided, i.e. assistance that is not sustainable such as temporary payments or food donations.

8.7.1 Arrangements for Compensation

A Compensation and Relocation Committee will be set up and be responsible for planning, coordinating and monitoring of compensation and relocation activities. The compensation process for the subproject will involve several steps to be carried out in accordance with the resettlement and compensation plan and the RAP. This will be in accordance with the individual project resettlement and compensation plans as outlined below:

1. Public Participation

This process seeks the involvement and concerns of the PAPs and the communities in a participatory approach with the project, from the beginning to implementation. Public participation with local communities is an ongoing process throughout resettlement planning and this will have taken off at the screening stage. PAPs will be notified during the identification of subprojects and consulted with as part of the screening process. The subsequent socio-economic survey will record all relevant information about the PAPs, and ensure that this is accurately reflected in the RAP in order to allocate the appropriate

compensation. Periodic monitoring will ensure that PAPs have been consulted and that compensation and relocation has been carried out satisfactorily. This will ensure that noaffected individual/household is simply “notified” one day that they are affected in this way.

2. Notification

Landowners will be notified by the SA that their property is required for development of the subproject. The user will be informed through both a formal notification, both written and verbal, to be delivered in the presence of the community heads and the Coordination Committee. To ensure that any sensitive areas are accurately identified during this procedure, all necessary community heads, religious leaders, other elders and individuals will accompany the project team to the site.

3. Documentation of Holdings and Assets

The project proponent and the local community will arrange meetings with the project affected persons to discuss the compensation process. For each individual or household affected, the project officials completes a compensation dossier containing necessary personal information on, the affected party and those individuals considered as household members, total land holdings, inventory of assets affected, and information for monitoring future arrangements. The dossier shall be confirmed and witnessed by village/community officials and will be kept up-to-date. This is necessary because it ensures monitoring of an individual over time. All claims and assets should be documented in writing.

4. Agreement on Compensation and Preparation of Contracts

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

5. Compensation Payments –

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, representative of the state environmental agency and the community officials.

8.7.2 Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the structure to at least the same standard or equivalent better standard to that being built by the program in the area to serve the same function. Examples of community compensation include; School Building (public or religious), Public Toilets, Well or borehole, Market Place, Taxi Park, Road, Storage warehouse, etc. Community compensation may in

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

8.7.3 Procedures for Delivery of Compensation

The procedure for delivery of compensation will be detailed in each RAP. The Project proponent will follow approved procedures ensuring that:

Full payment of compensation is carried out before possession of acquired sites and before works begins

Project proponent formally make offers to affected persons and allow persons to accept or reject offer, offer a counter claim and seek redress under the grievance procedures established.

Land/Asset valuation committee communicates the amount to be paid to the acquiring agency and the Ministry of lands will ensure that the amounts are fair and adequate.

Cheques in the name of the beneficiary or deposits to the beneficiary's bank account shall be the preferred and first mode of payment; however payment may be by banker's draft where the amounts involved are "minimal". The project proponent shall make arrangements with nearest bank to effect payments by banker's draft;

Payments are made to the affected person personally by the State Agency in the presence of Land/Asset Valuation Committee and an independent witness of the affected person/opinion leader;

Proper receipts are issued and copies given to the affected person, the Finance Department of the State Agency and the Land/Asset Valuation committee; Comprehensive reports on payment made are submitted for review by Management of the PMUs and the Land/Asset Valuation committee.

8.8 Mechanism for Voluntary Donation of Land: Procedure and Records

Voluntary Land Donation (VLD: Experience from other projects suggest that is open to abuse and coercion, as such, it should not be encouraged on this project except in instances where the donation meets the requirements set out in the VLD guidelines (in annex XXX) of the ESMF. VLD carried out by local communities do not trigger the Bank's policy on Involuntary Resettlement, however, they may be based upon administrative or social coercion and may lead to unanticipated social impacts, particularly when they are not properly documented, or when they involve vulnerable or disadvantaged community groups.

CHAPTER 9: GRIEVANCE MECHANISMS

9.0 Introduction

Grievance mechanisms are increasingly important for development projects where ongoing risks or adverse impacts are anticipated. For NEP, grievances are likely to arise due to the following:

- (i) Failure to register PAP or identity of individual is disputed;
- (ii) Losses not identified correctly;
- (iii) Inadequate assistance or not as per entitlement matrix;
- (iv) Dispute about ownership;
- (v) Delay in disbursement of assistance; and
- (vi) Improper distribution of assistance

To manage these social risks and others which cannot be foreseen now with a view to ensuring successful project development and implementation, experience has revealed that open dialogue and collaborative grievance resolution represent the best practice.

The grievance mechanisms

- (i) Provide a way to reduce risk for projects,
- (ii) Provide an effective avenue for expressing concerns and achieving remedies for communities,
- (iii) Promote a mutually constructive relationship.
- (iv) Prevent and address community concerns, and
- (v) Assist larger processes that create positive social change.

9.1 Grievance Redress Mechanisms

Grievance redress mechanism is an important aspect in projects involving land acquisition or displacement. The redress of grievance is important to avoid unnecessary legal delays and cost overrun of the project. Also, this is a forum for people to express their dissatisfaction over compensation.

A Function of Resettlement Implementation Committee shall be constituted within the PMU to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected families and to carry out post implementation social audits. The main functions of the Committee are spelt out below:

- Publicize within the list of affected persons and the functioning of the grievance redress procedure established;

Evaluate grievances from affected persons concerning the application to them of the Entitlement Policy;

Recommend to the Social Officer, PIU as the case may be, solutions to such grievances from affected persons;

Communicate the decisions to the Claimants;

Hear appeals from persons, households or groups who, not being affected persons, believe that they are qualified to be recognized as affected persons, to recommend to the PIU whether such persons should be recognized as affected persons, and to communicate the decision of the PIU in that regard to the Claimants;

Ensure that all notices, forms, and other documentation required by Claimants are made available in Local language understood by people

9.1.1 Grievance Redress Process

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and communities will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channelled via the Resettlement and Compensation Committee for each sub project at the sector level.

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs and project conditions and scale. In its simplest form, grievance mechanisms can be broken down into the following primary components:

- (i) Receive and register a complaint
- (ii) Screen and assess the complaint
- (iii) Formulate a response (within a specified time frame)
- (iv) Select a resolution approach
- (v) Implement the approach
- (vi) Settle the issues
- (vii) Track and evaluate results
- (viii) Appeals process
- (ix) Monitoring and reporting to project management to detect systemic problems; (x) Learn from the experience and communicate back to all parties involved.

9.1.2 Expectation When Grievances Arise

When local people present a grievance, they generally expect to receive one or more of the following: acknowledgement of their problem, an honest response to questions/issues brought forward, an apology, adequate compensation, modification of the conduct that caused the grievance and some other fair remedies.

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the company, contractors, or government officials must convince people that they can voice grievances and work to resolve them without retaliation. To address these challenges, companies are being called upon to lead and work with their host communities to fund non-judicial, dialogue-based approaches for preventing and addressing community grievances.

The overall process of grievance shall take the following way:

During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances.

The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.

The response time will depend on the issue to be addressed but it should be addressed with efficiency. Nevertheless, Grievance form will be filled by person affected by the project with the Grievance Redress Committee which will act on it within 10 working days on receipt. If no understanding or amicable solution is reached, or the affected person does not receive a response from the local Rehabilitation and Resettlement Committee within 15 working days, the affected person can appeal to a designated office in the PMU, which should act on the complaint/grievance within 15 working days of its filing.

Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

All reasonable moves shall be made to settle any arising grievance amicably. If affected person is not satisfied with the decision received, he/she can, as a last resort, appeal to a court of competent jurisdiction. Affected persons will be exempted from all administrative and legal fees incurred pursuant to grievance redress procedures.

The appeals process will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.

For NEP, it is recognized that the formal legal mechanisms for grievance redress tend to be a lengthy and acrimonious procedures, thus an informal grievance redress mechanism through the PMU Safeguard Units will be established. This unit will work with a committee comprising administrative head of local governments; community/village chiefs, NGOs/CBOs and other relevant Government organs that will be set-up to address complaints.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore

implicitly discourages referring such matters to the law courts for resolution which will otherwise take a considerably longer time. For this reason, handling grievances will begin with the State Project Management Unit and involve Local Government. A grievance log will be established by the project and copies of the records kept with all the relevant authorities. A review of grievances will be conducted at least every three months during implementation in order to detect and correct systemic problems.

In addition, where displacement is unavoidable and displaced people are dissatisfied with the compensation and rehabilitation offered, The PMU will establish an informal forum for the presentation and consideration of individual appeals after the administrative route has been exhausted. The informal forum will include local government, and other concerned responsible parties, as deemed appropriate them.

The existence, location, purpose and composition of this forum will be publicized, so that displaced persons are knowledgeable about the availability of this forum for resolving any grievance. If a grievance cannot be resolved in these informal venues, the complainant may take recourse to the administrative and legal systems for satisfaction.

9.1.3 Grievance Log

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- (i) Date the complaint was reported.
- (ii) Date the Grievance Log was uploaded onto the project database.
- (iii) Date the information on proposed corrective action sent to complaint.
- (iv) The date the complaint was closed out.
- (v) Date response was sent to complainant.

9.1.4 Monitoring Complaints

The Project Liaison Officer will be responsible for:

Providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints any outstanding issues to be addressed monthly reports, including analysis of the type of complaints, levels of complaints, actions to reduce complaints and initiator of such action.

CHAPTER 10: IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS AND RPF IMPLEMENTATION BUDGET

10.0 Introduction

This section emphasizes that in each sub-project, resettlement schedules will be coordinated with construction schedules. All resettlement activities arising out of the works to be implemented in a given year will be completed prior to the scheduled start-up date of those works on the respective sub-project, and prior to disbursements of funds for activities related to the respective sub-project.

10.1 Important principles in Project Implementation:

The project will adhere to the following important principles in its implementation:

No civil works contracts for proposed projects site will be initiated unless land free of any encumbrance is made available; this could be done in phases.

No construction should be undertaken until PAPs are compensated for their losses, and have received their resettlement entitlements. That is, before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. In cases where a dispute or absence makes it impossible to compensate the affected party(ies) promptly, payments may be held in escrow by the court or other responsible party on condition that the affected party does not lose the right of grievance and appeal.

For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required.

Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. Escrow accounts are allowable as provided above. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs. The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation.

There will be transition arrangements for displaced families until they get their replacement housing. Information sharing and consultation with PAPs will continue throughout the planning and implementation phase of the program, including the relocation and the restoration of livelihoods.

A completion survey of the delivery of compensation and resettlement entitlements will be undertaken as per the RPF requirement. The schedule for the implementation of activities shall be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for

transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates shall be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties.

10.2 Coordination RAPs and Civil works

In compliance with this policy, the screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works.

The timing mechanism of these measures will ensure that no individual or affected household will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or community affected. Once the resettlement plan is approved by the REA and national authorities, the resettlement plan should be sent to the World Bank for final review and approval and disclosure.

10.3 Implementation process

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts will be achieved. Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Planning and coordination of the tasks of the various actors is crucial to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every subproject identified to have adverse social impacts. The workshops will focus on the following:

- Taking stock of the legal framework for compensation;
- Settling institutional arrangements and mechanisms for payment of compensation;
- Defining tasks and responsibilities of each stakeholders, and
- Establishing a work plan

The stakeholders will be requested to participate in the decision-making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. To approve RAPs will be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with the World Bank policy.

10.3 RPF and RAP Implementation Budget

The budget for resettlement will be known based on field assessments, prevailing asset replacement values, and actual experience based on sub-project RPs to ensure that adequate funds for resettlement are allocated during the course of project implementation.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of the NEP sub-projects have not yet been developed. Moreover the exact locations are not known. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of NEP. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. Each RAP must include a detailed budget. The budget must be integrated with the budget for the civil works and should be considered in any feasibility studies or benefit/cost analyses. The RAP will include a detailed budget for the payment of compensation and implementation of the various resettlement aspects for a particular subproject, including amongst others, costs of surveys, third party validations of voluntary land donation, land acquisition, loss of livelihood, and loss of crops and other property, and allowances for the vulnerable members of the community. This will enable facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

NEP will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

With regard to budget, some of the costs of resettlement (e.g. professional services, site preparation, construction, etc.) can be financed from the Bank loan, while other costs (e.g. compensation payments, acquisition of land) cannot be financed from the Bank loan and shall be borne out of counterpart funds.

10.3.1 Sources of Funding

There will be two funding sources for the implementation for resettlement matters on this project

Component 1: Private sector developers will be responsible for the funding all resettlement related activities under this component under supervision of REA. The developers will be responsible for ensuring the prompt provision and efficient flow of the budgeted funds for resettlement to the various subprojects. Ensure that land acquisition and compensation are adequately funded and carried out in accordance with applicable rules as presented in this framework.

Component 3: TheFGN, shall provide counterpart funds to REA to fund resettlement matters related to this component. The PMU will be responsible for ensuring the prompt provision and efficient flow of the budgeted funds for resettlement to the various subprojects. Ensure that

land acquisition and compensation are adequately funded and carried out in accordance with applicable rules as presented in this framework.

Appropriate safeguards will be developed, utilizing gender-disaggregated socioeconomic information from the census surveys, to ensure that men and women are compensated equally (i.e., that cash payments to households are made jointly, entitlements to land and other in kind compensation are provided equally, etc.).

The resettlement budget and financing will cover funds for compensation of private property, community infrastructure replacement and improvement, assistance to top-up compensation, training and the management of resettlement expenses, including those for the PMU and other stakeholders for external monitoring.

CHAPTER 11: CONSULTATIONS AND STAKEHOLDER PARTICIPATION

11.0 Introduction

Public consultation and participation are essential because they afford PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts. One key factor that exists in all successful approaches to project development and implementation is participation by all stakeholders and communities. The more direct involvement of the local level people in the planning and management processes, the greater the likelihood that resource use and protection problems will be solved as well as the likelihood of development opportunities occurring in a balanced way and to the broad benefit of all communities in the project.

Meanwhile, it makes sense in this RPF to understand two concepts, consultation and communication that are frequently confused with each other. Consultation with affected populations and other stakeholders is basically a two-way process in which the ideas and concerns of stakeholders and the subproject designers are shared and considered. Communication involves dissemination of information from the subproject proponents to the concerned public. These concepts should be kept separate.

11.1 Mechanism for Consultation and Participation of Displaced Persons

The public participation strategy for the NEP will evolve around the provision of a full opportunity for involvement for all stakeholders, especially the PAPs. Therefore, as a matter of strategy, public consultation will be an on-going activity taking place throughout the entire project cycle. The consultation process will ensure that all those identified as stakeholders are consulted. Subject to PMU approval, information about the project will be shared with the public, to enable meaningful contribution, and enhance the success of NEP.

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

Meetings, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements making public documents available at the national, states local, and university communities levels at suitable locations. The use of various media, newspaper announcements placement in more than one paper, preferably all local papers , notice board near project site, posters located in strategic locations and many public places frequented by community and radio and local television.

Any of these means to use must take into account the low literacy levels prevalent in the rural communities by allowing enough time for responses and feedback and putting messages in the language readily understood by such people.

In fact the PMU should as a matter of reaching the relevant public engage directly with stakeholders and taking their concerns into account. In other words, for effective consultation, the PMU should hold specific events (preferably community-level meetings) at which affected people will feel comfortable expressing their views. Such events should be carefully documented by written minutes, recordings, video recordings, etc. and the minutes of these meetings together with attendance lists should be included with the RAP to demonstrate that consultation has taken place. RAPs will explicitly show how ideas from PAPs were taken

into account. Generally, the PMU is not required to accept every suggestion or demand made, but they should take each reasonable suggestion into account as a matter of good faith.

11.2 Opportunities for Reform During projects

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

1. Strengthening existing policies on electricity generation, supply and distribution in the country.
2. Encouragement of Private sector participation in Power sector in the country.
3. Encourage the Universities to engage in more researches.
4. Understanding best practice in involuntary *resettlement & compensation management issues*.
5. Building of capacity/awareness within the relevant institutions of the RPF, the extent to which this interfaces with the existing States' procedures and the system of property valuation as well as the ability to facilitate the application of or compliance with the RPF needs to be strengthened;
6. When constraints emerged during implementation, the project should support a legal review of common land resource management, and/or help to develop a new memorandum of understanding signed between the communities and land Ministries/Agencies (for example, forestry and local authority) that set out guidelines for management and benefit sharing.
7. Revise and adopt in the light of current realities the Harmonized Compensation Rates for Economic Trees and Crops for Geo-Political Zones passed in a resolution by NTFD in 2008 with recourse to the Land use Act for guidance.

11.3 Identifying Stakeholders

Stakeholders for the purpose of this project shall be defined as all those people and institutions that have an interest in the planning and execution of the project. This includes those positively and negatively affected by the project. Table 6: outlines some key stakeholders identified at present, in the course of preparing this RPF.

Table: 6 PAPs Identification Matrix

Who?	How to Identify them
People living in the vicinity of the project works	Field survey Identify the local government area(s) that falls within the 1 km radius of the proposed site. Review available data to determine the stakeholder, profile of the whole stakeholder or relevant group. Use identified groups and individuals to tap into stakeholder networks to identify others
Special interest groups	Identify key individuals or group through organised group, local clubs and community halls and religious places.
Individual people who own properties that will be directly or indirectly	Advertise in the local newspapers, tell people that they may be affected asking them to register

affected	interest in attending meetings or receiving further information
Business (owners and employees)	Field survey Council list of property registers

CHAPTER: 12 INSTITUTIONAL FRAMEWORKS

12.0 Institutional and Implementation Arrangements for E&S Risk Management

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

- Under **Component 1**, REA will establish operating guidelines¹¹ and specific construction requirements for site and developer selection, which include E&S aspects. Competent developers who apply for grants to support their activities for identification,¹² development, construction, and operation of mini grids across the country will have to indicate in their respective proposals how they intend to address E&S sustainability issues that could be associated with these activities. These selected companies will be responsible for putting in place a corporate Environmental and Social Management System (ESMS), satisfactory to REA, for implementing the E&S risk identification and management measures on the ground, to ensure subproject compliance with applicable E&S requirements as stated above.
- Under **Component 2**, REA will establish SHS company selection criteria and compliance clauses in the grant agreement, both of which will include E&S requirements. Qualified SHS companies will install units of SHS per the grant agreement and will be required to have an ESMS that will focus on key risks for this component (labor issues, battery/ waste management, and OHS issues).
- Under **Component 3**, REA will lead by coordinating the design of each system and hiring qualified contractors to conduct the construction. The contractors will need to comply with government and REA's requirements, including World Bank E&S requirements. Contractor bidding documents will be reviewed by the World Bank to ensure all required E&S clauses are incorporated. The beneficiary universities will provide land and all other support needed to enable construction and then operate the system once built. As the universities are expected to provide land for the project (however, REA will be responsible for compensation costs, where compensation and livelihood restoration are needed as well as be responsible for conducting stakeholder engagement).

REA's Project Management Unit (PMU) will oversee implementation of all E&S processes. REA will ensure that mini grid developers and SHS companies have adequate Environmental and Social Management Systems (ESMS), and Terms of Reference (TOR) for hiring the

¹¹There are two processes for E&S risk management for this component. One covers the minimum subsidy tender and the second covers the performance-based grant process for mini grid developers. Conceptually, these processes are very similar (with the difference in timing of certain steps) and thus are presented here as one.

¹² REA's involvement will primarily be through identification of demand for electrification in a range of communities for the minimum subsidy tender, but the actual mini grid sites within these communities will be identified by private sector developers. For the performance based grants, private sector developers will select both the community and the exact location of the proposed mini grids within those communities.

consultants/contractors and that other project documents are consistent with relevant country and World Bank requirements.

Furthermore, REA will supervise REA’s zonal offices in the six geopolitical zones, which will support REA in managing and monitoring subprojects in their specific zones.

It is also REA’s responsibility to provide leadership around strategic E&S issues, including strategy and engagement with private sector project participants to deal with out-of-use solar devices, such as batteries and other e-waste disposal and recycling.

12. 1 Environmental and Social Risk Management Process

The successful implementation of the ESMF depends on the commitment of the private sector and related institutions, and the capacity within the institutions to apply or use the ESMF effectively, and the appropriate and functional institutional arrangements, among others. The details of institutional arrangements, the roles and responsibilities of the institutions that would be involved in the implementation of the ESMF, including primary and secondary institutions, are presented in Table 2 below for each project component.

Table 4. Roles and Responsibilities for E&S Risk Management by Project Component

Operational process steps (by component)	Roles and responsibilities (REA and private sector)		
	REA	Private sector	Other key stakeholders
Component 1: Solar Hybrid Mini grids for Rural Economic Development			
7. Setting applicable E&S requirements	<p>Sets applicable E&S requirements and includes them in the grant application process for mini grid developers</p> <p>Requires mini grid developers to prepare Environmental and Social Management Systems (ESMS) to manage E&S risks across subprojects each developer will design and implement</p> <p>Integrates E&S requirements in legal agreements with mini grid developers</p>	<ul style="list-style-type: none"> • Mini grid developers incorporate applicable E&S requirements in their institutional ESMS • Prepare RAPs as required 	Federal Ministry of Environment (FMoE) provides environmental clearance, as required
8. Screening for E&S risks and impacts	Validates developer process and risk categorization	Determine key E&S risks and impacts of individual mini grids and assign	N/A

		E&S risk category (I or II) ¹³ Submits list of category I sites to REA before construction.	
9. E&S due diligence and risk management	Conducts site visits for all category I mini grids and for a sample selection of category II mini grids	Prepare and integrate into design: <ul style="list-style-type: none"> • For category I, ESIA/ RAP/ as needed • For category II, ESMP • For both, Stakeholder Engagement Plan (SEP) and grievance mechanism 	Federal Ministry of Environment (FMoE) provides environmental clearance, as required
10. Monitoring	Conducts monitoring activities during mini grid construction and operation (sample, risk-based checks and site visits)	Conduct self-monitoring activities in line with their ESMS, maintain monitoring records	Communities participate in monitoring, as per SEP
11. Reporting	Reviews annual E&S reports from developers and conducts follow-ups Maintains records of developer screening, ESIA's, ESMPs, RAPs, other relevant documents	Prepare annual E&S reports to REA Report any incidents or accidents within several days of occurrence	N/A
12. Independent E&S audit	Engages independent E&S auditor	Provide all relevant reports and documents to the independent E&S auditor	Independent E&S auditor conducts annual review of developers' E&S performance
Component 2: Standalone solar systems (solar home systems, or SHS)			
4. SHS company grant application	Incorporates E&S requirements (ESMS, clean track E&S record, exclusion criteria) into application and grant agreements Conducts review of SHS companies' ESMS	SHS companies prepare elements required for ESMS in line with REA's requirements Submit statement of current practice for battery disposal/ recycling	N/A
5. SHS company operations	Conducts sample performance checks, as needed	Remain in good compliance to all relevant	N/A

¹³ Corresponding to high or medium / low risk.

		requirements. Participate in battery disposal/recycle program	
6. Monitoring	Oversees (under TOR for general monitoring of SHS companies) monitoring E&S compliance by independent company	Conduct self-monitoring, provide relevant documentation	N/A
Component 3: Power systems for public universities and teaching hospitals			
5. E&S impact assessment	Prepares ESIA's and ESMPs for university mini grid subprojects. Integrates E&S clauses I bid documents for contractors	Contractors engaged to construct university power systems integrate ESIA/ESMP requirements into their activities	FMoE provides environmental clearance
6. Resettlement planning	Prepares RAPs , as needed, and provide funds for compensation, as needed, at full replacement cost in line with World Bank requirements Maintains targeted stakeholder engagement efforts and a grievance mechanism, in addition to general grievance mechanism	Contractors ensure that works are not started until resettlement is completed	REA prepares and implement RAPs. and stakeholder engagement with support from the Universities.
7. Monitoring	Monitors contractor E&S performance before and during construction	Self-monitors against ESMPs	Universities support REA in monitoring process
8. Independent E&S audit	Engages independent E&S auditor	Provide all relevant reports and documents to the independent E&S auditor	Universities will assist independent auditors by providing necessary documents and information

12. 2 Environmental and Social Monitoring

REA has the primary responsibility to ensure safeguards specialist are trained, and, in turn, ensure WB safeguards are implemented for the projects. M&E is essential to inform corrective actions during implementation. Both the PMU and regional REA staff will monitor and evaluate the Project, collect and assess data and statistics on project outputs and outcomes to include in half-yearly progress reports to the PMU, which will submit same to the WB. They are also expected to use the Geographic Information System (GIS) to plan and monitor Project outputs and outcomes for both grid and off-grid electrification. It is expected that REA staff

will be trained to develop high capacity for M&E. Moving forward, REA will develop the M&E framework, train staff, and establish a system for regular implementation progress reporting.

12.3. Accountability for RPF and other Resettlement Issues

NEP PMU will retain overall accountability for ensuring compliance on the project

12.4 Measures for Strengthening Organizational Capability - Capacity Building and Training

Based on the assessment of the institutional capacities of the different ministries and agencies involved, it is recommended that a capacity building and training programme be enshrined in the overall project management and support for the stakeholders, especially the PMU, private sector developers and the relevant MDAs as well as the communities and the NGOs/CBOs. It is the responsibility of REAs E&S unit to ensure that all identified members of the implementation team from the PMU and the private sector developers are trained prior to implementation of resettlement and compensation.

The training should focus on the following, *inter alia*:

- World Bank Safeguard Policy (O.P 4.12) on resettlement and other World Bank operational policies on environment;
- Relevant Nigerian laws and policies relating to land acquisition and resettlement;
- Compensation and supplementary assistance;
- RAP Implementation process.

As part of sensitization, introduction to social and resettlement aspects learning basic concepts and policy, legal and other relevant statutory requirements in Nigeria and World Bank

Table 5 outlines an indicative training programme that with relevant topics that could be adapted.

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

S/n	Duration	Subject	Resources
1	60Mins	Official opening Introduction of Participants Introduction to programme, Sessions and trainers	List of participants Agenda for training Session
2	15Minus	Tea Break	

3	90 Minus	General Introduction Involuntary vs. Voluntary Resettlement World Bank Safeguard policies Policy, legal and other statutory requirements as per Government of Nigeria and World Bank Main issues associated with Involuntary Resettlement	PowerPoint presentation Associated handouts
4	60mins	Lunch	
5	60mins	Introduction to Social and Resettlement Issues Basic Concepts	
6	90mins	World Bank OP 4.12 Involuntary Resettlement Principles of RAP/ARAP Planning Requirements Implementation Requirements Grievance and Conflict Management and Resolution Documentation and Disclosure Requirements Monitoring and Evaluation of RAPs and ARPs	Full text of OP 4.12 for each participant (included in the RPF)
7		Tea Break	
8	60mins	Overview & Objective of the RPF Gaps between OP 4.12 & Nigerian Land Use Act and how to bridge them Eligibility and Entitlements Resettlement and Compensations packages	Full copy of the RPF for each participant PowerPoint Presentation
9	30minus	Review of Day	
DAY 2			
1	60mins	Assessment process (i.e. introduction to ARAPs and RAPs as proposed in the RPF) Census & Socio-economic Methodology Content of an ARAP Content of a RAP Grievance and conflict Management Vulnerable people Monitoring and Evaluation tools	Full copy of the RPF for each participant PowerPoint Presentation
2	15mins	Tea Break	
3	90mins	NEWMAP Resettlement Action Plan Background Resettlement packages Consultations and negotiations with affected people Development of Resettlement sites Potential strong point and weak points	PowerPoint presentation Associated Handouts
4	60mins	Lunch	
5	90mins	Social & Resettlement Considerations in Urban and Rural Development Projects: Social and Resettlement aspects arising during construction and operation stages Social and Resettlement Good Practices in Urban public works and rural agricultural practices	
6	30Mins	Review & Closing	

CHAPTER 13: MONITORING AND EVALUATION

13.0 Introduction

This Section sets out requirements for the monitoring and evaluation of the implementation of the RPF in order to successfully complete the resettlement management as per the implementation schedule and Compliance with the policy and entitlement framework.

13.1 Purpose of Monitoring and Evaluation (M & E)

Specifically for NEP, Monitoring and Evaluation (M&E) are required to assess the goals of the resettlement and compensation plan are met. The purpose of resettlement monitoring will be to verify that:

- (i) Actions and commitments described in the RPs are implemented on schedule.
- (ii) Eligible people and communities receive their full compensation prior to the start of the construction activities in the respective areas.
- (iii) RP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards.
- (iv) Complaints and grievances lodged by project affected people are followed up and, where necessary, appropriate corrective actions are taken.
- (v) If necessary, changes in RP procedure are made to improve delivery of entitlements to project affected people.

All RAPs/ARAPs will set the following major socio-economic goals by which to evaluate their success: Affected individuals, households, and communities are enabled to maintain or improve their preproject standard of living; the local communities remain supportive of the project and the absence or prevalence of conflicts.

In order to assess whether these goals are met, RAPs/ARAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

13.2 Arrangements for monitoring by Implementing Agency

The WB's safeguard policy (OP 4.12) states that the project sponsor -PMU is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution. The sponsor's M&E activities and programmes should be adequately funded and staffed.

The safeguards officer of the PMU shall play a key role in reporting the progress of implementation as well as compliance to the PIU, PMU and the World Bank.

The PMU will institute an administrative reporting system that:

- (i) Provides timely information about all resettlement arising as a result of NEP project activities

- (ii) Identifies grievances that have not been resolved at a local level and require resolution through the involvement of the PMU; and
- (iii) Documents timely completion – or delays -- of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses;
- (iv) Evaluates whether all PAPs have been compensated in accordance with the requirements of this RAP, and that PAPs are enabled to achieve living standards comparable to or better than to their pre-project living standards

In-house monitoring may need to be supplemented by independent external monitors to ensure complete and objective information. Thus the project has developed an extensive M&E system that includes:

- i. Internal monitoring, in particular reporting by government officials and field consultants, community participatory monitoring;
- ii. External monitoring, with NGOs and journalists providing independent monitoring; and
- iii. Impact evaluation.

13.3 Monitoring

The E& S unit of the PMU will perform periodic monitoring of all resettlement activities in the Unit's portfolio. The PMU will consult and coordinate with the appropriate agencies which include Federal Ministry of Environment, Ministry of Lands, Survey Urban and Regional Planning , Local Governments and Physical Planning Unit/ Works & Service Department of Universities) on social monitoring.

13.4 Monitoring and Evaluation Indicators

A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being. The establishment of appropriate indicators in the RAPs/ARAPs is essential since what is measured is what will be considered important. Indicators will be created for affected people as a whole, for key stakeholder groups, and for special categories of affected groups such as women headed households, disable persons, marginalized persons etc.

A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being.

The monitoring indicators to be used for different RAPs are developed to respond to specific site conditions.

1. **Input** indicators include the resources in terms of people, equipment and materials that go into the RP. Examples of input indicators in the RAP include: the sources and amounts of funding for various RP activities; and the establishment of the Land Acquisition Team.

2. **Output** indicators concern the activities and services, which are produced with the inputs. Examples of output indicators in the RP include a database for tracking individual plot compensation; and the payment of compensation for loss of land or assets.

3. **Process** indicators represent the change in the quality and quantity of access and coverage of the activities and services. Examples of process indicators in the RAP include: the creation of grievance mechanisms; the establishment of stakeholder channels so that they can participate in rap implementation; and, information dissemination activities.

Table 6: Outline indicators to monitor and evaluate the implementation of resettlement and compensation plans.

S/N	Monitoring Indicators	S/N	Evaluation Indicators
1.	Outstanding Compensation or Resettlement Contracts not completed before within one year.	1.	Timeliness of Individual compensation or resettlement
2.	Communities unable to set village level and University campus compensation after two years	2.	Outstanding village and university campus compensation contracts
3.	Grievance recognised as legitimate out of all complaints lodged	3.	Grievance resolved in a timely manner
4.	Pre-project production and income versus present production and income of resettlers, off-farm-income trainees and users of improved agricultural techniques	4.	Affected Individual and /or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
5.	Pre-project production versus present production (crop for crop, land for land)	5.	Equal or improved production opportunities
6.	Pre-project production income of vulnerable individual identified versus present income of vulnerable groups	6.	Timely assistance to vulnerable individual

13.5 Storage of PAPs details

Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received. The PMU will maintain a complete database on every individual impacted by the project land use requirement including relocation/resettlement and compensation, land impacts or damages.

Individuals receiving compensation will have a dossier containing:

- i. Individual biological information
- ii. Census data

- iii. Amount of land available to the individual or household when the dossier is opened.
- iv. Additional information will be acquired for individual eligible for resettlement and/or compensation for level of income and of production, inventory of material assets and improvement in land, and debts.

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

13.6 Completion Audit

An audit will be carried out to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed according to the timetable in the RAP. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used as a measure against their socio-economic status after the resettlement. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced.

The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

13.6.1 Annual audit

The annual audit of RPF implementation will include:

- (i) A summary of the performance of each sub-project vis-à-vis its RAP
- (ii) Level of compliance and progress in implementation of the process frameworks.
- (iii) A presentation of compliance and progress in the implementation of the RPF.
- (iv) Assess whether resettlement objectives have been met; consider if livelihood and living standards have been restored or enhanced.
- (v) Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced.
- (vi) Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lesson for future resettlement activities and recommending correction in the implementation.

(vii) Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.

(viii) Annual audit reports will be submitted for scrutiny to World Bank.

13.7 Socio-Economic Monitoring

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

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

As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following all the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impact of the social mitigation and measures implemented. In addition, local authorities and PAPs will be consulted to provide their assessment of the impacts of social mitigation measures applied.

13.8 Disclosures of Social Safeguards Instruments

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

Reference:

World Bank 2017: Resettlement Policy Framework for Kenya Off-Grid Solar Access Project (K-Osap)

World Bank (2011): Resettlement Policy Framework for Nigeria Erosion and Watershed Management Project (NEWMAP) for Abia, Anambra, Cross River, Edo, Ebonyi, Enugu and Imo States. Nigeria

World Bank (n.d) : Project Appraisal Document to The Federal Ministry of Power, Works and Housing, Federal Ministry of Finance for a Nigeria Electrification Project (NEP), Washington D.C: WorldBank.

April 2017: Government Of The Republic Of Zambia Ministry Of Energy Department Of Energy Resettlement Policy Framework Zambia Electricity Service Access Project Id: No. P162760

World Bank 2012: Resettlement Policy Framework (RPF) (Final) For Youth Employment and Social Support Operation (Yesso) (Ibrd/Ida Financed). Federal Ministry of Finance, Nigeria

ANNEXES

ANNEX 1: RESETTLEMENT SCREENING CHECKLIST

ENERGIZING EDUCATION PROGRAMME (EEP) - PHASE II

Resettlement screening checklist

SOCIAL SCREENING FORM AND TRIGGERS FOR SUB-PROJECTS				
Land acquisition and access to resources:				
		YES	NO	
S/N	Type of activity			
	Is there encroachment or squatting on the community/ University owned land			
	Will access to services, amenities or resources be lost/restricted			
	Will the sub-project:			
1.	Require that land (public or private) be acquired (temporarily or permanently) for its development			
2.	Require land acquisition by expropriation or exercise ownership rights over state owned land?			
3.	Will the land be bought by negotiations (willing buyer willing seller)			
4.	Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)			
5.	Restrict use of adjoining land			
6.	Require physical displacement of individuals, families or businesses			
7.	Require economic displacement			
8.	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure			
9.	Result in the involuntary restriction of access by people to legally designated parks and protected areas			
10.	Result in loss of livelihood, through loss of access or otherwise			
11.	Have impact to any vulnerable individuals or groups			
12.	Be a government assisted resettlement			

If any of the boxes attributed to the questions is ticked with the “YES”, a Resettlement Action Plan or Abbreviated Resettlement Action Plan shall be prepared.

Annex 2

CERTIFICATION

We certify that we have thoroughly examined all the potential adverse effects of this sub-project. To the best of our knowledge, the sub-project Resettlement will be adequate to avoid or minimize all adverse social impacts.

Project promoter representative

Name: _____(signature):

Date: _____

District/PIU representative (signature): _____

Name: _____(signature):

VOLUNTARY LAND DONATION (OR LAND LEASE FORM)

This form or an equivalent document is to be used to record the consent of land owners who offer private land for a community good activity. The essentials of voluntary donation are that the donors have been freely consulted prior to the donation, were not pressured or coerced, that the donation will not affect a significant proportion (more than 10%) of their productive assets, and that they have the right to refuse and to lodge a complaint if they have a grievance about the process.

Consent Form for Voluntary Donation

I/We: _____ male household head _____ female household head, and/or person(s) exercising customary rights over land described as (legal description, GPS coordinates if available) in
Village _____
Island _____
Province _____

Hereby declare that I/we/the group are the owners/users of the land required for (description):

I/we are voluntarily donating the use of land and or/ land-based assets (land area, type of assets /trees/crops etc) _____

for the purpose of: (specify activity)

We agree to this purpose from (date) _____ for as long as the purpose is served *or* until (specify end date, typically the life expectancy of the facility) _____

I/we make this donation of My/Our own free will. I/We are waiving My/Our right to compensation of any kind for the specified duration of the activity.

I/We affirm that we have been fully and freely consulted and informed about the activity prior to agreement, have not been subject to any form of coercion, understand that I/we have the right to refuse, and to seek redress for any grievance concerning this transaction.

Signed:

Male household head _____ /Female household head _____
Chief or Local Custom Authority _____

**TERMS OF REFERENCE
FOR
ENGAGEMENT OF A CONSULTANT FOR THE PREPARATION OF A
RESETTLEMENT ACTION PLAN (RAP) FOR THE NIGERIA ELECTRIFICATION
PROJECT /RURAL ELECTRIFICATION AGENCY**

1.0 INTRODUCTION

The Federal Government’s Economic and Recovery Growth Plan 2017-2020 (“ERGP”) sets out the medium-term structural reforms to diversify Nigeria’s economy, including expanding power sector infrastructure as one of the top priorities. The ERGP recognizes the fundamental role of power to the development of all sectors of the economy.

In the long term, the ERGP aims to increase power generation by optimizing operational capacity, encouraging small-scale renewable projects, and building more capacity. Medium term, the ERGP aims to optimize the delivery of at least 10,000 MW of operational capacity by 2020 by optimizing the existing installed capacity available for generation, addressing gas supply issues including vandalism and completing major gas infrastructure lines for power. In addition, Government of Nigeria (GON), as documented in the ERGP, aims to improve Nigerian Bulk Electricity Trading Plc (“NBET”) financial capacity to support the electricity market, strengthen the governance and capacity of sector agencies, and improve the commercial viability of GenCos and DisCos. In line with the above objective, the Government of Nigeria has prepared a Power Sector Recover Program (“PSRP”, or, the Program) in March 2017 with the goal of putting the sector on a financially sustainable path. Addressing the gap between the cost of supply and cost recovery is a cornerstone of the PSRP.

The Program in consultation with the World Bank Group (WBG) was approved by the Federal Economic Council on March 23rd, 2017. The PSRP is a series of carefully thought out policy actions, operational and financial interventions to be implemented by the Government of Nigeria to attain financial viability of the power sector, and, resetthe Nigerian Electricity Supply Industry (“NESI”). In this light, the World Bank has been requested to provide **a \$350 million electrification project loan to support the implementation of the PSRP.**

Due to lack of access to power in the un-served or underserved areas, enterprises and public institutions are constrained. The productive uses of labour and development of economic activity are hindered including in manufacturing, light industry, and agriculture. Rural commercial and industrial enterprises rely on diesel generation sets that produce expensive electricity. Without access to reliable and affordable electricity, these areas are at a significant disadvantage relative to the rest of the country. Further, public institutions, such as educational institutions, health centres, and offices cannot provide adequate service without power.

To achieve universal access to electricity by 2030, Nigeria would need to connect between 500,000 to 800,000 households per year, and add around 25 GW to its actual operating capacity. It is on this basis that the Government of Nigeria (GON), through the Rural Electrification Agency (REA) is taking steps to improve the quality and reliability of

Electricity supply in the un-served or underserved areas within the Country through the **Nigeria Electrification Project (NEP)** thereby ensuring the sustainability of the entire operations of the electricity industry within the Country.

2.0 DESCRIPTION OF THE PROJECT

The project is focused on practical, medium-term opportunities to significantly upscale electricity access through off-grid.

The proposed project intends to support the Federal Government of Nigeria (FGN) develop a framework that will facilitate rural electrification through market based approach to: (i) electrify un-served and underserved areas that have high economic growth potential; (ii) serve households, local enterprises and public institutions, developed by the private sector; (iii) create investment for the private sector; and (iv) encourage productive and collaboration. The project will cut across the six geo-political zones of the country

Component 1: Solar Hybrid Mini Grids for Rural Economic Development

This consists of both solicited and unsolicited tracks. The solicited track will request proposals from private sector to bid for minimum subsidies required to deliver electricity services on commercial basis for 200 rural centres. Unsolicited track will develop a market based approach to support eligible companies to expand their electrification business / projects in rural areas.

Sub-component 1.A: Investments on Solicited Tracks source for Geo-referenced data on population clusters and load centres from selected state using economic parameters.

Sub-component 1.B : Investment on Unsolicited Track will provide fund to eligible companies to bridge the affordability gap faced by mini grid sub-projects and making the service affordable to the communities.

Component 2: Standalone Solar Systems for Homes, Enterprises and Farm

This will provide better energy services at lower cost using standalone solar system in different size and level of service. The solar market will be made up of two main business models consisting of cash sales of smaller and cheaper solar systems and pay as you go system. The two business models will make the services more affordable to households.

Sub-component 2.A: Output Based Investment Fund will provide grants to solar providers to reach and serve larger numbers of customers. The grant will be fixed for each system size and level of service category.

Sub-component 2.B: Market Scale-up Challenge Investment Fund will provide up-front payments to strongest and most capable solar providers to encourage their capacity to reach and serve Nigerian households and MSMEs on a large scale.

Sub-component 2.C: Technical Assistance will help to mitigate market and regulatory barriers in form of financial support to the private sector. The assistance will aid the sector to

grow and mature through the elimination of market and regulatory barriers using market study, sensitization campaign, and ease of doing business, technical advice and standards.

Components 3: Reliable Power for Federal Universities and Teaching Hospitals

This initiative referred to as energizing education programme (EEP) will provide off-grid captive power plants for the generation and provision of dedicated and uninterrupted power supply to thirty seven (37) Federal Universities and seven (7) adjoining university teaching hospitals (“UTHs”) across the six Geopolitical zones in Nigeria.

The scope of the EE project shall include the provision of streetlights within the university campuses, a renewable training school for final year electrical students as well as provide power to the rural communities surrounding the universities in the long run.

It will use off-grid system ranging from 1 MW to 11 MW and shall be implemented in phases.

NEED FOR RESETTLEMENT ACTION PLAN

In Accordance with the World Bank requirements, NEP has to prepare a Resettlement Action Plan (RAP) before construction to ensure fair and timely compensation of any project affected persons (PAPs). The Rural Electrification Agency (REA) therefore, intends to procure the services of a Social Consultant (Firm) to prepare the Resettlement Action Plan (RAP) for the different Components.

The Environmental and Social (E&S) risks associated with the above activities are mainly construction traffic, noise, dust and involuntary resettlement. They are, however, localized to the facilities and immediate adjacent Communities and can readily be avoided or mitigated through the application of good practices. Other impacts include occupational health and safety tied to the rehabilitation work proper. Resettlement will only be necessary in the few locations where there are encroachers that need to be relocated from the University corridors, and in communities where involuntary resettlement is envisaged in which case Resettlement Action Plans (RAPs) will be developed.

The Environment and Social Unit (E&S) prepared an Environmental and Social Management Framework (ESMF) and a Resettlement Policy Framework (RPF) for this project. The ESMF details the requirements applicable to this project and the process of due diligence needed to ensure compliance. The Resettlement Policy Framework (RPF) shall be used and referred to as guidance in the drafting of the RAP; this will be made available to the appointed consultant.

The proposed intervention for which this RAP is being prepared involves the Energizing Education programme (EEP).

1.0 OBJECTIVE OF THIS CONSULTANCY

The objective of this consultancy is to prepare a Resettlement Action Plan (RAP) in line with the requirements of the Federal Government of Nigeria and The World Bank’s OP/BP 4.12 (Involuntary Resettlement) to ensure that adverse impacts resulting from physical and economic displacement are adequately mitigated and the livelihood of PAPs are restored. The RAP will include detailed information on PAPs whose livelihoods are likely to be adversely affected by the project activities, both during construction and operation.

2.0 CONSULTANCY SCOPE OF WORK

The Consultant's duties shall include but not limited to the following:

1. Register this RAP with the Federal Ministry of Environment if applicable,
 - a. Obtain the EXACT geographic coordinates of all the construction/installation area
 - b. Provide a GIS BUFFER representation of the site/land, showing the overlay on the most recent satellite image of the project area,
2. Conduct a 100% census and inventory that will:
 - a. Determine the number of persons affected directly by the project (persons whose property, shelter or means of livelihood will be destroyed, relocated or restricted by the implementation of the rehabilitation project),
 - b. Enumerate and classify the number and type of properties on the land (crops, farm-land, structures, traditional sites (graveyards, shrines etc),
3. Conduct a Social Survey of the respective project location/Sites and adjoining surroundings:
 - a. Describe the Social environment (socio-cultural characteristics; various communities, languages, cultural beliefs/practices, occupation, means of livelihood, settlement pattern, gender issues, etc) of the project area;
 - b. Identify any vulnerable groups, such as women and people with disabilities, who may need special assistance or support;
 - c. Establish how the various communities in 2a above are affected by the project;
 - d. Identify the owners of the properties in 2b above (complete Bio-data capture),
 - e. Establish the exact cost/worth of the properties owned by each person in 2e above;
 - f. Determine through appropriate procedures concurrent with OP/BP 4.12 (prior and informed consultation and well represented negotiations) how each Project Affected Person (PAP) will be compensated;
 - g. Organize stakeholder consultations before, during and at the close of the project to capture the concerns of the various stakeholders (especially the PAPs) about the project: - this shall include but limited to distribution of questionnaires and other information gathering techniques);
 - h. Document the results of the consultations;
 - i. Document the land tenure systems in the respective project areas and highlight any legacy issues pertaining to the initial acquisition of the Land of the respective project sites.
 - j. Communicate the concerns captured in 3h above to the REA-PMU through the appropriate channels to be established and incorporate same in the progress reports;
 - k. Establish a Grievance Redress Mechanism (GRM)
 - l. Supervise the actual payment of the compensation to the respective beneficiaries identified ;

- m. Prepare a Resettlement Action Plan (RAP) incorporating the deductions from the activities listed above.

3.0 CONSULTATIONS WITH REGULATORY AGENCIES AND OTHER RELEVANT STAKEHOLDERS

1. Throughout the duration of the Assignment, the Consultant shall maintain effective communication with relevant Regulatory Agencies/Stakeholders at the Federal, State and Local Government levels on the proposed Project. The Stakeholders shall include but not limited to the following:

- a) Federal Ministry of Environment,
- b) Affected States Governments
- c) Affected Local Government Councils
- d) Affected local Traditional Councils
- e) Affected Local Women and Youth groups,
- f) Affected persons/Communities
- g) Federal Ministries of Water Resources & Agriculture, Forestry and National Resources,
- h) Community Based Organizations,
- i) REA (including PMU, REA HQ, etc)
- j) University communities/NGOs
- k)

4.0 MONITORING PLAN

The Consultants shall prepare an efficient and cost-effective monitoring program, involving major activities mentioned. This monitoring plan shall be carried out in such a manner as to provide specific information on the implementation of the RAP in space and time showing responsibilities, activities, regularity, proposed costs of operation and sources of funds.

5.0 CONSULTANT’S QUALIFICATIONS

The prospective Consultant should be a firm of Social experts with at least 10 years’ experience in the field of Social Impact Assessment and Resettlement Action Plan on projects, with experience in Electricity facilities. The firm must demonstrate the ability to carry out this study with proven capability of studying and producing consistent high quality reports and also ensure that all specific tasks in this TOR are adequately addressed in the report. The Consultant will be responsible for the overall process and also ensure that all specific tasks of the TOR are addressed satisfactorily in the report.

Other key personnel required for the Assignment are listed in the table below:

S/N	Key Personnel	Required No.	Qualification	Experience
1.	Team Leader: Socio Economist	1	Advanced Degree in Sociology/Humanities/Economics and other related discipline	At least 10 years’ experience in Social

				Assessment, Resettlement Action Plan(experience in Electricity facilities is an added advantage).
2.	Land Use Planner	2	Minimum Academic Qualification of First Degree (BSc/HND) in Geography/Land Survey.	At least 10 years' experience in Land Survey (experience in Electricity facilities is an added advantage).
3.	Public Consultation Expert	2	Minimum Academic Qualification of First Degree (B.Sc) in Sociology or Anthropology.	At least 10 years' experience stakeholder Engagement Planning, Resettlement Action Planning, Preparation of Grievance Redress Mechanism (GRM) - experience in Electricity facilities is an added advantage.
4.	GIS Expert	2	Minimum Academic Qualification of First Degree (BSc/HND) in Geography, Town Planning, Geographic Information Systems (GIS)	At least 5 years' experience GIS analysis experience in linear facilities is mandatory).
5.	Communications Expert	1	Minimum Academic Qualification of First Degree (BSc/HND) in political Science or Mass Communication	At least 10 years' experience in stakeholder management.

6.0 DURATION OF WORK AND REPORTING

i. Duration

This assignment shall be completed within a period of 6 man-months commencing immediately after contract signing.

ii. Reporting

The Consultant shall report to the E&S Unit-PMU.

7.0 RESPONSIBILITIES OF THE CLIENT

In addition to the project supervisory and other responsibilities contained in this assignment, the client shall provide the Consultant with the following project documents:

- i. Relevant project documents, maps, route surveys.
- ii. Access to relevant stakeholders

8.0 DELIVERABLES/PAYMENT PLAN

A comprehensive and fully referenced Report including detailed recommended actions for implementation must be submitted at the end of the assignment. The Report must contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable measures towards achieving the set goals of the assignment.

Table 13.0: Deliverables Schedule

s/n	Activity.	Timeline (After contract signing).	Payment (%age of Total Remuneration)
1.	<p>Acceptable Inception Report: - This should include methodology and work plan with clearly defined strategy for carrying out the assignment with timelines for the various outputs. The report should:</p> <ol style="list-style-type: none">a. indicate the objective, scope and criteria of the RAP;b. contain plan for the on-site activities;c. contain the questionnaires;d. contain field work Plan and logistics: <p>This should be presented in person by the Consultant at the REA-PMU office. The Consultant must submit (3) hard</p>	Week 2	20

	copies and a soft copy of the inception report.		
2.	Acceptable 1st Progress Report: An update on the progress of the field work and plans for completion of the field work and next activities.	Week 6	20
3.	<p>Acceptable 2nd Progress Report: - Presentation of the result of consultations, questionnaires and other information collected from the field.</p> <p><u>Training:</u></p> <p>The Consultant shall organize Three (3) day training/workshop for the Project Team, on;</p> <p>i. Stakeholder Engagement</p> <p>iii. Resettlement Action Planning for Electricity Distribution utility.</p> <p>The course content will be approved by the Head of the REA-PMU.</p>	Week 10	10
4.	<p>Acceptable Draft Final Report: - A draft report containing detailed compilations of the Inception to the 2nd Progress report and containing all the various sections of the final report.</p> <p>The activities will focus on collating the information and follow-up on outstanding issues, as follows:</p> <ul style="list-style-type: none"> • Completed questionnaire, operational document checklists; • Completed on-site survey questionnaires, • All relevant correspondence, memoranda, reports, diagrams and drawings; • Copies of records, photographs, and other information collected during the site visits; • Detailed inspection and interview notes and summaries. • Detailed list of findings and recommendations for improvement. 	Week 14	20
5.	Panel Review: - Presentation of the RAP at a Panel to be held by the Federal ministry of Environment.	Week 18	10
6.	Final RAP Report:	Week 24	20

	Final RAP report will be produced for each community covered under this TOR at the end of the assignment and include a detailed summary of all findings, recommendations, and improvements achieved over the 6 month assignment.		
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Note: The final report shall be certified by the Client by issuance of Certificate of Performance.